

News Broadcasting & Digital Standards Authority
Order No. 138 (2022)

Order of NBDSA on complaint dated 30.9.2021 from Mr. Indrajeet Ghorpade against Zee News, News18 MP/Chhattisgarh, News18 Rajasthan- broadcasts aired on 28.9.2021

Since the complainant was not satisfied with the response received from the channels, the complaints were escalated to the second level, i.e., NBDSA.

Complaint dated 30.9.2021:

On 28.9.2021, Zee News, News18 Chhattisgarh and News18 Rajasthan aired a video snippet of the farmers' leader, Mr. Rakesh Tikait, alleging that Mr. Tikait threatened the media with destruction if they did not support the farmers. The complaint stated that the reporting was inaccurate and violated NBSA's policy on reporting accurately.

While in the video, Mr. Tikait said, "*The main culprit is Dilli-wale (Centre), who have sold off half the country through its policies. Pay attention to what they do, too. They sold off the mandis of Madhya Pradesh. 182 mandis have been sold. Chhattisgarh will also not remain untouched. It is now time for everyone to join forces. Their next target is the media houses. If you want to survive, join us, or else you'll also be finished.*" However, the channels maliciously used only a part of the large video and falsely claimed that Mr. Tikait threatened to target and destroy media houses.

As per NBDSA's Guidelines, the complainant desired that the broadcaster issues a clarification about the violation committed and takedown the violating content from all their digital platforms for which he provided the links.

Reply dated 22.10.2021 from News18MP/Chhattisgarh and News18 Rajasthan

The broadcaster stated that in the complaint, it was alleged that its reporting was inaccurate and in violation of NBDSA's policy on reporting accurately and that it had selectively used only a part of a large video. Hence the broadcaster should air a clarification.

The broadcaster denied the allegations made in the complaint and stated that it had not violated NBDSA's Guidelines or any other applicable Guidelines, rules or law. The impugned telecasts were consistent with the NBDSA's policy on accurate and fair reporting. Further, it denied the allegation that it had "*maliciously used only a part of the large video and falsely claimed that Mr. Tikait is threatening to target and destroy media houses*". The broadcaster stated that the allegation was false and militated against facts. The channels or its personnel had no intention to show Mr. Tikait in bad light or otherwise and have no personal interest in his affairs, much less any malice towards him, as alleged. It is only interested in effectively disseminating newsworthy material to the public at large. The story in question was also telecast with this interest in mind alone.

The broadcaster stated that it had even before the receipt of the subject complaint along with the video clip aggrieved of, already aired the subsequent clarification given by Mr. Tikait, indicating that he was merely referring to the threat which could emanate from the

Government towards the media if they chose not to help the farmers' cause. In fact, the said clarification was already provided in the impugned links shared by the complainant.

Since the demand made in the subject complaint had been met, the broadcaster requested that the matter be treated as closed.

Reply dated 23.10.2021 from the complainant to NBDSA:

On 28.9.2021, Zee News and News18 Madhya Pradesh Chhattisgarh aired a snippet of a video of Mr. Rakesh Tikait, alleging that he had threatened the media with destruction if they did not support the farmers. This reporting was inaccurate and violated NBDSA's policy on reporting accurately. The channels used a cropped version of the full video to spread false information about Mr. Tikait. Even Aaj Tak, Quint and India Today clarified that the channel's claims were false.

The complainant stated that subsequently, on the same day, News18 Madhya Pradesh Chhattisgarh aired a 60 seconds clarification video where Mr. Tikait stated the allegations against him are inaccurate and again said that he doesn't want to destroy the media companies, but the Government might target them.

The complainant stated that he was not satisfied with the response of News18 because the clarification aired by it was 13 times shorter in duration compared to the time for which it had aired the false information. Moreover, its intention to air a cropped video initially was malicious, which it has denied.

Reply dated 26.10.2021 from Zee News:

The broadcaster stated that the complainant had raised objections concerning a programme aired by it on Zee News on 28.9.2021 which contained reporting of the statement given by farm leader, Mr. Rakesh Tikait to the Press on 28.9.2021.

The broadcaster stated that on 28.9.2021, the channel, from its sources, had received footage of Mr. Rakesh Tikait, wherein while addressing the Press, he had stated - "*Agla target media house hai. Aapko bachna hai toh sath de do warna aap bhi gaye*". That since on 27.9.2021, the channel had reported a sting operation, conducted by its team, exposing Mr. Naresh Tikait, the brother of the farm leader, Mr. Rakesh Tikait, it *bonafide* believed that Mr. Rakesh Tikait made the aforesaid statement as a counterblast to the sting operation conducted by the channel.

After realizing the aforesaid inadvertence, as a responsible news channel, it had on 22.10.2021, clarified and reported the true context of the aforesaid statement made by Mr. Rakesh Tikait to the Press on 28.09.2021. Along with the true context of the abovementioned statement, it had also aired the entire statement of Mr. Rakesh Tikait in the programme. Further, it had also removed/deleted the footage of the impugned programme from its digital platforms.

The broadcaster reiterated that the aforesaid statement of Mr. Tikait was telecast only due to oversight and *bonafide* inadvertence, which was duly clarified by the channel. In view of the aforesaid, the broadcaster stated that it had neither breached nor violated any of the Guidelines/Code of Ethics and Broadcasting Standards.

Further reply dated 2.11.2021 from complainant:

The complainant stated that he was not satisfied with the response given by Zee News. While the channel had, in its reply, stated that it had aired the incorrect, defamatory news based on a clip received from its sources. However, NBDSA's Specific Guidelines require channels to gather information from multiple sources, verify, and when possible, not make false allegations and air anything that was obviously malicious and defamatory. The broadcaster failed to do all of this and played the cropped clip-on loop on its channel, falsely claiming that Mr. Tikait was targeting the media.

Further, the corrective measures taken by the channel were not satisfactory as Zee News aired the longer clip of Mr. Tikait's interview after a long delay of 25 days. In the less than one minute report, the broadcaster failed to mention that it had wrongly reported that Mr. Tikait was targeting the media. Moreover, the false reporting by the broadcaster was still available on the Twitter account of the Editor in Chief and CEO's official Twitter account and the official website of the channel:

Decision of NBDSA at its meeting held on 8.1.2022

NBDSA considered the complaints, response from the broadcasters and viewed the footage of the broadcasts. NBDSA decided that the broadcasters and the complainant be called for a hearing.

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

Complainant:

Mr. Indrajeet Ghorpade

Broadcasters:

TV18 Broadcast Ltd. [Channels-News18 MP/Chhattisgarh, News18 Rajasthan]

Mr. Puneesh Kochar, Counsel-Legal

Mr. Avinash Ojha, Associate Executive Producer

Zee Media Corporation Ltd. [Channel – Zee News]

Ms. Ritwika Nanda, Advocate

Ms. Annie, Assistant Manager - Legal

Mr. Anurag Singh – Editorial Representative, ZMCL

Submissions of the Complainant:

The complainant submitted that on 28.9.2021, Mr. Rakesh Tikait gave a media byte to the public wherein he explained how the Government has attacked the farmers and how media can also face a similar situation if they did not support the farmers.

However, the channels maliciously cropped the video and played only the second part of the video proclaiming that the farmers leader was now attacking the media and that if the media does not support the farmers protest then the farmers will attack the media. The complainant submitted that the video was a clear misinterpretation as the channels had conveniently left out the first part of the video.

In respect of Zee News, the complainant stated that he was not satisfied with the response received from the broadcaster as it had aired the clarification only 25 days later, even though the video had been debunked. That under the Guidelines, news channels are required to issue a clarification within 24 hours however, in the instant case, the clarification came from the broadcaster only after 25 days.

In respect of News18 MP/Chhattisgarh, News18 Rajasthan, the complainant submitted that the broadcaster had while airing the clarification started the video by repeating the malicious misinformation, "*Rakesh Tikait has threatened the media. Said support us else next target is media houses*". Further, while airing the clarification the broadcaster has not stated that it had misreported the statement made by Mr. Tikait. That even the YouTube video containing the clarification, still continues to have a false title, false video description and false headline, which made it clear that the channel has no intention to clear its malicious misinformation. Therefore, the 60 seconds clarification aired by the channel had failed to serve its purpose.

Submission of the Broadcaster: Zee News

The broadcaster submitted that on 28.9.2021, it had received a footage of Mr. Rakesh Tikait, wherein, while addressing the Press, he stated - "*Agla target media house hai. Aapko bachna hai toh sath de do warna aap bhi gaye*". That it was not only the broadcaster but all other news channels had aired a snippet of the video in their broadcasts.

That since, the channel had reported a sting operation, conducted by the team of Zee News on 27.9.2021, exposing Mr. Naresh Tikait, brother of the farm leader, Mr. Rakesh Tikait, it *bonafide* believed that the aforesaid statement was made by Mr. Rakesh Tikait as a counter blast to the sting operation conducted by the channel. Further, in the snippet, it was unclear whether Mr. Tikait was threatening media or issuing a warning against government intervention.

The broadcaster submitted that while it had in its initial news report, misreported the statement made by Mr. Tikait. However, upon realizing the aforesaid inadvertence, on 22.10.2021, it had clarified and reported the true context of the statement made by Mr. Rakesh Tikait to the Press on 28.09.2021. Along with the true context of the aforesaid statement, it had also telecast the entire statement of Mr. Rakesh Tikait in the programme. Apart from airing the aforesaid clarification, it had also removed/deleted the footage of the impugned programme from its digital platforms.

Submission of the Broadcaster: News18 MP/Chhattisgarh, News18 Rajasthan

The broadcaster stated that the statement given by Mr. Tikait after arriving in Raipur on 28.9.2021 was unclear. Mr. Tikait had stated "*The next target will be media houses, if you want to be saved then join us, else you'll also suffer*," In the statement, Mr. Tikait did not categorically state that the next target of the Government was media. That even Amar Ujala, in Raipur had reported that the farmers leader had blatantly threatened media houses to either support the protesting farmers or become their next target.

Further, on realizing the error, the broadcaster submitted it had even prior to receiving the complaint, aired the subsequent clarification given by Mr. Tikait indicating that he was merely referring to the threat which could emanate from the Government towards the media.

The complainant in rebuttal stated that the broadcasters have falsely claimed that all channels had misreported the statement made by Mr. Tikait. Further, the clarification aired by the channels was much shorter and failed to serve its purpose.

During the hearing, NBDSA asked the broadcasters as to why prior to broadcasts, no verification of the statement was done from other sources? News18 submitted that both the videos were available on social media platforms and that it was based on verified sources including ANI, which too aired the said news report. The statement given by Mr. Tikait was unclear and gave the impression that the farmers leader was threatening the media houses.

Decision

NBDSA went through the complaints, response from the broadcasters, and also gave due consideration to the arguments of the complainant and the broadcasters and reviewed the footage of the broadcasts.

NBDSA noted that the present complaint arose from the reporting of a snippet of the press statement made by Mr. Rakesh Tikait on 28.9.2021. The snippet on which the broadcasters' reporting was based was "*the next target will be media houses.*". Since the broadcasters did not report the complete statement, therefore the telecast amounted to misreporting.

NBDSA noted that the broadcasters stated that this error had occurred inadvertently and that the broadcasters had on realizing their mistake, aired the clarification given by representatives of Mr. Tikait and the full press statement made by Mr. Tikait indicating that he was merely referring to the threat, which could emanate from the Government towards the media.

NBDSA was of the view that while broadcasting a clarification in respect of an inadvertent error, the broadcasters must bear in mind the principle of Corrigendum under the Code of Ethics and Broadcasting Standards which requires "*All news channels will keeping with the principle of due accuracy and impartiality, ensure that significant mistakes made in the course of any broadcast is acknowledged and corrected on air immediately. Corrections should also be scheduled in such a way that they attract enough viewer attention and are not concealed*" and the Specific Guideline Covering Reportage relating to Accuracy which states "*Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).*"

NBDSA observed that the broadcasters must adhere to the above principles not only in letter but also in spirit and, as far as possible, must ensure that errors of facts/mistakes are corrected at the earliest as it would help in improving broadcasting standards

In relation to the above Corrigendum and Guidelines, NBDSA noted that while News18 had aired a clarification on the same day, Zee News had broadcast the clarification 25 days

later as per its own admissions, which is a violation of the Code of Ethics and the aforementioned Guidelines.

Furthermore, NBDSA noted that none of the broadcasters had given sufficient prominence to the broadcast of the clarification, which was therefore, also a violation of the Code of Ethics and Guidelines.

In view of the above violations of the Code of Ethics and Guidelines, NBDSA decided to caution the broadcasters to be more careful while airing such news reports which are inaccurate and advised the broadcasters that if inaccurate news is broadcast, the clarification issued must contain the acknowledgment by the broadcaster of such an error and it must be aired immediately with sufficient prominence.

Furthermore, NBDSA decided to warn the broadcasters not to repeat the aforementioned violations in future.

NBDSA 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 of receipt of the Order.

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 : 13.06.2022