

News Broadcasting Standards Authority

Complaint No. 4 of 2011

Re: Complaint by 2 Corps OMC Pin No 909802 C/0 56 APO M/s TV Today Network Ltd (“Aajtak”)

ORDER

1. On 29th July 2010 at 10:00 pm M/s TV Today Network Ltd, telecast a programme titled “*Operation Jai Jawan*” (“**said Telecast**”) on their channel “**Aajtak**” (“**said Channel**”). In the said telecast, the Channel was exposing corruption in the **Ordinance Maintenance Company (OMC)**, for procuring different kinds of supplies for the use of the Indian Army; the footage /visuals of which was also broadcast as part of the said telecast;
2. In substance, the malpractices cited in the said telecast were: (1) there is corruption with regard to purchases made for the jawans of the Indian Army (in the Ordinance Corps); (2) the concerned officer will choose the contractor before the supply is made; (3) fraudulent quotations are accepted on the letter head of existing & non existing firms ;(4) rates for the materials are fixed in collusion with the officer & the contractor;(5) without supply fraudulent bills are submitted & payments made ;(6) chosen contractor pays bribe in advance by cash to the concerned officers; (7) due processes required for tender are not followed;
3. Aggrieved by the said telecast, 2 Corps OMC, Ambala, lodged a Complaint dated 7.9.2010 (“**said Complaint**”) under the News Broadcasting Standards(Dispute Redressal Regulations) stating that the broadcast tarnished the image of **2 Corps OMC**, a Unit of the Army, without any substantial facts or verification.
4. Show Cause Notice dated 27.9.2010 was issued on the said complaint. Aajtak was called upon to file a written reply. Aajtak filed Reply dated 1.10.2010 (“**said Reply**”).
5. In the circumstances of the case, the matter was posted for hearing of parties on 2.12.2010, which was rescheduled on the request of the Army in view of their Unit being part of an operational exercise. Accordingly, the hearing was held on 11.2.2011.

Parties appeared and were heard. The complainant was represented by Lt. Col. D.S. Guleria, Officer Commanding 2 Corps OMC, and Mr. Ankur Chhibber, Advocate for OMC Army; the Broadcaster was represented by Mr. Puneet Jain, GM Legal & Company Secretary, TV Today Network Ltd. & Compliance Officer, Mr. Kapil Kapoor, Manager, TV Today Network Ltd., Mr. Shailesh Kumar, Executive Producer, TV Today Network Ltd., Mr. Sushil Dutt Salwan, Advocate for TV Today Network Ltd., Mr. Aditya Garg, Advocate for TV Today Network Ltd.

6. Upon a careful perusal of the said complaint, the said reply and all the documents filed by parties and upon oral hearing given to the parties, the following position emerges:

6.1. The entire sting operation was conducted with the help of Mr Ajit Singh Dahiya an Ex Havildar of the **Ordinance Corps** & Proprietor of R. K. Trading Company (a deregistered Company by the Army); whose bias could be the intent to tarnish the image of the **Ordinance Corps/ OMC** Ambala ;

6.2 At the behest of **Col. S. K. Khanna, Brigade Ordinance Officer 769 Air Defence Brigade, posted in Jodhpur** (who was never posted in Ambala Cantt), the decision was taken to conduct the sting operation in OMC, Ambala

6.3. Allegations of corruption, inflated bills, purchases, commission etc have been attributed to Ordinance Officers & the OMC located in Ambala including the 2 Corps OMC without verifying facts from any untainted source;

6.4. The thrust of the sting/undercover operation was to expose corruption in the Ordinance Corps; In the said telecast video clips were shown of Officers/staff accepting bribes; none of officers & staff had any association with OMC/2 Corps/OMC Ambala; they were working in other units of the Army based in Ambala & Jodhpur ; to justify corruption not a single officer /staff of the OMC 2 Corps /OMC Ambala were shown in the visuals telecast nor interacted with during the sting operation ;

- 6.5. There was unnecessary reference of OMC in the video clips to sensationalize corruption in OMC Ambala/OMC 2 Corps;
- 6.6. Consequently serious damage has been caused to the image of the members of the OMC/2 Corps OMC from the Commanding Officer downwards to the lowest rank; and it also casts baseless aspersions on the image of the armed forces in general,
7. Clearly the Channel Aajtak was being fed with biased information, which they accepted readily without due-diligence to verify its authenticity, at the cost of accuracy, fairness and objectivity. When their primary source of information was tainted, and was *ex facie* motivated by animosity towards the complainant, the required level of pre-broadcast verification and scrutiny expected of Aajtak (the broadcaster) was much higher than that done in the circumstances of the case;
8. Even when 2Corps OMC sent a Complaint dated 3.8.2010 to the said channel protesting the said telecast, and asking Aajtak to clarify the allegations/ facts, the Authorised representative of the Channel did not respond despite reminders on telephone/email; which response in the normal course, as per Regulations, the broadcaster has to give within 7 days of receipt of the complaint; a reply was sent on 24.9.2010 by the Authorised Representative of the broadcaster (**after 5 weeks**).
9. No amends were made by Aajtak even after the complaint dated 7.9.2010 under consideration was filed before this Authority;
10. On the contrary on 11.10.2010 a reply was sent by Mr Sushil Dutt Salwan, Advocate justifying the said telecast and advising the complainant to withdraw the complaint:
11. A detailed inquiry into the facts by this Authority is not called for. The Authority considers matters from the perspective of breach of the NBA's Code of Ethics & Broadcasting Standards and other Guidelines laid down by NBA from time-to-time. The Authority, therefore, proceeded on the basis of facts admitted and/or undisputed and the inferences that flow from them.

12. Clearly, in this case, Aajtak is found wanting on point of due-diligence that is expected of any news organization, especially when reporting on sensitive matters and on aspects that affect the name and reputation of people and institutions. It requires no serious jurisprudential analysis to conclude that such callous reporting by Aajtak on an institution like the Army causes serious harm not only to the institution and the concerned individuals but also to their credibility in the public mind. Such reporting is clearly in violation of the principles of self-regulation adopted by Aajtak, a Member of the NBA.
13. In these circumstances, we hold that Aajtak has violated the Code of Ethics & Broadcasting Standards, Guidelines, including the basic principles of being impartial, neutral, objective and accurate and of verifying facts.
14. We wish to record that it is expected of a national news channel of the repute of Aajtak, to verify and cross-check whatever is presented as “facts” from the party that is being reported upon, and not from third party sources alone; and even if the channel does not agree with the version of the party reported upon, it must nevertheless include the version of such party reserving the channel’s liberty to say that such version does not appear to be correct. If the version of the party reported upon is not carried for lack of response from such party, the channel must be able to demonstrate that it did try to get such party’s version but was unable to do so by reason of default on the part of such party.
15. The Authority therefore holds that Aajtak has violated the Code of Ethics & Broadcasting Standards and Guidelines issued by the NBA. Aajtak is therefore hereby directed to do the following within 7 (seven) days of receipt of this Order:
 - 15.1 To run the following text (static) on full screen in large font size with voice over (in slow speed) for **5 consecutive days (beginning Monday & ending Friday)** expressing regret for the said telecast on their channel Aajtak, prior to the commencement of the telecast of the **9 p.m news** stating the following **(text also to be translated in Hindi):**

“Aajtak apologizes for mentioning the name of OMC Ambala/ 2 Corps OMC in their telecast “ Operation Jai Jawan” on 29th July 2010 at 10:00 pm since the same was a misrepresentation of facts, although not intentional. Any harm caused to OMC Ambala / 2 Corps OMC is deeply regretted.”

- 15.2 To grant 2 Corps Ambala an opportunity to express their version on the subject matter of the said telecast, by broadcasting the un-edited version on the subject matter of the said telecast of a duration not exceeding an aggregate of 5 (five) minutes on the **channel Aajtak at 10 pm when the said telecast was broadcasted. 2 Corps OMC** are directed to cooperate with Aajtak to record such version, which will be restricted only to the clarification they wish to offer and nothing offensive shall be included against Aajtak or against the said Channel in such clarification.
- 15.3 Proof of compliance of this Order by Aajtak by submitting a Compact Disc containing the telecast/apology/regret with particulars of the time and date of the telecast be submitted to the News Broadcasters Association within 15 (fifteen) days of receipt of this Order.
16. The Authority further directs:
- (a) To send a copy of this Order to the Complainant.
 - (b) To send a copy of the Order to the Chief of the Army Staff along with the CD & the Script of the telecast “Operation .Jai Jawan”.
 - (c) A copy of the Order be sent to the broadcaster TV Today Network Ltd (Aajtak) and to NBA for necessary compliance.
 - (d) The NBA to host the summary of these proceedings on its website and to include such summary in its next Annual Report.

Sd/-

Justice J S Verma (Retd.)
Chairperson

Place : New Delhi
Dated : 12 March 2011