

**NEWS BROADCASTING STANDARDS AUTHORITY**

**Complaint No. 3 of 2010 (SM)**

**ORDER**

1. A news article titled “*Scribe booked for inciting mob violence*” appeared in issue dated July 11, 2010 of *The Hindustan Times* newspaper. The said newspaper article related to alleged ‘incorrect’ reporting by the television news channel *News X* (“said Channel”) of news claiming that a person had been killed in police firing in Srinagar, which news was telecast on July 10, 2010 between 00:00 hrs and 09:30 hrs. The said newspaper article alleged that the news telecast on the said Channel had enraged locals, who had attacked a police station, injuring 15 policemen, in Pulwama town near Srinagar. The said newspaper article further stated that the Srinagar correspondent of the said Channel Suhail Bukhari had admitted that it was human error and had said that the telecast was taken off-air and a written apology had been issued.
2. The said newspaper article further said that the concerned police had registered a case against the said Channel and against its Srinagar correspondent for attempt to murder, rioting, endangering life and personal safety of others and other unlawful activities.
3. The said newspaper article was brought to the attention of News Broadcasting Standards Authority, whereupon the Authority took *suo motu* cognizance of the matter and issued Show Cause Notice dated July 28, 2010 (“said Show Cause Notice”) to M/s INX News Pvt Ltd (“said Broadcaster”), being the owner of the said Channel, calling upon the said Broadcaster to show cause why action should not be taken against it for the telecast of a incorrect report of the death of a person in police firing in Pulwama town near Srinagar on the said Channel on July 10, 2010 between 00:00 hrs and 09:30 hrs (the “Impugned Broadcasts”). In the said Show Cause Notice, it was also brought to the notice of the said Broadcaster that vide Advisory dated June 30, 2010, the NBA had specifically brought to the notice of its member broadcasters that coverage of the Kashmir issue, including the Amarnath Yatra, involves a situation which requires sensitive handling and additional caution, in consonance with the Specific Guidelines Covering Reportage dated February 10, 2009 and Guidelines for the Telecast of News During Emergency Situations dated

December 18, 2008 issued by the NBA earlier, which Advisory and Guidelines all member channels were obliged to follow.

4. In response to the said Show Cause Notice, the said Broadcaster filed its reply dated August 9, 2010 setting out its response to the contents of the said Show Cause Notice. The said Broadcaster also furnished to the Authority the edited and unedited versions of the Impugned Broadcasts along with a script of the initial and subsequent broadcasts carried on the said Channel in that regard.
5. Furthermore, vide communication dated August 13, 2010 the said Broadcaster was requested to remain present through its duly authorized representative or Counsel for a personal hearing in the matter on August 20, 2010 at 4.45 p.m.
6. Accordingly, on August 20, 2010 the said Broadcaster was represented before the Authority by its Chief Financial Officer Shri Rakesh Gupta and its Manager Finance Shri Pankaj Gupta.
7. The said Broadcaster also placed before the Authority a copy of fax dated July 10, 2010 sent by it to the Inspector General of Police, Jammu & Kashmir in which the said Broadcaster had stated the following in relation to the Impugned Broadcasts :

“This story was run based on information available on the news desk in our Noida office, and was not sent to us by any of the members of our staff in Srinagar. In fact, our reporters in Srinagar immediately called us to say the story is wrong, and that while some security forces and civilians have been injured in clashes in Kashmir, no one has been killed.

Based on this information, we immediately withdrew the story. We have also aired a clarification and apology.”

In the said letter to the Inspector General of Police, the said Broadcaster further said that :

“As the above illustrates, any error committed by us was genuine and human.”

8. In its reply dated August 9, 2010 furnished to the said Show Cause Notice, the said Broadcaster has offered the same defense as was contained in the said letter to the IG, Police. Principally, what the said Broadcaster has stated in its defence is as follows :
- 8.1 That the news report in question contained only one sentence conveying the news of one death in the city of duration of approximately 3 seconds; and that the same was telecast in repeated bulletins till the error was noticed ;
  - 8.2 That the erroneous statement that “one person has been killed” was an error committed inadvertently by their news desk in Noida, which statement was however, not highlighted or overstressed in any manner ;
  - 8.3 That the error in question was noticed by the correspondents of the said Channel in Srinagar, who immediately brought it to the notice of the news desk in Noida;
  - 8.4 That thereafter the news was immediately withdrawn and the matter was brought to the notice of senior editors of the said Broadcaster ;
  - 8.5 That after cross-verification and consultation, a rebuttal was also telecast and run repeatedly ;
  - 8.6 That the error on its part was immediately brought to the notice of the various law enforcement authorities of Jammu & Kashmir, in the course of which the said Broadcaster was given to understand that a First Information Report had also been lodged against the said Broadcaster and its correspondents in Srinagar;
  - 8.7 That several industry associations, including the Editors Guild and the Broadcast Editors Association, had also spoken in defense of the said Broadcaster, in particular, of the charges being made against the said Channel. In this context the Authority’s attention was invited to Press Release dated July 11, 2010 issued by the Editors’ Guild, a perusal whereof shows, that what is complained of therein is that the nature of the FIR is  

“disproportionate to the ‘crime’ and seems designed to only intimidate the media. The channel has apologized for what is being seen as a human error in putting out wrong information.”

- 8.8 That in-house investigation was conducted into the matter and two staff members found responsible for the error had been suspended, besides several Heads of the Department having been reprimanded ;
- 8.9 That while the said incorrect news had been repeated in its telecasts over the period 00:00 hrs to 09:30 hrs. on July 10, 2010, the said Broadcaster also pointed out that upon realizing the mistake, not only was the said news report immediately withdrawn but repeated tickers were run acknowledging the mistake and stating correct facts;
- 8.10 That no concrete evidence had been cited by any authority or agency to substantiate the allegation that the telecast of the erroneous statement by the said Channel has caused further public agitation in Pulwama/Srinagar.
9. To a specific query put during the course of hearing on August 20, 2010, as to whether the said Broadcaster had initiated any remedial measures or put in place any systemic changes to ensure that such serious ‘errors’ do not recur, the Authorized Representative appearing on behalf of the said Broadcaster requested some time to place before the Authority a response to this query.
10. As directed by the Authority during the course of personal hearing on August 20, 2010, the Broadcaster has submitted further information of the remedial measures and the systemic changes made by it to ensure that such errors are not repeated. Details of the same are given in its further reply dated August 25, 2010.
11. Be that as it may, upon a conspectus of all facts and circumstances, the following position clearly emerges:
- 11.1 No person had been killed in police firing in Pulwama, near Srinagar at the relevant time, as reported in the Impugned Broadcasts ;
- 11.2 Repetitive news reports telecast on the said Channel between 00:00 hrs and 09:30 hrs. on July 10, 2010 were incorrect, and it is a candid admission by the said Broadcaster;

- 11.3 The excuse and explanation cited by the said Broadcaster that such incorrect news had not been sent to the said Channel by its correspondent/s in Srinagar but had been run by the news desk at NOIDA, only makes the default more serious inasmuch as it is inconceivable how the NOIDA news desk could have reported on the goings-on in Srinagar without information from its correspondents in Srinagar ;
- 11.4 No explanation is forthcoming as to how and from where the NOIDA news desk received information as serious as that of a person having been killed in police firing in Pulwama, Srinagar at the relevant time ;
- 11.5 Clearly, no verification or corroboration of such an important piece of news was made, or even attempted, by the said Broadcaster prior to its repeated telecast ;
- 11.6 Lastly, it could hardly be contested by the said Broadcaster that telecast of incorrect news in relation to such a sensitive location as Srinagar has a direct and immediate tendency to cause further disturbance in that place with potential for serious harm;

And all this was done in the teeth of the specific Advisory dated June 30, 2010 issued by the NBA, drawing the attention of all its member broadcasters to the specific portion of the Code of Ethics/Specific Guidelines relevant to the situation. The contravention by the Broadcaster is clear.

12. The Broadcaster's unequivocal admission of its lapse, prompt telecast of the rebuttal of the incorrect news with apology, disciplinary action taken against the persons responsible for the lapse, measures quickly taken to strengthen the procedures for checking accuracy of facts telecast, candid reiteration of its lapse even in its further reply dated August 25, 2010 are significant correctional steps, relevant for consideration by the Authority as mitigating factors.

13. In addition to the steps already taken by the Broadcaster, it is advisable that it also holds a workshop to educate all its concerned personnel in the modalities necessary for faithful performance of their task of disseminating correct information (not misinformation) to the people in accordance with the true role of the media.
14. However, the Authority is constrained to observe that the demeanour of the Broadcaster's Representative at the hearing before it on August 20, 2010 left much to be desired. He gave the impression of being cussed at being required to explain the admitted lapse; he had also to be educated with the information that the NBSA is an independent Authority, distinct from the NBA; and that the Broadcaster was being answerable to the NBSA. It was in these circumstances, to avoid overlooking any significant fact that the Authority directed the furnishing of further information as above, in writing.

It is hoped that the message has been educative to all concerned.
15. In view of the above, the only surviving question is of the nature of order required to be made by this Authority.
16. The lapse is rightly admitted by the Broadcaster. Remedial action has also been taken by it, along with measures to improve the system to prevent such lapses in future. Thus, the major component of punishment i.e. the reformative and curative element is already satisfied. The mitigating factors, such as, candid admission of the lapse, correctional steps, and finally unequivocal submission to the Authority "*that the facts and circumstances as stated in our submissions be considered sympathetically*", are relevant considerations for determining the appropriate final order.
17. Accordingly, on a conspectus of all the facts and circumstances, the Authority deems it fit and expedient to record a warning to the Broadcaster to ensure no repetition of

this admitted lapse; and to also ensure a faithful prompt implementation of all the correctional steps indicated to have been taken by it. It is ordered, accordingly.

18. Consequently the Authority further directs as under;

- (a) The NBA to host the summary of these proceedings on its website and to include such summary in its next Annual Report and also inform the members of the NBA.
- (b) A copy of this Order be sent to the Broadcaster M/s INX News Pvt. Ltd. (News X) and to NBA for necessary compliance.

Sd/-  
Chairperson  
For and on behalf of  
News Broadcasting Standards Authority

Place : New Delhi  
Dated : 18 September 2010