

**News Broadcasting Standards Authority
Order No. 108 (2021)**

Order of NBSA on Complaint dated 17.4.2020 filed by the Embassy of the Democratic People's Republic of Korea (DPRK) in India regarding a programme 'Vardaat' aired on Aaj Tak New Channel on 13.4.2020

Complaint:

The complaint was received from the Embassy of the Democratic People's Republic of Korea (DPRK) in India vide its Note Verbale dated 14.4.2020 relating to a programme titled "Vardaat" broadcast on Aaj Tak news channel. According to the complainant, the impugned programme contained unverified allegations that every Covid-19 patients being executed in the DPRK upon detection.

Note Verbale dated 14.4.2020 from the Embassy of the Democratic People's Republic of Korea (DPRK) in India:

In the Note Verbale, the complainant referred to the airing of alleged unverified and false news report in the program "Vardaat" reported by Mr Shams Khan and aired in Hindi on 13th April 2020 at 23:00 PM. The complainant also referred to the video clip of 13:22 mins duration which was uploaded on the YouTube channel of Aaj Tak (Hindi language) on the same day. The impugned video clip contained the groundless and unverified allegation that every COVID-19 patient in the DPRK was being executed by shooting at the moment of detection. The complainant requested the Ministry of External Affairs, Government of India to take strict measures to prevent such misguided propaganda about the DPRK from being repeated in the Indian news media. It was stated that provocative videos or news of such kind would be seriously considered to be against the will of the two friendly nations who value their bilateral relationship.

Additionally, the complainant also sent a protest letter No.57 dated 17.04.2020 on the subject of airing unethical content regarding the Democratic People's Republic of Korea (DPRK). Through this letter, the complainant again reiterated that the airing of groundless and unverified anti-DPRK allegations is deemed to be a serious act of defamation, which would adversely affect the long-standing friendly relationship between the DPRK and the Republic of India. The complainant stated that the impugned news report was broadcast solely to garner a high viewership using unethical tactics and is, therefore, a clear violation of journalistic ethics. Further, as per the complainant, this was not an isolated incident. Even in the past, Aaj Tak has been guilty of portraying inaccurate and unfair prejudices against the DPRK and the broadcaster had to air an official apology in July 2017.

Therefore, the complainant requested the immediate deletion of the impugned video clip aired on 13.04.2020 and for a clarification regarding the exact source of the false

report, along with an unconditional apology and firm assurance that such kind of anti-DPRK propaganda would not be repeated in the future. Further, the complainant also stated that they expect the broadcaster to report only the truth and facts about the two countries, thus promoting mutual understanding and development of further bilateral ties.

Response from Broadcaster:

In its response dated 28.4.2020, the broadcaster denied airing the allegations made by the Embassy of the Democratic People's Republic of Korea (DPRK) in India in its Note Verbale. The broadcaster contended that the Embassy had misinterpreted the impugned video clip, which was uploaded in the context of the Covid-19 pandemic, which has affected nearly the whole world. That it merely intended to highlight and express relief at the fact that out of the 200 countries that have been adversely affected by the Covid-19 pandemic, DPRK has not reported a single case of Covid-19 despite sharing its border with China. The broadcaster stated that in one of the segments in the impugned video clip explicitly highlighted the steps taken by the administration to prevent Covid-19 from affecting the nation. Such steps included the steadfast installation of scientific methods by the Anti Epidemic Department on the detection of the first case in China; enforcement of observation and quarantine of people coming into the country; disinfection of imported products and goods; sealing of borders as well as shut down of travel by either air, water or road. Further, the anchor in the video clip expressed relief that at least one nation (DPRK) is safe from Covid 19. The video clip also lauded the efforts of the health care services in DPRK and asserted that medical staff in DPRK were well trained to look after its citizens' health.

The broadcaster admitted to using a photograph of DPRK K Leader His Excellency Kim Jong-Un with his officers which had become viral on social media for suggesting that at 9:00 AM (DPRK time) had 3 Covid-19 cases whereas at 9:17 AM there were 0 cases in the video clip. But according to it , the same was used only to highlight its falsity and protect the general public from falling prey to any misinformation and propaganda circulated on social media. Further, the broadcaster also stated that while the impugned video clip also referred to newspaper reports published worldwide, which claimed that Covid-19 patients are being executed in DPRK. It explicitly stated that such information was not based upon any evidence and was required to be further investigated.

The broadcaster reiterated that at no time did the channel assert that the claims suggesting execution of Covid-19 patients was true, rather through the impugned news report they expressed their doubts and suggested a further investigation into such claims. The information concerning Coronavirus's presence in DPRK and the measures taken by DPRK included in the news report was based on external sources, including the Daily NK website.

Further, the broadcaster submitted that the version of the people who had left DPRK alleging that the country's administration might not be disclosing the number of Coronavirus patients and that the DPRK administration may have executed patients on account of inadequate health care services was included in the news report. However, this version was neither said to be correct nor verified/authenticated during the impugned news report. The broadcaster reiterated that it had stated in the impugned report that propaganda is being spread about how DPRK deals with Coronavirus and the veracity of the people's allegations had to be established.

Moreover, the broadcaster stated that on seeing the video clip in its entirety it would become evident that the impugned news item called upon the public not to believe in the rumours about the treatment of Coronavirus patients in DPRK that are available on social media or otherwise in the absence of any evidence to that effect.

Additionally, it stated that the impugned video clip was fair, objective, and impartial and enhanced the prestige of DPRK. Therefore, the broadcaster asserted that there was no occasion for the Ministry of External Affairs, or the Ministry of Information and Broadcasting, Government of India to take any measures against the news channel. The broadcaster requested the Embassy of DPRK in India to withdraw their Note Verbale dated 14.04.2020.

Further reply from complainant to broadcaster:

The complainant vide its reply dated 28.04.2020, expressed its disappointment at the absence of an apology or even slight regret from the broadcaster for airing the impugned news report defaming DPRK. According to the complainant, the broadcaster attempted to justify its unverified broadcast by merely quoting information of external sources. The complainant also expressed its frustration at the fact that the impugned news report was based on one of the most conservative and ultra-right South Korean newspapers whose sole purpose is to fabricate and spread all sorts of fake news and rumours against the DPRK.

The complainant stated that although the broadcaster considers itself a highly respected news channel that prides itself for adhering to the strict standards of fair and objective reporting. However, compliance with such standards did not allow the broadcaster to broadcast unverified information spread by unreliable sources freely. Moreover, the complainant stated that the content of the impugned video clip sounded more assertive and in support of the false allegations instead of merely reporting the news objectively.

The complainant also asked the broadcaster to put itself in the complainant's position and imagine what it would feel if the DPRK media broadcast content based

on the unproven allegation of anti-India forces. The complainant stated that it was on account of this reason that they demanded that the broadcaster apologise for airing the impugned news report. Additionally, the complainant stated that it firmly believed that it was the responsibility of the media of the two friendly countries to report only facts and truth so that citizens of the two nations can have a clear and better understanding about each other and thus, further develop their bilateral relations.

Decision of NBSA in its meeting held on 10.07.2020

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA was not able to accept the justifications given by the broadcaster of airing a one-sided story. NBSA was of the prima facie view that there is an obligation on the part of the broadcaster to adhere to the principles of objectivity, neutrality, fairness and to take the version of the party that is being reported upon, which was missing in the said broadcast. NBSA, therefore decided to call the broadcaster and the complainant for a hearing at the next meeting of NBSA.

On being served with notices, the following persons were present at the hearing held on 26.11.2020:

Complainant: Embassy of the Democratic People's Republic of Korea (DPRK). The complainant vide letter dated 19.11.2020 re-emphasised their complaint and informed the NBSA that the Embassy will not be able to participate in the hearing. The Embassy requested NBSA for a fair judgement in accordance with journalistic ethics. They looked forward to a positive outcome of the hearing as a result of which any false broadcasting that harms the long standing friendly bilateral ties would never be seen again in the future.

Broadcaster:

Mr. Hrishikesh Baruah, Advocate
Ms. Shiuli Bhattacharya, Legal Counsel

Submissions of the Broadcaster

The broadcaster in its submissions stated that it did not make any allegations in the broadcast that Covid patients were being executed. It drew the attention of NBSA to paragraph 2 of its letter dated 28.4.2020 wherein it has expressed relief at the fact that out of the 200 countries that have been adversely affected by the Covid-19 pandemic, DPRK has not reported a single case of Covid-19 despite sharing its border with China. In paragraphs 4-8 the broadcaster has categorically stated that information that is available and the measures taken to prevent the virus from spreading should be verified from external sources. The website of Daily NK has been shown to be the one sources of information.

The broadcaster submitted that in the programme it was stated that propaganda was being spread about how DPRK was dealing with Coronavirus and its veracity had to be established. When the complete videoclip is seen, it becomes evident that the news item calls upon the general public to not believe the rumours about the treatment of Coronavirus patients in DPRK on social media or otherwise in the absence of any evidence to that effect. It was highlighted that such rumours are unverified. The videoclip highlighted the steps taken by DPRK to prevent the entry of Coronavirus into the country.

It was submitted that the videoclip is fair, objective and impartial. This was evident from the fact that Aaj Tak also lauded the health care services in DPRK. It was also stated that the doctors in DPRK are well trained and health of the citizens of DPRK is looked after. One segment in the videoclip particularly points out the various steps taken by the leader of DPRK. The steps taken by the DPRK media in spreading information about steps to prevent Coronavirus was also highlighted. It was stated that because of these steps taken by DPRK, the Coronavirus had been prevented from entering the country and there is not even a single case in the country.

The broadcaster drew the attention of NBSA that in the video from 23 minutes onwards, the views of the Government and the various steps being taken to control the spread of the virus like insistence on wearing masks, sanitisation of door handles were shown. The broadcaster stated that it projected the complete picture by even giving the Central Epidemic Authority's views, why there are fewer cases in DPRK, and are not just bare facts but the views of a government authority

Upon hearing the submissions of the broadcaster, NBSA informed the broadcaster that the manner in which the programme was structured, did tend to give the impression that patients infected with the Coronavirus were being executed to keep the numbers low in DPRK. NBSA was certainly surprised in the manner in which the story was structured, as six minutes of questions was raised and use of the words "*hiding*" "*shoot out orders*", running commentary by the anchor "*Bahut Sakti, Kuch Bhi ho sakta hey*", "*are people being shot*" were all unverified comments which were accompanied with damaging Taglines. The visuals appeared to be sensational and the programme was speculative in its reporting. aggressive manner in which the Anchor was presenting the programme along with visuals was undesirable, should have been avoided and was not in line with the ethics of journalism. The assertion by the broadcaster that there are social media posts, which were telecast and an arrow was shown continuously pointing out to social media posts on the screen gave an impression that whatever was being broadcast had reference to social media posts, which was not factually correct.

The broadcaster submitted that the story was structured to show that in DPRK there were no cases of Covid, when the whole world was infected by the pandemic. The issues were considered and all views were taken. Taglines used in the programme needed to be understood in its context and hard questions had to be asked to ascertain the truth.

Decision of NBSA

NBSA went through the complaint, response from the broadcaster and also considered the arguments of both the complainant and the broadcaster and reviewed the footage.

NBSA noted that while the broadcaster has the freedom to choose a news story to report and to analyze the same in a programme, however, the broadcaster equally has an obligation to take the version of the other side who is being reported upon to bring balance and neutrality in reporting, which was clearly missing in the said broadcast. On a viewing of the programme, the impression one gets is that the programme telecast is one-sided, biased, sensational, speculative, exaggerated and full of innuendos. NBSA was of the considered view that the broadcast was a badly structured programme as one third of the programme was on unverified assertions.

In view of the above, NBSA decided to close the complaint by issuing a warning to the broadcaster, to be more careful in future while broadcasting such sensitive stories and directed that all future programmes should be structured in such a manner which are compliant with the principles of self-regulation relating to impartiality, objectivity and neutrality. There is also need to bear in mind the impact that such reporting has on diplomatic relations between friendly countries.

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**