

## **NBA Guidelines**

The News Broadcasters Association (NBA) represents the private television news & current affairs broadcasters. It is the collective voice of the news & current affairs broadcasters in India. It is an organization funded entirely by its members. It has presently 27 leading news and current affairs broadcasters (comprising 77 news and current affairs channels) as its members. The NBA presents a unified and credible voice before the Government, on matters that affect the growing industry.

The News Broadcasters Association (NBA), which represents 30 channels run by 14 broadcasters, has set up a body to enforce a code of ethics and address public grievances.

*These are its guidelines*

Self-regulation for the broadcasting industry has finally seen the light of day with the News Broadcasting Standards Disputes Redressed Authority beginning operations on October 2, 2008. Set up by the News Broadcasters Association (NBA), which represents 30 channels run by 14 broadcasters, it is headed by former Chief Justice J S Verma.

Apart from the chairman, the Authority consists of eight members -- four 'eminent persons' and four editors. Historian Ramachandra Guha, sociologist Dipankar Gupta, former Nasscom president Kiran Karnik and Nitin Desai, a former undersecretary general at the UN are the four eminent persons on the panel. The four editors include Vinod Kapri, managing editor, India TV; B V Rao, group editor, Zee News; Milind Khandekar, managing editor, Star News; and Arnab Goswami, editor-in-chief, Times Now.

The Authority will have jurisdiction over 30 news and current affairs channels in the country, owned by 14 leading broadcasters that include TV Today, NDTV, MCCS, Times Now, CNN IBN, Zee News, Sun TV, and ETV, among others. Presently, there are over 250 television channels in the country. The Authority will enforce NBA's Code of Ethics and Broadcasting Standards. It will also act on complaints from the viewing public. Any viewer can send a complaint to the broadcaster within seven days of telecast of a programme and the broadcaster will be required to reply within a week's time. If the complainant is not satisfied with the response, he/she can file a complaint before the Authority within a fortnight.

The Authority can impose a fine not exceeding Rs 100,000 if a channel is found guilty and can also ask the erring channel to inform its viewers about the punishment and warnings. The Authority can also recommend that the Ministry of Information and Broadcasting (I&B) revoke the license of an erring broadcaster.

Currently, the Telecom Regulatory Authority of India regulates television transmission and technology, and the Ministry of Information and Broadcasting regulates content. The government is yet to legislate a broadcasting Bill that provides for a broadcasting regulator that will administer both content and transmission. Media owners are anyway unwilling to submit to government regulation of content on the plea that it will compromise the media's independence and freedom of speech.

## **News Broadcasters Association guidelines for self-regulation**

### Background

- 1) The Constitution of India guarantees to all its citizens, the right to free speech, which right has been liberally construed by our Supreme Court as encompassing not just freedom of the press but also the right of the citizen to be informed of matters of public moment and concern.
- 2) The fundamental premise of a democracy is the accountability of all its institutions to the political sovereign, viz the people. It is axiomatic that for democracy to survive and flourish, freedom must live in the hearts of people, and the citizenry must be ever vigilant against all attempts to subvert the rule of law. Democracies have decayed into anarchy not merely on account of major events such as coups, but also by insidious erosion caused by egregious corruption and abuse of power. Exposing the threat within itself has become one of the most important roles of the news media, particularly the electronic media whose reach and penetration has the promise to make democracy a living reality for those who do not have access to the print media for want of literacy or otherwise, and giving them a sense of involvement in the process of governance.
- 3) India is the world's largest democracy, demographically marked by diversity in religion, language and caste, and undoubtedly has problems that are significantly peculiar to it. Yet, at the same time, it shares certain common values with other vibrant democracies, and one of them is balancing freedom of the press with putting in place checks and balances that seek to instill a sense of responsibility and to prevent abuse of this freedom without the "chilling effect" that would impair journalistic freedom.
- 4) It is the duty of the media to keep the citizenry informed of the state of governance, which mostly puts it at odds with the establishment. A media that is meant to expose the lapses in government and in public life cannot obviously be regulated by government, it would lack credibility. It is a fundamental paradigm of freedom of speech that the media must be free from governmental control in the matter of "content" censorship and free speech are sworn enemies. It therefore falls upon the journalist profession to evolve institutional checks and safeguards, specific to the electronic media, that can define the path that would conform to the highest standards of rectitude and journalistic ethics and guide the media in the discharge of its solemn constitutional duty.
- 5) There are models of self-governance evolved in other countries that have seen an evolution of the electronic media, including the news media, much before it developed in India. The remarkable feature of all these models is self-governance and monitoring by a "jury of its peers".
- 6) There are undoubtedly limitations in any model of self-governance in which compliance is entirely voluntary. However, this does not suggest that such models are ineffective. Their efficacy flows from the fact that the basic strength of a news channel lies in its credibility, from which flows its ability to influence public opinion. A censure emanating from a jury of its peers would indisputably affect the credibility of a channel. Besides, such a process is not without its legal ramifications. One of the important defenses of civil and criminal actions (based on

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defamation) is "fair comment" and bona fide attempts to unravel the truth. The difference between inaccuracy and falsehood lies many a time in the motive. A channel acting in breach of established guidelines could hardly defend its motives or suggest that it was acting fairly if it is censured by a jury of its peers.

7) Interference by the government, however well intentioned, would imperil not just this method of independent journalism but the very process of investigation itself. It therefore has become imperative that the news channels lay down guidelines, procedural safeguards and establish a body that would act as a watchdog and a grievance redressed forum.

### Section 1

#### **Fundamental principles**

1) Professional electronic journalists should accept and understand that they operate as trustees of the public and should, therefore, make it their mission to seek the truth and to report it fairly with integrity and independence. Professional journalists should stand fully accountable for their actions.

2) The purpose of this code is to document the broad paradigms accepted by the members of the News Broadcasters Association (NBA) as practice and procedures that would help journalists of the electronic media to adhere to the highest possible standards of public service and integrity.

3) News channels recognise that they have a special responsibility in the matter of adhering to high standards of journalism since they have the most potent influence on public opinion. The broad principles on which the news channels should function are, therefore, as stated hereinafter.

4) Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.

5) The fundamental purpose of dissemination of news in a democracy is to educate and inform people of the happenings in the country, so that the people of the country understand significant events and form their own conclusions.

6) Broadcasters shall ensure a full and fair presentation of news, as the same is the fundamental responsibility of each news channel. Realising the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.

### Section 2

#### **Principles of self-regulation**

The News Broadcasters Association has established commonly accepted content guidelines as a way of practicing self-regulation. The purpose is to define editorial principles which are consistent with the tenets of the freedom of speech as articulated in the Constitution of India, the regulatory framework, common sensibilities of television viewers.

The purpose of these principles of self-regulation is to serve as an affirmative declaration of understanding of, and compliance with, the basic values and objectives that news channels enshrine. It is to ensure that these principles are observed in spirit, not just in letter.

The purpose of putting together the principles of self-regulation is to avoid compromising the genre of television news by broadcasting content that is malicious, biased, regressive, knowingly inaccurate, hurtful, misleading, or aimed at willfully concealing a conflict of interest.

The purpose of these principles of self-regulation is to empower the profession of television journalism by an abiding set of values, which will stand the test of time and ensure that balanced and comprehensive journalism flourishes, to strengthen India's democracy.

**Detailed below are some of the areas where the broadcasters seek to self-regulate.**

#### **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 give accuracy and balance 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 libellous. Truth will be a defence 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 or criticism by news channels.

#### **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 the main viewpoints 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.

#### **Reporting on crime and safeguards to ensure crime and violence are not glorified**

Television news has a greater reach and more immediate impact than other forms of media, and this makes it all the more necessary that channels exercise restraint to ensure that any report or visuals broadcast do not induce, glorify, incite, or positively depict violence and its perpetrators,

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regardless of ideology or context. Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory. Equally, in the reporting of violence (whether collective or individual), the act of violence must not be glamorized, because it may have a misleading or desensitizing impact on viewers. News channels will ensure that such reconstructions will not cross boundaries of good taste and sensibility. This includes taking adequate precaution while showing any visual instance of pain, fear or suffering, and visuals or details of methods of suicide and self-harm of any kind, and will not cross boundaries of good taste and decency.

### **Depiction of violence or intimidation against women and children**

As an elaboration of the third point, news channels will ensure that no woman or juvenile, who is a victim of sexual violence, aggression, trauma, or has been a witness to the same, is shown on television without due effort taken to conceal the identity. In reporting all cases of sexual assault, or instances where the personal character or privacy of women is concerned, their names, pictures and other details will not be broadcast/divulged. Similarly, the identity of victims of child abuse and juvenile delinquents will not be revealed, and their pictures will be morphed to conceal their identity.

### **Sex and nudity**

News channels will ensure that they do not show, without morphing, nudity of the male or female form. Channels will also not show explicit images of sexual activity or sexual perversions or acts of sexual violence like rape or molestation, or show pornography, or the use of sexually suggestive language.

### **Privacy**

As a rule, channels must not intrude on the 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 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 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 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.

### **Endangering national security**

In the use of any terminology or maps that represent India and Indian strategic interests, all news channels will use specific terminology and maps mandated by law and Indian government rules. (The depiction of a map of the territory of India will reflect official guidelines, as detailed in official literature.) News channels will also refrain from allowing broadcasts that encourage secessionist groups and interests, or reveal information that endangers lives and national security. However, it is in the public interest to broadcast instances of breach of national security and

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loopholes in national security and reporting these cannot be confused with endangering national security.

### **Sting operations**

As a guiding principle, sting and undercover operations should be the last resort of news channels in an attempt to give the viewer comprehensive coverage of any news story. News channels will not allow sex and sleaze as a means to carry out sting operations, the use of narcotics and psychotropic substances, or any act of violence, intimidation, or discrimination as a justifiable means in the recording of any sting operation. Sting operations will also abide by the principles of self-regulation mentioned above, and news channels will ensure that they will be guided, as mentioned above, by an identifiable larger public interest. News channels will, as a ground rule, ensure that sting operations are carried out only as a tool for getting conclusive evidence of wrongdoing or criminality, and that there is no deliberate alteration of visuals, or editing, or interposing done with the raw footage in a way that it also alters or misrepresents the truth or presents only a portion of the truth.

### **Corrigendum**

All news channels will, in keeping with the principle of due accuracy and impartiality, ensure that significant mistakes made in the course of any broadcast is acknowledged and corrected on air immediately. Corrections should also be scheduled in such a way that they attract enough viewer attention and are not concealed. This, like the other principles, must be observed in spirit and not just in letter, to avoid any compromise to the reputation of the news broadcasting industry in India.

### **Viewer feedback**

All news channels will, on their website, create provision to receive consumer feedback. Further, any specific viewer complaints will be responded to. In the event any news channel gets a specific complaint, if found to be true it will admit to the same on air and will respond in fullness and fairness to the viewer. In the event a viewer/body perceives prejudice by any specific report carried by the news channel, it will respond in fullness and without impartiality to the viewer