

**News Broadcasting & Digital Standards Authority**  
**Order No. 116 (2021)**

**Order of NBDSA (formerly known as NBSA) on Complaint dated 23.2.2021 by Campaign Against Hate Speech against Zee News regarding airing a programme on 16.2.2021 with regard to media trial against Disha Ravi**

**Complaint dated 23.2.2021:**

The complaint was filed against Zee News (Hindi) in respect of programme titled ***“DNA Live / Sudhir Chaudhary के साथ देखिए DNA / Sudhir Chaudhary Show / Ask Greta Why / DNA Today”*** aired on 16.2.2021 at around 9 PM. The complainant alleged that in the impugned programme, the broadcaster had carried out a media trial against the accused Disha Ravi, jeopardizing the investigation – in violation of the Code of Ethics and Broadcasting Standards.

It stated that since media is well recognized as the fourth pillar of democracy, there is also a heightened duty of the media to abide by the letter of the law, especially regarding hate speech. To fulfil this responsibility, onus is on media houses to distance themselves from the race of sensationalism and TRP.

The complainant stated that in the course of at least one hour or more of coverage, the anchor spoke largely about the arrest of a climate activist Disha Ravi and the *“conspiracy to defame India”*. In the impugned programme repeated references were made to another programme dated 3.2.2021 which was aired by the broadcaster. In the programme, the anchor claimed that he had *“exposed the conspiracy against India hatched by Disha Ravi and Greta Thunberg to defame India”*. With great, but baseless, conviction, the anchor stated *“Disha Ravi is not an innocent 22-year-old girl. She knew the law and exactly what she was doing. She knew the gravity of it and how serious the issue is. She knew she was doing acts of a traitor against the country. (Flashes videos of her coming out the Judicial Magistrate in Delhi). That’s why when she saw Zee News coverage, she reached out to contact her lawyer at the first instance. Because she knew that now, her arrest is certain.”*

The complainant, therefore, alleged that by making false, insinuating statements in an on-going investigation the anchor had violated basic ethics of journalism. In the programme, the anchor had already decided that the accused is anti-national, guilty of sedition and had made grandstanding claims that Zee News was the first to *“expose”* the accused.

That attacking a particular individual was also characteristic of a media trial. Such a programme was likely to jeopardize the investigation. The anchor forgot the basic principle of innocent until proven guilty and went on a rampage against the accused in the investigation. The investigation as has been repeatedly stated by the anchor itself is a matter of national importance and security. Further, such a media trial

against the accused was founded on the basis of defamatory, suggestive innuendos, half-truths, against all good taste of journalism.

The complainant stated the impugned programme violated the Fundamental Principles in the Code of Ethics and Broadcasting Standards:

1. Fundamental Principles 1 in as much as the broadcaster had failed to stand accountable for its actions and seek the truth and report it fairly, and with integrity and independent.
2. Fundamental Principle 2 in as much as it had failed to adhere to the highest standards of public service and integrity, by providing skewed facts without citing sources.
3. Fundamental Principle 4, in as much as the broadcaster failed to ensure that news is not selected for the purpose of hindering any side of a controversial public issue, and that the broadcaster shall not select news to promote a belief, opinion, or desire of an interest group. This tenet was violated as throughout the programme the broadcaster claimed that its “expose” on 3.2..2021 is what led to the arrest of the accused and the broadcaster is certain that she is guilty of the charges against her.
4. Fundamental Principle 5, in as much as the broadcaster failed to recognize that the fundamental purpose of dissemination of news in a democracy is to educate and inform, so that the significance of events is borne upon citizens to form their own opinions. By imposing opinions, providing a prejudiced picture without the complete set of facts, the broadcaster violated this tenet as it had already decided that the accused is guilty.
5. Fundamental Principle 6, in as much as the broadcaster failed to ensure a full and fair representation of the news by providing a biased perspective with unverified facts, and half-truths that were intended to misguide and misinform the viewer.

Additionally, the broadcaster had violated all the principles of self-regulation in Section 2.

1. Principle 1 mandating “impartiality and objectivity in reporting” The programme telecast was totally contrary to this principle in its intent, content, purpose, tone and tenor. There is no doubt that such programmes must be taken off the air, as statements made were aired without any reference to impartiality and were overtly prejudiced against the accused in an on-going investigation.
2. Principle 2 in as much as there is no “neutrality” whatsoever in the programme that was aired as it had sensationalized the issue without any sense of restraint, and with evident prejudice against the accused. The entire programme was prejudicial, inflammatory, and crossed all boundaries of good

taste and sensibility without any concern for the feelings of the accused or sense of respect for the judicial process.

Further, the manner in which the programme was presented was highly objectionable and hardly a news report. Instead, it was pure conjecture and the tone, tenor and language was crass, prejudiced and disrespectful and also violated the *Specific Guidelines for Reporting Court Proceedings* dated 15.9.2010, which specifically states that it “*shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon*” after a FIR is filed.

By making statements that show the accused as guilty, the broadcaster also violated the *Specific Guidelines Covering Reportage* dated 6.12.2019 which states that:

*“3.3 Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, sub judice.*

*3.4 No publicity should be given to the accused or witnesses that may interfere in the administration of justice or be prejudicial to a fair trial.”*

The complainant stated NBSA had reiterated these guidelines, through its Advisory regarding the issue of “Media Trial” on 6.11.2020 and called upon its members to refrain from conducting any media trials in context of undergoing trial in the case of Sushant Singh Rajput’s death. The advisory noted, “*Upon considering the media reportage of the incidents, NBSA is of the view that it be brought to the attention of the member broadcasters and editors that while reporting on investigations being conducted by government authorities / agencies media must not conduct a “trial”, which would cause prejudice to the accused, prejudge the issues and interfere with the administration of justice.*” and called for the strict compliance.

The complainant requested the broadcaster to take note of the fact that the complaint was sent on 23.2.2021, and that the broadcaster had 7 calendar days to submit its response, failing which it stated that the matter would be referred for further action under the News Broadcasting Standards Regulations.

### **Complaint dated 9.3.2021 filed with NBSA:**

The complainant stated that it had not received any response from the channel, hence they were approaching the Authority. The complainant prayed for the Authority to take appropriate action against Zee News for gross violation of the Code of Ethics and Broadcasting Standards as per NBSA Regulations.

### **Decision of NBSA on 28.5.2021**

NBSA considered the complaint and the reasons for escalating the complaint. NBSA noted that no response had been received from the broadcaster. NBSA decided that a copy of the complaint should be given to the broadcaster for an immediate response. NBSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics and Broadcasting Standards and the

Specific Guidelines Covering Reportage. NBSA decided that the complainant and the broadcaster be called for a hearing at the next meeting of the NBSA.

### **Response from the Broadcaster:**

The broadcaster in its reply dated 28.6.2021, stated that in the subject complaint dated 23.2.2021 filed by Campaign Against Hate Speech (herein after referred to as 'the Complainant'), the complainant has raised various false, misleading, frivolous and motivated allegations against the contents of the programme 'DNA' aired on Zee News on 16.2.2021.

At the outset, the broadcaster submitted that all the allegations levelled in the complaint were completely false, baseless and hence denied. The impugned broadcast was completely fair, objective and was aired without any preconceived notion or bias. That the complainant had miserably failed to show as to how and in what manner the impugned broadcast amounted to 'media trial' or actually interfered in the administration of justice. It submitted that its entire news report on the controversial toolkit tweeted by Greta Thunberg was a part of legitimate and lawful investigative journalism and was based on reliable and authentic sources and nothing was published or telecast which in any manner created a substantial risk of obstructing, impeding or prejudging seriously the due administration of justice.

### **Preliminary Objections**

Before replying to the merits of the allegations, the broadcaster raised preliminary objections as to the maintainability of the complaint. It stated that the present complaint was not maintainable before the Hon'ble Authority, inasmuch as, the impugned programme did not violate any of the Guidelines and Code of Ethics. That the impugned programme was completely neutral, objective and impartial and as such, the complaint was nothing but an attempt on the part of the complainant to muzzle the voice of a responsible media from reporting the truthful account of important facts and events of national importance.

The broadcaster also asserted that the complaint was not in consonance with the NBSA Regulations and as such, was liable to be dismissed. That the complaint was not maintainable, inasmuch as, the issue raised by the complainant i.e. alleged Media Trial of Disha Ravi was already sub-judice before the Hon'ble Delhi High Court in the matter of "*Disha A. Ravi Vs. State (NCT of Delhi) & others; W.P. (C) 2297/2021*". It stated that the aforesaid writ petition was filed by Disha A. Ravi against her alleged media trial and vide interim order dated 19.2.2021, the Hon'ble Delhi High Court has already, *inter alia*, directed the media channels "*to disseminate contents strictly in adherence to the 'programme code' as contained in the Cable Television Network Rules, 1994 as also the Code of Ethics & Broadcasting Standards prescribed by the News Broadcasters Association.*" Thus, in view of the pendency of the aforesaid writ petition, the broadcaster stated that the Hon'ble Authority cannot entertain the present

complaint involving similar issues in light of a specific bar provided in proviso to Regulation 7.2 of NBSA Regulation, which states as under: *“Provided that nothing in these Regulations shall be deemed to empower the Authority to hold an inquiry into any matter in respect of which any proceeding is pending in a Court of law or other Tribunal or Statutory Authority.”*

Furthermore, it stated that the present complaint was also not maintainable, inasmuch as, the same had not been filed in consonance with the provisions of the Regulation 8.4 of NBSA Regulations which requires the complainant to give a declaration at the bottom of the complaint. However, in the present case, it stated that the complainant has miserably failed to furnish the aforesaid mandatory declaration in the complaint and as such, the complaint was liable to be dismissed at the outset.

### **Reply on Merits**

The broadcaster stated that the allegations of ‘Media Trial’ levelled by the complainant in the complaint were completely baseless and hence vehemently denied. That the impugned programme contained a fair analysis on the role of Greta Thunberg and Disha Ravi, who, under the garb of the farmers protest, allegedly created a controversial toolkit to defame and destabilize the Indian Government. In the programme, it had also reported the WhatsApp chat conversations that took place between Greta Thunberg and Disha Ravi immediately after the broadcaster had reported the contents of the controversial toolkit in its programme ‘DNA’ aired on 32.2021. The toolkit shared by Greta Thunberg and allegedly edited by Disha Ravi contained a detailed roadmap on how and in what manner the protest should proceed and also contained objectionable contents and hyper-links, which clearly manifested the intention of the creator of such toolkit to destabilize the Indian Government and cause disaffection against India and to incite violence.

That it is relevant to state that as per the sources, the said toolkit was created by ‘Poetic Justice Foundation’, which is a pro-Khalistan organization and was edited by Disha Ravi. The aforesaid toolkit was thereafter tweeted by Greta Thunberg with the title *“Global Farmers Strike- First Wave”*, with an intent to encourage people to organize solidarity protests either at or near Indian Embassies, local government offices or offices of various multinationals companies such as Adani and Ambani. It also urged people to participate in the farmers' tractor rally on Republic Day - which ended in violence - killing one farmer and injuring approx. 510 police officers. Later the 'toolkit' was further updated by PFJ and again shared by Thunberg, with the aim to get global attention on the ongoing farmers' protest urging people to tweet, call or e-mail Government representatives, sign online petitions, and on-ground action near the closest Indian Embassy, Media House, local Govt. office on 13th/14th February 2021.

The broadcaster stated that in view of the aforesaid, the Special Cell of Delhi Police had registered an FIR being FIR No. 49/2021 against the creators of 'Toolkit' under Sections 124A, 153, 153A, 120B of Indian Penal Code and on 13.02.2021, the Delhi Police had arrested Disha Ravi in the said case. Thus, in the impugned programme, it had merely reported as to how Disha Ravi and Greta Thunberg were allegedly conspiring against India. It is submitted that being a responsible media house of the Country, it was its right and constitutional duty to highlight and expose the intentions and agenda of people conspiring against the country and it had based on reliable material, exposed Disha Ravi and Greta Thunberg in the impugned programme, which cannot in any manner be said to have jeopardized the investigation of the case registered by Delhi Police or amounted to a violation of basic ethics of journalism.

With respect to allegations levelled against the contents of the impugned telecasts, the broadcaster stated that in the impugned programme it had only presented facts that were already known in the public and had reported on the 'plan of action' as contained in the said toolkit, to destabilize the Indian Government and to spoil the image of the Country on International platform.

That nowhere in the impugned broadcast, had the broadcaster formed a conclusive opinion against Ms. Disha Ravi or Ms. Greta Thunberg and its entire reporting was based on the facts and press conferences and updates given to the media by the Delhi Police. The broadcaster reiterated that its reporting was completely uncolored from any motive, prejudice or notions and was based completely on verified, accurate and established facts and did not impose any opinion or amounted to alleged Media Trail and therefore, it is vehemently denied that the contents of the impugned programme violated either the 'programme code' of the Cable Television Networks (Regulations) Act, 1995 or any of the journalistic norms laid down by the Hon'ble Authority.

The broadcaster stated that it has always exercised due care and caution and has abided by the principles of news reporting, broadcasting and journalistic norms. That since the complainant had failed to establish any deviations the complaint ought to be dismissed at the outset.

### **Rejoinder dated 21.9.2021 filed by the Complainant**

At the outset, the complainant submitted that it had sent its complaint to the Editor of Zee News on 23.2.2021. However, not only had the broadcaster failed to redress the grievances of the complainant but it had not even responded to the grievance. Continuing to be aggrieved by the coverage, the complainant stated that it had then filed a complaint before NBSA. Thereafter, on 23.6.2021, NBSA addressed an email to Compliance Officer of the broadcaster informing him that the broadcaster was required to give a response to the complaint within 4 days of the receipt of the same.

However, the reply dated 28.6.2021 filed by the broadcaster was also beyond the stipulated period of four days provided to the channel.

The complainant stated that all allegations made by the broadcaster in the reply were vehemently denied barring the statements that were explicitly accepted by it.

### **Reply on Preliminary Objections and Merit:**

The complainant stated that allegations raised by it were neither false, misleading, frivolous nor motivated allegations as alleged. That the campaign is a group of activists, parents, lawyers, academic who are concerned about the state of news media today and there only motivation behind filing these grievances was to hold news channels accountable to the standards of the News Broadcasting Standards Regulations, Code of Ethics and Broadcasting Standards and demand their right as a citizen to be informed with accurate news.

The complainant denied that the complaint was an attempt to muzzle the voice of a responsible media from reporting truthful account of important facts and events of national importance. It stated that the statements made in the course of the programme were wholly irresponsible as the journalist pre-judged the guilt of an accused that had been arrested, by making remarks such as *“When you see all these evidences, you will start hating Greta Thunberg as well as those who are speaking in favour of Disha Ravi”*, *“This is exactly like how before a war, when an enemy aborts his mission, that is he stops his mission”*, *“A big attack on India was planned”*, *“All these toolkits’ makers are from the tukde tukde gang”*, *“Disha Ravi is not an innocent 22-year old girl. She knows everything, she knows the laws.....she knew she was doing acts of a traitor against the country”*. That these statements were not facts but in fact opinions that the anchor was presenting as facts in the course of the impugned programme in violation of the mandate for accuracy under the Specific Guidelines Covering Reportage, Feb 2009.

The complainant stated that while it is the assertion of the complainant that the issue regarding media trial of Disha Ravi is sub judice before the Delhi High Court in *Disha A Ravi Vs State (NCT of Delhi) and Others, W.P. (C) 2297/2021* however, this fact is incomplete as there are three categorical differences between the proceeding before the Hon’ble Authority and the proceedings pending before the Hon’ble Delhi High Court. Firstly, the complainant is not a party to the aforementioned proceedings in the Hon’ble Delhi High Court. Secondly, the broadcaster did not enter appearance in the aforementioned proceedings and is not even a party to it as per the case details. And thirdly, the complaint was filed as a campaign that viewed the programme and was aggrieved by the sensationalist, inaccurate, biased nature of the coverage. The complainant therefore stated that the criteria for a matter to be sub judice as having the same title, same issue and same parties was thus not fulfilled. Further, it stated that by raising this contention it seems that the channel is attempting to absolve its responsibility to the viewers and the Hon’ble Authority in abiding by the Code of Ethics and Broadcasting Standards. In fact, the complainant stated that the present complaint must be seen as a fulfilment of the direction of the Hon’ble Delhi High Court to the channel to strictly adhere to aforementioned Code.

Furthermore, it was critical to note that mere pendency of a proceeding does not prohibit the Authority from looking into the complaints before it. In fact, the Hon'ble Authority may note that in the case of the media trial of Sushant Singh Rajput by multiple channels including Zee, NBSA had passed orders on the issue dated 6.10.2020 and an advisory dated 6.11.2020 while the matter was sub judice before the Hon'ble Bombay High Court. The final decision of the Hon'ble Bombay High Court in the aforementioned matter was pronounced only on 18.1.2021. Despite that, the NBSA deemed it fit to adjudicate the complaints of media trial against different channels during the pendency, in line with the purpose of self regulation that the Hon'ble body was conceived with and in tandem with its duty towards highest standards of independent journalism. In light of the above reasons, the complainant stated that the proviso to Regulation 7.2 of the NBSA Regulation was not attracted.

In respect to the broadcaster's allegation of non-compliance with Regulation 8.4 i.e. to provide a declaration, the complainant stated that the allegation was wholly false, as the declaration was filed before the Hon'ble Authority on 29.5.2021.

The complainant stated that the broadcaster had in its reply claimed that it was a responsible media house of the country that fairly and objectively reported in the impugned programme how the accused "*got worried and aborted their plans after they were exposed by Zee News, in its programme*". The complainant stated that these allusions were drawn by the anchor from the private chats of the accused and not only was the veracity of these chats questionable, but they also violated the fundamental right to privacy and the Fundamental Principle 6 of the Code of Ethics and Broadcasting Standards.

Further, in its reply the broadcaster claimed that it had, "*fairly reported and analysed the agenda and motive of Disba Ravi and Greta Thunberg to destabilize the Indian Government*". In this regard, the complainant stated that destabilizing Indian government is a crime under the Indian Penal Code, 1860 which requires establishing motive and agenda of the accused. Therefore, it stated that the broadcaster had in the course of the programme setup a parallel court, adduced and attributed guilt to accused, when an FIR against them had just been filed. The broadcaster had even gone on to admit this in its reply and had thereby implicitly admitted to the aforementioned violations by way for writing.

Furthermore, in its reply, the broadcaster had explained how the accused made a toolkit and defamed India and had relied on a WhatsApp conversation to establish that it was in response to the coverage of the channel that the accused "*aborted their mission*". The complainant stated that the channel had taken over the role of not only the judiciary but also the investigative agencies. It had relied on alleged private chats, whose veracity is itself doubtful to adduce the guilt of the accused when investigation in the crime and the accused's role in it are underway. This sensationalist approach was violative of Fundamental Principle 1 and 2 of the Code of Ethics and



Broadcasting Standards. Further after actively making these deductions, portraying the accused as guilty of being traitors to the nation, the broadcasters had claimed that they merely reported on the FIR No. 49/2021 which is far from the truth. The channel in its coverage had credited themselves for the failure of the conspiracy and made statements such as *“Our swiftness forced the “toolkit Andolanjeevis” to abort their mission”*, *“Our hashtag on social media #Gretathunbergexposed was continuously trending. It was trending No. 1 in India and No.3 in the world.”*, *“You’ll be astonished to know that Disha Ravi and Greta Thunberg pressed abort button on their mission against India. They pressed the abort button of this mission. They had understood that they can’t go ahead with this planning. This is exactly like how before a war, when a enemy aborts his mission – that is he stops his mission. If that day we had not exposed Greta Thunberg that day then the condition of the farmers protest in India would be something else. It can be said that these people formulated really gigantic scheme against India but Zee News came in the way of these schemes. Owing to which the schemes were unsuccessful.”* In view of the above, the complainant stated that the reporting was not only on the facts of the case but the channel was presenting one point of view that it not only believed in but was playing an active role to present it as the only view thus violating the fundamental principle of objectivity, impartiality in reporting as well ensuring neutrality. With the full knowledge that the FIR had been registered, the judgement of the channel against the accused violated the Special Guidelines for Reporting Court Proceedings.

Further, it stated that it was only in the reply that for the first time the broadcaster used the term *“allegedly”* in regards to the accused but ironically it was followed by sweeping judgement that, *“we have exposed Disha Ravi and Greta Thunberg in our impugned programme”*. The complainant stated that the usage of the term exposed points to an illegal action being carried out by the accused and to the guilt of the accused and therefore pre judged the issue at hand.

The broadcaster in its reply claimed that being a responsible media house of the country, it has a right and constitutional duty to highlight and expose the intentions and agenda of the people conspiring against the country. However, the Bombay High Court while evaluating the question of media trial of Sushant Singh Rajput held that, *“If indeed the channel is in possession of information that could assist the investigator, it ought not to be part of a news coverage but it would be the duty of such channel to provide the information that it has to the police under sections 37 to 39 of the Cr.P.C. to facilitate a proper investigation.”* The complainant stated that it was the duty of the channel to place on record any material available to them that would aid in the investigation of the crime instead of airing a programme about it and claiming that to be news. Further, the claim of the channel that it is the duty of the media to uncover criminals is fundamentally wrong and the channel was overstepping and interfering in the duty of the police. The complainant relied on the judgment in *Maria Monica Susairaj v. State of Maharashtra, 2009 Cri LJ 2075* in its support.

The complainant stated that there was no semblance of responsibility displayed by the channel which is both a mandate of the Courts as well as the Code of Ethics and

under the Specific Guidelines for Reporting Court Proceedings. That since the broadcaster had in its reply stated that the facts presented in the impugned coverage were already known to the public from the plan of action to destabilize the Indian government, it is clear that the broadcaster had conclusively accepted that the trial of the accused by them was complete, thereby leaving the viewer grasping for reasons as to why the Court was taking so long to adjudicate the matter. Through these judgments made both in the programme as well as in its reply, the complainant reiterated that the channel had attempted to replace the judiciary.

Further, while the broadcaster had in its reply claimed that the statements made in the impugned coverage were based on the press conference of the Delhi Police, however this was in direct contradiction with previously made claims of the channel made during the programme that it was because of its coverage that the conspiracy did not culminate in the plan of action. The complainant further stated that the preconceived judgment of the channel led to a widespread social media campaign attributing guilt to the accused on the channels behest. The audience that was watching the show and was on social media platform Twitter, was asked to use the hashtag #AskGretaWhy and make their voice heard and the broadcaster had a huge impact on the minds of the viewers which could include members of the investigating agencies, judiciary etc and thus cause a substantial risk to administration of justice.

Furthermore, the broadcaster had in its reply failed to address the use of hyperboles and adjectives such as “*traitor*”, “*exposed*”, “*why does she hate India so much*”, in gross violation of the Advisory on Use of Adjectives and Hyperbole, 2012. The complainant stated that despite these clear guidelines the channel had in the impugned programme used hyperboles and adjectives to cast direct aspersions on the guilt of the accused and the entire investigation.

In view of the aforesaid, the complainant stated that the impugned programme lacked neutrality, objectivity, impartiality and was instead a judgement presented to the viewers as facts. That while exercising its freedoms, the media must act responsibly and abide by journalistic standards and the law in disseminating information. It must not only be held to standards of accountability but also to the consequences of media trial.

The complainant stated that the broadcaster had in its reply untenably placed the actions of the channel above and beyond the constitutional mandate and relied on the judgment of the Hon’ble Supreme Court in *Yashwant Sinha v. Central Bureau of Investigation*,<sup>1</sup> in support of its argument.

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<sup>1</sup> AIR 2019 SC 1802, at para. 15.

### **Hearing on 24.9.2021**

Both the parties were present on 24.9.2021. However, since the broadcaster requested for an adjournment of the hearing. NBDSA adjourned the hearing in the matter to 28.9.2021.

On being served with notices the following persons were present at the hearing on 28.9.2021:

### **Complainant**

Ms. Manavi Atri, Advocate  
Ms. Shilpa Prasad, Advocate

### **Broadcaster:**

Ms. Ritwika Nanda, Advocate  
Mr. Piyush Choudhary  
Ms. Annie

### **Submissions of the Complainant**

The complainant submitted that the impugned programme **“DNA Live / Sudhir Chaudhary के साथ देखिए DNA / Ask Greta Why /”** was aired on 16.2.2021 at 9PM in connection with an earlier programme aired by the broadcaster on 3.2.2021. That the tone and tenor of the impugned programme was in the nature of expose of the accused persons relating to a propaganda to destabilize India.

The complainant relied on the judgment of the Hon’ble Bombay High Court in *Nilesh Navalakha v. Union of India & Ors.* to submit that despite the clear ruling of the High Court as well as the plethora of Guidelines of NBA/NBSA, the broadcaster had in the impugned programme not only passed judgment on the criminality of the accused but also stated that it is the constitutional duty of media channels to uncover criminals which is absolutely incorrect.

That despite knowing that an FIR had been registered and the accused was arrested, the broadcaster failed to refrain from commenting on the investigation in violation of Guidelines 6 of Specific Guidelines for Reporting Court Proceedings which states *“After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing investigation or evidence collected or produced before a Court, Tribunal or other judicial forum.”*. The complainant submitted that from a reading of the Guidelines, it is clear that the guidelines are not recommendatory rather they are binding. Under the guidelines there is an obligation on the channels to not comment and evaluate any crime once an FIR has been registered. It asserted that the channel was fully aware that an FIR had been registered and had not made any comment to the contrary.

Further, it submitted that apart from the title of the programme, another title “आंदोलन की साजिश वाली दिशा का विश्लेषण” was pinned to the screen throughout the programme, which appeared to be a play on the name of the accused and also dictated the tenor of the entire programme. That during the programme the anchor and editor in chief of the broadcaster used the following words “yudh”, “abort”, “expose” and “tukde tukde gang” and drew a parallel with the terminology of war to cast clear aspersions on the fears of the accused after branding them as “tukde tukde gang”.

The complainant submitted that impugned programme was broadcast in clear violation of Fundamental Principles 1, 2, 4, 5, 6 and Principles 1 and 2 of Self-Regulation under the Code of Ethics and Broadcasting Standards. That the purpose of news is not to air opinions and make people believe in such opinions rather news should be educative and informative. In the present case, the broadcaster had already decided what the truth is and had masked opinions as facts. Further, it submitted that if broadcaster had any information they were required by law to go as informants to the police instead of airing a programme about it and claiming that to be news. In the impugned programme, not only had the broadcaster presented one-sided information but had also declared itself to be responsible for the arrest of the accused.

That from the statement “*The person looking to bring disrepute to India all over the world through the tool kit – Disha Ravi and Sweden’s famous environment activist Greta Thunberg, what is the relationship between both of them and how both of them together were conspiring against India*” made by the anchor during the impugned programme, it is clear that the broadcaster had already decided that Disha Ravi & Greta Thunberg had decided to bring disrepute to the country and destabilize India which is a crime under the Indian Penal Code. The complainant submitted that these allusions were drawn by the anchor from the private chats and not only was the veracity of these chats questionable, but the broadcaster had by sharing these chats also violated the fundamental right to privacy and Fundamental Principle 6 of the Code of Ethics and Broadcasting Standards. Further, following sensationalist statements were made by the anchor during the impugned programme without any basis to cast aspersions on the accused:

*“You’ll be astonished to know that Disha Ravi and Greta Thunberg pressed abort button on their mission against India. They pressed the abort button of this mission. They had understood that they can’t go ahead with this planning. This is exactly like how before a war, when a enemy aborts his mission – that is he stops his mission. If that day we had not exposed Greta Thunberg that day then the condition of the farmers protest in India would be something else. It can be said that these people formulated really gigantic scheme against India but Zee News came in the way of these schemes.”*

*“Disha Ravi is not an innocent 22-year-old girl. She knows everything, she knows the laws, she also knew exactly what she was doing. She knew the gravity of it and how serious the issue is. She knew she was doing acts of a traitor against the country. (Flashes videos of her coming out the Judicial Magistrate in Delhi). That’s why when she saw Zee News coverage, she reached out to contact her lawyer at the first instance. Because she knew that now, her arrest is certain. Disha Ravi had understood that her secret is exposed. Her age is 22 years. And that age she knows all the laws relating to being a traitor. This 22-year-old and 18-year-old just think what have they set out to do? What are they doing and where has their childhood gone? And even in this age, then know how through a protest the image of India has to be damaged at the international level. They know everything about creating a fake protest, negative name, how to trend hashtags, they know about it all. Biggest thing that I don’t understand is why does Greta Thunberg hate India so much? From this we also come to know these people for the farmer protest made many schemes. In the name of protests, they were also working on many more tool kits.”*

The complainant submitted that the impugned programme had a serious impact on the minds and judgement of the viewers who were denied accurate, neutral reportage regarding a matter of national importance by the statements wilfully made by the channel which can also be demonstrated through the social media tweets that were made with the hashtag #AskGretaWhy which the anchor urged the viewers to use during the programme.

### **Submissions of the Broadcaster**

At the outset, the broadcaster raised the issue of maintainability of the complaint. It submitted that since the issue raised by the complainant i.e., alleged media trial of Disha Ravi was already sub-judice before the Hon’ble Delhi High Court in the matter of ‘*Disha A. Ravi Vs. State (NCT of Delhi) & others; W.P. (C) 2297/2021* the Hon’ble Authority was prevented from entertaining the present complaint in light of the specific bar provided in proviso to Regulation 7.2 read with Regulation 7.5 of NBSA Regulations. The broadcaster stated that the bar was provided in the interest of justice to avoid duplicity of orders or conflicts in the orders or judgments of different courts. The broadcaster submitted that in proceedings pending before the Delhi High Court the following provisions were not brought to the notice of the Court when the permission was being sought to proceed with the present complaint. Further the broadcaster stated that the permission appears to not be a ruling of the High Court but rather is in the nature of no objection by the Petitioners. It asserted that in the petition pending before the Hon’ble High Court no specific averments have been raised in respect of the broadcaster and it may be possible that on viewing the broadcaster Disha Ravi herself may have had no objection in respect of the impugned broadcast. That since Disha Ravi who is the subject matter of the impugned broadcast, she has a higher locus than the complainant, therefore the broadcaster requested the Authority not to proceed with the complaint to avoid conflicting decisions especially since Disha Ravi herself has raised the issue of media trial before the Court. Furthermore, it submitted that since the Authority is a creature of the Regulation and is bound by the Regulation in absence of any provision

dispensing with requirements under Regulation 7.2 read with Regulation 7.5, the Authority should not proceed further with the complaint.

The broadcaster submitted that the complaint was also not made in the prescribed format as it was not accompanied by the Declaration prescribed under Regulation 8.4 and was therefore not maintainable. That under the declaration there is a specific requirement to the effect that no proceedings should be pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the Authority. However since the complainant has dispensed with Declaration all together, the broadcaster was not commenting on the same.

The broadcaster's third objection was in respect to the nature of reliefs that were being sought by the complainant. It submitted that under NBSA Regulations no power was vested with the Authority under Regulation 7.2 to direct the broadcaster to air an apology.

The broadcasters submitted that it is pertinent to note that the complainant had on 16.2.2021 issued an open call for action against media reporting on Disha Ravi on its Facebook page. That in the impugned broadcast aired on 16.2.2021 at 9 PM, a reference was drawn to an earlier broadcast on 3.2.2021 in which the broadcaster had done an expose on the controversial toolkit for the entire Republic Day parade and the farmers protest prior to Republic Day and for events leading upto it. The show was aired on 9PM and immediately after the anchor started reading the contents of the toolkit, the toolkit was deleted from the Twitter account of Ms. Thunberg. Thereafter the broadcaster submitted that around 9:12 PM the hashtag "*AskGretaWhy*" started trending and the subsequent events which are now discussed in the impugned telecast happened between 9:12 PM and 9:40 PM on 3.2.2021. In the toolkit, which was widely available with the media for a few minutes before it was deleted, the broadcaster submitted that there was a plan for a Twitter storm in which hashtags "*Ask India Why*", "*Farmers Protest*" etc. were planned to be used

That the transcript of the Whatsapp conversation between Ms. Disha and Ms. Greta was widely available and veracity of the chats was not in doubt and even Ms. Disha or her lawyers had not objected/denied the conversations in Court. The broadcaster submitted that the complainant's primary grievance is regarding the translated version of the transcript, wherein it is alleged that the anchor has claimed that Disha Ravi is not an innocent person. The broadcaster clarified that during the programme the anchor had used the term "*bholi bhaali 22 year old*" and not the word "*innocent*" as alleged. The said term was used only to show that Disha Ravi was aware of what she was doing and about the implications of her actions under UAPA which was evident from her Whatsapp chats.

In respect of the complainant's objection regarding the use of the term "*aborted*", the broadcaster submitted that the term was used only in the context of the toolkit the contents of which were exposed in the programme aired on 3.2.2021. That if the impugned programme is viewed as a whole it would be clear that minimal references

were made to Disha Ravi, rather in the programme the broadcaster had showcased the entire controversy that had happened.

The broadcaster submitted that under the Order passed by the High Court, media is permitted to report from verified sources. Therefore, the broadcaster asserted that it had only reported the truth based on information available to media channels and even the complainant had failed to cite even a single instance of reporting from unverified sources.

Further, the impugned programme did not impede administration of justice as alleged by the complainant as Ms. Disha Ravi was granted bail on 26.2.2021 only 10 days after the impugned broadcast. The broadcaster also denied the allegation that any kind of investigation or trial was conducted by it.

In response, the complainant submitted that the Authority is the only specific remedy that the complainant has in respect of its grievances and that it cannot approach the High Court for any post publication take down, apology or issuance of fine. In respect to objection regarding the Authority's power to dictate the time period for which apology is aired, the complainant submitted that under Regulation 7.1 read with Regulation 7.2 prescribes the different kind of formats in which the Authority can penalize a channel which includes an apology, and no limitation of time period has been discussed under the Regulations.

In respect of the objection raised regarding the Declaration, the complainant submitted that it has already filed a Declaration as early as on 29.5.2021. Further, it submitted that as per the constitutional mandate the citizens have right to receive untainted information and that opinions cannot be masked as facts.

### **Decision**

At the outset, NBDSA noted that the broadcaster has challenged the maintainability of the complaint under Regulation 7.2 read with Regulation 7.5 in light of the *Disha A. Ravi Vs. State (NCT of Delhi) & others; W.P. (C) 2297/2021* matter pending before the Hon'ble Delhi High Court. The Authority also noted that the Hon'ble Delhi High Court vide Order dated 27.9.2021 has clarified that "*the pendency of the petition will not in any way come in the way of the respondent no.3 i.e. NBSA from proceeding with any complaints received by it*". Therefore, NBDSA decided that in view of the above supervening order passed by the Hon'ble High Court and considering the fact that the said broadcaster has not been arrayed as Respondent in the matter, the Authority would proceed with the complaint.

However, since the Petitioner in the Writ Petition filed before the Hon'ble Delhi High Court had sought directions from the Court with regard to violation of the Petitioner's fair trial rights and right to privacy, by way of abundant caution NBDSA decided that, it would not consider the violations if any relating to Media Trial and the Right to Privacy which issues are already pending before the Hon'ble Court.

In light of the above, NBDSA looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage.

Since one of the first principles of the Authority is to maintain, improve and foster high standards in news broadcasting, on a viewing of the programme the Authority found that the broadcaster had violated Fundamental Principles 4 and 6 and Principle 1 of Self-Regulation under the Code of Ethics and Broadcasting Standards and the Specific Guidelines Covering Reportage relating to Accuracy particularly 1.6 as the programme was sensational and presented one sided information of a controversial public issue.

Further, the broadcaster had also violated the Advisory on Use of Adjectives and Hyperbole, 2012 by using words such as “*traitor*”, “*exposed*”, “*why does she hate India so much*”, “*Tukde Tukde Gang*”, “*Evidence Gang*” and “*Deshdrohi*” in the programme.

In view of the above, NBDSA decided to admonish the broadcaster and warn it to be careful in future while broadcasting on such controversial and sensitive issues.

Though the Authority is not opining on whether the programme violated Guidelines pertaining to Media Trial, the Authority reiterates that while reporting on any on-going criminal investigation, the broadcaster should refrain from airing any news item and/or discussion/debate which may cause prejudice to an ongoing inquiry/investigation, in line with the judgment of the Hon’ble Bombay High Court in *Nilesh Navlakha vs Ministry of Information & Broadcasting, UOI & Ors. (2021) SCC Online BOM 56* and NBDSA’s Advisory on “Media Trial” dated 20.2.2021.

In view of the above, NBDSA, therefore, directed that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately, and the same should be confirmed to NBDSA in writing within 7 days.

NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.



It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.

**Sd/-**

**Justice A.K Sikri (Retd.)  
Chairperson**

**Place: New Delhi**

**Date : 13.11.2021**