

## **News Broadcasting Standards Authority**

### **Order No. 26 (2014)**

**Complaint dated 13.5.2013, against Sakshi TV programme aired on 12.4.2013 titled “drunken girls hulchul midnight’ and case filed against pub management by 4 students of NALSAR**

1. NBSA at its meeting held on 18.9.2013, considered the complaint dated 13.5.2013 by four students of NALSAR and the response of Sakshi TV. NBSA also considered the representations received from Network of Women in Media (NWI) & AP Electronic Media Journalists Association, Hyderabad (APEMJA) and also viewed the CD in respect of the said telecast. After deliberations, NBSA decided to hear the complainant, broadcaster and AP Electronic Media Journalists Association, Hyderabad (APEMJA).

2. The complainants, Sakshi TV and APEMJA were called for a hearing on 25.10.2013. At the hearing the following persons were present:

Ms. Shruthi (**Complainant**)  
Ms. Megha (**Complainant**)  
Ms. Prachi (**Complainant**)  
Mr. Rajshekhar Rao – Advocate  
Ms. Zehra Khan – Advocate

#### **Indira Television Ltd. (Sakshi TV)**

Mr. S. Sriram – Advocate  
Mr. P. Subash – Legal Head  
Mr. Ch. Satish – Sub-Editor

} On behalf of broadcasters

AP Electronic Media Journalists Association, Hyderabad (APEMJA) did not respond to the communication nor appeared before the NBSA.

3. The complainants stated that the students of fourth year at NALSAR University of Hyderabad had hosted a private farewell party for their seniors (including the complainants) at “Rain Club”, Hyderabad. After the party was over, while they were escorting their friends and juniors into their pre-paid cabs they noticed an unknown individual standing by their cabs with his camera phone pointed at their female friends who were boarding their cabs. Suspecting that the individual was video graphing and photographing the girls, he was approached with a request to hand over the phone, failing which they would report the matter to the police. The individual handed over a phone to the girls. However, after they left the place with the phone, they realised that the phone

they received was a dummy phone. They returned to the “Rain Club” to return the dummy phone and confront the person who took the photos and talk to the police officials about filing an FIR for voyeurism against the individual.

4. Upon their return, they found that their juniors had left and a crowd had gathered outside the club, which included the individual who had taken their photographs and his friends. Along with them two or three policemen were also present at the scene and they noticed a van belonging to ABN Andhra Jyothi parked next to the footpath. The complainants alleged that while they were speaking to the policemen, the individual and his friends approached them and started making unsavoury comments, which led to an argument between them, which was video graphed by the cameraman of ABN Andhra Jyothi. The complainants alleged that the cameraperson of ABN Andhra Jyothi instead of stopping the video shoot, followed them and made provoking comments, which made them feel insecure as the situation was getting out of control. The complainants alleged that the TV footage aired subsequently, showed the camera targeting two of the girls specifically and that the camera person thrusting his camera into their cab through the window intruding upon their privacy and preventing them from leaving the scene; and footage also showed that they were incessantly heckled and harassed by the camera man who repeatedly taunted them and made comments such as “come out”, “speak up now”, “you wanted to speak, why are you now sitting quiet”. Eventually when the senior police officers arrived they left the scene and reached the campus at 12.30 am.

5. The complainants alleged that the next morning i.e. 12.4.2013, they discovered to their shock that some local TV channels had broadcast the truncated footage of the incident of previous night without verifying the facts with the subjects of the video. The footage was aired on ABN Andhra Jyothi, TV 9, CVR News, Studio N, N TV (non-members), TV 5, (a member then but subsequently ceased to be a member of NBA), News 24 and Sakshi TV members of NBA. The complainants, however, filed the complaint only against the broadcaster (Channel Sakshi TV), a member of NBA.

6. The complainants alleged that the broadcaster replayed the footage obtained from another channel with their own editing and video clippings and that the facts were continuously manipulated and misrepresented; that the reportage was erroneous and defamatory comments were made by referring to them as “drunk”, “half naked” and “nude” and further obfuscated the facts by employing editing tactics such as blurring out portions of one of their member’s dress to

make it appear that they were dressed in an indecent manner. The channel in their reportage also showed statements of some local politicians thereby misleading the viewers and attempting to draw public opinion.

7. The complainants alleged that the video footage and the method of reporting undertaken by the broadcaster (Channel Sakshi TV) were in clear violation of guidelines relating to “impartiality and objectivity in reporting; ensuring neutrality; depiction of violence or intimidation against women and children; privacy; Guidelines on “Broadcast of Potentiality Defamatory Content” and “Guidelines for Conducting Sting Operations” and sensationalized the broadcast.

8. During the hearing the complainants alleged that their attempt at contacting the media channels to clarify their story were fruitless. Only HMTV, a member of NBA, and a few other channels responded to their claim. Instead, they received a letter dated 20.4.2013, from Mr. C. Hariprasad, President, APEMJA, which made no attempt to respond to their allegations, but further claims were made against them that questioned their character. The complainants alleged that APEMJA carried out *mala fide* and a vicious vendetta against them on the pretext of targeting “pub culture” via a sting operation; that APEMJA also started a signature campaign against them titled “condemn the action of a group of students for assaulting media persons”; and that the host website (change.org) in a regular security check found that 97% of the signatures were fake; the complainants also alleged that APEMJA had procured a spoof video made by one of the students for some other party, which they wrongly claimed was the invitation to the farewell party at “Rain Club”. They alleged that this was a false and baseless claim and a viewing of the said video (which APEMJA called the “daaru party” video or the “invitation to party”) made it obvious that this video and the “Rain Club” party were completely and totally unrelated. It was made for circulation among the students, purely for their entertainment and was published on Youtube on 22.3.2013. It was made private (visible only to the maker) in two weeks’ time on 6.4.2013, five days prior to the farewell party.

9. The broadcaster (Channel Sakshi TV) during the hearing stated that they had aired the news after coming to know that an FIR was registered by ABN Andhra Jyothi reporters against the students. They had aired the visuals and covered the same on their channel so as to emphasise that pubs were illegally open beyond the licence hours and to highlight indecent act being committed by students/young people at midnight, at a critical time when “Nirbhaya” incident was being debated all over the country. The broadcaster justified the broadcast

by stating that it was aired in public interest. Broadcaster further stated that other media persons/reporters had approached the State Human Rights Commission against the students for their indecent behaviour at midnight and several media channels had aired the same visuals; and that they had broadcast the visuals only after the confirmation that Jubilee Hills Police Station had registered the case. The broadcaster stated that the news was telecast in good faith without interfering with the privacy of any individual; and that the incident happened on the public road, which led to public nuisance, and the telecast was based upon the information and the incident that led to registration of a crime by the police in regard to the said incident. According to the channel, the video footage and the news telecast on Sakshi TV pertained to public nuisance on a main road having public access and the object of the telecast was to highlight the fact that the bars were opened beyond the licensed hours. Sakshi TV, alleged that its crew did not interfere with the privacy of any persons, including that of the four students. It was contended that the incident that recorded in any private place, and that a bare perusal of the entire news along with the ticker that was displayed clearly established that there was no reference to any individual by name; and the news was telecast without sensationalizing the issue, while other channels had sensationalized the issue. The broadcaster stated that the complaint against the telecast was unwarranted and it infringed their freedom of expression. The broadcaster further stated that on coming to know that the persons involved in the incidents were students, the broadcaster immediately stopped any repeat telecast, thereby maintaining highest journalistic ethics. The broadcaster justified that the telecast was of the video footage of the true facts and that the incident took place in a public place leading to registration of a crime by the police and such telecast cannot be considered as being against the Code of Ethics and Broadcasting Standards of NBA/NBSA. The broadcaster also stated that they had made an offer to the students to telecast their views/version on their channel provided the students gave a day's notice in advance.

10. APEMJA did not attend the hearing or respond to the communication sent by NBSA, which contained all the documents relating to the complaint. NBSA decided to consider the letters dated 17.4.2013, and 20.4.2013 of the APEMJA, wherein they contended that a public duty was cast upon media to expose incidents of illegality and vulgarity resulting in public nuisance and serving of liquor by the pub management to the customers below the statutory age limit and that too beyond the licence hours.

11. NBSA considered the submissions and was of the view that the broadcast intruded into the privacy of the students; there was no objectivity, impartiality or neutrality in reporting the incident; there was no verification of facts; and that it caused unwarranted distress to the students; and that the story was one sided as the views of the students were not taken into consideration before broadcast. NBSA also found that the manner in which the camera man thrust the camera inside the car through the window taking shots of the cowering girls inspite of their objections with taunts demanding comments and telecast of such footage were highly objectionable and violated the norms.

12. NBSA therefore directs that Indira Television Ltd. (Sakshi TV channel) be visited with the following consequences:

(a) The broadcaster be censured for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines, wilful violation of the NBSA Guidelines on “Broadcast of Potentiality Defamatory Content” and “Guidelines for Conducting Sting Operations”, for sensationalizing the broadcast

(b) The broadcaster is imposed a fine of Rs.1,00,000/- (Rupees One Lac Only) payable to NBA (News Broadcasters Association) within 7 (seven) days of receipt of this Order.

(c) The broadcaster (channel: Sakshi TV) shall tender an apology for three consecutive days on 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> January, 2014 prior to the commencement of the telecast of the 8 pm news bulletin 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 Sakshi TV by stating the following in both English and also in Telugu (by translating the matter into Telugu) :

**Sakshi TV regrets and apologises for broadcasting the programme titled “drunken girls hulchul midnight” on 13.5.2013, which intruded into the privacy of the students of NALSAR, Hyderabad. The channel made the broadcast without making adequate efforts to obtain the views of the students before the broadcast.**

(d) The video of the said programme, if hosted, on the website of Sakshi TV or other links shall be removed.

13. NBSA further directs the NBA:

- a) To send a copy of this order to the complainants and the news channel;
- 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 media.

14. 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