

Decision dated 11.7.2018 regarding complaint dated 30.3.2018 from Ms. D. Sunitha, Additional Superintendent of Police, Anti Corruption Bureau, Department of Police, State of Telangana at Hyderabad, against HMTV

Complaint: Complainant is an Addl. Superintendent of Police in the Anti-Corruption Bureau, State of Telangana. HMTV news channel aired a programme on 22.1.2018 titled “Addl. S.P. was caught red-handed with Kulwa kurthy CI” with the tagline “A scandalous blemish on khaki”, alleging that complainant was having an affair with Inspector Mallikarjuna Reddy. The Channel repeated the telecast of allegations against her in several programmes between 22nd and 24th January, 2018 followed by another set of telecasts aired continuously on 9th, 12th & 13.2.2018. The complainant alleged that the broadcasts were in blatant violation of provisions of Programme Code, Code of Ethics & Broadcasting Standards relating to Depiction of Violence and Intimidation against Women and Children, and that of Privacy and also specific Guidelines Covering Reportage and Guidelines on Broadcast of Potentially Defamatory Content. She submitted that by reason of HMTV News Channel telecasting false details of her personal life as “news” repeatedly, has resulted in irreversible damage to her public and private reputation in society.

HMTV in their reply dated 13.4.2018 had stated as follows:

- a) They telecasted first news item on 22.1.2018 at 4pm, after Mr. Surender Reddy gave complaint.
- b) They had not telecasted any news item / story about Sunitha Reddy after 25.1.2018.
- c) They had not telecasted any videos other than photos of Sunitha Reddy in police uniform.
- d) The news telecasted by the channel was endorsed by her husband while leaving GP office after his meet.
- e) They telecasted a story after Telangana State government taken action (TSGO No dated 23.1.2018 news item / story telecasted on 24.1.2018).
- f) The channel vide email dated 26.2.2018, confirmed to the complainant that they have taken down the videos as per her request.

NBSA at its meeting held on 24.5.2018 took note of the facts stated in regard to the complaint and the response and decided to call the parties for a hearing.

The following were present at the hearing today:

On behalf of the Complainant:

Ms. D. Sunitha (Complainant)
Ms. Vrinda Grover, Advocate
Ms. Ratna Appvender, Advocate
Ms. Nishika Chowdhary, Advocate

On behalf of HMTV [Hyderabad Media House Ltd.]

Mr. K. Sirish Reddy, Bureau Chief

Mr. Sravan Kumar, Advocate

The learned Counsel appearing for the complainant stated that the complainant has suffered a troubled marriage with her husband Mr. Surender Reddy from the beginning and since November, 2017 was living away from him. The lease deed for the apartment in which the complainant resided alone, is in her name. However, the complainant's husband has been troubling the complainant by making allegations about her character. Much to the misfortune of the complainant, the mother of the complainant has been critical of the complainant's decision to move out of the marriage and therefore supported Mr. Surender Reddy.

Learned counsel submitted that the impugned programmes refer to the following events in the complainant's personal life. Around midnight on the intervening night of 21-22nd January, 2018 the complainant had dinner with her colleague and trusted friend Mr. Mallikarjun Reddy, Inspector of Police, Kalwakurthy Police Station and returned home. Mr. Mallikarjun Reddy escorted her home (Flat No 61303, Maple Block, 13th Floor, Indu Fortune Fields Gardenia, KPHB, 9th Phase, Hyderabad 500072), where she was living alone. When Mr. Mallikarjun Reddy was leaving the apartment complex, the complainant's estranged husband and other relatives accosted him and accused him of having an affair with the complainant. Even as he was explaining to them the circumstances of his presence, he found camera men from TV9 and other TV channels recording the entire incident. Mr. Mallikarjun Reddy was beaten and threatened by the complainant's estranged husband, her mother and aunt. The entire incident was filmed by TV9 and another reporter.

Subsequent to this altercation, the complainant's estranged husband, mother and aunt forced Mr Mallikarjun Reddy to go upstairs to the complainant's apartment. When they knocked at her entrance door, the complainant opened the door and found to her horror the reporters from TV9 and another channel barging into her home along with her estranged husband and relatives. In utter disbelief and shock, the complainant ran into her bedroom and closed the door. The complainant's estranged husband and relatives forced open the bedroom door. The complainant then hid in the bathroom. There was banging on her bathroom door and she was in fear that even the bathroom door will be broken down. The complainant realized that the TV reporters had entered her bedroom and were trying to get into the bathroom too. It was subsequently known that the husband of the complainant had preferred a criminal complaint of adultery against Mr. Mallikarjun Reddy.

HMTV news channel started the telecasts with the tag lines such as ***"A scandalous blemish on khaki"*** and many more. The telecasts with the said visuals were repeated with different headlines and anchors from the morning of 22nd January until 24.1.2018 as well as on 9th, 12th & 13th of February 2018. Based upon the telecast of the news items from 22nd January, 2018 the Department of Police, State of Telangana suspended the complainant from service on the ground that she brought disrepute to the police department. Impugned Programme is an act of violence against a Woman and has indulged in public shaming.

The telecasts of the impugned programme, branding the complainant as an “adulterous” woman, has caused her extreme mental trauma and irreversibly jeopardised her professional work and reputation. Each of the videos uploaded on the website of HMTV news channel carries messages of hate, intimidation, threat and abuse directed at the complainant. It is also evident from the lakhs of views and hundreds of comments that have appeared on the website of the HMTV news channel.

Learned counsel contended that the impugned news programme by HMTV, violated the following Code of Ethics and Broadcasting Standards: (i) depiction of violence or intimidation against women and children; (ii) inaccurate and misleading; (iii) manipulated and distorted facts and circumstances of the complainant’s relationship with Mr Mallikarjun Reddy; (iv) privacy; and (v) allegations and biased opinions are presented as facts and conclusions.

Learned counsel submitted that a family quarrel in which a vindictive husband made every effort to harm his wife (even to the extent of exposing her to a TV channel to punish her and to lower her reputation in society) is not a matter of public interest which should be a subject of a telecast by a news channel. The impugned programme automatically concluded that the complainant was indulging in adultery which is absolutely unwarranted, baseless, prejudiced and judgmental. To those watching the Telugu news, the complainant has ceased to be a senior upright police officer and became a woman who indulged in so called adultery. The repeated news telecasts of HMTV news channel are singularly responsible for the demotion of the complainant from a position of repute to that of disrepute and her subsequent suspension from the Department. But such an airing of grievance in front of a TV channel is nothing but an act of outraging the modesty of a woman and also an act of domestic violence. HMTV news channel instead of restraining itself from telecasting such an issue, repeatedly telecasts the confrontation and the visuals of the inside rooms of the complainant and manipulates the footage by misinterpreting the sequence of events and telecasts a judgmental report in the name of news. Such a reprehensible conduct of a TV channel telecasting family disputes as news is condemnable as it makes women vulnerable to attacks from vindictive husbands who wish to punish wives by publicly shaming them.

Learned Counsel stated that there was nothing in the news reports about her telecast by the broadcaster, which served to educate or inform viewers so as to enable them to form their own views on the basis of information and facts; that on the other hand, the news stories carried prejudiced and biased opinions and unfounded incorrect conclusions; and derogatory taglines authored by HMTV news channel. Far from serving any public purpose, the news story was derogatory to women and was intended to threaten and serve dire warnings to those women who challenge their families and dare to move out of abusive marriages, or who seek support from male/female friends and colleagues to move out of incompatible and abusive marriages.

The complainant submitted that she filed a complaint dated 20.2.2018 to HMTV News Channel. No written response was received from HMTV News Channel. However, the videos referring to complainant were deleted from their website and the information was communicated to the complainant through email on 26.02.2018. It was further stated that deeply aggrieved by the broadcasts by HMTV news channel, the complainant has approached NBSA seeking redressal and to ensure that the news broadcaster HMTV News channel is penalized and directed to desist from telecasting programs that are motivated, derogatory of women and defamatory in nature and in total breach of the Code of Ethics and Broadcasting Standards and guidelines laid down by NBA.

Learned Counsel representing the broadcaster stated that there was no mala fide on the part of the channel, as the information was given by the husband of the complainant and only on his invitation/request, the channel reached the spot; that FIR No. 88 of 2018 was registered in KPHB Colony Police Station, Hyderabad, in respect of the incident, under Sections 448, 497, 506 of IPC by the husband of the complainant; that the Department suspended the complainant and Mr. Mallikarjun Reddy for moral turpitude and her improper and indecorous behavior which brought disrepute to the service and lowered the image of the Police department in the eyes of public, vide Government Order GO Rt. No. 107 dated 23.1.2018 of the Government of Telangana. The channel stated that it telecast the facts as they were; that they tried to take the version of the complainant but she hid herself and did not give her version; that they removed the videos from YouTube and their website immediately after receiving the complaint from the complainant. According to him, the allegation of the complainant that Mr. Mallikarjun Reddy was at the parking area and he was brought from there to the complainant's flat, is incorrect; and that the correct position was that, at midnight hours, complainant's husband took the media persons directly to the flat where complainant was present with Mr. Mallikarjun Reddy; and that noticing her husband, mother and aunt, along with the media, complainant went into hiding. He contended that there was no misreporting and that as the matter related to a high ranking police officer, it was of public interest.

However, in view of certain queries and suggestions by NBSA during the hearing, both parties, after discussions, reported the following settlement to NBSA:

1. Broadcaster agreed to air a regret in Telugu (wording of which was agreed between the parties, English version of which is given below) on three consecutive days i.e. 15.7.2018, 16.7.2018 and 17.7.2018 three times a day at 8 am, 12 noon and 9 pm. on full screen in large font size with a clearly audible voice-over (in slow speed) expressing regret for the said telecast on HMTV:

“HMTV deeply regrets all programmes broadcast on 22nd, 23rd and 24th January, 2018, including “BIG STORY: A scandalous blemish on khaki” referring to the personal life of Addl. S.P. (ACB) Ms. Sunitha Reddy since the same is based on distortions and aspersions and has invaded the privacy of the Addl. S.P. (ACB) Ms. Sunitha Reddy and were in violation of the Code

of Ethics and Broadcasting Standards. The hurt and harm caused is deeply regretted”.

2. Subject to such broadcast the complainant agreed to withdraw the complaint and further agreed not to commence or pursue any other action or remedy against the broadcaster or any of its employees.

3. The regret shall be uploaded by the broadcaster on YouTube on 15.7.2018.

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

5. 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 to NBSA.

Accepting the said settlement between the parties, NBSA closed the complaint.
