

News Broadcasting Standards Authority
Order No. 84 (2020)

Order of NBSA in the matter of: Rakul Preet Singh ...Petitioner Vs Union of India & Ors. ...Respondents --- India Today and Aaj Tak channels

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 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

Mr Shahrukh Ejaz, Advocate
Mr Aiman Hasaney, Legal Counsel

Specific Complaints against Aaj Tak & India Today channels

1. India Today

The three offending programmes in respect of India Today by way of illustration due to shortage of time, 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: 24.9.2020

This broadcast supposedly from outside the complainant's then empty Mumbai residence in the morning of 24.9.2020, was to the effect that she would have to step out of her Mumbai residence and that her plea that she had not received summons was only a delaying tactic and that NCB had supposedly claimed that it had served her. The "No summons" claim was just an excuse. This is defamatory and fake news. Not only had the complainant not received any summons as of that time, she was not even in Mumbai as detailed in her Additional Statement dated 30.9.2020 and in the proceedings before the Hon'ble Delhi High Court, but was in Hyderabad. The complainant landed at Mumbai airport in the night of 24.9.2020 under intense media coverage as detailed in her Additional Statement dated 30.9.2020 and in the proceedings before the Hon'ble Delhi High Court.

Offending Broadcast No 2: 25.9.2020

Rhea Wanted to Take Back Her Drugs Claims Rakul Preet Singh During NCB Interrogation: Sources.

This broadcast alleged that the complainant had supposedly "confessed" before the NCB to "drug chats" with Rhea and that Rhea's drugs were supposedly lying at her house and Rhea wanted to take back the same. This is simply defamatory and fake news. The complainant denies that there were any "drug chats" or that any "drugs" were lying at her house. The correct facts have been detailed in her statements on record and in the proceedings before the Hon'ble Delhi High Court.

Offending Broadcast No 3: 15.9.2020

Stunning statement of SSR boatman to Narcotics Bureau; Rhea named Sara Ali Khan, Rakul Preet during drug probe

The broadcast alleged that Rhea had supposedly named the complainant during the drug probe. The complainant 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 the complainant as doing drugs along with actress Sara Ali Khan and designer Simone Khambatta, and that she had retracted her alleged statement.

This offending broadcast of 15.9.2020, while referring to Rhea, does 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.

2. Aaj Tak

The complainant submitted that the two offending programmes on AajTak channel, by way of illustration due to shortage of time, have invariably been broadcast repeatedly, and have often been posted on various digital/electronic handles permeated the web. The broadcaster has not issued till date a corrigendum, acknowledging or correcting the mistakes.

Offending Broadcast No1 : Date 14.9.2020

Sushant की Drugs पार्टी में Sara Ali Khan, Rakul Preet! NCB का बड़ा खुलासा

The complainant stated that the broadcast tries to link the complainant with the alleged drug party held at the farmhouse of late Sushant Singh Rajput by falsely insinuating that she was his 'secret friend' and supposedly went to the alleged drug party and did drugs. This is simply defamatory and fake news. The complainant stated that she was not any "secret friend" of late Shri Rajput. She has never gone to any such party and has not even visited the said farmhouse in her life.

Offending Broadcast No 2 Dated: 25.9.2020

NCB के सवालों में फंसीं रकुल प्रीत, ड्रग्स मामले में किया बड़ा कबूलनामा

The complainant stated that in this broadcast, it is alleged that the complainant was part of a "Drug Mandli". The broadcast stated that actress Rhea Chakraborty has supposedly named her as doing drugs and that she used to supposedly go to the drug parties and take drugs. The broadcast repeatedly flashes screenshots to the effect that she has been named by Rhea, that the boatman has confessed and the manager has given a statement. The broadcast further alleges that the complainant has supposedly accepted before the NCB the "drug chats" with Rhea and that Rhea left "samaan" at her home which she supposedly accepts had "drugs". The complainant submitted that the broadcast asserts that "*if I knew I had drugs, why did I not tell anyone*

about it and that keeping drugs is illegal and that I am supposedly guilty of not only facilitating but also harbouring which is punishable under Section 27A". The complainant stated that it is fake and defamatory news for the following reasons:

- (a) I am not part of any "Drug Mandli" and do not take drugs or have any connection with drugs.
- (b) The boatman and the manager have not made any such statement qua me to the best of my knowledge, and nor is any such statement in the public domain.
- (c) As regards Rhea, there is 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 me as doing drugs along with actress Sara Ali Khan and designer Simone Khambatta, and that she had retracted her alleged statement.
- (d) This offending broadcast of 25.9.2020, while referring to Rhea's alleged statement does not refer either to the fact that it had been retracted as aforesaid, 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 me.
- (e) It is factually incorrect that I have accepted any "drug chat" before the NCB or that I am guilty of any facilitating or harbouring as has been mischievously broadcast. Reference be made of her statements on record and to the Hon'ble High Court proceedings as to her actual statement before the NCB. The complainant submitted that such false reporting on her statement in a criminal investigation severely prejudices her, gives adverse publicity, and has the effect of impeding the administration of justice as also open justice.

Response by Broadcaster:

The broadcaster submitted that the news reported by it in the present concerned matter is within the purview of laws of India and conforms to the norms, guidelines and Code of Ethics & Broadcasting Standards issued by the MOI&B and NBSA. The broadcaster submitted that the reproduction of a fact before public is the foremost duty cast upon every journalist and they have to follow it. Since, the complainant, being a film actress is a public figure therefore, it becomes necessary on the broadcaster's part to bring before public various allegations that have been levelled against her.

Reply to the allegations raised against said five broadcasts by India Today and Aaj Tak News Channels are as follows:

**Submissions with regard to India Today
News Broadcast No. 1**

The broadcaster submitted that the channel has not made any statement or telecast any content that is fake and defamatory as alleged by the complainant. The contents of the news report make it clear that such telecast merely reproduced the information which was discovered by the Narcotics Control Bureau (NCB). The justification of the same can be perceived from the below mentioned transcript taken out of the present broadcast:

“...Now the NCB sources have told us, have responded to Rakul’s statement saying that this is just an excuse, summons were issued to Rakul but there has been no response...”

In continuation of the abovementioned reproduced fact, the channel has commented that “looks like it’s unlikely that Rakul Preet is going to appear before the NCB today”. Emphasis is required on the first two words i.e. ‘looks like’ which makes it clear that it was an averment on the probability of the complainant’s appearance before the NCB. Further, it was reported therein that *“she was supposed to reach NCB office at 11 ... but it seems unlikely that Rakul will step out of her house.....”*. The statement was merely an opinion on the complainant appearing before the NCB. The channel never said that the complainant’s plea that she has not received any summons was only a delaying tactic. Instead the same was stated by NCB officials. The description of the said news report states that *“The NCB have summoned Bollywood actresses like Rakul Preet Singh, Deepika Padukone, Sara Ali Khan and Shraddha Kapoor in drug probe linked to the Sushant Singh Rajput death case. However, according to the sources, actor Rakul Preet has denied receiving any Summons”*. The channel in the said report has also stated that if the complainant has not received the summons then she will receive it again.

News Broadcast No. 2

The broadcaster submitted that it has been stated in this report that: *“Sources from NCB have told us that Rakul Preet while being questioned regarding the possible drug link and also on the basis of Rhea Chakraborty’s statement that Rakul had on multiple occasion consumed drugs. She has said that she had spoken to Rhea Chakraborty regarding drugs but these were not her drugs. These were meant for Rhea Chakraborty. Those were just kept at her residence and that is what she was asking for, that is what the communication was regarding.”*

It is clear from the above-mentioned excerpt that the channel has even mentioned that the drugs did not belong to the complainant. Further, the channel has highlighted the part of complainant’s statement which says that neither does she consumes drugs nor does she have any link with peddlers were highlighted in bold during the broadcast. The text in the screen shot given herein below: -

“Rakul Confesses?”

Rakul denies consuming drugs & link with peddler: Sources”

The broadcaster submitted that the complainant has admitted in her statement about the exchange of texts in WhatsApp with Actress Rhea Chakraborty since 6.8.2017

to 2020 regarding “doob”. All that the complainant states are that the chats were not in relation to the drugs. The major concern of the complainant in respect of the captioned broadcast is that India Today has labelled the solitary reference of the word ‘doobs’ as a ‘drug chat’.

The broadcaster stated that the word ‘doobs’ does not mean rolled tobacco cigarette as averred by the complainant. As per the few common dictionaries the meaning of “doobs” are reproduced herein below:

- As per Collins Dictionary ‘doobs’ means ‘a cannabis cigarette’
- As per Wiktionary ‘doobs’ means ‘a marijuana cigarette, joint’

In common parlance, the term as explained above means ‘rolled marijuana’ and not rolled tobacco cigarette. The former is a banned substance in many countries including India. When the channel cites that there were conversation pertaining to drugs that were exchanged between the complainant and Rhea Chakraborty which is even accepted by the complainant, then it is unfair to consider the broadcast as defamatory or untrue.

News Broadcast No. 3

The broadcaster stated that on a perusal of the broadcast, it is evident that it is merely a statement of a boatman that has been reiterated in the broadcast. The statement broadcast by the channel is reproduced below:

“According to the NCB Rhea has also taken the names of ...and Actor Rakul Preet in her statement. The investigation is currently underway”.

The broadcaster stated that in the video that one Boatman has made certain revelations. He had stated that Sushant Singh Rajput often used to visit one Island near Pavna Dam with Rhea, Sara Ali Khan and few others. The channel has also stated that an exclusive copy of the statement given by boatman has been received by it. Thus, the news report was very much based on such statement. Attention was drawn to the statement that is written in bold above. The channel has stated that the complainant’s name has been taken but the investigation pertaining to same is pending.

Submissions with regard to Aaj Tak News Broadcast No. 1

The broadcaster stated that the title of the broadcast i.e. “Sushant की Drugs पार्टी में Sara Ali Khan, Rakul Preet! NCB का बड़ा खुलासा” makes it self-explanatory that said information has been unfolded by NCB.

Other Text on the Screen Shots**Sushant ki 'Secret Dost' ka Raj Khula !****Sushant ki Party Mein Chokane Vale naam!****Breaking News: Party mey Aane vale jamkar nasha kartey they**

Further, it is clear that in the entire video, neither has the news channel taken the name of the complainant nor has it levelled allegations that the complainant used to consume drugs. Thus, the complainant's contention that her name is being linked with the alleged drug party held at the farmhouse of late Sushant Singh Rajput by falsely insinuating that the complainant was his 'secret friend' and supposedly went to the alleged drug party and did drugs is wrong and hence denied. Reference about some 'secret friends' has been made in the said report but that cannot be attributed to the complainant and the complainant's assumption of the same has nothing to do with the news channel.

Since the complainant's name is nowhere taken in the entire video, therefore, the allegation raised by the complainant is invalid. It is clearly stated that name of the complainant mentioned in the title is in accordance with the information received by the news channel from NCB. Even the title of said news report merely stated that the complainant was part of Sushant's drugs party which is something that was unveiled by the NCB.

It has been stated in the video that one boatman named Jagdish Das has made certain revelations. He had stated that Sushant Singh Rajput often used to visit one 'Aapti Gavande Island' near Pavna Dam with Rhea, Sara Ali Khan and few others. The channel has also stated that the exclusive copy of the statement given by boatman was provided to the news channel by NCB. Thus, the report was based on the above statement.

News Broadcast No. 2

The broadcaster submitted that it is pertinent to note the title of said broadcast which is "NCB के सवालों में फंसीं रकुल प्रीत, ड्रग्स मामले में किया बड़ा कबूलनामा". A bifurcation of the said title conveys two things. First part talks about the complainant's involvement in NCB 's investigation' which is a fact as it is not hidden that the complainant was summoned by NCB for questioning. Hence, statement of truth cannot be said to be defamatory. Second part refers to the statement given by the complainant before NCB.

The contents of the screenshot of the broadcast is given herein below for a better understanding:

-“ NCB ke Sawalo mein phasi Rakul Preet, drug mamle mey kiya bada kabulnama”.

“Drug Mandli , Heroine ki Kundali”; “Rhea ney liya nam” ; “Boatman ka kabulnama”; “ Farmhouse key manager ka bayan”

Perusal of the contents of the above screenshot, shows that the news channel has merely mentioned about the sources which claimed about the possibility of the complainant being involved in the drugs case.

The broadcaster stated that the complainant had herself admitted the chats with Rhea Chakraborty in relation to ‘doobs’. It is reiterated that in common parlance, the term ‘doobs’ means ‘rolled marijuana’ which is a prohibited drug. Therefore, it shall be unfair to consider the broadcast as defamatory or untrue for using the literal meaning of the word and deriving an interpretation out of it. Perusal of the said news report shows that the channel didn’t raise any allegation against the complainant but merely raised a question on the admitted fact by the complainant that if she knew there were drugs (doobs), why didn’t she inform anyone about the same? It is, further, stated that the news report contained statements that were made by the boatman and the manager.

The broadcaster submitted that freedom of press is one of the essential pillars of democracy in a country and the broadcast carried out by both the channels has been done while exercising the right to free speech and expression as enshrined under Article 19 (1)(a) of Constitution of India. The duty of the media is to keep the public informed of events of public figures. The broadcaster relied on judgements of the Hon’ble Supreme Court namely:

Life Insurance Corporation of India v. Manubhai D Shah (1992 (3) SC (637).

R. Mani v. State of Tamil Nadu (2018 SCC Online Mad 3300)

R. Rajagopal v. State of T.N (1994) 6 SCC 632

Secretary, Ministry of Information and Broadcasting v. Cricket Association of West Bengal (1995) 2 SCC 161

Harper Collins Publishers Pvt. Ltd. v. Sanchita Gupta @ Shilpi and others FAO 168/2020 & CM APPL. 21973/2020

The broadcaster also drew the attention to Para No. 10 and 11 of the Additional Statement wherein the complainant had contended that the news broadcast by India Today and Aaj Tak are fake and defamatory and that such broadcast is done with a view to enhance TRPs and that the programmes are not based on true, correct and verified facts. The broadcaster denied the said allegations and submitted that after reasonable verification they have reproduced the facts before the public. In no way, the mere reproduction of verified facts can be interpreted as an act carried out for gaining TRP.

In respect of the allegation raised by the complainant in Paragraph No. 11 stating that the fabricated allegations by them have violated her privacy, the broadcaster

stated that any publication concerning the right to privacy aspects becomes unobjectionable if such publication is based upon public records including court records. The statements made before NCB forms part of the public record and, thus, the channel was free to telecast a report on the same. Once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others.

In respect of the allegations raised in Para 12, the broadcaster submitted that there is a huge difference between legitimate comments and unwanted trial by media. Perusal of the news reports as mentioned above makes it evident that nowhere has the channels crossed the ambit of "legitimate comments" on a criminal investigation that is pending before NCB. It is a right of the citizens of India to be informed about the burning topics and important issues of the day in order to enable citizens to consider and form broad opinion about the same and the way in which they are being managed, tackled and administered by the Government and its functionaries. The broadcaster stated that the NCB is one of the functionaries of Government, thus, it is the right of citizens to know how NCB manages, tackles and administers the case of the complainant. Further, for clarification it is stated that mere reproduction of the true and verified facts could not be said to hamper or interfere with a criminal investigation until and unless it is reproduced in an exaggerated way, which the channels have not done.

In respect of all the news reports that have been pointed by the complainant it is stated that they had no malicious intentions behind such telecasts and it was based on verified and established facts.

The news reports were based on facts i.e. NCB's record and statements that were made by people being interrogated before NCB. Thus, reproduction of an incident cannot be defamatory, deliberate, false and suggestive innuendoes and half-truths. Also comments by news channels on facts cannot be slanderous or defamatory. Nothing has been created by the channels on its own but whatever was already on record has been simply reproduced. Therefore, it cannot be said that India Today and Aaj Tak have gone against the advisory issued by MIB bearing No. 41015/1/2019-BC.III and 41015/1/2019-BC.III dated 20.12.2019 and 25.2.2020 respectively. The sources were duly verified and only after that were the statements made in the above-mentioned broadcasts.

The broadcaster submitted that public information is an exception of defamation and that what is already known by public in large, does not amount to defamation if the same is reproduced in news. Media has liberty to express its speech and expression as enshrined under Article 19 of the Constitution of India. No defamation can be alleged against India Today and Aaj Tak for telecasting/publishing the truth or for bringing its opinion to the public through

video telecast. Therefore, putting an impediment on the true and fair reporting with a whip will be nothing but unconstitutional.

Upon hearing the submissions of the broadcaster and the complainant, the NBSA desired to know from the broadcaster how the channel made assertions on their own, which the complainant states are factually incorrect. NBSA directed the broadcaster to make additional submissions in regard to the following queries:

1. The sources on the basis of which the complainant's name was mentioned in the news reports?
2. Was there any news report broadcast by them through which the retracted statement made by Rhea Chakraborty was telecast?
3. Whether the boatman had made any statement pertaining to the complainant?

The broadcaster stated that the additional submissions dated 17.10.2020 are being made to satisfy NBSA on certain queries raised by it during the proceedings held on 12.10.2020. The queries were put in respect of the sources on which specific news reports mentioned in the representation of the complainant broadcast by the channels were based for which the NBSA had asked them to render clarification.

The broadcaster reiterated that it very diligently broadcast the news reports in respect of the complainant based on reliable sources. The information was received from two sources i.e. the Narcotics Control Bureau (NCB) and the boatman named Mr. Jagdish Das and thereafter the said information was broadcast. It is pertinent to mention that the information received against the complainant was through the NCB. The channels have stated that in every report that the information received against the complainant were unfolded by the sources of NCB.

The answers to the queries above were as follows:

Response 1: The broadcaster stated that the news reports were based upon the reliable sources from NCB. It is important to mention herein that there is no statute compelling the disclosure of source by media. It is a settled position that the only authority which can ask the journalist to divulge the source is the Court of Law and that too only in exceptional circumstances where larger public interest or question of larger public security is involved. The information received by the channels from NCB was itself based upon the commitment of confidentiality on the former's part. Revealing the sources are certainly going to hamper the future course of investigative journalism as it will then put the trust of informants in peril. It will make it difficult to gather information later from its sources.

Response 2: The broadcaster stated that the broadcast of news report stating the event of retraction of statement made by Rhea Chakraborty is irrelevant in determining as to whether the other broadcasts reproduced by the complainant were false or defamatory. It is stated that without specifics, the editorial is struggling to

view hours of footage to conclusively suggest anything. However, if the complainant has a specific concern, they may check the same and respond.

Response 3: It is clarified herein that the boatman in his statement did not name the complainant. The name of the complainant first arose during the statement made by Rhea Chakraborty which was then discussed in their news reports and nowhere was a “judgment” was passed by the channels on her conduct. The statement made by Rhea Chakraborty was relied upon, it is stated that the complainant was approached by the broadcaster to bring forward her views on retraction made by Ms. Rhea Chakraborty but the same was never answered by her.

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

Decision of NBSA:

NBSA considered the complaints, response from the broadcaster-both channels, heard the arguments of both the complainant and the broadcaster and reviewed the footage.

On a viewing of the footage of India Today’s Broadcast No. 1 and 2, NBSA found no violation of the Code of Ethics or Guidelines by the broadcaster.

In respect of Broadcast No 3, NBSA noted that India Today had not telecast the statement of Rhea Chakraborty in the said broadcast that she had made the statement before NCB under coercion. The retraction statement should also have been telecast in the same broadcast in order that the viewers understand the entire context of the evolving story and versions of all parties.

Aaj Tak:

On a viewing of the footage of Aaj Tak’s Broadcast No. 1, it is apparent that the Tagline “Sushant की Drugs पार्टी में Sara Ali Khan, Rakul Preet! NCB का बड़ा खुलासा” had no connection with the news being reported with regard to the boatman Jagdish Das’s statement and therefore the tagline was telecast out of context.

NBSA therefore observes that this Tagline has been telecast completely out of context and gave incorrect information about the complainant to the viewer.

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.

In view of the above NBSA observed that the Taglines-" NCB ke Sawalo mein phasi Rakul Preet, drug mamle mey kiya bada kabulnama", "Drug Mandli, Heroine ki Kundali" which were telecast in Broadcast No. 2, are violative of the Principles of Self Regulations and Specific Guidelines Covering Reportage relating to Impartiality and Objectivity and Fairness. These Taglines should have been avoided and are clearly offensive.

In view of the above, NBSA warns the Channel Aaj Tak to be more careful while telecasting Tag lines and not to broadcast unverified and incorrect information in the future.

NBSA noted that most of the news broadcasters had quoted their source of information and broadcast as NCB, therefore the possibility that some information having leaked from the NCB cannot be ruled out.

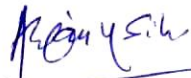
NBSA also directs that the video of the offensive broadcast aforementioned, if still available on the website of the channel Aaj Tak, or YouTube, or any other links, should be removed immediately and the same should be confirmed to NBSA in writing within 7 days.

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.


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