

News Broadcasting Standards Authority
Order No. 38 (2016)

Order of NBSA on the complaint dated 30.1.2016, from Prof. Anuradha Roy, Department of History, Jadavpur University regarding media trial by ETV News Bangla in December, 2015

The complainant alleges in her complaints dated 30.1.2016 and 3.2.2016 that she and two of her colleagues were put on a severe media trial by ETV News Bangla from 2nd December, 2015 onwards on the basis of a complaint lodged by a student (who had attempted to commit suicide and survived). He and his mother then claimed that he was driven to attempting suicide due to the injustice and inhuman behaviour of three of his teachers. The complainant alleged that without ascertaining the full facts and the merit of the claim made by the student and his mother, ETV News Bangla channel went on and on for more than a month, defiling and degrading the three teachers (including the complainant) in its programmes like '*Hok Ramtanu*' and '*Sada-Kalo*' and also as part of their regular newscast, apart from their recap of the Pick of the News of 2015. The complainant stated that on 5.1.2016, the report of the Fact Finding Committee set up by the University was made public and that it categorically stated that charges against the complainant were not at all tenable, while the other two were perhaps partly guilty but the guilt did not amount to abetment to suicide. After the report was made public, the channel stopped the campaign and went silent about the incident. She demanded justice and action against the news channel as the broadcast had violated the ethical norms of NBA that a broadcaster should ensure impartiality and objectivity in reporting, ensure neutrality and ensure privacy.

The broadcaster, in its response dated 4.3.2016, denied the allegations levelled against the channel. It stated that the news programme aired on the channel (ETV News Bangla) was regarding a student named Ramtanu Banerjee who is a student of Jadavpur University and who attempted suicide due to alleged unfair treatment by three of his teachers. It was stated that their channel first aired the story on 2nd December 2015 wherein it was shown how Ramtanu was a victim of unjust and unfair treatment by the teachers in the University which ultimately led him to attempt to commit suicide; that their channel aired several debates on the issue of unfair treatment meted out towards differently-abled students and specifically Ramtanu Banerjee; and that, its reporter had provided the complainant a fair opportunity to provide her viewpoint by taking her 'byte' on the allegation against her and the same was telecast on the channel on 3rd December 2015. The broadcaster contended that it ensures compliance of all the rules and regulations applicable to news channels in all its news programmes and that the news programmes referred by the complainant were made in good faith to keep the viewers informed about issues affecting the public at large. The broadcaster pointed

out that the said news story about the attempted suicide was also reported in other news channels and newspapers.

When the broadcaster's response was furnished to the complainant, she sent an e-mail dated 4.3.2016, seeking the footage of all the programmes. She stated that the broadcaster had apparently pre-judged the issue at the very beginning by accepting the mere accusation that the unfair behaviour of the teachers in the University led the student to attempt suicide, as proof of the accusation and they went on relentlessly harping on the said conclusion. She also stated that her 'bite' to the reporter when she was coming out of the VC's office, was not a self-defence or her explanation; and that she had merely told the reporter that the accused teachers did not want to talk to the media, that they had talked to the VC and that it was for the VC to take necessary action. She stated that the VC had set up a Fact Finding Committee, and the broadcaster, instead of awaiting its report, went on accusing the complainant along with two other teachers for more than a month, even though the other channels and newspapers went silent. She stated that even though, in the Fact Finding Report, charges against her were found to be not supported, she remains an accused teacher in the eye of the society - an inhuman person who tortured a differently abled student to the extent that he attempted suicide. She contended that the media (broadcaster) was not so much interested in her exoneration as it had been in her vilification. She also posed the following questions to the broadcaster, to demonstrate that the channel had not cared to verify the accusations or truth before repeatedly telecasting false allegations against her:

“Why did the channel even pause to think or take the trouble to find out how the student got 40-50 sleeping pills? Why would a student require that many pills for writing a project paper in undergraduate History? Why did the channel ignore that even after the 'special review' arranged by the University, the student had failed to secure pass marks and that he had failed three times in this paper checked by three different examiners - herself, the reviewer and the 'special reviewer'?”

Referring to the statement attributed to the student that she (complainant) had failed him deliberately with malicious intent, the complainant stated that telecasting of such reckless baseless allegations would encourage a dangerous tendency of a growing number of students (and their guardians) to put pressure on teachers and examiners to give good marks irrespective of the academic standards; and that such trend would actually promote educational degradation and cause tremendous harm to society.

NBSA at its meeting held on 11.3.2016 considered the complaint, response and also viewed the CD. NBSA was of the *prima facie* view that the channel had,

without proper verification of facts and without ascertaining the views of the University and the Professors who were being reported upon, repeatedly aired the programmes, violating the principles relating to impartiality and objectivity in reporting, neutrality and privacy.

NBSA therefore issued a show cause to the broadcaster to submit any further response they desired to give on the apparent violation of the said guidelines. NBSA also directed the complainant and the broadcaster to appear before the NBSA for a hearing.

In response to the communication for a hearing from the NBSA, Prof. Anuradha Roy expressed her inability to attend the hearing due to ill health. She stated that she would be represented by her Counsel at the hearing. The following persons appeared before the NBSA at the hearing on 21.5.2016:

On behalf of Complainant:

Mr. Anil Nauriya, Advocate

Ms. Nishi Yadav, Advocate

Ms. Ranjeeta Dutta, Associate Professor

On behalf of ETV News Bangla:

Mr. Asheet Kunal, Editor, ETV

Ms. Aditi Mittal, Authorised Representative

The learned counsel for the complainant stated that the complainant had sent a complaint to the NBSA in regard to the offending telecast during December 2015 – January 2016; that as advised by NBSA vide email dated 1.2.2016, the complainant had sent the complaint to the broadcaster on 3.2.2016, to which a response was received on 4.3.2016; that the complainant also wrote to the channel on the same day asking for the entire footage; and that what was received through NBSA did not contain the entire footage for the relevant period. He stated that it is clear from the footage that the broadcaster had “pre-judged” the issue and started broadcasting its baseless conclusions from 2.12.2015 itself. He pointed out that the broadcaster repeatedly mentioned the names of the teachers including the complainant as “*accused*”, made sarcastic comments against them, played the role of prosecutor, held the teachers responsible for abetment to suicide by the student, and sought their “*punishment*”. He submitted that the broadcaster even invited a psychiatrist on a programme broadcast on 2.12.2015, to analyse the state of mind of the teachers; that the anchor concluded that the teachers, including the complainant, were not human and made a suggestion to the students that they should take to the streets. He stated that it was unfortunate that the broadcaster

did not take the trouble to acquaint itself with university procedures regarding examinations before initiating its media trial. He also mentioned that the university had set up a Fact Finding Committee and the report dated 21.12.2015, had concluded that *“the facts did not support allegations against Prof. Anuradha Roy”*. Despite the complainant being exonerated, the broadcaster did not stop or restrain itself from broadcasting against the three teachers and it continued throughout the month of December 2015.

The learned counsel for the complainant drew the attention of NBSA to the response of the broadcaster in its email dated 4.3.2016, wherein it had reiterated: *“Our channel first aired the story on 2nd December 2015 wherein it was shown how Ramtanu was a victim of unjust and unfair behaviour of the teachers in the university, which ultimately led him to attempt to commit suicide”*. Such allegations, he stated, were being broadcast without giving an opportunity to the complainant, as required by the NBSA Guidelines. In regard to the defence of the broadcaster that it gave a fair opportunity to the complainant to provide her view point, the learned counsel stated that when three teachers were coming out of the VC’s office, the only sentence uttered by Prof Roy to the channel's anchor was *“we fully sympathise with him, we still sympathise him”* and that could not be considered as giving an opportunity to a complainant to present her side of the story.

The learned counsel for the complainant drew the attention of NBSA to the fact that the anchor in the broadcast stated that allegation had been brought against three teachers for abetting suicide of a physically handicapped student (the word used throughout is “pratibandhi”) by making insulting remarks on a regular basis and non-cooperation and that as a result, a humiliated and depressed Ramtanu, a student of History Department attempted suicide; it was alleged that these three teachers deliberately failed him in the exams and the authorities had taken heed of this after the news was aired on the channel. The learned counsel pointed out that the anchor went to the extent of suggesting that the National Assessment and Accreditation Council (NAAC) should reduce the rating of Jadavpur University in view of this incident.

The learned counsel pointed out that the student had admitted that he had lied to his mother and told her that *“a sir had asked us to write a project report on sleeping pills to examine their ingredients, to take snap shots I admit this. I had no other way I have been telling her this for many days”*. He also drew attention to the admission of the student that before the exam, he had no notes and he was blank and he would have lost a year, and therefore he had planned the suicide.

He also drew the attention of NBSA to the fact that the photographs of three teachers were shown throughout the month with the caption “accused”. He also drew the attention of NBSA that in the programme title “*Hok Ramtanu*”, the complainant’s name along with the other Professors name was mentioned as “*main accused*” and the anchor to sensationalize the incident had stated that “*we have been showing this to you since morning - how three teachers of History Department tortured this physically challenged student – how they instigated him to commit suicide – after we aired this every nook and corner of society is agitated*”. The names of three teachers, including that of the complainant were announced again and Ramtanu was shown accusing the complainant of failing him and calling for the proper punishment of all three teachers.

He further drew the attention of NBSA where the anchor asks a psychiatrist named Mr. Sabyasachi Mitra: “*Nursery or Montessori teachers are taught mostly by aunts or madams because women are set to possess motherly affection and can give maximum care. Is this a cause of special trauma for Ramtanu*”. The Psychiatrist in reply analysed the psychology of the three teachers and observed that they perhaps suffer from depression or have anti-social personality traits, etc. The anchor, further states that “*If the teachers can only become human beings, perhaps no counselling would be required*”. The learned counsel stated that the programme ended by showing the complainant and two of her colleagues as sub-human brutes. The anchor called for “*exemplary punishment (drishtantamulak shasti) for the teachers*”. The faces of the teachers are shown and the following lines appeared at the bottom several times: “*Teachers hiding their faces*” and “*Giving lessons on humanism*”. The learned counsel pointed out that while several individuals were invited as panellists, the broadcaster did not feel the need to call the three teachers, who were being reported upon as “*accused*” to present their side of the story.

Mr. Nauriya, the learned counsel for complainant, concluded his submissions by stating that the complainant Prof. Anuradha Roy has meritorious record as a teacher/researcher for 30 years. He stated that the channel had grossly violated the Code of Ethics and Broadcasting Standards. It did not maintain impartiality, objectivity or neutrality in reporting or the analysis done in various broadcasts. The broadcast showed no restraint and did not conduct any pre-verification of the portrayals made during the media trial conducted by it. The tone and tenor of its broadcast was defamatory and lacked sobriety, dignity and decency. It was offensive, barbed, derisive and unprofessional. There was also no attempt to seek the version of the persons who were being castigated, the channel conducted itself as though it was conducting proceedings and pronouncing verdicts of guilt or innocence in a criminal trial against persons whose alleged criminal acts were being investigated in a manner that suggested that the channel

were a court trying an accused. It was submitted that if the entire footage for the period December 2015 to January 2016 had been produced, they would corroborate the repeated violations of the Standards, Regulations and Guidelines of NBA/NBSA. He demanded that the broadcaster be severely reprimanded and directed to issue a written apology to the complainant and to broadcast a public apology to the complainant for seven successive days at prime time.

The broadcaster in their submissions stated that the focus of the programme was not on Prof. Anuradha Roy; that the entire programme related to a disabled student who attempted suicide and was based on the statements given by the student and his mother; that the mother had alleged that her disabled son was harassed by the three teachers resulting in his inability to prepare for the examinations; and that her son attempted suicide when he consequently failed in the exams. The broadcaster stated that the broadcasts of programmes and news reports in regard to the incident were in public interest, as they wanted to highlight the problems faced by students with disability and secure justice to such students with disability. The broadcaster stated that there was no campaign or prejudice against the complainant or the other two teachers; and that to make sure that all angles were discussed, it had invited psychiatrists/counsellors etc. to give their views on the issue of problems faced by students with disability. The broadcaster stated that the moment the Fact Finding Report of the University was made available to them, they stopped the broadcasts. The broadcaster alleged that the Fact Finding Report of the University was forwarded to the Commissioner for Persons with Disabilities, Govt. of West Bengal, for initiating action against three professors. At this stage, Mr. Nauriya, learned counsel for the complainant intervened and drew the attention of the NBSA that the letter dated 25.1.2016, addressed to the Vice Chancellor by the State Commissioner for Disabilities, which clearly stated that “allegations against Prof. Anuradha Roy were not supported”. The broadcaster again reiterated that they had no intention to malign or destroy the reputation of the three Professors and that it was only reporting of the issues faced by students with disability in public interest.

NBSA considered the complaint, response, submissions and the material placed by both sides. NBSA noted that there is no doubt that public interest requires that the problems faced by students with disability to be highlighted. But that does not mean that a media trial can be held, showing the complainant (one of the teachers of the student) in bad light holding her guilty of inhuman treatment of the student or prejudice against the student, or to hold her responsible for the travails of a failed student, by treating mere accusations of the student and his mother as proof. There was no attempt to get the version of the complainant. The broadcaster was clearly in breach of the NBA Code of Ethics & Broadcasting

Standards, Specific Guidelines relating to impartiality and objectivity in reporting, neutrality and privacy which require: *“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”*....*“news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt”*.

NBSA after deliberations decided to impose the following sanctions/fine upon the broadcaster:

(a) The broadcaster shall, prior to the 9 PM news on August 9, 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 ETV News Bangla by stating the following: **(To be translated in Bengali)**

“ We regret that in our programmes like '*Hok Ramtanu*' and '*Sada-Kalo*' and also as part of our regular newscast, apart from the recap of the “Pick of the News of 2015” telecast on ETV News Bangla channel, we had without proper verification of facts and without ascertaining the views of the University and Prof. Anuradha Roy, who was being reported upon, thereby violating the principles relating to impartiality and objectivity in reporting, neutrality and privacy. We clarify that there was no intention on our part to pre-judge the issue in any manner. Since we failed to give an opportunity to Prof. Anuradha Roy, Department of History, Jadavpur University to give her version on the allegations which were telecast in December 2015, we are carrying her unedited version following this apology”.

The broadcaster shall by a written notice/call letter give the complainant the opportunity to give her version for being telecast for a period of 3 minutes. The version offered by the complainant shall be restricted only to the clarifications she wishes to offer and nothing objectionable shall be stated against the broadcaster. Prof. Anuradha Roy shall be given 15 days time from the date of broadcaster’s written notice to give her version. The broadcaster will send the letter to Prof. Anuradha Roy within three days of receipt of the Order both by email & registered mode of delivery requesting for her availability to take her version. The broadcaster shall also give written and signed version of the expression of regret/apology to the complainant.

(b) The broadcaster is imposed a fine of Rs.1,00,000/-.(Rupees One lakh only) payable to News Broadcasters Association (NBA) within 7 (seven)

days of receipt of this Order for violation of the Broadcasting Standards and Regulations ,

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

(d) The broadcaster shall submit a compact disc containing the telecast with particulars of the date and time of the telecast, within one week of telecast, as proof of compliance. After such CD is submitted by the broadcaster, the matter will be closed.

It is clarified that the finding of NBSA, and the regret/apology to be expressed by the broadcaster, in pursuance of this decision, are only in the context of examination by NBSA as to whether there was any violation of Broadcasting Standards and Guidelines and shall not be construed as a finding against, or admission by, the broadcaster, of any other wrong-doing giving rise to a civil or criminal liability.

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.

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

Place: New Delhi

Date: 18.7.2016