

**News Broadcasting Standards Authority
Common Order No. 55 (2018)**

On

Complaint dated 22.2.2018 of Ms. D. Sunitha, Additional Superintendent of Police, Anti-Corruption Bureau, Department of Police, State of Telangana at Hyderabad, against telecast on Sakshi TV on 23.1.2018.

AND

Complaint dated 22.2.2018 of Ms. D. Sunitha, Additional Superintendent of Police, Anti-Corruption Bureau, Department of Police, State of Telangana at Hyderabad, against telecast on ETV on 23.1.2018.

Complaint against Sakshi TV:

1. Complainant is an Addl. Superintendent of Police in the Anti-Corruption Bureau, State of Telangana. The complaint is that the channel (Sakshi TV News) telecast a news story of the incident as “Breaking News” on 23.1.2018 with the headlines ***“Govt Suspends ACB ASP Sunitha over illegal Affair/Face to Face with Sunitha - Estranged husband”*** and repeated the telecast with the said visuals with different headlines and anchors on 23.1.2018. 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 channel telecasting false details of her personal life as “news” repeatedly, has resulted in irreversible damage to her public and private reputation in society.

Complaint against ETV Telangana:

2. Complainant is an Addl. Superintendent of Police in the Anti-Corruption Bureau, State of Telangana. The complaint is that the channel (ETV Telangana) telecast a news story of the incident as “Breaking News” on 23.1.2018 with the headlines ***“Kalwakurthy CI Mallikarjun Reddy Suspended”*** and repeated the telecast with the said visuals with different headlines and anchors on 23.1.2018. 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 channel telecasting false details of her personal life as “news” repeatedly, has resulted in irreversible damage to her public and private reputation in society.

Response from Sakshi TV:

3. Broadcaster stated that it had only telecast the news item pertaining to the suspension order issued by the Government of Telangana, to a police officer of the State and related matters. It was contended that the telecast of a true fact i.e., suspension order issued by the Government of Telangana, does not infringe an individual's privacy. The broadcaster denied the allegation that the news story had cast serious aspersions on her character, integrity and caused harm to her or that her professional work and reputation in the Department and society. It denied having filmed or having shown in the telecast, the complainant's bathroom or bedroom. It stated that it had deleted the story link from the YouTube on 7.3.2018.

Response from ETV Telangana:

4. The broadcaster stated that what was aired by them was a factual report on the suspension of a police officer and the grounds for suspension; and that no visuals of her flat or what transpired on the intervening night on 21/22.1.2018 were aired. It was contended that suspension of a senior police officer is a matter of public concern and the media has a duty to disseminate such news; and that the news report was in public interest and there was no ill-will or malice against the complainant.

5. NBSA considered the complaints (addressed to the broadcasters) and the responses of the broadcasters (addressed to the complainant) at its meeting held on 24.5.2018, along with the complaint by the complainant against HMTV. NBSA decided to call the parties for a hearing in the next meeting. At the hearing on 11.7.2018, the following were present:

Ms. D. Sunitha (Complainant)

Representing Sakshi TV (Indira Television Ltd.): Mr. S. Sriram, Advocate.

Representing ETV Telengana (Eenadu Television Pvt. Ltd.): Mr. Arun Kumar, Bureau Chief; Mr. Rajendra Prasad, News Editor; and Mr. Jagannatha Rao, Advocate.

Submissions by Complainant:

6. The complainant adopted the following submissions made by her in her complaint against HMTV:

(i) 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.

(ii) The impugned programme 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 to 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.

(iii) 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.

(iv) 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.

(v) Complainant contended that the impugned news programme 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.

(vi) Complainant 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 news telecasts on Sakshi TV 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. The 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.

(vii) Complainant submitted 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 that far from serving any public purpose, the new 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.

Submissions by Sakshi TV:

7. The broadcaster stated that the telecast made by Sakshi TV was not in violation of any NBSA Guidelines. It was submitted that the channel's efforts to secure the version of the complainant failed as she remained incommunicado. It was contended that as the complainant had denied herself the opportunity of issuing a rebuttal, she cannot contend that the broadcast was in violation of NBSA Guidelines.

8. The broadcaster contended that the content of telecast made by Sakshi TV was not in relation to the alleged events which took place on the intervening night of 21st-22nd January, 2018, but was in regard to the order of suspension issued by the State Government, consequent on registration of the FIR by the police at the

instance of the complainant's spouse. It was stated that the channel had telecast only about the fact of registration of the FIR and the contents thereof, as spoken by complainant's husband. It was contended that what was telecast was not one-sided, as it could be seen from the telecast that the Sakshi TV Reporter was questioning the person who lodged the FIR and quoting its contents, as to his motive for lodging such complaint. The broadcaster further contended that the word "reportedly" was repeatedly used in the narrative to make it clear to the viewers that the telecast was in respect of the FIR lodged by the complainant's husband; and that at no juncture there was any pre-judging of the alleged contents of the FIR nor any judgmental comments were made in respect of the alleged entire episode.

9. The broadcaster submitted that the subject telecast was strictly in conformity with the "principles of self-regulation" framed by NBSA, in particular, Para 6 relating to "privacy"; that the telecast regarding suspension of a public servant from Government and the fact of registration of a FIR, (which is an invocation of a remedy by an aggrieved in public law), are legitimate areas of telecast for a news channel; that the subject telecast was in public interest, as envisaged in para 6 of NBA Principles of Self-Regulation as well as within the meaning ascribed to it in the judgment of the Supreme Court in the case of *KS. Puttaswamy vs UOI - (2017) 10 SCC1*. It was pointed out that while para 6 of the NBA Principles of Self-Regulation permitted door-stepping for pursuit of truth and public interest, the Supreme Court, in the said decision, has completely barred it; and the telecast by Sakshi TV neither intruded nor door-stepped into the private space of the complainant.

Submissions by ETV Telangana:

10. The learned counsel for the broadcaster stated that ETV Telangana (ETV) did not send its cameramen to the residence of ASP Ms. Sunitha Reddy on the intervening night of 21-22nd January 2018; that no member of crew of ETV entered her flat, nor obtained or broadcast any visuals; that the thrust of the news broadcast was the suspension of Circle Inspector which was based on the bytes obtained by ETV from the superiors of the Circle Inspector; that whatever was broadcast on ETV was not contemporaneous news, but post the event; that only facts borne out by FIR registered with the police formed the basis for broadcast and no comments were added by ETV; that the news about the suspension of the lady police officer was broadcast based on the suspension order; that the personal life of the lady police officer was not touched upon by ETV; that there was no violation of privacy of the complainant, nor violation of any law, ethical standards or guidelines laid down by NBA, in broadcasting the news in question. It was submitted that ETV exercised restraint and care and did not cast any aspersions upon the character and integrity of the lady police officer, nor state anything that would degrade the officer in the eyes of the public. It was stated that to the best of its ability, ETV has eschewed

material that was in bad taste and broadcast only those events which were of public interest and importance.

Decision of NBSA:

11. NBSA considered the complaints, the responses and arguments of the parties and also viewed the CDs. At the outset, it found that the news stories aired by Sakshi TV and ETV Telangana were of a different nature, when compared to the news story aired by HMTV. The news stories by Sakshi TV and ETV Telangana related to the suspension order issued by the government and the FIR lodged by the husband and there was no intrusion/entry into the complainant's flat, as in the case of the story aired by HMTV.

12. NBSA was however of the view that while the reporting of the lodging of the FIR and the suspension of a senior police officer was not objectionable, the two channels were not justified in using material from the FIR to formulate and express judgmental views and opinions which could be interpreted by the viewing public as casting doubts/aspersions on the conduct of a woman police officer in her personal life.

13. NBSA therefore decided to issue a warning to the two channels (Sakshi TV and ETV Telangana) to exercise greater care, caution and discretion in future, in using material from FIR in formulating news stories. With such warning, the complaints against Sakshi TV and ETV Telangana are closed.

14. The video of the said broadcast, if still available the websites of Sakshi TV and/or ETV Telangana, or on YouTube, or any other links, they should be removed immediately and confirmed to NBSA in writing within 7 days.

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

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

Date: 30 August, 2018