

**News Broadcasting Standards Authority
Order No. 69 (2019)**

Order of NBSA on letter dated 3.10.2018 received from the Deputy Director, EMMC regarding violation of programme code in various channels:

1. West Bengal Panchayat Election violence: Channel APN News 14.5.2018 [15:04:25]

2. Showing video of a son beating his mentally deranged father in Kushinagar, UP

1. EMMC Report (West Bengal Panchayat election violence):

The EMMC report stated that the channels had shown news in the context of skirmishes between Trinamool Congress, CPM and BJP workers during the Panchayat elections in West Bengal. As per the news, five people were killed during this violence while a house in South 24 Pargana district was torched, in which two people lost their lives. Also, in North 24 Pargana district, a BJP activist was attacked by a knife and its allegation has been made against TMC workers. Not only that, miscreants also tried to set ablaze ballot papers. Further, 20 people have suffered injuries in a bomb attack outside a polling station in Cooch Behar district and people are seen flaunting their guns in a most brazen manner. The channels had shown scenes of violence and arson at several places during the elections in which people of two different groups are shown beating each other in a merciless manner. During the broadcast of the news, violent scenes have been shown for a long time. All these visuals are extremely tormenting and can also prove effective in rupturing communal harmony.

Background for calling the channel for a hearing:

The EMMC report had stated that 10 channels had carried the news of the West Bengal Panchayat Election violence and all the broadcasters responded. However, APN News, in spite of reminders chose not to respond and therefore NBSA decided to call the broadcaster at the next meeting of the NBSA. NBSA at its meeting held on 17.1.2019 had directed the broadcaster to appear before its next meeting to be held on 25.2.2019 as it did not file its replies in spite of repeated reminders. On being served with notice in the said two matters, the Mr. Rajesh Kumar, Advocate appeared at the hearing on 25.2.2019 on behalf of Sobhagaya Media Pvt. Ltd. [Channel: APN News]. Mr. Rajesh Kumar apologized on behalf of the broadcaster for not responding to the NBSA communications. He informed the NBSA that he was not able to draft the responses with regard to the complaints as he had received the complaints just before the hearing. He sought two weeks' time to submit the replies. He also agreed to appear before the NBSA at the next meeting. NBSA agreed to the request made and directed the broadcaster to submit the reply within two weeks and to appear before the NBSA at its next meeting.

On being served with notice, Mr. Rajesh Kumar, Legal Associate and Mr. Kunal Rao, Legal Associate on behalf of Sobhagaya Media Pvt. Ltd. [Channel: APN News] were present at the hearing on 28.3.2019.

Broadcaster submitted that that several media houses showed large scale violence in Panchayat Election in West Bengal, even though their channel only covered limited story on the election in the interest of public to focus on law and order situation as well as police inaction in West Bengal during Panchayat Election. The channel aired a story on the inaction of concerned authorities. It was submitted that their channel always took care of prescribed guidelines or Programme Code meant for media. No intention is malafide can be attributed for airing an authentic story. However, the channel will abide by any advisory issued by the Hon'ble Authority.

Decision of NBSA:

NBSA considered the EMMC Report, and the submissions made by the broadcaster NBSA noted that the broadcasts were shown to highlight the political violence and deaths during elections and it had been the endeavor of the news channels to highlight the same. In fact, reporting by the news channels on the incident led to legal action being taken against all those who were seen inciting violence, which eventually led to the normalization of the situation in the State. NBSA noted that the news that was broadcast was in public interest, and was a part of media's objective of highlighting before the public conscience, instances of condemnable conduct and actions, affecting the public life in current society. NBSA held that the broadcast did not violate any Broadcasting Standards or Guidelines and therefore decided to close the matter.

2. EMMC Report: Showing video of a son beating his mentally deranged father in Kushinagar, UP

The channel has broadcasted news from Kushinagar in Uttar Pradesh where a son of his mentally deranged father tied his hands and feet and then severely beat him up. It was told that the son first hit his father with chappals (slippers) and after dragging him for some distance, hit him with his legs and fists. The channel has repeatedly shown the video related to the incident in which the cruelty of the son against his father is clearly visible. The APN channel repeatedly showed the video for nearly two and a half minutes. The visuals shown in the video can be upsetting for the minds of the viewers. For providing information about the news, it is appropriate to show the video once in a blurred manner. The channel should avoid broadcasting such a sensitive video for a long time without getting it blurred.

Broadcaster submitted that the said news item was aired in public interest and to draw attention of public at large. Only after airing this story the concerned authorities had initiated action. Any guidance will be kept in mind while airing the stories in future.

Decision of NBSA

NBSA considered the EMMC Report, response of the broadcaster and also viewed the broadcast. The broadcast was justifiable on the ground of public interest, and as it is a part of media's duty to highlight instances of condemnable conduct and actions, affecting the public life in current society. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter and inform the EMMC and the broadcasters accordingly.

NBSA also directed that the videos of the said programmes, if hosted on the website of APN News or any other links, should be removed immediately and confirmed to NBSA. NBSA decided to close the complaint with the above observations and inform the EMMC and the broadcasters accordingly.

NBSA directs the NBA to send:

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

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

Place: New Delhi

Date: May 1, 2019