

News Broadcasting Standards Authority

Order No 13 (2012)

Re: Telecast of programme comprising sting operation titled “Hanumana Hendiru” (Wives of Hanumantha) under title “Goenka Gari” on 17.1.2012 on TV-9 Kannada news channel owned by M/s. Associated Broadcasting Company Pvt. Ltd., Hyderabad

ORDER

1. A complaint dated 31.1.2012 was received from Ms. Geetha, member of Kranthi Karnataka (being a coalition of community based organization of sex workers, working for HIV prevention and for community rights) complaining against the broadcast on TV 9 Kannada news channel of a programme titled ‘Goenka Gari’ on 17.1.2012 alleging principally that such programme was in breach of journalistic ethics and in violation of the rights of sex workers inter alia as comprised in the NBA Code of Ethics & Broadcasting Standards and Specific Guidelines issued from time-to-time. It was stated in the complaint that the Programme broadcast on 17.1.2012 under the title “Goenka Gari’ was a re-run or re-telecast of old sting operation titled “Hanumana Hendiru” (Wives of Hanumantha).
2. In answer to the complaint, the Channel filed a reply dated 21.2. 2012 in which the Channel took the following principal defenses:
 - 2.1 that the Programme was a classic case of investigative journalism which brought to light an age old social evil when it was first telecast in December, 2009;
 - 2.2 that the Programme served to bring to the notice of the local administration that the problem highlighted therein existed in certain parts of the village, which needed immediate attention;
 - 2.3 that the broadcast of the Programme indeed goaded the local administration into action, leading to the arrest of concerned persons and to the raiding of shops which were facilitating the activity highlighted;
 - 2.4 that as a result of the Programme, the Government initiated an awareness drive to keep people away from evil that was highlighted, which brought positive change in society and was appreciated even by the local governmental authorities;
 - 2.5 that the Programme had received the country’s most prestigious journalism award namely the Ramnath Goenka Excellence Award in regional category for the year 2010 and the story was being categorized as being an excellent work of investigative journalism;
 - 2.6 that the Programme had been re-telecast on 17.1.2012 in the context of the award received and not claiming it to be a freshly done programme and the re-telecast of the programme was not intended to hurt anybody’s sentiments;
 - 2.7 that the story comprised in the Programme did not contain any wrong information.

3. Two significant aspects of the matter deserve to be noticed before proceeding with the merits of the case. These are :
 - 3.1 M/s. Associated Broadcasting Company Pvt. Ltd., owners of TV 9 Kannada channel which was a member of the News Broadcasters Association (NBA) as on 17.1.2012, i.e. the date of the telecast of the Programme, omitted to renew its annual membership upon expiration and consequently ceased to be a member of the NBA as of the date of hearing. Since the channel was a member of the NBA on the date of telecast of the Programme, it was bound by the discipline of the NBA and therefore the NBSA is required to entertain, consider and decide the complaint in respect of the programme;
 - 3.2 The NBSA is informed that Ms. Geetha, who had filed complaint dated 31.1.2012, as a member of Kranthi Karnataka, has since passed away; and therefore at the hearing Kranthi Karnataka was represented by Mr. Dilfaraz, a member of the Karnataka Sex Workers Union and Ms Akkai Padmarhali, Programme Manager, Sangama.
4. Notice of the hearing in the present case was sent to the Channel as well as to the complainant. While the complainant was represented by the above individuals, no one appeared on behalf of the channel to avail the opportunity given to it. However, in response vide email dated 20.6.12, the channel stated “that they would like to restate that the story was an investigative story as per the information and facts available at the time of telecast. The story has been appreciated and awarded for its efforts. The same story was re-telecast on the event of award”.
5. The NBSA viewed the Programme, response of the channel and also perused the scripts as submitted by the Channel and the complainant.
6. Conferment of any award to the channel by anyone else for the programme has no relevance to the issue for decision before the NBSA about the alleged violation of the Code of Ethics and Broadcasting Standards and Specific Guidelines.
7. The scripts show that the channel dwelt into the goings on in a place called Kudligi, Bellary District in Karnataka, which is claimed to be a famous place in the region. The Programme further went on to claim that Kudligi was best known for “flesh-trade” that went on there, where a mother encourages her daughter to enter the flesh-trade ; where a girl would negotiate the price for her sister ; where college girls, good looking girls, middle aged women, are all “available”. The Programme further portrayed that entire families, including brothers indulge in such trade and that the strange story behind these girls and their lives is that the village deity ‘Anjaneya’ stands as a mute spectator. The script further described the claimed availability of girls in the following words:

“It was like ants coming out of hole. Girls appeared one after another there seemed to be no hesitance (sic) or regret for being there.”

The narrative further said, that a woman

“ ... offered us her granddaughter and added that the pricing was on the higher side.”

The Channel went on to say that people claim that Lord Anjaneya, who was believed to a brahmachari, was married to all these girls and that these girls were the wives of a param-brahmachari. It was further stated that it was the continuance of the practice of

“devadasis”. It was also professed that the whole of Kudligi was inhabited by devadasis supported by politicians and the police.

8. The complainant urged that the entire recording on which the broadcast was based was done without disclosing to the concerned persons that they were being filmed and interviewed with the purpose of being featured in the Programme to be broadcast on a news channel.
9. It was clearly a sting operation according to the NBA Code of Ethics and Broadcasting Standards and Specific Guidelines. The question is whether this was necessary or was it possible to report and highlight the social evil without adopting deception.
10. If the intention was to expose a social evil and to compel the concerned public authorities to take action to curb the evil, it was not necessary to resort to a deceptive sting operation and to give such explicit description of the activity. It was possible to activate the public functionaries by reporting these facts even otherwise.
11. Furthermore, the content of the Programme was also in clear breach of the express provisions of the Cable Television Networks Rules 1994, which read as under:

“6. *Programme Code. – (1) No programme should be carried in the cable service which:-*

(a) *Offends against good taste or decency:*

(i) *Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;*

(k) *Denigrates women through the depiction in any manner of the figure of a women, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals”*

12. The said act clearly amounted to a breach of privacy of the concerned women, which was unwarranted.
13. The public interest served of activating the concerned authorities to curb this social evil did not warrant dissemination of this information to the viewers in general.
14. In view of the above, M/s. Associated Broadcasting Company Pvt. Ltd. has committed breach of the aforesaid Guidelines.
15. The NBSA therefore concludes that the channel must be visited with the following consequences:
 - a) The broadcaster M/s Associated Broadcasting Company Pvt. Ltd. must air an apology on the Channel TV 9 Kannada 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 TV 9 Kannada prior to the commencement of the telecast of the 8 p.m news bulletin on September 5, 2012, stating the following in both English & Kannada (following text to be translated in Kannada):

“TV 9 Kannada regrets that the programme titled “Goenka Gari” telecast on 17.1.12, violated the NBA Code of Ethics & Broadcasting Standards and Specific Guidelines relating to sting operations. Any distress or harm caused thereby in Kudligi village in Bellary district Karnataka is regretted”

- b) To recommend to the MIB that this violation by the broadcaster be treated as a violation at the time of renewal of license as per Clause 10 of the Policy Guidelines for Uplinking of Television Channels from India dated 5.12.11.
16. The NBSA further directs the NBA:
- a) To send a copy of this order to M/s. Associated Broadcasting Company Pvt. Ltd. and Kranthi;
- b) To send a copy of this order to the Secretary, Ministry of Information & Broadcasting;
- c) To circulate this order to all Members & Editors of NBA.
- d) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report.
17. Proof of compliance of telecast of the apology be submitted to News Broadcasters Association on compact disc within 7 days of telecast.

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

Place : New Delhi
Dated : 29 August 2012