

**News Broadcasting Standards Authority
Order No. 87 (2020)**

Order of NBSA in the matter of: Rakul Preet Singh ... Petitioner Vs Union of India & Ors. ... Respondents – Times Now

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, O'TV, Aaj Tak, India Today, Zee News, WION, Zee 24 Taas and CNN News 18.

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 tectotaller 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 scooty 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

Ms. Jyothi Suresh Kumar, Authorised Representative
Mr Kunal Tandon, Advocate

Specific complaint against Times Now:

The complainant submitted seven links of the offending broadcasts by Times Now channel from 11.9.2020 to 26.9.2020 which are being given below by way of illustration, have invariably been broadcast repeatedly, have often been posted on various digital/electronic handles of the channel and have also permeated the web. The broadcaster has not issued till date a corrigendum, acknowledging or correcting the mistakes.

The offending broadcasts received from the complainant and the response given by the broadcaster are given herein below. All the offending broadcasts were carried with the image of the complainant.

Offending Broadcast No 1 on 26.09.2020

Rakul Preet Singh implicates Kshitij Prasad, claims Kshitij arranged drugs for celebrities

News Breaks: Huge Claims by Actor Rakul Preet

News Breaks: Rakul implicates Dharma employee Kshitij

News Breaks: Rakul puts onus on K-Jo's Aide

News Breaks: Kshitij supplied drugs to stars: Sensational inside scoop of NCB probe.

News Break: Karan Johar Stares at trouble: Claim 1: Kshitij regularly procured drugs.

News Breaks: Dharma Executive Drops Names: Claim 2: He supplied to several celebs.

News Breaks: Rakul puts onus on K-Jo's Aide Claim 3: Gave drugs to at least 4 stars.

News Break: Kshitij supplied drugs to several stars Claim 4: Approached me to be his conduit.

The complainant submitted that in the telecast, the broadcaster alleged that she had supposedly made claims before the NCB on the role of Dharma employee, Kshitij Prasad to the effect that he regularly procured drugs, supplied drugs to several celebrities, gave drugs to at least 4 stars, and had approached her to be his conduit. She did not make any such statement. She did not name any Kshitij Prasad which fact was falsely reported. She does not even know any Kshitij Prasad. The NCB did not ask her any questions regarding any Kshitij Prasad. The question of the complainant dealing with drugs or being connected with drugs in any manner whatsoever, or being part of any drug group or being a conduit for anyone as sought to be falsely reported does not arise. The broadcast is simply fake and defamatory news.

Response of Broadcaster:

This news break regarding the name of Kshitij Prasad was carried on the channel based on information received from sources within the NCB. Times Now reported this story based on sources that indicated that the petitioner had during her questioning by NCB allegedly claimed that she knew Kshitij Prasad. However, the news story clearly stated that the petitioner had denied using or taking any drugs. There was no intent whatsoever on the part of the channel to put out any false or implicating information against the petitioner by way of this news broadcast or otherwise. In the absence of any statement or denial from the petitioner to the media, the channel had carried this report being a significant update in the overall coverage of the NCB probe into alleged drug links in Bollywood.

Offending Broadcast No 2 on 25.9.2020

Did Rakul Preet Singh name four celebrities during NCB drug Probe

Response of Broadcaster

This is an online article published by the Times of India team and not by Times Now. While some segments of Times Now's footage have been partially shown, the images depicting drug consumption is not part of Times Now's coverage. However, the news article did state the Petitioner's claim that she did not use or consume drugs and that she did not know any drug peddler.

Offending Broadcast No 3 on 11.9.2020

Sensational Rhea Admission: Rhea names B- Town Stars Names Unmasked; Rhea names Sara, Rakul Preet, USED DRUGS: RAKUL PREET SINGH
B- Town names UNMASKED Rhea names 'Sara & Rakul Preet .
Simone hung out with SSR & did drugs'

Sensational Rhea Admission: Rhea names B- Town Stars Rhea names Sara , Rakul Preet:

Rhea unmasks B-Town Names:

Rhea confession 2 'We used to hangout often and consume drugs'. Unmatchable Investi...Rhea names B-Town stars:Did drugs often admission

Sara Ali Khan – Already in the news

Simone Khambatta - Drug chat with Rhea already out in public domain

Rakul Preet Singh- Rhea names Rakul Preet in NCB Interrogation

THE RHEA 'DRUG' CIRCLE

The complainant submitted that the broadcast on 11.9.2020 alleged that as per (unnamed) top NCB sources, Rhea had supposedly confessed that Sara Ali Khan, Simone and the complainant hung out with SSR and did drugs. This is factually incorrect. She does not take drugs at all and to the best of her recollection, only met Sara Ali Khan twice (once at IIFA Awards and once while working out in a gym) and has not met Simone Khambatta at all. This offending broadcast of 11.9.2020, while referring to Rhea's alleged statement, did not even refer to the fact that she had already retracted her statement on 9.9.2020, 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 her.

Response of Broadcaster:

Times Now stated that it had covered the story on Rhea Chakraborty's retraction of her statements given to the NCB on 9.9.2020 - <https://www.timesnownews.com/mumbai/article/ncb-spinning-false-narrativestatements-before-anti-drug-agency-made-under-duress-rhea-in-bail-plea/650073>.

Rhea Chakraborty's bail plea to NDPS Court was accessed by the channel and her claim that NCB had coerced her into making self-incriminating confessions was also shown. As her bail plea was refused at that point of time and NCB continued to probe the alleged names taken by Rhea Chakraborty in her statement, the channel had covered the same. Subsequently, the 3 Bollywood actors allegedly named by Rhea Chakraborty in her statement were summoned by the NCB. As a news channel, it was significant to continue reporting on the allegations as part of the overall coverage of the Sushant Singh Rajput case. The channel had covered allegations against all three names that came out during the NCB probe. There was no targeted or slanderous reporting against the complainant.

Offending Broadcast No 4 on 11.9.2020

Times Now Super Expose

NCB CONFIRMS TIMES NOW NEWS BREAK
RHEA UNMASKS B_ TOWN NAMES

Rhea Confession No 1: Sara, Rakul Preet, Simone & I hung out with SSR & did drugs'

NCB CONFIRMS TIMES NOW NEWS BREAK

Rhea 'Unmasks' B-Town Names Rhea confession 2 'We used to hangout often and consume drugs'.

Times Now Super Expose

NCB CONFIRMS TIMES NOW NEWS BREAK

Sara Ali Khan – Already in the news

Simone Khambatta - Drug chat with Rhea already out in public domain

Rakul Preet Singh- Rhea names Rakul Preet in NCB Interrogation

THE RHEA 'DRUG' CIRCLE

The complainant stated that the broadcaster claimed that the NCB has confirmed the new break about her being named by Rhea during interrogation, and alleged that Rhea had verified and signed the statement. The broadcast again played out the visuals of the previous broadcast of 11.9.2020, without again referring to the fact that Rhea had already retracted her statement on 9.9.2020.

Response of Broadcaster:

This news report was based on information received from sources within NCB. The channel had reported on the possibility of summons being issued by NCB to Sara Ali Khan, Rakul Preet Singh and Simone Khambhatta. This was validated subsequently when the NCB did issue summons to all the three persons. There was no speculative or defamatory reporting with respect to the Petitioner.

Offending Broadcast No 5 on 14.9.2020

Crush B Town Drug Mafia: Rhea Named Sara Rakul; Slap in the face of the Doubter Lobby

Pictures shown of Rhea & Sara, Rhea & Rakul, Rhea & Simone

Sara Ali Khan & Pakul Preet's drug link CONFIRMED. Is Rhea unmasking B Town Mafias?

Biggest Coverage:

Sara Ali Khan – Already in the news

Simone Khambatta - Drug chat with Rhea already out in public domain

Rakul Preet Singh- Rhea names Rakul Preet in NCB Interrogation

THE RHEA 'DRUG' CIRCLE

Sara Ali Khan & Rakul Preet's drug link CONFIRMED. Is Rhea unmasking B Town Mafias ?

Crush B Town drug Mafia: Super scoop confirmed: Times Now News Break Confirmed: Rhea unmasks B-Town Names Rhea Confession No 1

Sara, Rakul Preet, Simone & I hung out with SSR & did drugs'

Sara Ali Khan & Rakul Preet's drug link CONFIRMED. Is Rhea unmasking B Town Mafias?

Crush B Town Drug Mafia: B Town Lobby Red faced: Agency Confirms Sara – Rakul Lead:

Rhea Unmasks B- Town Names

Rhea Confession 2 ' We used to hangout often and consume drugs'.

Sara Ali Khan & Rakul Preet's drug link CONFIRMED. Is Rhea unmasking B Town Mafias?

Biggest Coverage : Crush B Town drug Mafia: Times Now Investigation Echoes :Names Unmasked: Rhea Names Sara and Rakul Preet : Rakul Preet Singh Used Drugs

Sara Ali Khan & Rakul Preet's drug link CONFIRMED. Is Rhea unmasking B Town Mafias?

The complainant submitted that the broadcaster in the tagline telecast alleged that her **“Drug Link CONFIRMED”**. This was on the basis of being named by Rhea during NCB interrogation. The broadcaster again played out the visuals of the previous broadcasts, without again referring to the fact that Rhea had already retracted her statement on 9.9.2020 as aforesaid.

Response of Broadcaster:

The channel had reported on the alleged 'drug link' in Bollywood based on information from sources within the agencies. As per sources, it is believed that while Rhea Chakraborty initially denied that she was involved in or consuming drugs, but later she agreed to it and Rhea Chakraborty's chats and other content from her electronic devices allegedly established a link over drugs. However, this must be seen in the overall context of the coverage on the channel. As the complainant was not willing to speak to the media on this issue, any denial or clarification from her end could not be carried. Again, the channel had reported at this stage, the possibility of summons being issued by the NCB to all the three Bollywood stars, including the complainant. The reporting has to be adjudicated upon at the time and date of the telecasts.

Offending Broadcast No 6 on 12.9.2020

Justice for Sushant: India Demands drug 'clean up': Report from outside Rakul Residence: B Town names unmasked: Rhea names Sara & Rakul Preet : Rakul Preet Singh used drugs.

The complainant submitted that the broadcaster tried to link her with the alleged drug nexus and had callers calling in to slam those engaging in drugs. Such broadcast injured her reputation and clean image and maligned her. She has never taken drugs. She has anything to do with drugs.

Response from Broadcaster:

The caption *'We all hung out with SSR'* is a statement allegedly made by Rhea Chakraborty in her statement to the NCB. This is not attributed to the complainant at all. Based on sources, the channel had reported that 3 names of Bollywood stars were mentioned by Rhea Chakraborty to the NCB and were being probed. Despite the fact that Rhea Chakraborty in her bail plea said that her statements were obtained under coercion and that she was retracting the same, the NCB subsequently did summon all the three persons for questioning. The channel had taken all efforts to reach out to all the three persons, including the complainant to get her opinion/stand on these news breaks. Channel tried to call the complainant, her manager, organizer, PRO but there was no response. The channel was told that she is not willing to speak to the media. Even at her Hyderabad residence, the channel was informed by the guard that she is not in her flat at that moment. The news report did not link the complainant to any drug nexus in Tollywood. While reporting on alleged drug links within the film industry, an earlier nexus that was investigated in Tollywood was referred to with no linkage to the complainant. Based on information received from reliable sources (including from within the NCB) the channel had put out updates on these three names that had come out as a result of Rhea Chakraborty's interrogation.

Offending Broadcast No 7 on 25.9.2020

Rakul Preet Singh Leaves from NCB Office

Inside scoop from Rakul's questioning (Sources)

She confesses to drug chats with Rhea

She denies consuming drugs herself

News Breaks: Here First

RAKUL CONFESSES TO DRUG CHATS WITH RHEA

The complainant stated that the broadcaster alleged that she supposedly confessed before the NCB to "drug chats" with Rhea. She did not make any such "confession". The true statement made by her before the NCB is detailed in the Additional Statement dated 30.9.2020 and on affidavit before the Hon'ble Delhi High Court. Such allegation is slanderous and defamatory, and maligns her clean image.

Response from Broadcaster

The channel had, based on sources, reported on the alleged chats between Rhea Chakraborty and the complainant, which referred to certain substances. The complainant has not denied the chats with Rhea Chakraborty and the news report only raised valid issues following the complainant's meeting with the NCB officials. The complainant's statement to the NCB that she did not use or consume drugs and that she did not know any drug peddlers was also carried as part of this news break.

Submissions of Broadcaster during the hearing:

The broadcaster submitted that the complaint made is vague as the complainant has failed to inform the NBSA as to which provision of the Code of Ethics has been violated by the broadcaster.

The broadcaster submitted that the complainant, on her own accord, has concluded that the news reports by the answering member channel are neither fair nor equitable, and that the news reports are defamatory in nature, are contrary to the Code of Ethics or any other statutory guidelines, without referring to the news reports as a whole. The complainant seeks an order in the nature of pre-publication injunction. The law related to pre-publication injunction is absolutely clear and well settled. Hence, what is necessary as a pre-requisite for the complainant to show is that there exists a clear and present danger and the reporting by the press unfairly prejudices the administration of justice, in the news reports aired by channel. This basic test has not been met by the complainant. Hence, without making a case for violation of the Code of Ethics or for pre-publication injunction, the prayer sought cannot be passed. The reports merely refer to the proceedings that have taken place at the time of questioning of the complainant by NCB, and these reports are based on sources of the channel. There is no reporting or interview of the investigating agency or that of any member of NCB, any government source or any other authority of law. Hence, no question of impairing of the investigation arises. The news reports refer to what the complainant has stated before the NCB as per the existing sources. The complainant, if she so desires, may approach the channel to clarify her point of view in this regard, in order to present both sides of the story. The story is an off shoot of the Sushant Singh Rajput case, and assumes public importance, and needs appropriate and fair disclosure. Any restraint on the rights of the media to disclose the events or right of the public to know is clearly an act of violation of the rights of the channels and the public at large guaranteed under Article 19(1)(a) of the Constitution of India. While the Courts may have the power to issue a pre-publication injunction, it is yet to be seen if a self-regulatory body can issue a pre-publication injunction. None of these conditions are fulfilled. Hence, the prayer should not be granted. However, the channel had made efforts to get the complainant's side of the story and is once again willing to take the story of the complainant, if she agrees to come on the channel or issue a statement representing her side of the story.

In respect of prayer (ii) i.e. immediately take down all such programmes and write-ups from their TV channels, cable, print, TV digital and social media, as the case may be, the submissions made above may be read as a part of the reply by the broadcaster in respect of this prayer. It is pertinent to point out that there is no violation of any Code of Ethics. The news reports complained pursuant to the complaints made on 23.9.2020 and on 5.10.2020 are absolutely fair, responsible and neutral and in no manner, lead to interfering in the administration of justice, amount

to contempt of court, are defamatory by any means or fall under any of the other restrictions contained under Article 19(2) of the Constitution of India. While balancing the right of the complainant in respect of right to fair trial with the right of the media channels i.e. freedom of speech and expression, and the third angle i.e. right of the public to know, none of the news reports impede any right of the complainant to a fair trial.

In respect of prayer (iii) and (iv) also i.e. (iii) not to sensationalise the matter and invade the complainant's privacy rights while reporting on actress Rhea Chakraborty's narcotic drugs case; and (iv) immediately issue a corrigendum, acknowledging and correcting their mistakes, and run 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 the NBSA-the same can also be passed only if there is any violation of the Code of Ethics . From the telecasts, it is clear that there is no violation of the Code of Ethics or Guidelines.

The broadcaster submitted that the news coverage was not a slanderous campaign against the complainant by the media. Her name was raised by Rhea Chakraborty in her statement to NCB and hence, the complainant and the other 2 stars were reported in the ongoing NCB probe into the drug angle in the Sushant Singh Rajput death investigation. There is no defamatory or deliberate campaign or suggestive innuendos or half-truths telecast against the complainant. There were no sensational videos or images of the complainant used by the channel in the news reports. The news of Rhea Chakraborty retracting her NCB statement was carried on Times Now on 9.9.2020. No film scenes or objectionable pictures of the complainant were used on the member channel for this reporting. The image of the complainant was not shown in poor taste and is only meant to represent her as an individual actor. The broadcaster attempted to contact all the stars allegedly named by Rhea Chakraborty for their stand and views on the story. No one responded to the calls made by the channel. The complainant's refusal to speak to the media prevented the channel from carrying her side of the story, including any clarifications or objections that she may have had against any of the broadcasts. She chose instead to approach the Court to restrain the media from reporting significant matters. There is no violation of the Code of Ethics or the News Broadcasting Standards Regulations (Regulation) by the channel.

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.

NBSA noted that the explanation of the broadcaster that while displaying the Hashtags, Taglines, some clarifications were given on the telecast in respect of these Taglines and if the programme had been viewed in its entirety and in context, the Taglines could not be said to be offensive, is not entirely correct. Though NBSA has no serious objection to the news story telecast, however NBSA found that on several occasions the Hashtags/Taglines telecast did 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 Image of the complainant in skimpy clothes in Broadcast No 3 was certainly misleading in so far as the viewers were concerned. The Hashtags and Taglines such as “The Rhea Drug Circle’ had a tendency to give an impression to the viewer that the complainant was definitely a part of the drug circle and was pedalling and consuming drugs.

NBSA observed that the broadcaster, while telecasting such Hashtags, Taglines, and Images must understand the impression that these create on the viewers. Hashtags, Taglines, and Images must have a connection with the news programmes being telecast and cannot be telecast randomly.

On a viewing of the entire broadcast including the commentary, NBSA found that what was really objectionable was not the news story but the Hashtags and Taglines.

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

NBSA also noted that the broadcaster had mentioned the source of its information as 'NCB' in its telecasts, however the said source should have been clearly visible during the telecasts. 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.

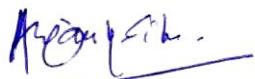
NBSA also directed that the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately and the same should be confirmed to NBSA in writing within 7 days.

NBSA decided to close the complaints 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


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 (Ret.) 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