

**Decision dated 20.2.2012 regarding complaint filed by Mr. Alath Rajan, Managing Director, Vrindavan High Range Realtors Ltd., Kanthalloor, and Idukki District against India Vision in relation to a news item telecast on 12.6.2011, on channel India Vision (Non Member)**

**Complaint:**

The complainant states that the land purchased by him, he has possession certificate issued the by revenue authorities and enjoys full title and has been entered in the register. The plan has been approved by the Town Planner Idukki and Chief Town Planner, Trivandrum for construction of residential houses. All the transactions are legal, valid and fully backed by documents. The complainant had also obtained legal opinion before commencement of the project. In spite of the aforesaid facts, India Vision broadcast on 12.6.2011, throughout the day that Vrindavan Mist City had encroached upon government land in Kanthalloor and have shown houses built by the Company and against that a stop memo has been issued by the revenue authorities. The complainant stated that the entire news item was totally false and the telecast appeared to be intentional and was a conspiracy in which one Mr. M.P. Basheer had planned such telecast after secretly planting cameras on the body of persons deputed by him. Two such persons broke open the gate and photographed the entire area without any authorization, which was complained to the local police. India Vision was informed that the land on which building activities was going on belongs to the company and was not land which had been encroached upon. In spite of the communication they continued with the broadcast. The complainant alleged that the broadcaster was blackmailing him into submitting to their demand for giving advertisement, which they did not give to the channel and had violated the tenants relating to accuracy, impartiality, neutrality & fairness.

NBSA noted that in order to understand the complete details and intricacies of the matter as stated in the respective replies to enable the Authority to take a view in the matter, both parties were advised to be present at the meeting of the Authority for a hearing today. Accordingly, the channel appeared on 20.2.2012 and the following individuals were present:

1. Mr. B. Dileep Kumar, Sr. News Editor
2. Mr. Sajith T.G., Reporter

Instead of appearing before the Authority, vide email dated 20.2.12, a "Hearing Note" (in the absence of Mr. Alath Rajan, complainant) was received from M/s K. Ramakumar & Associates, Kochi.

NBSA requested the broadcaster to present their views on the complaint. Both the individuals appearing for the broadcaster were unable to give satisfactory response to the queries made during the hearing. In support of their arguments they read out some portions of a document issued by the village Panchayat written in Malayalam. They were unable to clarify or explain in English what the document had stated for the understanding of the Authority. A copy of the "Hearing Note" was also handed over to the representatives of the broadcaster to give their response, which also they were not able to answer. To a specific question as put in the "Hearing Note" about telecasting of the arrest of Shri Ravindran by their channel, the representatives denied having aired such news.

In view of the inability of the representatives to give proper response, the Authority decided to get accurate information and the following actions were directed to be taken:

1. The document in Malayalam received from the broadcaster be translated in English by the NBA and given to both parties.
2. The broadcaster to give a response within 10 days to the "Hearing Note" handed over to them during the hearing.
3. Both parties be advised to appear again before the Authority at its next meeting scheduled on 20.3.12. The request made by the complainant to post the hearing in South India was not considered feasible.

NBSA noted that the Chairperson, NBSA vide letter dated 9.3.12, had addressed a communication to the Hon'ble Minister for I&B and had drawn her attention to the practical difficulty faced by the NBSA in dealing with complaints of non-members transmitted by MIB as some of the concerned channels do not respond to the notice/communication issued by the NBSA. Hon'ble Minister for I&B was informed that for this reason, the NBSA will await the MIB's response before taking further action relating to the defaulting non-members. NBSA decided that since no response had been received so far from the Hon'ble Minister, a reminder be sent. It was decided that until then all such complaints would be kept pending.

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