

**News Broadcasting Standards Authority  
Order No. 66 (2019)**

**Order of NBSA on email dated 18.6.2018 from Dir (Media) for Additional Directorate General of Public Information, Integrated HQ of MoD (Army) regarding showing of video of Rifleman Aurangzeb released by JeM**

**Complaint dated 18.6.2018 from Army:**

The complaint related to the telecast of a video of Rifleman Aurangzeb (which was released by a terrorist organization that had abducted and later killed Rifleman Aurangzeb in Pulwama district of J&K) on various channels on 15<sup>th</sup> and 16<sup>th</sup> June 2018. In the video, the terrorists can be heard saying that they had abducted him to avenge neutralization of a fellow terrorist who had been earlier eliminated in army operation. It is evident that the video was made by them with a sole aim of terrorizing local populace. Though the Additional Directorate General of Public Information Army Headquarters expressed reservations regarding its telecast and requested that it should not be aired, a number of channels (including News X, ABP News, Aaj Tak, India Today, Zee News, India TV and Republic) aired the footage and in some cases showed it as screen shots. Most channels showed the video glamourizing terrorism. Telecast of issue of such pictures or videos vacuously lends itself to terrorist propaganda, apart from affecting the dignity of the deceased soldier. The channels failed to show sensitivity towards the family of the deceased soldier. Moreover, Geneva Convention too protects soldiers under captivity from such exploitation. Intentionally or unintentionally there has been a serious error of judgment & editorial oversight and the channels have violated Para 3 of Principles of Self-Regulation mentioned in Code of Ethics & Broadcasting Standards. Though the army respects the freedom of speech of the media, it wants the rights of a soldier and his family to be protected with equal sensitivity. The army therefore desired that its deep objection and displeasure in regard to the matter be communicated to the editors of the channels.

**Action taken by NBSA**

NBSA circulated the complaint (email) on 19.6.2018 to all Members and Editors of NBA for their information.

NBSA at its meeting held on 30.10.2018 considered the above complaint and decided that the channels that had aired the footage as noticed by the army i.e. News X, ABP News, Aaj Tak, India Today, Zee News, India TV and Republic, be asked to submit the CD with the details of the broadcast/s. NBSA also decided to inform the complainant (The Army Headquarters) that it had taken cognizance of the complaint and requested them to submit the video of the alleged broadcasts to NBSA. In pursuance of the above, the broadcasters and the Army were requested to submit the CDs. ABP News, India TV, TV Today and News X submitted the

footage. There was no reply from Republic TV. Zee News informed NBSA that the required footage is not available as 90 days have already elapsed.

The question before the NBSA was whether electronic media, which has immense impact in the minds of viewers and which should act in the interest of the public/nation, should provide a platform to terrorist organization/s to spread their message of hatred and provocation, as such type of callous reporting may mislead and encourage some misguided individuals to incite or resort to violence. NBSA therefore decided to call upon the broadcasters to give their response and also submit CD's if not already submitted; and that the Army be also requested to submit the footage. NBSA decided to call the parties for a hearing at its next meeting.

NBSA at its meeting held on 25.2.2019 again considered the complaint received from the army and viewed the footage of the alleged broadcast received from the Army on 22.2.2019 with regard to India TV, News X, ABP News, Zee Media, Republic TV, India Today, Aajtak and CNN news 18. NBSA noted that airing of the said video was in violation of Code of Ethics and Broadcasting Standards and Specific Guidelines Covering Reportage relating to *Reporting on crime and safeguards to ensure crime and violence are not glorified; Endangering national security and Specific Guidelines Covering Reportage and Law & Order, Crime & Violence and National Security*.

NBSA therefore decided that the broadcasters be directed to submit their responses with regard to the above violations and also appear before the NBSA at its next meeting. It also decided to inform the Army of the hearing.

On being served with notice, the following persons were present at the hearing on 28.3.2019:

**On behalf of Complainant [Army]:**

Col. A. Mitra, SM, COI (Media) ADGPI/IA

Lt. Col P.K Sharma, GSOI (Media) ADGPI/IA

**On behalf of Independent News Services Pvt. Ltd. [Channel: India TV]**

Mr. Rohan Swaroop, Advocate

Mr. Arun Pandey

Ms. Ritika Talwar, Legal Head

**On behalf of Zee Media Corporation Ltd. [Channel: Zee News]**

Ms. Annie, Asst. Manager, Legal

**On behalf of TV18 Broadcast Ltd. [Channel: CNN News18]**

Mr. Sudeep Mukhia, Executive Editor

Ms. Aditi, Manager Legal

**On behalf of TV Today Network Ltd. [Channels: Aaj Tak & India Today]**

Dr. Puneet Jain, Chief Law Officer

Mr. Manish Kumar, Executive Editor

Mr. Vishal Pant, Executive Editor

Ms. Priyal Agarwal, Advocate

**On behalf of ABP News Network Pvt. Ltd. [Channel: ABP News]**

Mr. Kishan Singh Rawat, Head – Admin & Regulatory Affairs

Mr. Puneesh Kochhar, Legal Consultant

**On behalf of Direct News Pvt. Ltd. [Channel: News X]**

Mr. Abhay Batra, Advocate

Mr. Jabar Singh Panwar, Asst. Deputy Editor

[ Note: Republic TV neither responded to the mails sent by NBSA, nor attended the hearing or sought leave from attending the hearing. NBSA decided to convey its displeasure to the Editor in Chief of the said channel.]

### **Submissions made by the Army:**

Col Mitra reiterated the submissions made in the mail dated 18.6.2018. He laid stress on the fact that in utter disregard of the request of the Army (through the correspondents of news channel who are in touch with the spokespersons of the Army) not to carry the propaganda video on their channels, the channels aired the footage and, in some cases, showed it as screen shots. He pointed out that the Geneva Convention protects soldiers under captivity from such exploitation. Another point made was that the families of the martyred soldiers should be left alone when in mourning and the media should avoid showing heart broken, grieving/weeping family members of the martyred soldiers. He stated that the channels should respect the privacy of the families of deceased soldiers and not visit the families for interviews/bites/comments, when the families are vulnerable and emotionally torn. He further stated that scenes of grief shown on TV channels can demoralize the public and could lead to many families deciding not to send their children to join the armed forces. On the contrary, channels should show programmes showing the valour of our soldiers so that families are encouraged to send their children to join the armed forces.

### **Submissions made by the Broadcasters:**

The broadcasters submitted that the footage was picked up from ANI and all the channels carried it and not just the few that has been named by the Army. They stated that the rifleman was off-duty and was going home to celebrate *Eid al-Fitr*, when he was abducted. Army started investigating the whereabouts of the rifleman and it was the army which provided the information of the missing rifleman. They stated that the impugned broadcast was meant to inform the public of the various cowardly acts of violence committed in Kashmir by terrorists and stone pelters during the month-long period of cease-fire announced by the Ministry of Home Affairs during the auspicious month of Ramzan. They stated that their broadcasts consistently referred to the acts of the terrorists as “cowardly” and showed the armed forces of the nation in a positive light; that the broadcasts also warned the terrorists that such acts of violence will not be taken lying down; that such messages

are essential to convey to the enemies of the nation that the nation is with the armed forces and united against terrorism in the Kashmir valley. Broadcasters submitted that their intention behind broadcasting the story, was neither to glamourize violence or terrorism nor encourage the secessionist groups and interests, but to express anger and disgust against those who had abducted and killed the soldier. They contended that showing the video/pictures were necessary to raise questions over the abduction of the soldier and the object of the telecast was to condemn terrorism. They did not agree that the telecast lent itself to any terrorist propaganda. They submitted that all possible care was taken to respect the privacy of the deceased and avoid distress to the family while reporting the incident by showing the footage and while interviewing the kin of the deceased soldier; that the facts were reported objectively and the reporting was not intended at creating panic, distress or undue fear among viewers; and that they proceeded cautiously in airing the story and took every effort/care not to sensationalize the story or grab undue attention, but to do factual reporting of the incident. Most of the broadcasters submitted that they stopped airing the news story any further and also removed the video from the internet, once the Army expressed its reservation and displeasure.

The broadcasters unanimously stated that in the absence of any specific guideline of NBA/ NBSA with regard to airing such footage of soldiers in captivity, there is no violation by them. They pointed out that Regulation 7 of the Principles of Self-Regulation nor Guideline 3 and 6 of Specific Guidelines Covering Reportage, are not applicable with reference to the facts of this news report. However, they assured the NBA and the MoD (Army) that while reporting such matters, they will bear in mind the observations/reservations/suggestions of the Army with reference to material made available by terrorist organisations/terrorists and take additional precautions while reporting such security sensitive issues. They also stated that they would abide by any guidelines by NBA/NBSA in this behalf.

The relevant portions of the Principles of Self-Regulations and Specific Guidelines Covering Reportage are extracted below:

**Regulation 7 of Principles of Self-Regulation: - Endangering National Security**

*“..... News channels will also refrain from allowing broadcasts that encourage secessionist groups and interests, or reveal information that endangers lives and national security. However, it is in the public interest to broadcast instances of breach of national security and loopholes in national security and reporting these cannot be confused with endangering national security.”*

**Guideline 6 of Specific Guidelines Covering Reportage : - National Security**

*“6.1 Broadcasters should not disclose confidential information of operations involving national security.”*

*6.2 Broadcasters should use due discretion in reporting on operational methods used by perpetrators of serious offences against the stage during the occurrence of the event.*

*6.3 Live interviews with perpetrators should not be aired.*

*6.4 Reporting of events which erodes public confidence in the capacity of national institutions meant to protect them should be avoided during the occurrence of the event.*

*6.5 Broadcasters should not reveal technical details of operations, to prevent information relating to strategies and operations of security agencies becoming known to the perpetrators.”*

### **Guideline 3 of Specific Guidelines Covering Reportage-Law & Order, Crime & Violence**

*“3.1 Content should not glamorize or sensationalize crime or ....*

*3.2 Content should not depict techniques of crime that may tempt imitation especially with reference to terrorism.....*

*3.6 The dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown.*

*3.8 Broadcast should not glamorize or in any way promote individuals, groups or organization that employ or advocate the use of violence.....”*

### **Decision of NBSA**

NBSA was of the view that while it is necessary to keep the people informed by reporting on the killings of army personnel and on the militant/terrorist attacks, the manner of presentation of the news relating to such incidents in the telecasts by the news channels warrants serious consideration. Telecasts showing the bereaved family members of deceased soldiers mourning the death or giving vent to their grief, have far reaching effect and even tend to adversely affect recruitment to armed forces. NBSA was therefore of the view that news channels should report such news in a positive manner so that such telecasts do not deter the young men of our country from joining the armed forces or discourage the parents of youngsters from sending their sons/daughters to join the armed forces. NBSA also noted that excessive coverage of such incidents would help the enemy/terrorist planners and handlers, in achieving their goal of demoralizing the citizens and the country by such heinous attacks. In short, the entire matter is a national security issue. While referring to the death of the jawans, the news reports should concentrate upon their courage, their sacrifice and the conditions in which they work. The news reporting should help and assist the families of the martyred jawans to get speedy relief/compensation/benefits from the government. Showing and commenting upon the dastardliness of the attacks and the brave manner in which bereaved families cope up with their losses will send a clear and positive message to those trying to destabilize the country.

NBSA was also of the view that even if any provocative/unverified videos are available in the social media, the news channels have an obligation to ensure that only verified information is carried, so that the credibility of broadcasters are not at stake. Hence the ideology/agenda/misinformation/material circulated by terrorist

organization/s to propagate their hateful agenda should not be shown on the TV channels, as it would demoralize the morale of the soldiers and the members of their families.

When the appropriateness of the broadcasts in question are considered in the light of the observations above, it is clear that the broadcast of the video regarding Rifleman Aurangzeb released by terrorist organization, may violate Regulation 3 and Guideline 3 & 6 extracted to above. However, in the absence of specific guidelines in regard to material made available to terrorist organization, and in view of the assurances of the broadcasters noted above, NBSA decided to close the present complaint with an observation that the broadcasters should exercise care and caution in regard to matters of national security and in using any material made available by terrorist organizations. NBSA also directs the broadcasters to keep in view the observations made by NBSA in the preceding two paragraphs on the basis of the apprehensions voiced by the Army.

NBSA also decided to independently consider the need for any guidelines in regard to seeking Army's clearance in using material issued or made available by any terrorist organization/terrorists relating to security sensitive matters and the need to issue an Advisory /guidelines putting together the principles relating to dignity to the dead (not being made a public spectacle), respecting the privacy regarding the grief of the bereaved families, soldiers' honor and dignity and national security , and other related matters, to improve the presentation and broadcasting of such news stories.

**NBSA directs the NBA to send:**

(a) A copy of this Order to the complainant (Army) and the broadcasters; (b) circulate this Order to all Members, Editors & Legal Heads of NBA; (c) host this Order on its website and include it in its next Annual Report. and (d) release the Order to media.

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

**Place: New Delhi**  
**Date: May 1, 2019**