

News Broadcasting Standards Authority

Order No 24 (2014)

Complaint filed by Mr. R.K. Lal, Administrator, Mallige Medical Centre Pvt. Ltd., Bangalore against CNN IBN regarding programme titled “Bangalore woman incapacitated after botched surgery” from 29.3.2013 to 31.3.2013 again telecast on 6.4.2013, and repeated on 7.4.2013 and also telecast in the programme Face the Nation on 1.4.2013.

1. Complaint dated 25.10.2013 was received by NBSA from Mr. R.K. Lal, Administrator, Mallige Medical Centre Pvt. Ltd regarding the above programmes. It was alleged that the broadcaster without verifying facts of a *sub judice* matter pending before the Karnataka Medical Council, a statutory quasi judicial body had broadcast a one sided story on their channel CNN IBN, which was biased, one sided and defamatory, and which adversely affected the reputation of the hospital in the eyes of the public. It was further alleged that no attempt was made by the broadcaster to contact them to get their version. The complainant stated that the broadcaster by airing the said programmes had violated basic journalistic ethics and violated various provisions contained in the NBA/ NBSA “Guidelines on Broadcast of Potentially Defamatory Content & also Specific Guidelines for Reporting the Injured & the Ill”

2. NBSA at its meeting held on 18.9.2013 considered the complaint; response of the broadcaster, viewed the CD and decided to hear the complainant and the broadcaster.

3. Accordingly, complainant and broadcaster were called for a hearing on 25.10.2013. At the hearing the following persons were present:

Mallige Medical Centre Pvt. Ltd. (Complainant):

Mr. R.K. Lal – Administrator – MMC

Mr. E.C. Vidyasagar – Advocate

Mr. Gurudatta Ankolekar – Advocate

Mr. Azeem A. Kalebudde – Advocate

Ms. Sumyya Jain – Intern Advocate

Broadcaster (Channel :CNN IBN):

Ms. Kshipra Jatana – Group General Counsel

Mr Radha Krishna Nair – Director, News

Mr Gautam Dubey – Senior Manager – Legal

4. The broadcast related to the treatment of the patient (Mrs. Shylaja) showing her as a victim of medical negligence by the hospital, when the matter was pending before the Karnataka Medical Council, a quasi judicial body. The grievance of the complainant was that the broadcaster had aired a one sided alleged medical negligence story at the instance of one Mr. Muniraju, a citizen journalist and husband of Ms. Shylaja, in violation of the Specific Guidelines titled “Guidelines of Broadcast of Potentially Defamatory Content”; “Guidelines for Reporting Court Proceedings” and “Guidelines for Reporting the Injured and the Ill”; and that the broadcast has tarnished the reputation of the hospital which has been functioning for the last 35 years. It was contended that the claim of the broadcaster that their correspondent had approached the hospital for their views was false as they neither received any email nor did the correspondent approach the hospital to obtain their views before the telecast. The complainant further stated that despite the hearing having been fixed for 25.10.2013, the broadcaster had resorted to a repeat telecast of the programme in October 2013. The complainant also brought to the notice of the NBSA that the Karnataka Medical Council in their final order dated 22.8.2013, had exonerated Mallige Medical Centre of medical negligence. The complainant also informed NBSA that Mr. Muniraju has filed a complaint before the National Consumer Redressal Commission, which is pending. In view of the violation of the aforesaid Guidelines the complainant demanded an apology from the channel.

5. The broadcaster stated that they had aired the programme in public interest and they had not violated the Guidelines. They stated that their correspondent had made several attempts to speak to the concerned doctors to get their point of view, which remained unsuccessful. The broadcaster on being asked whether they had sent any written communication to the hospital for their comments before airing the story, they stated that they would check with their correspondent and if there was any communication, they will file it before NBSA. But no such document has been filed.

6. On being asked why the patient Shylaja was shown in distress and without masking her face contrary to the Guidelines, the broadcaster reiterated that the programmes were telecast in public interest to highlight medical negligence cases. It is contended that showing the patient was with the consent of the family, with the husband himself acting as a citizen journalist. It was stated that unless the patient was shown, the effect of medical negligence would not be evident and the purpose of the programme will not be achieved.

7. On considering the facts, circumstances and contentions and viewing the CD, NBSA is of the view that the broadcaster CNN IBN channel was in breach of provisions in the NBA Code of Ethics and Guidelines relating to accuracy, impartiality, objectivity, neutrality in reporting, as it had failed to perform due diligence and had violated the Guidelines for Reporting the Injured and the Ill. The broadcaster had failed to make adequate efforts to contact the hospital to ascertain its version of the events.

8. In regard to the complaint that the broadcaster has violated the Guidelines for Reporting the Injured and the Ill, NBSA is of the view that on the facts, the hospital has no locus to complain. But NBSA is nevertheless of the view that, as Smt. Shylaja was not capable of giving consent, the broadcaster should have made an effort to show the patient in a manner which did not affect her dignity.

9. NBSA therefore directs that the broadcaster (CNN IBN channel) be visited with the following consequences:

(a) NBSA warns the broadcaster for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines and also for wilful violation of the Guidelines for Reporting the Injured and the Ill.

(b) NBSA decided that the channel be asked to tender an apology by once airing on **Friday, January 10, 2014 prior to the commencement of the 9 pm news** 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 CNN IBN by stating the following:

“CNN IBN regrets and apologises for airing the programme titled “Bangalore woman incapacitated after botched surgery” without ascertaining the version of Mallige Medial Centre Pvt. Ltd., on 29.3.2013, 30.3.2013, 31.3.2013, 1.4.2013, 6.4.2013 and 7.4.2013”

(c) The video of the said programme, if hosted, on the website of CNN IBN or other links shall be removed immediately.

10. NBSA further directs the NBA:

(i) To send a copy of this order to the complainant and the news channel;

(ii) To circulate this order to all Members & Editors of NBA.

(iii) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report.

(iv) Release the Order of NBSA to the media.

11. Proof of compliance of telecast of the apology be submitted to News Broadcasters Association on compact disc within 7 days of telecasts.

Sd/-
Justice R.V Raveendran (Retd.)
Chairperson

Place : New Delhi
Dated : 6.1.2014