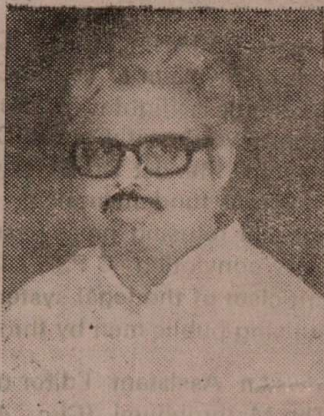


LEAVE THE NEWSPAPER FREE

*A Crusader for
the Right to know*



It is indeed a paradox that the present day directors dictate terms to the Senior Members of the Editorial Staff who have been instrumental in building up and maintaining the tradition and prestige of the Mathrubhumi. "They say, we have the shares now, you can either serve our interests or get out".

The argument reminds one of the advice given by a Criminal, "Now that I have already raped your wife," said the criminal to her husband, "You may allow me to cohabit with her, or you can divorce her".

P. RAJAN

Make the Mathrubhumi Co. A Public Trust

A Crusader for the Right to Know

P. RAJAN, a radical Congress activist turned Journalist can justly claim to be the Champion of people's right to know. A relentless fighter for freedom of expression, he has had to cross swords with Central Congress Government imposing censorship, Marxist led State Government banning Naxalite plays, Religious fundamentalists assaulting Rationalists, Assembly speaker refusing press pass to Marxist Daily's reporter, Judiciary convicting C.P.M. leader E.M.S. Namboodiripad for his criticism of the legal system, and even journalists Union pressurising public men by threatening to boycott them.

An Assistant Editor of the prestigious Malayalam daily The Mathrubhumi (Circ. 4.5 lakhs) Rajan has now taken the battle to his own organisation, complaining to the press council of India about intimidation and managerial interference in editorial affairs, a unique case to be watched by the press and the public.

He, perhaps, was the only journalist in a major newspaper to be charged under the Defence of India Rules during emergency and Jailed for two months without granting bail. His crime: writing and publishing a pamphlet, 'Indira's Emergency' with the help of a group of congress radicals. While the Mathrubhumi continued its support to Indira Gandhi and Congress party, Rajan is believed to have acted as the 'brain' behind the series of Clandestine anti-emergency pamphlets widely circulated in Kerala. True to the maxim of the Journalist-never come to the front, he refused to be paraded, as an 'emergency hero'.

Joining as a staff-reporter of the Mathrubhumi in 1961, after a few years of political activism combined with free-lancing, Rajan has worked in various capacities as legal correspondent, special correspondent, columnist and News Editor in charge of Training and Development. A graduate in law, he introduced a new style of court reporting devoid of

legal jargon. With a special eye on matters of social significance (He exposed the sensational case of the Muslim lady sentenced to be thrashed by the Jama'at of Beemapalli, Trivandrum), his indepth report on the impact of land reforms in Kerala was an eye-opener to the public and academics alike. Writing under the pseudonym MUNI, his column EZHUTHAPPURAM was marked by original ideas, often controversial, but never ignored by intelligentia.

Committed groups ranging from feminists to environmentalists, rationalists to Naxalites, prohibitionists to consumer protectionists, consider him to be their 'friend in need' whereas established political parties maintain a love-hate' relationship towards him. Claiming to be 'a feminist before it became a fashion' Rajan has published many articles in the cause of women's emancipation, and is credited with presenting a paper on 'why our attitude to sex should change' in a conference of Gandhians.

An active trade unionist during late sixties, he led the first major newspaper strike in Kerala, but later kept away from agitations for economic demands, much to the dismay of fellow journalists and workers. The four storeyed press club at Cochin, the first of its kind to be owned by journalists, was built when he was the Secretary of their union. He is a much sought after speaker in professional and academic meetings and is a member of the Board of Studies of mass communication department of the University of Kerala.

Unafraid to be unpopular, when the whole country was reverberating with reports of the Rajan case, forcing Chief Minister K. Karunakaran to resign soon after he came to power in 1977, P. Rajan boldly argued in his paper, that neither law nor facts warranted the High Court order to prosecute the Congress leader for perjury. He did not hesitate to condemn the

agitation of University teachers and employees against the proposal for predegree board in Kerala, earning the wrath of leftist opposition. He has consistently opposed communal parties, but his detailed analysis of Kerala's election scene in 1987, indicating the return of Karunakaran's coalition government to power, invited a flood of adverse criticism.

"I define democracy as the socialization of power" says Rajan about his approach, "Socialism as democratization of property" and secularism as the essential cultural Climate for the sustenance and growth of democracy and socialism.

A man of unquestioned integrity, grey haired, khadi clad Rajan (51) insists that Journalists should practice what they preach. When in a press conference, a congress minister and close friend of his presented compliments of pen sets brought from U.S.A., Rajan stood up on his turn and said coolly 'No. I don't use foreign goods'.

P. C. J.

**BEFORE
THE PRESS COUNCIL OF INDIA
COMPLAINT**

Under Section 13 (1), 13 (2)

Complainant : P. RAJAN
Assistant Editor
The Mathrubhumi
Cochin, Kerala

Respondents : THE MATHRUBHUMI
Represented by

1. THE MANAGING DIRECTOR
The Mathrubhumi Printing &
Publishing Co., Ltd.
Calicut
2. P. V. CHANDRAN
Director-in-charge of Editorial
Administration
The Mathrubhumi Printing &
Publishing Co., Ltd.
Calicut.

I am a working journalist who has continuously served the Mathrubhumi, for more than 26 years in various capacities as Staff reporter, legal correspondent, special correspondent and assistant editor/columnist. While working as assistant editor in the Trivandrum edition of the Mathrubhumi, I was posted as news editor in charge of training and development and transferred to Cochin by the order of the Managing Director (MD) dated June 13, 1987.

As news editor (T & D), I was organising and conducting classes for journalist trainees in all the three units of the Mathrubhumi according to a schedule circulated by the editor on July 30, 1987. On September 11, 1987 I was informed by the Secretary of the Company that the Director board had resolved to appoint Sri P. V. Chandran as Director-in-charge of Editorial administration (DEA) (Exhibit R 1). The duties of the DEA included (a) evaluation of performance of working journalists (b) taking decisions on training programmes for working journalists (c) putting up recommendations to the Managing Director for appointment, promotion, transfer and deputation of working journalists, and for the assignment of working journalists outside the headquarters to a period exceeding a week and (d) maintenance of discipline in the editorial department.

Sri P. V. Chandran is a leading light of the Malabar Chamber of Commerce, a director of the Kerala Transport Company, the Kerala Plantations Ltd., and has ownership interest in several other business organisations. He is not a full time employee of the company and has never been a journalist. On Sept. 11, 1987 I wrote to Sri P. V. Chandran, the newly appointed DEA, stating that as news editor in charge of training & development, I had to impart knowledge of new developments in newspaper management and the endeavour that had to be made by journalists to achieve proper functional relationship among various classes of persons engaged in production or publication of the news paper so that it could play its role as a public utility. (Exhibit C₁). I also said that my conscience demanded that I should bring to his knowledge, without any reservation, my strong views on the dichotomous situation created and the inroads made into the domain of the editor as a result of the appointment of the DEA particularly when he had the added responsibility to take decisions on training programmes.

The situation created is that the editor who is in charge of direction and supervision of editorial work has no role either in

the "evaluation of performance of the working journalists" or in "maintenance of discipline" or in "appointments" or "promotions of editorial staff".

On receiving my letter, the DEA abruptly and arbitrarily suspended the training programme by his order (Exhibit R 2) dated Sept. 25, 1987 and posted me as Assistant editor in charge of local pages, Cochin. As per this order, I reported before the Deputy Editor, Cochin on Sept. 28, 1987 and joined duty in the new post but wrote back to the DEA on Sept. 29, 1987 saying that "neither transfer nor even dismissal is going to deter me in my endeavour to protect the editorial freedom and to restore the status and independence of the editorial staff." (Exhibit C2) I also informed him that I was circulating copies of my letter to him about my views on his appointment as the DEA. As the MD was the appointing authority and the DEA had only recommendatory powers, I requested the DEA to rescind or withdraw his order appointing me to the post of Assistant editor and recommend to the MD to pass lawful orders to avoid further complications. On Oct. 2, 1987 I also wrote to the Chairman & MD Sri. M. P. Virendra Kumar seeking clarifications about the authority of the DEA (Exhibit C3.)

Meanwhile I received a communication dated Sept. 30, 1987 (Exhibit R3) from the MD which was in the nature of a warning. The MD categorically stated that "the editorial staff is under the administrative control of the management. For the efficiency of the publication and the progress of the industry, The Management will have to take decisions from time to time and the employees working in the Company will be bound by the decisions so taken." If any employee acts against the interest of the Company, he warned "the same will be seriously viewed by the Management". Strangely this communication to me is not even marked to the editor or the DEA.

The warning letter issued by the MD and the abrupt and arbitrary order of the DEA are obviously intended to intimidate and prevent me from campaigning against the appointment of the DEA and entrusting him with duties adversely affecting the status and independence of working journalists.

The M. D's reply was not only shocking and painful but also quite contrary to the time-honoured conventions in the Mathrubhumi and followed by all modern newspapers which are not run solely for private profit. The mathrubhumi Company started by great freedom fighters of rev red memory as part of the national freedom movement has always considered itself to be a public trust and the Directors of the Company even in the recent past took strong objection to a remote allegation that the Mathrubhumi Company had other interest outside the newspaper industry, particularly in plantation activities. This finding was made by the Indian Institute of Public Administration (IIPA) in its study on the linkages of the Indian press outside the Newspaper industry which has been published as part of the report of the 2nd Press Commission. In support of its conclusion the IIPA study report had said that Shri M. J. Krishna Mohan who was the MD of the Company was a leading planter and agriculturist.

The Mathrubhumi Company then presented a list of ten top Share-holders showing the diffusion of holdings, which forced the 2nd press commission to observe that " it is difficult to agree with the conclusion of IIPA report that the newspaper undertaking has special interest in plantation activities. "

It must be noted that the 2nd Press Commission studying the information given by IIPA report has made the following comments on the Malayala Manorama another largely circulated Malayalam daily. "it is clear that some of the top shareholders and directors of the company have links with other industries or business undertakings ". The third largest

circulated Malayalam daily, the Kerala Kaumudi (P) Ltd. has admitted that "the directors of the company are interested either as partners or relatives of partners or directors of nine companies or firms. Four of the top Shareholders were also directors of some other Companies.

The people of Kerala and the millions of readers of the Mathrubhumi have always respected this distinctive characteristic of this newspaper and its role as a public utility. The directors of the Company used to proclaim its unique financial structure and independence from vested interests. The share holdings till about a few years ago was fairly well diffused and the ten top shareholders (individuals) together held only 26.8% of the total shares.

The rejoinder to the IIPA report submitted by the Company emphasized that "the Company's sole interest is the publication of newspapers, magazines and books and absolutely nothing else. " We also say that no shareholder or institution can wield any influence in shaping the policy of the Mathrubhumi publications. The publications are being run on professional lines and the editor functions without any interference from the administration. Only professional standards guide determine the policy of the paper." (Quoted in the report of the 2nd press Commission Vol. II page 323) (EXHIBIT C4)

This distinctive flag of proud heritage which the working journalists always held high is now torn to pieces by the management. The MD himself has now declared that " the editorial staff is under the administrative control of the Management. " He does not distinguish between journalists and non-journalists with respect to administrative control. The editor who is also a director of the company has been reduced to a nonentity as far as editorial administration is concerned. Even though the DEA is given power only to recommend to MD, he himself makes appointments, sends

journalists on deputation, demands explanations from the members of the editorial staff on his own without consulting the editor and interferes in day to-day administration of the editorial department. While overt and covert pressure is brought to bear upon the department to suppress news for their personal interest, the MD and DEA try to take advantage of their position for their personal advancement and publicity (a list of samples of such misdeeds are enclosed, marked as Exhibits C5, C6).

The time honoured practice in the Mathrubhumi has been to make appointments and promotions purely on the basis of the recommendations of the editor who is assisted by a council consisting of senior members of the editorial staff. This practice is now put an end to and appointments are to be made directly by the MD acting in collusion with the DEA. Members of the editorial staff are threatened with disciplinary action by the DEA for their alleged omissions and commissions which happened long before the DEA was appointed. Kindly see Correspondence marked as Annexure 1 to 13) The MD has even summoned correspondents who do not toe his line and threatened to block their TA bills.

The planter-politician MD often goes to news bureaus, reads news copy in which he is interested and gives instructions orally to correspondents to make changes according to his wishes. There have been instances when the MD insisted to see the reports of his speeches (which are none too frequent) and made additions to them later on after-thought.

In spite of the presence of active trade unions, some of their members being shareholders, allegations of financial irregularities in the purchase of machinery etc, were unheard of in the Mathrubhumi Company till the present MD took charge. His own sister, in a memorandum submitted to the Chief Minister, has complained that Sri. Virendra Kumar is

using his position as an MLA and MD of the prestigious Mathrubhumi to wreak vengeance on her and to gain illegitimate advantage in family disputes over property. It is a fact that the MD has pressurised the wynad Correspondent of the Mathrubhumi to publish incriminating reports against his own brother-in-law.

The DEA Shri P. V. Chandran is the President of the Malabar Chamber of Commerce and his brother Shri P. V. Gangadharan is the President of the Kerala Film Chamber. The latter is also a director of the Mathrubhumi. Both of them are associated with hotel business and other industries. The Mathrubhumi had the unique distinction of a newspaper which did not advertize liquors (even when it was permitted). Recently there was a raid by Sales tax Officials in various bar-attached hotels including the one in which the Directors Shri P. V. Chandran and Sri. Gangadharan have ownership interest. No wonder the Mathrubhumi suppressed the names of the hotels from where officials discovered documents showing tax-evasion; also reports regarding raids conducted by tax officials in the Offices of the Kerala Transport Company (KTC) were not published in the Mathrubhumi whereas reports about raids in the Madras Rubber Factory (MRF) in which the directors of the Malayala Manorama have interests were published in the Mathrubhumi.

I had occasion to express my anguish to the editor and fellow journalists over this double standards, "Journalists in the Mathrubhumi enjoy 95% freedom" said the editor-director openly and the "remaining 5% freedom" - reports concerning our directors - "leave it to me" To this confession I replied "freedom is indivisible."

The journalists in the Mathrubhumi enjoyed a degree of freedom which was the envy of fellow journalists. The editor's 5% is now grabbed by the directors and is being

expanded to 95% very fast. It may not be long before that this operation encroachment covers the whole gamut of journalist's freedom in this institution.

On the 40th anniversary of the Independence Day, Journalists' delegates from all the three units of the Mathrubhumi assembled for the first time at Calicut and unanimously adopted a declaration "we do not think that the shareholders are the only owners of the Mathrubhumi". Says the Union in its policy document: 'This great institution is built upon the blood sweat and tears of the known and unknown, thousands of men and women who sacrificed their lives for its sake'.

The declaration proclaims: "the devotion of the persons who work here is the capital invested for the growth of this institution. Our future is determined by this institution. It is not the lives of Shareholders but our lives that are linked to this institution. This institution is ours. We belong to this institution".

"Editors & Members of the director board may change from time to time", the declaration reminds "but there must be a consistency and continuity in the policy of the paper. It was with this objective that a committee had been constituted for the formulation of the editorial policy and administration. This was intended to be a categorical declaration of editorial freedom also. Unfortunately, even this limited right is denied today. "

Obviously piqued by the declaration, the director board imposed the DEA over the editorial staff, even curtailing the rights of the editor to assign correspondents to stories. Probably the board wanted to warn the director-editor for the unbridled freedom given by him to his staff; who were emboldened to make such a challenging declaration. Indeed the declaration must have sent shock waves among the

directors who had acquired major ' stake ' in the Company, by cornering shares through inherited or ill-gotten wealth. (The shares of the Company were never quoted in the market denying even the market mechanism of Corporations a free-play in the acquisition of ownership) As the shares of ownership continued to concentrate in the hands of planter-politicians and businessmen, the sphere of freedom of journalists continued to shrink. Within two months of his appointment the DEA, acting in collusion with MD of the Mathrubhumi.

1) Has adopted a series of intimidatory tactics including threats of disciplinary action against me to turn me back from exercising the legitimate function as a working journalist to impart knowledge regarding developments in newspaper management, which are not conducive to the freedom of the press.

2) The DEA and MD acting together have interfered in the editorial administration by issuing orders of deputation, transfer, memos etc. to the editorial staff. The MD has interfered often even in the preparation of news reports.

3) The Company's declared policy and respected convention that the publication be run on professional lines, the editor functioning without any interference from the administration, is subverted and that the policy of the paper shall be guided or determined only by professional standards has been jettisoned.

The Press Council of India is the only body that can intervene and set right the distortions made by management of the Mathrubhumi Company compelling Journalists to work as bonded intellectual labour. The press Council with the avowed object to preserve the freedom of the Press and maintain standards of newspapers, is humbly requested to perform its function.

1) to promote proper functional relationship among the editor, working journalists and the Management of the Mathrubhumi Printing & Publication Co., in accordance with the healthy principles and practices of editorial administration.

2) to help the Mathrubhumi to maintain its independence from vested interests both political and commercial.

3) to encourage growth of a sense of responsibility and public service in the management of the Mathrubhumi and prevent persons having political and commercial interests outside the Organisation from utilising for their private profit and personal advancement, the tremendous goodwill and prestige of the Mathrubhumi built up through years of dedicated work of the journalists and other employees of the newspaper.

4) to consider developments in the Mathrubhumi management which have restricted the supply and dissemination of news of public interest and importance.

The Press Council for the performance of its function may be pleased to requisition the following documents from the Management of the Mathrubhumi.

1) All correspondence between the present Managing Director and the former and the present editors

2) All proceedings of newly Appointed DEA.

3) The rejoinder submitted by the Company to the I.I.P.A study report mentioned in the report of the Second Press Commission (Vol. ii page 323)

4) The complete and full minutes of the meeting of the Director Board held on September 2 and September 3, 1937.

In deciding this complaint the Press Council of India is requested to give serious consideration to the following

questions : Who shall have the right to the goodwill of a newspaper ? The Journalists and other employees who, in decades of their dedicated service have put their heart and soul for the growth of the newspaper ? Of the very small group of persons, without investing a single paise by way of equity capital have become Directors of the Company by cornering shares of the newspaper company in recent years ? Can the directors of the company who have usurped ownership rights compell journalists to sell their souls simply because the rules of the Corporate mechanism are made applicable to the newspaper industry also?

J. Natarajan, in his book on the history of Journalism In India (which was published as part of the report of the first press Commission) has commented on the Mathrubhumi: " The struggle for independence brought into being a number of dailies in the twenties, the most important of these, which is in demand wherever Malayalis are to be found is the Mathrubhumi which started as triweekly in 1923 and is now publishing daily and weekly (illustrated) and commands the largest sale in kerala. The paper was founded by Sri. K. Madhavan Nair and Sri. P. Achuthan who gave up their practice as lawyers in Calicut to joint the noncooperation movement. A great name associated with the conduct of the paper is that Shri P. Ramonni Menon of whom it may be said that he gave up his life for the paper as he died an untimely death in 1930 " (page 191). In the history of the Mathrubhumi there have been workers who have bequeathed their only wealth, the Provident fund, for the Company and died.

None of the present Shareholders or Directors have invested a single rupee by way of equity Capital for the growth of the Company. It is on the capital of the goodwill and the immense confidence reposed by Malayalis, The Mathrubhumi Company has grown. The amount of capital raised through equity shares remains at the original level of Seventeen thousand rupees (Rs. 17, 000/-). The Company has now

assets worth twentyfive crores (Rs. 25 crores) acquired by funds generated by the Company itself and not a single paisa of additional investment to the capital has been made by any shareholder.

As the first Press Commission reminded, " there have been instances when traditions of general objectivity and high standard of journalism (whatever the political policy might have been) were after a change of ownership no longer maintained at the same level (report of the first press commission para 679 page 267). The effect of ownership and the control of the Proprietor are apparent not merely in such general aspects as tradition or journalistic standards but in the matter of policy which the paper sets to serve. It is perhaps inevitable that newspapers owned by businessmen or industrialists whether directly or through control of joint stock companies should adopt editorial policies which advance directly or indirectly the interests of business community as a whole or the particular business interest or commitments or proprietors (report of the first press commission para 684 page 267).

Persons concerned about free flow of information have always raised their voice for delinking newspapers from other industrial houses and for diffusion of ownership " It may not be too much to say that the solution of this century's titanic struggle to make the forms and tradition of democracy adequate to the Technology and economics of our time is a reborn information system - one controlled by skilled professionals whose integrity is above reproach, and who are consciously and purposefully free from identification with any other group or interest " (Freedom of Informations Herbert Brucker The Mac Millan Company, New York-page 291).

Whether the recent changes introduced by the board of directors of the Mathrubhumi in the editorial administration, restraining the editor who is the only journalist in the board, is the result of the pressure exercised by business and financial

interests including "blade" Companies is a question that deserves to be examined. The leaders of Chamber of Commerce and the planter politician have combined together to curtail the freedom of the editor, who had set a new trend in Malayalam newspapers by giving emphasis to investigative journalism. The editor is a major shareholder of the Company, and perhaps, the board cannot easily get rid of him. * It must be presumed that because of this situation, vested interests inside the board have combined with the planter politician to devise ways to bypass the editor and exercise direct control over members of editorial staff to shut out exposures which they and their companions are afraid of.

One can even appreciate the management interfering in editorial administration if the Company was losing money (in Mathrubhumi's case there is no justification even for this interference because no director has invested any money for the Company's growth) as a result of editorial policy and performance. One can also understand the argument that the editor's right to serve his readers as he thinks fit is qualified by the proprietor's or management's right to conduct a viable commercial enterprise. It must be noted that the Mathubhumi's rate of growth in circulation surpassed other newspapers during the last three years in spite of the fact that its main competitor was giving more pages for the same price and has a reputation for more efficient management. Also the Company has made very good profit as shown in the balance sheet.

In these circumstances, it is ludicrous to say that the editor-director who is a major share holder of the Company should be divested of administrative control over his staff. Obviously the motive is to control the contents of the newspaper through other means.

The shares of the Company are not quoted in the market and hence it is clear that the directors who have not inherited their shares have cornered and grabbed them through

* Editor M. D. Nalappad was forced to resign on 1-12-1987 by the board of Directors.

clandestine methods. The present Managing Director is a person who till recently went about abusing the Mathrubhumi in public. To allow such persons to control the contents of the Mathrubhumi by direct or indirect methods or force the editorial staff to serve their selfish interests is to do a great injustice to the the founding fathers of the Mathrubhumi and a fraud on the millions of its readers.

The only legitimate claim that the shareholders or directors of the Mathrubhumi Co. can make is over the money they have invested in shares. They have been enjoying the dividend all these years. Any director of the Mathrubhumi Co who claims more than this is patently interested in utilising the goodwill and prestige of the newspaper built up by its employees, particularly the journalists, for their personal advancement and extraneous financial interests. The very presence of such persons in the director board is a threat to the freedom of the press and a hindrance to free flow of information.

It is said that some of the directors have spent fifteen thousand rupees (Rs. 15,00 0) for purchasing a share priced at five rupees (Rs. 5/-). Evidently such investments by the present directors have been made not in the hope of greater profits from the newspaper itself, but in the expectation of advantage to the other financial and career interest of directors at the expense of public interest.

Even Corporations engaged in the production of a commodity, vitally essential to a community, it is now well recognised, has a social character of its own and must not be regarded as the concern primarily or only of those who invest their money in it. This is all the more clear in the production of mass circulated newspapers. Public good and justice to the founding fathers and the liberty of the press to disseminate unfettered information Demand that the Mathrubhumi Co. should be saved from the clutches of usurpers pretending as investors.

The Ownership of the Mathrubhmi Printing and Publishing Co. Ltd should be transferred to a public trust under a deed of trust with the specific object of maintaining the character and policy of the paper and ensuring through limitation or ploughing back of profits the preservation or expansion of the undertaking.

The present day Directors or Shareholders should be expected to object to this proposal claiming their right as inheritors or investors. No one need be surprised if persons with socialist and democratic pretension make the loudest protestations. Yet, to save the soul of the Mathrubhmi, the Company should be converted to a Public trust.

As a working Journalist who had the privilege of serving the Mathrubhmi which was started as part of the freedom movement and as a citizen who cherishes and follows the noble ideals which inspired our national struggle for freedom, I take this opportunity to offer to purchase all shares from such directors or shareholders by paying them back the amount they have invested in shares with fifteen per cent interest. This offer is made with the sole object of converting the Mathrubhmi into a Public trust, even though I may have to sell my dwelling house to raise money for the purpose.

It is indeed a paradox that the present day directors dictate terms to the senior members of the editorial staff who have been instrumental in building up and maintaining the tradition and prestige of the paper. " They say ' We have the shares, you can either serve our interests or get out '".

The argument reminds one of the advice given by a Criminal " Now that I have already raped your wife, " said the criminal to her husband " you may allow me to cohabit with her; or you can divorce her ".

P. RAJAN

I hereby declare that to the best of my knowledge and belief I have placed all the relevant facts before The Press Council of India and that no proceedings are pending in any court of law in respect of any matter alleged in the complaint.

P. RAJAN

11-11-'87

EXHIBIT R1

THE MATHRUBHUMI Printing & Publishing Co., Ltd.,

Extract from the Proceedings of the meeting of the Board of Directors of the Mathrubhumi Printing & Publishing Company Limited, Calicut held on September 2/3, 1987 at the Mathrubhumi office, calicut.

Resolved that Sri P. V. Chardran, Director be and is hereby appointed as Director-in-charge of Editorial Administration on the following terms and conditions :

1. His headquarters will be Calicut
2. He will be reimbursed
 - (a) the actual telephone charges and
 - (b) the actual travelling and hotel expenses properly incurred by him in connection with the discharge of his duties.
3. He will report to and assist and advise the Managing Director in all matters relating to the administration of the Editorial Department.
4. His duties include :
 - (a) Evaluation of performance of the working Journalists
 - (b) taking decisions on training programmes for working Journalists including Trainees and internships of Journalism Students
 - (c) Putting up recommendations to the Managing Director for
 - i) the appointment, promotion, transfer and deputation of working Journalists,

ii) the appointment/renewal of appointment of Liners, Stringers, part-time Correspondent, part-time Occasional Correspondents, Journalist Trainees and casuals.

iii) the assignment of working Journalists outside the headquarters for a period exceeding a week.

Provided that where the period of assignment is a week or less than a week the Director-in-charge of Editorial Administration shall be kept informed by the Editor of such assignment.

iv) deputation or assignment of Working Journalists outside India.

v) the grant of privilege Leave/Medical Leave to working Journalists duly endorsed by the Editor or any other Senior Journalists authorised by the Editor.

vi) all other functions incidental to or connected with the editorial administration.

d) Maintenance of discipline in the Editorial Department.

5. This appointment shall be effective until the Board resolves otherwise.

Secretary

EXHIBIT C1

22nd September, 1987.

From

P. Rajan,

News Editor (Training & Development)

Mathrubhumi,

To

Shri P. V. Chandran,

Director-in-Charge of Editorial Administration,

The Mathrubhumi pvt. & pvt. Co. Limited,

Calicut.

Dear Sir,

The Company Secretary has informed me that the duties of the newly appointed Director of Editorial Administration include taking decisions of training programmes for working journalists and journalists and journalist trainees.

As News Editor in charge of Training & Development I have to impart knowledge about new developments in newspaper management and the endeavour that has to be made by journalists to achieve proper functional relationship among various classes of persons engaged in the production or publication of the newspaper so that it can play its role as a public utility.

I had occasion to express my view in this regard when Shri M. D. Nalapat was appointed as Director Editorial Administration in July 1984. Shri Nalapat had asked me to submit a note on the functioning of the Trivandrum News Bureau. In my note submitted to him in August 1984, I had purposefully included my comments on the question of supervision and control of the editorial staff.

I need not tell you that my views continue to be the same and are sure to be reflected in all my conduct and communications as News Editor in charge of Training and Development.

My conscience demands that I should bring to your knowledge without any reservation my strong views regarding the dichotomous situation created and the inroads being made into the domain of the Editor as a result of the new appointment of the Director of Editorial Administration, particularly when he has the added responsibility of taking decisions on training programmes. The purpose is best served by quoting from the note on Trivandrum News Bureau submitted by me in August 1984, to Shri M. D. Nalapat the then Director-of-Editorial Administration.

CONTROL AND SUPERVISION

"The Trivandrum News Bureau, as any other wing of Editorial Department has to function under the control and supervision of the editor. If the editorial department is to perform its duties effectively, the Management must give active support and help. The Managing Director by his communication dated July 23, 1984 has informed the editorial staff that the Board of Directors has decided to give administrative control of the editorial department to one of the Directors. The Editor, it is said, will be solely in charge of Direction and supervision of Editorial work. The Director of Editorial Administration is also to assist and advise the Managing Director in matters of maintaining discipline in editorial department and appointments and promotions." A dichotomous situation has arisen in that the Editor who is in charge of direction and supervision of editorial work has no role either in "evaluation of performance of the working Journalists" or in the "maintenance of discipline, or in appointments or promotions of editorial staff".

May be, the present Editor of the Mathrubhumi has accepted this situation. Director of Editorial Administration may be eager to consult the Editor and seek his concurrence in the discharge of responsibilities entrusted with him by the board. But, "The freedom and independence of the Editor is the crux of the matter. He represents the Editorial side of the newspaper and his status and independence means the status and independence of the editorial staff".

(Report of the second press commission—para 06)

Even the first press commission had dealt with matters of editorial administration. "Moreover the technical requirements of men working in the editorial side would be better known and appreciated by the editor rather than by the proprietor where he himself is not a journalist." The First press Commission pointed out and recommended "For these reasons,

we think, that the proprietor should invariably make appointments and issue letters only on the recommendations of the editor- assisted wherever possible by a committee or staff council!" (Report of the First press Commission page 195). The commission has also stressed "the need for investing the editor with administrative control over his staff" (Page 333). The Mathrubhumi has glorious traditions being the pioneer in evolving and following these great principles. Vagaries of personal equations do not warrant any violation of principles.

It is unfortunate that inroads are allowed to be made into the domain of the editor. The Managing Director has issued an order directly "deputing a correspondent on special assignment" and created a bad precedent. (The managing Director by his order had directed Shri Jacob George to go to Andhra Pradesh at the relevant time.) One must hope that this will not be repeated. The M C Gregor commission has included "The right to assign correspondents to stories" as one of the basic rights to be assured to the Editor.

Shri. M. P. Veerendrakumar Co-chairman of the I. E. N. S. rightly asserted the nexus between Democracy and the Newspaper Industry, while writing about the price rise of newsprint (August 17, 1984). He obviously, was saying that Democracy demands that people should have unfettered information, and newsprint must be given at reasonable prices, for printing news.

No proprietor can run a daily newspaper without a professional staff whose principal commitment is increasingly being recognised as being to the reader rather than to the publisher.

Neither the publisher, nor the editor has a right to run the newspaper as his private property. Public interest must be the criterion regulating all activities of the Fourth Estate-

Francis William, writing the history of the press in Britain called it "Dangerous Estate".

Yours faithfully,
(P. Rajan)

cc:- 1. Editor, Camp: Bombay.

2. Secretary, Calicut.

EXHIBIT R1

25th September, 1987

Now that the programme for the training and orientation course for Working Journalists has been suspended Sri. P. Rajan, News Editor (Training & Development) is posted as Assistant Editor at Cochin with effect from 28th September 1987. Shri. P. Rajan, Assistant Editor will be in-charge of the local pages of the Cochin Edition. He will report to the Deputy Editor, Cochin on 28 September 1987.

Director-in-charge of
Editorial Administration

EXHIBIT C2

29-9-1987

Sri. P. V. Chandran

Director-in-charge of Editorial Administration

The Mathrubhumi pvt., & pvt., Co., Ltd.

CALICUT

Dear Sir,

I have your communication dated September 25, 1987, informing me that the training programme for journalists is suspended. I am sure you have had compelling reasons to take this urgent action. You would have discussed with me before taking this decision the suspend the ongoing training

programme if you had not felt it necessary to take a hasty decision in the matter. Obviously the decision is prompted by my letter to you dated September 22, 1987, in which I had made it clear that a dichotomous situation had been created as a result of your appointment as Director-in-charge of Editorial Administration. I had also brought to your knowledge that I shall continue my endeavour to prevent encroachments being made into the domain of the Editor.

I assure you that there is no personal animosity involved in this fight for principles. I can appreciate your attempt to prevent me from mobilising Journalists against the decision of the Board by taking away the training programme from under my charge.

But regretfully, I must tell you that this purpose will not be served either by suspending the training programme or by appointing me to any other post. Neither transfer nor even dismissal is going to deter me in my endeavour to protect the editorial freedom and to restore the status and independence of the editorial staff. I am circulating copies of my letter dated September 22, 1987 to you along with copies of this letter among the editorial staff. I am convinced that after more than a quarter of a century of service in the Mathrubhumi, I owe at least this much to the lakhs of readers of this paper which stands on the mighty foundation built up by great courageous men and women.

Incidentally I wonder how you happened to sign the order appointing me to a new post. This is an order which goes far beyond the powers granted to you by the Board of Directors. To the best of my knowledge the Board has not sanctioned the post of new Assistant Editor in Cochin. Even if such a post exists, the Managing Director is the only authority who can make appointments to such a post according to the resolution of the Board.

I request you kindly rescind or withdraw the order appointing me to the new post and recommend to the Managing Director to pass fresh lawful order of appointment himself so that the resolution of the Board is not violated and further complications are avoided.

I am writing to the Chairman of the Company seeking clarifications regarding the resolution of the Board appointing the Director Editorial Administration.

I hope I shall have occasion to meet you in person, soon.
Thanking you,

Yours faithfully,

(P Rajan)
ASST. EDITOR

cc: Editor, Tvm.

Secretary, CIt.

EXHIBIT C3

To

The Chairman,
The Mathrubhumi PIG & PBS Co. Ltd.,
Calicut.

Dear Sir,

I am compelled to seek the following clarifications regarding the communication sent to me on 25th September, 1987 by the Director in-Charge of editorial Administration informing me that I am posted as Assistant Editor at Cochin with effect from 28th September, 1987.

According to the proceedings of the meeting of the Board of Directors of the Company, the Director-in-Charge of

editorial administration has no power or authority to make appointments or postings. The duty of the Director-in-Charge of editorial administration entrusted by the board is only putting up recommendations to the Managing Director. On the face of it, the communication sent to me and signed by the Director in Charge of editorial administration is unlawful and is done in exercise of powers violating the resolution of the board.

Hence, I request you to kindly clarify the following points so that further complications are avoided.

1. Has the Director-in-Charge of editorial administration acted beyond his authority ?
2. Has the board of Directors entrusted him with with the duty of making appointments or postings.
3. Has the board sanctioned an additional post of an Assistant Editor at Cochin
4. Has the Managing Director delegated any of his powers to the Director-in-Charge of editorial administration.
5. If he has delegated the power to make posting, has he not violated the resolution of the board by his arbitrary action.
6. Does the Managing Director claim that this is the only one instance of delegation of power namely the authority to make posting of the Assistant editor.
7. Is there any other instance of posting or appointment made by the Director-in-Charge of Editorial administration under his signature.
8. Assuming that the Director-in-Charge of editorial administration has administrative or supervisory control over the

editorial staff in certain matters can he exercise his authority of supervisory power pertaining matters which happened before September 2, 1987.

9. Has the Managing Director delegated, any one of his powers to any other director, without the approval of the board.
10. Has the director-in-Charge of Editorial administration usurped the powers of the Managing Director.
11. If so is he not guilty of misfeasance in relation to the company or of breach of duty to the Company.
12. If he is guilty on these counts who has given him the wrong advice to act unlawfully.
13. Will the chairman insist that persons who gave such wrong advice should quit Office forthwith, in the interest of the company.
14. What was the urgency in creating the post of additional assistant editor at Cochin and making appointment to that post.
15. Has he consulted the editor before doing so.
16. Is there any communication in this respect given to the Director-in-Charge of editorial administration either by the editor or the Deputy editor.
17. Has the Managing Director given his consent and approval to the impugned 'order' passed by the Director-in-Charge of editorial administration.

While reserving my right to take legal steps to get the position of law clarified on these questions, I earnestly

request you not to force me to drag the company into litigations that can be avoided. I am eagerly waiting for your reply.

Thanking you,

Yours faithfully,

CAMP: TRIVANDRUM,

P. Rajan,

2-10-1987.

Assistant Editor,

Cochin.

Copy: Editor, Editor-in-Charge of Editorial Administration,
SECRETARY.

EXHIBIT R3

30th September 1987.

Sri P. Rajan
Mathrubhmi
Cochin

I have seen your letter dated 22-9-87 addressed to sr. P. V. Chandran, Director-in-charge of Editorial Administration. The circular issued to you by the Secretary is only an extract from the proceeding of the Meeting of the Board of Directors appointing Sri P. V. Chandran, Director, as Director-in-charge of Editorial Administration and detailing the terms and conditions of the said appointment. It was circulated to all the working Journalists for their information and you being a working Journalist a copy was sent to you for information.

It is strange that you found the appointment not to your liking and that it is against your views, stated to be expressed in a note sent to Sri M. D. Nalapat in August 1984 and added that your views continue to be the same and are sure to be reflected in all your conduct and communication as News Editor-in-charge of Training and Development.

The Editorial Staff is under the administrative control of the Management. For the efficiency of the publication and the progress of the Industry the Management will have to take decisions from time to time and all the employees working in the Company will be bound by the decisions so taken. If any employee acts against the interests of the Company, the same will be seriously viewed by the Management.

(M. P. Veerendrakumar)

Managing Director.

EXHIBIT C4

Sri M. P. Veerendrakumar,
Managing Director,
Mathrubhumi,
Calicut.

Dear Sir,

I am shocked and pained to read your letter dated September 30, 1987, which is in the nature of a warning. I wish to make it clear that my personal likes or dislikes have nothing to do with my views regarding the appointment of the Director of Editorial Administration. My letter addressed to the Director of Editorial Administration will reveal that the appointment and powers granted to him are against the universally accepted principles of editorial administration, adversely affecting the status and independence of Working Journalists.

As a working Journalist I am fully within my rights to campaign through all legitimate means against overt and covert attempts to interfere in editorial administration. Your letter and the abrupt and arbitrary order of the Director of Editorial Administration suspending the ongoing training programme

are obviously intended to intimidate and restrain me from campaigning against managerial interference in editorial administration. You must be aware that the working Journalists Union of the Mathrubhumi had adopted a declaration on the 40th anniversary of Independence Day demanding that the administrative and supervisory control of the editorial staff should be left to the Editor and his senior colleagues.

I wish to inform you that I intend to approach appropriate authorities including the Press Council of India against the intimidating tactics adopted by the management to suppress my legitimate functioning as a journalist.

I am of the firm view that the appointment of the Director of Editorial Administration and the powers given to him are not conducive to promoting a proper relationship among the Editor, working Journalists and the Management. The Managing Director has claimed that that this appointment is made for the sake of efficiency of the publication and the progress of the industry. If so, may I presume that you will cooperate in taking up the matter before the Press Council of India and seek its help in evolving a proper and healthy set up for editorial administration.

It is strange that you have interpreted my attempts to stop unwanted interference in editorial administration by the management to be an act against the interest of the Company "which will be seriously viewed by the Company". I categorically deny this charge and claim that I have acted only in the interest of the Company. Perhaps, you may not be aware of the stand the Company took while denying the report of the Indian Institute of public administration which alleged that the Mathrubhumi Company had interests outside the newspaper industry particularly in plantation activities. The report had been prepared at the behest of the Second Press Commission presided over by Justice (Retd.) K. K. Mathew. The rejoinder submitted by the Company then headed by Late

Sri M. J. Krishna Mohan of revered memory took strong objection to the report emphasising that the Company's sole interest is the publication of newspapers, magazines and books absolutely nothing else. The Company had also presented a list of shareholders which forced the Second Press Commission to conclude that the shareholding is fairly well diffused.

The Company's rejoinder had also made it clear that "no shareholder or institution can wield any influence in shaping the policy of the Mathrubhumi publication" and added: "The publications are being run on professional lines and the Editor functions without any interference from the administration. Only professional standards guide/determine the policy of the paper".

(Quoted by the Second press Commission (page 323 Vol. ii) emphasised) Enlightened democratic opinion has always considered that editorial administration is a matter that cannot be left to the whims and fancies of the Proprietor and that is why the law of the land has entrusted the Press Council with the duty of "promoting proper relationship among all classes of persons engaged in the publication of newspaper".

As a Working Journalist who has served the Mathrubhumi for more than twenty-six years, I consider it my duty to uphold the glorious tradition of this newspaper.

I hope and trust that you will not treat the Working Journalists of the Mathrubhumi as bonded intellectual labour.

Thanking you,

Yours faithfully,

(P. Rajan)

Asst. Editor
Mathrubhumi
Cochin.

Cochin,

17/10/87.

EXHIBIT C5

A LIST OF REPRESENTATIVE SAMPLES OF INTERFERENCE
IN EDITORIAL ADMINISTRATION BY THE DIRECTOR IN
CHARGE OF EDITORIAL ADMINISTRATION

- 26-10-87 Demanding explanation from sub-editor in charge of GRIHALAXMI on remuneration given to contributions.
- 27-10-87 Demanding explanation on news items from TRICHUR Correspondent.
- 28-10-87 Issuing memo of charge to P. Rajan
- 26-10-87 Asking explanation for hiring artiste
- 3-11-87 Shifting G. Sekharan nair from TRIVANDRUM News Bureau to Desk.
- 30-10-87 Termination of part time occasional correspondent.
- 3-11-87 Shifting of Gopalakrishnan from TRIVANDRUM DESK to News Bureau.
- 4-11-87 Deputing corresponded to Puttapparthi.

It is interesting to note that the DEA issues orders of deputation directly to Journalists, even though the board has given power to him only to recommend.

EXHIBIT C6

A REPRESENTATIVE SAMPLE OF REPORTS WHICH THE M. D. HAS MANAGED TO GET PUBLISHED IN THE MATHRUBHUMI IS ATTACHED HEREWITH. IN SPITE OF THIS UNDUUE PUBLICITY GIVEN TO HIM, THE M. D IS HEARD TO MAKE COMPLAINTS THAT HE IS BEING IGNORED DELIBERATELY BY DEPUTY EDITORS. THE ATTACHED SAMPLES WILL SHOW THE M. D'S INSATIABLE CRAZE FOR PERSONAL PUBLICITY.

COPIES SENT TO PRESS COUNCIL

ANNEXURE 1

196 DE (CHIN) 87

20th oct. 1387

Sri P Rajan
Asst. Editor
Mathrubhumi
Cochin.

My dear Rajan,

You have been given charge of the local pages as per the communication dated 25th September '87 from the Director-in-charge of Editorial Administration. Now the Director-in-charge of Editorial Administration desires to know what work you are doing and the arrangements you have made as regards the local pages.

Yours truly,

(K K Sreedharan Nair)

D DEPUTY EDITOR

ANNEXURE 2

The Deputy Editor

The Mathrubhumi

COCHIN.

Dear Sir,

Ref: Your letter No. 186 DE (CHN) 87 dated 20th
Oct. 1987

As you are aware, I reported before you on 28th September 1987 and joined duty as assistant editor in charge of local pages in Cochin edition. Even while reporting for duty in the new post, I have told you that I would be able to pay attention

to my new job only after I returned from New Delhi where I had to go on official duty to represent the Mathrubhumi before the press council. Arrangements had to be made in Trivandrum to take our witness to New Delhi and I also had to make some preparations, on October 4. I left for New Delhi and returned to Trivandrum on October 9, 1987. As I was laid up with fever, I could join duty only on October 15, 1987.

You may know that the Wage Board for working Journalists, has defined an Assistant Editor as a person who regularly assists the Editors in the discharge of his duties generally in relation to comments and opinions and write leaders and may also write other copy involving review, comment or criticism. To the best of my knowledge, the Wage Board does not envisage an assistant editor who is put in charge of a news page.

However, I am surprised that the Director incharge of Editorial Administration has wanted to know about my work within a few days of my appointment to the new post. Perhaps you may not be aware that I have questioned the legality of the order issued by the Director in charge of editorial administration posting me as assistant editor in charge of local pages.

I have every reason to suspect that the hasty demand for a report from you about my work is a prelude to another act of intimidation to turn my back from my campaign against unwarranted interference in editorial administration.

Thanking you,

Yours faithfully,

P. Rajan

COCHIN

20-10-1987.

ANNEXURE 3

From

P. RAJAN
ASST. EDITOR
THE MATHRUBHUMI
COCHIN

To

THE MANAGING DIRECTOR
THE MATHRUBHUMI CO. Ltd.,
CALICUT

THROUGH

THE DIRECTOR IN CHARGE GF
EDITORIAL ADMINISTRATION
THE MATHRUBHUMI Co. Ltd.,
CALICUT

AND

THE EDITOR
THE MATHRUBHUMI
TRIVANDRUM.

Dear Sir,

As I have informed you I intend to file a complaint before the press council of India about managerial interference in editorial administration adversely affecting my rights as a working Journalist, Also I have to file a Case in civii court questioning the legality of the order issued to me by the Director in charge of Editorial administration appoinring me as the assistant editor in charge of local pages.

I am not in a position to spend money and engage lawyers to conduct my case. I myself will have to study and make

preparation for proper conduct of these cases. Hence, I request you to kindly grant me privilege leave for fifteen days beginning from November 1, 1987.

Thanking you in anticipation,

Yours faithfully,

P. Rajan

October 22, 1987
COCHIN.

ANNEXURE 4

Proceedings of the Managing Director granting Leave

ANNEXURE 5

M. P. VEERENDRAKUMAR
MANAGING DIRECTOR
THE MATHRUBHUMI
CALICUT

COCHIN

1-11-1987

Dear Sir,

This is to thank you for granting me leave (privilege) for study and preparation of the case to file before the Press Council of India complaining about intimidation of the Management to turn me back from campaigning against unwarranted interference in editorial affairs.

From the very fact that you have granted me leave for the specific purpose shown in my application, I can safely presume that you have now realised that I have not in any way acted against the interest of the company and that as a working Journalist I have every right to prevent interference to editorial administration by the Management, through all

legitimate means. Hence I request you to withdraw your letter to me dated September 30, 1987, which is in the nature of a warning.

I expect your cooperation in the case coming up before the press council so that a proper set up for editorial administration safeguarding the status and independence of the editorial staff can be evolved and the functioning of the Mathrubhumi as a public utility can be ensured.

I remember that, you, as a member of the Kerala State Legislative Assembly, Condemned a political leader even for sending a complaint to the editor of the Mathrubhumi alleging that the cartoonist of the newspaper has behaved in non professional manner for his private profit. According to you even this complaint was an intimidation and amounted to interference in the freedom of the press. You have also openly stated that you are prepared to resign from the office of the Managing Director of the Mathrubhumi printing and publishing company limited, if the workers of the institution so desire, in spite of the fact that the board of Directors had appointed you to the post and workers had no role in it.

With this background of yours, I can justifiably hope that you will not give room to be accused of being a hypocrite by anybody and take a helpful stand before the press council.

Thanking you,

Yours faithfully,

P. RAJAN
ASST. EDITOR
COCHIN

P. RAJAN

ANNEXURE 6

P. RAJAN ASST. EDITOR
MATHRUBHUMI
COCHIN

5th November 1987

Re: Your letter dated 1-11-'87

I have your above letter. The points raised by you do not have any merit. As such the question of withdrawing my letter to you dated 30-9-87 does not arise.

I may make it clear that the privilege was granted to you on the recommendation of the Director-in-charge of Editorial Administration as you had such leave to credit.

(Sd)

M. P. Veerendrakumar
Managing Director.

ANNEXURE 7

Dear sir,

RAJAN TO VISIT DIST. BUREAUS
(K. K. Sreedharan Nair)
DEPUTY EDITOR

ANNEXURE 8

201 DE (CHN) 87

23rd Oct 1987

Sri P Rajan
Asst. Editor
Mathrubhumi Cochin.

My dear Rajan,

I have been informed orally by the Secretary that the Company does not expect you to visit news bureaus for official purpose. Please comply with this.

With regards,

Yours truly,
(K K Sreedharan Nair)

DEPUTY EDITOR

ANNEXURE - 9

From

P. RAJAN

ASST. EDITOR

THE MATHRUBHUMI
COCHIN

To

THE DEPUTY EDITOR

THE MATHRUBHUMI

COCHIN

Dear Tr,

REF: 201 DE (CHN)

I have your letter of above reference dated 23rd October 1987. I assure you that I shall comply with " the Expectation of the company that I do not visit news bureaus for official purpose "

However, I wish to record my protest against this naked interference in editorial administration by anonymous persons acting in the name of the company totally disregarding the rules and conventions of the company. This interference is an insult to all the senior members of the editorial staff of Cochin, who participated in the conference held under your chairmanship which decided that I should visit District News Bureaus to give guidelines on the Coverage of local news.

No wonder, News editor S. Vijayasankar, who was an active participant in the conference loudly laughed, when

I remarked whether the prohibitory order orally conveyed by the company applied to my visits to the cochin News Bureau also. I made this remark when G. Shaheed came to the news room where I was sitting and working to request me to attend a trunk call which had been connected to the reporters room in Cochin Office. I could see in the face of Sri Vijayasanker the utter contempt he had towards the anonymous creatures acting in the name of the company throwing to the wind all norms and conventions.

I humbly request you to take care before acting upon oral instructions conveyed in the name of the company. You know that managerial interference in editorial affairs is the subject matter of a complaint I propose to file before the press council of India. I intend to question the legality of the order issued to me by the Director of editorial administration appointing me to the post of assistant editor, in charge of local page. I have already been warned by the Managing Director that the company is seriously viewing my campaign against interference in editorial administration.

In this circumstance, you will not blame me if I expect some disciplinary action against me for which the anonymous persons action in the name of the company need some cooked up charge like neglect of work, stealing company property or even urinating in news room etc. As a colleague, you know that such charges cannot be sustained. I am afraid that even you may be made a fool by persons who refuse to give order in writing if you are to act upon oral orders issued in the name of the company.

Thanking you.

Yours faithfully,

P. Rajan.

COCHIN

26-10-1987.

ANNEXURE 10

28th October 1987

Sri P Rajan
Assistant Editor
Mathrubhumi
Cochin

Re : Your letter dated 2.10.87

I duly received your above letter. Though you are not entitled to raise the points referred to in your letter dated 2-10-87 to me, I wish to inform you that the order dated 24th September 1987 signed by the Director-in-charge of Editorial Administration was issued under the specific authority of the Managing Director of the Company. The said order is legal, valid and you are bound to obey the same.

(M. P. Veerendrakumar)
Chairman

ANNEXURE 11

M. P. VEERENDRAKUMAR M.A. M. B. A
CHAIRMAN
THE MATHRUBHUMI PTG. & PBG. Co. Ltd.
CALICUT

31-10-1987

Dear Sir,

Thank you very much for the magnanimous gesture shown in replying to my letter dated October 2, 1987. Your magnanimity deserves my gratitude because you have taken pains in writing a reply to a vital point raised in my letter, in spite of your view that I am not entitled to raise the points including the one relating to the question of authorisation.

You have graciously informed me that the Managing Director has given "Specific authority" to the Director in charge of Editorial Administration to issue the order dated September 25, 1987 under his signature and that the said order is legal, valid and I am bound to obey the same.

I expect that your magnanimity in answering one point raised in my letter will be extended to the other points also in due course of time. I may be excused for raising the question of authorisation, because I was really afraid that the Managing Director may initiate disciplinary action against me later for obeying a patently invalid order by a stranger. How can I answer the Managing Director if he asks me whether I will obey an order issued by another director, say, V. Bhaskramenon, transferring me to Andamans before ascertaining his authority to do so. I had to make sure whether the order posting me as assistant editor issued by P. V. Chandran was passed with due authority. You know that the Managing Director is very conscious of his authority and scrupulously guards it from usurpers real or imaginary.

It is indeed a strange coincidence that on the very same day the chairman wrote to me about the "specific authorisation" given to the director in charge of editorial administration, the same director has issued a memo of charges to me. Some of the charges relate to events prior to the appointment of the Director in charge of editorial administration.

I humbly request you to inform me if Director P. V. Chandran has been given "specific authority" with retrospective effect? Pray, what exactly is the date from which the disciplinary authority of P. V. Chandran over the editorial staff commencing? Has the Board of Directors or the Managing Director given "specific authority" to P. V. Chandran to subject me or other members of the editorial staff to disciplinary action for any of their commissions or omissions in the past, even extending to the period before he became a director of the company.

I understand from your letter that the authority given by the Managing Director to P. V. Chandran, prior to posting me as assistant editor (subsequent authorisation must be called ratification and sometimes manipulation) is only for that specific purpose.

In my humble view the question whether the Managing Director can delegate his authority of appointment in the case of a specific individual only is in itself doubtful. What are the powers the Managing Director can delegate without the prior sanction of the board? On this question as well as the questions raised in my letter depend the validity of the orders issued by the Director of Editorial Administration September 25th and October 28th of 1987. May I request your help to get answers to these haunting questions.

Thanking you in anticipation of a reply,

Yours faithfully,

P. Rajan

P. RAJAN

Asst. Editor,
Cochin.

ANNEXURE 12

Sri. P. Rajan
Assistant Editor
Mathrubhumi
Cochin

Sub : Memo of Charges

As per proceedings No. 10863 dated 13.6.1987 you were posted as News Editor (Journalist Training and Development) at Cochin with effect from 20-6-1987. As per order dated 25th September 1987 you were posted as Assistant Editor at Cochin

and given you the charge of local pages of the Cochin Edition Pursuant to that you have joined duty as Assistant Editor in charge of local pages of the Cochin Edition with effect from 28th September 1987.

It is reported that while you were functioning as the News Editor (Journalist Training and Development) you had issued a circular (dated nil) regarding the training course for junior level journalists and you have included a condition therein viz.

“Participants may be asked to appear for tests as and when required to assess and evaluate the comprehension on the part of the participants. Their performance in these tests will be taken into account in assessing their merit at the time of confirmation and promotion.”

You have no authority or competency to provide such a condition while discharging the duties as News Editor (Journalist Training and Development). It is also reported that the above referred condition is included in the circular even without the knowledge of the authority who is competent to provide terms and conditions regarding the employment of the working Journalist and working Journalist Trainees.

It is further reported that after joining duty as an Assistant Editor in charge of the local pages of the Cochin Edition with effect from 28th September 1987, you have failed to discharge the duties entrusted to you in the capacity of Assistant Editor in charge of the local pages of the Cochin Edition.

In view of the above circumstances the following charges are levelled against you :

- i) Without authority you have included a condition in the circular issued by you in the capacity as News Editor (Journalist Training and Development) affecting the existing conditions of service of the working Journalists under the Management.

- ii) Interference with the managerial powers in respect of service conditions of the working Journalists, without any authority.
- iii) Failure to perform duties assigned to you in the capacity as the Assistant Editor in charge of the local pages of the Cochin Edition.
- iv) Wilful in-subordination of the lawful and reasonable order of a superior
- v) Wilful dis-obedience of the lawful and reasonable order of a superior
- vi) Acts subversive of discipline.

Please show cause why disciplinary action should not be taken against you for the above referred misconducts within a week from the date of receipt of this memo.

Please take notice that if you fail to submit your explanations within the said specified time, it will be treated that you have no explanations to offer and the matter will be proceeded with further on the basis that you are admitting the above referred charges.

(P. V. Chandran)

Director-in-charge of Editorial Administration

ANNEXURE 13

The Director in Charge of Editorial Administration
The Mathrubhumi Ptg. & PBG. Co. Ltd.,
CALICUT

Dear Sir,

I have received the memo of charges issued to me on 28th October 1987, under your signature. All the charges levelled against me are vague, baseless and are patently vitiated by malice. I hereby deny all the charges contained in the memo.

As I am entering on privilege leave (already sanctioned by the managing director) from November 1, 1987 onwards,

I will not be able to give a detailed reply to the memo of charges within one week. You are aware that I am availing the leave for the specific purpose of study and preparation of the case against the management proposed to be filed by me before the Press Council of India, complaining about the unwarranted interference in the editorial affairs. The case is likely to be of far reaching consequence to me and the Mathrubhumi and I have to devote all my time during the period of leave to this case and connected matters. Hence I will not be able to send a detailed reply to the memo of charges during the period of privilege leave. I request you to kindly grant me sufficient time excluding the period of leave for submitting detailed reply and desist from proceeding with the matter in the meantime.

However, I take this opportunity to point out that you have no authority or competency to level the first and second charges of alleged misconducts mentioned in the memo. These alleged misconducts refer to a circular issued by me days and months before you were appointed as the Director in charge of editorial administration. The said circular was revised by the editor and issued in his name on July 30, 1987. It is to be noted that the editor has already considered the matter and appropriate action has been taken. I wish to make it clear that I am not admitting the charge referring to the alleged misconduct connected with the issue of the circular.

At this juncture, I regret to point out that your authority with regard to discipline and other matters concerning editorial staff has no retrospective effect. Hence I request you to kindly withdraw the charge relating to the circular so that litigation on the question of your authority can be avoided.

You will agree, I hope, when I say that this question is of vital importance to all journalists working in the Mathrubhumi. They cannot concede that your authority extends retrospectively to all their omissions and commissions from the date of

their joining the company. If they do so they will be hanging a Democles's word over their head themselves. Not only that, if the journalists admit that your authority extends retrospectively, they will be insulting the great men who were exercising supervisory control over them in the past and in effect saying that they were incompetent persons. It may even be interpreted as an insult to the present Managing Director. Was he not exercising his functions properly in the past? Such questions naturally arise if the Director in charge of editorial administration exercise his disciplinary authority even with regard to omissions and commissions which occurred before his appointment. I am happy that the Managing Director by his communication dated 28th October 1987 has informed me that the order of the Director in charge of editorial administration posting me as assistant editor was issued under the specific authority of the Managing Director and the said order was bound to be obeyed by me. I continue to have some reservations about the legality of the said order as many questions raised by me remain to be answered. But considering the communication of the Managing Director in reply to the questions raised by me, I assure you that I will not pursue with the civil case in the matter of my posting as assistant editor.

But at the same time, I am seeking clarification from the Managing Director on the question whether the authority of the Director in charge of Editorial Administration extends retrospectively. If satisfactory clarification is not forthcoming, I am sorry to inform you, that I will be compelled to challenge the validity of that portion of your memo relating to the circular stated to be issued by me.

I hope that the Managing Director will let me know the exact date from which the authority of the newly appointed Director in charge of editorial administration over the editorial staff commenced.

Thanking you,

Yours faithfully,

ADDENDUM

P. Rajan

COCHIN

Subject:- Complaint against Management of Mathrubhumi, Calicut. Before the Press Council of India

This is to inform you that M.D. Nalappad, editor of The Mathrubhumi was forced to resign by the board of directors of the Company on 1-12-1987. An acting editor has been appointed while the Director in charge of editorial administration continues to function with all powers.

You may please note that the new development in the newspaper does not in any way affect my complaint because vested interest combined with the planter-politician are determined to bypass the editor and exercise control over the editorial staff. In fact the situation is worsened in that the new editor will not even get an opportunity to present his case before the board, as he is not a member of the board.

It is absolutely essential that the press Council requisition the minutes of the Director Board meeting held on September 2, and September 3, 1987 and examine the circumstances in which the board took the decision to appoint the Director-in-charge of editorial administration.

4-12-1987

P. RAJAN.