

News Broadcasting Standards Authority

Order No. 97 (2021)

Order of NBSA on complaint dated 17.4.2020 from Mr. Manoj Kumar against India TV programme aired on 9.4.2020

The complaint was escalated to the second level of redressal, i.e., NBSA, as the complainant was not satisfied with the response received from the broadcaster.

Complaint dated 11.4.2020 filed with the channel:

The complaint is that the reporter and the cameraman entered into a Corona Isolation Ward of some hospital in Delhi. The headline played along with this report stated, "*Ab Krenge Tabligiyo ko Benakab*". In this telecast, the reporter took an interview of a Corona positive patient, which is in violation of the Specific Guidelines on Reporting of the Injured and Ill of NBSA and also as per Guideline provided by the National Center for Disease Control, which states that visitors should not be allowed in Corona isolation wards.

Reply dated 14.4.2020 from channel:

The broadcaster denied that it had violated NBSA guidelines, or any other guideline issued by the authorities. It stated that the impugned news program, related to its reporter having visited the Rajiv Gandhi Super Speciality Hospital. The report was aired with the sole intention of removing the apprehension of the viewers on the kind of medical help and facilities being offered by the Government to Corona positive and 'under observation' patients. The sole purpose was to remove this misapprehension and show to its viewers the world class facilities set up by the authorities and encourage people who have any symptom of the Covid 19 virus to immediately report to Government authorities. The reporter had visited the observation wards, which had patients suspected of the virus but not declared positive and the reporter was also in an isolation ward, dressed in a proper protective gear approved by medical professionals. The visit of the reporter was approved by the hospital authorities, and in fact, a senior doctor accompanied the reporter and shared information about the arrangements made by the hospital for Covid 19 patients. The patients voluntarily shared information in the presence of the Nodal Officer. The reporter engaged with the patients with dignity and respect. The allegation that the broadcaster has used the title "*Ab Karengre Tabligio ko Benakab*" in the news programme is completely wrong and under a mistaken belief.

Reasons for escalating the complaint to NBSA

1. The complainant vide letter dated 17.4.2020, observed that the broadcaster stated in its reply that the report was circulated to the general public to show the world-class arrangements made by the Government of India for corona suspects and

corona-positive patients. Then why would it include headlines such as "*Expose Tablighi Deposits*" / Why was the title being played?

2. If the broadcaster intended to show world-class arrangements, then why were people of certain religion shown praying, of which a person's face was clearly visible, which is a violation of his privacy. Is this not a violation of the guidelines issued by NBSA?

3. Interviewing Corona suspect / Corona positive at the time of reporting is a clear violation of the guidelines issued by NBSA. (As per Point No. 1 of the Specific Guidelines for Reporting of the Injured and Ill.) Nor was the identity and face of the person concealed, which is a violation of his privacy. (Specific Guidelines for the Injured and Ill Point No. 7)

4. As per the guidelines issued by the National Center for Disease Control an outsider cannot enter an isolation ward of Corona positive patients unless the situation is inevitable. What was the reason that the reporter and cameraman entered the isolation ward?

5. Did the patient, suspect's family, friends or relatives give clear consent before the patient / suspect were contacted and before going to their room? (Point No. 4 of Specific Guidelines for the injured and Ill)

6. Was there only a particular patient / suspect in that isolation ward? If not, why were the other patients / suspects not shown? Only patients of a particular religion were shown. What was the justification to show the programme or what was the purpose?

7. Why was only one place chosen to show world-class arrangements, why were the remaining isolation wards not shown? Or is it assumed that all the remaining isolation wards have the same system as this isolation ward?

Decision dated 10.7.2020

NBSA, at its meeting held on 10.7.2020, considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that further hearing would be necessary to address the issue as to whether the broadcaster had violated NBSA Guidelines on Reporting of the Injured and the Ill. NBSA decided to call the broadcaster and the complainant for a hearing at the next meeting of NBSA.

Hearing held on 22.9.2020

The following persons were present at the hearing:

Complainant: Mr. Manoj Kumar

Broadcaster: Mr Rohan Swarup, Advocate

Ms Ritika Talwar, Legal Consultant

The complainant reiterated at the hearing that if the broadcast was to show world-class arrangements made by the Government of India for Corona suspects and Corona-positive patients, what was the justification in playing the title “*Ab Karengi Tabligiyo ko Benakab*” and why were people of a certain religion shown praying? Further, he stated that in his communication dated 17.4.2020 sent to NBSA for escalating the complaint to the second level, he had mentioned all the reasons, and he desired an answer from the broadcaster.

The broadcaster in response, stated that the allegation that it had used the title “*Ab Karengi Tabligiyo ko Benakab*” in the news programme is completely wrong, factually incorrect and under a mistaken belief. The broadcaster confirmed that the channel did not run a programme with such a title on India TV. The complainant himself was unsure if the title was actually carried. The broadcaster submitted that the news report had to be seen in context. The sole intention was to remove the apprehension of the viewers on the kind of medical help and facilities being offered by the Government to Corona positive and ‘under observation’ patients and to encourage people who have any symptom of Covid 19 virus to immediately report to the authorities. It was in this context that the channel had broadcast a programme showing the world class facilities available in Rajiv Gandhi Super Speciality Hospital for treating Covid positive patients. The channel had procured all required permissions and was accompanied by the Nodal Officer and doctors and all necessary precaution were taken by the reporter and cameraperson by wearing PPE kits, face mask and face shield. The broadcaster submitted that proper protocol was followed, there were no violation of NBSA’s guidelines relating to the Injured and the Ill as consent was taken to enter the isolation wards nor of the Guidelines of the National Centre for Disease Control. There was no violation of the principles relating to privacy as the patients had voluntarily shared information with the reporter in the presence of the Nodal Officer/ Doctors. No objection had been raised during the recording. It was not a sting operation or an undercover operation.

On a query put to the broadcaster by NBSA as to why individuals of only one community were shown in the telecast and not that of other communities, the broadcaster responded that the timeline has to be seen of the report. Majority of persons admitted in Rajiv Gandhi Super Speciality Hospital were of the Tablighi Jamaat/ Markaz, which is a matter of fact. The reporter was taken around to only one floor by the doctor and the Nodal officer and the rooms which the reporter crossed were of patients of the Tablighi Jamaat/ Markaz, cross section of the Observation Area and the Intensive Care Unit was empty. There was no deliberate attempt made to report only in respect of the Muslim community.

To a query put by the NBSA as to why only Rajiv Gandhi Super Specialty Hospital, was chosen for this report, the broadcaster submitted that it was simply because permission was given as the hospital had upgraded the facilities.

To a further query by NBSA as to how the broadcaster entered the hospital, the broadcaster submitted that it had permission and that Covid protocols came much later.

To the query put by NBSA to the complainant to reconfirm if he had seen the alleged tagline, he confirmed that the tagline was shown and the broadcaster had altered the tagline. The broadcaster denied that any alteration had been made and stated that it was seen somewhere else by the complainant and not on India TV

Decision of the NBSA

NBSA thoroughly looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage.

NBSA observed that the media has the freedom to report on the Covid pandemic or any other issue. However, it is expected that the broadcasters will strictly adhere to Code of Ethics and Broadcasting Standards, and Guidelines.

NBSA noted that the broadcaster had submitted that it had sought the consent of the hospital/Nodal Officer before entering the hospital. In view of the above, NBSA found no violations of the relevant guidelines relating to the Specific Guidelines for Reporting the Injured and the Ill as the footage showed that the reporter was accompanied by the Doctor/ Nodal Officer to the Isolation Wards and the patients had willingly spoken to the reporter. It appears that no objection was raised by either the staff of the hospital or the patients while speaking with the reporter. The broadcaster denied using the tagline '*Ab Karengé Tabligio ké Benakab*' in its broadcast. The said tagline was not found in the broadcast, which was viewed by NBSA.

In view of the above, NBSA decided to close the complaint subject to the condition that the broadcaster submits the written permission received by it to enter the hospital within 7 days of receipt of the Order.

NBSA decided to inform the complainant and the broadcaster accordingly.

NBSA directs the NBA to send:

- (a) 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.

It is clarified that any statement made by the parties in the proceedings before NBSA while responding to the complaint and putting forth their view points, and any finding or observation by NBSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be ‘admissions’ by the broadcaster, nor intended to be ‘findings’ by NBSA in regard to any civil/criminal liability.

Sd/-

**Justice A. K Sikri (Retd.)
Chairperson**

**Place: New Delhi
Date: June 16, 2021**