

NEWS BROADCASTING STANDARDS AUTHORITY

Complaint No. 10 of 2012

Re: Telecast of programme titled “Kidney Kay Saudagar” on Zee News (Hindi) Television Channel at various times on 25th December, 2011

ORDER

1. Vide complaint dated 25th December 2011, one Dr. Santosh Aggarwal, Managing Director of Shivalik Hospital & Trauma Centre, Mohali preferred a complaint against a programme titled “Kidney Kay Saudagar” telecast on Zee News (Hindi) Television Channel owned and operated by M/s. Zee News Ltd. (hereinafter referred to as the “said Channel” and “said Broadcaster” respectively) at about 12 noon on 25th December, 2011, which telecast was subsequently repeated at various times on 25th December, 2011.
2. The main grievance in the complaint was that the said Channel had repeatedly telecast an incorrect report in relation to a kidney transplant centre by name Surya Kidney Care (the “said Kidney Centre”) which had indulged in certain illegal activities, by misrepresenting that the said Kidney Centre was part of Shivalik Hospital & Trauma Centre (hereinafter “Shivalik Hospital”) thereby bringing ignominy, bad name and disrepute to Shivalik Hospital. The contention of the complainant was that Shivalik Hospital is engaged only in orthopedic medicare and that the owner and management of Shivalik Hospital has nothing to do with the said Kidney Centre ; and that the only connection between Shivalik Hospital and the said Kidney Centre was that the latter was located on the 2nd floor of the Shivalik Hospital under a lease agreement between the parties. It was further the complainant’s contention that the said Kidney Centre was a totally independent unit under the ownership, management and control of one Dr. Arjinder Singh Bains; and that accordingly the said Kidney Centre and Dr. Bains alone were responsible for the activities that went on within the premises of the said Kidney Centre.
3. The complainant further alleged that after noticing the first broadcast on the said Channel on 25th December 2011, the complainant had sent three e-mails on the same day to the said Broadcaster to remove the unverified and misleading content from further telecast, but to no avail. The complainant contended that despite sending these three emails

whereby the complainant had requested the said Broadcaster to discontinue further telecast of the misleading matter and to issue a clarification to clear the complainant and Shivalik Hospital's name, the same matter was repeatedly telecast and no clarification was carried on the said Channel.

4. To understand the allegations contained in the complaint, the NBSA directed the said Broadcaster vide email dated 26.12.2011 to submit a copy of the accurate version of the broadcast(s) on a compact disc; date and time of the first broadcast and subsequent broadcasts; total duration of the broadcast and how many times this news/visuals were repeated; script of the initial broadcast and subsequent broadcast including that of "breaking news/alert", if any, within 7 days of the requisitioning in accordance with the NBSA Regulations.
5. The said Broadcaster in response vide email dated 1.1.2012, forwarded a response given to the complainant on 1.1.12, in which the principal submissions made by the said Broadcaster were as follows:
 - 5.1 That the name of Shivalik Hospital was carried in the said telecast on the basis of information received from the Deputy Inspector General of Police (DIG), Lucknow Shri B.S. Thakur, who had stated that a racket relating to illegal kidney transplants was being conducted in the hospitals by name Shivalik and Silver Oak;
 - 5.2 Furthermore, the said Broadcaster stated that their reporter based in Chandigarh - Shri Vishal Angrish - had tried to get the version from Shivalik Hospital but the doctors and staff present there had attacked the news-team, resulting thereby in damage to the camera carried by the news-team ;
6. Vide letter dated 25th January, 2012, the NBSA called both parties for a personal hearing which was held on 20th February, 2012. At the hearing Dr. Santosh Aggarwal, Managing Director, Shivalik Hospital appeared as the complainant; while Mr. Bhagabati Prasad Padhy, Advocate represented the said Broadcaster.
7. At the hearing, in response to the said Broadcaster's allegation that their news-team was manhandled while attempting to obtain the complainant's version in the matter, Dr. Santosh Aggarwal stated that on the contrary, he invited the news-team inside the premises and explained in detail to Shri Vishal Angrish the facts in relation to the matter

and informed him that Shivalik Hospital had nothing to do with the said Kidney Centre or with the kidney transplant operations being carried-on there ; and that the said Kidney Centre is only the tenant of Shivalik Hospital and is under the ownership, management and control of Dr. Arjinder Singh Bains.

8. Dr. Santosh Aggarwal further stated that as a matter of fact, he introduced Shri Vishal Angrish to Dr. Arjinder Singh Bains, and at that point Shri Vishal Angrish and Dr. Arjinder Singh Bains got into a scuffle which was also recorded by the camera carried by the news-team.
9. Dr Aggarwal contended that a totally different version of the entire scuffle episode was telecast on the said Channel ; whereas none of the persons involved in the manhandling of the news-team were associated with Shivalik Hospital: and it was Dr. Arjinder Singh Bains who was involved in the scuffle.
10. Accordingly, Dr. Santosh Aggarwal reiterated that the said telecast amounted to wholly malicious reporting of incorrect facts. In response to the said Broadcaster's submission that certain persons arrested in connection with the kidney transplant operations had also mentioned the name of Shivalik Hospital as being the place where this malpractice was happening, the complainant answered that such statements lacked credibility since the persons so arrested were illiterate and, in fact even the police in Lucknow was proceeding without knowledge of true facts. Dr. Santosh Aggarwal submitted, that in spite of having been informed the correct position, the said Broadcaster continued to report the same matter incorrectly throughout the day every 15 minutes or so, as breaking news and headlines; and that such act on the part of the said Broadcaster was grossly malicious and defamatory.
11. Dr. Santosh Aggarwal alleged that telecast of the said unverified reports by the said Channel had eroded the good name and reputation of Shivalik Hospital and of the doctor himself and had also caused immense mental agony to him and to his family.
12. Dr. Santosh Aggarwal further complained that his clarification on the matter as recorded at Dara Studio (Zee Studio) around 7.30 p.m. on 25.12.2011 was not telecast on the said Channel though he was informed that the clarification would be telecast in the 8.30 pm news bulletin on the same day. The complainant alleged that, regrettably, during interaction the reporter informed him that Shivalik Hospital which was virtually

unknown till now had got this free publicity worth many lacs of rupees on a famous national news channel i.e. Zee News. The complainant further stated in a subsequent news bulletin it was reported “Hospital Owners Ne Apna Palla Jhad Liya Hai Kidney Kand Se” without showing his recorded clip. This so-called clarification was given at 10.30 p.m. on 25.12.2011. Therefore, far from remedying the error, the said Broadcaster only compounded it.

13. At the hearing on 20th February, 2012 before the NBSA, the complainant also produced certain documents relating to the lease of a portion of Shivalik Hospital to the said Kidney Centre, which in substance bore-out the contentions of Dr. Santosh Aggarwal. It was noticed that in the lease deed dated 25/01/2010 signed between Shivalik Hospital and the said Kidney Centre, it was mentioned that the said Kidney Centre would include the name of Shivalik Hospital. The NBSA is of the view that in the face of the clarification that was evidently given by Dr. Santosh Aggarwal to the reporter of the said Channel, the initial broadcast, or at least the subsequent repeat broadcasts, of the said news item without clarifying that the said Kidney Centre while housed within Shivalik Hospital was not a part of the said hospital, but was under the ownership, management and control of an independent doctor namely Dr. Arjinder Singh Bains, ought to have been clearly aired. The NBSA is further of the view that the manner in which the said telecast was made, it clearly besmirched the reputation of Shivalik Hospital and of Dr. Santosh Aggarwal.
14. Mr. Padhy, Advocate, representing Zee News Ltd., confirmed that the version of Dr. Santosh Aggarwal was carried on 26.12.11 approximately at 5.00 p.m.
15. In this view of the matter, the NBSA is of the opinion that telecast of the programme titled “Kidney Kay Saudagar” on Zee News (Hindi) Television Channel at various times on 25th December, 2011 was done with lack of due diligence, lack of objectivity and lack of accuracy; and such action on the part of the said Broadcaster amounts to callous disregard for the reputation of a professional/organization.
16. Accordingly, the said Broadcaster was clearly in breach of the NBA Code of Ethics & Broadcasting Standards and Specific Guidelines Covering Reportage dated 10.2.09, in particular of Guideline 1 relating to **Accuracy** and Guideline 2 relating to **Impartiality, Neutrality and Fairness**; and the said Broadcaster was culpable for such breach.

17. The Authority therefore holds that M/s Zee News Ltd has violated the Code of Ethics & Broadcasting Standards and Guidelines issued by the NBA as aforesaid and the said Broadcaster is therefore hereby directed to do the following :

17.1 To telecast an apology by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel Zee News, prior to the commencement of the telecast of the **9 p.m. news** bulletin on **23.3.12**, stating the following (**text also to be translated in Hindi**):

“Zee News apologizes for mentioning the name of Shivalik Hospital, Mohali, Chandigarh in several of their telecasts “Kidney Kay Saudagar” on 25th December, 2011 since the same was a misrepresentation of facts, although not intentional. Any harm caused thereby to Shivalik Hospital and its Managing Director Dr. Santosh Aggarwal is deeply regretted.”

17.2 To submit proof of compliance of this Order by the said Broadcaster to the NBSA by submitting a Compact Disc containing the telecast of the apology, with particulars of the time and date of the telecast, within one week of the broadcast of such apology.

18. The Authority further directs the NBA :

- (a) to send a copy of this Order to the Complainant.
- (b) to also send a copy of this Order to the broadcaster Zee News Ltd. for necessary compliance.
- (c) to circulate this Order to all Members & Editors of NBA for information ;
- (d) to also host a 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 : March 19, 2012