

News Broadcasting Standards Authority
Order No. 73 (2020)

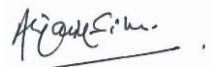
Freedom of speech and expression is treated as the most basic human right. It is recognised as a fundamental right under Article 19(1)(a) of the Constitution of India. The Preamble of the Constitution of India, *inter alia*, speaks of liberty of thought, expression, belief, faith and worship. It also says that India is a sovereign socialist secular democratic republic. In a democracy, liberty of thought and expression assumes cardinal value. It facilitates as a truth bearer and make it possible for the world at large to be privy with the opinion and truths veiled in the instrumentalities of the organisation – both private and public.

Freedom of speech, thus, is of paramount importance under a democratic Constitution and can be stated to be the foundation of all democratic organisations. Public criticism is essential to the working of democratic institutions which requires free flow of opinions and ideas.

Though freedom of press (or for that matter freedom of media) has not been specifically mentioned in Article 19(1)(a) of the Constitution, this is so recognised by the Supreme Court in various judgments describing it as the “ark of the covenant of democracy”. Whether it is print media or electronic media, both exercise their right of freedom of speech. Broadcasting is a means of communication, and is, therefore, a facet of freedom of speech. It is not only necessary to recognise this right in media, it is also to be appreciated that it is a valuable right which has come to be accepted as the most desirable form of governance of quality inasmuch as it contributes to the healthy development of democracy. The success of democracy depends on well-informed citizens who can articulate their opinions on the affairs of the State.

With the vast reach of the media, there is no doubt that it plays a vital role in shaping an opinion at large. With the seminal role which the media has played in this direction, it has achieved the status of the fourth pillar of any democracy. Making the people informed is the significant mission that media has to undertake. It, therefore, goes without saying that media needs to be given adequate freedom in the discharge of its salutary function.

At the same time, freedom of speech is not absolute. Whereas Article 19(1)(a) confers this right, Clause (2) of Article 19 also recognises that “reasonable restrictions” on the said right can be imposed. As per the said Clause, the State is entitled to make any law imposing reasonable restrictions on the exercise of this right in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. In *Shreya Singhal v. Union of India* (2015) 5 SCC 1, the Supreme Court has explained that there



are three precepts which are fundamental in understanding the reach of freedom of speech and expression. The first is discussion, the second is advocacy and the third is incitement. Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of Article 19(1)(a). It is only when such discussion or advocacy reaches the level of incitement that Article 19(2) kicks in. Keeping in mind the spirit of the aforesaid provision, many news channels have joined together and has formed the News Broadcasters Association (NBA). Members of the electronic media consisting NBA have come out with self-regulatory mechanism. Towards this end, they have laid down the Code of Ethics and Broadcasting Standards (Code of Ethics) within which they are supposed to function. This Code of Ethics, *inter alia*, prescribes that while telecasting a programme, the broadcaster would adhere to its provisions. Some of the provisions in the Code of Ethics, relevant for the purposes of these complaints are the following:

“1. Impartiality and objectivity in reporting:

Accuracy is at the heart of the news television business. Viewers of 24 hour news channels expect speed, but it is the responsibility of TV news channels to keep accuracy, and balance, as precedence over speed. If despite this there are errors, channels should be transparent about them. Errors must be corrected promptly and clearly, whether in the use of pictures, a news report, a caption, a graphic or a script. Channels should also strive not to broadcast anything which is obviously defamatory or libelous. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view. This also applies in cases where television channels report on those holding public office, though by virtue of doing so, no person can claim immunity from scrutiny from or criticism by news channels.

2. Ensuring neutrality:

TV News channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

6. Privacy:

As a rule channels must not intrude on private lives, or personal affairs of individuals, unless there is a clearly established larger and identifiable public interest for such a broadcast. The underlying principle that news channels abide by is that the intrusion of the private spaces, records, transcripts, telephone conversations and any other material will not be for salacious interest, but only when warranted in the public interest. However,

it is also understood that the pursuit of the truth and the news is not possible through the predetermined principle of prior permission; hence door stepping individuals or authorities for the purpose of newsgathering may be used only in the larger purpose of public interest. Further, in the case of minors, in any broadcast that intrudes on their privacy, the channel should attempt, where possible, to seek the consent of the parent or legal guardian. However, the defense of the premise of privacy cannot be misconstrued as the denial of access, and this applies to all individuals, including those in the public eye and public personalities. It does however apply in its entirety, as per the provisions mentioned above, to their children and kin who are minors”.

As can be seen, the Code of Ethics ensures that broadcasters will not violate the privacy of any person/individual. Privacy is now recognised as a fundamental right by the Hon'ble Supreme Court in a nine judge Bench judgment in the case of *K.S. Puttaswamy v. Union of India & Ors.* (2017) 10 SCC 1. The Hon'ble Court, in the said unanimous judgment, has also held that privacy has its genesis in the dignity of a human being as well as the right to be left alone. It can, therefore, be said that any programme which violates the privacy or dignity of a person would constitute breach of the Code of Ethics. In *Vikas Yadav v. State of U.P.* (2016) 9 SCC 541 and *Nipun Saxena v. Union of India* (2019) 2 SCC 703, the Supreme Court has recognised that the dignity of even a dead person needs to be respected. NBSA has examined the complaints through the prism of the aforesaid concept and contours of privacy and dignity.

Apart from conforming to accuracy, impartiality and objectivity, neutrality the broadcasters are also not supposed to violate the privacy of a person or sensationalise news. This keeps in mind the spirit of Clause (2) of Article 19. In a way, it can be said that provisions made in the Code of Ethics are self-imposed restrictions which are reasonable instructions in public interest

Mr. Sushant Singh Rajput (SSR), a well-known film actor of Bollywood, was found dead in his house on 14.06.2020. This was a big news and it was initially projected that SSR had committed suicide. It became a matter of public debate and there was extensive coverage thereof in media as well. Various broadcasters came out with programmes with different themes on the death of SSR. However, the manner in which some of the broadcasters telecast these programmes has resulted in complaints being preferred to NBSA alleging that the broadcasters have violated the guidelines/provisions of Code of Ethics.

Some persons have even filed writ petitions in the Bombay High Court as well in which NBSA is impleaded as one of the Respondents. Vide order dated 10.9.2020, the Hon'ble High Court directed NBSA to hear and decide the complaints which have been received by NBSA. NBSA has heard the matter. It is clarified at the outset that NBSA has jurisdiction to entertain the complaints only *qua* those

broadcasters who are members of NBA. There may be certain broadcasters who are non-members, and therefore, complaints against them could not be considered by the NBSA. It is also clarified that jurisdiction of NBSA is limited to examine as to whether the act complained of constitutes violation of the guidelines/Code of Ethics. Therefore, the complaints are examined on these parameters.

Complaints received by NBSA in respect of telecasts by member broadcasters of NBA relating to actor late Sushant Singh Rajput.

1. Orders on complaints dated 14/15/16/20.6.2020 by Mr. Saurav Das, Ms. Rutuja Patil, Mr Varun Singala, Mr. Pulkit Rathi, Mr. Nilesh Navalakha and Mr. Indrajeet Ghorpade regarding media coverage of the suicide case of Sushant Singh Rajput by TV channels Aaj Tak, Zee News and News 24 relating to Taglines/Tickers used by the channels aforementioned

NBSA at its meeting held on 24.9.2020 considered the above complaints with respect to the news channels aforementioned. The complainants and the broadcasters who attended the hearing are annexed at Annexure -1.

In the complaints, the complainants stated that the media coverage of Sushant Singh Rajput suicide case was abhorrent, shameful, insensitive, anti-human rights, unprofessional and sensational. The press has been sensationalizing his suicide. This is not new and happens to every high-profile case. This is a clear violation of the fundamental right of "Death with Dignity". All this proves that the vultures of the media fraternity can go up to any extent just for their mere TRP gains. Furthermore, the complainants submitted that the broadcasters seem to have forgotten all humanity just to get TRPs. The complainants also stated that the broadcasters need to think about all the coverage of Sushant Singh Rajput's suicide case and if that was the level of journalism that the broadcasters wanted to engage in. The complainants also alleged that the channels are not only displaying such mean and derogatory headlines for the person who has already left, but also did not take into consideration how his father would have felt if he ever read those headlines which were clearly violative of Sushant's right to die with dignity.

The complainants stated that the broadcasters should follow the recommendations put forth by the WHO and the International Association for Suicide Prevention. The recommendations specify that the media should educate the people about the suicide. Media professionals must avoid the language which sensationalizes suicides; prominent placement and unnecessary stories about suicide; explicit description of the method and the suicide note used; and detailed information about the site of an attempted or complete suicide. Media houses should cautiously report such cases with appropriate language, graphics and photographs.

The channels purportedly in the attempt to garner TRPs in complete defiance of the journalistic ethics, demonstrated lack of empathy while covering/telecasting the celebrated actor late Mr. Sushant Singh Rajput's death by suicide and had reported insensitively contrary to good taste and the telecast was indecent in

nature. The only object of the coverage seemed to be sensationalism of an unfortunate incident.

Another complainant observed that all channels speculated the cause of suicide without any verified information; all channels sensationalised the news with dramatic background music and high-pitched reporting using words like "shocking" and its synonyms; the news and the video footage were repeated on the channels several times; no information on where to seek help was provided, nor was any awareness spread about self-harm, suicide and mental health.

These complaints related to the Taglines used by Aaj Tak, Zee News and News24 which are reproduced below:

1. Aaj Tak, a leading Hindi news channel displayed headlines while covering the story- like "**Aise kaise hit-wicket ho gaye Sushant?**". **Sushant zindagi ki pitch par hit-wicket kaise ho gaye**", '**Sushant itne ashant kaise?**'
2. Zee News, another leading Hindi news channel flashed this headline while asking "7 questions on Sushant's death"- "**Patna ka Sushant, Mumbai me fail kyu?**".
- 3 . News 24 used the headlines "Hey, why didn't you watch your own film Sushant?" (Referring to the actor's film Chhichhore which dealt with the topic of Mental Health). 2. "What was you stood up for in your movie, you forgot in your real life" (again referring to the same movie).

In respect of the above complaint on the Taglines, the response of Aaj Tak was as follows:

The broadcaster in its response dated 7.7.2020 denied the allegations made by the complainant. The broadcaster stated that when a well-regarded personality commits suicide, it has an impact. It gives an impression that suicide is a possible solution to problems. This can have a serious detrimental effect. In their view, it is the obligation of the news agencies and media professionals to take the opportunity to educate the public about the ill effects of suicide.

The broadcaster further stated that the basic grievance is the use of the expression '**Hit-wicket**' used by the Channel 'Aaj Tak'. The channel stated that firstly, the said expression was used in one of the scrolls only once in the programme. Secondly, the said scroll was visible for a brief period of only a few seconds. Thirdly, the said scroll did not in any manner demean the personality or the legacy of late Sushant Singh Rajput. Further, the expression '**hit wicket**' ordinarily is a cricketing term but has attained a colloquial meaning. It means a situation when a well-placed person commits a blunder and falters in his pursuit. Moreover, late Sushant Singh Rajput was very well regarded for his lead role in the Movie named and styled as '**M.S. Dhoni : The Untold Story**'. The channel denied that the usage of the said headline demeaned the dignity of the late actor or put him in bad light. It denied that the said headline had violated any human rights of late Sushant Singh Rajput.

Response from Zee News

The broadcaster submitted that the telecast in question was to fairly report the unfortunate sudden demise of actor Sushant Singh Rajput in their programme **“Taal Thok Ke”** on 14.06.2020. The programme was telecast to raise a dialogue and create general awareness on mental health and depression. The broadcast in question showed no visuals which were disturbing, nor was the reporting done with an intention to sensationalize the issue and the aforesaid debate and discussion could not be said to be an infringement of any of the fundamental rights of the late actor or his family members.

The channel vehemently denied that the said telecast had violated the guidelines framed by WHO or any of the Articles of Universal Declaration of Human Rights. It reiterated again, that the impugned telecast was to fairly and responsibly report the unfortunate demise of actor Sushant Singh Rajput.

The broadcaster also stated that the tagline was run to portray how a mentally strong person from a small town came to a metro and became a celebrity and therefore his suicide came as a shock to the public. The broadcaster stated that it was not the intention of the channel to create any negative impact and the tagline could have been avoided. However, the decision to run the tagline was an editorial decision in consonance with the free speech right of the media. The channel reiterated that it had not violated any guidelines and the intention of the broadcast was merely to create a dialogue on the awareness and importance on mental health.

Response from News 24

The broadcaster stated that the complainants grievance pertained to the broadcast of the content of the programme related to late Sushant Singh Rajput’s unfortunate and untimely demise and the headline used as **“Hey, why didn’t you watch your own film Sushant?”** and **“What was you stood up for in your movie, you forgot in your real life”**.

The broadcaster stated that the programme was broadcast solely to communicate to the public, the occurrences of unfortunate events around the country, including the condition of mental health and awareness with the sole objective of keeping the public aware. It stated that the referred headlines were not intended to offend the sentiments of the viewers or anyone else, however, they understand and appreciate the concern of the complainant. The objective was to sensitize the viewers about late Sushant’s film “Chhichhore” which revolved around the sensitive subject matter of mental health and related issues. The broadcaster stated that it wanted to convey the background of why the tragic incident happened. Its reporting was balanced and there was no sensationalisation of the incident. In fact, the industry had brought forth these issues and they were telecast in public interest. However, the broadcaster submitted that if the headlines conveyed any incorrect or negative intent, it was willing to apologise as, in any event it had sent a letter of apology to the complainant.

NBSA considered the complaints, response and submissions made by the parties and viewed the footage of the said broadcast. Undoubtedly, the media has the right

of freedom of speech and expression. It also cannot be doubted that when well-known public personality like Sushant Singh Rajput commits suicide, not only it becomes a big news, but also a matter of discussion which can revolve around various complaints and hypothesis. Therefore, telecast of such programmes, *per se*, can neither be discouraged nor criticized. The freedom of speech and expression comprises not only the right to express, publish and propagate information through circulation, but also to receive information. By disseminating information, media is facilitating the citizenry to avail this right.

While it is the duty of the news channel to report news, which may be in public interest and the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner which does not violate the privacy of the dead nor sensationalise a tragic incident. It is important that the dead must not be subjected to unnecessary media glare.

While the media cannot be stopped from reporting news about celebrities, however, a question arises as to what was the objective in flashing the Taglines “**Aise kaise hit-wicket ho gaye Sushant?**”, “**Sushant zindagi ki pitch par hit-wicket kaise ho gaye**” and ‘**Sushant itne ashant kaise**’, when the person is dead. It appears that the questions are being addressed to Sushant Singh Rajput, who is no more, therefore the Taglines are offensive, violate privacy and affect the dignity of the deceased.

Further, the Tagline “**Patna ka Sushant, Mumbai me fail kyu?**”, appears to attribute failure to the person who is dead. It also tends to give the impression that committing suicide is failure and therefore the Tagline violates the privacy and dignity of the deceased. There may be various reasons for suicide but the impression created was that a small town boy committed suicide in a metro city which was his “**failure**”.

By using the headlines “**Hey, why didn’t you watch your own film Sushant?**” (**Referring to the actor’s film Chhichhore which dealt with the topic of Mental Health**), “**What was you stood up for in your movie, you forgot in your real life**” (**again referring to the same movie**), the channel appears to be addressing questions to a person who is no longer alive and asking the dead person why the suicide happened and that he had forgotten about the message given by him in his movie. These Taglines are clearly offensive and affect the dignity of the deceased inasmuch as programmes could be shown without using such offensive Taglines thereby adding dignity to these telecasts.

Therefore, if the programme carried by Aaj Tak, Zee News and News 24 were without such Taglines, it may not have violated the guidelines relating to privacy, sensationalisation and dignity of the dead. However, since the programmes carried the aforementioned Taglines, NBSA is of the view that the said broadcasters have violated the Specific Guideline Covering Reportage inter alia relating to:

1. Fundamental Standards-Clause B which states that “Reporting should not sensationalise or create panic, distress or undue fear among viewers.
2. Law & Order, Crime & Violence -Clause 3.6, which states that “the dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown.
3. Guidelines relating to Impartiality, Objectivity and Fairness
4. Privacy

5.1 Broadcasters should exercise discretion and sensitivity when reporting on distressing situations, on grief and bereavement.

5.Clause 3.1 of the Guidelines for telecast of news affecting Public Order which states that “Content should not glamorize or sensationalize crime or condone criminal actions, including suicide.”

Decision of NBSA

In view of the above, NBSA has decided that the broadcasters Aaj Tak, Zee News and News 24 be directed to air an apology. The text, date and time of the apology will be given to the three broadcasters. NBSA also censures the Channel Aaj Tak for the three tag lines and also issues a warning to three broadcasters that such Taglines should not be telecast in the future.

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.

2. Orders on complaints dated 14/15/16/20.6.2020 by Mr. Saurav Das, Ms. Ratuja Patil, Mr. Pulkit Rathi, Ms. Priyanka Srivastava and Mr. Nilesh Navalakha regarding media coverage of suicide case of Sushant Singh Rajput by TV channels Aaj Tak and ABP News regarding interviewing grieving family and relatives and showing images of grieving relatives

The complainants stated in the complaint that the media coverage of Sushant Singh Rajput suicide case was abhorrent, shameful, insensitive, anti-human rights, unprofessional and sensational. They also stated that there have been clear attempts to sensationalise the issue while ignoring the right to grief of the deceased person’s family members. The complainants further stated that, the media coverage on Mr. Rajput’s death is not only insulting but also denies him the right to dignity of the dead. Furthermore, the complainant stated that once the story about his

suicide broke, media personnel from TV news channels hounded the family members of the deceased.

It was also submitted that when the news of the suicide broke, media rushed to his parents home in Patna and questioned them in spite of their grieving state, a news channel reached his parents house and asked him questions like "Aapko Kaisa Lag Raha hai".

Another complainant stated that the reporter of the same news channel barged into Mr. Rajput's house and attempted to interview his father who was in a state of extreme grief and trauma which was clearly visible through his camera.

The complainant stated that Aaj Tak was purportedly one of the first channels (as it claims) to reach Mr. Rajput's residence in Patna, and the reporter kept trying to get a comment from his father, who was clearly too shocked by grief to say anything. But the reporter was relentless. The reporter kept bombarding the shell-shocked and traumatic father of the actor in his Patna residence. The anchor can be heard stating that Mr. Rajput's father "was not in a state to talk". The anchor then goes on to wonder if his sisters are available to talk and would be able to "shed light on why Sushant took such a step".

These complaints relate to the channels interviewing the family of the deceased and showing images of grieving relatives:

AAJ TAK

'Aaj Tak' barged into Sushant's parents' house and questioned his various family members who were shocked and in a grieving state. The reporter of the news channel barged into Mr. Rajput's house and attempted to interview his father who was in a state of extreme grief and trauma and which was clearly visible through his camera.

ABP NEWS

ABP News, another prominent Hindi news channel rushed to interview the Mr. Sushant's cousin sister, who was also in a state of shock, trauma and grief.

Response from Aaj Tak

The broadcaster denied that it had no consideration for the family members and had gone into the home of the late actor and sought to ask questions. The channel denied that the news coverage was 'abhorrent', 'shameful', 'insensitive', 'anti-human rights' and 'sensational'. The channel submitted that their reporting was only to inform the public at large about the incident and that it was their obligation to provide information to the public. However, the broadcaster stated that it appreciated the concern and the comments made in the complaints and have taken due note of the same.

The broadcaster also asserted that the police and local authorities were present in the residential premise of the late actor, before its correspondent had reached the

spot. Its correspondent was not allowed inside. Further, no cameraman of Aaj Tak was present inside the family home. Nor was any attempt made to be part of the same. Further, as is evident from news reports, the family of the late actor was not in Mumbai and had come only in the latter half of the day and in fact the father had not filed a complaint himself in this regard. Therefore, the said assertions made are not correct.

Response from ABP News

The broadcaster submitted that with respect to the allegations about interviewing Sushant's cousin sister, their anchor was very sensitive towards the emotions of the family. The girl volunteered and introduced herself as Sushant' cousin and was one by one talking to several media persons. Same is also evident from the video that all the information was provided voluntarily and with due consent. Nothing in the entire coverage was aimed to cause any inconvenience to the aggrieved family and neither can anything be made out which can substantiate or in any manner support the allegations made in the complaint.

The broadcaster also submitted that they have not violated any principles of dignity to the dead. They reported each and every incident with due impartiality and transparency accurately, responsibly and within the ambit of ethical boundaries. They have ensured to educate the public about suicide, its reasons, expert views, solutions and suggestions and mode and manner.

NBSA considered the complaints, response, submissions made by the parties and viewed the footage of the said broadcast. NBSA decided that while the media has the right of freedom of speech and expression under Article 19 (1) (a) of the Constitution, however, this right is restricted by Article 19 (2).

However, the right of the media to conduct interviews is a limited right which is made subject to the willing consent of the person being interviewed. Therefore, media cannot thrust itself on a person and interview him/her against his/her wishes. Thus, media does not have an unrestricted right to information and there is no legal obligation on the part of citizens to supply that information (see Prabha Dutt v. Union of India & Others (1982) 1 SCC 1 and State v. Charulata Joshi & Another (1999) 4 SCC 65). It can be justified also on another principle, viz., right to silence which is very converse of speech, but implicit in the right to freedom of speech under Article 19(1)(a).

While it is the duty of the news channel to report news, which may be in public interest and the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner which does not violate the privacy of the dead nor of the aggrieved family members nor sensationalise a tragic incident. It is important that the dead must not be subjected to unnecessary media glare.

While the media cannot be stopped from reporting news about celebrities, however, a question arises as to what was the purpose of interviewing the

aggrieved family members who were in a state of shock or showing images of grieving members.

As far as the footage of Aaj Tak channel is concerned, in respect of the images of the grieving father and attempt to interview him, NBSA is of the view that it has violated the Specific Guideline Covering Reportage inter alia relating to:

5. Privacy

5.1 Broadcasters should exercise discretion and sensitivity when reporting on distressing situations, on grief and bereavement.

5.3 Content that would cause unwarranted distress to surviving family members, including by showing archival footage, should be avoided.

5.4 No information relating to the location of a person's home or family should be disclosed without permission from the concerned person

Clause 6 of the Guidelines for telecast of news affecting Public Order which states that "The dead should be treated with dignity and their visuals should not be shown. Special care should be taken in the broadcast of any distressing visuals and graphics showing grief and emotional scenes of victims and relatives which could cause distress to children and families."

In so far as ABP News telecast is concerned, NBSA is of the view that while the cousin sister of Sushant Singh Rajput voluntarily and willingly gave the interview to the channel, however the channel did violate the guidelines relating to Specific Guidelines Covering Reportage:

5. Privacy

5.1 Broadcasters should exercise discretion and sensitivity when reporting on distressing situations, on grief and bereavement.

5.3 Content that would cause unwarranted distress to surviving family members, including by showing archival footage, should be avoided.

5.4 No information relating to the location of a person's home or family should be disclosed without permission from the concerned person

Decision of NBSA

In view of the above, NBSA has decided that the broadcasters Aaj Tak be directed to air an apology. The text, date and time of the apology will be given to the broadcaster.

In so far as ABP News is concerned, in view of the fact that the cousin sister of the deceased had voluntarily given the news channel the interview, NBSA issues a warning to ABP News not to interview the grieving family members of the deceased in the future, in cases like the present one in particular.

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.

3.Order on complaints dated 14 & 15.6.2020 of Mr. Saurav Das, Mr. Nilesh Navlakha and Mr. Indrajeet Ghorpade on media coverage of suicide case of Sushant Singh Rajput by TV channels [News Nation, Aaj Tak, ABP Majha and India TV] relating to showing the body of Sushant Singh Rajput

In the complaints the complainants have stated that aforementioned broadcasters have committed serious insult to the dignity of the dead and violation of human rights. In this regard, the complainants drew the attention of NBSA to the screen shot which showed the dead body of Sushant Singh Rajput.

The complainants have also stated that a channel even broadcast photographs of late Mr. Rajput's corpse from his bedroom, which is wholly insensitive and completely in breach of journalistic ethics. More so, this was done, without even giving a requisite warning to young and sensitive viewers.

The complainants also stated that certain channels showed footage of the body covered in a cloth being carried out of the apartment by crisis responders, repeatedly and described in detail the colour of the lips of the body and the marks on the neck. It also showed the body covered in a cloth being carried out of the apartment, repeatedly. Photos of his dead body were circulated in the news channels.

These complaints related to showing the body of Sushant Singh Rajput by News Nation, Aaj Tak, ABP Majha and India TV.

- 1.News Nation showed the corpse in its telecast.
2. Aaj Tak broadcast photographs of late Mr. Rajput's corpse from his bedroom and it explicitly described the method used along with the colour of the cloth used for strangulation.
- 3.ABP Majha showed footage of the body covered in a cloth being carried out of the apartment by crisis responders.
4. India TV repeatedly described in detail the colour of the lips of the body and the marks on the neck. It also showed the body covered in a cloth being carried out of the apartment, repeatedly.

Response from News Nation

In respect of the above complaint, the response of News Nation was that during the reporting/telecasting of the news relating to the death of deceased Mr. Sushant Singh Rajput, it maintained full diligence to ensure that the dignity of an individual and also of the concerned family members was not hampered and it also refrained itself from using unnecessary adjectives or attaching any kind of viewpoint. The channel stated that it did not air any kind of personalized comments related to the

said incident and only aired the information which was received by them from the social media platforms shared by the friends, co-workers, senior actors, films directors and producers related to the demise of Mr. Sushant Singh Rajput and the said information is accessible to the general public also. They ensured that none of their shows or news broadcasts, in any way hurt or even appeared to hurt or hamper the dignity of a person or social group or community in particular. The broadcaster also stated that it regretted the telecast and that it would not repeat this mistake in future telecasts.

Response from Aaj Tak

The broadcaster denied that in an attempt to garner TRPs in complete defiance to the journalistic ethics demonstrated lack of empathy while covering/telecasting the celebrated actor late Mr. Sushant Singh Rajput's death by suicide. The broadcaster stated that the telecast was to bring out the true facts before the public in the sad and tragic death of the said actor.

In relation to the assertion of the description of the cloth used for strangulation, the same was pointed out only to inform the public at large about the incident. There were several speculations about the incident in public. Therefore, it was the broadcaster's obligation to provide information to the public. However, the broadcaster appreciates the concern and the comments made by the complainant and have taken due note about the same.

Response from ABP Majha

The broadcaster submitted that they exercised due care and caution and refrained from broadcasting any visuals / video clippings/ headlines that can be prejudicial or inflammatory. They deny that they have in any manner sensationalized the news with dramatic background music and high pitched reporting. They have ensured that their reporting do not cross boundaries of good taste and decency and adequate precaution was taken while showing the visuals. While reporting on the said incident, they did not present suicide as a constructive solution to problems neither did they explicitly describe the method used nor used sensational headlines. The broadcaster submitted that they did not show close up images of the dead body.

Response from India TV

India TV submitted that its reporting was accurate, sober and balanced, without downplaying the seriousness of what had transpired. The information conveyed through their reporting was sourced from the local police. No attempt whatsoever was made to sensationalize, in any manner, the report. At the same time their reporters and news anchors repeatedly, throughout the day cautioned the viewers about the problem of suicides and the need to encourage persons to seek professional help, if necessary. They made every effort to ensure that their reporting was informative, fair, accurate and meaningful.

NBSA considered the complaints, response and footage of the said broadcasts and decided that while it is the duty of the news channel to report news, which may be in public interest and the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner which does not violate the privacy of the dead nor sensationalise a tragic incident. It is important that the dead must not be subjected to unnecessary media glare.

NBSA therefore decided that the broadcasters by showing the images of the body of Sushant Singh Rajput had violated Guidelines for telecast of news affecting Public Order - Clause 6 which states "*The dead should be treated with dignity and their visuals should not be shown. Special care should be taken in the broadcast of any distressing visuals and graphics showing grief and emotional scenes of victims and relatives which could cause distress to children and families.*"

The broadcasters had also violated the Specific Guidelines Covering Reportage- Clause 3.6 of Law & Order, Crime & Violence which states that "*the dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown.*"

Decision of NBSA

In view of the above, NBSA decided that as far as the channel News Nation was concerned, in view of fact that the channel had profusely regretted the telecast and had given an assurance that the channel will not repeat the violation in future, a warning be issued to the said channel to same effect to not repeat the violation in future.

With regard to the telecasts of the channels Aaj Tak and India TV, NBSA decided that the channels should apologise for the egregious violations of the aforesaid Guidelines and in particular for the manner in which the images of the body of Sushant Singh Rajput were shown. The text, date and time of the apology will be given to the broadcasters aforementioned.

With respect to the telecast of the channel ABP Majha, the fact that the close-up images of the body of Sushant Singh Rajput were not shown, NBSA issues a warning to the said channel not to repeat the violation in future.

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.

Order on complaint dated 20.6.2020 by Mr. Nilesh Navalakha regarding fake tweets telecast by Aaj Tak relating to actor late Sushant Singh Rajput.

The Complainant stated that Aaj Tak, purportedly manufactured certain tweets and falsely reported the screenshots calling them real and attributing them as the actor's last tweets. Aaj Tak falsely reported on the fake tweets stating that Rajput posted three tweets which he later deleted on June 14, 2020, hours before his death, however, the channel later deleted the tweets and took down the article. The viral fake screenshots claim the actor tweeted about the mental health being ignored, how he has been struggling with hardships and also has him bidding goodbye and ending all and hoping that people learn to communicate better. One of the screenshots also says, I will be deleting these tweets in a while which was also widely shared and reported by news channels with social media posts also using it as proof of why the tweets can be seen on his account anymore. Several fact-checking websites have exposed the illegality of the Channel. That the broadcasts are clearly in breach of journalistic ethics and an offence against public order.

Response from Aaj Tak

The broadcaster in its response dated 15.9.2020 totally denied that it had purportedly manufactured certain tweets and falsely reported the screenshots calling them real and attributing them as the Actor's last tweets. According to the broadcaster, the alleged controversy in respect of the late Actor's tweet was broadcast by it on the basis of sources which were *prima facie* thought to be credible. Later the broadcaster checked on the same and investigated the source and came to know that the genuineness of said tweets are suspicious. Thus, it outrightly deleted them from all the platform of LMIL. The broadcaster submitted that the Press has got a solemn duty to broadcast any news in its own way and words until it harms or is against the sentiments, beliefs and thoughts of general public. For doing this, if the Press is gagged, democracy in this country will be in utter peril. India is a vibrant democracy and the fourth estate is undoubtedly an indispensable part of it.

NBSA considered the complaint and response of the parties and decided that the broadcaster should have conducted its due diligence and verification prior to telecasting/uploading the tweets and not subsequently, which due diligence is a basic tenet and requirement of journalistic ethics and telecasting the tweets without verification had the tendency of spreading misinformation amongst the public. NBSA found that the broadcaster had violated the Specific Guidelines Covering Reportage relating to Accuracy which states that:

1.1 Information should be gathered first-hand from more than one source, if possible.

1.2 Reports received from news-agencies should be attributed and where possible be verified.

1.3 Allegations should be reported accurately as made.

1.5 Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).

Decision of NBSA

In view of the above, NBSA decided that the broadcaster Aaj Tak be directed to air an Apology in view of the fact that it did not conduct the due diligence required prior to telecasting the tweets and attributing them to late Sushant Singh Rajput. The text, date and time of the apology will be given to the broadcaster. Proof of compliance of telecast of the apology to be submitted on compact disc within 7 days of telecast.

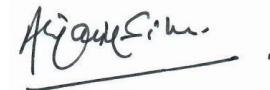
NBSA also decided that a fine of Rs. 1,00,000/- (Rupees One Lakh only) be imposed on the broadcaster payable to NBA (News Broadcasters Association) within 7 (seven) days of receipt of the Order.

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.

Removal of videos by all broadcasters

NBSA decided that the videos of the said programmes if hosted, on the website of the broadcasters, YouTube or other links should be removed immediately and confirmed to NBSA within seven days.

NBSA directs the NBA to send: (i) A copy of this Order to the broadcasters and the complainants; (ii) circulate this Order to all Members, Editors & Legal Heads of NBA; (iii) host this Order on its website and include it in its next Annual Report and (iv) release the Order to the media.



Justice A. K. Sikri (Retd.)
Chairperson

Place: New Delhi

Date: October 6, 2020

List of broadcasters and the complainants who attended the hearing on 24.9.2020 through video conference regarding media coverage of suicide case of Sushant Singh Rajput by member channels of News Broadcasters Association [NBA]

1. Broadcasters:

TV Today Network Ltd. [Channel: Aaj Tak]

Mr. Rajeev Pandey, Advocate

Mr. Aiman Hasaney, Legal Counsel

Ms. Shiuli Bhattacharya, Legal Counsel

ABP Network Pvt. Ltd. [Channels: ABP News, ABP Majha]

Mr. Raj Kumar Varier, VP- Legal & Regulatory Affairs

Ms. Disha Sachdeva, Sr. Executive – Legal

Zee Media Corporation Ltd. [Channel: Zee News]

Ms. Ritwika Nanda, Advocate with

Mr. Piyush Choudhary, Manager-Legal

Ms. Annie, Assistant Manager - Legal

News Nation Network Pvt. Ltd. [Channel: News Nation]

Mr. Ajay Verma, Senior Executive Editor

Ms. Nupur Giri, Company Secretary & Compliance Officer (NBSA)

Mr. Ankit Parashar, Legal Representative for News Nation

News24 Broadcast India Ltd. [Channel: News 24]

Mr. Abhishek Malhotra, Advocate

Mr. Rajeev Ranjan Singh, Deputy Editor

Independent News Services Pvt. Ltd. [Channel: India TV]

Mr. Ritika Talwar, Legal Consultant

Mr. Rohan Swarup, Advocate

2. Complainants:

Mr. Saurav Das

Mr. Indrajeet Ghorpade

Mr. Nilesh Navalakha

Mr. Amit Pai, Advocate for Mr. Nilesh Navalakha

Mr. Rajesh Inamdar, Advocate for Mr. Nilesh Navalakha

Mr. Shashwat Anand Advocate for Mr. Nilesh Navalakha

Ms. Rutuja Patil [Not present]

Mr Varun Singala [Not present]

Ms. Priyanka Srivastava [Not present]

Mr. Pulkit Rathi [Not present due to COVID19]
