

Speed Post / Email < vikas@republicworld.com >

February 21, 2019

Mr. Vikas Khanchandani

Chief Executive Officer
ARG Outlier Media Asianet News Pvt. Ltd.
NBW Building, Bombay Dyeing Mill Compound,
Pandurang Budhkar Marg, Worli,
Mumbai – 400 025

Dear Sir,

Re: Complaint dated 29.1.2018 by Mr. A. Singh against Republic TV ----- Non-Compliance of the Order dated 30.8.2018 by the broadcaster

As per the decision of NBSA taken at its meeting held on 11.7.2018 with regard to the above complaint, a detailed Order No. 54/2018 dated 30.8.2018 was made and the broadcaster was directed to air a regret. (Copy of Order attached)

On receipt of the said Order, the broadcaster, through its Editor-in-Chief, gave a representation dated 26.9.2018 seeking review of the Order. In the said representation for review, the broadcaster contended that *'it is erroneous for NBSA to side step the real issues of a women journalist being harassed by men while undertaking her duty as a reporter and instead target the victim in question by attempting to run a smear campaign against her'*. The broadcaster submitted that the decision of NBSA directing airing of an apology normalizes a 'crime' against a woman journalist thereby vilifying the victim (the woman journalist) instead of standing by the women journalist who alleged harassment and registered non-cognizable information report (NCIR) against those who intimidated and harassed her.

NBSA considered the representation for review and was of the view that no ground was made out for reviewing the Order. Normally, in case of rejection of review applications, no reasons are assigned. However, as the broadcaster appears to be under a misconception about the purport and purpose of the Order, NBSA decided to communicate the reasons to the broadcaster for its decision in rejecting the review. NBSA therefore reiterated its Order and directed the airing of expression of regret as per para (i) of the decision/direction part of the order dated 30.8.2018, as per the date and time indicated by NBSA. If the broadcaster failed to express such regret on that day, the broadcaster shall air the expression of regret as per para (ii) of the decision/direction part of the order dated 30.8.2018, as per the date and time given by NBSA.

NBSA at its meeting held on 17.1.2019 noted that the broadcaster did not respond to the communication dated 7.12.2018 and had not aired the expression of regret prior to commencement of the 9 pm news on 14.12.2018 or prior to commencement of the 9 pm news on 21.12.2018. The confirmation sought in this regard by NBSA vide email dated 28.12.2018 has also remained unanswered. NBSA also noted that the reasons have already been conveyed to the broadcaster for its decision in rejecting the review. Thereafter the broadcaster vide letter dated 9.8.2019 was informed that the NBSA took strong exception for noncompliance of its Order of carrying the expression of regret. NBSA reiterated its earlier directions to the broadcaster to comply with the Order dated and air a regret on the fresh date and time given to it by NBSA. NBSA directed to the broadcaster to air the expression of regret prior to commencement of the 9

21/2/2019

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pm news on 15.2.2019 or prior to commencement of the 9 pm news on 18.2.2019. You are requested to confirm the position.

NBSA was of the view that when members of NBA fail to comply with the Order of NBSA it is a matter of serious concern. NBSA reiterated that being an independent self-regulatory body of NBA, the members of NBA subjected to any disciplinary action by NBSA should not treat the orders of NBSA as decisions in an adversarial dispute, but view them as corrections indicated for maintaining the independence, neutrality and objectivity of the media. The very purpose of self-regulation will be defeated if the members should time and again refuse to comply with the orders of NBSA or persist in repeating violations for which they have been warned or penalised by NBSA. If the members of NBA should constantly explore ways and means to avoid compliance with the orders of NBSA, it is time for the NBSA to cease functioning as a Regulatory and Disciplining Body.

Secretary General, NBA was requested to bring the above concerns and observations of NBSA, to the notice of CEO of the broadcaster as also of the NBA Board.

You are therefore requested to kindly note the observations made by NBSA and get the Order of the NBSA implemented. Please inform the NBSA so that the date and time of carrying the expression of regret can be intimated to the broadcaster and the complainant.

Kindly acknowledge receipt of this communication.

Thanking you,

Yours faithfully,


21/2/2019.

Annie Joseph

For & on behalf of NBSA

CC: *sundaram@republicworld.com, Sheena.Iype@republicworld.com, Girish.Parab@republicworld.com, vikas@republicworld.com, mohit@republicworld.com*

Encl: As above

Speed Post / Email: <sundaram@republicworld.com>

February 8, 2019

Mr. S. Sundaram

CEO/ Compliance Officer, NBSA
ARG Outlier Media Asianet News Pvt. Ltd.
NBW Building, Bombay Dyeing Mill Compound,
Pandurang Budhkar Marg, Worli,
Mumbai – 400 025

Dear Sir,

Re: Complaint dated 29.1.2018 by Mr. A. Singh against Republic TV

Your attention is drawn to our letter dated 7.12.2018, wherein we had conveyed the decision taken by NBSA at its meeting held on 30.10.2018, on your representation dated 26.9.2018 regarding seeking review of the Order dated 30.8.2018. After reviewing your application /letter NBSA decided that the reasons for the rejection of the review application be conveyed to the broadcaster. The reasons for rejecting the review application were as follows:

- (i) The complaint by Ms. Shivani Gupta against those allegedly harassed and intimidated her was not the subject matter of the enquiry by NBSA. That complaint will be considered by the investigating authorities and the criminal court. The decision of NBSA is not in regard to the alleged harassment of the woman journalist (Ms. Shivani Gupta). NBSA has not stated anything in its decision that would come in the way of law taking its course in regard to the complaint by Ms. Shivani Gupta. In fact, the decision of NBSA, therefore, clearly states: *'Any finding or observation by NBSA in this order is only in the context of examination as to whether there was any violation of Broadcasting Standards and Guidelines'*.
- (ii) What was considered by NBSA was a complaint by Mr. A. Singh against Republic TV alleging that in Mr. Arnab Goswami's show on 9.1.2018 at 9 pm (repeated several times), *while reporting about a youth rally under the caption 'Jignesh Flop Show', the complainant's image was shown with red dots around his head, targeting and calling him as 'vulgar thug', 'pervert', 'goon', 'sexist', 'hyena' and 'Anti-Indian'*.
- (iii) After considering the complaint and the response of the broadcaster and after viewing the CD, NBSA found that the channel violated the Code of Ethics and Broadcasting Standards of NBSA and the Guidelines Covering Reportage.

Arising out of the said decision taken by NBSA on the review petition, the following directions were intimated by the above mentioned letter :

- (1) air expression of regret as per para (i) of the decision/direction part of the Order dated 30.8.2018, prior to commencement of the 9 pm news on 14.12.2018; and if broadcaster fails to express such regret on that day, the broadcaster shall air the expression of regret as per para (ii) of the decision/direction part of the Order dated 30.8.2018 prior to commencement of the 9 pm news on 21.12.2018.

(2) remove the vide of the said broadcast, if hosted on the website of Republic TV or YouTube or any other links.

and the broadcaster shall intimate NBSA within 7 days compliance of the above.

NBSA noted that since there was no reply, an email dated 28.12.2018, was sent for confirmation of the above directions, which has remained unanswered.

The above issue was considered by the NBSA at its meeting held on 17.1.2019. In view of the reasons mentioned in Order dated 30.8.2018 and reiterated in its decision dated 30.10.2018, NBSA took a strong exception for noncompliance of its Order of carrying the expression of regret either on 14.12.2018 or on 21.12.2018.

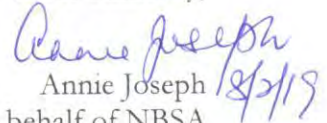
NBSA has reiterated its decision taken vide its Order (**Attached**) and decided that the broadcaster be again directed to air expression of regret. Accordingly, you are directed to air expression of regret as per para (i) of the decision/direction part of the order dated 30.8.2018, **prior to commencement of the 9 pm news on 15.2.2019**. If the broadcaster fails to express such regret on that day, the broadcaster shall air the expression of regret as per para (ii) of the decision/direction part of the Order dated 30.8.2018, **prior to commencement of the 9 pm news on 18.2.2019**.

The video of the said broadcast, if hosted on the website Republic TV, or YouTube, or any other links, should be removed immediately and confirmed to NBSA in writing within 7 days.

The broadcaster shall submit a CD 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.

Thanking you,

Yours faithfully,


Annie Joseph 18/2/19

For & on behalf of NBSA

Encl: As above

CC: *apurv@olagroup.in*
Sheena.Type@republicworld.com, Girish.Parab@republicworld.com, vikas@republicworld.com,
mohit@republicworld.com

Speed Post / Email: <sundaram@republicworld.com>
December 7, 2018

Mr. S. Sundaram

CFO/ Compliance Officer, NBSA
ARG Outlier Media Asianet News Pvt. Ltd.
NBW Building, Bombay Dyeing Mill Compound,
Pandurang Budhkar Marg, Worli,
Mumbai – 400 025

Re: Complaint dated 29.1.2018 by Mr. A. Singh against Republic TV

As per the decision of NBSA at its meeting held on 11.7.2018 in regard the complaint by A. Singh against Republic TV, a detailed order No. 54/2018 dated 30.8.2018 was made and the broadcaster was directed to air a regret.

On receipt of the said order, the broadcaster, through its Editor-in-Chief, has given a representation dated 26.9.2018 seeking review of the order. In the said representation for review, the broadcaster has contended that *'it is erroneous for NBSA to side step the real issues of a women journalist being harassed by men while undertaking her duty as a reporter and instead target the victim in question by attempting to run a smear campaign against her'*. The broadcaster submits that the decision of NBSA directing airing of an apology normalizes a 'crime' against a woman journalist thereby vilifying the victim (the woman journalist) instead of standing by the women journalist who alleged harassment and registered non-cognizable information report (NCIR) against those who intimidated and harassed her.

NBSA at its meeting held on 30.10.2018 considered the representation for review and was of the view that no ground was made out for reviewing the order. Normally, in case of rejection of review applications, no reasons are assigned. However, as the broadcaster appears to be under a misconception about the purport and purpose of the order, NBSA decided to communicate the following reasons to the broadcaster for its decision in rejecting the review:

- (i) The complaint by Ms. Shivani Gupta against those allegedly harassed and intimidated her was not the subject matter of the enquiry by NBSA. That complaint will be considered by the investigating authorities and the criminal court. The decision of NBSA is not in regard to the alleged harassment of the woman journalist (Ms. Shivani Gupta). NBSA has not stated anything in its decision that would come in the way of law taking its course in regard to the complaint by Ms. Shivani Gupta. In fact, the decision of NBSA, therefore, clearly states: *'Any finding or observation by NBSA in this order is only in the context of examination as to whether there was any violation of Broadcasting Standards and Guidelines'*.
- (ii) What was considered by NBSA was a complaint by Mr. A. Singh against Republic TV alleging that in Mr. Arnab Goswami's show on 9.1.2018 at 9 pm (repeated several times), **while reporting about a youth rally under the caption 'Jignesh Flop Show', the complainant's image was shown with red dots around his head, targeting and calling him as 'vulgar thug', 'pervert', 'goon', 'sexist', 'hyena' and 'Anti-Indian'**.
- (iii) After considering the complaint and the response of the broadcaster and after viewing the CD, NBSA found that the channel violated the Code of Ethics and Broadcasting Standards of NBSA and the Guidelines Covering Reportage. It held:

7/12/18

“NBSA viewed the CD and carefully considered the arguments. The footage does not show use of any objectionable words by the complainant or any gesture which can be described as “lewd” or “threatening”. NBSA was of the view that the use of words like “*I am going to show these crude, lewd hyenas / show the dirty faces of lewd, cheap, vulgar, sexist, pervert anti-India goons*” by Mr. Arnab Goswami who was anchoring the programme, while the channel focused on the face of the complaint (by marking his face by a circle of red dots) from among the persons at the rally venue who allegedly threatened/harassed its female news reporter. Ms. Shivani Gupta was totally unwarranted and unjustified and the same was in violation of the Broadcasting Standards.

The Code of Ethics and Broadcasting Standards of NBA, relating to “Impartiality and Objectivity of Reporting”, provide “...*It is the responsibility of TV news channels to keep accuracy and balance as precedence over speed. If, despite this, there are errors, channels should be transparent about them. Errors must be corrected promptly and clearly whether in the use of pictures, a news report, a caption, a graphic or a script. Channels should also strive not to broadcast anything which is obviously defamatory or libelous...*”

The specific Guidelines covering Reportage (vide para 4.2) requires that the content of the reporting should avoid crude, offensive or coarse language. The Guidelines on Broadcast of Potentially Defamatory Content provide: “*a news anchor/journalist/presenter should not make a derogatory, derisive or judgmental statements as part of reporting or commenting*” (vide Basic Guideline 5) and “*As a norm, a news channel should not report – live or recorded – any statement that is per se derogatory or derisive...*”

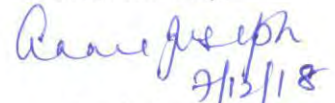
NBSA therefore reiterates its Order and directs the airing of expression of regret as per para (i) of the decision/direction part of the order dated 30.8.2018, **prior to commencement of the 9 pm news on 14.12.2018**. If the broadcaster fails to express such regret on that day, the broadcaster shall air the expression of regret as per para (ii) of the decision/direction part of the order dated 30.8.2018, **prior to commencement of the 9 pm news on 21.12.2018. Copy of the Order attached.**

The video of the said broadcast, if hosted on the website Republic TV, or YouTube, or any other links, should be removed immediately and confirmed to NBSA in writing within 7 days.

The broadcaster shall submit a CD 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.

Thanking you,

Yours faithfully,



Annie Joseph

For & on behalf of NBSA

Encl: As above

CC: apuri@olagroup.in
Sheena.Type@republicworld.com, Girish.Parab@republicworld.com, vikas@republicworld.com,
mohit@republicworld.com

News Broadcasting Standards Authority
Order No. 54 (2018)

Order of NBSA on complaint dated 29.1.2018 by Mr. A. Singh against Republic TV

Complaint:

1. The complaint was that in Mr. Arnab Goswami's show on 9.1.2018 at 9 PM (repeated many times and video also put up on the website of Republic TV), while reporting about a youth rally under the caption "Jignesh Flop Show" the complainant's image was shown with red dots around his head, targeting and calling him as "*vulgar thug*", "*pervert*", "*goon*", "*sexist*", "*hyena*" and "*anti-Indian*". He alleged that the broadcaster refused to apologize in spite of his complaint.

Response from Broadcaster:

2. The response of the broadcaster was that its reporter (Ms. Shivani Gupta) along with channel's cameraman, were at the venue of a rally on 9.1.2018 and the broadcast complained about was highlighting the unruly and uncivilized behavior of certain unidentified persons including the complainant who harassed her at that time. The broadcaster stated that it could be clearly seen from the objected news report (video footage) that the complainant (person identified by red dots) was interfering with the reporting done by the channel's female reporter by moving towards her in an intimidating and aggressive manner and shouting the words "*...jhoot bol rahi hai ye*" as she was confronting another person harassing her. It was further alleged that the complainant engaged in further sloganeering which, though not clearly audible, appeared to be aimed at the female reporter. The actions of the complainant and others present at the venue of the rally, presented an imminent threat and danger to reporter, necessitating her to be escorted away with police protection.

3. The broadcaster submitted that the broadcast was based on sufficient facts, cogent and credible evidence and there was nothing in the broadcast to defame, ridicule or harass the complainant. It was submitted that the broadcaster did not violate the Regulations and Guidelines of NBA/NBSA.

4. NBSA at its meeting held on 24.5.2018 had considered the complaint, the response of the broadcaster and also viewed the CD. Not being satisfied with the explanation given by the broadcaster and being *prima facie* satisfied that the language used against the complainant in the broadcast [such as "*vulgar thug*", "*pervert*", "*goon*", "*sexist*" and "*anti-Indian*"] was inappropriate and unwarranted on the facts and circumstances, NBSA decided to call both parties for a hearing.

5. The following persons were present at the hearing on 11.7.2018:

Complainant:

Mr. A. Singh (Complainant) with his wife Ms. Pratishtha Singh
Mr. Mohit Kumar Daraad, Advocate

ARG Outlier Media Asianet News Pvt. Ltd. [Channel : Republic TV]

Mr. Abhishek Kapoor, Executive Editor
Ms. Shivani Gupta, News Editor & Anchor
Mr. Rajat Pradhan, Advocate

Submissions of Complainant:

6. In his submissions, the complainant stated that in the video, he was shown as saying, “**Koi aapko tang nahi kar raha, aap jhooth bol rahin hain!**”. He stated that anyone hearing him saying “**Aap jhooth bol rahi hain**”, would realise that he was not behaving as a “**vulgar thug**”, “**pervert**”, “**goon**”, “**sexist**” and that by no stretch of imagination, he could be labeled as “**anti-Indian**” which were the descriptions used by Mr. Arnab Goswami in the broadcast while referring to him. He pointed out that after posting the video on its website, the channel removed the red dots shown around his face, as by then, he had sent a series of emails to the channel and also complained to several authorities including NBSA. The complainant and his wife stated on seeing the broadcast, many of their relatives called expressing shock and the broadcast has brought shame and loss of reputation to the family. They demanded an apology from the channel.

Submissions by Broadcaster:

7. The broadcaster submitted that the channel reported news in relation to the Jignesh Mevani rally held at the Parliament Street on 9th January 2018, covered by Ms. Shivani Gupta, one of the female editors of the channel and anchor of Republic TV. While the reporter was reporting the news regarding the rally, about 10 to 12 unidentified men and the complainant surrounded the Reporter and started harassing her by making unwelcome gestures and sexually colored remarks and shouted intimidating slogans against the reporter, with the obvious intent of obstructing her from reporting. Even though the rally was being covered by several journalists of different news channels who were present at the Parliament Street, the unidentified men and the complainant singled out its reporter and subjected her to continued harassment and assault. The reporter being put in a situation wherein she had to fear for her safety and modesty due to the criminal intimidation of unidentified men and the complainant, had to be escorted away by the police given the imminent danger to her. The broadcaster submitted the incident had been captured by the cameraman of Republic TV. The broadcaster being deeply concerned with the intimidating treatment meted out to its reporter by unidentified

persons and the complainant, filed a complaint with the Parliament Street Police Station on 14 January 2018 through Mr. Abhishek Kapoor, Executive Editor of Republic TV, against unidentified persons (as the identity of complainant was not known at that point in time) in regard to the offences of wrongful restraint [Section 341 of the Indian Penal Code ("IPC"), assault or criminal force to woman with intent to outrage her modesty (Section 354 IPC), sexual harassment (Section 354-A IPC), criminal intimidation (Section 506 IPC)] and for using words, gestures or acts intended to insult the modesty of a woman. According to the broadcaster, the matter is still under investigation.

8. The broadcaster, after reiterating the substance of what was stated in their response, contended that the video footage clearly showed that the complainant had actively participated in the gathering/rally and was amongst those who intimidated/attempted to intimidate their female reporter. According to the broadcaster, the purpose for which the complainant may have been present at the rally and the fact whether or not he was associated with Mr. Jignesh Mewani, was immaterial as the larger issue was the threats held out and the intimidating behavior against its female reporter. The broadcaster submitted that in view of the behaviour of the group of men including the complainant in harassing its reporter, it (Republic TV) decided to highlight the said issue in the broadcast by holding a debate on the same; and that in order to create public awareness, it had identified the accused persons including the complainant, in the programme.

Consideration by NBSA:

9. NBSA viewed the CD and carefully considered the arguments. The footage does not show use of any objectionable words by the complainant or any gesture which can be described as “lewd” or “threatening”. NBSA was of the view that the use of words like “*I am going to show these crude, lewd hyenas / show the dirty faces of lewd, cheap, vulgar, sexist, pervert anti-India goons*” by Mr. Arnab Goswami who was anchoring the programme, while the channel focused on the face of the complainant (by marking his face by a circle of red dots) from among the persons at the rally venue who allegedly threatened/harassed its female news reporter, Ms. Shivani Gupta, was totally unwarranted and unjustified and the same was in violation of the Broadcasting Standards.

10. The Code of Ethics and Broadcasting Standards of NBA, relating to “Impartiality and Objectivity in Reporting”, provide “... *It is the responsibility of TV news channels to keep accuracy and **balance** as precedence over speed. If, despite this, there are errors, channels should be transparent about them. **Errors must be corrected promptly and clearly whether in the use of pictures, a news report, a caption, a graphic or a script.** Channels should also strive not to broadcast anything which is obviously defamatory or libelous...*”

11. The specific Guidelines covering Reportage (vide para 4.2) requires that the content of the reporting should avoid crude, offensive or coarse language. The Guidelines on Broadcast of Potentially Defamatory Content provide: “***a news anchor/journalist/presenter should not make a derogatory, derisive or judgmental statements as part of reporting or commenting***” (vide Basic Guideline 5) and “***As a norm, a news channel should not report – live or recorded – any statement that is per se derogatory or derisive***”.

12. NBSA noted that the very same news report by the channel in regard to the very same rally, had also wrongly identified a news reporter of another channel as one of the perpetrators who targeted its News Editor Ms. Shivani Gupta at the Jignesh Mevani Rally. But in his case, on the very next day, the broadcaster had issued the following clarification:

“On the debate yesterday, we inadvertently circled the visual of a reporter from ABP News... while running pictures of our News Editor Shivani Gupta being targeted by individuals present at the Jignesh Mevani Rally. It was a genuine error, an oversight by our video editor, and not intentional....”

13. In view of its findings, NBSA decided that the broadcaster be directed to air a clarification as per the text to be furnished by NBSA on the date and time indicated by NBSA.

Decision/Directions of NBSA:

(i) The broadcaster shall, prior to the commencement of the 9 pm news on **7.9.2018**, air the following text (static) on its channel (Republic TV), on full screen in large font size with a clearly audible voice-over (in slow speed) expressing regret on its channel Republic TV by stating the following:

“On the debate “Jignesh Flop Show” aired on Republic TV on 9.1.2018 at 9 pm, the channel had inadvertently circled the visual of Mr. A. Singh, while running pictures of its News Editor Ms. Shivani Gupta being confronted by individuals present at the Jignesh Mevani Rally. It was a genuine error, an oversight by our video editor, and not intentional. Therefore, we wish to convey our regrets for the error, which we reiterate was unintentional”

(ii) If the broadcaster fails to do so on the date and time stipulated in Direction (i) above, the broadcaster shall air the following text (static) on its channel (Republic TV) prior to the commencement of the 9 PM news on 14.9.2018 on full screen in large font size with a clearly audible voice over (in slow speed) stating the following:

“On the debate ‘Jignesh Flop Show’ aired on Republic TV on 9.1.2018 at 9 PM, this channel had circled the visual of Mr. A. Singh (while running pictures) of its News Editor Ms. Shivani Gupta) as targeting and intimidating her. On a complaint by A. Singh, News Broadcasting Standards Authority has passed an order dated 30.8.2018 holding that Mr. Arnab Goswami, who anchored the programme, was not justified in using the words ‘I am going to show these crude, lewd hyenas/show the dirty faces of lewd, cheap, vulgar, sexist, pervert anti-Indian goons’ with reference to the complainant. News Broadcasting Standards Authority further held that this channel had violated the Code of Ethics and Broadcasting Standards of NBA and the Specific Guidelines Covering Reportage and should therefore air an apology to Mr. A. Singh. Accordingly, we hereby apologise to Mr. A. Singh for wrongly referring to him as lewd, cheap, vulgar, sexist, pervert, anti-Indian goon.”

(iii) The video of the said broadcast, if hosted on the website Republic TV, or YouTube, or any other links, should be removed immediately and confirmed to NBSA in writing within 7 days.

(iv) The broadcaster shall submit a CD 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.

(v) NBA shall (a) send a copy of this Order to the complainant and the broadcaster; (b) circulate this Order to all Members, Editors & Legal Heads of NBA; (c) host this Order on its website and include it in its next Annual Report; and (d) release the Order to media.

Any finding or observation by NBSA in this order is only in the context of examination as to whether there was any violation of Broadcasting Standards and Guidelines. Neither this order, nor the regret to be telecast by the broadcaster in pursuance of this order, shall be construed as an admission by the broadcaster of any wrong doing giving rise to a civil or criminal liability.

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

Date: 30 August, 2018