

To,

Shri Sanjay Prasad IAS  
Principal Secretary, State of Uttar Pradesh,  
Lok Bhawan, Vidhan Sabha Marg,  
Lucknow .

Sub : Request for withdrawal of directives issued vide letter Numbered Lok Shikayat Anubhag-5 Mukhymantri Kaaryaalay Dated 16.08.2023 intended towards curtailment of the freedom of the press and thereby violating fundamental rights guaranteed under Article 19 of the Indian Constitution.

Dear Sir,

This finds reference to the captioned subject. In this regards, your kindself is aware that the applicant herein is a veteran journalist having put in 3 decades in the noble profession of journalism having ensured good governance and transparency in administration by highlighting the issues and concerns impacting public at large. The achievements and credentials of the applicant are as per Annexure No. 1. In this backdrop, my respectful submission is as under :-

1. The applicant is deeply anguished and perturbed with the intent of the Uttar Pradesh government, which has, by issuing the impugned order referred to in subject above, tried to gag the freedom of press and media terming the news items which are not aligned with the government viewpoint as "नकारात्मक समाचार" which is a serious concern. The order proceeds on an assumption that the negative news which are published and circulated are intended towards causing disrepute to the State Government and District Administration.
2. The said circular further states that in al cases of negative news being so published, the manager of the concerned media group/news paper shall be put to question and be required to provide his reply for the purpose. This is a regressive and a whimsical decision which will not only be contrary to the freedom of speech and expression as guaranteed under article 19 of the Indian Constitution, but would also silence the voice of dissent, a facet of any democratic form of government.
3. That your kindself is aware of the fact that the right to reason and think is a natural right and a person has a right to think freely and express himself . This right also includes a right to dissent or to have an opposite opinion which may be different and diverse. At the same time, at this juncture, I would also most respectfully submit what a contemporary religious Philosopher Wayne W. Dyer, in his famous work- "Excuses Begone! How to Change Lifelong, Self-Defeating Thinking

Habits" has aptly commented that "*if you change the way you look at things, The things you look at, change*". This change which is expected by the impugned order, which is an exemplar of an executive fiat will most certainly be against the settled norms and a blow to democratic principles where freedom of speech, expression and press are the strongest pillars.

4. It is submitted that the fundamental right guaranteed by Article 19 (1)(a) of the Constitution includes fair criticism of law or executive action or social events. Every order made under statutory provisions must not only within the authority conferred by statutory provision, but must also stand the text of fundamental right. Legislature can not be presumed to have intended to confer powers of authority to act in contravention of fundamental rights.
5. The Hon'ble Supreme court while noting the significance of freedom of expression in a democratic society in the case of Gajanan Visheshwar Vs. Union of India, 1994 (5) SCC 550 noted that human history is witness to the fact that all evolution and all progress is because of power of thought and that every attempt at thought control is doomed to failure. An idea can never be killed. Suppression can never be a successful permanent policy. Any surface serenity it creates is a false one. It will erupt one day. The importance of freedom expression has been noted by Hon'ble Supreme Court in other cases reported in 2002 (3) SCC 667, **Baldev Singh Gandhi Vs. State of Punjab**; 1988 (3) SCC 167, **P.N.Duda Vs. P.Shiv Shanker**.
6. It is submitted that in a far reaching judgment reported in JT 2008 (2) 639, **Government of Andhra Pradesh and others Vs. Smt. P. Laxmi Devi** the Hon'ble Supreme Court after considering various judgement of Supreme Court of America and while retreating the earlier settled proposition of law observed that free speech may best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, even stirs people to anger. The freedom of press must be allowed to the broadest scope compatible with the supremacy of order (para 87,88).
7. In the case of **Smt. P. Laxmi Devi** (supra) their Lordship of Apex court further proceeded to observe as under:-

*"92. Why is it that the Courts both in India and in America have taken an activist approach in upholding the civil liberties and rights of the citizens? In our opinion, this is because freedom and liberty is essential for progress, both economic and social. Without freedom to speak, freedom to write, freedom to think, freedom to experiment, freedom to*

*criticize (including criticism of the government) and freedom to dissent there can be no progress.*

*93.....It was only by freedom of speech, freedom to think and freedom to dissent that human progress was possible. And it is for this reason that our founding fathers in their wisdom provided for the fundamental rights in Part III of the Constitution. It is the solemn duty of the Courts to uphold the civil rights and liberties of the citizens against executive or legislative invasion, and the Court cannot sit quiet in this situation, but must play an activist role in upholding civil liberties and the fundamental rights in Part III."*

8. In the celebrated case of *Romesh Thappar vs State of Madras* reported in 1950 SC 124, Patanjali Shastri J rightly observed that : *"Freedom of speech and of the press lay at the foundation of all democratic organisation , for without free political discussion no public education , so essential for the proper functioning of the process of popular Government , is possible ."*

9. The right of speech and expression has always been considered as the most cherished right of every human being. In a civilized society, the courts have exhibited high degree of tolerance and accepted adverse comments and criticism of their order/judgments even though, at times, such criticism is totally off the mark and the language used is inappropriate. The right of a member of the public to criticize the functioning of a judicial institution has been beautifully described by the Privy Council in *Ambard Vs. Attorney General for Trinidad and Tobago*, 1936 AC 322 : AIR 1936 PC 14, in following words :-

*".... no wrong is committed by any member of the public who exercises the ordinary right of criticizing in good faith in private or public the public act done in the seat of justice. The path of criticism is a public way: the wrongheaded are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue : she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men.?"*

10. In the case of *Romila Thapar v. Union of India*, reported in (2018)10 SCC 802, Justice D.Y. Chandrachud observed in his dissenting opinion *"that Individuals who dissent from the*

**government are entitled to the freedoms which are guaranteed by the Constitution. Dissent is a symbol of a vibrant democracy. Voices in opposition cannot be muzzled by persecuting those who take up unpopular causes".** The Hon'ble Justice DY Chandrachud, in one of his speeches was constrained to mention that "**The blanket labelling of dissent as anti-national or anti-democratic strikes at the heart of our commitment to protect constitutional values and the promotion of deliberative democracy**".

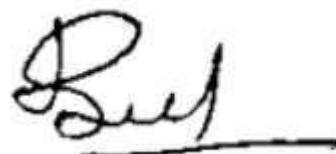
From the above, it clearly transpires that dissent and not to agree with the decisions of the government and to criticise the same is essential in a democracy. If a country has to grow in a holistic manner, then not only the economic rights but also the civil rights of the citizen are to be protected. Dissent and disagreement have to be permitted and encouraged. It is only if there is a discussion, disagreement and dialogue that we, citizens, can arrive at better ways to run the country. The India of our dreams is a country which Rabindranath Tagore, the great poet, philosopher and visionary of yore had envisaged, as a country "**Where the mind is without fear and the head is held high**". We all are duty bound to bear this in mind while issuing orders and directions which impede our progress as a nation.

**The impugned order issued under your signatures, therefore warrants an immediate setting aside, and I am sure that you shall reconsider the same and withdraw it, sparing me the agony of challenging the same before a court of Law.**

Thanking you in anticipation,

Lucknow  
Dated 20.08.2023

Yours Faithfully,



(Sanjay Sharma)

5/600, Vikas Khand, Gomti Nagar,  
Lucknow 226010

Mobile No. 9807900000

**Copy forwarded for initiation of necessary actions and issuance of necessary directions to:-**

1. Additional Chief Secretary to Hon'ble Chief Principal Secretary, Public Works Department, Uttar Pradesh, Civil Secretariat, Lucknow.
2. Chief Secretary, Government of Uttar Pradesh, Lucknow.

## Annexure -1

### Credentials of the Applicant Sanjay Sharma, Journalist

- The Applicant herein, **Sanjay Sharma** is a veteran investigative journalist, with a vintage of more than 3 decades in the noble profession of journalism and has been making relentless efforts to sensitize the society at large, towards their rights as well as responsibilities. The applicant has been a part of the electronic as well as print media, having served premier news agencies like **Rashtriya Sahara, ETv and Star News**.
- At present, the applicant is the **Editor of a Weekly Newspaper-Weekend Times, published from Uttar Pradesh and Uttarakhand**. For the last 5 years, the applicant is also the **Editor of the Leading news Daily Eveninger-4PM**, besides publishing a magazine for students preparing for competitions, titled "**Naya Lakshya**".
- The applicant's YouTube Channel titled "**4PM News Network**" has approximately 1.36 Million **subscribers worldwide** with **44,61,02,516** views of its various videos in the form of his stories and news items published on youtube worldwide, as on 20<sup>th</sup> August 2023.
- On account of his in-depth knowledge of various issues concerning Indian Politics, Governance and administration, the applicant is invited as a panelist in a number of leading news and TV Channels including Lok Sabha TV, Rajya Sabha TV, Doordarshan and dozens of leading news channels. It is also a matter of pride for the applicant for having been nominated as a journalist member for coverage of **ASEAN Countries** at the time of India's becoming a part of the said group of countries in the year 1997 at Kuala Lumpur, Malaysia.
- That along with Journalism, the applicant started his Publication House in the name of "**Astha Printers**" in the year 1998 which got registered as Class-A Publication in the Information Department.
- Applicant was a State level accredited journalist for **10 years**, he has also served as vice president of State Level Accredited Committee for Journalist of for term of two years i.e from **31.08.2015 to 31.08.2017**.
- Applicant has held numerous insightful interviews of various dignitaries of the nation which includes Governor of U.P. Mr. Ram Naik, Swami Chidanand, Dakshin Kalipeeth- Maha Mandaleshwar, Swami Kailashanand and many more. Moreover, it is submitted that the Applicant actively participated in numerous debates held on various

news channels which include Lok Sabha TV, Rajya Sabha TV, India News, Bharat Samachar, E-TV, News-24, India Watch, Hindi Khabar, Door-Darshan etc.

- That the articles published by the Applicant include critical and pertinent issues of the Government, Government policies, actions of bureaucrats, and many more, each such publication carrying credence and aimed at improving upon the governance, ultimate intended beneficiary being the public at large.
- The applicant has never been biased for any Government and has always worked as responsible Journalist of the nation. Applicant has never been mouthpiece of any Government or a political party.
- The Applicant also filed an OA before the National Green Tribunal, New Delhi aggrieved by the inaction of the State Government of Uttar Pradesh in disposing the corpses of covid19 victims near river beds resulting in environmental degradation. A series of far reaching orders have since been passed on that OA which is still pending adjudication by the Hon'ble Court. The said OA has been numbered O.A. No. 262/2022.
- The Applicant, during the outbreak of Covid19 Pandemic also filed a PIL seeking banning of Pan Masala in the State of Uttar Pradesh, which posed a potential threat to humankind and resulted in spreading the contagious disease by way of droplets of sputum. The Said PIL is registered as Civil Miscellaneous Writ Petition (PIL) NO. 594 OF 2020 and is pending final adjudication by the Hon'ble Allahabad High Court.
- Recently, the applicant, appalled by the inaction of the Lucknow Development Authority, the Department of Housing and Urban Planning, Govt of Uttar Pradesh in completing the mega JPNIC Project in which huge amount of monies of public exchequer was invested (approx. 850 Crores) was constrained to seek the indulgence of the Hon'ble High Court by filing a PIL which was numbered as **PIL No. 728 of 2023 (Sanjay Sharma v State of UP and others)** in which the State Government and the Lucknow Development Authority have been directed to put up their reply in 4 weeks.
- That besides the above, the applicant is regularly filing well researched and action oriented representations and publishing news to ensure good governance in various state government departments.