

**News Broadcasting Standards Authority**  
**Order No. 86 (2020)**

**Order of NBSA in the matter of: Rakul Preet Singh ...Petitioner Vs Union of India & Ors. Respondents India TV**

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 broadcasters 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 is a non-smoker and a teetotaler 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 Rohan Swarup, Advocate  
Ms. Ritika Talwar, Legal Consultant

Mr. Amrendra Pratap Singh, Editor member representing Independent News Services Pvt. Ltd. [India TV] in NBSA being an interested party, recused himself from the proceedings.

**Specific complaint against India TV**

The complainant submitted that four offending programmes that have been telecast, have invariably been broadcast repeatedly, and have often been posted on various digital/electronic handles permeating the web. The broadcaster has not issued till date a corrigendum, acknowledging or correcting the mistakes.

**Offending Broadcast No 1**

The complainant stated that the broadcaster alleged that she was supposedly part of actress Rhea Chakraborty's "Drug Mandli" and that they supposedly sat and took drugs together. The broadcaster alleged that the NCB had evidence that she supposedly took drugs with Rhea. The broadcast had derogatory tag lines and inserted scenes of smoke and people taking drugs to create a false imagery about her, which is fake and defamatory news. She stated that she is not part of any "Drug Mandli" and does not take drugs and have no connection with drugs. As regards the allegation that Rhea had named her before the NCB, she gave screenshots of the information in the public domain to the effect that Rhea had stated as far back as 9.9.2020 that she had been coerced into making the alleged statement to the NCB supposedly naming her as doing drugs along with actress Sara Ali Khan and designer Simone Khambatta, and that she had retracted her alleged statement. She also gave the screenshots of the information in the public domain that Rhea's lawyer had stated in an interview prior to 24.9.2020 to CNN News 18 that Rhea had not named any actor.

The complainant stated that this offending broadcast, does not refer either to the fact that it had been retracted nor to her Counsel's statement that Rhea had not named any actor – both facts that were bound to be in the knowledge of the broadcaster. Such broadcast is malicious, biased, knowingly inaccurate, hurtful and

misleading, and does not present the facts fully or fairly or with objectivity, and instead, is calculated to sensationalise the matter and malign her.

### **Response from Broadcaster**

The broadcaster submitted that the reports were as per sources in the Narcotics Control Bureau (NCB). During the course of interrogation by NCB, Rhea Chakraborty allegedly named the complainant and certain other persons as persons with whom she used to consume drugs or persons who used to host parties where drugs were made available. Of the 25 persons allegedly named by Rhea Chakraborty, the names of three persons including the complainant had been revealed to the media by sources within the NCB. The report did not and was not intended to state that the complainant takes drugs. The report stated that Rhea Chakraborty has allegedly stated before the NCB that the complainant takes drugs with Rhea Chakraborty. This report was factually correct and not distorted. They have only reported an allegation and has not made an assertion. Herein lies the key difference which the complainant wishes NBSA to ignore.

Further, the reference to the term “Drugs Mandli” is made to connote the fact that Rhea Chakraborty allegedly named certain persons including the complainant as those persons with whom she had consumed drugs in the past. The Hindi word “Mandli” means group or gang and may refer to a group of friends. During her questioning, Rhea Chakraborty allegedly revealed that she was friendly with the complainant and thus the usage of the term group or “Mandli” is neither false nor offensive.

With regard to the screen shots of the above offending broadcast, the broadcaster submitted as follows:

The screenshot with the caption “Drugs makadjaal main Bollywood ki kaun kaun heroine?” accompanied by a shot of the complainant along with her name was accompanied by the voice over “Bollywood ke in teen badey naamo ki mushkil badh sakti hain kyunki”, “Rhea Chakraborty ne NCB se saamne sabse bada khulasa kiya hain...” Thus, the caption along with the voice over makes it clear that the purpose of showing the photograph of the complainant was to identify her as one of the persons allegedly named by Rhea Chakraborty. At no point of time did the broadcaster allege of its own accord that the complainant has consumed drugs.

The screenshot with the caption “Rhea ki drugs mandli? Rakul-Simone sirf Rhea ke saath drugs layti thi” is accompanied by the voice over which states “NCB ke sutron ke mutabik Rakul Preet Singh aur Simone Khambata karib 2 saal se Rhea ki dost hain, ye dono Rhea ke saath drugs leti thi, bataya ye bhi ja raha hain ki Rakul aur Simone sirf Rhea ke saath drugs leti thi”. Thus, the report clarifies that these statements are being made based on sources within the NCB. Once again, this is not an assertion of India TV.

The screenshot with the caption “teeno buds lete the” is accompanied with the voice over “NCB ko Rhea ne jo bataya, uske mutabik teeno saath saath buds lete the”. Once again, the statement is made only with the source identified.

The screenshot with the caption “Rhea aur Rakul Preet saath main layti thi drugs” is accompanied by the voice over “Sutron ke mutabik Rhea ne NCB ke saamne kuboola hain ki usne abhinaitri Rakul Preet Singh ke saath drugs liye hain.” This statement clarifies that the report that Rhea Chakraborty named the complainant is based on sources in the NCB.

The screenshots with the captions “...jab do dost mil baith kar petay thi drugs” and “hero heroine sab hain, Rhea ne bohut kuch bataya hain” are simply making a reference to the fact that as per sources, Rhea Chakraborty has named various Bollywood actors (hero /heroine) during her interrogation by the NCB.

Insofar as the screenshots of an image showing banned substances on a spoon and some smoke are concerned, such visuals are only shown to bring to the fore the serious nature of the allegations against the complainant and other persons. At no point has the broadcaster alleged or even indicated that the visuals pertain to the complainant. Any rational viewer is aware that such visuals are only stock images/footage and is not actual footage of the complainant who has already been identified in the broadcast much earlier. Furthermore, in visual/electronic media it is a standard practice to use pictures and images to effectively communicate with the viewers.

The broadcaster denied that in the broadcast, it was alleged that the complainant was part of Rhea Chakraborty’s “drug mandli” and that they took drugs together. The broadcast only reported the statements allegedly made by Rhea Chakraborty to the NCB regarding the complainant and others. It is denied that they used any derogatory tag lines against the complainant. All tag lines/captions are to be seen in context of the voice over accompanying them which reveal that each statement has been prefaced with the sources. It was denied that the broadcast is fake news or that it is defamatory, as alleged or otherwise. The broadcast is simply a report on the alleged statements made by Rhea Chakraborty regarding the complainant and others. Broadcaster clarified that the impugned broadcasts do not state that the complainant takes drugs. The impugned broadcast repeatedly only states that the complainant has been allegedly named by Rhea Chakraborty.

The broadcaster stated that the complainant has alleged that Rhea Chakraborty “retracted” her statement made to the NCB on 9.9.2020. It is denied that Rhea Chakraborty “retracted” any statement, as alleged or otherwise. The factual position is that during the course of a bail hearing before the Special NDPS Court, the advocate for Rhea Chakraborty stated that the statement of his client had been taken under coercion. This is entirely separate from Rhea Chakraborty not having made

such a statement in the first place. It is settled law that a statement made by an accused during investigation under Section 161 of the Criminal Procedure Code, 1970 may be used to confront the accused in order to impeach his/her character as a witness or to demonstrate contradictory stands. Even if a statement made under Section 161 of the CrPC is not admissible as evidence, it may be used by the prosecution in a limited capacity. Thus, a statement once made, remains so, despite any “retraction”. What significance such a statement may have will depend on the facts and circumstances of the case. The media reports of the “retraction” by Rhea Chakraborty simply report that she has stated that her statement was taken under coercion and that she wishes to retract the same. It is incorrect to state that India TV has not reported this fact.

The story has been reported by the channel multiple times and is available at: <https://www.indiatvnews.com/entertainment/celebrities/coerced-to-make-selfincriminating-confessions-rhea-chakraborty-in-bail-plea-648540> and <https://www.indiatvnews.com/entertainment/news/rhea-chakraborty-claims-beingcoerced-into-confession-648389>.

The broadcaster also stated that in a live TV broadcast that Rhea Chakraborty’s lawyer has stated that her statement made to NCB was obtained under coercion. The complainant’s reliance on an article dated 24.9.2020 reporting on some interview conducted by CNN News 18 is completely misplaced. Firstly, the said article is dated post the date of the impugned broadcast. Secondly, even if any credence is to be given to the said article, it is simply the allegations of the lawyer for Rhea Chakraborty who is contesting the correctness of the case being made against her by the NCB. This article does not have any impact on the impugned reports correctness at all.

### **Offending Broadcast No 2 on 12.9.2020**

The complainant stated that the broadcaster has alleged that she is supposedly part of Rhea’s “drug club” and “drug mandli” and asked whether she was involved in a drug cartel. The broadcast alleged that she has been named by Rhea as doing drugs and that she took drugs. She states that this is fake and defamatory news. She is not part of any “drug club” or “drug mandli” and does not take drugs and has no connection with drugs. This broadcast, while referring to Rhea’s alleged statement does not refer to the fact that it had already been retracted as aforesaid- a fact that was bound to be in the knowledge of the broadcaster. Such broadcast is malicious, biased, knowingly inaccurate, hurtful and misleading, and does not present the facts fully or fairly or with objectivity, and instead, is calculated to sensationalise the matter and to malign the complainant. The broadcast also inserted dancing scenes from her films into the report with the defamatory tag line ‘drug scandal’ and the fake news that she and Simone supposedly used to take drugs with Rhea as per sources. She has never met Simone nor has ever taken drugs. Further, the dancing scenes are not



only irrelevant but are mischievously telecast to sensationalise and garner attention with a view to increase TRPs.

### **Response from Broadcaster**

The broadcaster submitted that this broadcast was run on 12.9.2020 and reported that as per sources, Rhea Chakraborty has named various persons including the complainant during the course of her interrogation by the NCB. The report also stated that as the complainant and other had been allegedly named by Rhea Chakraborty, the NCB would be likely to question them.

With regard to the screen shots of the above offending broadcast, the broadcaster submitted as follows:

The screenshot with the caption “NCB ke radar par Rakul: Rhea ki tarah Rakul bhi drugs syndicate main shaamil?” is accompanied by a voice over, “Drugs maamle main pooch tash ke liye NCB unhe bhi summon bhejne waali hain. NCB ye jaana chahti hain ki kya Rhea ki tarah Rakul bhi drugs syndicate main shaamil hain?” The screenshot with the caption “Rakul kab se aur kaun kaun se drugs le rahi hain?” is prefaced by a voice over as stated above, which is regarding the questions which the NCB may ask the complainant if she is summoned. The report only stated that on the basis of the alleged statement of Rhea Chakraborty, the complainant may be summoned by the NCB and question regarding the issue of drugs. This is a completely true and factually accurate report and hence, cannot be said to be defamatory to the complainant in any manner whatsoever. Moreover, the fact that the complainant was in fact summoned by the NCB for questioning regarding the case in which Rhea Chakraborty is accused goes to show that the report was absolutely accurate.

The screenshot with the caption “Rakul-Simone sirf Rhea kay saath drugs layti thisu-tr” is accompanied by a voice over “Rhea ne apne drugs scandal main jis doosri heroine ko kecha hain, woh hain Rakul Preet Singh. Kai south India filmon main kaam karne ke baad, saal 2014 main film Yaarian se Bollywood main entry karne wali Rakul Preet Singh bhi Rhea ke saath drugs le chuki hain aisa Rhea na NCB ko bataya.” This report clearly states that the allegation of the complainant taking drugs is only on the basis of what Rhea Chakraborty allegedly told the NCB.

Broadcaster denied that the broadcast had alleged that the complainant is part of Rhea Chakraborty’s drug club, as alleged or otherwise. The broadcast only reported that as per sources in NCB, the complainant had been named by Rhea Chakraborty as someone she used to consume drugs with. Once again, the complainant is knowingly and purposefully mixing up allegations and assertions with reporting on allegations made by someone else.

The broadcaster denied that the broadcast is malicious, biased, inaccurate, hurtful or misleading, as alleged or otherwise. It is denied that the broadcast does not present the facts fully or fairly or with objectivity and that the broadcast is calculated to sensationalize the matter or to malign the complainant. The fact that Rhea Chakraborty stated that her statement had been obtained by coercion by the NCB was reported by the channel. Furthermore, at no juncture did the channel assert that what Rhea Chakraborty has stated is the truth. The impugned broadcast was balanced and objective. Out of the entire 12 minute and 56 seconds, the complainant was spoken of for less than 4 minutes.

As far as the visuals of the complainant from a dance scene are concerned, the report only showed still shots and not the video. Moreover, the still shots were of reduced quality. The purpose was only to show that the complainant is also an actress who has been involved in various films. The broadcaster denied that these visuals were used to sensationalize the issue and to garner attention, as alleged or otherwise.

### **Offending Broadcast No 3**

The complainant submitted that the link to this broadcast has been removed. The programme was broadcast on or around 14.9.2020. In the screen shot, the broadcaster insidiously inserted in the report, the film scenes of the character played in Telugu Film “Manmadhudu 2” released in August 2019 which showed her smoking, with smoke coming out of her mouth, so as to insinuate and make a defamatory, deliberate, false and suggestive innuendo that she takes drugs; whereas she is a non-smoker and does not take drugs. The scene is flashed repeatedly with derogatory taglines, and without even a disclaimer that it is a film scene.

### **Response from Broadcaster**

The complainant has impugned a single screenshot in the broadcast wherein an image of the complainant is used where she can be seen smoking in a scene of a film. Firstly, the image itself, along with the entire movie it is taken from, is available in the public domain and can be viewed by any person at any time. Secondly, smoking is not per se a prohibited activity and the image does not show the complainant indulging in any illegal activity. Thirdly, the broadcast never claimed that the image used is of the complainant smoking in her private life. To any person who identifies the complainant and has seen her movies, it would be obvious in an instant that this is a scene from a film. Even if a viewer has not seen the film, all rational viewers are aware that images of actors and actresses from their movies are often used while a story regarding them is being run. By no stretch of the imagination can the said image be said to convey to even a single viewer that the complainant is smoking a prohibited substance. The entire context of the impugned broadcast is the alleged statement made by Rhea Chakraborty that the complainant has consumed drugs with her. The image was used only in this context to show that the allegations against the complainant who is an actress are of a serious nature and to effectively communicate with the viewer. Without prejudice to the above, they have already removed the said

screenshot/ image from the broadcast available on YouTube. The broadcaster denied that the image shows that the complainant is taking drugs, the image makes a defamatory, deliberate, false or suggestive innuendo that the complainant is taking drugs, as alleged or otherwise, and that the tag lines are derogatory, as alleged or otherwise. The impugned broadcast reports that the complainant is a film actress.

#### **Offending Broadcast No 4**

The complainant stated that this broadcast falsely alleged that she returned to Mumbai from Hyderabad on the evening of 23.9.2020. She came to Mumbai only on the evening of 24.9.2020 under heavy media coverage as detailed in her Additional Statement dated 30.9.2020 on record and in proceedings before the Hon'ble Delhi High Court. The broadcast from outside her Mumbai residence was more of her film scenes which were of no relevance to the alleged news report but were flashed with the ulterior motive to sensationalise and garner attention to increase TRPs.

#### **Response from Broadcaster**

The broadcaster submitted that this broadcast was late night on 23.9.2020 wherein it was reported that the complainant has been issued summons by the NCB and is required to be present for questioning on 24.9.2020 at 11A.M. The report also stated that the complainant was in Hyderabad and flew to Mumbai on 23.9.2020 in order to answer the summons. The complainant has stated that she arrived in Mumbai only on 24.9.2020 and not on 23.9.2020 as was reported. India TV acknowledges that the date mentioned in the report was incorrect and as a result of an inadvertent error. However, no other detail contained in the report was inaccurate or misleading. The complainant was issued summons for questioning by the NCB is an admitted fact. Even otherwise, inadvertently mentioning the incorrect date when the complainant arrived at Mumbai is not defamatory or malicious.

The usage of the film scenes of the complainant, which are available in the public domain, was only done for the purpose of identification of the complainant since this was only a short live report of less than two minutes. It is denied that the film scenes were shown to sensationalize to garner attention, as alleged or otherwise.

The broadcaster submitted that the complaint as well as subsequent submissions are replete with mis statements and falsehoods. The complaint is only aimed at obtaining an illegal and unconstitutional gag order on the news broadcasters. The broadcasts on the channel are protected under Article 19(1)(a) of the Constitution of India. The complaint has miserably failed to make out a single infraction of either the Cable Television Network (Regulation) Act, 1995 or the Code of Ethics as laid down by the Ld. Authority. The present complaint being baseless, frivolous and devoid of merit, deserves to be dismissed. Notwithstanding and without prejudice to the submissions made herein above, they have advised their newsroom to be cautious while airing such news broadcasts in future.

**Decision :**

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

In so far as the discussion about the above subject is concerned, NBSA is not dealing with the issue as to whether the broadcaster can or cannot telecast on the said issue because NBSA is conscious of the fact and respects that the media has the right of freedom of speech and expression. However, at the same time whenever any subject is discussed/telecast by the media, the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage relating to Guideline 2- Impartiality and Objectivity and Fairness; Guideline 4- Good Taste & Decency, Sex & Violence, Guideline 5- Privacy and Specific Guidelines for Reporting Court Proceedings must be kept in mind.

Furthermore, whenever anything is telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudge an issue.

Though NBSA has no serious objection to the news story telecast, however NBSA found that on several occasions the Hashtags/Taglines telecast does not match with what the anchor was saying in the programme. It is also possible that a viewer could have kept the television on mute and was just watching the telecast and thereby viewing the Taglines only. It is in this context that NBSA has come to the conclusion that the Hashtags, Tag-lines telecast by the broadcaster are violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

NBSA noted that the Images of the complainant in Broadcasts Nos 2, 3 and 4 of the complainant dancing, smoking and of her hips were objectionable, placed out of context and were misleading in so far as the viewers were concerned. The images had a tendency to give the impression that the complainant was taking drugs. If the Images were seen with some of the Hashtags, Tag-lines and text telecast such as "Drugs Mandli" Theeno Buds letey they : 'TOOK DRUGS', gives an impression to the viewer that the complainant was definitely a part of the drug circle.

NBSA observed that the broadcaster, while telecasting such Hashtags, Tag-lines and Images must understand the impression that these create on the viewer. The Hashtags, Tag-lines, and Images must have a connection with the news programmes being telecast and cannot be taken randomly from some movie clip as it gives a different tone and tenor to the telecast. These images /photographs could have been avoided. The Images along with the Taglines were clearly violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

Furthermore, 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 its website particularly in view of the fact that the programme had been telecast on India TV.

In view of the above, NBSA censures the Channel [India TV] to be more careful in future while broadcasting such misleading Hashtags. Taglines and images which violate the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

NBSA notes that India TV has acknowledged that the date mentioned in the report in respect of the arrival of the complainant in Mumbai in regard to the summons issued by NCB was incorrect and as a result of an inadvertent error.

NBSA also takes note of the fact that the broadcaster had mentioned the source of information as 'NCB' in its telecasts as the voice over stated: "NCB Sutro Ney Bataya".

In fact, since most of the news broadcasters had quoted their source of information and broadcast as NCB therefore there is a possibility that some information may have leaked from the 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 broadcasts, 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**