

**Only by Email**

October 28, 2020

<b>Ms. Jyothi Suresh Kumar</b> Compliance Officer NBSA Bennett, Coleman & Company Ltd. (TV Division) 6th Floor, Tower 1, Equinox Business Park, Off. BKC, LBS Marg, Ambedkar Road, Kurla West <b>Mumbai 400070</b> Email: legalnow@timesgroup.com, jyothi.sureshkumar@timesgroup.com	<b>Citizens for Justice and Peace</b> Nirant, Juhu Tara Road, Juhu, Santacruz (W) <b>Mumbai – 400 049</b> Email <cjpindia@gmail.com>
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Dear Madam/Sir,

**Re: Complaint dated 7.5.2020 from Citizens for Justice and Peace (CJP) against Times Now**

Since the complainant was not satisfied with the response of the channel, the complaint has been escalated to the second level, which is the NBSA vide complaint dated 7.5.2020.

The complainant stated that since their grievances were not addressed satisfactorily, and in fact vehemently denied, by the broadcaster, they find the need to approach this Authority for appropriate relief. The concerns being raised here do not just pertain to one show aired by Times Now but a legitimate smear campaign being run by them with the clear intention of maligning the reputation and image of Ms. Setalvad.

The complainant alleged that the actions of the broadcaster amount to defamation, in simple terms, because the broadcaster has made allegations about Ms. Setalvad without any basis or regard for facts. It would prove fruituous if they could come up with stronger “facts” than just one two sentences uttered by her in the video aired by the channel on their show. The imputations made by the broadcaster in their show lowers the intellectual character, her character in respect of her calling, and lowers her credit in the minds of the many viewers of the channel. By association and as the chief executive of the CJP, it also stands to affect the credibility of CJP, as an organisation and could have an adverse impact on the relentless humanitarian work done by CJP, under the guidance and direction of Ms. Setalvad.

The complainant stated that the broadcaster had violated various guidelines and standards of journalism laid out by this Authority.

The complainant therefore sought the following reliefs:

- 1.To remove the defamatory content from their website, from their YouTube channel and any other digital platform;
- 2.To issue a public apology on its channel for posting such defamatory content and for hurting the image of Ms. Setalvad;
- 3.To refrain from broadcasting or posting any such content which would malign the reputation and image of Ms. Setalvad;

4. To refrain from broadcasting or posting, in the future, any such defamatory content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. To provide Proportionate Monetary Compensation to be awarded to Ms. Setalvad as a compensation for damaging her reputation.
6. Take any other punitive action that the Authority deems fit.

### **Complaint**

The complainant alleged that the channel has resorted to inordinate and unwarranted labelling of Ms. Setalvad as a “Modi Baiter” to fuel jingoism in general and in utter disregard of journalistic ethics. While this has been happening for many years, the attacks have become particularly vicious of late. An article and a video uploaded on their website dated March 9, speaks about Ms. Setalvad’s views on National Population Register (NPR) in a manner that wrongly and maliciously interpret her stand as being against the conduct of Census in the country. This despite the fact that she clearly said, *“We do not want census work to stop, but our demand is that the census work should not begin until NPR is withdrawn.”* Times Now even broadcasted an entire show purely based on their own views, devoid of facts and extrapolating a self-created narrative that only maligns Ms. Setalvad’s image as a human rights defender.

In this program, Ms. Setalvad is being called, a “Modi Baiter” yet again, despite of her having made no statement against the Prime Minister at Shaheen Bagh. The program does not present any proof to show that the questions that were being read out to the protesters at Shaheen Bagh in Delhi, were in fact framed by Ms. Setalvad. Her mere presence and assistance to the volunteers at Shaheen Bagh have been twisted by the channel to portray that she is orchestrating the mediation process sanctioned by the Supreme Court.

The channel has unapologetically made false allegations such as “she deputed people to talk to protestors”; the incident amounts to “contempt of court”. In the program the journalist also makes utterly baseless claims such as “Teesta ‘tuition’ scuttles talks”, referring to the mediation proceedings that took place in Shaheen Bagh with Supreme Court appointed mediators. The channels’ anchor, Rahul Shivshankar, even stooped low enough to term the apex court appointed mediators as “Modi haters” and it comes as no surprise that if he can label senior advocates of Supreme Court, he must not have given a second thought before labelling Ms. Setalvad.

### **Reply dated 30.4.2020 by the channel to the complainant**

The broadcaster in their response stated that the allegations levelled against the channel in the complaint are false, frivolous and vexatious, and are hereby rejected outright. They also challenge the locus of the Centre for Justice and Peace in the present complaint as the news articles mentioned in the complaint have no reference to the organization or Ms. Setalvad’s role therein. They deny each of the allegations made out against our channel and its representatives. The news articles in question can by no means be termed maligning, derogatory or defying the ethics and fundamental principles of journalism in India or a ‘smear campaign’ as alleged. The news articles published on 09.03.2020 and 19.02.2020, were bonafide and carried in public interest.

The news article published on 09.03.2020 had put out the factual situation on Ms. Setalvad’s views on National Population Register (NPR). The news article clearly states that Ms. Setalvad was not against Census but was strong in her stand that Census should not begin or be undertaken unless NPR is withdrawn, thereby showing that Ms. Setalvad was not in favour of the Census until and unless NPR was withdrawn. As regards the objection to the term ‘Modi Baiter’, appearing in the said news article, this term, is far from being derogatory. The simple layman meaning of the word ‘baiter’ is someone who teases or as Cambridge Dictionary says, ‘a person who intentionally makes someone angry by saying or doing things to annoy them’. In fact, it has been used several times,

in print and electronic media, while referring to Ms. Setalvad. With specific reference to the news reports in question it merely indicated that Ms. Setalvad held a specific opinion about certain policy issues of Mr. Modi, based on her stand on those issues in the past. The use of the term therefore was nowhere defamatory or derogatory and it appears that they have chosen to adopt a very narrow meaning while interpreting the same.

The news article carried on 19.02.2020 was in relation to Ms. Setalvad's visit to Shaheen Bagh and the allegations that she 'tutored' the protestors. The news article showed beyond reasonable doubt that Ms. Setalvad was in fact present at Shaheen Bagh and the video that was available on public platform showed Ms. Setalvad not just visiting but undoubtedly 'coaching' the protestors. Again, the terms 'tutored' or 'coached' as used in the news article was merely to describe Ms. Setalvad's conduct at Shaheen Bagh. Her comments 'sawaal theek hainna?' and 'sawaal rakhna farz hain hamaara' makes this amply clear.

They deny the allegations that Mr. Rahul Shivshankar referred to the apex court appointed interlocutors as 'Modi Haters'. There is no such comment made by Mr. Shivshankar as part of the said news articles.

The allegations of running a smear campaign and defaming the image of Ms. Setalvad are therefore baseless and lack merit. The same was carried in public interest and thus there is no prejudice caused to anyone much less.

**Rejoinder dated 5.5.2020 from complainant to the channel:**

They refused to accept their denial of the allegations made by them in their complaint and hereby state that they stand by their assertions.

Firstly, the article dated March 9, 2020 which can be found at the following link, <https://www.timesnownews.com/delhi/article/npr-suspicious-leading-to-nrcshaheen-bagh-tutor-teesta-setalvad-demands-census-halt-till-npr-iswithdrawn/562801>, also has a video embedded in it. In this video, the host of the show says "Teesta Setalvad says Census should be blocked". The person anchoring the programme says this, not once or twice, but thrice; in three different ways. She says Setalvad "proposes census blockade", "wants census to be blocked". These are assertions made completely in isolation. Nowhere does the host mention the entire or complete statement made by Setalvad. It is only in the later part of the video that this clarity is attempted (deviously they believe), clearly leaving the viewer with the malafide insinuation that Setalvad's agenda may be nefarious. Such half-baked (or deliberately part-dealt) information was given by the host with the clear intention of creating an impression in viewers minds that Setalvad is against the statutory process of Census, and thus to harm her reputation. They reiterate the statement by her, which should have been carried in toto, "*We do not want census work to stop, but our demand is that the census work should not begin until the NPR is withdrawn.*"

The fact that the channel selectively picked out words from her statement, twisted her words to give it a perverse effect shows the mal-intention of maligning her in the eyes of the public. The actions do not reflect either objectivity or professionalism either, suggesting a (rather unprofessional desire, not the job of a television channel) to paint a negative picture.

Further, they are also reiterating that on their show titled "Teesta Setalvad Coaches Shaheen Bagh protestors" published on February 19, she has been labelled as a "Modi Baiter" for no good reason. This program can be found here: <https://www.youtube.com/watch?v=ztQZLMCq480> Throughout the show, they have pushed a false narrative and created whimsical insinuations to suit their jingoistic ideology. The justification given in the response that her comments 'sawaal theek hain na?' and 'sawaal rakhna farzh ain hamaara' are proof of the her 'tutoring' or 'coaching'

form an extremely feeble base for the large burden of conjectures drawn by the channel. Her mere presence and assistance to the volunteers at Shaheen Bagh have been twisted by their journalists to portray that she is orchestrating the mediation process sanctioned by the Supreme Court. The channel has unapologetically made false suggestions/insinuations such as “*she deputed people to talk to protestors*”; or that the incident amounts to “*contempt of court*”. In the program the journalist also makes further utterly baseless claims such as “*Teesta ‘tuition’ scuttles talks*”, referring to the mediation proceedings that took place in Shaheen Bagh with Supreme Court appointed mediators.

The fact that the channel conducted a 37 minute debate revolving around the mere presence of Ms. Setalvad at a protest, where she has every right to be as a responsible citizen of this country, reveals the targeted and malafide nature of your narrative to malign the image of Ms. Setalvad. Clearly, the channel intended to pit Ms. Setalvad against the Supreme Court as well and to portray, through an ill-thought out and shrill programme, that she is against the mandate of the apex court.

The job of a journalist is to present facts to the public but here, your news channel has resorted to twisting of facts to suit your narrative the sole intention of which seems to be to defame Ms. Setalvad by all means and to distort and manipulate public view on certain issues.

In the past as well, in 2017, your channel aired content where Ms. Setalvad was called “Modi Baiter” and have made claims like “Teesta Setalvad leads anti-Mandir activists” while she was one of the many intervenors in a court case dealing with the Ayodhya land dispute. These former reportages can be found at the following links:  
<https://www.youtube.com/watch?v=VEvf6ZOBESY>  
<https://www.youtube.com/watch?v=P6yKppmbnuc>

All this amounts to defamation, in simple terms, because the channel has made allegations about Ms. Setalvad without any basis or regard for facts. It would prove fruituous if you could come up with stronger “facts” than just one two sentences uttered by her in the video shown by you on your show.

Hence, they sought an appropriately worded apology to Ms Setalvad and take down the above-mentioned programs from your website and any other digital channel it may have been uploaded on to at least lessen future damage already caused to the reputation and standing of Ms. Setalvad.

**Further reply dated 26.5.2020 from broadcaster to complainant:**

The broadcaster reiterated that their allegations are totally false, frivolous and vexatious, and once again, rejected. It appears that these allegations have arisen due to a complete misunderstanding on yours as well as Ms. Setalvad’s part, of the overall context of the news coverage and have selectively identified parts of the news reports to make these allegations against them. The news articles in question are in no terms derogatory or defamatory and neither are they a ‘smear campaign’ against Ms. Setalvad, as alleged.

The video embedded in news article published on 09.03.2020 had clearly explained to the viewers at large Ms. Setalvad’s views and position on the Census and on the National Population Register. There was no motivated reporting or false news peddling as alleged. The news reports in question were carried in public interest and thus there is no prejudice caused to anyone much less Ms. Setalvad under any circumstances whatsoever.

However, without prejudice to their rights, position and contentions as stated above, they informed that without being obligated to do so, as a good faith gesture, updated the said news reports i.e. dated 19.2.2020 and 9.3.2020 to inform viewers of Ms. Setalvad’s denial of the

contentions raised in the said news reports. They hoped the issue has been suitably addressed and clarified and requested that the complaint be withdrawn.

### **Decision of NBSA**

NBSA considered the complaint, response and the rejoinder by the complainant and also viewed the broadcast.

NBSA concurred with the submissions made by the complainant that the channel had conducted a 37-minute debate of the mere presence of Ms. Setalvad at Shaheen Bagh and had not used the full text of what she had said when she visited the Saheen Bagh protest site. Furthermore, the channel had not taken the version of the person being reported upon and created a false narrative and used bold headlines like “Modi Baiter” in the programme, which were certainly in violation of the principles of objectivity, neutrality and accuracy and also requires that “facts should be clearly distinguishable from, and not be mixed up with, opinion, analysis and comment” and that the version of the person being reported on should be given.

NBSA also noted that the broadcaster has stated that they had updated the said news reports dated 19.02.2020 and 9.3.2020 to inform viewers of Ms. Setalvad’s denial of the contentions raised in the said news reports.

NBSA was of the prima facie view that the action of the broadcaster was not correct as it goes against the principles laid down in the Code of Ethics which states that “*significant mistakes made in the course of any broadcast is acknowledged and corrected on air immediately*”; “*errors of facts should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of the facts*”.

In the light of the above requirements, NBSA decided that the broadcaster be directed to submit to the NBSA the copies of the articles/ news reports published on 19.2.2020 and 9.3.2020. and the copies of the updated articles/news reports published within seven days of receipt of the letter from the NBSA

NBSA also decided to call the broadcaster and the complainant be called for a hearing at the next meeting of the NBSA.

You are accordingly requested to appear for a hearing on **26.11.2020 through video conference, the time and link for which will be sent a day before the hearing.**

Both parties should ensure the presence of their authorized representative or counsel at the said date, and time failing which the matter will be dealt with without further reference.

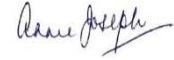
**Kindly ensure that ONLY two persons represents the parties as the hearing is through video conference.**

**Attached please find the complaint, response/s from the broadcaster along with footage, which is being sent separately by electronic transfer. Kindly download the same. Please see the footage in totality and pinpoint the objectionable portion with timing at the bottom to save the time in the hearing.**

Please acknowledge receipt of this communication and confirm your participation in the above hearing.

Thanking you,

Yours faithfully,



Annie Joseph  
For & on behalf of NBSA

*Encl: As above*

*CC: Kirtima.Maravoor@timesgroup.com, manish.wadkar@timesgroup.com,  
jagdish.mulchandani@timesgroup.com, rabul.shivshankar@timesgroup.com,  
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**Complaint dated 7.5.2020 received from Citizens for Justice and Peace (CJP) against Times Now dated 16.4.2020 filed with the channel: Telecast of defamatory content and for running a smear campaign on Teesta Setalvad defying the ethics and fundamental principles of journalism in India**

**Since the complainant was not satisfied with the response of the channel, the complaint has been escalated to the second level, which is the NBSA.**

..... However, despite these efforts to help Indian citizens, we at CJP are concerned about the smear campaign that your channel appears to be running against Ms. Setalvad to create a negative image of her in the eyes of the public. Your channel has resorted to inordinate and unwarranted labelling of Ms. Setalvad as a **“Modi Baiter”** to fuel jingoism in general and in utter disregard of journalistic ethics. While this has been happening for many years, the attacks have become particularly vicious of late.

**An article and a video uploaded on your website dated March 9, speak about Ms. Setalvad’s views on National Population Register (NPR) in a manner that wrongly and maliciously interpret her stand as being against the conduct of Census in the country. This despite the fact that she clearly said, “We do not want census work to stop, but our demand is that the census work should not begin until NPR is withdrawn.”**

<https://www.timesnownews.com/delhi/article/npr-suspicious-leading-to-nrc-shaheen-bagh-tutor-teesta-setalvad-demands-census-halt-till-npr-is-withdrawn/562801>

**Times Now even broadcasted an entire show purely based on their own views, devoid of facts and extrapolating a self-created narrative that only maligns Ms. Setalvad’s image as a human rights defender. This show titled “Teesta Setalvad COACHES Shaheen Bagh protestors” can be found on the following link, was published on February 19: <https://www.timesnownews.com/videos/times-now/india/watch-teesta-setalvad-coaches-shaheen-bagh-protestors-plants-5-questions-to-protestors/53843>**

**In this program, Ms. Setalvad is being called, a “Modi Baiter” yet again, despite of her having made no statement against the Prime Minister at Shaheen Bagh. The program does not present any proof to show that the questions that were being read out to the protestors at Shaheen Bagh in Delhi, were in fact framed by Ms. Setalvad. Her mere presence and assistance to the volunteers at Shaheen Bagh have been twisted by your channel to portray that she is orchestrating the mediation process sanctioned by the Supreme Court.**

**Your channel has unapologetically made false allegations such as “she deputed people to talk to protestors”; the incident amounts to “contempt of court”. In the program the journalist also makes utterly baseless claims such as “Teesta ‘tuition’ scuttles talks”, referring to the mediation proceedings that took place in Shaheen Bagh with Supreme Court appointed mediators.**

Your channels' anchor, Rahul Shivshankar, even stooped low enough to term the apex court appointed mediators as "Modi haters" and it comes as no surprise that if he can label senior advocates of Supreme Court, he must not have given a second thought before labelling Ms. Setalvad.....

**Reply dated 30.4.2020 by the channel to the complainant**

.....At the outset, the allegations levelled against us in your complaint are false, frivolous and vexatious, and are hereby rejected outright. **We also challenge the locus of the Centre for Justice and Peace in the present complaint as the news articles mentioned in the complaint have no reference to your organization or Ms. Setalvad's role therein.**

We deny each of the allegations made out against our channel and its representatives. The news articles in question can by no means be termed maligning, derogatory or defying the ethics and fundamental principles of journalism in India or a 'smear campaign' as alleged. **The news articles published on 09.03.2020 and 19.02.2020, were bonafide and carried in public interest.**

The news article published on 09.03.2020 had put out the factual situation on Ms. Setalvad's views on National Population Register (NPR). The news article clearly states that Ms. Setalvad was not against Census but was strong in her stand that Census should not begin or be undertaken unless NPR is withdrawn, thereby showing that Ms. Setalvad was not in favour of the Census until and unless NPR was withdrawn. As regards your objection to the term 'Modi Baiter', appearing in the said news article, you must be well aware, that this term, is far from being derogatory. The simple layman meaning of the word 'baiter' is someone who teases or as Cambridge Dictionary says, 'a person who intentionally makes someone angry by saying or doing things to annoy them'. In fact it has been used several times, in print and electronic media, while referring to Ms. Setalvad. With specific reference to the news reports in question it merely indicated that Ms. Setalvad held a specific opinion about certain policy issues of Mr. Modi, based on her stand on those issues in the past. The use of the term therefore was nowhere defamatory or derogatory and it appears that you have chosen to adopt a very narrow meaning while interpreting the same.

The news article carried on 19.02.2020 was in relation to Ms. Setalvad's visit to Shaheen Bagh and the allegations that she 'tutored' the protestors. The news article showed beyond reasonable doubt that Ms. Setalvad was in fact present at Shaheen Bagh and the video that was available on public platform showed Ms. Setalvad not just visiting but undoubtedly 'coaching' the protestors. Again the terms 'tutored' or 'coached' as used in the news article was merely to describe Ms. Setalvad's conduct at Shaheen Bagh. Her comments '*sawaaltheekhainna?*' and '*sawaalrakbnafarzhainhamaara*' makes this amply clear.



We deny your allegations that Mr. Rahul Shivshankar referred to the apex court appointed interlocutors as ‘Modi Haters’. There is no such comment made by Mr. Shivshankar as part of the said news articles.

The allegations of running a smear campaign and defaming the image of Ms. Setalvad are therefore baseless and lack merit. We reiterate that the news articles were published without any malafide intention whatsoever and did not in any manner defame or bring disrepute to Ms. Setalvad as alleged in the email under reply. As a responsible media platform, the news articles focused on issues of critical public importance, and constitutes fair reporting in good faith and for public good.

We deny all of the allegations made out in the complaint against the channel and its representatives. The same was carried in public interest and thus there is no prejudice caused to anyone much less Ms. Setalvad under any circumstances whatsoever. In light of the above clarifications, we request you to withdraw the said complaint immediately.....

**Rejoinder dated 5.5.2020 from complainant to the channel:**

**Subject: Response to email dated April 30, 2020 sent by you as a response to our complaint dated April 16 ,2020**

.....Just as with the corporate newspaper world or the world of mega corporations and organisations, the identity of the organisation is deeply entwined with those who lead it. We would, therefore, at the outset, like to clarify here that any attempt or act of maligning the image or reputation of Ms. Setalvad directly affects the image and reputation of CJP as an organisation as well. Hence, the actions of your channel directed towards maligning Ms. Setalvad affect the reputation and credibility of CJP and we believe are aimed at targeting that work. As such, we speak on behalf of Ms. Setalvad.

Before we categorically respond to the contentions put forth by you in your response, we would like to state here that we reiterate in its entirety the contents of our complaint dated April 16, 2020 and the assertions made therein. **At the outset, we refuse to accept your denial of the allegations made by us in our complaint and hereby state that we stand by our assertions. We also reserve the right to pursue all legal remedies available to us given the detrimental and adverse impact of your malignant campaign.**

Firstly, the article dated March 9, 2020 which can be found at the following link, <https://www.timesnownews.com/delhi/article/npr-suspicious-leading-to-nrc-shaheen-bagh-tutor-teesta-setalvad-demands-census-halt-till-npr-is-withdrawn/562801> ,also has a video embedded in it. **In this video, the host of the show says “Teesta Setalvad says Census should be blocked”. The person anchoring the programme says this, not once or twice, but thrice; in three different ways. She says Setalvad “proposes census blockade”, “wants census to be blocked”. These are assertions made completely in isolation.** Nowhere does the host mention the entire or complete statement made by Setalvad. It is only in

the later part of the video that this clarity is attempted (deviously we believe), clearly leaving the viewer with the malafide insinuation that Setalvad's agenda may be nefarious. Such half-baked (or deliberately part-dealt) information was given by your host with the clear intention of creating an impression in viewers minds that Setalvad is against the statutory process of Census, and thus to harm her reputation. We would like to reiterate the statement by her, **which should have been carried by you in toto, "We do not want census work to stop, but our demand is that the census work should not begin until the NPR is withdrawn."**The fact that your channel selectively picked out words from her statement, twisted her words to give it a perverse effect shows your mal-intention of maligning her in the eyes of the public. The actions do not reflect either objectivity or professionalism either, suggesting a (rather unprofessional desire, not the job of a television channel) to paint a negative picture.

Further, we are also reiterating that on your show titled "**Teesta Setalvad COACHES Shaheen Bagh protestors**" published on February 19, she has been labelled as a "Modi Baiter" for no good reason. This program can be found here: <https://www.youtube.com/watch?v=ztQZLMCq480>

Throughout the show, you have pushed a false narrative and created whimsical insinuations to suit your jingoistic ideology. **The justification given by you in your response that her comments 'sawaaltheekhainna?' and 'sawaalrakhnafarzhainhamaara' are proof of the her 'tutoring' or 'coaching' form an extremely feeble base for the large burden of conjectures drawn by your channel.** Her mere presence and assistance to the volunteers at Shaheen Bagh have been twisted by your journalists to portray that she is orchestrating the mediation process sanctioned by the Supreme Court. Your channel has unapologetically made false suggestions/insinuations such as "she deputed people to talk to protestors"; or that the incident amounts to "contempt of court". In the program the journalist also makes further utterly baseless claims such as "Teesta 'tuition' scuttles talks", referring to the mediation proceedings that took place in Shaheen Bagh with Supreme Court appointed mediators.

The fact that your channel conducted a 37 minute debate revolving around the mere presence of Ms. Setalvad at a protest, where she has every right to be as a responsible citizen of this country, reveals the targeted and malafide nature of your narrative to malign the image of Ms. Setalvad'.....

Clearly, your channel intended to pit Ms. Setalvad against the Supreme Court as well and to portray, through an ill-thought out and shrill programme, that she is against the mandate of the apex court. All this, while not even once acting neutral or giving the person, you are so maligning, the benefit of the doubt. While objectivity and professionalism is not expected from your news channel, it is at least expected that you would not foist malicious labels upon a person, who holds such high esteem in civil society; and *not badger her* with such unfound, baseless and frivolous allegations against herself and not defame her so on national television.

The job of a journalist is to present facts to the public but here, your news channel has resorted to twisting of facts to suit your narrative the sole intention of which seems to be to defame Ms. Setalvad by all means and to distort and manipulate public view on certain issues.

In the past as well, in 2017, your channel aired content where Ms. Setalvad was called “Modi Baiter” and have made claims like “Teesta Setalvad leads anti-Mandir activists” while she was one of the many intervenors in a court case dealing with the Ayodhya land dispute. These former reportage can be found at the following links:  
<https://www.youtube.com/watch?v=VEvf6ZOBESY>  
<https://www.youtube.com/watch?v=P6yKppmbnuc>

All this amounts to defamation, in simple terms, because your channel has made allegations about Ms. Setalvad without any basis or regard for facts. It would prove fruituous if you could come up with stronger “facts” than just one two sentences uttered by her in the video shown by you on your show. The imputations made by you in your show lowers the intellectual character, her character in respect of her calling, and lowers her credit in the minds of the many viewers of your channel. By association and as the chief executive of the CJP, it also stands to affect the credibility of CJP, as an organisation and could have an adverse impact on the relentless humanitarian work done by CJP, under the guidance and direction of Ms. Setalvad.

As mentioned in our complaint dated April 16, we reiterate all the code of ethics, fundamental standards of self-regulation and Guidelines on Broadcast of Potentially Defamatory Content that stand violated by your channel and we do not wish to cite them here again, for the mere sake of brevity.

Although, we do reiterate that presenting personal or the channel’s view to the public as so definite that they get coloured as facts is a blatant violation of Code of ethics of journalism and general reportage in India.

Hence, we once again ask you to issue an appropriately worded apology to Ms Setalvad and take down the above-mentioned programs from your website and any other digital channel it may have been uploaded on to at least lessen future damage already caused to the reputation and standing of Ms. Setalvad.

You are also put on notice that failure on your part to satisfy the aforementioned, may result in legal consequences for your channel at the appropriate for a, at your risk to costs.

**Complaint dated 7.5.2020 filed with NBSA**

**SUB: Complaint against Times Now channel’s telecast of defamatory content and for running a smear campaign on Teesta Setalvad defying the ethics and fundamental principles of journalism in India**

..... Since our grievances were not addressed satisfactorily, and in fact vehemently denied, by the Broadcaster, we find the need to approach this Authority for appropriate relief.

### **The Complaint**

The concerns being raised here do not just pertain to one show aired by Times Now but a legitimate smear campaign being run by them with the clear intention of maligning the reputation and image of Ms. Setalvad.

**NOTE: Since the contents of the complaint are the same , it is not being reproduced again. The operative part of the complaint to NBSA is given herein below.**

### **The violations**

After going through the various guidelines and standards of journalism laid out by this Authority, it is observed that the broadcaster's actions amount to several violations. The Code of Ethics are to be followed by TV news channels in India to uphold the true spirit of journalism and to avoid misuse of the freedom of speech bestowed upon by the Constitution of India. As per the "Code of Ethics and broadcasting Standards" issued by the News Broadcasters Association (NBA) makes it the responsibility of the broadcaster to "evolve institutional checks and safeguards that can define the path that would conform to the highest standards of rectitude and journalistic ethics and guide the media in the discharge of its solemn constitutional duty".

### **The Code of Ethics also states, among other things:**

"Channels should also strive not to broadcast anything which is obviously defamatory or libellous."

"Equal opportunities will be provided for individuals involved to present their point of view."

"News Channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt."

Further, NBA's Specific Guidelines Covering Reportage sets out certain principles of self-regulation to be adhered to by member-broadcasters:

#### **Fundamental standards**

B. Reporting should not sensationalise or create panic, distress or undue fear among viewers.

C. 'Content' of matter broadcast should not be shown out of 'context'

#### **Accuracy:**

1.6 Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

#### **Impartiality, Neutrality & Fairness**

2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

#### **Privacy**

5.2 Persons should not be featured in content in a manner that denigrates or discriminates against sections of the community on account of race, age, disability, sex, sexual orientation, occupation, religion, cultural or political beliefs.

The News Broadcasting Standards Authority (NBSA) being aware of the tendency of broadcast media to defame a person in its bid to sensationalize news issued Guidelines on Broadcast of Potentially Defamatory Content. These guidelines cater specifically to drawing a line between what amounts to defamation and actual facts, on which journalism should ideally be based upon.

**The said guidelines state the following:**

5. A news anchor/journalist/presenter should not make any derogatory, derisive or judgemental statements as part of reporting or commentating.

8. Before reporting any accusation or allegation the version of the person affected must be obtained and aired simultaneously with the accusation or allegation to give a complete picture to the viewer. In the event of inability to obtain the version of the affected person(s) within a reasonable period, the same should be aired simultaneously and authentic contemporaneous records of the effort made should be maintained.

9. Before broadcasting any such news/ programmes, the channel must take necessary steps to ascertain its veracity and credibility.

10. In the choice of panels for discussions, the channels must ensure that their programmes do not become a platform for spreading acrimony.

Presenting personal or the channel's view to the public as so definite that they get coloured as facts is a blatant violation of Code of ethics of journalism and general reportage in India.

**Grounds**

The actions of the broadcaster amount to defamation, in simple terms, because the broadcaster has made allegations about Ms. Setalvad without any basis or regard for facts. **It would prove fructuous if they could come up with stronger "facts" than just one two sentences uttered by her in the video aired by the channel on their show.** The imputations made by the broadcaster in their show lowers the intellectual character, her character in respect of her calling, and lowers her credit in the minds of the many viewers of the channel. By association and as the chief executive of the CJP, it also stands to affect the credibility of CJP, as an organisation and could have an adverse impact on the relentless humanitarian work done by CJP, under the guidance and direction of Ms. Setalvad.

**Prayers**

It is prayed that the NBSA take cognizance of the aforementioned violations and it is further prayed that the NBSA:

1. Direct Times Now to remove the defamatory content (available at the abovementioned links), as mentioned in the Complaint, from their website, from their YouTube channel and any other digital platform;

2. Direct Times Now to issue a public apology on its channel for posting such defamatory content and for hurting the image of Ms. Setalvad;

3. Direct Times Now to refrain from broadcasting or posting any such content which would malign the reputation and image of Ms. Setalvad;
4. Direct Times Now to refrain from broadcasting or posting, in the future, any such defamatory content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. Direct Times Now to provide Proportionate Monetary Compensation to be awarded to Ms. Setalvad as a compensation for damaging her reputation.
6. Take any other punitive action that the Authority deems fit.

**Further reply dated 26.5.2020 from broadcaster to complainant:**

At the outset, we are disappointed to note that despite our clarifications submitted vide our email dated 30.04.2020, you to continue to raise unsubstantiated and baseless allegations against our channel **Times Now and its representatives with respect to the two news articles referred to therein carried online on 09.03.2020 and 19.02.2020 respectively.** We reiterate that, your allegations are totally false, frivolous and vexatious, and are hereby, once again, rejected. It appears that these allegations have arisen due to a complete misunderstanding on yours as well as Ms. Setalvad's part, of the overall context of the news coverage and have selectively identified parts of the news reports to make these allegations against us.

The news articles in question are in no terms derogatory or defamatory and neither are they a 'smear campaign' against Ms. Setalvad, as alleged.

The video embedded in news article published on 09.03.2020 had clearly explained to the viewers at large Ms. Setalvad's views and position on the Census and on the National Population Register. There was no motivated reporting or false news peddling as alleged by you. We have already made our position clear with respect to the said news article(s) referred to in your complaint. There was no malafide intention on the part of the channel or any of its representatives to bring disrepute to any person or entity, including Ms. Setalvad, by way of such broadcast or otherwise.

The allegations of running a smear campaign and defaming the image of Ms. Setalvad are baseless and lack merit. We reiterate that the news articles were published without any malafide intention whatsoever and did not in any manner defame or bring disrepute to Ms. Setalvad as alleged in your emails dated 16.04.2020 and 05.05.2020. As a responsible media platform, the news articles focused on issues of critical public importance, and constitutes fair reporting in good faith and for public good. We deny all of the allegations made out against the channel and its representatives. The news reports in question were carried in public interest and thus there is no prejudice caused to anyone much less Ms. Setalvad under any circumstances whatsoever.

However, without prejudice to our rights, position and contentions as stated above, we would like to state that the channel has, without being obligated to do so, as a **good faith gesture, updated the said news reports i.e. dated 19.02.2020 and**

**09.03.2020 to inform viewers of Ms. Setalvad's denial of the contentions raised in the said news reports.** We hope the issue has been suitably addressed and clarified. In light of the above, you are requested, once again, to withdraw the said complaint(s) immediately.