

**Complaint No. 1 of 2009 (SM)**

**O R D E R**

In Re: Complaint of Farhana Ali

The relevant facts are as follows:

1. By e-mail dated 30<sup>th</sup> December, 2008 one Ms. Farhana Ali complained to M/s Independent News Service Private Limited about a story broadcast on their channel '*India TV*' by the said broadcaster a week prior to the said e-mail i.e. "on or around 23<sup>rd</sup> December, 2008". Ms Farhana Ali is a Writer, Lecturer and Policy Analyst residing in USA.
2. In substance Farhana Ali's complaint was :
  - (i) that *India TV* had misused an interview given by the said Farhana Ali to Reuters by broadcasting it on *India TV*, thereby misrepresenting that Farhana Ali had given such interview to *India TV*, which was factually incorrect, unethical and unjustified ;
  - (ii) that Farhana Ali had given the interview to Reuters in the English language but *India TV* had deceptively dubbed the voice in Hindi, a language Farhana Ali did not know and did not speak ;
  - (iii) that *India TV* had downloaded Farhana Ali's picture from the internet and had used it in the story, giving the false impression that she had given the interview to *India TV* ;
  - (iv) that *India TV* had said in its story that Farhana Ali was a spy for the United States Government, which she never was ;
  - (v) that *India TV* had exaggerated the statement made by Farhana Ali which was first published by Reuters to portray her as pro-India and anti-Pakistan, and since Farhana Ali was born in Pakistan and had never issued any such statement, such broadcast would damage her relations with family and friends in Pakistan ;

- (vi) that the language used by *India TV* in the broadcast was damaging and had placed her life in jeopardy ;
- (vii) that Farhana Ali worked as a political analyst and *India TV*'s broadcast had falsified her position within the US Government, all of which was unethical and unacceptable.
3. Apparently Farhana Ali's interview was first published by Reuters on 4<sup>th</sup>/5<sup>th</sup> December, 2008.
4. In its reply dated 31<sup>st</sup> December, 2008 issued to Farhana Ali, the Chief Operating Officer of the said broadcaster wrote saying that they did not think they had run the story complained of, but would be happy to assist Farhana Ali ; and since they were aware of the formidable body of work done by her, the Chief Operating Officer would be happy to talk to Farhana Ali on phone.
5. Subsequently, by mail dated 8<sup>th</sup> January, 2009, Farhana Ali wrote to the said broadcaster expressing her morbid fear that in view of the story aired by *India TV*, she may be targeted by extremists from Pakistan; and requested the channel to retract the story if they had aired it by saying that the story is not / could not be confirmed; and by issuing a statement on the internet to the same effect. She said it was a matter of life and death for her.
6. To Farhana Ali's e-mail dated 8<sup>th</sup> January 2009, the Chief Operating Officer of *India TV* responded *vide* e-mail dated 14<sup>th</sup> January, 2009 accepting that they had located the offending broadcast - meaning thereby that *India TV* had indeed run the story which they had earlier denied – but advising Farhana Ali that unless she issued a letter to Reuters denying/withdrawing/amending the quote attributed to her by Reuters, *India TV* would not say that the story was from an unconfirmed source.
7. Farhana Ali responded to *India TV*'s e-mail dated 14<sup>th</sup> January, 2009 saying that what she was aggrieved by, was the breach of privacy and dissemination of false information by *India TV* stating that Farhana Ali

was a spy with the CIA (which Farhana Ali said was completely false) and that the said broadcast had deceptively represented to its viewers that Farhana Ali had given an interview to *India TV* in Hindi which was also completely false.

8. Thereafter on 3<sup>rd</sup> March 2009, purportedly to close the matter amicably, *India TV* aired a clarification confirming that Farhana Ali had not given any interview to *India TV*; saying that inputs of their earlier report were based on media reports which could not be confirmed; stating that Farhana Ali was a writer and scholar; and confirming that Farhana Ali was not an agent of any US Government agency. This purported clarification was run at prime time.
9. Upon enquiry made by the News Broadcasters Association earlier-on, *India TV* had plainly denied ever having run the story complained of by Farhana Ali. Subsequently however *vide* e-mail dated 6<sup>th</sup> February, 2009 addressed to the NBA, the said broadcaster confirmed having aired such story at 00:03 hours without however mentioning the date of broadcast.
10. Accordingly, taking *suo motu* cognizance of the matter, on 18<sup>th</sup> February 2009 the Authority issued a show cause notice of that date to *India TV*, in response to which the said broadcaster filed a reply dated 19<sup>th</sup> March, 2009. The broadcaster also provided to this Authority a Compact Disc containing the offending broadcast.
11. Upon a careful and objective viewing of the offending broadcast, upon perusal of the correspondence exchanged between the Chief Operating Officer of *India TV* and Farhana Ali and upon a conspectus of all attendant facts and circumstances the Authority finds as follows:
  - (i) *India TV* admits that it ran the story Farhana Ali complains of ;
  - (ii) *India TV* also accepts that Farhana Ali never gave any interview to their channel, from which it is obvious that *India TV* dubbed in Hindi Farhana Ali's interview given to Reuters using the voice of another person ;
  - (iii) *India TV* has also clarified that the inputs of its earlier report were sourced from other unconfirmed media reports ;

- (iv) *India TV* has confirmed that Farhana Ali is a writer and scholar and not an agent of any US Government agency ;
- (v) A plain viewing of the offending broadcast shows that by way of the broadcast *India TV* has deceptively made it to appear that Farhana Ali spoke to their channel in Hindi. The offending broadcast also contains a photograph of Farhana Ali which has been sourced by the said broadcaster from the internet, without the knowledge, consent or approval of Farhana Ali. The offending broadcast refers to Farhana Ali as a US spy and exaggerates the statements reportedly made by Farhana Ali to Reuters in a manner so as to suggest that Farhana Ali is anti-Pakistan which evidently would put her life to risk at the hands of extremist elements, apart from queering her relationship with her family and friends in Pakistan;
- (vi) In summation therefore the offending broadcast relating to Farhana Ali was replete with falsehood, was misleading, breached the privacy and put the life of Farhana Ali to great risk ; and contained matter that was unconfirmed. In this view of the matter the offending broadcast is indefensible.
12. It may be stated here that though the Complainant has said that the offensive broadcast was run a week prior to the date of her e-mail dated 30<sup>th</sup> December 2008 i.e. “on or around 23<sup>rd</sup> December 2008”, and it appears that Reuters published/ran Farhana Ali’s interview on 4<sup>th</sup>/5<sup>th</sup> December 2008 ; in its e-mail dated 06<sup>th</sup> February 2009 to the NBA *India TV* said it had aired the broadcast at 00:03 hours without however mentioning the date of broadcast and in its reply dated 19<sup>th</sup> March 2009 *India TV* gives the date of the broadcast as 03<sup>rd</sup> December 2008 at 00:22 hours. Therefore there seems to be some lack of clarity about the exact date and time of the offensive broadcast. Be that as it may, the fact that the offensive broadcast was run by *India TV* is not in dispute.
13. From the above, the Authority holds that the offending broadcast has, among other things, violated Regulations 1 and 6 of the NBA's Principles

of Self-Regulation *viz.* Privacy and, Impartiality & Objectivity also elaborated in Specific Guidelines Covering Reportage

14. While the said broadcaster did run a purported clarification *vide* its broadcast dated 3<sup>rd</sup> March 2009, the Authority is of the considered view that this was merely an attempt to avert action pursuant to Show Cause Notice dated 18<sup>th</sup> February, 2009 issued by the Authority, and not an act of true regret or contrition.
15. The Authority also notes with regret that upon initial enquiry made from the said broadcaster in relation to the said complaint of Farhana Ali, there was a clear attempt by the said broadcaster to prevaricate before the Authority, when the broadcaster denied having at all aired the offensive broadcast. The said broadcaster also concealed from this Authority the fact that it was in correspondence with Farhana Ali during this period. It is clear to the Authority that these actions on the part of the said broadcaster were deliberate and intentional to avoid action by the Authority. In effect this conduct is an aggravating circumstance of the violations made by the broadcaster. .
16. In the facts and circumstances of the case and for the reasons given above, the Authority finds M/s Independent News Service Private Limited, Channel *India TV* guilty of breach of the provisions of Regulations 1 and 6 of the NBA's Principles of Self-Regulation and Specific Guidelines Covering Reportage .
17. Consequently the Authority directs as under:
  - (I) It records a strong “disapproval” of the acts and omissions in relation to the subject broadcast made on *India TV* in relation to Ms. Farhana Ali;
  - (II) It directs M/s Independent News Service Private Limited Channel *India TV* as under:
    - (a) To pay a fine of Rs. 1,00,000/- (Rupees One Lac Only) to the News Broadcasters Association within 1 (one) month of receipt of this Order ;

- (b) The broadcaster shall also, within 7 (seven) days of receipt of this Order, run on *India TV* on any one day an apology/regret as a ticker between 20:00 hrs. and 21:00 hrs., five times with a space of 12 minutes each, containing the following text:

*“India TV apologizes for the story run on Ms. Farhana Ali in December, 2008 since the same was a misrepresentation of facts. Any harm caused to Ms. Farhana Ali is regretted.”*

- (c) To supply to the NBA a Compact Disc containing the broadcast of such apology / regret with particulars of the time and date of broadcast ;

(III) The Authority further directs:

(a) the NBA to issue a press release within one week in this behalf and to release the same to the Press Trust of India (PTI) and the United News of India (UNI) and to other national dailies.

(b) the NBA to host the summary of these proceedings on its website and to include such summary in its next Annual Report and also inform the members of the NBA.

(c) To send to Ms. Farhana Ali a copy of this Order.

A copy of this Order be sent to the broadcaster M/s Independent News Service Private Limited (India TV) and to NBA for necessary compliance.

Sd/-

Justice J S Verma (Retd.)  
Chairperson

Place : New Delhi  
Dated : 06 April, 2009