

## **PRESS RELEASE**

### **FOR IMMEDIATE RELEASE**

**New Delhi: June 28, 2024:** News Broadcasters & Digital Association (“NBDA”) is the collective voice of the news, current affairs and digital broadcasters in India, whose membership includes leading news and current affairs broadcasters and digital news publishers, who run news and current affairs channels and digital news platforms. Members of NBDA are some of the nation's top-rated news channels and they command more than 80 per cent of news television viewership in India.

One of the significant achievements of NBDA is its independent self-regulatory body "**News Broadcasting & Digital Standards Authority**" (NBDSA), which was established nearly 15 years ago. NBDSA has emerged as a time-tested complaint redressal system and process for the viewers. Since its inception, NBDSA has been headed by eminent former judges of the Supreme Court of India, and by other renowned Independent Members, who have striven to improve broadcasting standards.

The NBDA Board felt that it had become necessary to review and amend the **News Broadcasting & Digital Standards Regulations (Regulations)** to bring it in sync with the evolving media landscape.

The NBDA Board is grateful to Justice (Retd) A. K. Sikri, Chairperson, NBDSA, Justice (Retd) R. V Raveendran, former Chairperson, NBDSA and Mr. Arvind P. Datar, Senior Advocate, for their invaluable guidance and inputs in facilitating the process.

### **THE SALIENT FEATURES OF THE REGULATIONS ARE:**

**With the inclusion of digital news media in its membership, the regulations have been amended to bring digital publishers under the purview of NBDSA. Further, several new definitions have been added in the Regulations, which include:**

*“Digital News Media” means digitized news content that can be transmitted over the internet or computer networks and includes content received, stored, transmitted, edited or processed by a Digital Publisher;*

*“Digital News Platforms” refers to platforms which facilitate transmission of digitized news content over the internet or computer networks including social networking sites or social media;*

*“OTT Platforms” refers to platforms which facilitate transmission of any program, feature, news-item, news-report or any other matter over the internet or computer networks on demand;*

*“Digital Publisher” includes a news portal, news aggregator, news agency and any other entity which is engaged in publishing of news and current affairs content on Digital News Platforms, OTT Platforms, Social Networking Sites and Social Media;*

**PENALTIES TO BE IMPOSED FOR VIOLATION OF THE CODE OF CONDUCT HAVE BEEN BROADENED TO INCLUDE GRADED PENALTIES, WHICH ARE AS FOLLOWS:**

**7. Powers of Authority**

*“Where, on receipt of a complaint made to it or otherwise, the Authority has reason to believe that a Broadcaster or Digital Publisher has violated the Code of Conduct, the Authority may, after giving the Broadcaster or Digital Publisher concerned, an opportunity of being heard, hold an inquiry in such manner as is provided by these Regulations and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, direct the following penalties to be imposed upon the Broadcaster or Digital Publisher :-*

***For the first violation issue/express –***

- a. warning, admonish, censure, disapproval, regret, apology and/or*
- b. impose a fine of upto Rs. 2 lacs*

***For the second violation issue/express –***

- a. warning, admonish, censure, disapproval, regret, apology and/or*
- b. impose a fine of upto Rs. 5 lacs*

***For the third violation issue/express –***

- a. warning, admonish, censure, disapproval, regret, apology and/or*
  - b. impose a fine upto 1% of the total annual turnover of the channel.*
- Provided such fine shall not exceed Rs.25 lakhs, in any given matter.*

***In addition to the above, on the third violation of the Code of Conduct, the Authority may direct a particular programme to be suspended for up to one week and/or direct the broadcaster to suspend the anchor for upto one month and/or issue any other direction as the Authority deems appropriate to the Broadcaster***

*or Digital Publisher and/or recommend to the concerned authority for suspension/revocation of license of such broadcaster;*

*Provided that the fine imposed by the Authority shall be recovered from the concerned Broadcaster or Digital Publisher;*

*Provided that if the Authority holds that the Broadcaster or Digital Publisher has violated the Code of Conduct, it will direct the Broadcaster/Digital Publisher to immediately remove or suitably edit the broadcast/publication from all Digital News Platforms, Social Media and Social Networking Sites; ”*

## **SUO-MOTU PROCEEDINGS**

*“The Authority has the power to initiate suo motu proceedings and issue notice or, as the case may be, take action in respect of any matter which falls within the mischief contemplated in these Regulations or relating to any matter falling within or arising from the Code of Conduct, and in such cases the Authority would be free to adopt its own procedure and such procedure need not be the same procedure as when the complaint is filed.*

*The Authority may exercise suo motu power in cases where public interest requires immediate remedial action to be taken, or in other cases where the Authority deems it fit to do so.*

*Where suo motu proceedings have been taken ex-parte, the Authority will issue notice to the concerned Broadcasters/Digital Publishers within three days giving an opportunity to explain why further action under the regulations should not be taken.*

*The Authority may exercise its powers suo motu even on a subject matter brought to its attention by a Complainant whose complaint has been dismissed due to delay in filing the Complaint.”*

## **NEW PROVISION ADDED IN THE REGULATIONS**

### **Emergency Powers**

*“In the event there is an emergency situation involving egregious and/or continuous and/or repetitive violation(s) of the Code of Conduct in the telecast/publication by the member Broadcasters/Digital Publishers on a particular subject, the Authority shall also have suo motu emergency powers to issue interim directions to Broadcasters/Digital Publishers without following the procedures as mentioned in the Regulations.*

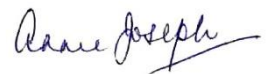
*In such emergency situations, an urgent meeting of the Authority will be convened within 24 (twenty-four) hours of such violation of Code of Conduct being brought to the notice of the Authority.*

*After the urgent meeting, the Authority can take action against any Broadcasters/Digital Publishers including a particular channel/Digital Platform/OTT Platform which would include a direction to remove the content immediately.*

*After the passing of any such interim directions, the aggrieved Broadcaster/Digital Publisher may approach the Authority for redressal of its grievance immediately. If a suitable explanation is given by the Broadcasters/Digital Publishers, the Authority can set aside the Interim Directions and direct the programme/content to be restored.”*

**The News Broadcasting & Digital Standards Regulations dated 20.6.2024 is attached.**

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Annie Joseph  
Secretary General

## **News Broadcasting & Digital Standards Regulations**

### **1. Definitions**

For purposes of these Regulations, the following terms shall have the following meanings:

**1.1 “Authority”** means the News Broadcasting & Digital Standards Authority (NBDSA) of the News Broadcasters & Digital Association (NBDA);

**1.2 “Broadcast”** means any program, feature, news-item, news-report or any other matter that is transmitted or retransmitted by a broadcaster for viewing, and includes a cartoon, picture, photograph, ticker or advertisement that is transmitted or retransmitted by a broadcaster;

**1.3 “Broadcaster”** means an association of persons or organization or corporate entity, who or which, owns, manages and/or controls a satellite or cable television channel that comprises exclusively news and current affairs content or news or current affairs capsules as part of its programming;

*Provided* that an association of persons or organization or corporate entity shall be deemed not to be a ‘Broadcaster’ for purposes of these Regulations if he or it is not a Member or Associate Member of the NBDA.

**1.4 “Code of Conduct”** shall mean the Code of Ethics & Broadcasting Standards, Guidelines and Advisories;

**1.5 “Complaint”** refers to a complaint filed by a person, or association of persons or organization or corporate entity or government, in respect of the Broadcaster/Digital Publisher;

**1.6 “Complainant”** means a person or association of persons or organization or corporate entity or government, who or which, makes a complaint to the Authority regarding violation of the ‘Code of Conduct’ in relation to Members of NBDA;

**1.7 (i.) “Digital News Media”** means digitized news content that can be transmitted over the internet or computer networks and includes content received, stored, transmitted, edited or processed by a Digital Publisher;

(ii.) **“Digital News Platforms”** refers to platforms which facilitate transmission of digitized news content over the internet or computer networks including social networking sites or social media;

**1.8 “NBDA”** means News Broadcasters & Digital Association;

**1.9 “News Agency”** shall mean any organization or entity that collects, collates and/or disseminates news and/or other information to news and current affairs broadcasters;

**1.10 “OTT Platforms”** refers to platforms which facilitate transmission of any program, feature, news-item, news-report or any other matter over the internet or computer networks on demand;

**1.11 “Digital Publisher”** includes a news portal, news aggregator, news agency and any other entity which is engaged in publishing of news and current affairs content on Digital News Platforms, OTT Platforms, Social Networking Sites and Social Media;

**1.12 “Journalist”** shall mean and include an editor, producer, anchor and/or any other person by whatever name including persons who are responsible for collecting, authoring, reporting, editing and/or approving the content of the broadcast and/or publication which shall also include a stringer or a casual contributor;

**1.13** In these Regulations the use of the word “he”, “him” or “his” wherever appearing shall mean and include “she” or “her” or “it” as the case may be; and the singular shall be deemed to mean and include the plural.

## **2. Objects and functions of the Authority**

**2.1** The objects of the Authority shall be to lay-down and foster high standards, ethics and practices in news broadcasting and publishing including entertaining and deciding complaints against or in respect of Broadcasters or Digital Publishers in so far as these relate to the broadcasting or publishing of any content.

**2.2** In discharging its functions as aforesaid the Authority shall act consistently with the following precepts:



- 2.2.1 Maintaining and improving the standards of broadcast/publishing and maintaining the independence of Broadcasters, Digital Publishers and Journalists and/or news agencies;
  - 2.2.2 Ensuring compliance by Broadcasters, Digital Publishers, Journalists and/or news agencies with the Code of Conduct and adherence by the said persons/entities to high professional standards;
  - 2.2.3 Ensuring the maintenance of high standards of public taste and fostering a due sense of both the rights and responsibilities of citizens;
  - 2.2.4 Fostering and encouraging the growth of a sense of responsibility and public service among all those engaged in and associated with the profession of journalism and business of broadcasting and/or publishing;
  - 2.2.5 Such other aspects as may be incidental, consequential, related and/or otherwise materially concerned with the above precepts.
- 2.3 The Authority shall perform its functions and exercise the powers vested in it under these Regulations in relation to, and upon, the Members and Associate Members of NBDA or in relation to such other complaints or broadcasters and digital publishers as may be referred to the Authority by the Ministry of Information & Broadcasting or other Ministry or other governmental body.

### **3. Composition of the News Broadcasting & Digital Standards Authority**

- 3.1 The Authority shall consist of a Chairperson being a retired judge of the Supreme Court or High Court and eight other Members nominated by the Board of NBDA.
- 3.2 Members of the Authority shall comprise 4 (four) Independent Members having special knowledge and/or practical experience in the field of law, media, broadcasting, child rights, human rights, education, medicine, science, literature, public administration, consumer affairs, environment, human psychology and/or culture

AND

4 (four) editors employed with Members/ Associate Members of NBDA

*Provided* that no person being a Member of the Authority shall participate in any adjudication relating to a dispute in which such person shall have any direct involvement or commercial interest or in which such Member shall be interested as an agent or representative of any Broadcaster or Digital Publisher.

#### **4. Term of Office of Chairperson and Members**

- 4.1** The Chairperson and Independent Members shall hold office for a period of 3 (three) years and the Editor Members shall hold office for a period of 2 (two) years;

*Provided* that the Chairperson shall continue to hold office until the Authority is reconstituted for a period of 3 (three) months.

*Provided* also that where a person nominated as a Member of the Authority has a charge framed against him in relation to a serious criminal offence or is otherwise found unfit to hold office as a Member of the Authority, the NBDA may, by a decision of its Board remove such person from being Member and thereupon, such Member shall forthwith cease to be a Member of the Authority.

- 4.2** A Member nominated in his capacity of an editor employed with a Broadcaster/Digital Publisher shall cease to be a Member if he ceases to be editor employed with such Broadcaster/Digital Publisher; and the concerned Broadcaster/Digital Publisher shall have the option of nominating for the remaining period of the Member's term an alternate editor to fill the vacancy caused, within 15 days thereof, failing which the vacancy shall be filled in the manner as prescribed in clause 4.5 below.
- 4.3** A Member shall be deemed to have vacated his seat if he is, in the opinion of the Chairperson, absent without sufficient cause, from three consecutive meetings of the Authority.
- 4.4** The Chairperson may resign his office by giving notice in writing to the NBDA, and any other Member may resign his office by giving notice in writing to the Chairperson, and upon such resignation being accepted by the NBDA or by the Chairperson as the case may be, the Chairperson or the Member shall be deemed to have vacated his office.



- 4.5** Any vacancy arising as above or otherwise shall be filled, as soon as may be, by nomination in the same manner as the Member vacating the office was nominated and the Member so nominated shall hold office for the remaining period in which the Member in whose place he is nominated would have held office.

## **5. Terms of Service of Chairperson and Members**

- 5.1** The Chairperson shall be paid such honorarium, and the Independent Members shall receive such allowances and/or fees for attending the meetings of the Authority, as the NBDA Board may decide from time-to-time.

## **6. Meetings of the Authority**

- 6.1** The Authority shall meet at least once in 2 (two) months, either physically at such time/s and place/s in Delhi/New Delhi or through video conference as the Secretariat may in writing notify the Members at least 7 (seven) days before any scheduled meeting; and shall observe the rules of procedure at the meetings as the Authority may prescribe.
- 6.2** Quorum of such meetings shall be at least 4 (four) members, including the Chairperson. But, if any meeting is to be adjourned for want of quorum, then at the adjourned meeting the Members present shall form the quorum and shall have the power to decide on all matters which could have been disposed of at the adjourned meeting.
- 6.3** No act or proceeding of the Authority shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of the Authority or quorum of a meeting.

## **7. Powers of Authority**

- 7.1** Where, on receipt of a complaint made to it or otherwise, the Authority has reason to believe that a Broadcaster or Digital Publisher has violated the Code of Conduct, the Authority may, after giving the Broadcaster or Digital Publisher concerned, an opportunity of being heard, hold an inquiry in such manner as is provided by these Regulations and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, direct the following penalties to be imposed upon the Broadcaster or Digital Publisher :-

**For the first violation issue/express –**

- a. warning, admonish, censure, disapproval, regret, apology and/or
- b. impose a fine of upto Rs. 2 lacs

**For the second violation issue/express –**

- a. warning, admonish, censure, disapproval, regret, apology and/or
- b. impose a fine of upto Rs. 5 lacs

**For the third violation issue/express –**

- a. warning, admonish, censure, disapproval, regret, apology and/or
  - b. impose a fine upto 1% of the total annual turnover of the channel.
- Provided such fine shall not exceed Rs.25 lakhs, in any given matter.

In addition to the above, on the third violation of the Code of Conduct, the Authority may direct a particular programme to be suspended for up to one week and/or direct the broadcaster to suspend the anchor for upto one month and/or issue any other direction as the Authority deems appropriate to the Broadcaster or Digital Publisher and/or recommend to the concerned authority for suspension/revocation of license of such broadcaster;

Provided that the fine imposed by the Authority shall be recovered from the concerned Broadcaster or Digital Publisher;

Provided that if the Authority holds that the Broadcaster or Digital Publisher has violated the Code of Conduct it will direct the Broadcaster/Digital Publisher to immediately remove or suitably edit the broadcast/publication from all Digital News Platforms, Social Media and Social Networking Sites;

Provided also that the Authority may not take cognizance of a complaint if, in the opinion of the Chairperson, there is no sufficient ground for holding an inquiry.

- 7.2** If the Authority is of the opinion that it is necessary or expedient in public interest so to do, it may direct any Broadcaster/ Digital Publisher to cause to be published through a press release in such Newspaper or other periodical, Television channel and/or on Digital News Platform, OTT Platform, and Social Networking Site, information relating to any inquiry conducted against the Broadcaster/Digital Publisher as the Authority decides including the issuance of warning, admonition, censure, disapproval, expression of regret, airing of an apology and/or the fines

levied and/ or any other direction given by the Authority along with any other particulars relating to the proceedings as the Authority thinks fit; and the Broadcaster/Digital Publisher shall comply with the directions ;

The Authority shall also publish a summary of every inquiry conducted by it on its website and in its Annual Report;

*Provided* that nothing in these Regulations shall be deemed to empower the Authority to hold an inquiry into any matter in respect of which any proceeding relating to the same issue in the same broadcast/publication is pending in a Court of law or other Tribunal or Statutory Authority.

**7.3** For the purposes of adjudicating upon any complaint or holding any inquiry under these Regulations, the Authority shall have the power of:

**7.3.1** summoning persons and examining them and requiring the production and inspection of documents;

**7.3.2** receiving evidence;

**7.3.3** requisitioning any records or copies thereof from any Broadcaster/Digital Publishers including in particular the footage (both edited and unedited) of any broadcast along with the translation of broadcast in English;

*Provided* that nothing in these Regulations shall be deemed to empower the Authority to compel any Broadcaster/Digital Publisher to disclose the source of any news or information broadcast/published or to be broadcast/published.

**7.4** No suit or other legal proceeding shall lie against the Authority, the Chairperson or any Member/s thereof or any person acting under the direction of the Authority in respect of anything which is done or intended to be done in good faith under these Regulations.

**7.5** No suit or other legal proceeding shall lie against any Broadcaster/Digital Publisher in respect of the broadcast/publication of any matter under or in compliance of the orders/directions of the Authority.

## **8. Procedure for dealing with Complaints**

These Regulations contemplate a **“TWO-TIER” PROCEDURE** for redressing complaints:

- i. **First Level:** Any person aggrieved by the content of any broadcast/publication is required to first make a complaint to the concerned Member of News Broadcasters & Digital Association (NBDA)
- ii. **Second Level:** If the complainant does not receive a response or is not satisfied by the redress offered by the concerned Member, the complainant may then prefer the complaint to the News Broadcasting & Digital Standards Authority (NBDSA)

### **Procedure for dealing with Complaints at Broadcaster/Digital Publisher Level (First Level of Redressal)**

**8.1** The Complainant needs to take the following steps to file a complaint :-

Any person aggrieved by the content of any broadcast/ publication is required to **FIRST** make a complaint to the concerned Broadcaster/Digital Publisher within a reasonable time not exceeding 15 (fifteen) days from the date of the first broadcast/publication.

Provided it shall be incumbent upon the Broadcaster/Digital Publisher to respond to the complaint within 15 (fifteen) days from the date of receipt thereof.

Provided the period of limitation as mentioned in Regulation 8.1 shall not apply to any complaint/s made/forwarded to the Authority by Ministry of Information & Broadcasting/Electronic Media Monitoring Committee (EMMC), Election Commission of India (ECI) or any other Ministry/ Government Body.

### **8.2 Contents of Complaint**

- 8.2.1** Shall be in writing by giving full name and email ID, and may be sent by post, courier or electronic mail as convenient;
- 8.2.2** Shall state the name and address of the Broadcaster/Digital Publisher against which or against whom the complaint is preferred;
- 8.2.3** Shall state the date and time of broadcast/publication and send the link of the broadcast/publication;

- 8.2.4 Shall also include such other particulars as are relevant to the subject-matter of the complaint.
- 8.2.5 Shall state in not more than two pages the manner in which the broadcast/publication violates the Code of Conduct and/or is otherwise objectionable;
- 8.3 A complaint may be made in English or Hindi in the form provided on the website of the Broadcaster/Digital Publisher, which can be filed by electronic mail or otherwise in writing; and if any documents in support thereof are in the vernacular, true translations thereof in English or Hindi must be filed along with the complaint. Hard copy of the complaint and supporting documents may be sent by any mode of recorded delivery.
- 8.4 Any complaint made to a Broadcaster/Digital Publisher under these Regulations shall be addressed to, and dealt with, by the designated Compliance Officer of the concerned Broadcaster/Digital Publisher whose specific designation, address and other correspondence details shall be available on the websites of NBDA and of the concerned Broadcaster/Digital Publisher.
- 8.5 The Broadcaster/Digital Publisher shall on receipt of the complaint, assign an electronic reference number to the Complaint, which shall be communicated to the Complainant.
- 8.6 The Broadcaster/Digital Publisher shall retain and preserve records of any broadcast/publication which is the subject matter of a complaint received by the Broadcaster/Digital Publisher **for a period of 90 (ninety) days or until the completion of the proceedings of the complaint/s.**
- 9. Procedure for Dealing with Complaints at the Second Level of Redressal (NBDSA)**

- 9.1 The Complaint shall be filed before the Authority within 15 (fifteen) days from the date of receipt of a response from the Broadcaster/Digital Publisher,

OR

In case the Complainant does not receive a response from the Broadcaster/Digital Publisher, within 15 (fifteen) days when the aforesaid period provided for the Broadcaster/Digital Publisher to respond expires;

*Provided* where the prescribed period for filing a complaint whether at the First Level or Second Level of Grievance Redressal expires on a Sunday or on a National Holiday, the complaint may be filed on the following working day.

Provided that if the Complaint is presented after the expiration of the period provided thereof, whether at the First or Second Level of Grievance Redressal, the Authority may, if it is satisfied that the Complainant has acted diligently and that the delay in filing the Complaint within the prescribed period has been caused for reasons not of the Complainant's making and/or for other sufficient cause, condone the delay and entertain a Complaint.

*Provided* that the Authority shall not consider/entertain any complaint unless a complaint in writing has been made to the concerned Broadcaster/Digital Publisher as specified in Regulation 8.1.

## **9.2 Contents of Complaint at the Second Level of Redressal (Authority)**

- 9.2.1** Shall be in writing by giving full name, complete address, mobile/landline no. and email ID, and may be sent by post, courier or electronic mail.
- 9.2.2** Shall state the name and address of the Broadcaster/Digital Publisher against which or against whom the complaint is filed;
- 9.2.3** Shall state the date of broadcast/publication & time of the broadcast and send the link of the broadcast/publication;
- 9.2.4** Shall send the Complaint filed at the First Level (Broadcaster/Digital Publisher) to the Authority without any modifications to the Complaint along with the Response, if any received from the Broadcaster/Digital Publisher;
- 9.2.5** Shall state in not more than two pages the reason(s) why the Complainant is not satisfied with the response received from the Broadcaster/ Digital Publisher and/or the reason(s) for escalating the Complaint to the second level of redressal i.e., NBDSA;

- 9.3** In the event, the Broadcaster/Digital Publisher has not filed a response at the First Level of Redressal, the Broadcaster/Digital Publisher shall not be permitted to file its response before the Authority



*Provided* in the interest of natural justice, the Broadcaster/Digital Publisher may be permitted to present its oral arguments before the Authority at the time of hearing of the Complaint.

- 9.4** The Complaint made in English or Hindi may be submitted in the form provided on the website at <<http://www.nbdanewdelhi.com/>>, which can be filed by electronic mail or otherwise in writing. Hard copy of the Complaint and supporting documents may be sent by any mode of recorded delivery.
- 9.5** The Authority shall on receipt of the Complaint, assign an electronic reference number to the Complaint, which shall be communicated to the Complainant.
- 9.6** The Complainant shall, at the foot of the complaint, make and subscribe a declaration to the effect:
- 9.6.1** that the facts stated in the complaint are true and correct to the best of the complainant's knowledge and belief;
  - 9.6.2** that the complainant has placed all relevant facts before the Authority and has not concealed any material facts;
  - 9.6.3** that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the Authority; and
  - 9.6.4** that the complainant shall inform the Authority forthwith if during the pendency of the inquiry before the Authority the matter alleged in the complaint becomes the subject-matter of any proceedings in a Court of law or other Tribunal or Statutory Authority.
- 9.7** Where a Complainant does not comply with the requirements of these Regulations, the Chairperson may return the complaint by any mode of recorded delivery, asking the Complainant to bring it in conformity with such requirements and re-present it within such time as the Authority may grant.

Provided where a Complainant fails to comply with the requirements as aforesaid set-out by the Authority within the time so prescribed, the

Chairperson may terminate proceedings in the matter; and the Authority shall, at its next meeting, be apprised of such decision.

- 9.8** Not later than 14 (fourteen) days from the date of receipt of a complaint complete in all respects, under the directions of the Chairperson, a copy thereof shall be sent to the Broadcaster/Digital Publisher against which the complaint has been made, along with a notice requiring the Broadcaster/Digital Publisher to show cause why action should not be taken against it under these Regulations.

*Provided* that in appropriate cases Chairperson shall have the discretion to extend time for the issuance of notice as aforesaid;

*Provided* further that the Chairperson/Authority may decide not to issue a notice to show cause to a Broadcaster/Digital Publisher where, in his opinion, there is no sufficient ground for holding an inquiry and in that event, it would not be necessary to hear the Complainant and/or Broadcaster/Digital Publisher in this respect.

- 9.9** Notice of the time, date and place of hearing along with a complete copy of the complaint and all documents relied upon shall be served upon the Complainant as well as on the Broadcaster/Digital Publisher and shall be sent to them by email or any other mode of recorded delivery.
- 9.10** Where the Broadcaster/Digital Publisher produces (or where the Authority requires the Broadcaster/Digital Publisher to produce) the transcript of any broadcast/publication or other document, the Broadcaster/ “Digital Publisher” shall also produce an English translation thereof, if such transcript or document is in a language other than English or Hindi.
- 9.11** After considering the Complaint and/or Response, Chairperson may, if he considers necessary, call for any further information either from the Complainant or the Broadcaster/Digital Publisher in order to clarify matters appearing in or arising from the Complaint or Response and in doing so, Chairperson may call for such additional statements and/or documents as he may consider necessary; and all the statements and documents called for shall form part of the record and shall be placed before the Authority at the time of the inquiry.

**9.12** Where at any time in the course of the inquiry into the complaint it appears to the Authority that the subject-matter of the complaint is substantially the same as, or has been covered by, any former complaint dealt with by the Authority under these regulations, the Authority shall hear the complainant, if he desires to be heard and also if the Authority considers it necessary, the Broadcaster/Digital Publisher and pass such orders or directions as it may consider necessary and the same shall be duly communicated to the parties.

**9.13** If during any inquiry being conducted by the Authority the Complainant fails to appear at any hearing without sufficient cause, the Authority may dismiss the Complaint; and if the Broadcaster/Digital Publisher fails to appear at any hearing without sufficient cause, the Authority may proceed to decide the complaint *ex parte* as against the party so failing to appear, as the Authority may deem fit.

*Provided* however that if within 15 (fifteen) days of dismissal of a complaint or the passing of any *ex parte* orders/directions, a party aggrieved thereby applies to the Authority to restore the complaint or set-aside the *ex parte* orders/directions so passed and shows sufficient cause for its previous non-appearance, the Authority may restore the complaint or set-aside the *ex parte* orders/directions and proceed further from that stage to decide the complaint.

**9.14** At the inquiry before the Authority parties shall be entitled to adduce relevant evidence, oral and documentary, and make submissions in support of their contentions.

**9.15** At the close of an inquiry the Authority shall record its findings upon the allegations contained in the Complaint together with its reasons thereof and pass such orders and directions as provided under these Regulations as it may deem fit.

**9.16** Every case shall be determined as per the majority view of the Members and the Chairperson's view shall have the same weightage as that of any Member.

**9.17** The orders / directions of the Authority shall be communicated in writing to the parties and shall also be duly publicized as may be directed by the Authority, including by releasing it on the NBDA website, the Annual Report and to the Media.

**9.18** In any inquiry under these Regulations, a party to the proceedings may appear in person or through a duly authorised representative.

Provided that it would be mandatory in the case of a member Broadcaster/Digital Publisher, for the concerned Anchor and/or Producer and/or Editor who is responsible for the impugned broadcast/publication to be present during the inquiry/hearing.

**9.19** The Authority shall have the power to regulate its own procedure in respect of any matter for which no provision or inadequate provision is made in these Regulations and shall also have the power in appropriate cases to hold inquiries *in camera*.

**9.20** Notwithstanding anything contained elsewhere in these Regulations, any inquiry commenced under these Regulations shall be completed, as far as possible, within a period of 3 (three) months from the date of receipt of the complaint.

**9.21** The Authority shall have jurisdiction over news and current affairs content broadcast and/or published by the Members/ Associate Members of NBDA, irrespective of the medium or mode of such broadcast and/or publication.

## **9.22 Suo-Motu**

**9.22.1** The Authority has the power to initiate suo motu proceedings and issue notice or, as the case may be, take action in respect of any matter which falls within the mischief contemplated in these Regulations or relating to any matter falling within or arising from the Code of Conduct, and in such cases the Authority would be free to adopt its own procedure and such procedure need not be the same procedure as when the complaint is filed.

**9.22.2** The Authority may exercise suo motu power in cases where public interest requires immediate remedial action to be taken, or in other cases where the Authority deems it fit to do so.

**9.22.3** Where suo motu proceedings have been taken ex-parte, the Authority will issue notice to the concerned Broadcasters/Digital Publishers within three days giving an opportunity to explain why further action under the regulations should not be taken.

- 9.22.4** The Authority may exercise its powers suo motu even on a subject matter brought to its attention by a Complainant whose complaint has been dismissed due to delay in filing the Complaint.

### **9.23 Emergency Powers**

- 9.23.1** In the event there is an emergency situation involving egregious and/or continuous and/or repetitive violation(s) of the Code of Conduct in the telecast/publication by the member Broadcasters/Digital Publishers on a particular subject, the Authority shall also have suo motu emergency powers to issue interim directions to Broadcasters/Digital Publishers without following the procedures as mentioned in the Regulations.
- 9.23.2** In such emergency situations, an urgent meeting of the Authority will be convened within 24 (twenty-four) hours of such violation of Code of Conduct being brought to the notice of the Authority.
- 9.23.3** After the urgent meeting, the Authority can take action against any Broadcasters/Digital Publishers including a particular channel/Digital Platform/OTT Platform which would include a direction to remove the content immediately.
- 9.23.4** After the passing of any such interim directions, the aggrieved Broadcaster/Digital Publisher may approach the Authority for redressal of its grievance immediately. If a suitable explanation is given by the Broadcasters/Digital Publishers, the Authority can set aside the Interim Directions and direct the programme/content to be restored.
- 9.23.5** The powers of the Authority to exercise emergency powers is without prejudice to its powers.
- 9.24** All complaints decided by the Authority may be made publicly available by the Authority, including the name of the Complainant. However, in the event a Complainant has valid concerns relating to privacy, the Authority may in its absolute discretion consider requests from the Complainant for anonymity/confidentiality.