

## **News Broadcasting Standards Authority**

**Order No. 57 (2019)**

### **Order of NBSA on Complaint dated 17.9.2018 from Dr Vikash Bhardwaj regarding identity disclosed in Rewari gang rape case by ABP News channel**

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

#### **The complaint is extracted below:**

“Why the identity of girl is disclosed by showing her certificate/ invitation in the following video. Is it her invitation letter or someone else? Any computer expert now can easily guess the name. Is it a responsible act of ABP news?<https://www.youtube.com/watch?v=d36pxaDMTE&t=58s> ... #Haryana #Rewari #HaryanaKiBetiBachao. I will be thankful for initiating an investigation and do needful”.

NBSA at its meeting held on 30.10.2018 considered the above complaint and noted that revealing the identity of a rape victim was a violation of 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. Considering the said news report from the perspective of the NBA Code of Ethics & Broadcasting Standards and said Guidelines which member broadcasters have voluntarily agreed to abide by, the NBSA was of the view that the said telecast was in breach of the Broadcasting Standards and Guidelines. NBSA after considering the complaint, response from the broadcaster and also viewing the video clips furnished by the complainant, decided to call both the parties for a hearing in the next meeting.

On being served with a notice, the following persons were present at the hearing on 17.1.2019: -

**Complainant** Dr. Vikash Bhardwaj was not present.

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

Ms. Anju Juneja, Sr. Executive Editor

Mr. Arunabha Deb, Counsel

Mr. Puneesh Kochar, Legal Consultant

### **Submissions by Broadcaster**

The broadcaster submitted that the object of the news report/broadcast was to focus on the fact that the police were neither lodging a FIR in the case nor arresting the culprits and were making the whole issue a question of jurisdiction. The news report regarding the incident was shown in relation to the fact that the girl who had achieved great laurels in her academics had been a victim of a heinous crime and to highlight the inaction of the police in such a heinous crime. It is in that context that the broadcaster showed the certificate of the victim and mentioned that CBSE topper student honoured by the President of India on 26<sup>th</sup> January 2016, was kidnapped and gang raped. The broadcaster, in its response was apologetic for showing the certificate without blurring the image.

### **Decision**

After viewing the broadcast, NBSA was of the view that the description of the victim of the gang rape as the CBSE topper who was honoured by the President of India on 26<sup>th</sup> January 2016, identified the victim. NBSA was of the view that though 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 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 ABP News) 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 ABP News 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: 25<sup>th</sup> February, 2019**