Speed Post / Only by Email

November 15, 2021

Ms. Kirtima Maravoor Compliance Officer NBSA Bennett, Coleman & Company Ltd. (TV Division) Times Network, Trade House, Ground Floor, Kamala Mills Compound, Senapati Bapat Marg, Lower Parel West, Mumbai 400 013. Email : Kirtima.Maravoor@timesgroup.com, legalnow@timesgroup.com	**Citizens for Justice and Peace** **Email** <cjpindia@gmail.com>

Dear Madam/Sir,

Re: Order of NBDSA (formerly known as NBSA) on the complaint dated 7.5.2020 received from Citizens for Justice and Peace (CJP) against Times Now

Attached please find Order dated November 13, 2021, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking you,

Yours faithfully,

Annie Joseph
For and on behalf of the
News Broadcasting & Digital Standards Authority

Encl: As above

CC: manish.wadkar@timesgroup.com, jagdish.mulchandani@timesgroup.com, rahul.shivshankar@timesgroup.com, navika.kumar@timesgroup.com, mk.anand@timesgroup.com

News Broadcasting & Digital Standards Authority
Order No. 110 (2021)

Order of NBDSA (formerly known as NBSA) on the complaint dated 7.5.2020 received from Citizens for Justice and Peace (CJP) against Times Now

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

Reasons for escalating the complaint to the second level of redressal
The complainant stated that the concerns being raised do not just pertain to one show aired by Times Now but a legitimate smear campaign being run by the channel with the clear intention of maligning the reputation and image of Ms. Setalvad. That the broadcaster had violated the Code of Ethics and Broadcasting Standards and the principles relating to Accuracy, Impartiality, Neutrality & Fairness, Privacy and the provisions in the Guidelines on Broadcast of Potentially Defamatory Content, which cater specifically to drawing a line between what amounts to defamation and actual facts, on which journalism should ideally be based upon.

The complainant alleged that the actions of the broadcaster amount to defamation, in simple terms, because the broadcaster had 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 it's show. The imputations made by the broadcaster in its show lowers the intellectual character, her character in respect of her calling, and lowers her credit in the minds of many viewers of the channel; and it also stands to affect the credibility of CJP.,

Complaint dated 16.4.2020
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 and to create a negative image of her in the eyes of the public. That while this has been happening for many years, the attacks have become particularly vicious of late. It was stated that an article and a video was uploaded on the broadcaster's website dated 9.3.2020, which referred to Ms. Setalvad's views on the National Population Register (NPR) in a manner that wrongly and maliciously interpreted her stand as being against the conduct of Census in the country. This was despite the fact that she had 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."* The broadcaster even aired an entire show titled *Teesta Setalvad Coaches Shaheen Bagh Protestors"*, which was purely based on it's own views, devoid of facts

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and extrapolating a self-created narrative that only maligned Ms. Setalvad's image as a human rights defender.

In this program, Ms. Setalvad was being called a *"Modi Baiter"* yet again, despite her having made no statement against the Prime Minister at Shaheen Bagh. The program did 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 had been twisted by the channel to portray that she was orchestrating the mediation process sanctioned by the Supreme Court.

The channel unapologetically made false allegations such as *"she deputed people to talk to protestors"; the incident amounts to "contempt of court"*. The journalist also made 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 even stooped low enough to term the Apex Court appointed Mediators as *"Modi Haters"*, which came 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 broadcaster to the complainant

The broadcaster in its response stated that the allegations levelled against the channel in the complaint were false, frivolous and vexatious, and were rejected outright. It also challenged 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. It denied each of the allegations made out against the channel and its representatives. It stated that the news articles in question by no means could be termed to be maligning, derogatory or defying the Ethics and Fundamental Principles of journalism in India or a 'smear campaign' as alleged. The news articles published on 9.3.2020 and 19.2.2020, were bonafide and carried in public interest.

The broadcaster stated that the news article published on 9.3.2020 had put out the factual situation on Ms. Setalvad's views on National Population Register (NPR). The news article clearly stated 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 19.2.2020 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, which 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 hain na?'* and *'sawaal rakhna farz hain hamaara'* makes this amply clear.

The broadcaster denied 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.

Rejoinder dated 5.5.2020 from complainant to the channel

The complainant refused to accept the denial of the allegations made by the broadcaster in their complaint and stated that they stand by their assertions.

It was stated that 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 anchor 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 said Setalvad *"proposes census blockade"*, *"wants census to be blocked"*. These assertions were made completely in isolation. Nowhere did the anchor mention the entire or complete statement made by Ms. Setalvad. It was only in the later part of the video that this clarity is attempted, 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 Ms. Setalvad is against the statutory process of Census, and thus to harm her reputation. The complainant reiterated that the statement made by her, 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 did 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 also reiterated that in the show titled *"Teesta Setalvad Coaches Shaheen Bagh protestors"* aired on 19.2.2020, she had been labelled as a *"Modi Baiter"* for no good reason. The program can also be found in: https://www.youtube.com/watch?v=ztQZLMCq480. Throughout the show, the broadcaster had pushed a false narrative and created whimsical insinuations to suit their jingoistic ideology. The justification given in response that her comments *'sawaal theek hain na?' and 'sawaal rakhna farz̤h ain hamaara'* were proof of her 'tutoring' or 'coaching' from 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 was orchestrating the mediation process sanctioned by the Supreme Court. The channel 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 made 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 complainant submitted that the fact that the channel had 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 the 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 was against the mandate of the Apex Court.

The complainant stated that in the past as well, in 2017, the channel had aired content where Ms. Setalvad was called *"Modi Baiter"* and had 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. The complainant stated that all this amounted to defamation, in simple terms, because the channel had 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 or two sentences uttered by her in the video shown on the show.

Hence, the complainant sought an appropriately worded apology to Ms. Setalvad and take down the above-mentioned programs from its 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 the complainant's allegations are totally false, frivolous and vexatious, and once again, rejected the said allegations. It stated that it appears that these allegations have arisen due to a complete misunderstanding, of the overall context of the news coverage and the complainant has selectively identified parts of the news reports to make these allegations against the broadcaster. The broadcaster stated that 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 9.3.2020 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 its rights, position and contentions as stated above, the broadcaster, without being obligated to do so, as a good faith gesture, informed the viewers about the updated news reports dated 19.2.2020 and 9.3.2020 which showed Ms. Setalvad's denial of the contentions raised in the said news reports. The broadcaster hoped the issue has been suitably addressed and clarified and requested that the complaint be withdrawn.

Decision of NBSA at its meeting held on 10.7.2020

NBSA at its meeting held on 10.7.2020, considered the complaint, response and the rejoinder by the complainant and also viewed the broadcast.

NBSA was of the prima facie view 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 Shaheen 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 Fundamental Principles of objectivity, neutrality and accuracy, which also require 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 it had updated the said news reports 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.

NBSA was also 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 NBSA 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 NBSA.

NBSA also decided to call the broadcaster and the complainant for a hearing.

On being served with notices, the following persons were present at hearing held on 14.1.2021

Complainant: Ms. Aparna Bhatt, Senior Advocate
Ms. Karishma Maria, Advocate

Broadcaster: Mr. Kunal Tandon, Advocate
Ms. Kirtima Maravoor, Legal Counsel

Submissions of the Complainant

The complainant submitted that their complaint related to two broadcasts. One related to a news item, in which it was reported: *"Teesta Setalvad scuttles mediation efforts in Shaheen Bagh"* and the second related to a news item on census and Ms. Setalvad's opinion on the NPR. The complainant submitted that through the impugned news reports, a very specific intent to malign and defame Ms. Setalvad can be made out. It stated that Ms. Setalvad is the Secretary of Citizens of Justice and Peace. She has taken up some issues over time and represented people in her capacity as a social activist and a journalist and as a member of the organization and her efforts include support to victims of Gujarat riots.

That in the impugned news report, which was of 37 minutes duration was a report on the presence of Ms. Setalvad in Shaheen Bagh, the video of which is now available even on YouTube. From the video it can be inferred that the report did not include the full text of what Ms. Setalvad had actually spoken rather only two or three of her sentences inquiring whether the questions were satisfactory and her statement *"should we not ask questions"* had been reported. That it could be clearly seen in the video that someone else was reading the questions and it is apparent that probably Ms. Setalvad was merely expressing her agreement with the questions being read out. Moreover, the questions themselves were inoffensive and merely guided the people

on what kind of questions can be asked to the mediators when engaging in a constructive dialogue.

The complainant submitted that the Shaheen Bagh protest was spontaneously joined by many people. There was a lot of apprehensions that the protestors would not engage in the mediation. Contrary to what the channel reported and advocated, Ms. Setalvad was actually guiding the protestors to engage with the mediators in a constructive and positive way by asking questions, asking them to give options and advising people to engage with the mediators while continuing with the protest. As against that, the channel continued to call her various names including *Modi Baiter*, despite her not mentioning the Prime Minister even once. In fact, the complainant submitted it was the channel and other panelists on the talk show that brought the Prime Minister in the debate.

The complainant asserted that the channel has misrepresented to the members of the public by asserting that Ms. Setalvad was attempting to sabotage the mediation process. Rather, she was constructively engaging in the mediation. The complainant submitted that through the broadcast, the broadcaster was not only attempting to defame and malign Ms. Setalvad but was also trying to insinuate that she was engaged in something even when she was not.

The complainant reiterated that the channel and the anchor had through their interpretation about Ms. Setalvad's intervention, continued to malign her. Further, it also brought to the notice of NBSA that in the debate other panelists on the channel including a BJP spokesperson were not only demeaning Ms. Setalvad but others as well.

The second complaint it submitted was related to an article available on Times Now's website, which contained a 4-minute embedded video. The complainant submitted that while the video did not quote Ms. Setalvad, the anchor in the video could be seen misstating that Ms. Setalvad was challenging the census. The channel failed to accurately quote Ms. Setalvad, who did not in fact challenge the census but merely questioned the procedure adopted for the census. However, it stated that the narrative carried in the article was completely different.

Further, the complainant brought to the notice of NBSA that the channel had contradicted themselves as the anchor, on the one hand, it reported that Ms. Setalvad stated that census should not be stopped. However, on the other hand, the anchor declared that Ms. Setalvad was impeding census and then further proceeded to connect Shaheen Bagh with the census even though the two were not related.

The complainant reiterate that the broadcaster had an agenda to misrepresent, malign and defame Ms. Setalvad in the eyes of public as in the broadcast she was

shown to be instigating people. Further, this was not the first time the channel had attempted to carry a smear campaign against Ms. Setalvad and to create a negative image of her in the eyes of the public. The channel had at regular intervals engaged in maligning Ms. Setalvad.

The complainant submitted that NBSA should take action in respect of the impugned broadcast in accordance with its Regulations. The complainant also brought to the notice of NBSA, that the broadcaster had attempted to do a course correction having realised its mistake by publishing a disclaimer. However, the same was available only on the website of the broadcaster and not on YouTube. Even on the website, the complainant stated the disclaimer was written below the video and was not clearly visible. Furthermore, it merely recorded the denial of Ms. Setalvad and therefore cannot be equated with the false narrative advocated by the broadcaster in the impugned news.

Submissions of the Broadcaster

The counsel for the broadcaster submitted that the complainant had filed a complaint regarding the programmed aired on 19.2.2020 and an article with an embedded video published on 9.3.2020. The complaint had been filed by the Centre for Justice and Peace, which it has claimed is the NGO of Ms. Setalvad.

The counsel submitted that his arguments were based on three grounds. First, that a public figure, such as Ms. Setalvad cannot so thin-skinned. Second, that corporations/entities, whether incorporated or not, cannot sue for defamation of its officer. Third, even from a perusal of the article and debate as a whole, no case for defamation and non-objectivity could be made. No derogatory remarks were made in the impugned news reports and further the article and the debate must be seen as a whole.

He submitted that the said article which appeared on the website of the broadcaster was titled *'NPR Suspicious, leading to NRC': Shaheen Bagh tutor Teesta Setalvad demands Census halt till NPR is withdrawn'*. That the article directly quoted Ms. Setalvad and after reading the article as a whole no case for defamation or derogation could be made. The only objection raised by the complainant in respect of the article was regarding the use of the terms *"Shaheen Bagh tutor Teesta Setalvad"*. Therefore, he asserted the complainant should not be allowed to pick and choose words from the article to claim defamation, especially keeping in mind that she is a public figure. Further, there was no denial that Ms. Setalvad has been part of several protests, including the Gujarat riots.

In respect of the video embedded in the article, the counsel submitted that the impugned video of 4-5 minutes duration lacked any derogatory comments rather in

the video Mr. Herman Gomes and Ms. Megha could be seen giving their version as to what transpired.

In respect of debate which was aired on 19.2.2020, the counsel submitted that it was attended by six persons including the BJP spokesperson Mr. Amit Malviya, the Head of BJP Media Cell, Mr. Shehzad Poonawalla, Mr. Mehmood Pracha, Mr. Waris Pathan and Ms. Shubhrasthra. That the debate took place on the probable guidance of Shaheen Bagh protestors and prior to the debate at 3 minutes 58 seconds, a video was played which had gone viral and was available in the public domain. In the video, Ms. Teesta Setalvad could be seen tutoring the protestors as to what questions should be asked. Further, at 5 minutes 45 seconds the same video of Ms. Setalvad at protest site was played and Ms. Setalvad could be clearly heard saying *"sawaal theek hai na"* and *"sawaal karna farz hai hamara"*.

The counsel submitted that it appears that the complainants only objection to the debate was the use of the word *"Modi Baiter"* to describe Ms. Setalvad. He reiterated that being a public figure, Ms. Setalvad would always be subject to some criticism and the use of the term *"Modi Baiter"* cannot be labelled as derogatory and defamatory.

The counsel for the broadcaster submitted that further in the video, Mr. Rahul Shivshankar could be seen asking how protestors at Shaheen Bagh should be dealt with. He reiterated that the article and video must be seen as a whole, from which no case for either defamation or derogation could be made out. The counsel brought to the notice of NBSA two judgments which prevented corporations from suing for defamation and declared that public figures should not be so thin-skinned.

The counsel was informed by NBSA that the complaint was not being considered for defamation in Tort Law nor in Criminal Law under Sections 499 and 500 of the Indian Penal Code,1860. The complaint has to be adjudged to ascertain whether there has been a violation of the Code of Ethics and Guidelines relating to objectivity in reporting and if the version of the person being reported upon was taken or not. The counsel responded that while NBSA has raised objections on the ground of objectivity, the complainant had in its complaints made averments on the ground that the impugned news reports were defamatory. He submitted that in the debate, views of different sides were presented, including of those involved in the protest since its inception. Therefore, objectivity was maintained in the debate. The complainant cannot be allowed to pick and choose words and claim that the programme was not objective .

NBSA asked the counsel as to who had labelled Ms. Setalvad as a *"Modi Baiter."* The counsel responded that the term was used by the anchor first. NBSA also observed that the thrust of the arguments in a debate, was on how the questions are being

asked and the questions could have been framed differently such as *"why are you tutoring them"* rather than *"Shaheen Bagh tutor Teesta Setalvad"*. By posing such questions and flashing them as headlines, the programme had a tendency to lose objectivity.

NBSA observed that Ms. Setalvad being a public-spirited person, had a right to go to the protest site and guide the protestors, but once she took that step, she became the subject matter of public debate. However, in the present matter, at the beginning of the video itself the anchor had expressed his strong views. The anchor has expressly indicated that he believed Ms. Setalvad to be wrong and that she was a "*Modi Baiter*" who had been opposing Prime Minister Modi since his days as the Chief Minister of Gujarat. Therefore, the question arose as to how objective was the broadcast. NBSA stated that the complaint should be judged on the grounds of objectivity, accuracy, impartiality, and fairness. The counsel for the broadcaster submitted that the mere use of the term *"baiter"* was not derogatory, and the term "*baiter*" did not imply an anti-India or an anti-national connotation. The word "*baiter*" must be seen in its true sense and in the context of the debate, particularly in reference to the video where Ms. Setalvad can be seen telling the protestors how to ask questions. The anchor did not pass any judgment on Ms. Setalvad instead, he was merely asking a question.

NBSA stated that the complainant's argument was that Ms. Setalvad was merely asking the protesters to cooperate with the Supreme Court-appointed mediators and informing them what kind of questions can be posed to the mediators. In response, the counsel for the broadcaster submitted that the anchor was merely setting the tone of the debate and when the video is perused as a whole, the effect of the first part of the video gets completely diluted. The mere use of strong words in the first half of the video should not lead to the conclusion that the whole video lacked objectivity. He submitted that the anchor had invited panelists from all walks of life, and therefore after considering the video as a whole, it could be seen that the news report was objective. NBSA stated that if the anchor was merely setting the tone of the debate, he would have left it to the panelists to judge the correctness of Ms. Setalvad's action as opposed to declaring his verdict at the beginning of the debate itself.

The counsel for the broadcaster further stated that under the freedom of speech and expression, the manner of the presentation should be left to the broadcaster and the same cannot be dictated upon as it is a matter of editorial freedom. That even Ms. Setalvad had a right to express herself, but she becomes subject to public scrutiny once she is a public figure. One channel may endorse Ms. Setalvad, and others may oppose her views and that the viewers opinions had to change with the times. He stated that even today Doordarshan News is watched by the public to get news, while private channels are watched to see the diverse views of the people which are brought out through the debates conducted with panelists.

NBSA observed that when a debate itself starts with a conclusion it is not a debate. The question before NBSA was whether the channel was being objective or not. While the channel has the freedom to design a programme, the question was whether a debate can be conducted by an anchor by starting the debate with a conclusive statement or verdict. NBSA observed that even the Taglines used in the program were also conclusive, judgmental and not objective. The counsel reiterated that a channel has a right to decide the manner of presentation and had the right to form its views under freedom of speech and expression and it cannot be told to advocate a particular view. Once the topic is presented, it is an open debate.

Decision of NBDSA

NBDSA went through the complaint, response from the broadcaster, counter responses from both the complainant and the broadcaster, and also considered the submissions of both the parties and reviewed the footage.

NBDSA noted that it was only considering the complaint which was broadcast on the channel and not the article, as its contents /violations did not fall within the jurisdiction of NBDSA at the time it was published.

After viewing the programme, NBDSA concluded that the programme referred to in the complaint was devoid of objectivity. In order to maintain objectivity, an anchor can conduct a debate, however, if he/she must reach a conclusion, it has to be only at the end of the programme, based on the discussions held amongst the panelists. The anchor must avoid pushing any agenda during the debate. Further, the person being reported on should either be made part of the debate, or his/her views should be reported. NBDSA observed that anchors across channels should adhere to the norms of objectivity, impartiality, neutrality, fairness and accuracy in order to improve broadcasting standards.

NBDSA reiterated its decision taken on 10.7.2020 that upon consideration of the complaint, the broadcaster had conducted a 37-minute debate on the mere presence of Ms. Setalvad at Shaheen Bagh and had selectively used the contents of her statement when she visited the Shaheen Bagh protest site to create a particular narrative which was not the main focus of her message, that can be seen once the full text of her speech is examined. In this context, using bold headlines and attributing her to be *"Modi Baiter"* seems out of context and doesn't appear to be an objective assessment of her speech, lacks neutrality and accuracy and also violates Guidelines which require that *"facts should be clearly distinguishable from, and not be mixed up with, opinion, analysis and comment"*.

In view of the above violations, NBDSA decided to issue a warning to the broadcaster and advised the broadcaster to avoid such programmes /debates in future. Though the broadcaster has the right to report on any subject of its choice,

but it must adhere to the Fundamental Principles as enumerated in the Code of Ethics and Broadcasting Standards and various Guidelines and Advisories issued by NBDSA.

NBDSA also directs that the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links, should be removed immediately, and the same should be confirmed to NBDSA in writing within seven days.

NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBDSA directs the NBDA 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 NBDA;
(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 NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA 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 NBDSA in regard to any civil/criminal liability.

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi
Date : 13-11-2021

Certified True Copy
Rani Joseph