

DEFAMATION, COPYRIGHT, AND JOURNALISM IN INDIA:

The Ethics of News Organizations Suing Press Watchdogs

Though defamation suits against news organizations are not uncommon, it is uncommon for one news organization to sue another. That is exactly what TV Today Network (TTN), India Today's parent company, is doing (Ahsan, 2021). In a civil suit filed with the Delhi High Court (Scroll, 2021), TTN is asking for 20 million rupees (\$267,000 USD) in damages (CPJ, 2021). In addition to paid damages, TTN seeks to have 34 published articles and 65 YouTube videos removed from the internet as well as various social media content. The suit objects to Newslaundry videos making fun of TTN anchors, using TTN footage in commentary, and making modifications like displaying a TTN reporter with their mouth zipped shut (Wire, 2021). If successful, the suit would also prevent Newslaundry from "writing, tweeting, or publishing" any similar content (Scroll, 2021).



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According to TTN, the videos and articles in question go beyond allowable critique of anchors and coverage, veering into defamation of their employees and news brand. Moreover, the critiques make use of clips from TTN broadcasts, which the company claims are instances of copyright infringement. The suit claims that the Newslaundry coverage "attempted to create an impression that [TTN] news channels were involved in broadcasting false news and spreading sectarian discord," claims TTN asserts are "untrue and unfair" (CPJ, 2021). TTN further alleges that the remarks about their organization and employees are malicious, not simply critical (Ahsan, 2021). In particular, they object to Newslaundry's highlighting of TTN's corporate revenue streams and associated claims of bias. TTN maintains that these assertions are false; they are and "have always been an independent agency and have no political or corporate affiliations" (Ahsan, 2021).

Given the reach of TTN—the Indian conglomerate owns 3 television news channels, 3 radio stations, and 13 print magazines (CPJ, 2021)—accusations like those made by Newslaundry have the potential to have a broad impact. If untrue or malicious, the critiques could create distrust in one of the largest sources of independent news on the subcontinent. In India, trust in the news is already below 50%, making further threats to news credibility a serious ethical issue. If, as the suit alleges, Newslaundry's content is motivated by a desire to take down a competitor and increase market share (Ahsen, 2021), TTN's lawsuit would not be a first strike but an ethically justified self-defense. In either case, the optics of two independent media

organizations in a hyper-public confrontation may dampen faith in the journalistic enterprise.

On the other hand, media watchdogs are lining up behind Newslaundry. The Committee to Protect Journalists (2021), an NGO dedicated to press freedom and journalist safety, argues TTN “must respect the journalistic right to freedom of expression and should immediately drop its lawsuit.” CPJ ultimately concludes the suit “is a stark misuse of civil law and a dangerous attack on free expression” (2021). The complaint, totaling several hundred pages, includes examples across a span of six years (Wire, 2021). The concern behind TTN’s lawsuit is that Newslaundry content has taken its toll on the news conglomerates credibility with viewers, but Abhinandan Sekhri, the co-founder of Newslaundry, maintains that the suit instead comes from TTN’s discomfort at being held accountable.

Sekhri, goes so far as to argue this lawsuit is an exemplar of the descent of the press in recent years; when a news organization considered “the high priests of independent news, free speech and freedom of the press” can file a lawsuit this “frivolous” and think it “sensible,” he argues, journalism is in trouble (Scroll, 2021). Sekhri may be right, but the ethical question of how to save a troubled, but vital, industry remains. This complaint is not the first of its kind Newslaundry has faced. The Times Group sued the organization in January for defamation, asking for 1 billion rupees (13.4 million USD) in damages (CPJ, 2021).

Newslaundry journalist, Meghnad S., situates the conflict as part of growing tensions between “legacy media behemoths” and independent media (Wire, 2021). That conflict is compounded by the inclusion of Newslaundry anchors, management, and other employees in the TTN suit (Wire, 2021). The suit names Hridayesh Joshi, a freelance journalist, for an article written three years prior (Wire, 2021). As Sekhri highlights (Wire, 2021), freelance journalists do not have news organizations (powerful or otherwise) to back them when such allegations are made. While Newslaundry says they will mount his defense, the organization is not required to do so. Thus, a key question is to what extent suits like these may have a quieting effect on smaller, independent news organizations and freelance journalists (Scroll, 2021). If those striving for press accountability are repeatedly being confronted with high-cost lawsuits from those they critique, it is unclear how accountability can persist.

Discussion Questions:

1. Who should be liable for the content published by news organizations?
2. What, if any, ethical limits are there on press organizations critiquing one another?
3. Do larger media conglomerates have an obligation to support independent media growth?
4. How should media organizations maintain their independence amidst increasing outside influences and reliance on advertising?
5. What ethical guidelines should media watchdogs follow when using the content of others in their critiques?

Further Information:

Sofi Ahsan, “TV Today Network takes Newslaundry to court, seeks Rs 2 crore in damages.” *The Indian Express*, October 27, 2021. Available at: <https://indianexpress.com/article/cities/delhi/tv-today-network-takes-newslaundry-to-court-seeks-2-crore-plus-damages-7591458/>

CPJ, “India Today parent company sues media watchdog Newslaundry.” Committee to Protect Journalists, October 28, 2021. Available at: <https://cpj.org/2021/10/india-today-parent-company-sues-media-watchdog-newslaundry/>

Scroll Staff, “India Today Group files Rs 2 crore suit against ‘Newslaundry’ for defamation, copyright infringement.” Scroll.in, October 26, 2021. Available at: <https://scroll.in/latest/1008626/india-today-group-files-rs-2-crore-suit-against-newslaundry-for-defamation-copyright-infringement>

The Wire Staff, “India Today seeks Rs 2 crore in damages from Newslaundry for copyright violation, defamation.” The Wire, October 26, 2021. Available at: <https://thewire.in/media/india-today-defamation-newslaundry-copyright-violation-rs-2-crore>

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