

News Broadcasting Standards Authority

Order No. 36 (2016)

Order of NBSA on the complaints relating to Times Now Report on the interview with the accused in an eve-teasing allegation, broadcast on 24.8.2015

These four complaints relate to a news report telecast by 'TIMES NOW' on 24.8.2015 in connection with an alleged eve-teasing incident at Delhi. The complaints against the channel are about the manner in which a Times Now reporter virtually chased and interviewed the reluctant Mr. Sarabjit, accused in the complaint lodged by Ms. Jasleen Kaur, adopting an aggressive, intimidating and browbeating style and the telecast of the interview with tag-lines treating the accused as guilty. The complainants have alleged that the broadcaster has breached the Code of Conduct relating to impartiality, neutrality and objectivity in reporting and violated the Guidelines relating to reportage.

Mr. Vinayak Bindal made the following complaint to the broadcaster on 27.8.2015:

“I have been a great admirer of Media and appreciate the good work done by it in unearthing scams and scandals. However, an interview by Times Now reporter Pooja of an accused in Delhi molestation case left me shocked. The journalist forgot all ethics of journalism namely – Impartiality, Neutrality, Objectivity and exercising discrete in sensitive issues relating to women. **The tone and behaviour of the journalist was unacceptable. She was so rude and acting as a judge. The investigation is on and she has no right to say he is guilty. This is a case of media bullying an accused.** This is a democracy and media should behave responsibly as well.....”

(Emphasis supplied)

Mr. Tony T. Thadathil, in his complaint dated 30.8.2015 to the channel, complained:

"The interview report breaches all established notions of impartiality and neutrality any media has to follow anywhere in the world. **The prejudice with which the journalist conducted the interview is very apparent and amounts to 'trial by media'**. Not just the interviewer, the channel as such is responsible for the content of interview since the journalist acted in furtherance of the policy of the channel 'TIMES NOW'. The screen

heading that read 'HE STILL HASN'T LEARNT A LESSON' is quite evident of the message that channel conveyed to the public, that it is Mr. Sarabjeet who has faulted. The reporter is even seen demanding apology from the interviewee. **How is it that a supposedly impartial and neutral media entity take the side of either the complainant or the accused is an issue? And that too without knowing the actual truth of the whole state of affairs?** Other tag lines that kept appearing in the screen talk loud of the partiality with which the channel approached the whole issue – 'NAMED AND SHAMED BUT STILL DEFIANT', 'OUT ON BAIL, LOU' UNREPENANT', 'ATTEMPTS TO SULLY HER FIGHT', 'HARASSES THEN TRIES TOBLAME HER'. 'DELHI PERVERT UNAPOLOGETIC', 'CLEAR CUT CASE OF EVE-TEASING'.

The truth of the whole incident is yet to be out. Police have lodged FIR and investigation is going on. If the concern of any media is to bring out the truth of this otherwise socially relevant incident, it has to be done without any pre-conceived notions on guilt of any person. For that matter, does the 'TIMES NOW' or anyone else not privy to the incident, know what is the truth? If not, the incident ought to have been covered with lot more impartiality and neutrality, which is evidently absent in this case. As per the 'Code of Ethics and Broadcasting Standards' of the News Broadcasters of India, news channels have to adhere to high standards of journalism since they have the most potent influence on public opinion. It is also stated that broadcasters shall not select news for the purpose of either promoting or hindering either side of any controversial public issue. Furthermore, news channels are required to strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

On any count and under various heads, the impugned interview breaches even the far-stretched sacred notions of fair journalism. I am strongly aggrieved by the alarming fall in standards of journalism exhibited by 'TIMES NOW' and hence I hereby call upon the broadcaster 'TIMES NOW' and its management to desist from using the impugned interview in future and broadcast a mass public notice of apology for the offensive and unethical news content in the form of the impugned interview.”

(Emphasis supplied)

In the subsequent follow-up complaint dated 9.9.2015 submitted to NBSA after reiterating what he had earlier complained to the broadcaster, Mr. Thandathil added:

“Effortlessly, anyone can label this as the most apt instance of 'trial by

media'. How does the respondent channel know about the guilt of Sri. Sarabjit? Undoubtedly, it is from the words of Ms. Jasleen. It might be presumed that a girl will not lie about anything that touches her dignity or self-respect. But it is not a holy belief without any exceptions. Ms. Jasleen might be true. But can't it also be that she is lying? Shouldn't anyone give atleast a benefit of doubt to the accused individual? In this modern era of information technology, a news can spread real fast and in an enormous way. **Even a slightly adverse remark in social media or television has multiplied ramifications on the image and reputation of an individual. Allegations and assertions of guilt by even a private person can turn an individuals' life upside down. But when this is done by an organized entity and that too, a supposedly free and fair journalistic enterprise, the issue is all the more grave.** When an attack is unleashed on Mr. Sarabjit saying he is guilty of the alleged charge, the respondent channel was conducting itself in the most unworthy manner for a journalistic institution. **The channel has deprived the accused of his basic and fundamental human right to be presumed innocent until proved otherwise.** The channel stood in the forefront in trampling upon his most innate rights and thrashing his hopes. No amount of compensation can console him if it later turns out that he was innocent.

The respondent channel has committed a serious breach of the code of ethics and has thereby derailed the sacrosanct basic values of fair journalism. The act of the respondent channel entails no justifications. It should attract the strictest possible punitive remedy.'

(Emphasis supplied)

Mr. Hara Kumar Varma, in his complaint dated 29.8.2015, alleges:

“Recently the eve teasing case of Jasleen Kaur in Delhi has gone viral after media involved. This is not first time for media to create type on such issue. Since our law failed to provide justice many times I do agree in raising and issue to get the attention of the law. **Unfortunately some media actually concludes the issue rather informing.** Therefore I would like to know if this is also damaging the principles of media and journalism. Jasleen Kaur has filed a case against a man for eve teasing on Delhi traffic. The man was later arrested and released on bail. The accused claims that he is not guilty. Currently it is an on going case and investigation. Delhi CM has also applauded the case. **Times News have portrayed the man as a pervert and disgrace to nation. We all believed the same, in couple of days time the case had a twist when a witness came forward explaining what actually happened** and that the girl is lying. Now the case is in

investigation. Already celebrities started apologising the guy for wrongly portraying him, at least accusing him without proper evidence. Times News had programmes showing that the guy is pervert and shameless. **One of the interviews even shows a lady interviewing the accused forcing him to apology.** Unfortunately there is no evidence if he is really guilty or Jasleen is lying but Times News have concluded that the guy is culprit. May I know if Times Now can jump to conclusions by itself and portray about the man as a pervert? Is media responsible to just report the incident or can also judge by its own opinions? Please respond to my query. This is very important to understand the health of Indian media. Its not just one case but many such rules are being broken by media. This is just dropping our respect on Journalism.”

(Emphasis supplied)

Mr. Abhishek Majumdar listed the objectionable content in questions posed by the reporter and the tag-lines used by the editorial team in his complaint dated 30.8.2015 and complained:

“On 25/26th August 2015, Times Now conducted interview of Sarabjit Singh who was accused for misbehaviour with Jasleen Kaur. The details are widely available in social media. Sarabjit Singh has denied the allegations. However, my concern is **irresponsible journalism by Times Now which seems has already decided that Sarabjit Singh has committed the crime and questions asked in that fashion.** The Times Now interview with Sarabjit Singh after he got bail. Kindly look at the video.”

(Emphasis supplied)

The complainant has also listed the objectionable matter in the interview.

The common response of the Broadcaster to the said complaints was as follows:

“The basis of the Jasleen-Sarabjeet story was the FIR filed with the police by Jasleen on the alleged harassment. Hence direct questions on the allegations filed were put out to the accused. The responses and denials of these were also carried in the interview, clearly giving visibility to both versions of the story. The allegations made against Jasleen that the complaint was made because of her affiliations with a political party were also brought up. The coverage clearly brought out both reactions, specifically the denial by Sarabjeet of all the allegations made against him and also his side of the story.

To each of the direct questions posed, the response and stand of Sarabjeet was clearly carried. **As you are aware the matter is currently under investigation. Needless to state that as and when information or developments are released by the investigation, the same will be carried on the channel.**”

(Emphasis supplied)

NBSA considered the aforesaid complaints and also viewed the CD of the interview, at its meeting held on 3.11.2015. As it appeared to NBSA that the reporter's attitude and behaviour while interviewing Mr. Sarabjit, and the comments made by her while “interrogating” him lacked objectivity and assumed that Mr. Sarabjit was guilty, even though the matter was still under investigation, NBSA decided that the broadcaster along with the reporter who reported the incident and the complainants be called to appear before the NBSA, *making it clear that the enquiry by NBSA was not about the guilt or innocence of Mr. Sarabjit, but about the manner of conducting the interview by the reporter and the manner of telecast by the broadcaster.*

Accordingly, the complainants and broadcaster were called for a hearing on 6.1.2016. The following were present at the hearing.

On behalf of Complainants:

Mr. Tony T. Thadathil, Advocate (complainant) present.

The other complainants - Mr. Vinayak Bindal, Mr. Hara Kumar Varma and Mr. Abhishek Majumdar, expressed their inability to attend the hearing.

On behalf of Bennett, Coleman & Co. Ltd. (Times Now):

1. Ms. Navika Kumar, Executive Editor
2. Mr. Santanu Ghosh, Bureau Chief
3. Mr. Neeraj Pal, GM – Legal & Regulatory

[NOTE: The reporter was not present even though the broadcaster was required to ensure her presence also].

The submissions and arguments of the complainant and the broadcaster were heard.

Mr. Tony T. Thadathil reiterated his objections to the interview and telecast, set out in his complaints to the broadcaster and NBSA.

The Broadcaster alleged that the incident of eve-teasing involving Jasleen

Kaur and Sarabjit Singh had been widely reported in the media, primarily since the allegations of eve-teasing were made against Sarabjit Singh by the victim and she had also filed a complaint with the local police; and that based on these allegations, the incident was widely discussed and there was lot of reaction and criticism in the public domain and on social media against Sarabjit. The broadcaster requested NBSA to consider that the interview and broadcast in that background, keeping in view the concerns of the society about the menace of eve-teasing and resultant trauma to the teased young women. The Broadcaster submitted that it had no intentions whatsoever to portray Sarabjit as guilty, specifically when the investigation into the complaint was still in progress; and that as the interview was live, the questions and the comments of the channel reporter were spontaneous. The representative of the broadcaster was however fair in stating that during the live interview with Sarabjit, certain comments/statements made by the channel reporter while posing certain questions, could have been avoided and the reporter could have been more circumspect. It was pointed out that the very reporter gave Sarabjit an opportunity and platform to express his position and deny and the allegations against him. The broadcaster submitted that the purpose of the interview was essentially to get answers from the accused, as the girl victim had filed an FIR. The broadcaster admitted that the manner in which the reporter questioned Mr. Sarabjeet could have been more balanced, but there was no intention whatsoever on the part of the reporter or the channel to project the person interviewed in wrong light.

The broadcaster stated that they have reviewed the telecast and have taken steps to ensure that such kind of reporting does not occur in the future. The broadcaster informed that the concerned reporter has been briefed about the viewer feedback and concerns received regarding the interview and the channel has also put in place checks that will help ensure better objectivity during live interviews on sensitive subjects. The broadcaster also confirmed that their reporters, journalists and editorial personnel are periodically briefed and updated about the Ethics Regulation and Guidelines regarding news reporting; and that the self-regulatory norms and standards including the guidelines and advisories issued by the NBSA from time to time are being updated for the use and information of the Editorial Staff and reporters; and that it continues such exercise for better and effective understanding and implementation of applicable rules. The broadcaster also assured the NBSA that their future reporting on the news story will be based on facts and it will ensure that the reports do not portray prejudice or bias towards anyone being reported upon; and that the subject interview with Mr. Sarabjit will be removed from their website/on-line sites, to ensure that no harm or prejudice is caused to the ongoing investigation.

Both sides were permitted to file written submissions. The Broadcaster in its written submissions (vide letter dated 12.1.2016) offered a justification for the manner in which the reporter conducted the interview and the manner in which the report was broadcast:

“In this context, we would also like to highlight that it would have been wrong for the channel to have portrayed the victim as a liar, given the fact that she had taken the effort to come out with the allegations and also file a complaint against the accused. The channel had focussed more on getting answers on these allegations from the accused and that was the basis of the interview.”

The Broadcaster has also confirmed in writing the corrective steps it has taken (as assured during the hearing), but expressed a disinclination to give any on-air clarification. The letter states:

“As the matter is currently under investigation, we are of the view that any kind of on-air clarification or statement on this telecast, if made at this juncture, will influence the process and is likely to cause prejudice to the parties concerned.”

Mr. Tony T. Thadathil, the complainant, in his written submission dated 12.1.2016, has *inter alia*, made the following submissions:

“Furthermore, the channel did not even care to bring the reporter before the authority on 06-01-2015 despite clear direction to that extent and sufficient early notice of hearing by the authority. This shows the level of seriousness the respondent has assigned to the issue.

Furthermore, the contention of the channel that they will correct themselves seems to be a hollow promise. This is so, since immediately before the impugned broadcast, on 09/07/2015 (copy of order attached herewith), this Hon'ble Authority had disposed of a complaint on the respondent broadcaster with an advise to exercise care and caution while reporting about matters under investigation. Hardly one and half months later, the same broadcaster has committed this serious breach by attempting infuriated media trial on a matter under investigation. If the respondent channel could not comply with the direction of the News Broadcasting Standards Authority even for the next two months from the date of the order, can we expect that the channel will have a legitimate and sincere claim to introspect and correct themselves?

It has to be remembered that the breach in question was not an insignificant one. It was a case of mighty media engaging in mudslinging on an ordinary citizen of this country. If Sarabjeet was the unfortunate victim of media trial today, tomorrow it can be me, my friend or anyone. Anyone can accuse me of anything and if media takes it up, my precious reputation and prestige will vanish away. Public will look at me with suspicion and my life will become miserable. I will be put to untold hardships and suffering then. It is equal to denying me the right to live with dignity and privacy guaranteed under Art.21 of the Constitution. Such a media trial is most unfortunate and least desirable. But it has happened in its all vigour and strength in this case. The harsh and uncivilized words used by the respondent channel itself speak volume of its unethical media behaviour. A national media cannot stoop to more depths than this. By broadcasting the impugned interview, the channel has openly waged war with the conscience of society. It has breached the trust that people had reposed in the media. After committing such an exceptional breach, if the respondent channel is allowed to leave with a mere undertaking on its future good conduct, that will set a wrong precedent for future violations. A murderer might be repenting on what he did, but that won't save him from punishment. Likewise, if gross violations of media are condoned on assurance of future good conduct, that will have the effect of deleting penal/remedial powers of the authority. Tomorrow, another media might claim the same way to escape penal sanction/ remedy. Justice should not only be done but it should be seen to be done. This is necessary to restore the faith of people in electronic media.

NBSA has considered the submissions and contentions of the complainants and the Broadcaster in the light of the interview with the accused that was telecast and the tag lines used during the telecast.

In *State of Maharashtra v. Rajendra J. Gandhi* [(1997) 8 SCC 386] Supreme Court held that: "A trial by press, electronic media or public agitation is the very antithesis of rule of law". It is therefore a matter of serious concern that a broadcaster exceeds the limits in reporting crimes, by resorting to 'trial by media'. The Supreme Court has expressed its anguish at media trials and has observed as follows, in *Manu Sharma Vs. State (NCT of Delhi)* - 2010 (6) SCC 1 (Paras 301 and 299).

"Presumption of innocence of an accused is a legal presumption and should not be destroyed at the very threshold through the process of media trial and that too when the investigation is pending. In that event, it will be

opposed to the very basic rule of law and would impinge upon the protection granted to an accused under Article 21 of the Constitution..... The freedom of speech protected under Article 19(1)(a) of the Constitution has to be carefully and cautiously used, so as to avoid interference with the administration of justice, leading to undesirable results in the matters sub-judice before the courts.”

The Regulations and Guidelines of NBA/NBSA relevant to neutrality, impartiality and fairness and reporting of matter *sub-judice* or under investigation, are extracted below:

“Code of Ethics & Broadcasting Standards:

Section 1 – Fundamental Principles: 4. Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.

Section 2 – Principles of Self-Regulation:

2. Ensuring neutrality: TV News channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

3. Reporting on crime and safeguards to ensure crime and violence are not glorified: Television news has greater reach, and more immediate impact than other forms of media, and this makes it all the more necessary that channels exercise restraint to ensure that any report or visuals broadcast do not induce, glorify, incite, or positively depict violence and its perpetrators, regardless of ideology or context. *Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory.....* News channels will ensure that such reconstructions will not cross boundaries of good taste and sensibility.....

Specific Guidelines covering Reportage:

1. Accuracy: 1.6. Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

2. Impartiality, Neutrality & Fairness: 2.1. For balanced reportage,

broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

3. Law & Order, Crime & Violence: 3.3. Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, sub judice.

Specific Guidelines for Reporting Court Proceedings:

4.... no news channel shall broadcast anything:

(ii) Which purports to report a journalist's or the news channel's own opinion, conjectures, reflections, comments or findings on issues that are sub judice or which tend to be judgmental in relation to the subject matter that is pending in a Court, Tribunal or other judicial forum;

(iii) Which is a comment on the personal character, culpability or guilt of the accused or the victim; or

(iv) Which otherwise interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending in a Court, Tribunal or other judicial forum;

6. After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing investigation or evidence collected or produced before a Court, Tribunal or other judicial forum."

NBSA may also refer to the concern expressed by the Minister for Finance, Corporate Affairs and Information & Broadcasting, while delivering the first J.S. Verma Memorial Lecture organised by NBA in regard to media trials. He pointed out that in cases relating to individual culpability, where innocence or guilt has to be judged, the parallel trial by the media would prejudice the entire environment in which the accused is to be judged. To illustrate how media trial can impact on fairness of trials (by creating a frenzy), he referred to the case of OJ Simpson in USA, where trial by jury suffered a serious failure by reasons of media reporting the testimony of every witness, then analysing the quality of the testimony of every witness and virtually having a national debate on American television. He pointed out that the judicial institutions are all under tremendous pressure particularly in high profile cases where media has conducted a parallel trial and declared someone guilty or innocent. He stated that while print media conventionally followed a clear principle as to the manner in which the reporting is to be done, no such principle has been adopted by the electronic media. He pointed out that unlike reports in newspapers which have a momentary or limited

impact, the reports in electronic media have a longer impact; and that therefore if something which is inaccurate, defamatory or scandalous appears on the electronic media, relating to an individual, it will have a lasting impact.

Eve-teasing and safety of women are no doubt important issues requiring media attention and focus. Freedom of expression is no doubt a cherished fundamental right. But, the right of an individual to a fair trial and fair treatment by the media is also very serious matter. In *Sabara India Real Estate Corporation Ltd. Vs. SEBI* – 2012 (10) SCC 603, the Supreme Court, while considering the freedom of expression *vis-a-vis* right to fair trial, observed thus:

“Under our Constitution, probably, no values are absolute. All important values, therefore, must be qualified and balanced against, other important, and often competing, values. This process of definition, qualification and balancing is as much required with respect to the value of freedom of expression as it is for other values. **Consequently, free speech, in appropriate cases, has got to correlate with fair trial. It also follows that in appropriate case one right [say freedom of expression] may have to yield to the other right like right to a fair trial.**

(Emphasis supplied)

Broadcasters cannot condemn as guilty, persons accused of having committed a crime or offence, when the matter is still under investigation or where the court is yet to decide upon the guilt or otherwise of the accused. While investigative journalism to uncover wrongdoings and crimes is a meaningful crusade for the media, the corresponding responsibility to act within the well-defined limits should also be understood. Media, howsoever *bona fide* its intentions are, cannot act as the Judge, Jury, Prosecutor and Investigator, in regard to any matter pending before a court or under investigation. It should be kept in mind that the reputation and credibility of a person once lost, as a result of a sustained media campaign/focus, can never be regained, and if ultimately the investigation or the trial in a court proves that the accused was not guilty, the damage cannot be undone. In India more than 70% to 80% of contested criminal cases end in acquittals. An accused who is subjected to media trial himself becomes the victim without remedy, as, in addition to the loss occasioned by a wrongful prosecution (where at least he is still considered as an 'accused' as against a 'guilty person'), the media prematurely brands him as 'guilty'. In the minds of the public, the impact of the media accusation and media trial finding is strong and long lasting and his innocence continues to be subject in view of the ingrained prejudice caused by earlier media trial. The print media at least takes care to refer to any incident or

accusation by adding the word 'alleged' or 'purported'. While the media should expose crime and wrongdoing, it cannot nor should be seen as a *vigilante*.

This is a classic case where not only the reporter heaped judgmental accusations against the accused by branding him guilty, but even the editorial section of the broadcaster added insult to the injury by using offensive and uncharitable tag-lines during the broadcast, which pre-judged him as the guilty thereby destroying his reputation, before he is found to be guilty.

The following questions put by the reporter to the accused in the reported 'interview' make this position clear:

“1. *Batameezi Aap Karte hain aur phir app ladki pe blame dalte hain ki wo apna agenda chala rahi hai....* [9 sec -12 sec in video]

(You misbehave and then accuse her of having an agenda)

2. *Bilkul main hoti hun kyunki uske pass evidence hai. Aap ko lagta hai ki police ke paas jaana itna aasaan hai.*

When Sarabjit Singh asked her how she decided that he had misbehaved the journalist shot back to state that she had evidence; Do you think it is easy for a girl to approach police [16 sec onwards].

3. *Clearly apne Batameezi ki...* [31 sec onwards]

(Clearly you misbehaved)

4. *Wahi to apki arrogance hai ki aap jaise ladke jo Batameezi Karte hain aap manke chalte hai ki aap pakde nahi jaenge* [45-55 sec]

(This is your arrogance. Guys like you misbehave and believe that you won't be caught).

5. *Aapko Maafi mangni chahiye..on this point on camera you should apologize* [58-1.01 sec]

(You should apologize on this point on camera you should apologize)

6. *Aapko, aaplogi ki family ko maafi mangni chahiye ki aap Batameezi Karte hain sadak pe aur instead apki family kya kehti hai ki humhara beta to innocent hai*

(You and your family should apologize that you misbehaved and then counter that my son is innocent)

7. *Abhi bhi apki face pe woh apology nahi dikh rahi hai this is very*

shameful [1.24-1.28 sec]

(There is no regret on your face this is very shameful)

8. *Aapne maffi nahi maagi apke jan pechan ke logo ne maafi nahi maangi this is time to apologize ..aap iss issue pe ghamand dikha rahe hai* [1.48 sec]

9. *Zarror aapne kuch use bola hai* [3.02-3.05 sec]

(You must have told her something)”

The following tag-lines were used by the broadcaster when telecasting the said interview, which condemned the accused as guilty:

“Named and shamed but still defiant”

“Out on bail, lout unrepentant”

“Attempts to sully her right”

“Harasses then tries to blame her”

“Delhi pervert unapologetic”

“Clear cut case of eve-teasing”

This is thus a clear case of the broadcaster holding the media trial and declaring the accused as guilty of eve-teasing.

NBSA is not unmindful of the reason why public spirited media sometimes go overboard in their crusade against 'crime' and 'criminals'. The easy answer is 'TRPs'. While there may be some truth in it, there is a more serious reason. Shoddy investigation, slipshod prosecution and the proverbial delays in courts make it very difficult to prove guilt. In a criminal justice system based on the principle 'let a hundred guilty go unpunished, but no innocent should be punished', when the wrongdoer walks free, it is frustrating for any law abiding citizen and more so for crusading media, which considers itself as a guardian of the society. In their anxiety to ensure that the wrongdoer does not escape prosecution and punishment, the broadcasters make all out efforts to generate public opinion to ensure that there is no let-go either in the investigation or prosecution or the trial, and the guilty is punished. This unfortunately has evolved into 'media trials' when the media turns into the *vigilante* mode. Punishing the media for such transgression may be a solution. But the more effective solution is to improve the integrity, efficiency, commitment and use of technical/scientific investigative processes to improve investigation, prosecution and trial, and avoid the proverbial delays. Unless all stakeholders, that is, the Government, Judiciary, Bar, Police and the Prosecution Agencies, address the problem and provide an effective, efficient and

speedy criminal justice system, the dangerous efforts of media may continue in one form or the other. Be that as it may. Perceived deficiencies in the existing system of investigation, prosecution and trial, cannot be a licence for a media excess destroying an individual's right to fair trial, privacy and reputation. The need for use of the words like 'alleged' or 'purported' or 'stated to be' (or such other appropriate words), in the context of an accused person who is yet to be found guilty, cannot be over-emphasised.

In view of the above, NBSA finds that the interview of the accused by the broadcaster's reporter and its telecast violated sections (1) (2) and (3) of the Code of Ethics & Broadcasting Standards and Guidelines (1), (2) and (3) of Specific Guidelines Governing Reportage and Guidelines (4) and (6) of Specific Guidelines for Reporting Court Proceedings. The broadcaster is hereby warned to be more careful while broadcasting programmes/news reports about matters pending trial/investigation.

Taking note of the assurances held out and partial remedial action taken by the broadcaster, NBSA decided to impose only following sanctions/fine upon the broadcaster:

(a) The broadcaster shall, prior to the 9 PM news on March 22, 2016, air the following text (static) on full screen in large font size with a clearly audible voice-over (in slow speed) expressing regret for the said telecast on their channel Times Now by stating the following:

(i) We regret that while reporting the interview of Mr. Sarabjit Singh, who is accused of eve-teasing by Ms. Jasleen Kaur, on 24.8.2015, we had failed to comply with the Code of Ethics and Broadcasting Standards of NBA requiring broadcasters to maintain neutrality, impartiality, accuracy and fairness, and also failed to follow the specific Guidelines of NBSA relating to reportage of matters under investigation.

(ii) We clarify that there was no intention on our part to prejudge the issue or to prejudice the case of the accused in any manner.

(iii) We reiterate our commitment to uphold every individual's right to fair trial and reputation, while reporting about any crime or offence under investigation or pending in court.

(b) The broadcaster is imposed a fine of Rs. 50,000/-.(Rupees fifty thousand only) payable to NBA (News Broadcasters Association) within 7 (seven)

days of receipt of this Order.

(c) The video of the said programme, if hosted, on the website of Times Now or any other links should be removed immediately and confirmed to NBSA.

NBSA further directs the NBA:

- a) To send a copy of this order to the complainants and the news channel;
- b) To circulate this order to all Members, Editors & Legal Heads of NBA.
- c) NBA to also host this order on its website and to include it in its next Annual Report.
- d) Release the Order to media.

Proof of compliance of telecast of the apology to be submitted to on compact disc within 7 days of telecast.

It is made clear that whatever NBSA has stated in this order is only with reference to the manner in which the accused was interviewed and the interview as broadcast. NBSA has not expressed any opinion as to the guilt or innocence of the accused or the correctness or otherwise of the complaint, which are to be decided only by a court of competent jurisdiction. This decision of NBSA is not, and shall not be treated as, a comment or certificate in regard to the action or conduct of the complainant or the accused.

The broadcaster has placed its explanation and point of view before the NBSA during its submissions at the hearing and in the subsequent letter clarifying the position. NBSA makes it clear that whatever was stated by the broadcaster, being in the context of answering the complaints of violation of the Regulations and Guidelines of NBA/NBSA, shall not be treated as any admission or concession by the broadcaster of any wrong, in any other proceedings.

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

Place : New Delhi
Date : 11.3.2016