

## **News Broadcasting Standards Authority**

### **Order No. 27 (2014)**

**Complaint dated 25.6.2013 filed by X regarding the program ‘Face the Nation’ - Phaneesh Murthy case : Is sexual harassment in work place a double edged sword? aired on May 22<sup>nd</sup> 2013 on CNNIBN channel alleging that her name was unnecessarily revealed and wrong information was disseminated of subjudice matters.**

1. Complaint dated 25.6.2013 was received by the NBSA from X regarding the above programme alleging that without her consent her name was revealed and without verifying the facts regarding pending civil and criminal matters, inaccurate information regarding the quashing of the FIR was shown on the screen shots .

2. The said complaint was included in the agenda of the NBSA meeting held on 18.9.2013 for its consideration .Chairperson recused himself. The other members considered the complaint and decided that both the complainant and the broadcaster be called for a hearing at the next meeting of the NBSA and the broadcaster be required to depute the concerned editor/ producer who cleared the story to also appear before the NBSA.

3. Accordingly, complainant and CNN IBN were called for a hearing on 25.10.2013. At the hearing the following persons were present:

Complainant in person

Ms. Kalyani Menon Sen – Women’s Activist

#### **CNN IBN:**

Ms. Kshipra Jatana – Group General Counsel

Mr Radha Krishna Nair – Director, News

Mr Gautam Dubey – Senior Manager – Legal

Justice R.V.Raveendran, Chairperson, NBSA having earlier recused himself from considering the matter. Mr Nitin Desai, Eminent member chaired the proceedings.

4. Complainant stated that without her consent her name was revealed in a programme (not relating to her) and without verifying the correct facts regarding pending civil and criminal proceedings, inaccurate information regarding the quashing of the FIR was shown on the screen shots in the above programme. She submitted documents to show that her complaints before the

Courts were still pending disposal and she had been fighting for justice for several years regarding a sexual harassment case in the workplace. She stated that the screen shots shown of other sexual harassment cases in the programme were matters which had been decided by the Courts; and that by revealing her name and airing unverified information, the broadcaster had prejudiced sub judice matters and the viewers would tend to believe that there is no case pending in any Court of Law.

5. The broadcaster stated that the information relating to her case given in the screen shots was available in the public domain and based on their research with regard to reported cases of sexual harassment in the work place, they had only shown on the screen shots the correct position regarding the case before the Bombay High Court. The broadcaster justified the broadcast and stated that they had not violated any law or NBSA Guidelines.

6. The broadcaster was however unable to justify their action, with reference to Rule 4 of the “Guidelines on Reportage of Cases of Sexual Assault” which provides that in reporting cases of sexual assault on women to respect their privacy, the name, photograph and other details that may lead to disclosure of their identity shall not be broadcast or divulged.

7. NBSA therefore held that the broadcaster (CNNIBN channel) was in breach of NBA Code of Ethics and Guidelines particularly the provisions relating to accuracy and “Guidelines on Reportage of Cases of Sexual Assault” and had failed to perform due diligence before broadcasting an unverified information, which was not true.

8. NBSA therefore directs that the broadcaster (CNNIBN channel) be visited with the following consequences:

(a) A “warning” was issued to the broadcaster for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines and also for wilful violation of the “Guidelines on Reportage of Cases of Sexual Assault”.

(b) The broadcaster is directed to issue a written apology on the company letter head addressed to the complainant in the text provided below. The apology letter to be signed by the Director News and to be delivered to the NBSA within one week of receipt of the Order.

The text of the apology letter is as under;

***“CNN IBN sincerely regrets that in the programme “Face the Nation Phaneesh Murthy case : Is sexual harassment in work place a double edged sword”? broadcast on 22.5.2013, the name of X (the name to be mentioned in the apology letter ) was mentioned; and that full and correct particulars regarding subjudice matters and FIR were not shown on the screen shots in the said programme. CNN IBN regrets that before the information was aired on the channel neither the consent nor the version of X (the name to be mentioned in the apology letter ) was sought, which might have harmed her reputation and breached her right to privacy”.***

(c).The video of the above programme, if hosted on the website of IBNLive.Com or other links shall be removed forthwith.

9. NBSA further directs the NBA:

- a) To send a copy of this order to the complainant and the broadcaster;
- b) To circulate this order to all Members & Editors of NBA.
- c) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report.
- d) Release the Order of NBSA to the media.

10. The apology letter once delivered by the broadcaster ,NBSA will send to the complainant by email & recorded delivery.

Sd/-  
Nitin Desai  
Eminent Member, NBSA

Place : New Delhi

Dated : 7-1-2014

PS: Considering the nature of the matter and the requirement to protect the confidentiality & privacy of the complainant, this Order is being released keeping the identity of the complainant anonymous.