

News Broadcasting & Digital Standards Authority

Order No. 190(2025)

Complainant: Mr. Indrajeet Ghorpade

Channel: ABP Majha

Date of Broadcast: 08.02.2024

Since the complainant did not receive a response from the broadcaster, the complaint was escalated on 17.02.2024 to the second level of redressal i.e., NBDSA.

Complaint dated 09.02.2024

The complainant stated that his grievance is against broadcasting visuals of a murder by firing multiple gunshots and audio of the deceased person screaming in horror. The footage was shown multiple times between 9:30 PM to 10:30 PM on 8.2.2024.

The complainant stated that this was not the first time that ABP Majha had broadcast such disturbing content. A few days ago, another incident of a politician firing at other politicians inside a police station in Maharashtra was broadcast multiple times by ABP Majha.

In the past, the complainant stated that NBDSA had warned ABP Majha against airing such visuals of violence or disturbing content in a case filed by him in November 2020, involving a lift accident in which a minor had died. Before that, in a complaint filed by him, NBDSA had found ABP Majha violating the Code of Ethics by showing close-up shots of actor Sushant Singh Rajput's body multiple times. It appeared that the ABP Majha team is deliberately violating NBDSA guidelines and subjecting its viewers to disturbing visuals, repeatedly.

ABP Majha has a large viewership, including people of all ages and people with diverse tolerance to disturbing content. By airing the impugned broadcast, the broadcaster had violated the following guidelines laid down by NBDSA: Rule 3(Law, Order, Crime & Violence), Rule 4 (Good Taste & Decency) and Rule 8 (Children's interests) of the Specific Guideline covering Reportage

Vide email dated 11.02.2024 the complainant stated that the channel was continuing to broadcast the murder video. Therefore, he stated that the broadcaster must in its response, state the number of times the video was aired from the time of the incident till the time of its response.

Reply dated 04.03.2024 from the Broadcaster

The broadcaster stated that the news programme concerned a murder. The heinousness and sheer brutality of the crime compelled it to treat the story as one which was deserving of public attention and concern. The objective behind airing the news was to bring about greater awareness amongst viewers on the prevalence

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of pervasive social ills and to hold up a mirror to society, highlighting key sociological issues which plague our society with the sole and bona fide intention of informing and empowering the public at large with the truth, no matter how inconvenient or shocking the news may be. Making the public aware of such incidents also helps in forcing society to look within and bring about reformation and positive change. The aim of the news programme was to inculcate a degree of informed sensitivity towards fundamental fabric of society. Therefore, there was no intention whatsoever to violate any rules pertaining to law, order, crime or violence, good taste or decency or children's interest.

The Broadcaster stated that whether any programme offends law, order, crime or violence, good taste or decency or children's interest, is largely subjective and must be seen in its proper context and in its entirety, keeping in mind the subject matter of the news programme and overwhelming public necessity in the circulation and viewership of the said programme. In the instant case, it felt it was necessary to inform the public on an incident of grave concern, which the public had a right to know and learn from so as to prevent recurrence of such incidents. Furthermore, it cannot be said that the programme was not suitable for children as sufficient visual safeguards had been incorporated therein.

The broadcaster further stated that while broadcasting the said story, it had placed a disclaimer for its viewers, "ही दृश्य विचलित करू शकतात" meaning "These visuals can be distracting". The same was also reiterated verbally by its news reader emphasizing that ABP Majha was not in any manner attempting to distract its viewers, and that the channel was merely showing the incident as it has happened through broadcast of these visuals. It shall continue to remain careful in the future as at present in respect of the news items. Further, there was no possibility of any further live streaming and/or broadcasting and/or telecasting of the said programme.

By means of abundant caution, the broadcaster submitted that it intended to apply an enhanced measure of blur effect on the footage of the incident as was presently available on first- and third-party hosting sites and undertake to apply such enhanced blur effect on similar incidents henceforth. It hoped that the above clarifications were sufficient and the complaint is dropped.

Further Email dated 5.03.2024 from the Complainant

The complainant further raised the following questions to the broadcaster:

- 1) How many times had ABP Majha aired the non-blurred video footage of this murder, till date?
- 2) How many times had ABP Majha aired the blurred video footage of this murder, till date?
- 3) In future, will ABP Majha continue to air videos of murders, without blurring?

Vide email dated 06.03.2024 the complainant reiterated that the non-blurred video of the murder was aired on the channel several times over multiple days. He stated that he had requested the broadcaster to disclose how many times the video was aired however it had not responded to his query.

Decision of NBDSA at its meeting held on 14.03.2023

NBDSA considered the captioned complaint response of the broadcaster and after viewing the footage of the broadcast, decided to call the parties for a hearing.

On being served with Notices, the following persons were present at the hearing on 10.04.2024:

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster

Ms. Ashika Daga, Advocate

Mr. Vijay Salvi, Editorial, ABP Majha

Submissions of the Complainant

The complainant reiterated the submissions made in the complaint. He submitted that the impugned broadcast was a reporting of an incident in Mumbai where a person shot another person on Facebook Live. The video of the murder was aired multiple times on multiple days without blurring and muting the audio of the deceased person who was screaming after being shot. The broadcaster had not shared with NBDSA, the video which was broadcast on the channel rather it had shared a video in which the attack had been blurred. It had further failed to respond to three specific questions raised by him, namely how many times did the channel air the non-blurred video and blurred video of the murder? and in future would the channel, as a policy and practice, continue to air non-blurred videos of murders?

The broadcaster is a repeat offender when it comes to broadcasting such disturbing and shocking videos. Based on the examples cited in the original complaint, he believed that the broadcaster deliberately aired such videos in order to pander to sadistic or other perverted tastes, which is a violation of NBDSA's guidelines.

Taking into consideration the channel's history of violations, multiple violations in this case and misleading/incomplete response to the grievance, the complainant urged NBDSA to take stringent action against the broadcaster.

Submissions of the Broadcaster

The broadcaster submitted that the complaint refers to a video which was aired on 08.02.2024 between 9:30 – 10:30 pm. Since, no link or references were provided in the complaint, therefore while going through its telecasts it had taken out the relevant content which the complainant may be aggrieved with, which was a blurred video. This particular video was not shot on camera by any camera person but was a Facebook Live video and was extensively viewed by the public even before being broadcast on the channel. Event at present the video continues to be available on various media channels and social media platforms.

In its complaint, the complainant had referred to the Code of Ethics & Broadcasting Standards however, there was no reference to blood or brutality being shown. Admittedly, the gun shot was aired, however the same was broadcast fleetingly. Further, it had edited the Facebook Live video and only shown the relevant parts. There was no glorification in the impugned broadcast, which was aired only in public interest. Therefore, the impugned broadcast cannot and does not constitute any violation of either of Rule 3(Law, Order, Crime & Violence), Rule 4 (Good Taste & Decency) or Rule 8 (Children's interests).

The impugned video as a whole was far from sensationalizing or glorifying such violence, attempts to encourage reflection by viewers on the dangers of a society. It urges resort to the legal process to address grievances and calls upon the legal system to swiftly punish the perpetrators of such heinous acts, thereby deterring the recurrence of such conduct. The theme of the report was deprecation of the increasingly widespread tendency to take the law into one's own hands and resort to violence in response to personal matters.

The broadcaster reiterated that not only the snippet which was broadcast on the channel rather the entire Facebook Live video was publicly available. Its reporting was facet of current affairs, which was aired in public interest. Furthermore, it submitted that it had only aired the blurred contents of the video along with the disclaimer.

NBDSA questioned the broadcaster whether it had aired the unblurred version of the video as well. In response, the broadcaster submitted that when the gun shots were fired, unblurred version was not shown, especially during the time period impugned by the complainant. Further, it is pertinent to mention that the impugned video was not uploaded on social media platforms of the channel.

In rebuttal, the complainant submitted that he along with his family had viewed the video several times on the channel on multiple days. In fact, the video was also aired as headlines. Admittedly, the manner in which the video was broadcast on the television channel i.e., unblurred was not available on YouTube, however, the

concerned persons employed with the broadcaster would be aware of the video broadcast on the channel.

The broadcaster submitted that the video was not available on ABP's social media platforms, rather the video continued to be available on the Facebook profile of the deceased. The broadcaster sought liberty to submit screenshots evidencing the video.

Without prejudice to the above, if NBDSA was of the view that the impugned video in itself offended Rule 3(Law, Order, Crime & Violence), Rule 4 (Good Taste & Decency) or Rule 8 (Children's interests), the broadcaster tenders an unconditional apology for the same and regrets any impact the coverage may have had in this regard and assured NBDSA that it will modulate its future coverage of such incidents in terms of any guidance that NBDSA may provide.

Decision of NBDSA at its meeting held on 10.4.2024

NBDSA decided to defer its decision in the complaint to first consider the broadcaster's response to the queries raised by it during the hearing.

Additional Submissions dated 25.04.2024 of the Broadcaster

The broadcaster submitted the relevant links of the digital platforms (including social media) wherein the impugned video is still accessible/viewable.

Decision

NBDSA considered the complaint, response of the broadcaster, gave due consideration to the arguments of the complainant and the broadcaster and reviewed the footage of the broadcast.

As per Guideline No. 3.8 of the Specific Guidelines Covering Reportage, scenes of excessive violence are to be avoided. The Guideline state as under "*Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter and looping thereof should be avoided.*"

In the present case, the complaint is that the murder of the victim was shown by the broadcaster in its programme. The broadcaster however, has stated that the face of the victim was blurred. Therefore, the broadcaster does not dispute the violation of Guideline 3.8 in case the face of the victim was shown. Thus, the only question is as to whether the face of the victim was shown or not. The broadcaster has itself provided the link of the broadcast. After watching the same, it is found that the face of the victim is not blurred while broadcasting the programme and it is clearly visible. Therefore, it can be concluded that the broadcaster has violated Guideline 3.8 of the Specific Guidelines Covering Reportage.

Having said that, the NBDSA also finds some mitigating circumstances. In the first place, it may be mentioned that the aforesaid clip exhibited by the broadcaster was widely circulated on social media and was, therefore, in the knowledge of the public at large. Secondly, news to this effect, showing the face of the victim, was also carried in some newspapers. While making it clear that these factors by themselves would not absolve the broadcaster which is bound to adhere to the Guidelines of NBDSA in this behalf, these are mitigating factors. Thirdly, and more importantly, the broadcaster has tendered an unqualified apology during the submissions.

Keeping in view the mitigating factors, and by accepting the apology of the broadcaster, the NBDSA closes this complaint with a warning to the channel to be careful in future and not to broadcast any programme which is violative of NBDSA's Guidelines.

NBDSA further directs the broadcaster to edit the video of the said broadcast by removing the offending portion of the broadcast within 7 days of the Order.

NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBDSA directs NBDA 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 NBDA;
- (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 NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA 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 NBDSA in regard to any civil/criminal liability.


Justice A.K. Sikri (Retd.)
Chairperson

Place: New Delhi

Date: 24.01.2025