

News Broadcasting Standards Authority

Order No. 28 (2014)

Complaint dated 18.3.2014 filed by Mr Naveen Jindal (Member of Parliament, Lok Sabha) against Zee News, Zee Business and Zee News (UP) channels

1. Mr. Naveen Jindal, Member of Parliament, has given a complaint dated 18.3.2014 to Election Commission of India against Zee News, Zee Business and Zee News (UP) channels, in regard to the contents of certain news broadcasts on 7.3.2014, 10.3.2014 and 16.3.2014 and sought a direction to Zee News and its associated channels not to air false, defamatory, misleading news items against him and his company. The Election Commission of India forwarded the said complaint to NBA under cover of letter dated 20.3.2014, so that NBSA could consider the complaint and take such action as it deems appropriate. NBSA considered the said complaint at its meeting dated 21.3.2014 and decided to issue a notice to the Broadcaster calling upon them to file its response. Both parties were also called for a hearing today. At the hearing the following persons were present :

Complainant:

Mr. Naveen Jindal (**absent**)

Represented by :

Mr. Jayant Bhushan – Sr. Advocate

Mr. Rajeev Goel - Advocate

Mr. Rajat Jariwal - Advocate

Zee Media Corporation Ltd.:

Mr. Sanjay Jain – Vice President (Legal)

Mr. Maninder Singh – Sr. Advocate

Mr. Rejveer Bhatia – Advocate

2. Zee Media Corporation Limited has filed a response dated 8.4.2014. They have alleged that on the very same allegations, Mr. Jindal had filed a suit before the Hon'ble Delhi High Court in CS (OS) No.881 of 2014 seeking permanent and mandatory injunctions as also damages; that Mr. Jindal also moved for an application for temporary injunction; and that the said application has been disposed of by order dated 1.4.2014 declining to grant the temporary injunction sought. The Broadcaster has also contended that having regard to Regulation 7.2, Mr. Jindal cannot pursue any remedy before NBSA, when a suit is pending on the same issue.

3. NBSA heard on 1.5.2014, the submissions of Mr. Jayant Bhushan, Senior Advocate appearing for Mr. Naveen Jindal and Mr. Maninder Singh, Senior Advocate appearing for the Broadcaster and considered the complaint and reply.

4. On comparing the averments in the complaint given by Mr. Jindal to the Election Commission and the averments in the suit and the interlocutory application filed Mr. Jindal before the Delhi High Court, NBSA finds that both the complaint and the suit are based on the same facts and grievances and the reliefs sought are also the same.

5. The second proviso to Regulation 7.2 of the News Broadcasting Standards Regulations, reads thus:-

“Provided that nothing in these regulations shall be deemed to empower the authority to hold an enquiry into any matter in respect of which any proceeding is pending in a court of law or other tribunal or statutory authority”.

6. Having regard to the said provision and having regard to the fact that a suit is pending before the Delhi High Court in regard to the very same issue, NBSA will not be able to entertain the complaint. Mr. Jindal and the Election Commission may be informed accordingly.

7. During the hearing, Mr. Jayant Bhushan, the learned senior counsel appearing for Mr. Jindal, submitted that the complaint was given to the Election Commission and not to NBSA and therefore he may be permitted to pursue the said complaint before the Election Commission. He also submitted that Mr. Jindal may be permitted to add other prayers, in the forwarded complaint before NBSA, which are not covered by the pending suit. It will not be appropriate to permit the complainant to amend the relief sought, to get over the bar contained under second provision to Regulation 7.2. If Mr. Jindal wants to file a complaint under the regulations, independent of the subject matter of the suit, it is open to him to take action as is permissible in law/in accordance with the regulations.

8. NBSA directs the NBA:

- a) To send a copy of this Order to the complainant and the broadcaster;
- b) To send a copy of the Order to the Election Commission of India;
- c) To circulate the Order to all Members, Editors & Legal Heads of NBA.
- d) NBA to release the Order to the PTI/UNI and to other national dailies.
- e) NBA to also host this order on its website and to include such summary in its next Annual Report.

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

Place : New Delhi
Dated : 15.5.2014