

News Broadcasting & Digital Standards Authority
Order No. 122 (2021)

Order of NBDSA (formerly known as NBSA) on complaint dated 20.8.2020 received from Mr. Suresh Babu P.P against Kairali News for airing news on 1.8.2020 and 4.8.2020

Since the complainant was not satisfied with the response of the broadcaster, the complaint was escalated to the second level, which is NBSA vide complaint dated 20.8.2020.

Complaint dated 9.8.2020 filed with the channel:

The complaint is against a news programme aired by Kairali News on 4.8.2020 at 14:00 PM and on previous dates. The complainant submitted that he is at present the Parantha (Kerala State) Saha Samparka Pramukh of Rashtreeya Swayam Sevak Sangh and is also a Government employee at Civil Station Kannur. He stated that the impugned show had been aired live on the basis of some revelations made by one P.K Chathu in an exclusive interview with the broadcaster's correspondent P.V. Kuttan on 1.8.2020. In the interview, it was alleged that the complainant had threatened Mr.Chathu with dire consequences if he proceeded with his complaint against Sri.V.Sasidharan, who is the Kannur Vibhag Saha Karyavahak of RSS regarding a property dispute between Chathu and George@Thankachan, a crusher owner and present DCC secretary.

The complainant stated that post the interview, he received calls from many persons from various parts of Kerala State, including different Party leaders and workers and office staff of his Department about this issue, which he was completely unaware of since he had no acquaintance with Chathu. Post the interview; the complainant enquired about Chathu and came to know that he was a convicted prisoner for life imprisonment in a murder case (SC No. 451/2011 on the file of Addl Sessions Court II, Thalassery dated 28.3.2019) and was currently out on parole. Further, Chathu was also an accused SC No. 457/13 on the file Addl. Asst. Sessions Court Thalassery for attacking one Vasantha. The complainant also alleged that Chathu had murdered his own cousin, brother Vasu on 18.3.2010 in revenge for Chathu's failure in a civil case by inflicting brutal injuries all over his body. The complainant submitted that the entire locality was against Chathu and he was a person of unsound mind who had made allegations against all persons in the locality and was also threatening the local persons.

The complainant submitted that the allegations aired were concocted and made with an ulterior motive to degrade his reputation in society without giving him an opportunity to give an explanation. The complainant stated that the impugned programme caused damage to the reputation of his organization and that of Mr. V.

Sasidharan, who is the Vibhag Saha Karyavahak of RSS and the First Informant in Kadiroor Manoj Murder case in which CPM former District Secretary P. Jayarajan is a prime accused.

The complainant alleged that the broadcaster had conspired with his Correspondent P.V. Kuttan and the accused CPM leaders in the Kadiroor Manoj Murder case to air the programme in an attempt to discredit the evidence of Sasidharan as a First informant witness. Further, he stated that the above case was being investigated and a charge sheet was filed by CBI, and the case was pending before the CBI Special Court. The complainant reiterated that he had no connection with Chathu and the allegations and the discussions aired by the broadcaster were highly defamatory to the complainant and his organization.

Furthermore, the complainant stated that the property dispute and mediation talk of Chathu had no connection either with RSS or with him and the broadcaster had by airing the interview violated the principles and norms of the broadcasting of news by degrading the reputation of an organization like RSS and the social reputation of the complainant and another office-bearer Sasidharan without any proof from Chathu and without seeking any explanation from the complainant. He submitted that the intention behind the publication of the fake news was to cause disharmony in the mind of CPM and RSS party workers and thereby create political violence in the District.

Further, the complainant also highlighted that while the Code of Ethics and Broadcasting Standards prescribed by NBA required news channel to advertise a legal head and the details of the concerned broadcaster with the specific designation, however, no such details were available on the website of the broadcaster. He submitted that the conduct of the broadcaster was against the norms and the Code of Ethics prescribed by the News Broadcasters Association. He reiterated that the only purpose of the impugned programme was to demoralize the organization and its leaders of RSS in Kannur District. Further, while the broadcaster, while reporting a news item, was expected to maintain accuracy and impartiality, however, the broadcaster violated this norm. The complainant furthermore submitted that he had serious grievances against the reporting and the impugned programme was highly defamatory and badly affected the complainant's reputation in society.

Reply dated 14.8.2020 from the channel:

The broadcaster, denied the allegation that the details of the concerned broadcaster were not provided on its website. It stated that the details of the concerned person along with the contact address is available on its websites.

The broadcaster admitted that it had aired a news byte of Mr. Chathu on 1.8\ .2020, and corresponding news was aired on 4.8.2020 at 14:00 PM. However, it denied the

rest of the allegations levelled against it in the complaint. The broadcaster stated that it was a fact that Mr. Chathu, an active worker of Rashtriya Swayamsevak Sangh had made critical accusations against the complainant and Mr. V. Sasidharan. He had revealed that Mr. V. Sasidharan had collected bribe amounting to Rs 3 Crores from Mr. Thankachan, Secretary, D.C.C. Kannur, who owned and operated a quarry in the land belonging to Mr. Chathu. Mr. Chathu had stated that said amount was due to him as rent for operating the quarry and being the leader of the organisation to which he and Mr. V Sasidharan belonged, he approached the complainant with a complaint in this regard. However, the complainant instead threatened Mr. Chathu himself. The broadcaster stated that Mr. Chathu had on 1.8.2020 also called for a press conference, wherein he reiterated that the complainant had threatened him. The broadcaster stated that the press conference refuted the allegations made by the complainant against it and established that the news item was a matter intended to be in the public domain.

Further, the broadcaster stated that in the impugned programme, it had maintained an impartial stand and had even contacted Mr. N. Haridasan, President, B.J.P. Kannur District, and his response in the matter was also aired on 1.8.2020. Further, even during the impugned programme on 4.8.2020, it had aired that R.S.S leadership had denied the statements made by Mr. Chathu, thereby giving the complainant's side a chance to give their explanation.

The broadcaster denied that it had made defamatory statements against the complainant in the programme and that the purpose of the impugned news programme was to demoralise RSS and its leaders. It stated that the allegation of the complainant that Mr. V. Sasidharan is the first informant in the Kadiroor Manoj murder case had no relation to the statements made by Mr. Chathu during the impugned news programme and press conference. Rather, the broadcaster stated that the aforesaid allegation was made by the complainant only to deviate from the allegations made against him by Mr. Chathu.

The broadcaster stated that it did not telecast any fake news or any news item intending to cause disharmony or violence among RSS and CPM members as alleged in the complaint. Further, the broadcaster stated that it strictly adhered to the Code of Ethics and Broadcasting and Standards mandated by the NBSA and Government of India.

Additionally, the broadcaster stated that the failure on the part of the complainant to demand any remedy in the notice manifests the facts that the allegations made against it are improper, unwarranted and baseless.

Complaint dated 20.8.2021 filed with NBSA:

The complainant stated that he was not satisfied with the response received from the broadcaster, as in its reply, the broadcaster was not ready to admit its faults. The

complainant stated that since the date of the first defamatory broadcast against him and his organization, i.e., 1.8.2020, no attempts have been made by the broadcaster to contact him to date. Therefore, the broadcaster's claim that it had maintained an impartial stand in the news program was incorrect. Further, the claim of the broadcaster that it had aired the response of Mr. Haridasan, the District BJP president, on 1.8.2020 was not satisfactory as Mr. Haridasan is not an office-bearer of RSS and is only responsible for answering allegations against BJP only and not against RSS. The complainant reiterated that the broadcaster was responsible for publishing an explanation of the complainant and RSS state leadership in person as the broadcast was highly defamatory. Further, the broadcaster has in its response not properly clarified the news aired on 1.8.2020, which is claimed by it as a sting operation of the channel correspondent P.V.Kuttan and said P.K.Chathu. Even the claim that Chathu is an active member of RSS was incorrect. Therefore, the complainant stated that from the aforesaid, it was clear that the broadcaster had violated Section 1 of the Code of Ethics and appropriate action should be taken against them.

Decision of NBSA on 18.2.2021

NBSA considered the complaint and response from the broadcaster. NBSA decided to call the broadcaster and the complainant for a hearing on 16.7.2021.

The broadcaster vide letter dated 10.7.2021, sought an adjournment of the hearing scheduled on 16.7.2021 due to lockdown in Kerala due to Covid 19 pandemic. NBSA considered the request and decided to defer the hearing to the next meeting of NBSA on 24.9.2021.

On being served with notice the following persons were present at the hearing held on 24.9.2021:

Complainant:

Mr. P.P.Suresh Babu
Mr. P.Premarajan, Advocate

Broadcaster:

Mr. P.V. Dinesh, Advocate
Mr. N.P.Chandrashekharan, Director (News and Current Affairs)

Submissions of the Complainant:

The complainant submitted that in the impugned programme which was aired on 1.8.2020, allegations made were aired without any documentary evidence. That in the programme, the broadcaster has glorified a convicted accused in a murder case to demoralize the him and his organization. The allegation aired on 01.08. 2020 against him is that " *I was asked to convey this matter to Suresh Babu . I went to his house and*

explained the situation. He said he knows everything and asked me don't you know what would happen if you tell someone that Sasi has not given you any money ,You Know about Sangh Right". However, the complainant submitted that no complaint has been lodged against either him or his organization.

The complainant submitted that on the same day at 4 pm, the broadcaster aired a defamatory news that " *Chatu also revealed that he received death threat from RSS activist P.P. Suresh Babu. Revelation by Chatu in Kairali News in Hidden camera.*" Further they again repeated this news through their correspondent P.V.Kuttan between 16:02:28 PM to 16:04:10 that " *Chatu also said that another RSS activist P.P. Suresh babu has threatened to kill him if he revealed this issue".* The complainant reiterated that these allegations were aired without any evidence to substantiate them.

The complainant submitted that the impugned new aired against him was highly defamatory in person and against his organization and that the broadcaster has never contacted him either before or after airing such baseless allegations. Therefore, he asserted that the broadcaster has violated the principles of accuracy and fairness in reporting as the news published was based on the revelation of Chathu who is a convicted prisoner on parole for committing murder of his own cousin brother.

The complainant submitted that since the letter allegedly issued by Mr.Sudarshan addressed to one Rakesh did not show any relationship between Mr.Chathu and RSS or with RSS leader Sasidharan and the issue of bribe and threatening, the news aired on 4.8.2021 also lacked accuracy and fairness. That the broadcaster had failed to comply with the requirement of pre-publication verification before airing the impugned news against him and RSS leaders. He submitted that it is mandatory that "*receipt of a report or article of public interest and benefit containing imputations or comments against citizen, the editor should check with due care and attention its factual accuracy apart from other authentic sources with the person or organization concerned to elicit his/her version, comments or reaction and publish the same alongside with due correction in the report necessary.*"

Further, he submitted that since Mr. Haridasan, BJP District President is neither a spokesman nor any office bearer of RSS and is not associated with him, he had no authority to represent RSS as an organization and the complainant as a part of that organization or as an individual. Therefore, the claim of the broadcaster that they had obtained his response and the response of the RSS through Haridasan was incorrect. The complainant therefore submitted that the broadcaster had failed to exercise due care and caution before airing the impugned news.

Submissions of the Broadcaster:

At the outset, the broadcaster submitted that the instant submissions may be read as a part and parcel of the detailed written submissions filed by it. It submitted that Mr. P. K. Chathu had complained that Mr. V. Sasidharan, the RSS Saha Karyavahak, Kannur Vibhag had swindled an amount of Rupees Three crores which Mr. PK Chathu was supposed to receive from the District Secretary of INC Mr. C.J. Thankachan for quarrying in the property belonging to Mr. P.K Chathu. Further, it is submitted that the Kerala Prantha RSS Saha Samparka Parmukh, Mr. Suresh Babu P.P had threatened to finish off Mr. PK Chathu if he decided to proceed with the complaint.

The broadcaster submitted that it had decided to carry the impugned news report after verifying the complaint which Mr. PK Chathu had given to the RSS Pranthiya Karyavahak Mr. P. Gopalan Kutty and the subsequent letter written and given to Mr. PK Chathu by the RSS State Leader and Saha Karyavahak Mr. Sudarshan, suggesting him to hand over the letter to an RSS local leader Mr. Rakesh, whereby the RSS leadership of Kannur District was directed to intervene in the matter. Both the letters were exposed through its news channel on 04.08.2020.

It submitted that since Mr. Chathu was afraid to reveal the complaint openly and wanted to give the interview styled as a sting operation, it was filmed as a sting operation as per the demand of Mr. Chathu and telecast on 01.08.2020 at 10AM. That since this news report was aired to the public, Mr. PK Chathu acquired courage and called a press conference where he disclosed the said matter. Various other media had also aired this news report which was only a statement of facts that was subsequently in public domain and had also been stated in a press conference.

That in the impugned programme, all corners of the society were provided with the opportunity to express their opinion regarding the accusations raised. This matter was discussed on the news channel on the same day itself from 4 pm to 5pm with panellists Mr. P A Salim, Leader of INC, Mr. N. Haridas, District President of BJP, Mr. OK Vasu, Former Leader of the BJP, Mr. K Sajesh, Leader of the DYFI, Mr. M. Jayachandran, Senior Journalist participated in the discussion. It is to be noted that the representatives of the INC and BJP opined against the claims of Mr. PK Chathu. It is also pertinent to note that the broadcaster had also invited Mr. Valsan Thillankeri, the then State Vidhyarthi Pramukh and prominent leader of the RSS from Kannur for the discussion who had informed the broadcaster that RSS was not ready for an open discussion in the matter.

The broadcaster humbly submitted that the subject matter of the news is a matter which had been brought to the public domain by the Mr. Chathu himself and subsequently he had registered a complaint with the Police at the Cyber Cell, Kannur bearing crime number 23.8.2021. Hence it submitted that the subject matter is not

baseless at all. Further, it reiterated that the story was not exclusively aired by the broadcaster but was also carried on by other channels and print media.

The broadcaster submitted that the airing of programme was squarely covered under the right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India and was not restricted under Article 19(2) of the Constitution of India.

Further, it submitted that, if at all, the complainant or his organisation were aggrieved or defamed by Mr.Chathu's action then they should have proceeded against Mr.Chathu at the first instance. However, no legal proceedings have been initiated by the complainant against Mr.Chathu. Furthermore it submitted that Mr. Chathu's conviction in a criminal case, has no relevance to the present issue and that while it does not disregard that Mr. PK Chathu is a convict in a murder case, but as an ordinary person in the society, he deserves consideration to raise complaint against powerful persons. It is the duty of the Medias to become the voice of the voiceless. Hence, the broadcaster decided to let the public listen to Mr. P.K Chathu.

It was also reported along with the news that the RSS has denied all the allegations of Mr. PK Chathu and that the RSS has made it clear that Mr. PK Chathu is in no manner related to the RSS. Further it was reported that the RSS took a stand, not to go for an open response against the accusations of Mr. PK Chathu. Furthermore, it submitted that as a responsible media channel the broadcaster is willing to broadcast the response of the RSS or Mr. Suresh Babu, who is one among those accused by Mr. PK Chathu if he so desired.

Decision

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 transcript of the programmes (translated into English).

NBDSA noted that the broadcaster had stated during its submissions that as a responsible media channel, it had invited prominent leaders of the RSS from Kannur for the programme who chose not to participate and therefore it had attempted to give all versions of the story in question in the impugned broadcast. In spite of the above, the broadcaster still offered to air the response of the complainant if he so desired.

In view of the above, NBDSA decided that the programme did not violate the Code of Ethics & Broadcasting Standards or Guidelines and therefore no further action was required on the complaint.

NBDSA decided to close the complaint 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 : 19.11.2021**