

## **News Broadcasting Standards Authority**

### **Order No 25 (2014)**

#### **Complaint dated 24.12.2012 filed by Mr. Hariharan S. regarding a child rape victim identified by CNN IBN journalist while covering the protest at India Gate on 23.12.2012**

1. The complaint was considered by NBSA at its meeting held on 20.2.2013, which related to the “live” coverage of the protest at India Gate on 23.12.2012 by CNN IBN channel post the Nirbhaya gang rape in Delhi a few days ago. In the said coverage, the father of a child rape victim had used the opportunity of the “live” telecast at India Gate to convey to the public his anguish that despite three months having passed, no action had been taken by the authorities. The child rape victim’s father was not morphed as it was a “live” telecast.
2. NBSA on considering the complaint and viewing the footage had noted that the broadcast of the impugned footage in the backdrop of the protest at India Gate had to be seen in the larger perspective and context, namely the anguish of a common man, who was voluntarily giving information relating to the rape of his young girl child, and the insensitivity of the establishment whereby no action had been taken by the authorities for him to get speedy justice. Viewed with this perspective, the broadcast could not be faulted since it was part of an “unstructured live telecast” of an event at India Gate. NBSA then decided that no further action needs to be taken in the matter.
3. On being informed of the decision of the NBSA, the complainant requested that the ex-parte order of the NBSA be set aside and to restore the complaint. He also gave reasons as to why he wanted to contest the response given by the broadcaster.
4. NBSA at its meeting held on 18.9.2013, re-considered the complaint, response of the broadcaster and viewed the CD and decided to hear the complainant and the broadcaster alongwith the concerned editor/ producer who cleared the story to appear before the NBSA. Accordingly, the complainant and the broadcaster were called for a hearing on 25.10.2013.
5. On receipt of the communication regarding the hearing, the complainant cited personal reasons for his inability to attend the hearing and requested for postponement to a later date. The complainant agreed to be present if the hearing is fixed on 13.11.2013, which was the next date of the NBSA meeting.

NBSA agreed to postpone the hearing and informed the complainant that no request for further deferment of hearing would be entertained in the matter; and NBSA would proceed to determine the matter based on the material available before it. The complainant had informed by email dated 12.11.2013 that he was unable to attend the hearing on 13.11.2013 due to a bereavement in the family and that the NBSA could proceed with the hearing in his absence.

6. The following representatives of the broadcaster were present at the hearing and they were informed that the complainant would not be present at the hearing and the NBSA would rely on the written submissions of the complainant.

**Broadcaster (Channel: CNN IBN) :**

Mr Radha Krishna Nair – Director, News

Mr Gautam Dubey – Senior Manager – Legal

Mr. Hariharan S: (**absent** )

7. Mr. Radha Krishna Nair representing the channel stated that the byte of the child rape victim's father was not pre-determined or pre-conceived. The gentleman was part of a very large crowd and several protesters were highlighting how their grievance was not being heard by the police and law enforcement agencies. In the instant case the anguish of the father was that despite his six-and-a-half years old child having been raped, no action had been taken by the police authorities to identify and apprehend the offender. The father by highlighting his plight was only seeking justice. The reporting was certainly in public interest and part of a live programme. Mr. Nair stated that by revealing the name of the rape victim's father they have not violated the provisions of the Juvenile Justice Act.

8. Mr. Hariharan contended that even in a live programme, the identity of a victim or her parent could be protected without morphing. He stated that a newspaper or a handkerchief can be used to hide his face.

9. The broadcaster fairly admitted that irrespective of the circumstances under which the coverage was done, it was possible to have been more careful, but in a surcharged atmosphere, which was being captured live, it was not thought of.

10. Mr. Nair assured the NBSA that they regularly sensitize their editorial personnel including camerapersons on as to how to report sensitive matters; and that it is their constant endeavour to ensure that the NBA/ NBSA Codes and Guidelines are followed in both letter and spirit.

11. On the facts and circumstances, NBSA felt that there was a breach. NBSA closes the matter with a warning to the broadcaster to be more careful and responsible in future. If the video is on the website of IBNLIVE.COM or any other link, it shall be removed and compliance shall be reported within seven days of receipt of the same.

12. NBSA directs NBA:

- a) To send a copy of this order to the complainant and the broadcaster;
- b) To circulate this order to all Members & Editors of NBA;
- c) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report;
- d) Release the Order to the media.

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

Place : New Delhi  
Dated : 6.1.2014