

News Broadcasting & Digital Standards Authority

Order No 150 (2022)

Complainant: Election Commission of India

Programme: "रण में सबसे बड़ा खिलाड़ी - धुआंधार प्रचार, प्रहार जोरदार"

Broadcaster: News18 Rajasthan

Date of Broadcast: 20.4.2019

The Election Commission of India [ECI], vide letter dated 15.3.2022, forwarded a report dated 26.4.2019 of confirmed cases of paid news related to electronic media mentioned at Sl. No. 8 News18 Rajasthan and S.No. 19 Local Channel – Den Mewar regarding General Elections to Lok Sabha, 2019 in Rajasthan and all the supporting documents, as received from the CEO, Rajasthan vide letter dated 18.2.2022, for further necessary action.

The Under Secretary also stated that none of the candidates had preferred an appeal against the Order of State level MCMC before ECI. NBDSA vide email dated 24.3.2022 informed ECI that local channel – *Den Mewar* is not a member of NBDA. Hence NBDSA was unable to take any action against the said channel.

With regard to News18 Rajasthan, the report was about a programme aired on the channel on 20.4.2019 titled "रण में सबसे बड़ा खिलाड़ी - धुआंधार प्रचार, प्रहार जोरदार". The report stated that the programme was in the form of a package. At the beginning of the programme, it was clearly stated on the TV screen that Mr. Raghavendra Singh is "रण में सबसे बड़ा खिलाड़ी". Further, in the voice over was stated "जनता के रहनुमा भी खुद & राज्यवर्धन सिंह राठौड़ जयपुर ग्रामीण सीट से कृष्णा पुनिया से प्रचार के मामले में काफी आगे चल रहे हैं". The broadcast was not neutral; it was one-sided and favoured one particular candidate. In view of the unsatisfactory response from the candidate, the MCMC concluded that the programme was one-sided broadcast and the voice over during the programme influenced the voters, forming the basis for the allegation of paid news. The MCMC concluded that the said broadcast was "*Confirmed Paid News*".

Reply from the Broadcaster

The broadcaster denied each and every averment that was made in the complaint. The broadcaster stated that News18 Rajasthan had covered the 2019 general elections extensively through its various programmes, which featured/covered the campaign of different political parties and candidates at different places while also showing the mood of the voters, among other things.

The channel had also done a series of half-hour shows titled "2019 का महाभारत" on a daily basis during the election season. Vide this show, different campaigns, activities of the candidates, and voter moods on a particular day were telecast in various formats and packages. The impugned programme, was a 2 minutes packaged story that covered the candidate's campaigning activities. Moreover, a similar story byte was aired by multiple other channels featuring the candidates' campaigning activities.

The broadcaster stated that the said programme is not a case of paid news, which is clear from the fact that Mr. Rajyavardhan Singh Rathore was not the only candidate whose campaign was covered. That it had during the General Elections covered the campaigns of various other candidates from different political parties, including the Indian National Congress, RLP and the BJP. The program was purely a news story done in the public interest and was broadcast in good faith to keep the viewers informed about the campaign of different parties and candidates during the general elections of 2019 and to show the mood of voters towards such candidates and their campaigning. That no amount whatsoever was charged by it.

That its interest in telecasting the programme was in effectively disseminating newsworthy material related to the campaigning of nominee candidates of various parties, including that of Mr. Rajyavardhan Singh Rathore, to the public at large and ascertaining the mood of the general public to the campaigning of such candidates. Further, the telecast was made in strict compliance with all the rules, regulations, guidelines and all applicable laws and any allegations to the contrary were false and vehemently denied.

In view of the above, the broadcaster requested that the complaint may kindly be closed.

Decision of NBDSA

NBDSA at its meeting held on 31.5.2022 considered the complaint dated 15.3.2022 received from the ECI, wherein it had forwarded a detailed report of confirmed cases of paid news related to electronic media as received from the CEO, Rajasthan. NBDSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines laid down by NBDA/NBDSA and decided to call the broadcaster for a hearing at the next meeting of NBDSA.

On being served with notices, the following persons were present at the hearing on 15.6.2022:

Broadcaster:

Mr. Puneesh Kochar, Counsel-Legal
Mr. Avinash Ojha, Associate Executive Producer

Submissions of the Broadcaster:

The broadcaster submitted that during elections, several political leaders are covered and that it had, during the General Elections of 2019, aired a series covering many political leaders from different political parties, including from Congress and RLP.

The broadcaster submitted that the basis on which the allegation of paid news had been raised against it was unclear from the complaint received from the Election Commission of India. The broadcaster submitted that while airing such programmes during the elections, it considers the strength of the candidature of each person. The broadcaster submitted that Mr. Rathore was a strong candidate in the elections as he had defeated Mr CP Joshi of Congress in the 2014 General Elections with a high margin of 3.25 lakhs, based on which the broadcaster submitted, it had reported that Mr Rathore's candidature was also strong in the 2019 elections, which was also evidenced by the margin of votes with which he won the election against Ms. Krishna Poonia. The theme of the impugned programme was the strength of the candidature of Mr. Rajyavardhan Singh Rathore. The broadcaster denied the allegation of paid news levelled against it.

NBDSA noted that the Guidelines for Election Broadcasts of NBDA required reporting by news channels to be balanced and for news broadcasters to scrupulously maintain a distinction between news and paid content.

The broadcaster submitted that its coverage was neutral and that it had also covered Mr. Hanuman Beniwal's (member of RLP) endorsement of the Congress party.

NBDSA questioned the broadcaster whether it had also reported about Ms. Krishna Poonia in its broadcast. The broadcaster submitted that programmes on different candidates were run on different days. It was possible that it had not run a programme on Ms. Poonia on the same day. However, it had aired a series of programmes covering the leading candidates during its election coverage and had also reported about Mr. Lalchand Kataria. Further, the broadcaster submitted that in its broadcast about Ms. Poonia, it had reported that Ms. Poonia was an MLA who had been chosen by the Congress Party as a candidate from the constituency of Jaipur rural against Mr. Rathore. It had also reported that both Mr. Rathore and Ms. Poonia were eminent sports personalities.

Decision

NBDSA, at its meeting held on 15.6.2022, considered the complaint, response from the broadcaster and also gave due consideration to the arguments of the broadcaster.

On examination of the report of ECI, NBDSA found that the findings of the Media Certification and Monitoring Committee were given without giving the broadcaster an opportunity to be heard, nor was the broadcaster given an opportunity to give any response. In view of this, NBDSA decided to consider independently whether there were any violations of its Guidelines relating to election broadcasts and paid news. In the absence of any direct evidence of any payment of consideration to the broadcaster and the specific denials by the broadcaster that the telecasts were not for consideration, NBDSA was of the view that it was not possible to hold that there was any violation of its Norms and Guidelines on Paid News. NBDSA decided to inform the Election Commission of India accordingly and close the matter.

NBDSA directs 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.

Sd/-

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi

Date : 30.07.2022