

## News Broadcasting Standards Authority

### Order No 12 (2012) (SM)

**Re : Suo Motu action by the News Broadcasting Standards Authority in regard to telecast made on India TV on 7.4.2012 of footage relating to actress Ms. Sayali Bhagat admitted in hospital**

#### **O R D E R**

1. On 7.4.2012 M/s Independent News Services Private Ltd. carried on their news channel India TV a news report relating to an accident that had taken place at the inauguration of “Great Adventure Mall” in Noida. It was reported that in a promotional event that was held as a part of the inaugural function at the Mall a known actress Ms. Sayali Bhagat had sustained injury on her arm and was admitted to hospital in that connection.
2. The news report in question was viewed by the NBSA at its meeting held on 18.4.2012, and it appeared that in the broadcast the Channel had overstepped journalistic ethics inter-alia as contained in “Specific Guidelines for Reporting the Injured and the Ill” dated 5.3.2012. Inasmuch as the Channel had recorded and broadcast footage showing the actress in an injured condition, lying on a hospital bed, when it was evident from the circumstances that the actress did not wish to be video graphed or to be seen by the public in that state.
3. Thereupon the NBSA issued to the Channel notice dated 7.5.2012 calling upon the Channel to furnish to the NBSA the footage of the broadcast in question and to answer why action be not taken against it for violating inter-alia the provisions of the above Guidelines, which it was bound to comply with.
4. Channel gave its response vide letter dated 14.5.2012 and also submitted the footage in question. On 30.5.2012, the Channel was given a hearing before the NBSA, when Mr Vinod Kapri, Managing Editor, Mr Hemant Sharma, Director News and Ms Ritika Talwar, Legal Counsel appeared and made submissions on its behalf.
5. At the hearing held on 30.5.2012, the Channel defended the decision to telecast the footage in question, stating that they had not broadcast any footage that was distressing or offensive or against the wishes of the person who was featured, justifying it further on the basis that other news channels had also run similar footage while reporting on the incident at Great Adventure Mall, Noida. As for the issue of other channels having run similar footage, the NBSA asked the Channel to submit details of such other broadcasters, including if possible the footage telecast by them; and the NBSA would consider the same and take action as may be warranted in the facts of the case.
6. Upon a viewing of the broadcast made by the Channel of Ms. Sayali Bhagat in hospital it was evident that she did not wish to be video graphed or shown on television in that state. Ms. Bhagat was seen in the footage lying on a bed in a hospital room; with one arm in a cast ; raising and waving her (other) hand indicating that the camera person should stop recording the video ;.
7. Guidelines 2 and 3 of “Specific Guidelines for Reporting the Injured and the Ill” read as under :  
  
*“2. No broadcaster shall invade the privacy or violate the dignity of persons who are affected, injured and/or under treatment in hospitals and other similar places. When otherwise justified in public interest, care should be taken to record both audio and video in a way which minimizes intrusion and privacy of the patient. However, in case of objection, by the patient or any other person on his or her behalf, a broadcaster should not do any audio or video recording.”*

*“3. No broadcaster shall enter any casualty, intensive care unit, ward, room or other medical section of any hospital or other places without the express consent of the concerned persons.”*

(Emphasis Supplied)

8. After viewing the footage in question and hearing the broadcaster, the NBSA is clearly of opinion that the Channel has completely disregarded the guidelines on reporting on an injured person in hospital. No justification offered by the Channel explains the callous disregard shown by the Channel to the invasion of Ms Bhagat’s privacy in hospital. The footage itself shows that the Channel ignored Ms Bhagat’s remonstrations where she clearly communicated that she did not want to be video graphed in that state.
9. The NBSA therefore opines that the breach committed by the Channel must be visited with the following consequences :
  - 9.1 The broadcaster M/s Independent News Services Private Ltd must air an apology on the Channel India TV by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecasts on their channel India TV prior to the commencement of the telecast of the 8 p.m news bulletin on September 5, 2012 stating the following:

“इंडिया टीवी को खेद है कि 7.4.2012 को नोएडा के ग्रेट एडवेंचर मॉल में हुई दुर्घटना की रिपोर्टिंग करते समय घायल अवस्था में अस्पताल में भर्ती सयाली भगत की तसवीरें चैनल पर दिखाई गईं. ऐसा करके चैनल ने "अस्वस्थ व घायल व्यक्तियों से सम्बन्धित रिपोर्टिंग की विशिष्ट गाइडलाइन" का उल्लंघन किया, जिसके लिए इंडिया टीवी क्षमाप्रार्थी है”
  - 9.2 The broadcaster must ensure that all camera persons/reporters in their organization are properly acquainted with the “Specific Guidelines for Reporting the Injured and the Ill” dated 5.3.2012 so that such violations do not recur.
10. The NBSA further directs the NBA:
  - (a) to send a copy of this order to M/s Independent News Services Private Ltd for necessary compliance ;
  - (b) to circulate this order to all Members & Editors of NBA for information ;
  - (c) to also host a summary of this order on the NBA website and to include such summary in its next Annual Report.
11. Proof of compliance of telecast of the apology be submitted to News Broadcasters Association on compact disc within 7 days of telecast.

Place : New Delhi  
Dated : 29 August 2012

Sd/-  
Justice J S Verma (Retd.)  
Chairperson