

News Broadcasting Standards Authority
Order No. 107 (2021)

Order of NBSA on complaint dated 7.1.2020 filed by Mr. Syed Samar Zaidi against a programme aired on ABP News Channel on 4.1.2020

Complaint:

The complaint relates to a broadcast aired by ABP News on 4.1.2020 around 9:00 PM, on the death of Major General Qasim Sulemani in Iran. The complainant alleged that while reporting on the Major General's death, the broadcaster referred to the deceased as a 'terrorist', thereby hurting the sentiments of the Shia Muslim community.

Response from Broadcaster:

The broadcaster in its response dated 26.1.2020, stated that the particular news item pertained to the depiction and portrayal of the Irani Commander Qasim Sulemani, who was killed by the American Government. It stated that in the news item the word "aatanki" was used only in "text" and in "inverted commas" to reflect the American President's views and not those of the broadcaster. It was asserted that the same could be inferred by careful consideration of the programme's context and its audio in general and from the voice over of the anchor in particular. It was also stated that the anchor had in the news item explicitly expressed that while Major General Sulemani was a brave soldier for Iran, he was considered a terrorist for President Trump, for which the channel should be appreciated. Therefore, the broadcaster urged that the use of the impugned words must be seen in the context of the news and not in isolation or a stand-alone fashion. It also submitted that not only is it a free to air news and current affairs television channel, but it also has a duty to report incidents around the world as they occur. Further, the said news item was made within the framework of all applicable laws and within the boundaries of journalistic ethics and that the channel fulfils its duty of responsible reporting by taking adequate care and precaution while covering or airing a news story.

Further reply by the complainant

The complainant vide reply dated 27.1.2020, refused to accept the broadcaster's explanation that it had used the word "aatanki" in "inverted commas" to convey the American President's view. The complainant also expressed his dismay and frustration on the broadcaster's failure to apologise. He questioned how could the broadcaster verbatim reproduce the American Government's point of view and asked if the broadcaster considered America to be its channel's producer. Further, he asserted that the channel had during the broadcast also deliberately used the headline "Aatanki ki Beti Mange Badla" without clarifying that the American President made the statement, thereby attempting to mislead the viewers and hide the channel's fault.

Decision of the NBSA at its meeting held on 10.7.2020

NBSA at its meeting held on 10.7.2020 considered the complaint, response of the broadcaster and also viewed the broadcast. NBSA was of the prima facie view that the explanation given by the broadcaster may not be acceptable that the President of America had called Soleimani as a terrorist and that the channel had only shown quote on Soleimani and that the word '*aatanki*' was only used in text and that too in "*inverted commas*" to depict that these were not words used by their channel.

NBSA also noted the additional justification given by the broadcaster that it was a "free to air news and current affairs television channel" and it is its duty to report incidents around the world as they occur.

NBSA decided to call both parties for a hearing. NBSA also decided to convey to the broadcaster that in case it desired to submit any further documents in its defense, it may do so within seven days of receipt of the communication calling both parties for a hearing.

NBSA decided to call both the parties for a hearing on 26.11.2020.

On being served with notices, the following persons were present at the hearing:

Complainant: Mr. Syed Samar Zaidi

Broadcaster:

Mr. Arunabha Deb, Counsel

Ms. Disha Sachdeva, Senior Executive-Legal

Submissions of the Complainant

The complainant in his submissions reiterated that the use of the word "*terrorist*" in the broadcast to refer to Irani Commander Qasim Sulemani, a revered person by the Shia community has hurt their sentiments. He stated that the broadcaster cannot get away by stating that the word "*aatanki*" was used in "*inverted commas*" to attribute that it was not made by the channel. He desired that appropriate action be taken against the channel.

Submissions of the Broadcaster

The advocate for the broadcaster submitted that the word "*terrorist*" was used in the specific context of the remarks made by Mr. Donald Trump, President of USA. It was not the intention of the channel to portray the General as a "*terrorist*". He submitted that text on the screen has to be seen in the context of the story that was being broadcast.

On a question addressed to the broadcaster by NBSA that when the word "*Aatanki*" is used in captions, was it not necessary to qualify and attribute it to President

Trump? President Trump's full statement could have been put in inverted commas instead of only one word regarding the killing of Solemani. The Taglines on the screen should have adequately represented the script of the broadcast. Further, in the same broadcast, his daughter was also referred to as “*Aatanaki Ki Bet?*” in inverted commas, which was certainly unnecessary as it was stated that she was seeking revenge for the killing of her father.

NBSA desired to know what was the due diligence done by the broadcaster prior to the broadcast and observed any text telecast should faithfully reflect the script of the programme so that the text itself is not misleading and the Taglines should be within the context of the programme. The advocate reiterated that the broadcast has to be seen in the context and it was never the broadcaster’s intent to term Soleimani as a terrorist. He assured NBSA that it would be more careful in the future, and it would not use misleading Taglines.

Decision of NBSA

NBSA thoroughly looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage.

NBSA noted that while the broadcaster has admitted that they should have been more careful, it was clear that it was not necessary for the broadcaster to sensationalize and glamorize the killing of Irani Commander Qasim Solemani. NBSA was also of the view that the taglines used in the broadcast were certainly out of context. NBSA found that the taglines were clearly violative of the Code of Ethics and Broadcasting Standards, the Principles of Self-Regulation relating to impartiality, objectivity in reporting and ensuring neutrality. These taglines should have been avoided as these were broadcast to sensationalize the issues of the news story.

In view of the above, NBSA directs the broadcaster to issue an apology as follows:

The broadcaster shall, prior to the 9 PM news on **June 24, 2021**, air the following text (static) on full screen in large font size with a clearly audible voice-over (in slow speed) apologize for the said telecasts on their channel ABP News by stating the following:

[TEXT TO BE TRANSLATED IN HINDI]

“ABP News apologizes for the manner in which the taglines were telecast, in the broadcast aired by it on 4.1.2020 around 9:00 PM, on the death of Major General Qasim Sulemani in Iran. This telecast violated the Code of Ethics and Broadcasting Standards requiring broadcasters to maintain impartiality, objectivity in reporting and ensuring neutrality. We clarify that there was no intention on our part to sensationalize the issue and we shall abide by the

Code of Ethics and Broadcasting Standards and Guidelines issued by NBSA in our endeavor to improve broadcasting standards.”

NBSA directs that the broadcaster should be careful while telecasting such misleading taglines in future and should not repeat the said violations.

NBSA 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 NBSA in writing within 7 days.

NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

NBSA directs NBA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBA;
- (c) Host this Order on its website and include in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statements made by the parties in the proceedings before the NBSA while responding to the complaint and putting forth their view points, and any finding or observations by NBSA in regard to the broadcasts, in its proceeding or in this Order, are only in the context of examination as to whether there are any violations of any broadcasting standard or guidelines. They are not intended to be ‘admissions’ by the broadcaster, nor intended to be ‘findings’ by NBSA in regard to any civil/criminal liability.

Sd/-

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi
Date : June 16, 2021