

**News Broadcasting & Digital Standards Authority**  
**Order No. 124 (2022)**

**Order of NBDSA (formerly known as NBSA) on complaint dated 9.9.2021 by Mr. Srinivasan against Puthiya Thalaimurai for airing a programme on 8.9.2021**

Since the complainant was not satisfied with the reply of the channel, the complaint was escalated to the second level, i.e. NBDSA.

**Complaint dated 9.9.2021:**

The complainant had lost Rs 97,500 in an online scam regarding which he had filed a cybercrime complaint. On 7.9.2021, the complainant stated that when he was approached by reporters from media and news channels, including the broadcaster regarding the details of the scam, he provided the details of the amount lost by him. However, on 8.9.2021, the complainant alleged that the broadcaster, without his knowledge and consent, misused his WhatsApp profile picture and Facebook picture by airing it in a programme on the channel and on the You Tube Channel.

**Reply dated 15.9.2021 from the broadcaster**

The broadcaster stated that it had on 8.9.2021 broadcast news concerning an amazon online scam which was done by a group of people which created a sensation that “*the unemployed can earn Rs.200/- within 10 minutes to the extent of Rs.8,000/- per day*”. The impugned news report was based on a complaint filed by Mr. Srinivasan before the cybercrime police station on 7.9.2021 in connection to the said scam. Since Mr. Srinivasan seemed to have lost Rs.97,500/-, the reporter had gone to Mr. Srinivasan to ascertain the facts of the complaint. Mr. Srinivasan mentioned that his friend Mr. Manohar was handling the complaint on his behalf, and accordingly Mr. Manohar had also shared the text messages along with the pictures of Mr. Srinivasan and concerned phone number of amazon scam.

As a responsible news channel, it had telecast the impugned news along with the photos of complainant with bona fide intention, the news was broadcast to bring awareness, safeguard the interest of the public and alert the viewers. It reiterated that the reporter had gone to the complainant’s house, and with his full knowledge, had collected the complainant’s pictures along with all the relevant information. The impugned broadcast also carried the sound byte of Mr Manohar-who is the complainant’s friend.

The broadcaster stated that it was duty-bound to telecast the news along with the complainant’s photos for authenticity of the news and it did not have any malafide intention to expose Mr. Srinivasan for any other reason. It neither misused his photos nor violated any law. Therefore, the complaint need not be proceeded any further.

After this incident, the Cyber Crime police shared a detailed press note on such frauds happening around the city and informed the public to be aware. The impugned news was aired created a major impact on such incidents by bringing public awareness to the incident. The broadcaster stated that the entire broadcast was for a duration of 2 min 50 seconds and was broadcast twice by it.

**Counter reply dated 16.9.2021 from the complainant:**

The complainant stated that he had categorically refused to share his photos with the reporter. The broadcaster despite his clear refusal, misused his WhatsApp profile picture and Facebook picture by airing them without his knowledge.

He stated that the channel was attempting to mislead the Authority. That if he intended to create awareness himself, he would have given the interview to the broadcaster instead of his friend Manohar. Further, he stated that he had informed the broadcaster that he did not want to reveal his identity to anyone. However, the channel had in complete disregard his opinion and concern aired the impugned news which contained his photographs without his permission. The complainant stated that as a result of the impugned broadcast, his family, friends and relatives started questioning him about the scam. Further, as a result of the impugned broadcast he was also dropped from two new films as the Producer and Director believed that keeping him in the movies would be negative for them.

**Decision of NBDSA at its meeting held on 8.1.2022**

NBDSA considered the complaint, response from the broadcaster. NBDSA decided that the broadcaster and the complainant be called for a hearing.

On being served with notices, the following persons were present at the hearing on 10.02.2022:

**Complainant:** Mr. A.Srinivasan  
Mr. V.Manogaran

**Broadcaster:** Dr. V.Venkatesan, Advocate  
Mr. S.Karthigaichelvan, Editor-in-Chief

**Submissions of the Complainant:**

The complainant submitted that he was a victim of an online scam in which he had lost Rs 97,500 and for which he had filed a cybercrime complaint. After registering the complaint, on 07.09.2021, reporters from media and news channel came to his home, asking him about the scam and the details of the amount loss therein.

The complainant stated that he had shared the full details about the scam with the reporter. However, when the reporter of the broadcaster asked him for photographs relating to the scam, he had shared only the screenshots of the scam site and refused to share his personal photos. Further, he had even refused to give an interview in front of camera, as he did not want to reveal his identity as an actor. The complainant stated that it was his friend Mr. Manohar who gave an interview to the broadcaster on his behalf and who also requested the broadcaster not to show the complainant's identity. However, much to the dismay of the complainant, the broadcaster had stolen and used the complainant's WhatsApp and Facebook picture without his knowledge in the broadcast aired on 8.9.2021 and consequently when he had filed a complaint with the broadcaster, the broadcaster falsely stated that the images were shared by his friend, which was not true.

#### **Submissions of the broadcaster:**

The broadcaster submitted that the impugned news report was about an online scam in which the complainant had lost about 97,500 rupees and had consequently filed a complaint before the cybercrime branch police at Vadapalani Chennai based on which the police also gave a CSR report. Since the news was regarding a scam and online transaction, it was big news and was dutifully broadcast by the channel twice for a duration of 2 minutes and 50 seconds on the next day, i.e., after the complainant filed the cybercrime complaint and the Police registered the CSR.

The news article was only carried out to create awareness amongst the larger public and viewers in the best interest of society. Further, after this incident, the Cyber Crime police had shared a detailed press note on such frauds happening around the city and warned the public to be aware.

The broadcaster submitted that as a responsible media house, it was responsible for broadcasting accurate news. However, since the complainant was reluctant to give an interview, he introduced the broadcaster to his friend Mr Manohar who gave the interview on his behalf. Further, the broadcaster stated that it had not defamed the complainant or said anything wrong about him in the impugned broadcast. It had only reported that Mr. Srinivas had lost Rs. 97,500 because of some scam and had advised the public to be alert. It was relevant to note the Section 2 – Principles of Self-Regulation under the Code of Ethics & Broadcasting Standard, particularly the principle relating to Impartiality and Objectivity, which emphasizes Accuracy by stating that “*Accuracy is at the heart of the news television business. Viewers of 24 hour news channels expect speed, but it is the responsibility of TV news channels to keep accuracy, and balance, as precedence over speed*”. In the instant case, the complainant who is an actor and a victim of a cybercrime was responsible for informing the public about the scam.

The broadcaster submitted that the principle of Privacy enumerated under the Code of Ethics states “*However, it is also understood that the pursuit of the truth and the news is not possible through the predetermined principle of prior permission; hence door stepping individuals or*

*authorities for the purpose of newsgathering may be used only in the larger purpose of public interest*”, that since the complainant had lost significant money in an online scam, the news report was broadcast in the public interest to alert the viewers regarding such scam. The broadcaster relied on the judgment of Hon’ble Supreme Court in *KS Puttaswamy (Retd) versus Union of India and Ors. WP (C) 494/2012*, and on Section 92 of the Indian Penal Code, 1860 to state that it had no ill intention behind airing the impugned news report, which the broadcaster reiterated was aired only in the public interest to inform the viewers about the online scam. Further, it submitted that it was Mr. Manohar, who is a friend of the complainant and was handling the issue on behalf of the complainant who had given the details and photographs of the complainant to the broadcaster. That it was pertinent to note that had the complainant not given the phone number of his friend Mr. Manohar, the broadcaster would not have had the source for the photo or the entire news.

Furthermore, the broadcaster submitted that under proviso 2 to Regulation 7.2 of the News Broadcasting Standards Regulation which states that *“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*, since here a complaint was pending before Cyber Crime Branch of Police, the Authority should not inquire into the complainant.

The broadcaster submitted that the case was not a private dispute or family dispute involving the complainant but was regarding a scam and was broadcast in the public interest and therefore did not violate the complainant's privacy as alleged. It relied on the judgment of Hon’ble Delhi High Court in *Naveen Jindal v. Zee Media Corp. Ltd 219 (2015) DLT 605*, to state that since the complainant was an actor and a public personality, he should not be so sensitive regarding the broadcast of the photographs in the impugned news report.

In response to the broadcaster's submissions, the complainant questioned the broadcaster as to what proof it had to show that his friend gave his photographs. The complainant stated that he had lost two movies due to the broadcast and consequent negative publicity.

### **Decision**

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

In respect of the submissions made by the broadcaster on proviso 2 to Regulation 7.2, which states *“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”*, NBDSA noted that the matter pending investigation with the Cyber Crime Cell, was with regard to the scam/fraud

committed on the complainant whereas the present complaint dealt with the issue of complainant's photograph being broadcast without his consent on a programme relating to the said scam. Therefore, NBDSA observed that the subject matter of the cyber complaint is different from the complaint pending before it.

In view of the above, NBDSA decided to go ahead and consider the complaint.

NBDSA observed that the programme relating to the complainant being a victim of a scam was broadcast in the public interest. However, since the complainant had stated that he had not given his consent to his photograph's being shown during the telecast as it would portray him as a gullible person and this perception would not have been good for his profession as an actor, the broadcaster should not have shown his photograph. NBDSA, therefore, observed that by broadcasting the photograph without the consent of the complainant, the broadcaster had violated the Privacy of the complainant and the principle of Fairness under the Specific Guidelines Covering Reportage.

NBDSA further observed that it is not correct to say that the authenticity of the story would be affected if the photograph had not been telecast. The channel could have served its purpose by airing the story without showing the photograph of the complainant, and it would have been sufficient if the broadcaster had stated that the person scammed was an actor from the film industry.

In view of the above, NBDSA expressed strong disapproval about the manner in which the programme was aired and cautioned the broadcaster not to repeat such violations in future.

NBDSA also directs the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links immediately.

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 : 31.03.2022**