

**Complaint No. 6 of 2011 - In the matter of M/s Independent News Service Pvt. Ltd., Noida - Telecast of programme titled "Operation Gang Rape" on news channel India TV on July 1, 2011**

**Summary of Order dated 29.8.2011**

1. An e-mail complaint dated 1<sup>st</sup> July, 2011 was received from one Ms. Sakina Mir of Jammu complaining about a programme titled "Operation Gang Rape" that was broadcast on 1<sup>st</sup> July, 2011 at 8 p.m. on the news channel *India TV* which channel is owned by M/s Independent News Service Pvt. Ltd. The gist of the complaint was that in the said Programme, the channel had telecast excerpts of a Multimedia Message ("said MMS") in relation to an alleged gang rape committed upon a girl by a group of boys, which content, according to the complainant, was completely inappropriate for family viewing. In gist, the claimant's grievance was that such excerpts of the said MMS do not belong on a news channel.
2. In light of the complaint and the response received thereto, the said Programme was considered by the Authority again at its meeting held on 26.8.2011 and upon a thorough consideration, the Authority was of the following opinion :
  - 2.1 Since, on the statement of the Broadcaster itself, it appeared that the subject matter of the said Broadcast - namely the incident of gang rape - was subject matter of investigation by the police and / or prosecution before the competent Court, the Authority would not comment upon any aspect of the material broadcast (as regards its authenticity etc.) which will may be adduced as evidence in the prosecution;
  - 2.2 The scope and ambit of the Authority's function was only to assess whether the said Broadcast was, or was not, in conformity with the NBA Code of Ethics & Broadcasting Standards and other Specific Guidelines issued by the NBSA from time-to-time ;
  - 2.3 Upon viewing the said Programme, the Authority concluded that the audio-visual depiction of the episode in the said Broadcast was evidently in violation of Guideline 4.2 of the Specific Guidelines Covering Reportage dated 10.2.2009 (section relating to Good Taste & Decency ; Sex & Nudity), inasmuch as the said Broadcast contained indecent, if not obscene and obnoxious, footage that was part of the said MMS. The audio-visual content of the said MMS was repulsive since it showed the act of gang-rape in a manner that was sufficiently explicit and therefore grossly offensive ; and it was wholly inappropriate for such footage to be broadcast on a national news channel that was open to viewing by families ;
  - 2.4 Furthermore, the Authority noted that in broadcasting excerpts of the said MMS as part of the said Programme, without masking or blurring the faces of the perpetrators of the crime, the Channel had in fact prematurely exposed the identities of the accused persons in a manner that would enable the accused persons to challenge their identification by witnesses during a Test Identification Parade or TIP to be conducted as part of the investigation/prosecution of the offence; and such premature exposure would give the accused persons valid ground for impugning the results of a TIP. In this manner, the Channel had - even if inadvertently - in fact interfered in the administration of justice and acted in a manner prejudicial to a fair trial, which was a breach of Guideline 4 of the Specific Guidelines for Reporting Court Proceedings dated 15.9.2011 and Guideline 3.3 of Specific Guidelines

Covering Reportage dated 10.2.2009 (section relating to Law & Order ; Crime & Violence) ;

- 2.5 While the Authority had no reason to believe that the Channel was not acting in good faith, inasmuch as the producers/reporters of the said Programme may have intended to aid in the arrest and prosecution of the offenders, their action was misplaced and inappropriate, inasmuch as premature exposing of the identifies of the offenders was likely to have done more harm than good, and may in fact work to the benefit of the offenders. The Authority was of the opinion that the right course of the action that ought to have been followed, was first to have provided the footage to the concerned Police and not to have broadcast the said footage without masking the face of the perpetrators. The Broadcaster ought to have telecast information relating to this ghastly criminal act as “news” simpliciter.
  
3. In this view of the matter, the Authority held that the Broadcaster had violated Guideline 4 of the Specific Guidelines for Reporting Court Proceedings dated 15.9.2010 Guideline 3.3 of the Specific Guidelines Covering Reportage dated 10.2.2009 (Law & Order ; Crime & Violence) and Guideline 4.2 of the Specific Guidelines Covering Reportage dated 15.9.2010 (Good Taste & Decency ; Sex & Nudity).
  
4. Accordingly the Authority issued to the Broadcaster an “admonition” for the aforesaid violations.
  
5. The Authority further directed the NBA:
  - a) to send a copy of this Order to the Broadcaster within 7 days of issuance for noting and future compliance.
  - b) to also send a copy of this Order to the Complainant Ms. Sakina Mir for her information.
  - c) to host a summary of these proceedings on the NBA website and to include such summary in the NBA’s Annual Report

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