Decision dated 18.7.2017 regarding letter dated 25.1.2017 received from Assistant Director, EMMC forwarding therewith various CDs along with reports on Violation of Programme Code in various channels Mathrubhumi News 2 violations on 2.12.2016 at 08:42:12 and 08:43:23

NBSA at its meeting held on 24.4.2017 had considered the EMMC report which stated that the telecast of news report 2.12.2016 (08:42:12) showed a youth who died during a scuffle after a football match at Bovikanam in Karagode district of Kerala and that close ups of the blood stained visuals of the deceased named Abdul Khadar lying on the hospital bed were shown and the second news report on 2.12.2016 at 08:43:23 relating to a child's death allegedly due to hospital negligence in Thiruvananthapuram district of Kerala, also showed repeatedly the close-ups of the lifeless body of the deceased boy Jaffarudeen from Azhakiamandapam lying on the hospital bed.

Broadcaster stated in response that in the telecast of news about the death of a young man in Bovikanam and about the death of an infant due to medical negligence there was nothing disturbing or against good taste or not suitable for unrestricted public exhibition. Both were important news items aired in good faith and in the interest of general public. Broadcaster contended that both complaints were factually incorrect and hence, further proceedings may be dropped.

NBSA considered the report of the EMMC, response from the broadcaster and also viewed the CDs. NBSA noted that the broadcaster in their response stated that the telecast of news about the death of a young man in Bovikanam and about the death of an infant due to medical negligence, there was nothing disturbing or against good taste or not suitable for unrestricted public exhibition. Both were important news items aired in good faith and in the interest of general public. NBSA noted that the repeated showing of un-blurred visuals were found to be unwarranted. NBSA was of the view that the broadcaster had violated the NBSA Specific Guideline 3.6 which states that *"the dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown*". NBSA therefore decided that the broadcaster be requested to appear for a hearing at the next meeting of the NBSA.

Accordingly, the broadcaster was requested to appear before the NBSA on 18.7.2017. The following persons appeared:

1. Mr. B.G. Bhaskar, Advocate
2. Mr. Anil Prathap D.K., Manager Legal

Mr. B.G. Bhaskar, Advocate appearing for the broadcaster raised the following two preliminary issues:

(i) NBSA could not entertain the complaints as it was time barred as the NBSA regulations require that the complaint should be filed within fourteen days of the broadcasts.

(ii) The EMMC report stated that the channel had violated the specific rules, Rules 6:1: [a] and 6:1:[o] of the Programme Code, of the Cable Television Network Rules. There was no allegation of the channel having violated any of the Guidelines specified by the NBSA. The complaint therefore does not merit any consideration by the NBSA.

Mr. Bhaskar also stated that as the enquiry was not against any violation of the Cable Television Network Rules or of the Programme Code prescribed by those rules, but against the alleged violation of the guidelines of the NBSA, the respondent has filed a detailed statement explaining that there is no violation of the specific guideline mentioned in the notice viz: 3:6 which states that the *"dead must be treated with respect. Close up of dead or mutilated bodies should not be shown"*.

Mr. B.G. Bhaskar, the Learned Counsel, stated that the first complaint relates to three visuals of a child lying on a bed. These three visuals were shown along with the narration of the news that the parents of this child had voiced complaints of medical negligence against the hospital, where the child was taken for treatment initially. The first visual shows the child in a prone position on a bed with eyes closed. This is followed by a second visual showing the face of the child, again in repose. The third visual shows the full image of the child lying on a bed. None of the three visuals, the Counsel submitted would violate guideline number 3:6. Guideline 3:6 is intended to preserve the dignity of the dead body. The first part of the guideline expressly states this fact. The latter part of the guideline, is only an elaboration of the idea contained in the first part of the guideline. The three visuals of the child did not in any way denigrate the dead. The intention of the latter part of the guideline is apparently not to offend the sensibilities of the deceased, his relatives, or of the viewing public, with respect to the dead body, as is amply illustrated by the word mutilated, occurring in the guideline. The sentiments and sensibilities of the relatives and the viewers, would be affected only if there is anything grotesque, or unnatural depiction of the dead body in the visual. In the instant case, the three visuals show the body of the child in a calm, serene pose, and it would look as if the child was just asleep. No one can possibly complain about any disrespect to the dead body, in any of the three visuals. It may be noticed that showing a dead body as such is not prohibited by the guidelines. As long as there is no disrespect evident from the visual, it cannot be said to be in violation of guideline 3:6.

With regard to the second visual, the Learned Counsel stated it showed the dead body of an adult on a bed, with indications of having been medically attended to before his death. Considering the intention behind guideline 3:6 which has to prevent disrespect to the dead body, this visual shown by the channel, can never be characterized as showing any disrespect to the dead body. It is also to be noticed that there is no close-up of the dead body at any time. The voice-over accompanying the visual refers to the death of the deceased during a football match as a result of sustaining stab wounds. The bloodstains on the bandage appearing on the right-hand side face of the dead body, cannot be classified as "gory" or repulsive by any viewer.

The Counsel submitted that without the two visuals, a mere narrative of the news, regarding the death of a boy, and the death of a footballer, will not focus the attention of the viewer to the poignant tragedy in both cases. Mere obituaries will be prosaic and is likely to be ignored by the viewers. It is also significant in this context to point out that the relatives of neither the boy nor the footballer, have made any complaints of the two visuals amounting to disrespect of the deceased at any time. In fact, the relatives of both of them had expressed their gratitude for the coverage of the news by the channel, which clearly implies that neither the relatives nor the numerous friends and well-wishers of the two deceased persons had felt that any disrespect was being shown to the dead bodies by the visuals.

The Learned Counsel stated that in the present case, the two visuals forming part of the regional news, have been exhibited in a serious matter of fact manner that does not result in any disrespect to the dead. As contended in the response of the news channel to the NBSA, the two items of news with the corresponding visuals, are justifiable on the ground of public interest, and is part of the journalistic objective of highlighting before the public conscience, instances of condemnable conduct and actions, affecting the public life in current society. He also relied upon the decision of the Hon'ble Supreme Court in the matter relating to Phoolan Devi – 1996 [4] SCC 1.

In view of the above submissions, the broadcaster stated that this suo motu action against the Mathrubhumi TV channel be dropped.

NBSA considered the submissions made by the Counsel and decided that while it is the duty of the news channel to report news, which may be in public interest and the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner that the dead must not be subjected to unnecessary media glare. In this case the repeated close-ups were not warranted. NBSA decided that the broadcaster be warned to be more careful in future while reporting such matters. NBSA decided to close the matter and inform the broadcaster and MoI&B accordingly

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