

**Before the Kerala State Commission for Scheduled Castes &
Scheduled Tribes, Thiruvananthapuram.
Present Hon'ble. Judge(Rtd.) P.N. Vijayakumar, Chairman**

No.1038/A2/2015/TVM/KSCSCST

Petitioner : Shri.Ookkodu Gopalan
Soumya Bhavan, Ookkodu P.O
Thiruvananthapuram – 695 020.

Vs

Respondent : 1. The Chief Secretary,
Government of Kerala,
Thiruvananthapuram.

2. The Director
Information & Public Relations Department,
Government Secretariat,
Thiruvananthapuram.

Order
Judge (Rtd.)P.N Vijayakumar
(Chairman for himself and for the Commission)

Shri.Ookkodu Gopalan is a journalist. He is a member of the SC community. He had approached the Commission with a prayer that he had denied the pension that was available to accredited journalist as per G.O.(P)No.7/93.P.R dated 16.8.1993, “പത്ര പ്രവർത്തക ക്ഷേമ പെൻഷൻ”. His application is marked as Ext.A1. It contains the details of his vivid and enterprising services as a journalist . He was a full time columnist and

in 1989 he was awarded “V.S.Keralian Award by the Thrissur Sahridayavedi. He had been relentlessly contributing to periodicals and nearly 135 journals had published his Articles from 1991 onwards. He was the representative of “Prahelika” published from Malappuram. Till 25.9.2007 he was an accredited pressperson. The accreditation was suspended by Government of Kerala before he attained the age limit of 60.

On 1.4.2013, a meeting was convened in the Presidentialship of Hon’ble Chief Minister and it was decided in the Managing Committee meeting that Shri.Ookkodu Gopalan is to be granted pension that was available for journalist on production of proper accreditation. However, after a long time he was informed that he was granted pension for “Avasapathra pravarthakar” instead of granting pension of Rs.8,000/- per month. By categorising him as “Avasa pathrapravarthakan” (poor and disabled) not only his right for pension was denied but socially degraded as part of boycotting him from the enterprising investigative journalist people and that is why he had approached the Commission. Ext.A2 is a copy of the letter issued by the editor and proprietor of ‘Prahelika’ designating him as the correspondent for Thiruvananthapuram. Ext.A3 is yet another letter of ‘Prahelika’ certifying that he was the staff reporter drawing a salary of Rs.1550 in a pay scale. The petitioner had also produced details of the pay particulars.

The Public Relations Department, Government of Kerala on 20.10.2001 issued a Proceedings No.13206/C1/01/P.R dated 20.10.2001 wherein accreditation was granted to nearly 35 journalists. Shri.Ookkodu Gopalan was the 13th person of the said list and copy of the Proceedings is marked as Ext.A4. Accreditation cards issued to him on various occasions by Government of Kerala are also produced. Ext.A5 is the Memorabilia issued by Late Dr.K.K.Rahulan, the President of Sahridayavedi “Prasasthi

Pathram”. All these and other testimonials produced would indicate that Shri.Ookodu Gopalan was very much present in the journalist field in and around, especially in Vernacular Malayalam.

The respondent Director, Information and Public Relations Department had appeared and filed a very detailed written statement. The Director Mini Antony IAS had informed the Commission that Shri,Ookodu Gopalan wanted himself to be enrolled in the pension scheme by an application dated 3.3.2004 and it was routed through the District Information Officer. It is also seen that on 6.12.2012 he has again moved the PRD for pension. Under Section 4(1) of the scheme one is eligible for pension with a service of 10 years continuously or 10 years services intermittently. Further more there is yet another rider that he shall not cross the age bar of 60 years. These are the considerations that did not entitle him for pension. There was no communal discrimination. The report filed by the respondent is marked as Ext.B1.

The petitioner had adduced evidence. On request a witness was summoned and he is Shri.Poovachal Sadasivan, Senior Journalist and President of Kerala Pathrapravathaka Pensioners’ Association.

The witness would depose that he was the President of Pensioners Association and is still a Journalist. The petitioner Shri.Ookodu Gopalan was a journalist. He was present in a meeting where the application of petitioner was taken up for consideration for pension. There was a majority decision to grant pension to the petitioner on further verification whether he has accreditation with the District Information Officer.

The Question that arises for consideration is

Whether the petitioner is entitled for pension that is intended for journalists?

The respondent had appeared in this case. There was no fundamental issue like disputing the rightful claim of the petitioner. There was no dispute that he was not a journalist. There was no dispute that he was not accredited journalist. There was no dispute that “Prahelika” was not a journal. The Proceedings Ext.A4 produced by the petitioner shows that in 2001 he was ranked as the 13th person from among 33 working journalists of the capital Thiruvananthapuram city. Of course it was not a list prepared by the PRD on the basis of communal rotation. Probably Shri.Ookkodu Gopalan was the only SC member in that accreditation list.

Article 19 of the constitution of India deals with Right to Expression. Right to expression had been given shape and grown into the powerful organ as the Fourth Estate which is considered to be a strong pillar of Democracy. Any journalist whether he is working in National daily or in a regional daily or in an evening daily makes no distinction in the matter of his work, his disclosure and desirability. Therefore the petitioner is entitled to be considered as a journalist, eligible for benefits along with others.

The objection raised by PRD Director is that he has no work for continuous years. It would have been verified with the publication whether he had actually worked there or he was a journalist. Journalism has now can be extended to freelancing crossing the barriers of countries and languages and is accepted by all. A close scrutiny whether Shri.Gopalan in the field of journalism was not conducted by the PRD. He had not taken up any other job other than journalism.

The deposition of the witness is also relevant because there was a decision in a meeting presided over by the Hon’ble Chief Minister granting him provisionally/or conditionally pension. This was

manipulated and subrogated and above all humiliated him, saying “Avasa pathrapravarthakan”. That is handicapped not physically but professionally. The Commission being a judicial body, cannot acknowledge such a decision either grant him or deny. No via- media policy is welcome. Unless and until there was request from the petitioner to consider him as a “Avasa Pravarthakan” there is no justification in accommodating him with some other little and providing some solace.

Therefore the Commission hereby strongly recommend and order the respondent to reconsider the case and take up a positive decision after providing an opportunity of hearing him in person not later than three months. With this direction the petition is allowed.

Provide copy to both sides free of cost, Journal and Website.

Dictated in the Open Court transcribed by the CA and corrected by me.

Pronoun ced in the open sitting of the Commission on this the 10st
day of February 2016.

Sd/

Judge(Rtd.) P.N. Vijayakumar
Chairman

Petitioner Exhibits:

- Ext.A1:- Petition of Shri.Ookkodu Gopalan.
- Ext.A2:- Copy of the letter issued by the editor and proprietor of ‘Prahelika’.
- Ext.A3:- Copy of yet another letter by ‘Prahelika’.
- Ext.A4:- Copy of Proceedings.
- Ext.A5:- Memorabilia issued by Late Dr.K.K.Rahulan

Respondent Exhibits :

Ext.B1:- Report filed by Director, Information and Public Relations
Department.

Witness for Petitioner:- Poovachal Sadasivan, President, Pathra
Pravarthaka Pensioners' Association,
T.C.41/939, Manacaud P.O,
Thiruvananthapuram.

Ext.C1:- Deposition of witness.

Sd/

Judge(Rtd.) P.N. Vijayakumar
Chairman

By order

Registrar

SRB