

**S.M.Haider Rizvi**

*L.L.M.(Gold Medal), M.B.A  
Advocate,  
High Court, Lucknow .*



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## **LEGAL NOTICE**

**To:**

The Editor-in-Chief / Chief Executive Officer,  
Dainik Bhaskar (Digital Edition),  
DB Corp Limited,  
Registered/Corporate Office,  
Plot No. 280, Sarkhej-Gandhinagar Highway,  
Makarba, Ahmedabad - 380 051 (Gujarat)

Also served upon the Digital Platform at:  
[ameet.gavade@dainikbhaskar.com](mailto:ameet.gavade@dainikbhaskar.com)

**Subject: Legal Notice for Publication of Fabricated and Methodologically Void Survey Reports Causing Defamation, Electoral Malpractice, and Violation of Constitutional Rights, Calling Upon Immediate Takedown, Correction, and Compliance.**

Sir/Madam,

The present Legal Notice is issued by me, S.M. Haider Rizvi, Advocate enrolled with the Bar Council of Uttar Pradesh and practising before the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench). I issue this Notice not in the capacity of a legal representative of any aggrieved client, but in my own right as a citizen, legal professional, and an advocate committed to the cause of democratic integrity, constitutional governance, and the rule of law. My standing to issue this Notice is rooted in the fundamental duties of every citizen and the solemn responsibility of members of the legal fraternity to uphold the Constitution and the democratic values it enshrines. It has come to my attention that your digital news platform has published and continues to circulate a so-called "survey report" accessible at the URL <https://dainik.bhaskar.com/EeehMmSDD2b>, which purports to reflect the sentiments of voters across various assembly constituencies of the State of Uttar Pradesh and claims that such voters are deeply dissatisfied with their elected representatives and intend to deny them their vote at the next election. In this regard, please be informed as under :-

1. Upon careful examination of the said publication, I observe the following conspicuous and fatal deficiencies:
  - a) No name, identity, or designation of any respondent is provided, nor is the information about the address of the respondent, and any document which is indicative of his constituency has been placed in record;
  - b) No demographic breakdown, by age, gender, caste, education, constituency, or any other parameter, is disclosed;
  - c) No conducting agency, research organisation, or journalistic team is identified;
  - d) No date, time, or geographical location of the survey's conduct is mentioned;
  - e) No sample size, sampling methodology, confidence interval, or margin of error is stated;

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- f) No questionnaire or methodology note is appended or referenced.
2. In sum, the said publication fails to satisfy even the most elementary criteria of journalistic or social-scientific credibility. It is, in the language of evidence law, a document that proves its own falsity by its very silence upon the basic facts that alone could have redeemed it.
  3. I must place before you a matter of direct personal experience which crystallises, with irrefutable clarity, the fraudulent nature of your survey mechanism. On the 5th day of May, 2026, a friend shared with me another survey link published by your digital platform at the URL <https://dainik.bhaskar.com/ACX1gzYzM2b>. In order to ascertain the veracity of the said polls conducted by you, accessed this link and participated in the said survey. The survey purported to seek the opinions of voters regarding their elected representatives. However, in completing the survey, I found and recorded that:
    - a) The survey made no attempt to verify my identity, my residential address, or my electoral registration in any constituency;
    - b) The survey made no attempt to ascertain which assembly constituency or Gram Sabha I belong to or reside in;
    - c) The survey offered no safeguard whatsoever against multiple, duplicate, or fraudulent and biased submissions;
    - d) Most significantly, and this is the gravamen of the present charge, I was able to complete the survey and submit responses concerning a Gram Sabha constituency that is entirely unrelated to me, my residential address, my electoral registration, or my personal knowledge. I gave inputs regarding this unrelated Gram Sabha constituency with complete ease, without any check or verification by your platform.
  4. This single act of personal participation constitutes conclusive and irrefutable proof that your survey mechanism is not a genuine instrument for capturing public opinion. It is an open, unguarded, and manipulable digital form that any person - regardless of their identity, location, or electoral affiliation - can complete in any manner they choose, concerning any constituency they please. A survey that permits a High Court Advocate in Lucknow to submit opinions on behalf of voters in an unrelated Gram Sabha is not a survey. **It is a digital fiction masquerading as democratic data.**
  5. The publication and continued circulation of such fabricated survey reports exposes your organisation to serious civil and criminal liability under multiple heads of law:
  6. You may note that Section 356(2) of the Bharatiya Nyaya Sanhita, 2023 - the successor provision to Sections 499 and 500 of the Indian Penal Code - defines as defamatory any written or published matter made with the intention of harming the reputation of a person, or with the knowledge that such

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publication would cause such harm. A survey that falsely depicts elected representatives as unpopular in the eyes of their own voters, when no such voters were in fact consulted, constitutes defamation in its most premeditated form. As held by the Hon'ble Supreme Court in Subramanian Swamy v. Union of India, (2016) 7 SCC 221, the right to reputation is an intrinsic component of the right to life and personal liberty under Article 21 of the Constitution.

7. It may further be noted that Section 123 of the Representation of the People Act, 1951 classifies as a corrupt practice the dissemination of false statements of fact with respect to a candidate. A survey falsely depicting an elected representative as overwhelmingly unpopular, published in anticipation of a future election, falls squarely within the mischief targeted by this provision.
8. Further, Rule 9 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 imposes upon digital news publishers a special obligation to ensure that their content does not harm the dignity of individuals or mislead the public. The Press Council of India's published norms for opinion polls and surveys mandate disclosure of the conducting agency, sample size, sampling method, questionnaire, dates of conduct, and margin of error. Your publication satisfies none of these requirements.
9. Your organisation's conduct may further attract liability under Section 353 (public mischief), Section 318 (cheating by false representation), and Section 61 (criminal conspiracy) of the Bharatiya Nyaya Sanhita, 2023, insofar as the publication of fabricated surveys is calculated to create false impressions in the public mind for purposes that serve undisclosed commercial or political interests.
10. It is imperative for me to place before you the settled constitutional position. Article 19(1)(a) of the Constitution guarantees the freedom of speech and expression, and this includes the freedom of the press. This freedom is precious and foundational. However, Article 19(2) expressly permits the State to impose reasonable restrictions in the interests of, inter alia, public order and defamation. As held by the Hon'ble Supreme Court in *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641, the press is not free from accountability - it bears a solemn duty to publish only what is factual, verified, and fair. A press that fabricates surveys and manufactures false public consensus is not exercising press freedom; it is abusing it.
11. In view of the foregoing, I hereby call upon you to, within a period of THREE (3) DAYS from the date of receipt of this Notice:
  - i. Immediately take down and remove from all your digital platforms, mobile applications, and associated mirror sites the survey report accessible at <https://dainik.bhaskar.com/EeehMmSDD2b> and all other survey reports that do not comply with the

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minimum disclosure standards prescribed by the Press Council of India and Rule 9 of the IT Rules, 2021;

- ii. Publish a prominent correction and retraction on your digital platform acknowledging that the said survey was not conducted in accordance with verifiable methodology, that it is incapable of reflecting genuine voter opinion, and that it ought not to have been published;
  - iii. Furnish to me, in writing, a full explanation of the methodology employed in the survey published at <https://dainik.bhaskar.com/EehMmSDD2b>, including the identity of the conducting agency, sample size, sampling method, date and venue of conduct, and the questionnaire used - or, if no such methodology exists, a frank acknowledgement to that effect;
  - iv. Disable, forthwith, the survey mechanism at <https://dainik.bhaskar.com/ACX1gzYzM2b> and all similar survey links, which, as I have personally verified, permit any individual to submit opinions on behalf of any constituency without any verification whatsoever; and
  - v. Undertake, by way of a written assurance, that your organisation shall henceforth comply with all mandatory disclosure norms before publishing any opinion poll or survey, and that mechanisms shall be put in place to prevent the submission of fraudulent or unverified responses.
12. Take notice that if no response is received from your organisation within a period of THREE (3) DAYS from the date of receipt of this Notice, i.e., on or before 08 May 2026, it shall be conclusively presumed that you accept the entirety of the facts and contentions set out herein, and that you have no defence to offer. In that event, I shall be constrained, without further notice, to initiate such legal proceedings as I may be advised, including but not limited to:
- i. Filing of a criminal complaint before the competent Magistrate under Sections 356(2), 353, 318, and 61 of the Bharatiya Nyaya Sanhita, 2023;
  - ii. Filing of a formal complaint before the Press Council of India for breach of journalistic ethics and non-compliance with mandatory survey disclosure norms;
  - iii. Filing of a complaint before the Election Commission of India treating the publication of fabricated political surveys as electoral malpractice under Article 324 of the Constitution read with Section 123 of the Representation of the People Act, 1951;

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- iv. Filing of a complaint before the Ministry of Information and Broadcasting under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 for violation of Rule 9; and
- v. Initiation of civil proceedings for damages for defamation before the appropriate civil court.

All costs of litigation and legal proceedings arising from your failure to comply shall be claimed from you.

This Notice is issued without prejudice to all other legal rights and remedies available to me or to any aggrieved party, whether in law or equity, all of which are expressly reserved.

Yours faithfully,

**Lucknow  
Dated: 05.05.2026**

**Sincerely,**

**S. M. Haider Rizvi  
(Advocate)**

**Copies marked to:**

1. The Chairman, Press Council of India, New Delhi.
2. The Chief Election Commissioner of India, New Delhi
3. The Secretary, Ministry of Information and Broadcasting, Government of India, New Delhi.
4. The Chief Electoral Officer, State of Uttar Pradesh, Lucknow.