



**Date: May 7, 2020**

To,

**Justice (Retd.) A.K. Sikri**

Chairperson, News Broadcasting Standards Authority

C/o News Broadcasters Association

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Cc: Ms Annie Joseph,

For and on behalf of NBSA News Broadcasting Standards Authority

C/o News Broadcasters Association

News Broadcasting Standards Authority [authority@nbanewdelhi.com](mailto:authority@nbanewdelhi.com)

**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**

Respected Sir,

We, at Citizens for Justice and Peace are concerned about the intentional defamation of Ms. Teesta Setalvad, the chief functionary of the organisation, being carried out by Times Now channel. We had sent a complaint to Times Now on April 16, to which we have received a response from them on April 30, 2020 via email. We have also sent a rejoinder to Times Now on May 5. 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.

We have with this complaint attached the following documents:

- *The Original Complaint dated April 16, 2020 has been annexed as **Annexure A***
- *The Response from Times Now dated April 30, 2020 has been annexed as **Annexure B***
- *The Rejoinder by CJP dated May 5, 2020 has been annexed as **Annexure C***



Respected Sir, we would like to draw attention to the shrill and unprofessional intent of this kind of targeted smear campaign and broadcasting that has today become the hallmark of some electronic channels clearly not dictated by any of the principles and tenets that should guide the Fourth Estate in a Democracy but in fact appear to be part of a wider and sinister non-democratic agenda.

Ms. Teesta Setalvad, the Secretary of Citizens for Justice and Peace (CJP), is a well-known human rights defender in India and has to her credit a history of speaking up for those communities whose voices fail to reach the government. Through her efforts and those of the team of CJP --the civil rights organisation she represents – we have, in recent times, continued strenuous efforts to help the beleaguered and hapless and marginalised people of Assam's remotest areas navigating the Citizenship Conundrum. Since 2017, whether it is through para legal aid, counseling or legal interventions, Setalvad and CJP have been active in several of the state's districts working with persons adversely affected by exclusions from the NRC, legally assisting persons not released from detention camps etc. Be it the complex procedures at the Foreigners Tribunals, the Guwahati High Court or the Supreme Court, CJP has been offering legal aid and assistance to several thousand persons. During the recent COVID19 pandemic crisis and lockdown, CJP's team in Mumbai and Assam has devoted energies to ensure that Hunger and Starvation do not hit our fellow citizens.

Ms. Setalvad, being the Secretary of CJP is the face of the organisation that has been involved in ground level humanitarian and human rights work since its formation in 2002. Be it seeking justice for the survivors of the Gujarat 2002 pogrom, a campaign against hate speech or for due implementation of the Forest Rights Act, 2006, CJP's pathbreaking efforts are led by Ms Teesta Setalvad. The organisation that believes in pursuing its Constitutional, human rights agenda *in the courts and beyond*, has been also involved relentless humanitarian work of feeding hungry mouths during the #COVID19 crisis in and around the Mumbai metropolitan region. On the issue of citizenship, its work is known in Assam as well. 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 Times Now 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. We would also like to humbly state that this tendency of this channel, Times Now to besmirch our reputation is not a one off incident and appears clearly to be part of a set agenda.

### **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.

We would like to bring to the notice of NBSA, few such instances. An article and video uploaded on the broadcaster's website dated March 9 speaks about Ms. Setalvad's views on NPR

(National Population Register) which was wrongly and maliciously interpreted as her being against the conduct of Census in the country while 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.” This article and video can be found on 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>

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 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. We would like to reiterate the statement by her, **which should have been carried by Times Now 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 broadcaster selectively picked out words from her statement, twisted her words to give it a perverse effect shows their 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.

In this connection we would also like to draw attention to the sober and responsible manner in which CJP that had a headstart on understanding the possible implications of an all India NRC-NPR process intervened in the public domain –through lectures, trainings and educational packages. To help eliminate fear but to arm the population with knowledge of the Constitution, law in the context of proposed and dramatic shifts and changes.

In another instance, the broadcaster even telecasted 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. On its show titled “**Teesta Setalvad COACHES Shaheen Bagh protestors**” which can be found on the following link, was published on February 19:

<https://www.youtube.com/watch?v=ztQZLMCq480>

In this program, Ms Setalvad is being called, yet again, a “Modi Baiter” despite of her not having made any 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 of 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 broadcaster to portray that she is orchestrating the mediation process sanctioned by the Supreme Court. Times Now 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.

Throughout the show, the broadcaster has pushed a false narrative and created whimsical insinuations to suit their ideology. 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 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 their narrative to malign the image of Ms. Setalvad, who successfully runs a civil rights organisation which has been instrumental in furthering Constitutional law, human rights jurisprudence, justice for survivors of mass crimes, as also reaching out and providing relief to thousands of people in Mumbai and Assam during the present lockdown.

Clearly, the broadcaster 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, they were so maligning, the benefit of the doubt.

The job of a journalist is to present facts to the public but here, Times Now has resorted to twisting of facts to suit their 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, Times Now has aired content where Ms. Setalvad was called “Modi Baiter” and has 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. Along with 31 others, they had petitioned the court to find a secular and syncretic response to a conflict that had not been just engendered but which had caused huge human loss and suffering.

These former reportage can be found at the following links:

<https://www.youtube.com/watch?v=VEvf6ZOBESY>

<https://www.youtube.com/watch?v=P6yKppmbnuc>

### **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 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.

### **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.

Declaration is made to the effect:



- that the facts stated in the complaint are true and correct to the best of the our knowledge and belief ;
- that we have placed all relevant facts before the Authority and have not concealed any material facts ;
- that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the Authority ; and
- that we shall inform the Authority forthwith if during the pendency of the inquiry before the Authority the matter alleged in the complaint becomes the subject matter of any proceedings in a Court of law or other Tribunal or Statutory Authority.

Sir we urge appropriate action from NBSA.

Yours Sincerely,

**Anil Dharker, President**

**Teesta Setalvad, Secretary**