

News Broadcasting Standards Authority

Order No. 58 (2019)

Order of NBSA on Complaint filed by Ms. Ishani Goyal against Aajtak regarding identity disclosed in Rewari gang rape case by Aajtak news channel telecast on 14.9.2018

The complaint relates to a news report broadcast by Aajtak news channel about the disclosure of identity of the Rewari gang rape victim.

The complaint is extracted below:

“It is so sad to complaint you about one of your news that your channel telecast at 2:05 p.m. on dated 14 Sept, 2018. The news is about a gang rape victim girl. And channel also informs people that she was a CBSE topper in 2015 and also that she receives a medal from our Honorable President in Khatar Sarkar tenure in 2016. I am shocked by the irresponsibility of the news channel that by this much information about a rape victim anyone can find out her identity. This is against the Rules. (Section 6 (ii) of the Press Council of India's "Norms of Journalistic Conduct" deals with the requirement to withhold the name of rape survivors from media reports. The guideline says that in such cases, the names, photographs of the victims or other particulars leading to their identity shall not be published). I hope that you will be responsible, these things can hurt her more”.

NBSA at its meeting held on 30.10.2018 considered the above complaint. NBSA decided that the broadcaster be directed to submit the CD of the alleged broadcast, script and other details and also appear for a hearing before NBSA at the next meeting.

On being served with notice, the following persons were present at the hearing on 17.1.2019.

Complainant: Not present (Ms. Ishani Goyal vide email dated 14.1.2019, expressed her inability to attend the hearing)

On behalf of TV Today Network Ltd. [Channel: Aaj Tak]

Dr. Puneet Jain, Chief Law Officer

Mr. Sajad Sulan, Advocate

Submissions by Broadcaster:

The broadcaster submitted that the focus of the news report/broadcast was on the slogan 'Beti Bachao Beti Pado' and the incident was shown in relation to the fact that the girl who had achieved great laurels in academics had been a victim of a heinous crime. While reporting such a heinous crime, the broadcaster also showed the certificate of the victim relating to her being CBSE topper and in the broadcast, it was mentioned that CBSE topper student was kidnapped and gang raped and that she was honored by the President of India on 26 January 2016.

Broadcaster submitted that as the law does not allow the media to reveal the identity of the victim of an offence such as a rape, it had kept the name of the victim on the certificate in non-decipherable format. It was further submitted that the intent behind their report on the victim being a CBSE topper was not to disclose her identity but to lay greater focus on how a girl who had achieved laurels in her academics was a victim of a heinous crime.

The broadcaster submitted during the hearing that consent in writing from the victim was available in its Chandigarh office and it would submit the copy of the consent letter within one week. The broadcaster was permitted to do so. In pursuance of it the broadcaster submitted the consent letter. The said letter is undated and notarized on 25.1.2019, showing that it was signed and given to the broadcaster long after the broadcast which was on 14.9.2018.

Decision

After viewing the broadcast, NBSA was of the view that since there could only be one CBSE topper, and as the victim who was gang raped was described as the CBSE topper, the victim got identified in the broadcast by virtue of being described as the CBSE topper.

NBSA noted that reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts by revealing the identity of the rape victim the broadcaster had however violated the "*Code of Ethics, the Principles of Self-regulation No 4. Depiction of violence or intimidation against women and children*" and the "*Guidelines on reportage of cases of Sexual Assault*" dated 7.3.2018, which also states that news channels must take special note of the provisions of Section 228A of the Indian Penal Code 1860 and of Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 which provide for protection of the identity of victims of sexual offences and of juveniles in conflict with the law".

NBSA also noted that the broadcast was not with the consent of the victim. The letter produced by the broadcaster shows that it was obtained long after the broadcast.

NBSA after deliberations decided to impose the following fine / sanction upon the broadcaster:

i) The broadcaster is imposed a fine of Rs.1,00,000/- (Rupees One lakh only) payable to News Broadcasters Association (NBA) within 7 (seven) days of receipt of this Order for violation of the Broadcasting Standards and Regulations.

ii) A warning is issued to the broadcaster (channel Aajtak) to exercise greater care, caution and discretion in future while formulating news stories relating to depiction of violence or intimidation against women and children and victims of sexual offences. Any future violations would be viewed seriously and action would be taken against the broadcaster.

(iii) The video of the said programme, if hosted, on the website of Aajtak or any other links should be removed immediately and confirmed to NBSA.

NBSA further directs the NBA:

(iv) NBA shall (a) send a copy of this Order to the complainant and the broadcaster; (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: 25th February, 2019