

PRESS COUNCIL OF INDIA

Sl. No 13

File No.14/312/08-09 PCI

Prof. V.K.Paul,
Prof. & Head, Deptt. of Pediatrics,
AIIMS, New Delhi.

Vs.

The Editor,
The Times of India,
New Delhi.

ADJUDICATION

Facts

This complaint dated 11.10.2008, has been filed by Prof. V.K.Paul, Professor and Head, Department of Pediatrics, All India Institute of Medical Sciences, (AIIMS), New Delhi against the Times of India, New Delhi for publication of an allegedly inaccurate, misleading and irresponsible news item captioned '*49 babies die during clinical trials at AIIMS' 'Hospital: Trials Not To Blame'* in its issue dated 18.8.2008. It was published in the impugned news item that as many as 49 babies, many of whom hadn't even celebrated their first birthday, have died at the All India Institute of Medical Sciences while being subjected to clinical trials for testing new drugs and therapies over the last two and a half years. It was further published that responding to a Right to Information (RTI) query on clinical trials on babies, the AIIMS administration admitted that of the 4,142 babies – 2,728 of whom were below the age of one – who were enrolled for clinical trials by institute's department of pediatrics, 49 had died since January 1, 2006 during which the department conducted 42 sets of trials on babies.

The complainant has alleged that the impugned news item was objectionable as it was unverified, inaccurate and contained misleading report which violated the norms of journalistic conduct on two counts; namely (i) accuracy & fairness and; (ii) pre-publication verification of facts. He drew the attention of the respondent vide letter dated 11.10.2008 and demanded publication of the true facts to undo the damage but to no avail. He thus requested the Council to take necessary action in the matter.

Written Statement

The respondent in its written statements dated 2.2.2009 has denied that they had offended or violated in any way, the professional norms of journalistic conduct and also denied that the news item in question was carried to malign

the name of the Institute. The respondent submitted that the impugned news item was based on the information received from the Institute on an RTI application and also incorporated the version of the institute which showed that due care had been taken and the respondent had acted very fairly. The editor of the newspaper got hundreds of letters in a day and it was practically not possible to respond each and every letter or to publish them in the newspaper more so when the comments / response of the AIIMS had already been carried in the news item itself, stated the respondent. The respondent denied that the title of the article in question was a distorted speculation as the number of infants under the age of one year who were used for clinical trial since January 2006 was much higher than the number of infants who died since January 2006. As per the information received through RTI application, the number of infants who died was 49, which is correct and the title does not say all were under the age of one year. The word 'many of whom' were used which makes it clear that there was no speculation as alleged, added the respondent. By writing that clinical trials are cheaper in our country does not in anyway malign the Institute as it is a general statement applicable to clinical trials done in our country, stated the respondent. The respondent further denied that the reporter relied on the RTI application for journalistic mileage by tarnishing the image of AIIMS but the impugned article carried the comments of Shri Rahul Verma and the comments of the Institute.

Counter Comments

The Complainant in his counter comments dated 27.3.2009 has reasserted that the respondent newspaper did malign the name of the Institute, which can be judged by the responses received from the readers of the news item on the website of the respondent newspaper. He added that fairness of the news report had been affected adversely because of omission of details of the institute's response on the front page of the main article, greater and unjustified weightage given to the story of the RTI applicant, selective and piece-meal use of information and citing of information about clinical trials were out of context. The complainant further submitted that the act of not bothering about the letter written by the Faculty and Scientists of All India Institute of Medical Sciences showed the insensitive and irresponsible attitude of the respondent firstly because the letter submitted to the respondent reflected the view of the affected

party who has a right to fair opportunity for airing their standpoint and response to the allegations and secondly, the authors of the letter represent the academics who have served the nation and its people, particularly the poor with distinction. By ignoring this legitimate request from such a group of citizens, the newspaper is guilty of perpetrating its own distorted and misleading version, added the complainant. He further stated that the impugned report clearly claimed that rituximab is being used by AIIMS for treating chronic focal encephalitis and if the basis of the report is the RTI response only, then on what basis has this statement being made. It is a pure imagination / assumption on the part of the reporter which is a clear case of violation of norms of accuracy and fairness, asserted the complainant.

Arguments

The matter came up for hearing before the Inquiry Committee on 20.07.2009 at New Delhi. There was no appearance from either side. However the complainant vide his letter dated 17.07.2009 requested for adjournment. The Inquiry Committee acceding to the request adjourned the matter.

The matter again came up for hearing on 14.12.2009 at New Delhi. Prof. V.K.Paul, complainant appeared in person along with Shri Shohit Chaudhry, Advocate. There was no appearance on behalf of the Times of India. The complainant and his Counsel proceeded to argue the matter and submitted that the impugned publication dented the image of the department intentionally. The heading that the babies are dying in clinical trials gave an impression that the doctors of AIIMS are butchers. The respondent misquoted the facts and mixed up with fiction and thus made unfair scrutiny. The complainant submitted that endeavour of a doctor remains to save life and for that purpose safe medication is given to the patient. The clinical trials conducted on patients on death bed are an attempt to save them and also to conduct tests to save lives in future. The complainant's counsel relied on two points raised in the complaint in respect of accuracy and pre-publication verification and submitted that the respondent indulged in irresponsible reporting, in not checking the accuracy. So far as the basis of the impugned report, the complainant submitted that the complainant's institution had given point-wise reply to 13 questions of Shri Rahul Verma and it was sent to atleast 20 newspapers, who unlike the respondent, contacted them

for their response and decided not to carry the report after listening to their version. The complainant submitted that they have got all round support and even the WHO had written to them backing on the issue. The complainant desired that some guidelines should be framed for reporting on scientific issues. The complainant submitted that the version of AIIMS reported in the impugned news item was not given by him being head of the Pediatric Department. The newspaper might have contacted some official, which was not as per his authority. The complainant further submitted that the official rejoinder was issued on the next day and the Press Release was also issued but the respondent did not cover the same nor respond. The complainant requested that their grievance would be mitigated to an extent if their rejoinder is published prominently by the Times of India.

Report of the Inquiry Committee

The Inquiry Committee considered the records of the case and the arguments put forth by the complainant before it. The Inquiry Committee noted the complainant's submissions that the Times of India report based on an RTI query gave an impression to the readers that a large number of babies had died due to clinical trials at AIIMS, although the fact was that the 49 deaths during clinical studies were due to treatment modalities under trial, and also due to high risk and serious disease conditions such as sepsis and respiratory failure receiving life support. The Inquiry Committee on consideration of all the facts and the oral and written submissions of the parties noted that it was a fact that some deaths had taken place during the clinical trials and those details had been served by the respondent from the reply to the RTI application. It had also rightly taken and printed alongside the response of the Institute to be put by the reporter. However, post publication information necessitate further clarification from the institute which was obligatory on the part of the newspaper to offered to the Institute or the directly affected party, moreso when the readers responses dented the image of this premier institute. The Inquiry Committee was not satisfied of the plea of space constraints on this count. In the circumstances, the Inquiry Committee directed the complainant to send a precise rejoinder to the Times of India and it further directed the editor, Times of India to publish the rejoinder conspicuously and furnish clipping to the complainant and Council for

record. The Inquiry committee further decided that the adjudication in respect of this matter be put on the website of the Press Council of India and the AIIMS. The Inquiry Committee decided to dispose of the complaint with these observations and directions. It submitted its report and findings to the Council.

Held

The Press Council, on consideration of the report of the Inquiry Committee decided to dispose of the complaint in term of observations and directions made therein.