

# Ofcom Broadcast and On Demand Bulletin

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## News

<b>Type of case</b>	Broadcast Standards
<b>Outcome</b>	In Breach
<b>Service</b>	Republic Bharat
<b>Date &amp; time</b>	20 August 2019, 08:47 and 09:21
<b>Category</b>	Violence
<b>Summary</b>	Graphic footage of a traffic collision was broadcast before the watershed. In breach of Rules 1.3, 1.11 and 2.3 of the Broadcasting Code.

## Introduction

Republic Bharat is a satellite television channel broadcasting rolling news, predominately in Hindi. The licence for Republic Bharat is held by Worldview Media Network Limited (“Worldview Media” or “the Licensee”).

Through routine monitoring we identified footage broadcast of a traffic collision involving a car colliding with a motorcyclist and several pedestrians. The material was broadcast in Hindi and we have translated it into English.

At 08:47, a presenter introduced a news item as follows:

*“A video from Uttar Pradesh<sup>1</sup>, Gorakhpur area has emerged which will give you goosebumps. In that video a car lost control and ran over people”.*

A video clip was broadcast which showed an urban street from the side with traffic travelling in both directions. In the foreground of the video was a pavement with two pedestrians (“Pedestrians 1 and 2”) and two motorcycles. One motorcycle (“Motorcycle 1”) had one person sitting on it while the second motorcycle (“Motorcycle 2”) had the driver and two passengers sitting on it. The video consisted of the following set of images:

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<sup>1</sup> Uttar Pradesh is a province in India.

- Motorcycle 1 was shown with a white circle graphic around it. Pedestrian 1 was shown standing next to Motorcycle 1 while she looked into her bag. The circle then became a square, also with a white outline, and Motorcycle 1 was seen starting to move slowly.
- A large white car was then visible moving at a fast speed from the right-hand side of the screen, colliding first into Motorcycle 1, causing the motorcyclist to hit the car's windscreen at force and be carried along on the car's bonnet, leaving the motorcycle falling away onto the pavement.
- The car then carried on, still moving at speed, directly colliding with both Pedestrian 2 and also Motorcycle 2 and several people standing nearby. The three people on Motorcycle 2 and Pedestrian 2 were all carried along on the car's bonnet, while Motorcycle 1 fell away onto the pavement. Pedestrian 1 was shown running towards after the car.
- The footage above lasted approximately ten seconds and was shown on a loop, repeated ten times.

As the footage was being played and repeated a second presenter said:

*"Look at these pictures from Gorakhpur, the footage was recorded on CCTV and the people that were standing there had no idea what was going to happen. You can see this motorcyclist parking his bike on the side when a fast-moving car comes from behind and completely tramples over the people there. The people that were standing there were severely injured. It is said that the driver and the people sitting in the car were drunk. They were drunk driving, and this is why this accident took place".*

The first presenter then said:

*"Look at the footage, there are people standing on the street talking amongst themselves and none of them have any idea that suddenly a car would lose control and trample them. This accident happened because of the drunk driver. You can see here on this road in Gorakhpur, Uttar Pradesh, the car came in public, and trampled over people. We now see the consequences of driving uncontrollably fast".*

The second presenter then said:

*"There was a similar horrific video which came to us yesterday, where in Bengaluru, a drunk driver ran over people and injured a few people. These are two videos, Gorakhpur and Bengaluru, where we can see the terror of drunk drivers. Both cars were being driven by drivers that were drunk. You can see how the terror of drunk drivers is not just on the road but on the footpaths as well".*

As the second presenter was speaking the screen was split in two and:

- on the left-hand side of the screen, the above footage was repeated a further four times; and

- on the right-hand side of the screen different footage was shown of a pavement with a number of people walking on the pavement. A car was shown entering the frame and mounting the pavement at speed and colliding with a number of the pedestrians and pushing them forward in front of the car until they disappeared from shot. This footage was also repeated four times.

At 09:21 the second presenter introduced a reprise of the above news item by saying:

*“In Uttar Pradesh’s Gorakhpur area, a fast-moving car’s wrath, trampled over people. One dead. Five in critical condition. The car driver was drunk”.*

The same ten second clip involving the car colliding with Motorcycles 1 and 2 was repeated three times. This time Motorcycle 1 was emphasised with a dashed red circle graphic around it and the footage was slowed down.

We considered this content raised potential issues under the following Code rules:

- Rule 1.3: “Children must also be protected by appropriate scheduling from material that is unsuitable for them”.
- Rule 1.11 “Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to violence...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We requested comments from Worldview Media on how the programme complied with these rules.

## **Response**

Worldview Media said “Republic Bharat is a dedicated news channel, targeted at the Asian community with a predominant demographic of males over 25. It is a bespoke feed for the UK market and is edited for compliance with the Code”. The Licensee added that “audience expectations vary hugely between Asian news channels and their UK counterparts...and Asian channels are often more fervent in their delivery which may include graphic imagery”.

According to Worldview Media:

- the news item related to a speeding car colliding with pedestrians and motorcycles, which resulted in one person dying, and four people sustaining injuries. It was understood from local sources that the likely cause of the accident was the driver being under the influence of alcohol;

- the item was in the public interest because drink driving is a growing problem in this area of India and by reporting on it, it served to “raise awareness and inform the public about how drunk driving is endangering people across the country”;
- in the Uttar Pradesh area, during 2017 there was a total of 3,336 cases of road accidents due to drunk driving. The Licensee explained that the public interest was heightened because India’s penalty for driving under the influence of alcohol had just been amended to increase the punishments associated with it, with new laws due to take effect on 1 September 2019;
- the footage was “repeated to inform the audience of the impact and implications of drink driving and was supported by a warning before the report and narrative during the broadcast”. Worldview Media said that the news presenter said: “the picture from Gorakhpur in Uttar Pradesh will send shivers down your spine”, which the Licensee explained was a warning “typical on Hindi news channels and is clearly understood by viewers that the upcoming pictures contain graphic content”. The Licensee also said there was a second following warning before the visuals appeared: “a car lost control and drove over people”; and
- the Licensee said it “did not linger on the injured motorcyclist” and the images had been treated with a “filter to wash out” what was seen by the viewer.

Worldview Media also provided specific comments on the individual rules:

- with regard to Rule 1.3, it said that Republic Bharat “does not attract a child audience as it is wall-to-wall news”. The Licensee provided age profile data as part of its representations which it said showed that 6.3% of its total audience is between 4-15<sup>2</sup>;
- with regard to Rule 1.11, the Licensee said: “the footage had been treated with a filter to minimise the impact of the violent crash on viewers”. It also referred to the same footage being shown on other Hindi news channels in greater detail; and
- with regard to Rule 2.3, the Licensee reiterated that “viewers were given verbal information prior the report to avoid and minimise the possible offence of the story featured and...believed that the report was justified by the context on the basis of the public interest of the news item”.

Worldview Media also said that it had conducted “compliance training seminars with the Production Teams and Senior Management before the launch of the channel. This included how to handle news stories involving disaster footage and accidents”. It said it “apologised for any offence this report may have caused but, within the context of Asian news”, it “believed the story and how it was reported, including warnings, did not exceed the boundaries of acceptability for the likely audience”.

The Licensee also provided representations on Ofcom’s Preliminary View, which was to record a breach of Rules 1.3, 1.11 and 2.3. Worldview Media reiterated its apology for any offence caused and noted that Ofcom “considers the warnings were not sufficiently effective in this report”. It added that the news and production teams had been briefed on the contents of Ofcom’s Preliminary View and these teams had been “provided specific guidance on how to handle these and similar situations in the future.”

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<sup>2</sup> Worldview Media provided analysis of adverts. The metric used was ‘impacts’ which is the number of times an advert has been viewed.

## Decision

Reflecting our duties under the Communications Act, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes and Section Two of the Code requires that generally accepted standards are applied to the content of television to provide adequate protection for members of the public from the inclusion of harmful and/or offensive.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights when considering a broadcaster's compliance with the Code.

We considered that it was legitimate for Worldview Media to report on this traffic collision, particularly given the prevalence of drink driving in the area and the importance of reporting on the implications of driving under the influence of alcohol. We also understood that given the forthcoming changes to legal penalties for drink driving offences in India, it was understandable the Licensee would want to highlight this accident to its viewers.

The Code places no absolute prohibition on distressing or graphic content as there may be circumstances in which the broadcast of such material is justified. Taking into account the right to freedom of expression, it is important for news programmes to be able to report freely on events which broadcasters consider to be in the public interest. Ofcom also recognises that when covering a breaking news story, especially where the subject matter and associated audio-visual material is potentially distressing and offensive, editorial judgement is required. With television news bulletins likely to feature subjects and material that may well be challenging or upsetting, we must consider whether a breach finding in this case would be a disproportionate restriction of freedom of expression. It is important that broadcast journalists can report the news of what has occurred freely.

Against this background we considered whether this material complied with Rules 1.3, 1.11 and 2.3 of the Code.

### Rule 1.3

Rule 1.3 requires that children<sup>3</sup> must be protected by appropriate scheduling from material in programmes which is unsuitable for them. Appropriate scheduling is judged by a number of contextual factors including: the nature of the content, the likely number and age range in the audience, the time of broadcast, and audience expectations.

We first considered whether the material broadcast pre-watershed at 08:47 and 09:21 was unsuitable for children.

We considered the footage of a car colliding with a pedestrian and two motorcycles carrying four people would have been highly distressing to any children in the audience. In our view the impact of the collision would have been clear to the audience: a motorcycle was seen being crashed into by a car at considerable speed and the motorcyclist subsequently hitting the windscreen with great force. This was followed by the car continuing to drive at speed into a second motorcycle carrying three people and a pedestrian. While we accept the news item was relatively short, we considered the repetition of the collision, played on a continuous loop 14 times, would have heightened the potential for distress

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<sup>3</sup> Children are defined in the Code as those under the age of 15.

to children. We also took into account that during the 09:21 broadcast, the footage had been slowed down, showing the collision in greater detail, which, in our view, would have heightened the strength and impact of the material – and hence any distress to any children in the audience. We therefore considered this material was unsuitable for children.

We went on to consider whether this material was appropriately scheduled. Ofcom’s guidance on Section One of the Code states: “It is accepted that it is in the public interest that, in certain circumstances, news programmes may show material which is stronger than may be expected pre-watershed in other programmes as long as clear information is given in advance so that adults may regulate the viewing of children”.

The Licensee said that when the news item was broadcast at 08:47 the first presenter’s statement (“*A video from Uttar Pradesh’s Gorakhpur area has emerged which will give you goosebumps. In that video a car has lost control and ran over people*”) would have alerted viewers to the graphic content and served as a warning. Worldview Media also said that there was a warning (“*a drunk driver ran over people and injured a few people*”) ahead of the footage being broadcast in the further news item that was broadcast at 09:21. In our view, given the strength of the content in this case, we considered that these warnings would have had limited effect in preparing viewers, including any parents and carers in the audience, as to the graphic footage which was broadcast. For example, we considered this statement made immediately before the footage started in the 08:47 broadcast, would have been likely to have been seen by viewers as being light-hearted and not matching the severity of the footage subsequently broadcast. We therefore did not consider that this would have been effective in alerting viewers, including parents and carers, to the nature of the content.

Worldview Media also argued that as a rolling news channel, Republic Bharat has a low child audience. We acknowledged this channel is predominately aimed at adults. However, the Licensee’s own submissions suggest that 6.3% of its total audience is between 4-15. We also considered that at this time of the morning, during August when children were on school summer holidays, there was a higher possibility that children could have been watching, potentially unsupervised.

We took account of the Licensee’s explanation of why this content had been broadcast and the fact that it had provided its news and productions teams with “specific guidance on how to handle these and similar situations in the future.” However, our Decision is that Worldview Media did not appropriately schedule material which was unsuitable for children, in breach of Rule 1.3 of the Code.

### **Rule 1.11**

Rule 1.11 states that violence must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context. Context includes factors such as: the nature of the content, the service in which the programme is broadcast, and the likely expectation of the audience.

We first assessed whether the violent traffic collision featured in the footage shown pre-watershed at 08:47 and 09:21 was appropriately limited. We considered it was not, for the same reasons we considered the material was unsuitable for children under Rule 1.3.

We acknowledge the Licensee said it had added a “filter” to the footage. However, in our view the images remained clearly visible and by repeating them on a loop, the strength and impact of the

images would have been exacerbated for any children watching. During the 09:21 broadcast the footage was slowed down which we considered would have further reinforced the impact of the collision on any children in the audience.

We then considered whether the broadcast of the content had been justified by the context.

For the reasons already outlined, we acknowledged the public interest in broadcasting news items on the issue of drunk driving in the context of new laws to be introduced to combat this issue. We also acknowledged that viewers were likely to expect news content to cover potentially disturbing or distressing themes, and that audiences of this news service targeting the South Asian community may have expected, as the Licensee described it, “more fervent...delivery which may include graphic imagery”. However, in this case this highly graphic and distressing content was broadcast well before the watershed, during school summer holidays. As such, we considered that audiences – and in particular, parents and carers – were unlikely to have expected such graphic and violent images to be broadcast at this time. The Licensee argued that the same footage had been shown on other Hindi news channels in greater detail. However, broadcasters cannot and should not base their compliance decisions on what content is being shown on other channels.

We took into account the steps taken by the Licensee to brief its news and production teams as a result of this incident. However, taking account of all the factors outlined above, our Decision is therefore that Rule 1.11 was breached.

### Rule 2.3

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. As stated above, context includes factors such as: the nature of the content, the service in which the programme is broadcast, and the likely expectation of the audience.

Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which subjects are treated, as long as potentially offensive content is justified by the context.

As set out above, we considered the broadcast footage was offensive because it showed several people being seriously injured and possibly killed during a violent traffic collision. The 09:21 broadcast was accompanied by a voiceover which explained that one person had died, and five others were in critical condition. We considered that this would have been likely to have exacerbated the potential offence because it left viewers in no doubt that they were witnessing a fatal accident repeated 14 times.

We took into account the same contextual factors considered under Rules 1.3 and 1.11. In particular, the impact would likely have been heightened by the time of day the content was broadcast, when viewers were unlikely to have expected such graphic material to have been shown. Further, as already discussed, we did not consider the warnings were sufficient to alert viewers to the very serious nature of the content in this case.

We also took account of the right to freedom of expression in this case. We acknowledge that broadcasters must have the editorial freedom to report on potentially distressing events, particularly when they are in the public interest. We accept that audience expectations differ, and some news channels show footage which can be more graphic than others. However, we did not consider audiences would have expected such graphic footage to be shown at the time this was broadcast.

Once again, we took into account the steps taken by the Licensee to brief its news and production teams as a result of this incident. However, for all the reasons outlined, our Decision is that this material was also in breach of Rule 2.3

**Breaches of Rules 1.3, 1.11 and 2.3**