

News Broadcasting Standards Authority
Order No. 82 (2020)

Order of NBSA in the matter of: Rakul Preet Singh ...Petitioner Vs Union of India & Ors. ...Respondents --- ABP News

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**.

Submissions made by complainant against member broadcasters on 23.9.2020 and Additional Statement dated 30.9.2020

Dr. Aman Hingorani, Advocate, on behalf of the complainant made his submissions in respect of the telecasts by the broadcaster in the said matter.

He stated that the complainant, Ms. Rakul Preet Singh, is a well-known Indian film actress and model who has worked in the Telugu, Tamil, Kannada and Hindi film industry. She has starred in numerous movies and won several film awards and acclaim over the years. She a non-smoker and a teetotaller and into fitness, yoga and meditation, is known for her healthy life-style. In recognition of her popularity, clean image and public service, the Telangana State Government appointed the complainant in 2017 as the brand ambassador for the "Beti Bachao, Beti Padhao" programme. She is also associated with various brands, including Samsung mobiles.

The Counsel submitted that in view of the allegations made by the broadcasters, has resulted in commercial and financial losses to the complainant. In this regard, the complainant pointed to, an email dated 12.9.2020 received by her from the Times Group which required the complainant *"to hide/archive all the assets of the Samsung Campaign posted across her social media platforms"*. The Counsel stated that the complainant has six ongoing films on the floor whose prospects would in all likelihood be damaged due to such scurrilous telecast and slander by the media as detailed in the submissions.

The Counsel stated that the complainant was shooting for a film near Vikarabad in Telangana when she was stunned to see private TV channels, including some

members of News Broadcasters Association (NBA) running “breaking news” from the evening of 11.9.2020 to the effect that the complainant , along with actress Sara Ali Khan and designer Simone Khambatta, have been named as individuals by Rhea Chakraborty , in the ongoing investigation by the Narcotics Control Bureau (NCB) in Mumbai, who took drugs along with Rhea. The complainant stated that she does not take drugs at all.

The Counsel stated that as per media reports of 10.9.2020, actress Rhea Chakraborty had filed her bail application before the Special N.D.P.S. Court, Mumbai on 9.9.2020 wherein she pleaded that she was retracting the statements said to have been given by her to the NCB on the ground that she had been coerced into making them. Despite the fact that actress Rhea Chakraborty herself had retracted her statement, the broadcasters continued to run a slander campaign against the complainant through their channels and on their social media handles. This campaign not only maligned the reputation of the complainant but contained defamatory, deliberate, false and suggestive innuendos and half-truths. The channels had not published Rhea Chakraborty’s retracted statement. Further, the channels had deliberately used sensational headlines, photographs and video-footage with a view to enhance their TRPs, without any regard to the irreparable damage that was caused to the complainant, her reputation, her dignity, her privacy and her commercial interests. The channels had insidiously inserted in the report, the film scenes of the character played by the complainant from her Telugu Film “Manmadhudu 2” which showed the complainant smoking, with smoke coming out of her mouth, so as to insinuate and make a defamatory, deliberate, false and suggestive innuendo that the complainant is taking drugs; whereas she is a nonsmoker and does not take drugs; insidiously inserted in the report, the film scenes of the character played by her in the Bollywood movie “De De Pyar De”, which showed her gulping alcohol, so as to insinuate and make a defamatory, deliberate, false and suggestive innuendo that she is a drunkard; whereas the complainant is a teetotaler; deliberately flashed in the report photographs of the complainant in skimpy clothes so as to sensationalise and garner attention; insidiously flashed a morphed photograph on a scooter with actress Sara Ali Khan and designer Simone Khambatta so as to insinuate and make a false and suggestive innuendo that the three of them hung out together; whereas the complainant , to the best of her recollection, had only met Sara Ali Khan twice (once at IIFA Awards and once while working out in a gym) and had not met Simone Khambatta at all; deliberately flashed misleading and mischievous headlines such as “Why Rakul Preet Singh is Missing Now”, that “even before her name got released publicly from 9th September she is hiding”, “Seems like she has been hiding to avoid NCB” and so on so forth, so as to insinuate and make defamatory, deliberate, false and suggestive innuendos that the complainant has gone into hiding; whereas she has throughout been at work, shooting at Hyderabad, and has, even otherwise, not received a notice from the NCB till then . The Counsel reiterated that because of the telecast by the news channels, the complainant has suffered not only commercial

losses but also she and her family have not only been defamed, there is loss of reputation and her privacy has been violated etc.

The Counsel stated that the complainant had received summons under Section 67 of the NDPS Act dated 23.9.2020 to appear before the NCB, Mumbai on 24.9.2020. Summons were again issued on 24.9.2020 which required her to appear in person before the NCB, Mumbai on 25.9.2020. The Summons dated 24.9.2020, were duly received by her father on her behalf. However, from the evening of 23.9.2020 itself, the media started running fake news to the effect that the complainant, who was in Hyderabad, had supposedly reached Mumbai on the evening of 23.9.2020 for the NCB investigation. The complainant also submitted that she had duly appeared before the NCB, Mumbai on 25.9.2020 to assist in the investigation and gave her written statement as to the facts in her knowledge. However, after she left the NCB office, the media continued their slander campaign by not only re-broadcasting and reporting the earlier falsehoods but attributing statements to the complainant during investigation which she never made to the NCB.

The Counsel submitted that such broadcasts constitute a malicious media trial resulting in violation of the complainant's fundamental right under Article 14 as well. He demanded that the broadcasters of NBA be directed not to telecast, publish or circulate on the TV channels, cable, print or social media, as the case may be, any content in 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 invades the privacy of the complainant.

In the submissions filed by the complainant the following prayers were made:

“ In this view of the matter, the complainant requests by way of an interim direction, in addition to the interim directions sought in her Statement dated 23.9.2020, that all the offending broadcasters be directed:

(i) to immediately take down all such defamatory programmes and write-ups against me from their TV channels, cable, print, TV digital and social media, as the case may be;

(ii) to immediately issue a corrigendum, acknowledging and correcting their mistakes in this regard, and run for apology for such mistakes on their channels, cables, print, TV digital and social media for such period of time as may be deemed to be adequate by this Authority;

(iii) not to broadcast any programme qua me on the allegations which are pending before the NCB in the criminal investigation in Crime No. MZU/NCB/15/2020 till the time the NCB completes the investigation and files an appropriate report/document before the competent court.”

NBSA considered the complaint at its hearing held on 12.10 2020 based on the links received and the brief submissions made by the complainant and the response received from the broadcaster.

The following persons were present at the hearing:

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

Broadcaster

Mr. Raj Warier, VP-Legal & Regulatory
Ms.Disha Sachdeva, Senior Executive-Legal

Specific complaint against ABP News:

Complainant submitted that the two offending programmes broadcast on 14.9.2020 and 15.9.2020, which are being given below by way of illustration, have invariably been broadcast repeatedly, and have often been posted on various digital/electronic handles of the channel which also permeated the web. The broadcaster has not issued till date a corrigendum, acknowledging or correcting the mistakes. Yet, the two offending broadcasts of 14.9.2020 and 15.9.2020 given below, while referring to Rhea, do not even refer to the fact that she had already retracted her statement – a fact that was bound to be in the knowledge of the broadcaster. In spite of the retraction, the broadcaster continued to telecast as under:

14.9.2020: Bollywood Drug Connection: Rhea reveals several names including Sara, Rakul Preet

15.9.2020: “Sara, Simone and Rakul ka nam samne aya tha” K. P. S Malhotra, Deputy Director, NCB

The complainant submitted that such broadcasts are malicious, biased, knowingly inaccurate, hurtful and misleading, and do not present the facts fully or fairly or with objectivity, and instead, are calculated to sensationalise the matter and to malign the complainant.

Response from ABP News:

Broadcaster submitted that there are no allegations / specific allegations or averments of offending videos against ABP News. One of the concerns raised by the complainant pertains to the aspect of retraction of statement by Rhea Chakraborty on 8.9.2020 / 9.9.2020 and that despite the retraction the news channels

continued engaging in spreading information about complainant's alleged involvement in the drug racket / use / abuse etc. The complainant was very concerned with the fact that the retracted statement by Rhea Chakraborty was never covered / shown by the news channels.

In respect of the above, the broadcaster submitted that they did cover the fact of retraction by Rhea which is duly captured in their article on the web site dated 9.8.2020 at 8:23 p.m. The relevant para of the said article is: "*Rhea has also claimed that during her custody, the applicant was coerced into making self-incriminatory confessions*". "*That by her application dated 8th September 2020, the Applicant has formally retracted all such incriminatory confessions*, it added."

In the light of the aforesaid, the said allegations do not hold true against the broadcaster. The broadcaster submitted that it was pertinent to highlight the fact that the exact scope / nature and ambit of retraction by Rhea is not known and thus it would not be correct to suggest or state that the name of Rakul Preet was dropped by Rhea and stood retracted at any point of time. On the contrary, the NCB officials have directly confirmed by way of an express communication on 14.9.2020 (which is a subsequent event post retraction) wherein it was clearly stated that Rakul Preet Singh's name had surfaced during interrogation.

It is on the foundation and basis of the said confirmation by NCB officials that the name of Rakul Preet was mentioned in the news link shared by the complainant on 14.09.2020 and 15.09.2020.

Lastly, the complainant in its additional statement filed on 30.09.2020 has relied upon a link to substantiate and support her assertion that it was on 24.9.2020 that she has landed in Mumbai making herself available in compliance to NCB summons. The allegations in the additional statement pertain to the media news reporting her presence in Mumbai on 23.9.2020 itself and the attempt by the news channel to give a misleading picture on her hiding from facing the investigation. The broadcaster submitted that the clipping from their channel not only supported and confirmed her arrival on 24.9.2020 but also telecast her statement stating that "I am not running from NCB". The broadcaster claimed that this clipping supported the complainant's statement and the reporting was correct and factual and thus there should not be any grievance against the same. In the light of aforesaid, the complaint / grievance against ABP News deserves to be dropped as no case is made out on the basis of the allegations against ABP News.

Decision of NBSA:

NBSA considered the complaint, response from the broadcaster, also heard the arguments of both the complainant and the broadcaster and reviewed the footage.

In respect of the issue of retraction of statement, NBSA noted that it did not agree with the submissions made by the broadcaster that it was sufficient for the broadcaster to mention the retraction of Rhea's statement in an article that was posted on their website particularly in view of the fact that the programme had been telecast on ABP News, which carried the news of the complainant along with others having a "Bollywood Drug Connection". NBSA was also of the view that the retraction should have been carried as prominently on the channel, as the news stories on the complainant in order for it to be seen and understood by the viewers. The retraction being carried on ABP News Website instead of being telecast on the channel is a violation of the Principles of Self-Regulation in the Code of Ethics/ Guidelines relating to Objectivity, Fairness and Accuracy in reporting.

In view of the above, NBSA warns the broadcaster (Channel ABP News) to exercise greater care, caution in future while telecasting such news stories and taglines. Any clarification, regret or apology or any updates on such stories should be telecast on the channel which carried the news story and not on the website or any other medium.

However, NBSA also noted that during their arguments ABP News and other broadcasters had quoted their source of information and broadcast as NCB. ABP News, in one of the telecasts had also telecast the name of the officer who had given the information i.e. Mr. K. P. S Malhotra, Deputy Director, NCB. It therefore appears that there may have been some information leaked or given by NCB or some authority to the broadcasters. Therefore, the subsequent telecast by ABP News on 15.9.2020 appears to be based on a source and there does not seem to be any denial of the statement made by the Deputy Director, NCB.

The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster.

NBSA also directs that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately and the same should be confirmed to NBSA in writing within 7 days.

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

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.

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.

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