

Decision dated 31.10.2012 regarding complaint filed by Jindal Steel & Power Ltd. against Zee News regarding allocation of coal blocks and other issues telecast from 7.9.12 till 13.9.12; and then from 24.9.12 to 26.9.12 on Zee News, Zee Business and Zee News UP channel (channels of Zee News Ltd.)

Chairperson, informed members that vide letter dated 18.10.12, Mr. Rajeev Bhadauria, Director (HR) Jindal Steel & Power Ltd had filed a complaint with Justice (Retd.) Markandey Katju, Chairman, Press Council of India complaining about the conduct of the Editor, Zee News in demanding money by way of advertisement revenue in consideration for not running stories against JSPL on the coal blocks allocation issue, which was also caught on camera in a sting-operation. As the said complaint related to broadcasts on the aforesaid channels of Zee News Ltd. and did not fall within the jurisdiction of Press Council of India, Chairman, PCI had forwarded the complaint to the Chairperson NBSA requesting the NBSA to look into the matter. On the basis of the material forwarded to NBSA by the PCI, the NBSA took suo motu cognizance of the matter and called upon the broadcaster vide letter dated 19.10.12, to respond within 7 days as to why action be not taken against them for broadcast of the captioned programmes in their channels. They were called upon to respond to every allegation made in the complaint regarding demand of a sum of Rs.100 crore over a period of 4 to 5 years in the name of advertisements of their company.

The complainant and the broadcaster were called for a hearing on 31.10.2012. Parties appeared and were represented as under:

Jindal Steel & Power Ltd.:

1. Mr. Raju Ramachandran, Senior Advocate
2. Mr. Madhur Panjwani, Advocate
3. Mr. Rajeev Goyal, Advocate, JSPL
4. Mr. Ujjwal K. Jha, Advocate, JSPL
5. Mr. Anand Goel, Joint Managing Director, Jindal Steel & Power Ltd.
6. Mr. Rajeev Bhadauria, Director (HR), Jindal Steel & Power Ltd.

Zee News Ltd.:

1. Mr. Vivek Tankha, Senior Advocate
2. Mr. Alishan Naqvee, Advocate
3. Mr. Himanshu Chahar, Advocate
4. Mr. Sumeer Sodhi, Advocate
5. Mr. Alok Agrawal, CEO, Zee News Ltd.
6. Mr. Rohit Bansal, CEO, Zee News Ltd.
7. Mr. Sudhir Chaudhary, Editor, Zee News
8. Mr. Samir Ahluwalia, Editor, Zee Business
9. Mr. Avnindra Mohan, Zee News
10. Mr. Vasindra Mishra, Editor, Zee UP

NBSA noted that subsequent to the NBSA taking suo motu cognizance of the complaint under its Regulations, the complainant had filed a defamation suit in the Bombay High Court and had also filed an FIR alleging extortion / demand of Rs

100Crores towards advertisements for stopping reportage on coal block allocations to Jindal Steel & Power Ltd. Accordingly, NBSA was of the view, that when a matter is sub-judice, NBSA would not entertain and decide it (Regulation 7.2 and Regulation 8.4.3 of the NBSA Regulations).

Mr. Raju Ramachandran, Senior Advocate, appearing for Jindal Steel & Power Ltd., submitted that though the matter is sub judice, the issue of extortion of money by journalists is an ethical issue, which is within the remit of this Authority and hence it be considered and decided. After hearing the learned counsel, the NBSA did not accept this argument since the issues that would arise before the NBSA would also be issues for decision in the suit, which is pending in the Court, and are likely to form part of the investigation into the allegations made in the FIR lodged by JSPL. Accordingly, the NBSA decided that it is not appropriate for it to take up the matter which is already sub judice; (Regulation 7.2 read with Regulation 8.4.3 of the News Broadcasting Standards Regulations). This was communicated to the Counsel for the parties at the hearing. However, the complainant, if so advised, would be at liberty to approach the NBSA if any issue within its remit survives for consideration after decision of the legal proceedings.
