

News Broadcasting Standards Authority
Order No. 78 (2020)

Order of NBSA in the matter of Rakul Preet Singh ...Petitioner Vs Union of India & Ors. ... Respondents --- OTV Channel

The complainant had filed a Writ petition in the Hon'ble High Court of Delhi in which the News Broadcasters Association (NBA) along with others were made Respondents. The prayer of the complainant in the said writ petition is that the members of the NBA should not telecast, publish or circulate on the TV channels, cable, print or social media, as the case may be, any content in the context of actress Rhea Chakraborty's narcotic drugs case that maligns or slanders the complainant or which contains anything defamatory, deliberate, false and suggestive innuendos and half-truths in respect of the complainant, or to use sensational headlines, photographs, video-footage or social media links which invade the privacy of the complainant.

The Hon'ble High Court in its Order dated 17.9.2020 had stated that "as an interim measure, it is directed that the respondents shall treat the contents of the present petition as a representation to the respective respondents under the relevant provisions of the Act as also the Guidelines and expedite the decision thereon. In case any interim directions need to be issued to any Media house or television channel, the same be issued by them without awaiting further orders from this court. As far as the prayer for further interim relief made in the application by the petitioner, it is hoped that the media houses and television channels would show restraint in their reporting and abide by the provisions of the Programme Code as also the various Guidelines, both statutory and self-regulatory, while making any report in relation to the petitioner".

The coverage docket received from the complainant had an exhaustive list of complaints with regard to Online, Print, and TV Digital, which carried the news reports. From the list of details of news reports relating to TV Digital, the concerned broadcasters/ channels of NBA were ABP News, Asianet News, Times Now, India TV, News Nation, OTV, Aaj Tak, India Today, Zee News, WION, Zee 24 Taas and CNN News18.

Accordingly, in compliance of the above Order of the Delhi High Court, NBSA on 3.10.2020 called the complainant and the aforementioned broadcasters for a hearing. In the hearing it was pointed out by a broadcaster that the allegations against it were not specific, clear and were very general in nature and therefore, the broadcaster did not know, which allegation to respond to. Upon hearing the parties, NBSA decided that in order to have a productive hearing, the complainant be requested to send the individual links pertaining to the telecast/s of the channels along with brief submissions as to the violations committed by each broadcast/s in respect of the

Code of Ethics and Broadcasting Standards (Code of Ethics) and Guidelines of the NBSA. The complainant was in agreement with this direction of NBSA. The complainant was directed to send the links along with brief submissions of the violations relating to individual channels by 5.10.2020 in order that the same may be forwarded to the individual broadcasters so that they may file their response to the allegations made against their channel's telecast on the subject matter by 9.10.2020. Dr. Aman Hingorani, Advocate submitted that he would not file a rejoinder to the replies filed by the member broadcasters and would argue the matter on the next date. The next date for hearing was fixed for 12.10.2020. In the meantime, it was reiterated by NBSA that it was expected that the member broadcasters of NBA would abide by the Delhi High Court Order dated 17.9.2020 and also follow the Code of Ethics and Guidelines issued by NBSA which relate to Impartiality, Objectivity, Neutrality, Accuracy and Privacy while telecasting any news relating to the complainant, Ms. Rakul Preet Singh. The minutes of the proceedings dated 3.10.2020 was circulated to the complainant and the concerned broadcasters, which is attached at **Annexure A**.

As decided by the NBSA at its hearing held on 3.10.2020, the link received from the complainant was sent to the broadcaster for a response. The broadcaster was also directed to appear for a hearing on 12.10.2020.

The following persons were present at the hearing:

Complainant Represented by her father Col. (Retd.) Kulvinder Singh
Dr. Aman Hingorani, Advocate

Broadcaster

Ms. Utsa Pattnaik, Asst Legal Manager

The broadcaster at the hearing submitted that the aforesaid was not telecast by OTV and was exclusively carried as a write up/article on OTV's digital platform OdishaTV.in on 13.9.2020 and therefore the NBSA lacks Jurisdiction in this respect.

The broadcaster submitted that to honor the Order dtd.17.9.2020 passed by the Hon'ble Delhi High Court in W.P.(C) No. 6568/2020, OTV submits that the digital wing of OTV, OdishaTV.in had carried the publication based on information from other news sources. There are references to "news sources" and "if media reports are to be believed" in the very post itself it makes it amply clear that the post was based on other media reports. Further, in the aforesaid article, there are only three references to facts related to the complainant "Rakul Preet Singh was yet to respond or issue a statement to NCB" and "Rakul was currently out of the town for shooting" and "Reports are also making rounds there that the NCB may soon issue summons to Rakul Preet Singh".

The publication in no manner can be construed to be maligning or slandering the complainant's reputation or which contains anything defamatory, deliberate, false

and suggestive innuendos and half-truths in respect of the complainant. There has been no use of sensational headlines, photographs, video-footage or social media links in the write-up/article which invade the privacy of the complainant. There have not been any violations of applicable guidelines, either statutory or self-regulatory, in publishing this writeup/article on OTV's digital platform OdishaTV.in. Therefore, in view of the above, the complaint against OTV may be dropped as not maintainable.

Decision of NBSA

NBSA noted that the content was exclusively carried as a write up/article on OTV's digital platform OdishaTV.in on 13.9.2020 and therefore the NBSA lacks jurisdiction in this respect.

The counsel for the complainant accepted the submissions made by the broadcaster and decided to drop the said complaint.

NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

It is clarified that any statement made by the parties in the proceedings before NBSA while responding to the complaint and putting forth their view points, and any finding or observation by NBSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBSA in regard to any civil/criminal liability.

NBSA directs the NBA to send:

- (a) 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.

Sd/-
Justice A. K Sikri (Retd.)
Chairperson

Place: New Delhi

Date: 9.12.2020

Encl: As above

ANNEXURE – A

Proceedings of the hearing held on 3.10.2020 in the Matter of: Rakul Preet Singh ...Petitioner Versus Union of India & Ors. ...Respondents [The matter was referred to NBSA by the Delhi High Court]

Present: NBSA

1. Justice (Retd.) A. K. Sikri: Chairperson

Members:

2. Mr. Nasim Zaidi
3. Ms. Stuti Kacker
4. Ms. Zohra Chatterji
5. Mr. Navtej Sarna
6. Mr. Prasanth P.R
7. Ms. Dipika R. Kaura
8. Mr. Amrendra Pratap Singh
9. Mr. Deep Upadhyay

Mrs. Annie Joseph ... Secretary General

Mrs. Nisha Bhambhani ... Special invitee

On behalf of complainant:

1. Dr. Aman Hingorani, Advocate
2. Col. Kulvinder Singh, father of complainant

On behalf of the member news broadcasters:

1. ABP Network Pvt. Ltd. [Channel: ABP News]

1. Mr. Rajkumar Varier, VP-Legal & Regulatory
2. Ms. Disha Sachdeva, Senior Executive-Legal

2. Asianet News Network Pvt. Ltd. [Channel: Asianet News]

1. Mr. Girish. K. S, Senior Manager (Legal)

3. Bennett, Coleman & Co. Ltd. [Channel: Times Now]

1. Ms. Navika Kumar, Group Editor (Politics)
2. Ms. Jyothi Suresh Kumar, Authorised Representative

4. Independent News Services Pvt. Ltd. [Channel: India TV]

1. Ms. Ritika Talwar, Legal Consultant

2. Mr. Rohan Swarup, Advocate

5. News Nation Network Pvt. Ltd. [Channel: News Nation]

1. Mr. Ajay Verma, Sr. Executive Editor
2. Ms. Nupur Giri, Company Secretary and Compliance Officer, NBSA

6. Odisha Television Ltd. [Channel: OTV]

1. Ms. Utsa Pattnaik, Asst. Legal Manager

7. TV18 Broadcast Ltd. [Channel: News18]

1. Ms. Aditi Ojha, Manager Legal
2. Mr. N. C. Satpathy, Editor, Special Projects

8. TV Today Network Ltd. [Channels: Aaj Tak, India Today]

1. Mr. Aiman Hasaney, Legal Counsel
2. Mr. Shahrukh Ejaz, Advocate

9. Zee Media Corporation Ltd. [Channels: Zee News, WION, Zee 24 Taas]

1. Ms. Ritwika Nanda, Advocate
2. Ms. Annie, Assistant Manager, Legal

Summary of Arguments:

Dr. Aman Hingorani, Advocate, on behalf of the complainant made his submissions in respect of the telecasts by the broadcasters in the said matter based on the Writ Petition/ Affidavits / Applications and other documents filed before the Delhi High Court.

He submitted, the channels had violated the Code of Ethics and the Guidelines of the NBSA relating to Impartiality, Objectivity, Neutrality and Accuracy. He also submitted that the telecasts relating to the complainant did not fall within the realm of fair reporting.

It was also submitted that the news telecast relating to the complainant was “fake news” in respect of certain taglines and tickers run by the news channels. Furthermore, the Counsel stated that because of the telecast by the news channels, the complainant has suffered not only commercial losses but also loss of reputation, had been defamed and her privacy had been violated etc.

India TV, one of the member channels who has reported on the complainant, rebutted the submissions made by the complainant. The Counsel submitted that the grievance against India TV's telecast related basically to one screen shot in which the complainant was shown to be smoking and this photograph was from one of her movies and was in the public domain. India TV further stated that the allegations against it were not specific and clear and were very general in nature. The channel also requested that it be permitted to file its submissions/response in the proceedings. Upon hearing the parties, NBSA decided that in order to have a productive hearing, the complainant be requested to send the individual links pertaining to the telecast/s of the channels along with brief submissions as to the violations committed by each broadcast/s in respect of the Code of Ethics and Guidelines of the Authority. The complainant was in agreement with this direction of NBSA.

The links along with brief submissions of the violations relating to individual channels should be sent by the complainant by 5.10.2020 in order that the same may be forwarded to the individual broadcasters so that they may file their response to the allegations made against their channel's telecast on the subject matter by 9.10.2020.

Dr. Aman Hingorani, Advocate submitted that he would not file a rejoinder to the replies filed by the member broadcasters.

NBSA will hear the complainant and the member broadcasters on 12.10.2020 before passing its Orders.

In the meantime, it is expected that the member broadcasters of NBA will abide by the Delhi High Court Order dated 17.9.2020 and also follow the Code of Ethics and Guidelines issued by NBSA which relate to Impartiality, Objectivity, Neutrality, Accuracy and Privacy while telecasting any news relating to the complainant, MS. Rakul Preet Singh.

Sd/-

**Annie Joseph
For & On behalf of
News Broadcasting Standards Authority**

October 6, 2020