

News Broadcasting Standards Authority

Order No 23 (2014)

Complaint dated 4/9.12.2012 from Ms. Seema Mittal regarding false story in the programme titled “Vardat” on 7.11.2012 repeat telecast on 8.11.2012, further telecast with complainant’s version on 15.12.2012 and repeated on 16.12.12 – Aaj Tak Channel

1. In the meeting held on 20.2.2013 NBSA had considered the above complaint, response and the script received from the broadcaster. After deliberations, NBSA decided that to appreciate the complete details of the matter it should hear both the parties. The complainant and the broadcaster were requested to appear before the NBSA on 30.7.2013.

2. At the hearing the following persons were present:

Complainant:

1. Ms. Seema Mittal (Complainant)
2. Mr. Prateek Kumar, Advocate
3. Mr. Darpan Agarwal

TV Today Network Ltd.:

1. Mr. Sushil Dutt Salwan, Counsel
2. Ms. Latika Dutta, Counsel
3. Dr. Puneet Jain, Head Legal, Vice President & Company Secretary
4. Mr. Deepak Sharma, Editor (SIT)
5. Mr. Shams Tahir Khan, Editor (Aaj Tak)
6. Mr. Tanseem Haider, Special Correspondent
7. Mr. Prabal Pratap Singh, Assignment Head

Mr. Rahul Kanwal, Member NBSA being an interested party recused himself during the deliberations on the matter.

Case of the complainant in brief:

3. Ms. Seema Mittal stated that her grievances/complaint relating to the aforesaid broadcast(s) was that without verifying facts, purely on false and truncated facts narrated by her estranged husband and his family and relying upon one sided documents furnished by them, a reputed news channel like Aaj Tak had telecast a distorted story of her matrimonial dispute showing her in very bad light, which has ruined her life and has brought disrepute to her family. She alleged that she and her husband had gone on honeymoon and had lived together as husband and wife till their relations had soured. But the channel had depicted her as a bride of only five

days. She stated that the broadcaster had without verifying the facts not only telecast a one sided false information but had also telecast an imaginary version of her marriage with another individual, which according to her was false, as there was no such marriage. She also pointed out that the broadcast implied that she was responsible for that individual's suicide. She stated that the broadcaster had misused / misinterpreted the FIR, affidavits and other documents filed in legal proceedings without knowing their evidentiary value or the context in which they were filed. She stated that when the matrimonial dispute was still sub judice such broadcast prejudiced her and her case. She stated that she belonged to an ordinary middle class family and the said broadcasts have not only defamed her and her entire family but affected their position and status in the society for which she demanded justice. She also stated that her conversation with the journalist of the channel was unauthorizedly carried as a voice over on 15.12.2012 and repeated on 16.12.12 respectively.

Response of the broadcaster:

4. The broadcaster denied the allegations made by the complainant and stated that the programme was aired after verification of facts. They stated that they had the police/court records to establish the correctness of the contents telecast. They stated that their two attempts to trace Ms. Seema Mittal in Bangalore/Aligarh to hear her version were unsuccessful as she was not available at the addresses mentioned in the FIR. Subsequently to the broadcast when she complained, the broadcaster asked the complainant for her version and her conversation with a journalist of the channel was carried as a voice over by the channel. The broadcaster justified the broadcast by stating that it was not merely a matrimonial dispute but there were other issues like suicide, which needed to be brought out in the public domain. The broadcaster also pointed that the complainant did not deny her relationship with one Mr. Ashish who had committed suicide, nor the photograph(s) published in newspapers in Bangalore.

Findings of NBSA

5. After hearing both sides and viewing the CD, the complainant and broadcaster were requested by NBSA to submit additional material, if any, for consideration after serving on the other side, which was received by NBSA. NBSA at its meeting held on 25.10.2013 considered the complaint, response and additional documents received from the complainant and the broadcaster and the contentions of both sides. NBSA was of the view that the subject broadcast was one sided as the complainant's version had not been carried; and what was carried after the broadcast was only a voice over of her conversation with a journalist of the broadcaster. NBSA was of the view that the programme relating to the matrimonial dispute between the spouses should not have been broadcast until due opportunity was given to the complainant against whom allegations and

imputations were being made in the programme. The purported efforts made by the news channel to contact the complainant were found to be unsatisfactory, perfunctory and half hearted as the address of the complainant and her family members which included their Bangalore residential address and the complainant's work place address were available in the FIR dated 4.10.2012, which the channel had referred to for their telecast.

6. NBSA was therefore of the view that the broadcaster (Aaj Tak channel) had violated the principle which requires that news reportage should be fair and balanced with the person who is being reported upon should be given the opportunity to give his/her version. In the instant case the version of Ms. Seema Mittal was neither sought nor carried in the initial broadcast or in the subsequent broadcast. Only the version of her estranged husband was aired. In fact, on an earlier occasion while considering another complaint against the same channel (filed by Dr. Kalind Parashar dated 21.6.2012), NBSA had noted with "anguish and dismay how precious air time was spent by the news channel on a subject and related purely to the private and personal affairs of private individuals (as distinct from public figures) who had no association with public life at all; and such matters had been carried with prominence without there being any "news value" in the broadcast".

7. NBSA holds that the broadcaster was clearly in breach of the NBA Code of Ethics & Broadcasting Standards, Specific Guidelines and had violated the principles of self-regulation relating to impartiality, neutrality, fairness, objectivity in reporting, privacy, good taste and wilful violation of the Advisory dated 16.9.2012, regarding "Reportage of Family/Matrimonial Matters", which proscribes reportage on family and matrimonial matters with no "public interest" aspect or "news value".

8. NBSA therefore directs that TV Today Network Ltd (Aajtak channel) be visited with the following consequences:

(a) The channel is directed to carry the unedited version of the complainant, prominently for a duration of **three minutes** at the same time that the first broadcast was made at 11.00 p.m. for three consecutive days i.e. on 20th, 21st and 22nd January, 2014 respectively. The complainant's version must also be preceded by an apology to be tendered by the channel, by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel Aaj Tak stating the following:

आज तक श्री विशाल गर्ग और उनकी पत्नी सुश्री सीमा मित्तल के बीच वैवाहिक मतभेदों के सम्बन्ध में 7.11.2012 व 8.11.2012 को एकपक्षीय रिपोर्ट प्रसारित करने के लिए खेद व्यक्त करता है. यह रिपोर्ट 'कोड आफ एथिक्स', विशिष्ट गाइडलाइन्स व पारिवारिक/वैवाहिक मामलों की रिपोर्टिंग के बारे में 16.09.2011 को जारी की गयी एडवाइज़री का उल्लंघन है. इस प्रसारण से सुश्री सीमा मित्तल व उनके परिवार को पहुँची किसी ठेस या क्षति के लिए हमें गहरा खेद है.

(b) Directs the broadcaster to pay a fine of Rs.1,00,000/- (Rupees One Lac Only) to the News Broadcasters Association within 7 (seven) days of receipt of this Order for willful second violation of NBSA Advisory dated 16.9.2011 on reportage of family / matrimonial matters.

(c) The video of the said programme, if hosted, on the website of Aaj Tak or other links must be removed immediately.

9. The broadcaster is required to submit proof of compliance of telecast of the apology to News Broadcasters Association on compact disc within 7 days of telecasts.

10. NBSA further directs the NBA:

- (i) To send a copy of this order to the complainant and the news channel;
- (ii) To circulate this order to all Members & Editors of NBA;
- (iii) To send a copy of this Order to the National Commission for Women;
- (iv) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report;
- (v) Release the Order the media.

11. It is made clear that this decision is not with reference to any aspect of the matrimonial dispute between the complainant and her husband or her alleged involvement in any other incident. This decision only deals with the complaint that the news channel had published a one sided version of her husband without ascertaining her version and thereby caused her prejudice.

Sd/-
Justice R.V Raveendran (Retd.)
Chairperson

Place : New Delhi
Dated : 6th January 2014