

**News Broadcasting & Digital Standards Authority
Order No 143 (2022)**

Complainant: Prof. Ann Mary Louis

Broadcaster: Asianet News

Date of Broadcasts: 6.5.2021 and 7.5.2021

Complaint dated 10.5.2021

The complainant stated that on 6.5.2021, around 9.30 am, an Asianet reporter, along with his colleague, came to St. John's College of Nursing, Kattappana, and encroached into the college office when she was alone in the office complex. Without obtaining any permission, they took various visuals of her and the female students in the college. Subsequently, a news programme was aired on the Asianet news channel and on social media, in which her version was manipulated by the broadcaster through editing. In the impugned programme, the following wrong messages were conveyed:

1. Students are compelled to do the RTPCR test 3 times.
2. Students have protested against conducting the classes.
3. The complainant has threatened the students who have protested.
4. Though the University is permitted to organize classes in small groups, college authorities have conducted offline classes for all batches of students.

The complainant reiterated that false statements were aired during the impugned programme, and the reporter had manipulated her version by including some messages which were not expressed by her during his visit to the college. She alleged that in the impugned broadcast, neither any visuals of any offline classes nor of any protest by students were aired, which itself is evidence of the fake statements. That she had also received WhatsApp messages from the parents of the students complaining about this wrong news. Moreover, some of the parents had themselves contacted the reporter to express their agitation.

The complainant stated that she is a visually handicapped person, and by airing the impugned broadcast, the broadcaster has caused her mental agony, depression and also disfigured her reputation and that of her institution. That on 7.5.2021, at around 8 am, she lodged a telephonic complaint. However, she was not able to get any response from the broadcaster. Hence, she requested the broadcaster to look into the authenticity of the audio & visuals aired and take appropriate action against the News Editor, Reporter, and Cameraman as per the law in force, including taking action against the harassment and torturing of persons with disabilities. The complainant also requested the broadcaster to give the evidence of the allegations 1-4 listed above.

Thereafter, the complainant vide emails dated 17.5.2021 and 20.5.2021, sent reminders to the broadcaster, requesting it to respond to her complaint. She stated that in case no reply was received with proof within seven (on or before 27.5.2021) days, it would be presumed that the broadcaster had no explanation or evidence of allegations to submit in this regard.

Reply dated 27.5.2021 from broadcaster:

The broadcaster stated that it had aired a news item regarding the blatant violation of pandemic rules by the complainant's organization after receiving official complaints from the students of the college. Before approaching it, the broadcaster stated that the students had already raised their complaint before the Idukki District Collector and before the Police authorities, which include the officials of the Kattappana Police station.

It stated that the complainant cannot deny the fact that the District Collector had contacted the college manager and ordered him to stop the illegal classes immediately, which the manager had agreed to. However, despite the warning from the Collector, the college continued with the classes.

Since the matter was not resolved at the complainant's end, the students had communicated with the broadcaster for help. The broadcaster stated that it had contacted the Vice-Chancellor of the Kerala University of Health Science who admitted that he had received lots of complaints from various parts of Kerala regarding the illegal classes conducted by the complainant's college. Further, the students themselves had approached the Hon'ble Human Rights Commission against the conduct of classes during the pandemic, which itself shows the gravity of the act.

The broadcaster stated that it had verified the complaints in detail and, after confirming with concerned government officials, had taken up this matter. That as part of the inquiry, its reporter personally met the complainant at her college and on that day also, classes were continuing on the college premises. It reiterated that it had aired the news item only after thorough verification and had also included the complainant's version in the broadcast.

The broadcaster stated that it had all evidence, including call records and videos of students complaining about the illegal classes conducted by the college during the pandemic and also regarding the RT-PCR test. It had never mentioned in the news that the students of the college conducted a strike. The broadcaster stated that it had used the Malayalam word (പരമിഷ്ടം); the meaning of the same is not 'Strike' as alleged.

The complainant's allegation that it had encroached into the college premises is incorrect since its reporter and camera crew directly met the complainant and discussed the issue regarding the classes. The broadcaster reiterated that it had aired the complainant's version too in the impugned broadcast. As a law-abiding channel, the broadcaster stated that it had conducted the shooting only after getting the complainant's permission. Further, it stated that it had not aired the visuals of the ongoing classes at the college, as the complainant had raised objections to the same. Furthermore, no words or visuals used in the impugned news item were personally intended against the complainant or the college. In the impugned broadcast, it had only pointed out the complainant's mistake of not following the official stipulations laid down for the pandemic.

That media across the globe is bound by the professional codes of ethics not to reveal the source of news/evidence in order to uphold public interest as well as to protect those who help to bring out the wrongdoings in society. It is a common practice followed by the mass media and accepted by the law of the land too. Therefore, the broadcaster stated that it could not provide its source to the complainant.

The broadcaster stated that the impugned news item was nothing but the publication of truth, which was made in good faith and was based on true facts to protect the interest of students and the public at large. That it had no intention either to malign or cast aspersions against any person or institution in the impugned broadcast.

Further submissions dated 4.6.2021 filed with NBDSA:

The complainant stated that the impugned news was absurd, fake and aired in violation of the Code of Ethics and Broadcasting Standards and that the broadcaster could not show any evidence of allegations neither in the news nor in the reply. In its reply, the broadcaster had mentioned that it took this case when there were no results even after giving the complaint to the Police, District Collector, Human Rights Commissioner etc., by the students of its college. The complainant stated that they contacted Police Department and other concerned departments to know about any complaints against them by their students. But they did not find any complaint during this lockdown duration.

The complainant stated that they had also sent letters under the Right to Information Act 2015 to the District Collector, District Police Chief and the Sub Inspector of Police, Kattappana, enquiring about any complaints against them. Subsequently, they have received written replies from all of them stating that they have not received any kinds of complaints against them. This is evidence proving the statements given by the broadcaster are fake.

Since the reporter came on 6.5.2021 even after the warning of the Collector and the Police officials, she believes the calls might have come within 10 days before the date of Asianet reporting, which the reporter himself can produce as evidence. From the reply, they understand that even after getting the direction from the District

Collector and Police Officials to stop the classes, they continued the classes till the Asianet reporter came to the college for reporting on 6.5.2021. Even a common man can understand that this statement is absolutely fake, and by saying this, they are insulting the District Collector and the Police Officials too. They are running the institution in a rural district (High Ranges) of Kerala by following the rules and guidelines given by the Central Govt., State Govt, University etc. They are in various social services like running medical services, orphanages and providing houses to the poor for the last 5 decades. (Even before reaching of electricity in this region).

In the reply received, the broadcaster stated that its reporter and cameraman directly met her in the office with permission, and they could not take videos and pictures of class as they had not been given permission. Even after going through the entire college premises, they could not find any students other than three students self-studying in front of the college by keeping social distance. The complainant further stated that she had also received a written complaint from these students against telecasting their videos and photos without obtaining any permission and reporting wrong news, which is just opposite to the version they have given.

The complainant stated that the impugned broadcast was in violation of the Code of Ethics & Broadcasting Standards, particularly Section 1- Principles of self-regulation, which require 1. *Impartiality and objectivity in reporting*, and 2. *Ensuring Neutrality*. Therefore, the complainant requested the Authority to look into the news clipping and cross-check with the visuals, as she believed that the Authority would not be able to find any visuals or photos to match the allegations stated in the audio other than one which is manipulated with video & audio editing. She stated that if they had done anything against the rules and regulations of the Govt. and the University, they would not have kept quiet by not raising the issue even after the telecasting of the news. As they have not done anything wrong, they are complaining to find the truth. Hence, she requested the Authority to look into the facts and find the truth and take action against the concerned persons involved in it, as it also involves crime against differently-abled women and female students.

Decision of NBDSA dated 8.1.2022

NBDSA at its meeting held on 8.1.2022, noted that under Regulation 8.2 of the News Broadcasting Standards Regulations, there was a delay of one day on the part of the complainant in escalating the complaint before the Authority. NBDSA decided that before proceeding further with the complaint, the complainant should be directed to submit the reason/s for not filing the complaint within the prescribed time period before the Authority as mentioned above.

Decision of NBDSA

NBDSA at its meeting held on 9.3.2022, considered the application seeking condonation of delay filed by the complainant and the response received from the broadcaster. Accordingly, the Authority, under proviso 1 to Regulation 8.2,

condoned the delay of one day on the part of the complainant in escalating the complaint to the Authority and decided to call both the parties for a hearing.

On being served with notices, the following persons were present at the hearing on 14.6.2022:

Complainant:

Prof. Ann Mary Louis, Principal, St. John's College of Nursing, Kattappana.

Mr. Jacob Kora, General Manager, St. John's College of Nursing, Kattappana.

Broadcaster:

Ms. Sindhu Sooryakumar, Executive Editor

Mr. Nandagopal Nambiar, Advocate

Submissions of the Complainant:

The complainant submitted that in view of the Covid-19 pandemic from 30.4.2020, only online classes were being conducted in the college. On 2.5.2020, they had allowed students to go back to their homes; however, as per University Notice, students who desired to stay in college were allowed to stay in hostels, as there were no Covid cases in the college. The complainant submitted that on 6.5.2021, an Asianet Reporter, along with his colleague, came to St. John's College of Nursing, Kattappana, to check whether any offline classes were being conducted in the college and obtained her version.

Subsequently, on 6.5.2021 & 7.5.2021, the broadcaster aired a news programme wherein he manipulated the complainant's original versions through audio & video editing. The following wrong messages were aired during the impugned broadcast without any evidence:

1. Students are compelled to do the RTPCR test 3 times.
2. Students have protested against conducting the classes.
3. Myself has threatened the students who have protested.
4. Though the University is permitted to organize classes in small groups, college authorities have conducted offline classes for all batches of students.

The complainant reiterated that the statements made during the broadcast were false, and to support this version, the broadcaster had manipulated her original versions and included some messages which were not expressed by her during the reporter's visit to the college. Neither any visuals of any offline classes nor of any protest by students were shown in the news, which itself was evidence of his fake statements.

The complainant further submitted that the complaint filed before NBDSA is different from the case filed before the Hon'ble. Court. The complaint filed before the Magistrate pertained to the false allegations of offline classes being conducted in the college and visuals aired without consent which were broadcast in the news item.

The complaint before this Authority is regarding the violation of the Code of Ethics & Broadcasting Standards (Code of Ethics). That as per the Code of Ethics, “*Accuracy is at the heart of the news television service and errors if any must be corrected promptly and clearly before reporting it. More over Chanel should not broadcast anything which is obviously defamatory or libelous*”. By airing this fake baseless news, the broadcaster has violated the principle of Impartiality and objectivity in reporting.

Submissions of the Broadcaster:

The broadcaster submitted that in respect of the impugned broadcast, a complaint dated 10.5.2021 filed was by the complainant against their reporter before Kattappana Police Station, Idukki District, Kerala State and thereby an FIR was registered against its Reporter on 17.6.2021 and as per further proceedings, a case has been filed against its Reporter before the Hon’ble Judicial First Class Magistrate Court- I, Kattappana, Idukki District, Kerala State as Case No.CC.1395/21. The broadcaster asserted that the complaint is *sub judice*, as the subject matter of the criminal case was the same as the complaint pending before this Authority. Without prejudice, the broadcaster submitted that the impugned broadcast was telecast in the public interest, as there was an attempt being made by the college authorities to subvert the rule of law by holding offline classes during the pandemic. That it cannot disclose the identity of the complainant students, or else they may be victimized by the College Authorities.

Decision

NBDSA considered the complaint, response from the broadcaster, gave due consideration to the arguments of the complainant and the broadcaster and reviewed the transcript of the broadcast and the translated text of the FIRs submitted by the broadcaster.

NBDSA noted that the subject matter of the complaint pending before it was on the same issue as the criminal case filed before the Hon’ble Judicial First-Class Magistrate Court- I, Kattappana, Idukki District, Kerala.

In view of the above, NBDSA noted that under Regulations 7.2 read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate to take up matters in respect of which any proceeding is pending in a Court of law or other Tribunal or Statutory Authority. Therefore, NBDSA decided to defer the decision in the complaint until the matter is decided by the Court. NBDSA decided to 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 : 23.07.2022