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FOR IMMEDIATE RELEASE

New Delhi: November 18, 2011 - As the premier representative body of news broadcasters in the country, the News Broadcasters Association (NBA) notes with approval the views expressed recently in the media on the Justice (Retd.) P.B. Sawant – Times Now suit, whereby eminent members of Society, including jurists of high attainment have said that in the larger interest of the constitutional guarantee of free speech, the decision should be revisited and reconsidered.

The case involves the award of unprecedented damages of Rs.100 crore, by a District Court in Pune, in favour of Justice (Retd.) P.B. Sawant and against Times Now news channel for alleged defamation arising from an evidently inadvertent error of Justice (Retd.) P.B. Sawant's photograph instead of a photograph of another Judge (whose name was phonetically similar to that of Justice (Retd.) P.B. Sawant) in connection with the Ghaziabad Provident Fund scam. Such damages came to be awarded inspite of the fact that Times Now had issued a public apology and expressed true contrition for the mistake.

In fact, in the appeal filed by Times Now subsequently, the Hon'ble Bombay High Court has directed that operation of the Rs.100 crore decree, will be stayed only if Times Now deposits Rs.20 crore in Court and secures the remaining Rs.80 crore by a bank guarantee.

If innocent errors committed by media, are visited with such dire legal consequences, and if media companies are compelled to pay such disproportionately exorbitant damages, despite the issuance of a public apology, it would effectively cripple the functioning of the media. Economic burden of such gargantuan amounts would completely jeopardize media businesses and will directly impact media freedom, independence and survival, which are essential for a vibrant democratic set up in any country.

Thereafter, to impose a condition of pre-depositing or securing such huge quantum of damages - without which the broadcaster may face imminent attachment of its assets – effectively cripples the broadcaster's right to even seek redressal by way of appeal.

The media plays a very important role in protecting the fundamental rights of the people, including the public's right to know and is often termed as "the fourth pillar" of democracy. An independent, fearless and dynamic media is a critical ingredient of a true democracy. Any curb on media independence whether direct or indirect, is a serious threat to the democratic process itself and must not be countenanced. If stipulations such as these become the norm, news media will be targeted at every instance, thereby affecting the very survival and existence of the news industry as a whole.

The NBA notes with sadness that the Hon'ble Supreme Court has, in its wisdom, also declined to interfere in the Order of the Hon'ble Bombay High Court by summarily dismissing the Special Leave Petition filed by Times Now seeking modification of the pre-deposit/securitization conditions imposed by the Hon'ble High Court.

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