

Decision dated 7.2.2017 regarding letter dated 26.9.2016 received from the Section Officer (BC-II), MoI&B regarding complaint from Isha Foundation against telecast of alleged baseless/malicious programmes by Sun News TV Channel on 1-3, 5-6, 10-13, 15-19 August, 2016.

MoI&B forwarded a letter dated 29.8.2016 from Isha Foundation addressed to Secretary MoI&B alleging that Sun TV had repeatedly broadcast baseless allegations about Isha Foundation, with the intention to malign the Foundation's good reputation. The complainant alleged that the broadcaster appeared to be in collusion with vested interests that have been levelling a barrage of baseless allegations without any iota of evidence. According to the complainant, the following baseless allegations were aired by Sun News against the Foundation:

- *Brain washing and forcible holding people captive.*
- *Thousands of alcohol bottles found near the buildings of Isha Yoga Centre.*
- *Government officials colluding to give a clean chit to all cases against Isha Yoga Centre.*
- *School students tortured.*
- *In the name of spirituality, Isha Foundation is reaching out to rich people and hypnotizing them.*
- *Murder, ganja, drug cases on Sadhguru.*
- *Skeletal bones found inside the Ashram.*
- *Stealing kidneys, removing uterus of woman monks, giving tablets to woman monks during menstrual cycles to postpone them, putting people in a state of coma, injecting a bacteria in hair oil, that will eat the brain, mixing drugs in food and some substance in incense sticks to make people lose their senses.*

NBSA at the meeting held on 11.11.2016 considered the complaint, responses from the broadcaster and also viewed the CD. NBSA noted that the broadcaster had carried news about the Isha Foundation in their regularly scheduled news bulletins on 1-3, 5-6, 10-13, 15-19 August, 2016, which was repeated several times during these dates and in the "Vivadha Medai" programme, a live debate show, which was also repeated. In these programmes, the allegations of the nature complained of were made. NBSA noted that in the regularly scheduled news bulletins, there was no reference to the version of Isha Foundation's except a press release issued by the Foundation on 6.8.2016 denying the allegations and by one Mr. Senthil Kumar, Ex Organiser of Isha Foundation on 13.8.2016. However, in the Vivadha Medai" programme, a person said to be representative of Isha Yoga Foundation participated in the live debate and gave his views.

NBSA decided that both the broadcaster and the complainant be directed to appear before the NBSA for a hearing.

The following persons appeared for the hearing on 10.1.2017:

Isha Foundation (Complainant):

Mr. Vasudevan V. , Coordinator
Mr. S. Rajendra Kumar, Advocate
Mr. Suresh Madhavaraj, Advocate

Sun TV Network Ltd. [Sun News]:

Mr. Madhav Khosla, Advocate
Mr. R. Umashankar, Chief Editor, Sun News
Mr. Kartik Yadav, Advocate
Mr. M. Rama Krishna

Mr Rajendra Kumar, Advocate appearing for Isha Foundation submitted written submissions and also argued the matter. He stated that on 1.8.2016, disgruntled parents of two sanyasins appeared to have given a petition to the local police and also had approached the Superintendent and Deputy Superintendent of Police stating that their daughters were held captive and detained illegally in the Ashram; that they were administered with psychotropic drugs in the incense sticks and many such persons are forced to stay in the Ashram against their will and that they should be released; Police after taking the statements from the two sanyasins and after conducting a thorough investigation rejected their claim. The parents thereafter approached the Collector of Coimbatore with the same complaint. After coming out of the Collectorate, the parents gave interview to many TV channels including Sun News Channel. From this point onwards, vilification campaign by the broadcaster against the Foundation started in myriad forms - Vivadha Medai (live debate), interviews from unconnected people and disgruntled elements etc., all aimed at defaming the reputation of the Foundation; aggrieved by the continuous vilification campaign, the Foundation made a complaint to the Ministry of Information and Broadcasting on 29.08.2016. The same was forwarded to NBSA. He stated that after filing the complaint with the MOI&B, the Foundation had also filed a Civil Suit on 30.8.2016 (CS No. 617/2016 on the file of the Hon'ble High Court of Madras) for a permanent injunction restraining the broadcaster from continuing with the vilification campaign. The broadcaster's Counsel appeared on the date of first hearing before the High Court and undertook not to telecast about the Foundation and since then the broadcaster has not telecasted anything about the Foundation. The Counsel of Isha Foundation stated that the civil suit related to the defamatory content in the broadcast and that the same would not come in the way of NBSA proceeding further with the enquiry into the allegations of violation of the Regulations/Code of Ethics and Broadcasting Standards framed by the NBSA.

The learned counsel for Foundation submitted that the main violations of the broadcaster were the intrusion into the private lives of two sanyasins without any identifiable public interest and presenting the allegations as facts; reporting unverified allegations; not providing due opportunity/level playing field to the Foundation to present its point of view.

The Counsel stated that the following defamatory statements were made by the moderator and the father of the sanyasins in the Vivadha Medai dated 5.8.2016:-

(a) Ladies go through their monthly cycles. They give pills for postponing the periods because for those three days the work should not be disrupted. What medicine – is it a steroid or a drug? Is this the way to run an organization? Are we in a democratic country or in some bonded slavery?.

(b) While introducing the subject of the debate to the audience, the moderator reduces the whole tradition of Sanyas to a group of beggars in and around temples, thereby defaming the entire spiritual community. He also mocks today's spirituality and Isha badly as he stated that "In olden days, sanyasis used to be sitting outside or inside the temples. When we go there we give them some eatables that we have taken with us or what is offered at the temple. This is how sanyasis used to be. On the other side, once people have lived their life or they are facing some problems and they are unable to do anything they take up sanyas. Now the times have changed so much that sanyasis, instead of sitting in the temples they have become like a corporate organization. They have become corporate sanyasis. There is also another group which says that they are going to take up sanyas just like they are going to college or going to job.

(c) The Moderator, in the guise of asking questions, twice had made defamatory statements against the foundation, when he was asking question to one of the participants. Foundation is brainwashing the followers step by step.

The learned counsel for Foundation further stated that the mother of sanyasins had filed a Habeas Corpus Petition before the Madras High Court and a Division Bench of the High Court had directed the Principal District Judge of Coimbatore to visit the foundation, on 10.8.2016 and record the statements of sanyasins and submit a detailed report. The Superintendent of Police, Coimbatore (Rural) and Secretary, Legal Services Authority were permitted to accompany the Principal District Judge, Coimbatore. The District Judge accordingly submitted his report. Upon perusing the report of the Principal District Judge, Coimbatore, the Hon'ble High Court on 12.8.2016 found that the sanyasins were staying in the Ashram on their own free will and volition and therefore the allegations made by the parents of sanyasins against the Foundation were false.

The complainant further alleged that in spite of the clean chit given by the Hon'ble High Court, on 13.8.2016 the broadcaster carried on the vilification campaign and conducted yet another VIVADHA MEDAI (Debate) with the Moderator Rameshkumar – Sun News Channel along with the following participants: (a) Mr. Madhusoothanan a Volunteer from their foundation, (b) Mr. Rama. Ravikumar,

State General Secretary, Hindu Makkal Katchi, (c) Mr. Ramakrishnan, the General Secretary of Thanthai Periyar Dravida Kazagam, and (d) Mr. Senthilkumar, Ex-Organiser of Isha, Pollachi. He alleged that though one among the participants (Mr. Madhusudhanan, a volunteer from the foundation), tried to explain, all his explanations were brushed aside and the moderator kept on asking questions which were defamatory. A song was also repeatedly telecast from the yester-year movie called “Kasedhan Kadavulada” featuring comedian “Thengai Srinivasan” who essayed a role of a fake sanyasin gaining entry into a devotee’s house under the guise of sanyasin with the sole intention of stealing her valuables. This song was telecast seven times at the beginning and immediately after every commercial break. But the visuals shown were the rituals conducted in the Foundation along with the founder’s ecstatic dance. This very juxtaposition of the visuals and the song were derogatory and defamatory of the activities conducted in the foundation and the spiritual guru/guide of the Foundation and calculated to bring down the image of the foundation and its founder to disesteem and to ridicule and falsely show the foundation as indulging in large scale larceny of kidneys, influencing the participants through drug abuse, brain washing and what not, even forcing uterectomy on its female followers. The complainant alleged that the broadcaster has thrown to winds the cardinal principle that the news should be reported with due accuracy, after verification to the fullest extent possible. It was further submitted on behalf of the Foundation that the broadcaster made reckless allegations against the Foundation without verifying the facts; that the Foundation’s version was never sought for or suppressed completely; that the broadcaster’s apparent concern was to increase its Television Rating Points (TRP rating) rating and to sensationalize trivial and one-sided false allegations. It is alleged that due opportunity was not provided to the complainant to present its point of view, and repeatedly mere wild allegations were portrayed as facts and proved acts of guilt. It was pointed out that the broadcaster did not take any effort to conceal the identity of the sanyasins and intruded into their privacy without any larger and identifiable public interest.

The Counsel for the broadcaster submitted that all the allegations made in the complaint are false and baseless. They submitted that all news items which were telecast about Isha Foundation were telecasted only as news items which were in the public domain and at no point of time the channel expressed any opinion on this issue. That apart, these news items were also telecast in various media channels and published in various newspapers. But for reasons best known, the complainant had filed a complaint only against them in a discriminatory manner. They submitted that the news items were telecast as a responsible fourth estate to disseminate news to the public at large about the happenings in the world and at no point have any intention to defame or malign the reputation of any body much less than the complainant. A habeas corpus petition was filed by the parents of two of the inmates of the complainant. The details of petition and the interview of the parents were telecast in all the news channels including them as a news item. They denied that the channel is in the forefront of negative campaign instigated by vested group. They submitted that no negative campaign was ever made against Isha Foundation by Sun

News channel. All the news items and interview telecast were made only in a bonafide manner to inform and disseminate news to the general public and at no point of time Sun News channel expressed any independent opinion on the issue. It was submitted that even in the programme called “Vivadha Medai” which is a debate among different eminent personalities of the society, a representative on behalf of the complainant participated and his views were also telecasted in their channel. After the judgment of the Honourable High Court, there were various complaints lodged by victims before the Honourable Chief Minister and Collector, that Women’s self help group had organized various protests against the complainant and also lodged complainant which was aired in their channel to inform the people of the happenings around them which is the utmost responsibility of the fourth estate of the nation. The repetition of news items, “Vivadha Medai” programme and other programme is their usual protocol followed for all the news items and programmes in their news channel and this repetition has not been made only for the news and programme of Isha Foundation.

NBSA however suggested that the broadcaster may consider making a statement without prejudice to its rights and contentions (including in Civil Suit filed by Isha Foundation being Civil Suit No. 617 of 2016) before the High Court of Madras, that, in future, prior to any broadcast of debate program(s)/ participative discussion(s) for any news prejudicial to Isha Foundation, the said Foundation be provided with an opportunity to send an authorized representative to appear/communicate its views for such program/discussion. Similarly, prior to the broadcast of any future news item regarding Isha Foundation, the channel should endeavour to contact Isha Foundation to seek their views on such news. The Counsel for Sun News sought time to seek instructions in the matter from the broadcaster and convey the same to NBSA within one week. NBSA decided to take further action based on the response from the broadcaster.

Decision:

NBSA at its meeting held on 7.2.2017 noted that the broadcaster by subsequent email dated 23.1.2017, stated that it will not be in a position to furnish any undertaking to the NBSA regarding future telecast/broadcast of news regarding Isha Foundation in view of the matter being sub judice and that the same would create unnecessary prejudice. After considering the submissions/ documents submitted by the complainant and the broadcaster and the email dated 23.1.2017, NBSA was of the view that as per Regulations 7.2 second proviso read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate for the NBSA to hold an enquiry into the complaint as the facts constituting the cause of action for the complaint, are also the facts of the complaint pending enquiry in a court of law. Any enquiry by NBSA into any issue or factual question resulting in a finding of NBSA may lead to a situation of conflict / divergence with any future findings by a Court/other Authority in the pending proceedings. NBSA therefore decided that it will not consider and decide the complaint and treated the matter as

closed for the present, reserving liberty to the complainant to revive the complaint, if necessary, on conclusion of the Court and other proceedings. It was clarified that any statement by the broadcaster in the proceedings before NBSA, being by way of response to the notice from NBSA, nothing stated by the broadcaster will be treated as an admission of any fact or position by the broadcaster. NBSA decided that the MoI&B, complainant and the broadcaster be informed accordingly.
