

Re: Complaint No. 2 of 2009 - Eye Bank Co-ordination & Research Centre, Mumbai and Arpan Eye Bank, Mumbai against NDTV India

On 16th December 2008 at 10:30 pm M/s New Delhi Television Ltd. (“**NDTV**”) telecast a programme titled “Eye Bank Mein Gorakh Dhanda” in their program “Mumbai Central” on their channel “NDTV India”. The same telecast was repeated on 17th December 2008 sometime in the morning. In the said telecast the said Channel reported that various malpractices were going-on at the Eye Bank Co-ordination & Research Centre, Parel, Mumbai (“**EBCRC**”) and at the Arpan Eye Bank, Ghatkopar, Mumbai (“**Arpan**”). The said Channel also conducted a “sting operation” on Arpan, the footage of which was also broadcast as part of the said telecast. In substance, the main malpractices that were cited in the said telecast were : (i) that at the EBCRC corneas/eye balls were being enucleated by persons not qualified to do so, since under The Transplantation of Human Organs Act, 1994 (“**HOTA**”) only Registered Medical Practitioners were authorized to enucleate corneas/eye balls while at the EBCRC this procedure was being conducted even by practitioners of Homeopathy, Ayurveda and Dentistry ; (ii) that Arpan had misappropriated around Rs. 27 lacs received by it as grant from the Government of India ; (iii) that EBCRC was exporting corneas/eye balls out of Maharashtra, which was banned under notification issued by the Maharashtra Government. Aggrieved by the said telecast, EBCRC and Arpan preferred a Complaint dated 17th February 2009 under the News Broadcasting Standards (Disputes Redressal) Regulations, citing (i) breach of the principle of impartiality and objectivity in reporting and (ii) of not ensuring neutrality in reporting, as contained inter-alia in the News Broadcasters Association’s Code of Ethics & Broadcasting Standards. It was stated in the said complaint that Arpan is part of the network of eye banks established by EBCRC.

Decision

After considering all facts and circumstances the Authority held that NDTV had violated the Code of Ethics & Broadcasting Standards, including the basic principles of being impartial, neutral, objective, accurate and of verifying facts. NDTV was therefore directed to do the following within 10 (ten) days of receipt of the Order passed by the Authority:

- a) To run an announcement, expressing regret for the said telecast prominently on their channel NDTV India prior to the commencement of the telecast of the program Mumbai Central stating the following (**text to be translated in Hindi**):

“NDTV India apologizes for the story run on Eye Bank Co-ordination & Research Centre, Parel, Mumbai and Arpan Eye Bank, Ghatkopar, Mumbai on 16th December 2008 at 10:30 pm and 17th December 2008 (morning) titled “Eye Bank Mein Gorakh Dhanda” in their program “Mumbai Central”, since the same was a misrepresentation of facts, although not intentional. Any harm caused to Eye Bank Co-ordination & Research Centre and Arpan Eye Bank is regretted.”

- b) To also run the above text on NDTV India on following 3 (three) consecutive days, an apology/regret as a scroll in legible font and at normal speed between 20:00 hrs. and 21:00 hrs., five times with a space of 12 minutes each.
- c) To grant to EBCRC and Arpan an opportunity to express their version on the subject matter of the said telecast, by broadcasting EBCRC’s and Arpan’s un-edited version on the subject matter of the said telecast of a duration not exceeding an aggregate of 5 (five) minutes on the channel NDTV India in the program Mumbai Central. EBCRC and Arpan are directed to cooperate with NDTV to record such version, which will be restricted only to the clarification they wish to offer and nothing offensive shall be included against NDTV or against the said Channel in such clarification.
- d) Proof of compliance of this Order by NDTV by submitting a Compact Disc containing the telecast/apology/regret with particulars of the time and date of the telecast be submitted to the News Broadcasters Association within 15 (fifteen) days of receipt the Order passed by the Authority.

The Authority further directed:

- (a) The NBA to host the summary of these proceedings on its website and to include such summary in its next Annual Report.
- (b) To send to the complainant a copy of the Order.
- (c) A copy of the Order be sent to the broadcaster M/s New Delhi Television Ltd. (NDTV) and to NBA for necessary compliance.
