



12<sup>th</sup> **ANNUAL REPORT**  
2018-19



# News Broadcasters Association Board of Directors



**Rajat Sharma**  
President



**M.V. Shreyams Kumar**  
Vice President



**Anuradha Prasad Shukla**  
Honorary Treasurer



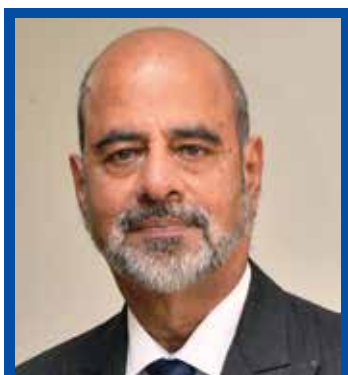
**M.K. Anand**



**Rahul Joshi**



**Avinash Pandey**



**I. Venkat**



**Kalli Purie Bhandal**



**Sonia Singh**



# News Broadcasters Association

<b>Board of Directors</b>	<b>Mr. Rajat Sharma</b> President Independent News Service Pvt. Ltd.
	<b>Mr. M.V. Shreyams Kumar</b> Vice President Mathrubhumi Printing & Publishing Co. Ltd.
	<b>Mrs. Anuradha Prasad Shukla</b> Honorary Treasurer News24 Broadcast India Ltd.
	<b>Mr. M.K. Anand</b> Bennett, Coleman & Co. Ltd.
	<b>Mr. Rahul Joshi</b> TV18 Broadcast Ltd.
	<b>Mr. Avinash Pandey</b> ABP News Network Pvt. Ltd.
	<b>Mr. I. Venkat</b> Eenadu Television Pvt. Ltd.
	<b>Ms. Kalli Purie Bhandal</b> TV Today Network Ltd.
	<b>Ms. Sonia Singh</b> New Delhi Television Ltd.

**Secretary General**      **Mrs. Annie Joseph**

**Auditors**                      **S.S. Kothari Mehta & Co**  
Chartered Accountants

**Bankers**                        **Bank of India**  
Bank of Baroda

**Registered Office**          FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi – 110 025

**Corporate Office**          Mantec House, 2nd Floor, C- 56/5 Sector 62, Noida – 201301

**CIN: U22211DL2007NPL165480**





## Message from President, NBA August 29, 2019



It is my privilege to present the Twelfth Annual Report of the News Broadcasters Association (NBA). As I look back on the preceding year, I realize that our journey has been marked by many distinguishing events.

As the broadcasting industry faces serious challenges from various technological advancements and new innovations, the need to have a strong, unified, collective and effective voice for the news media is critical, which voice NBA has successfully been in the last decade. To achieve its objectives, NBA has made submissions before several Parliamentary Standing Committees, Ministry of Information & Broadcasting, Law Commission of India, Election Commission of India, Telecom Regulatory Authority of India and other bodies on issues concerning the news media and particularly issues relating to freedom of speech and expression. Furthermore, NBA has made submissions on the proposed Data Protection Bill, bearing in mind the issue of journalistic freedom of the media. The views given by NBA on various issues have been given due weightage and consideration by the concerned Ministries and statutory bodies while formulating policies /recommendations of the Government. Being a unified voice of the news broadcasters, NBA is heard at the highest echelons of the Government on issues concerning the news genre. NBA has received unstinting support from the government in finding solutions to critical industry issues. The dialogues have been invaluable.

The Management Report gives the details on all the issues and the activities that NBA has undertaken during the year under report. However, I would like to highlight on a few issues which are critical for the news broadcasters.

NBA is glad that the Ministry of Information & Broadcasting has decided to look into various policy issues. The National Broadcast Policy, a vision document for the broadcast industry is a welcome step. NBA has made its submissions on the issues to be considered while framing the said Policy. NBA has emphasized that there is a need for the Government to establish a distinct and separate regulator which would deal with the technical /carriage issues of the broadcasting sector and who would understand the nuances and issues that are specific to the sector in that respect. The content of the broadcast of the television channels however would continue to be dealt with by the self-regulating bodies and the MoI&B in accordance with the law. NBA has also stressed on the importance of granting infrastructure status to the broadcasting industry, a long pending demand.

The MoI&B has also decided to re-evaluate the Uplinking & Downlinking Guidelines 2011 and bring amendments to the Cable & Television Networks (Regulation) Act, 1995 (CTN Act) & Rules, 1994 (CTN Rules) on which detailed submissions have been made by NBA. The aforementioned initiatives taken up

with the MoI&B should ensure that the changes and modifications being made are in sync with the changing business environment and also in the spirit of “ease of doing business”, which would help the broadcast business grow by leaps and bounds. NBA hopes that the decisions in respect of all the issues/proposals mentioned above are finalized without much delay.

Several NBA members had stopped taking BOC/DAVP advertisements as it was not economically viable to carry these advertisements. The marginal increase in BOC rates this year by the MoI&B has facilitated news broadcasters to accept BOC advertisements. However, the issue of pending outstanding dues for over a decade has found no resolution. This is certainly a matter of concern. NBA urges the MoI&B to seriously look into this matter and find a solution at the earliest.

The 2017 TRAI Regulations evolved a method by which carriage fees got regulated which brought some relief to the broadcasters. However, the placement and other fees remain unregulated, leaving a lot of margin for the Regulations not being implemented by the Digital Platform Owners (DPOs) in a transparent and fair manner. The non-regulation of the placement and other fees has a direct impact on the finances of the broadcasters, in particular the regional broadcasters, who have to bear the brunt of the unreasonable demands being made by DPO’s and DTH operators, impacting their very survival. NBA urges the TRAI to look into these issues as well.

After crossing various legal hurdles, the year under report, has seen the implementation of a new regulatory frame work for the broadcasting and cable services industry. This has been a major step forward, which gives the consumer the choice to choose the channels they desire to watch. The transition has not been easy. The combined efforts of the TRAI, broadcasters and DPOs, led to smooth implementation of the regulations. NBA fully supported the TRAI in the implementation of the new regulatory frame work.

The Broadcast Audience Research Council, an industry body has been unsuccessful in respect of fulfilling its task/goal in relation to the news genre. During the last year, NBA pointed out to BARC on several occasions, that the ratings of the new genre are neither transparent nor accurate. It is unfortunate that BARC has not taken NBA’s concerns of flawed ratings and mechanism seriously enough. NBA sincerely hopes that BARC takes immediate remedial steps to win the confidence of the news broadcasters. If there is no resolution on the issues raised by NBA, members would be left with no other option but to move out of BARC, which situation, NBA sincerely hopes would not arise.

Reporting about NBSA and its progress in the Annual Report, has always been a productive and worthwhile task for NBA. NBSA has been adjudicating on its / NBA’s Codes and Guidelines for the past eleven years. The commitment of the news broadcasters to the self-regulatory system has built an excellent model for emulation. It is the commitment to an entirely voluntary system that enables the NBSA to deal consistently, effectively and exclusively with all issues that come before it.

During the year under report, Justice (Retd) R.V. Raveendran, former judge of the Supreme Court stepped down from his position as Chairperson as he completed his term. During the six year association with the NBSA, Justice Raveendran along with the members of NBSA have ensured that all violations by members broadcasters are dealt with effectively while balancing and upholding the cherished freedom of





speech that the media enjoys while also taking into consideration that editorial freedom of the media is not compromised in any manner. I along with the Board members of NBA would like to place on record the invaluable contribution of Justice Raveendran and thank him for giving his valuable time to the NBSA. Since May 2019, we have Justice A. K. Sikri, former judge of the Supreme Court as Chairperson NBSA. We are sure that under his leadership, NBSA would take further strides in improving broadcasting standards.

It is my sincere hope that the Government appreciates how effectively self-regulation has worked in the last decade and accept the long-standing demand of NBA to recognize the Code of Ethics and the Redressal Regulations of NBSA and make it part of the Programme Code under the CTN Act and CTN Rules.

We need to strengthen NBA by encouraging regional and digital broadcasters to become members of NBA, to make NBA a unified voice of the news genre. We look forward to welcoming them.

On behalf of the Board and members of the NBA, our sincere gratitude to the Chairpersons and Independent and Editor members of the NBSA for their support and invaluable time.

I am deeply grateful to the Board and members of the NBA for their constant support. Their steadfast contribution has helped consolidate and strengthen the NBA.

Finally, I would like to thank Mrs. Annie Joseph, NBA Secretary General for working tirelessly towards achieving the goals and objectives of NBA. I would also like to thank the staff of the NBA Secretariat, Convenors of various Sub Committees, Legal Counsel, Financial and Corporate Consultants as well as the Auditors of NBA and Bankers for their time and cooperation.

Best wishes,

A handwritten signature in blue ink that reads "Rajat Sharma".

Rajat Sharma





## Notice

NOTICE is hereby given that the 12th Annual General Meeting of the Members of News Broadcasters Association will be held on Tuesday, the 17th September, 2019, at 12.00 noon at Multipurpose Hall, Kamaladevi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003, to transact the following business:

### □ Ordinary Business

1. To receive, consider and adopt the Audited Financial Statement of the Company for the financial year ended March 31, 2019 together with Auditor's Report and Director's Report thereon and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** the Audited Financial Statement of the Company for the financial year ended March 31, 2019, together with Auditor's Report and Director's Report thereon, be and are hereby considered and adopted.”

### □ Special Business

2. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** Mrs. Anuradha Prasad Shukla who was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing her candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.”
3. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** Mr. M.V. Shreyams Kumar who was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.”
4. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

**“RESOLVED THAT** Mr. I. Venkat who was appointed as an Additional Director on February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.”

5. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

**“RESOLVED THAT** when required all Members and Associate Members of NBA will contribute towards meeting legal expenses of Senior Counsel (s) which includes the cost of retainership, legal advice and representation of the NBA before the Courts.

**FURTHER RESOLVED THAT** Secretary General, NBA be and is hereby authorised to sign and to do all or any of the acts, deeds, matters and things as may be considered expedient and necessary for implementing the said resolution on behalf of the Association”.

**By Order of the Board of Directors of  
News Broadcasters Association**



Place: New Delhi  
Date: August 29, 2019

**Annie Joseph**  
Secretary General



# Explanatory Statement Pursuant to Section 102 of the Companies Act, 2013

## □ **Item No. 2**

Mrs. Anuradha Prasad Shukla was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of her Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing her candidature, which has been duly seconded by another Member, for her appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item are available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mrs. Anuradha Prasad Shukla in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the resolution set out at Item No. 2 of this Notice.

## □ **Item No. 3**

Mr. M.V. Shreyams Kumar was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of his Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mr. M.V. Shreyams Kumar in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 3 of this Notice.

## □ **Item No. 4**

Mr. I. Venkat was appointed as an Additional Director on February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of his Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, liable to retire at the next Ordinary

General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mr. I. Venkat in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 4 of this Notice.

## □ **Item No. 5**

The issue for consideration before the Board is that towards meeting expenses of engaging senior counsel in the present or in the future, with the limited financial resources, NBA would not be able to meet such expenses. As decided by the Board, this expense would have to be borne/honored by the Members/Associate Members of NBA and would be equitably shared pursuant to Sub clause 15 and 16 of Clause III (B) of the Memorandum of Association.

There are matters presently pending before the Supreme Court and High Courts, in which NBA has intervened or filed writ petitions. It could be possible, in the future critical industry matters may come up in courts, which would need NBA intervention. Routine legal matters are handled by the NBA Counsel. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 5 of this Notice.

**By Order of the Board of Directors of  
News Broadcasters Association**



**Annie Joseph**  
Secretary General

Place: New Delhi  
Date: August 29, 2019



## Notes

1. Member entities should provide Board Resolution under Section 113 of the Companies Act, 2013 authorising person(s) who will represent them at the Annual General Meeting. Such person(s) shall be deemed to be Member present in person.
2. A Member entitled to attend and vote at Annual General Meeting is entitled to appoint a proxy to attend and vote on poll instead of himself and the proxy need not be a Member of the Company. The proxy, in order to be valid must be deposited at the Registered Office of the Association not less than 48 hours before the commencement of the meeting.
3. A Statement pursuant to Section 102 (1) of the Companies Act, 2013 relating to Special Business to be transacted at the meeting is annexed hereto.
4. Members are requested to bring their copy of the Annual Report to the Meeting.
5. No person other than the authorized representative of the Member entity or his/her duly appointed proxy as aforesaid shall be entitled to attend the Annual General Meeting of the Association.
6. Members desirous of having any information on accounts are requested to send their queries to NBA at its Registered Office, at least seven days before the date of the AGM, to make the requisite information available at the meeting.
7. Members/Proxies attending the meeting are requested to bring the attendance slip, as appended to this Notice, duly filled in and present the same at the venue of the Annual General Meeting. No photocopies of the attendance slip will be accepted.
8. Relevant documents referred to in the accompanying Notice and the Statement are open for inspection by Members at the Registered Office of the Company on all working days, except Saturdays, during business hours up to the date of Meeting.
9. Members who have not registered their e-mail addresses so far are requested to register their e-mail address for receiving all communication, including Annual Report, Notices etc. from the Company electronically.
10. The requirement to place the matter relating to appointment of Auditors for ratification by Members at every Annual General Meeting is done away with vide notification dated May 7, 2018 issued by the Ministry of Corporate Affairs, New Delhi. Accordingly, no resolution is proposed for ratification of appointment of Auditors, who were appointed in the Annual General Meeting held on September 21, 2016.

## Directors' Report to the Members

The Directors have pleasure in presenting the 12th Annual Report of your Association together with Audited Accounts for the period from April 1, 2018 to March 31, 2019.

### □ Financial Review

	31.03.2019 (Amount in Rs.)	31.03.2018 (Amount in Rs.)
Income from Subscription	1,25,50,000	1,12,75,000
Other Income	28,36,718	27,90,651
Depreciation and amortization expense	11,56,060	11,51,096
Total Expenditure	1,55,36,163	1,40,87,695
Surplus/(Deficit) after depreciation and tax carried to General Reserve	(1,49,445)	(22,044)

Of the income and expenditure account a sum of Rs. 91,88,178 (previous year Rs. 51,20,250) has been transferred to special reserve.

### □ Change in Nature of Services

There is no change in nature of services provided by the Association.

### □ Directors

Mrs. Anuradha Prasad Shukla, Mr. M.V. Shreyams Kumar and Mr. I. Venkat were appointed as Additional Directors on February 1, 2012, March 29, 2014 and February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. Members again approved their appointment in last annual general meeting.

Mr. Ashok Venkatramani has resigned from the Directorship of the Association with effect from July 9, 2019.

Mrs. Annie Joseph, Secretary General has been entrusted the responsibilities of CEO (KMP) under the provisions of Companies Act, 2013 with effect from June 8, 2019.

### □ Registered Office

Registered office of the Association has been shifted to FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi-110025 with effect from June 24, 2019.



## □ Membership of Association

The number of Members/Associate Members of the Association are 27 broadcasters representing 70 channels.

## □ Auditors & Auditors' Report

M/s S.S. Kothari Mehta & Co., Chartered Accountants, were appointed as the Statutory Auditors of the Association, to hold office from the conclusion of 9th AGM held on 21st September, 2016 until the conclusion of the 14th AGM of the Company to be held in year 2021.

The Statutory Auditors' Report on the Financial Statement of the Association for the financial year ended 31st March, 2019 is self-explanatory and do not require further comments in the Directors' report. The Audit Report does not contain any qualification, reservation or adverse remark.

**Report on Conservation of Energy, Technology Absorption, Foreign Exchange Earnings and Outgo etc.** Information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with The Companies (Accounts) Rules, 2014 is given hereunder:

Energy conservation measures taken by the Association include: (1) use of LED/CFL lighting in the entire office area; (2) improved insulation using ceramic fibre in the heat treatment furnaces; (3) installation of heat reflecting film on windows of air-conditioned areas etc. At present, Association has not taken any steps for utilisation of alternate source of energy and no capital investment has been made on energy conservation equipment.

And other information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with the Companies (Accounting) Rules, 2013 regarding technology absorption is not applicable to the Association being involved in welfare services to its Members.

Association has no foreign exchange earnings and outgo during the period.

## □ Directors' Responsibility Statement

Pursuant to Section 134(5) of the Companies Act, 2013, it is hereby confirmed:

- i. that in the preparation of the annual accounts, the applicable accounting standards had been followed along with proper explanation relating to material departures, if any;
- ii. that the Directors had selected such accounting policies and applied them consistently and made judgments and estimates that are reasonable and prudent so as to give a true and fair view of the state of affairs of the Association at the end of the accounting year and of the surplus of the Association for that year;
- iii. that the Directors had taken proper and sufficient care for the maintenance of adequate accounting records in accordance with the provisions of this Act for safeguarding the assets of the Association and for preventing and detecting fraud and other irregularities;
- iv. that the Directors had prepared the annual accounts on a going concern basis;

- v. the Directors had devised proper systems to ensure compliance with the provisions of all applicable laws and that such systems were adequate and operating effectively.

## Extract of Annual Report

An extract of the Annual Return in Form No. MGT – 9 as provided under Sub-Section (3) of Section 92 which shall form part of the Board's report is attached as Annexure A.

Company has published its Annual Return on its web address at [www.nbanewdelhi.com](http://www.nbanewdelhi.com).

## Meetings of the Board

Five meetings of the Board of Directors were held on 18.7.2018, 20.9.2018, 20.9.2018, 12.11.2018 and 15.3.2019 during the financial year.

### **Particulars of loans, guarantees or investments under Section 186 of Companies Act, 2013:**

Company has not given any loan or provided any guarantees or made investment to any person under Section 186 of Companies Act, 2013.

### **Particulars of contracts or arrangements with related parties referred to in Sub-Section (1) of Section 188 in the prescribed form:**

Company does not have any related party transaction with any person in any form as asked in Form AOC\_2 under Rule 8 of The Companies (Account) Rules, 2014.

## Management Report

Management Report containing a brief review of the activities of the Association and the state of the Company's affairs during the year under review is attached with this Report.

### **Material changes and commitments, if any, affecting the financial position of the Company which have occurred between the end of the financial year of the Company to which the financial statements relate and the date of the report:**

Material changes occurred subsequent to the close of the financial year of the Company to which the balance sheet relates are: **None.**

### **A statement indicating development and implementation of a risk management policy for the Company including identification therein of elements of risk, if any, which in the opinion of the Board may threaten the existence of the Company:**

Association is generating receipts through subscription from Members and provide them welfare services. At present, Company has not developed and implemented any such policy and system which nullify any type of risk on its existence.

### **Details of material and significant orders passed by the Regulators or Courts or Tribunal impacting the going concern status and Company's operations in future:**

No such order is passed by any such Regulators or Courts or Tribunal which impacts the going concern status and Company's operations in future.



### **Compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013**

The Company has only three employees which includes one woman employee. The Company is looking for one member from amongst non government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment for constituting an Internal Complaints Committee under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### **Details in respect of adequacy of internal financial controls with reference to financial statements:**

The Company has in place adequate internal financial controls with reference to financial statements.

### **Fraud Reported by Auditor, if any**

No fraud was reported by Auditors during the year.

## **□ Acknowledgements**

The Board of Directors wish to place on record their appreciation for the support and cooperation extended by every Member of the Association, the Secretariat, its Bankers, and valuable contribution made by the Consultants, Counsels and officials of the Member Companies.

**For and on behalf of the Board of Directors**

	Sd/-	Sd/-	Sd/-
Place: New Delhi	<b>Rajat Sharma</b>	<b>M.V. Shreyams Kumar</b>	<b>Anuradha Prasad Shukla</b>
Dated: July 26, 2019	President	Vice President	Honorary Treasurer
	[DIN No.: 00005373]	[DIN No.: 00877099]	[DIN No.: 00010716]

## Annexure - A

Form No. MGT-9

**EXTRACT OF ANNUAL RETURN  
as on the financial year ended on 31st March, 2019**

[Pursuant to Section 92(3) of the Companies Act, 2013 and Rule 12(1) of the Companies (Management and Administration) Rules, 2014]

### I. Registration and other details:

- i. CIN: **U22211DL2007NPL165480**
- ii. Registration Date: **03/07/2007**
- iii. Name of the Company: **News Broadcasters Association**
- iv. Category/ Sub-Category of the Company: **Company Limited by Guarantee/Indian Non-Government Company**
- v. Address of the Registered office and contact details: **Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar, New Delhi-110087**
- vi. Whether listed company: **No**
- vii. Name, Address and Contact details of Registrar and Transfer Agent, if any: **NA**

### II. Principal Business Activities of the Company

All the business activities contributing 10% or more of the total turn over of the Company shall be stated:-

Sl. No.	Name and Description of main products / services	NIC Code of the Product/ service	% to total turnover of the Company
1	Subscription from Members and welfare services	99959989	100%
2			
3			



### III. Particulars of Holding, Subsidiary and Associate Companies -

S. No.	Name and address of the Company	CIN/GLN	Holding/ Subsidiary/ Associate	% of shares held	Applicable Section
1.	NA	NA	NA	NA	NA
2.					

### IV. Shareholding pattern (Equity Share Capital Breakup as Percentage of Total Equity)

#### i. Category-wise Share Holding

Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)

Company does not have any shareholding

Category of Shareholders	No. of Shares held at the beginning of the year				No. of Shares held at the end of the year				% Change during the year
	Demat	Physical	Total	% of Total Shares	Demat	Physical	Total	% of Total Shares	
Promoters (1) Indian a. Individual/HUF b. Central Govt c. State Govt (s) d. Bodies Corp. e. Banks / FI f. Any Other.... <b>Sub-total (A) (1):-</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
(2) Foreign a. NRIs - Individuals b. Other -Individuals c. Bodies Corp. d. Banks / FI e. Any Other.... <b>Sub-total (A) (2):-</b> <b>Total shareholding of Promoter (A) = (A) (1)+(A)(2)</b>		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<b>B. Public Shareholding</b> 1. Institutions a. Mutual Funds b. Banks / FI c. Central Govt d. State Govt(s) e. Venture Capital Funds f. Insurance Companies g. FIIs h. Foreign Venture Capital Funds i) Others (specify) Sub-total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>(B)(1):-</b> <b>2. Non- Institutions</b> a. Bodies Corp. i) Indian ii) Overseas b. Individuals i) Individual shareholders holding nominal share capital upto Rs. 1 lakh ii) Individual shareholders holding nominal share capital in excess of Rs 1 lakh c. Others (specify) Sub-total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>(B)(2):-</b> Total Public Shareholding (B)=(B)(1)+ (B)(2)									



C. Shares held by Custodian for GDRs & ADRs									
Grand Total (A+B+C)									

**ii. Shareholding of Promoters:**

**Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)**

S. No.	Shareholder's Name	Shareholding at the beginning of the year			Share holding at the end of the year			% change in share holding during the year
		No. of Shares	% of total Shares of the Company	% of Shares Pledged/ encumbered to total shares	No. of Shares	% of total Shares of the Company	% of Shares Pledged/ encumbered to total shares	
1								
2								
3								
	Total							

**iii. Change in Promoters' Shareholding (please specify, if there is no change)**

**Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)**

Sl. No.		Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Promoters Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus/ sweat equity etc):				
	At the end of the year				

**iv. Shareholding Pattern of top ten Shareholders (other than Directors, Promoters and Holders of GDRs and ADRs):**

**Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)**

Sl. No.	For Each of the Top 10 Shareholders	Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus / sweat equity etc):				
	At the end of the year ( or on the date of separation, if separated during the year)				

**v. Shareholding of Directors and Key Managerial Personnel:**

**Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)**

Sl. No.	For Each of the Directors and KMP	Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus/ sweat equity etc):				
	At the end of the year				



## V. Indebtedness

### Indebtedness of the Company including interest out standing/accrued but not due for payment

	Secured Loans excluding deposits	Unsecured Loans	Deposits	Total Indebtedness
Indebtedness at the beginning of the financial year	NIL	NIL	NIL	NIL
i) Principal Amount				
ii) Interest due but not paid				
iii) Interest accrued but not due				
Total (i+ii+iii)				
Change in Indebtedness during the financial year	NIL	NIL	NIL	NIL
·Addition				
·Reduction				
Net Change	NIL	NIL	NIL	NIL
Indebtedness at the end of the financial year	NIL	NIL	NIL	NIL
i) Principal Amount				
ii) Interest due but not paid				
iii) Interest accrued but not due				
Total (i+ii+iii)	NIL	NIL	NIL	NIL

## VI. Remuneration of Directors and Key Managerial Personnel

Company does not pay any remuneration to Directors & KMP of the Company.

Company does not have any Key Managerial Personnel.

### A. Remuneration to Managing Director, Whole-time Directors and/or Manager:

Sl. No.	Particulars of Remuneration	Name of MD/WTD/ Manager				Total Amount
		---	---	---	---	
1.	Gross salary					
	a. Salary as per provisions contained in Section 17(1) of the Income Tax Act, 1961					
	b. Value of perquisites u/s 17(2) Income Tax Act, 1961					
	c. Profits in lieu of salary under Section 17(3) Income Tax Act, 1961					
2.	Stock Option					
3.	Sweat Equity					
4.	Commission					
	• as % of profit					
	• others, specify					
5.	Others, please specify					
	Total (A)					
	Ceiling as per the Act					

**B. Remuneration to other Directors:**

Sl. No.	Particulars of Remuneration	Name of Directors				Total Amount
		----	---	---	---	
	3. Independent Directors					
	• Fee for attending Board Committee meetings					
	• Commission					
	• Others, please specify					
	Total (1)					
	4. Other Non-Executive Directors					
	• Fee for attending Board Committee meetings					
	• Commission					
	• Others, please specify					
	Total (2)					
	Total (B)=(1+2)					
	Total Managerial Remuneration					
	Overall ceiling as per the Act					

**C. Remuneration to key managerial personnel other than MD/MANAGER/WTD  
Not applicable as the Company is a Section 8 Company (Guarantee Company without share capital)**

Sl. No.	Particulars of Remuneration	Key Managerial Personnel			
		CEO	Company Secretary	CFO	Total
1.	Gross salary				
	a. Salary as per provisions contained in Section 17(1) of the Income Tax Act, 1961				
	b. Value of perquisites u/s 17(2) Income Tax Act, 1961				
	c. Profits in lieu of salary under Section 17(3) Income Tax Act, 1961				
2.	Stock Option				
3.	Sweat Equity				
4.	Commission				
	• as % of profit				
	• others, specify				
5.	Others, please specify				
	Total				



**VII. Penalties / Punishment/ Compounding of offences:**

**There is no penalty/ punishment on the Company or its Directors or other officers.**

Type	Section of the Companies Act	Brief Description	Details of Penalty/ Punishment/ Compounding fees imposed	Authority [RD/ NCLT/ COURT]	Appeal made, if any (give Details)
<b>A. Company</b>					
Penalty					
Punishment					
Compounding					
<b>B. Directors</b>					
Penalty					
Punishment					
Compounding					
<b>C. Other officers in default</b>					
Penalty					
Punishment					
Compounding					

Sd/-

**Rajat Sharma**

President

[DIN No.: 00005373]

Sd/-

**M.V. Shreyams Kumar**

Vice President

[DIN No.: 00877099]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No.: 00010716]

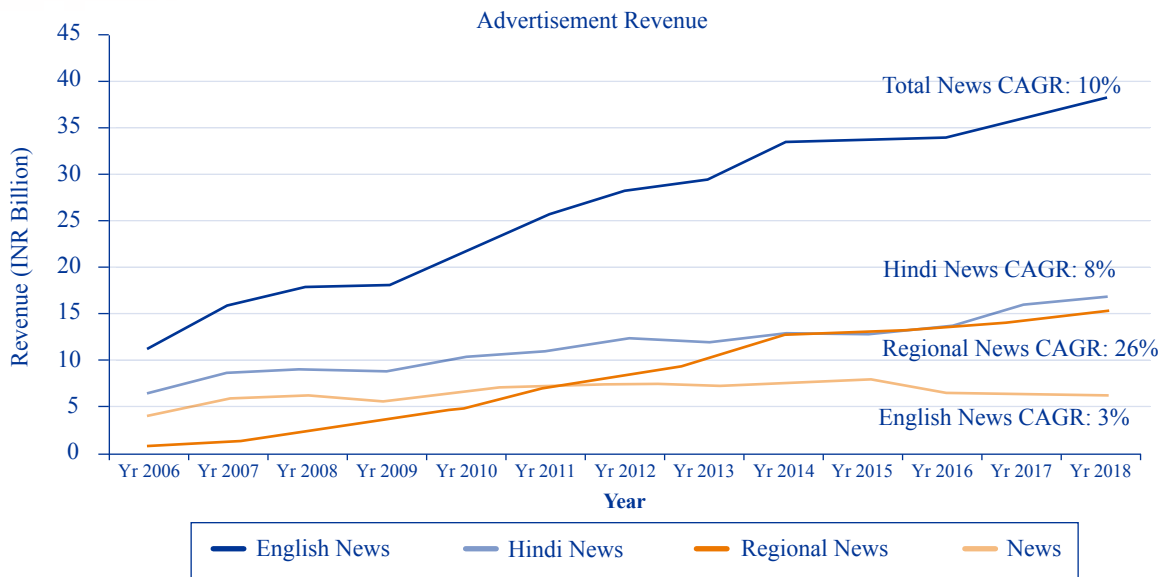
# Section I

## Management Report for the Year 2018-19

### □ Industry Overview

According to the E&Y-FICCI Indian Media & Entertainment Industry Report 2019, India’s media and entertainment industry stood at INR 1,674 billion in 2018, a growth of 13.4% over the previous year. The television industry is at INR 740 billion which is a growth of 12.1% over the previous year.

The charts below indicate the growth in advertising of the news & current affairs genre during the years 2006-2018.

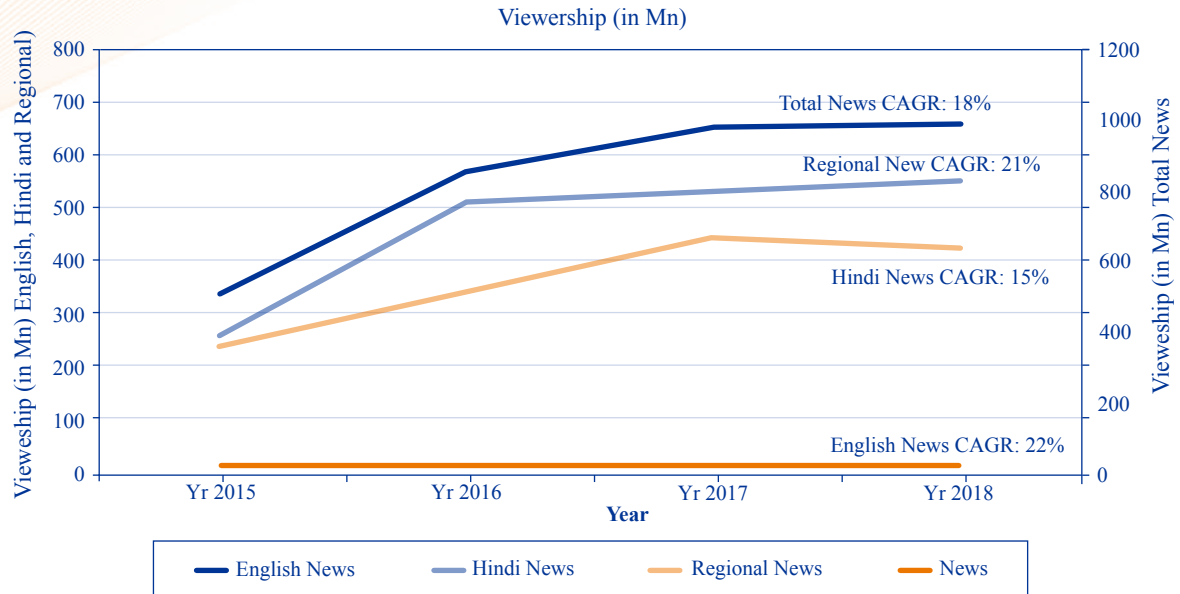


Source: 2017-2018: EY M&E Industry Report 2018, 19, TAM Index  
2006-2016: FICCI KPMG M&E Industry Report, TAM Index

During the years 2006 – 2018, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 10% where English news channels grew by 3%, Hindi news channels grew by 8% and regional news channels grew by 26%. If one looks at the change with respect to previous year, news channels revenue in 2018 has grown by 5%.

The graph below indicates the growth in viewership of the news & current affairs genre during 2015-2018:





Source: BARC | Average Weekly Viewership (in Mn) | All India Urban | CS 15+ | All Day Parts | Wk 21'15-Wk 52'18

During the years 2015 – 2018, the viewership of news channels grew at a Compounded Annual Growth Rate (CAGR) of 18% where English news channels grew by 22%, Hindi news channels grew by 15% and Regional news channels grew by 21%. If one looks at the change with respect to previous year overall news genre grew by 1% in the year 2018. The viewership for Regional news grew by 5%, English News grew by 10% while Hindi News de-grew by 4% as compared to 2017.

In the process of managing its policy environment, the Association draws constantly on the goodwill of the Government. During the year under review, the Association took up issues that concern news broadcasters with the government from time to time. President NBA and the Board Members of NBA called on the following officials:

1. Mr Prakash Javadekar, Minister of Information and Broadcasting & Minister of Environment, Forest and Climate Change
2. Mr. Arun Jaitley, Former Union Minister for Finance & Corporate Affairs
3. Mr. Raghavendra Rathore, Former Minister of State (IC) for Information and Broadcasting
4. Dr. R. S. Sharma, Chairperson, TRAI
5. Mr. Atul Kumar Tiwari, Additional Secretary, MoI&B
6. Mr. Vikram Sahay, Joint Secretary, MoI&B
7. Mr. S.K. Gupta, Secretary, TRAI

## □ Industry Issues Represented by NBA 2018-19

### National Broadcast Policy

On coming to know that the Ministry of Information & Broadcasting was in the process of framing a National Broadcast Policy, NBA participated in the discussions held with the stakeholders, which was chaired by the Additional Secretary, MoI&B.

NBA made detailed submissions on the issues to be considered in the Policy. It was submitted that the broadcasting sector is currently undergoing a transformation due to convergence of mediums of content delivery as well as content consumption platforms. Traditional linear TV content is now also available through handheld devices and personal computers and online content can be viewed on connected TV sets. As broadcasting evolves it is no longer confined to technological boundaries. In this extremely dynamic and fluid environment, some of the challenges that the broadcasting industry is facing are as follows:

- Changing content delivery models
- Sharp evolution of content distribution technologies
- Changing viewer behaviour and preferences
- Demand for new and innovative content
- Lack of a robust and transparent audience measurement system that can measure viewership across platforms
- Multiple laws governing individual aspects of the sector
- Regulatory delays and burden of compliance
- Content protection and piracy
- Lack of high-quality content
- Inability to attract new investment
- Inability to share infrastructure and the consequent effect of burgeoning costs
- Lack of skilled manpower
- Lack of effective cyber security

#### 1. List of reforms required for promotion of investment in and growth of the broadcast sector:

##### **Promote ease of doing business and Quality of Standards (QoS):**

Revamp and simplify the regulatory framework concerning the broadcasting sector (such as through codification of various statutes into a single law) taking into account convergence of technologies and digitisation. To ensure sustained growth of the sector, it is imperative that the sector is put under the regulatory oversight of a single dedicated regulator. In this respect, there is a need for the government to establish a distinct and separate regulator that is staffed by industry personnel that understand the typical nuances of the broadcasting sector and issues that are specific to the broadcasting sector keeping in view



Article 19 (1) (a) of the Constitution of India and carriage issues. Currently, different regulators are looking at different aspects of content depending on the nature of delivery of content. The Telecom Regulatory Authority of India (TRAI) regulates linear television channels.

Policy promotes a single window clearance system through online applications and processing of applications through artificial intelligence to reduce timelines, ensure cost effectiveness and address manpower limitations.

- i. Simplify and reduce regulatory compliance burden.
- ii. The Policy should mandate light-touch/self-regulation. Currently there is a plethora of laws and regulations that are applicable to the sector. There is also multiple regulatory oversight by more than one regulator. The regulatory burden is tremendous in an already challenging business environment where regulators regulate aspects such as price of content, to ad inventory usage etc. that should ideally be determined by market forces.
- iii. Create an eco-system for a level playing field through introducing of data localisation norms and investment and Indian control requirements. In this respect, the Policy should be aligned with the provisions of the Personal Data Protection Bill.
- iv. Increase penetration of wired broadband through cable TV operators. This will lead to an increase in consumption of online services and will accelerate the economic and social development of the country.
- v. Create an eco-system that focuses on R&D and establishing an infrastructure to stimulate innovations.
- vi. Enhance and enforce quality of services (QoS) through adoption of the latest consumer centric technologies to ensure that the end customer can receive services that are at par with developed countries.

### **Grant of Infrastructure Status to the Broadcast Sector**

Granting the broadcasting sector 'infrastructure status' will encourage investments in the sector by improving profitability and will in turn have a cascading effect that will accelerate the development of content production eco-system, lead to the development of content distribution infrastructure, create opportunities for employment in content production, distribution and broadcasting services and will lead to the overall growth of the economy.

### **Make in India**

Manufacturing of equipment, networks and digital communication devices is lacking in India.

To maximise India's contribution to global value chains, by focusing on domestic production, increasing exports and reducing the import burden.

Accordingly, the government should:

- i. Rationalise taxes, impose levies and differential duties to incentivise local manufacturing of equipment, networks and devices to the extent of domestic value addition;
- ii. Introduce a manufacturing program for identified product segments in digital communication technologies;

- iii. Attract and incentivise global OEMs and generic component players to setup manufacturing bases in India;
- iv. Encourage domestic R&D and promoting design led manufacturing in India by leveraging indigenous software/ R&D capabilities;
- v. Ensure the availability of essential background IPR in a fair, reasonable and non-discriminatory (FRAND) manner required for promoting local manufacturing;
- vi. Incentivise fab and/or fab-less design and manufacturing of chips and system on a chip (SOC) for network and devices in emerging technologies;
- vii. Attract global talent from Indian diaspora to create best in class enterprises;
- viii. Ensure strict compliance to preferential market access requirements:
  - Preferring domestic products and services with domestically owned IPR in the procurement by government agencies, especially for the procurement of security related products; and
  - Incentivising private operators to buy domestic broadcast products.

#### **Efficient and Effective Spectrum Allocation and Utilisation**

Satellite spectrum is a crucial and expensive overhead of broadcasters. Therefore, it is important that spectrum be utilised in the most efficient and cost-effective manner. The policy should promote an open sky policy for C-band, Ku-band and Ka-band efficient, utilisation of pre-contracted international satellite spectrum and a gradual migration to Indian satellites for channels targeted at the Indian market without causing an unnecessary financial burden on broadcasters.

The Policy should also encourage and facilitate:

- i. Sharing of bandwidth and Earth station/teleport;
- ii. Use of indigenous satellite capacity to save foreign exchange and reduce current account deficit. However, foreign satellites may also be used but without incentives being provided; and
- iii. Sub-leasing of bandwidth to promote efficient utilisation of unused/underutilised spectrum.

#### **Content Regulation Including Self-Regulation**

The Policy should give regulatory recognition to industry self-regulatory bodies such as the News Broadcasting Standards Authority (NBSA) in respect of news broadcasters, the Broadcasting Content Complaints Council (BCCC) in respect of general entertainment broadcasters. To make self-regulation more effective, the Ministry of Information & Broadcasting should recognize NBSA as the self-regulatory body for the “news genre” and notify the Codes & Guidelines of the NBSA under Rule 6 “Programme Code” of the Cable Television Networks Rules, 1994 (CTN Rules). Presently, the NBSA regulations are only binding on the members of NBA. Inclusion of NBSA’s Codes/ Guidelines in the CTN Rules will make it binding on all news broadcasters, irrespective of membership. This will give more teeth to NBSA and it would also put it on par with the Advertising Standards Council of India (ASCI) whose Code has been included in the CTN Rules.



### **Cyber Security, Anti-piracy and Other Issues**

The Policy should mandate an overhaul of the law on copyright infringement by introducing stringent measures such as heavy penalties to tackle the issue of piracy of content that is plaguing the broadcasting sector and also causing loss to public exchequer.

The Policy should recognise the importance of protecting the broadcast signal on an end-to-end basis i.e., right from pre-broadcast and retransmission of content (including live content) and mandate guidelines to address issues relating thereto like curbing cable television piracy (through task force or otherwise) and heavily penalising violations.

### **Infrastructure Sharing**

The Policy should promote sharing of infrastructure amongst the broadcasting sector to reduce cost impact by using un-utilized/under- utilized resources. The Policy should promote:

- i. Sharing of infrastructure across platforms and sectors in the converged environment;
- ii. Sharing of infrastructure with public service broadcasting networks;
- iii. Sharing of infrastructure with other departments like Department of Telecom etc; and
- iv. Sharing of head end across various distribution platform.

### **Market Research and Audience Research**

The Policy should promote audience viewership measurement metrics that captures viewership patterns irrespective of the platform, has a diverse, robust, tamper proof and large sample size, has a transparent methodology and encourages competition in the sector.

The Policy should:

- i. Encourage equal participation by all stakeholders;
- ii. Mandate increase in sample size to have more accurate measurement;
- iii. Introduce a comprehensive and tamper proof system of sampling across platforms such as by way of return path data;
- iv. Move to a regime of real time data measurement and analysis; and
- v. Encourage competition in the audience measurement sector.

### **Employment Generation and Skilling of Manpower**

The Policy should promote media and technical institutes that are linked to the industry to facilitate development of industry relevant curriculum and industry ready human resources that will help in accelerating the growth of the sector. Accordingly, the Policy should promote skilling of manpower to make the 'Make in India' concept a success and facilitate growth in the broadcasting sector.

The Policy should:

- i. Promote media and technical institutes that are linked to the industry to facilitate development of industry relevant curriculum for skilling of manpower in technical as well as content production areas which will help in accelerating the growth of the sector and employment;



- ii. Introduce dedicated four year courses at IITs /NITs for broadcasting sector akin to specialised courses for the telecommunication sector; and
- iii. Mandate National Law Universities to offer special courses dealing with IPR issues in the broadcasting sector.

The Policy is under consideration by the Ministry of Information and Broadcasting.

### **Cable Television Networks (Regulation) Act, 1995 (CTN Act) & The Cable Television Networks Rules, 1994 (CTN Rules)**

On coming to know that the Ministry of Information and Broadcasting is considering amending certain provisions of the CTN Act and the CTN Rules, NBA submitted its suggestions on the CTN Act 1995 and CTN Rules 1994 on 11.7.2019.

#### **Submissions on CTN Act 1995**

NBA submitted that the CTN Act, 1995 was enacted in an era where television broadcasting was re-transmitted only via cable in an analogue mode. However, post transition from analogue mode to the Digital Addressable System (DAS), the requisite amendments were not made to the CTN Act, 1995 to maintain parity between various Digital Distribution Platforms. Thereafter, the following submissions were made:

1. Only corporate entities should be allowed to operate cable networks so as to minimize the possibility of non-serious individuals/entities and/or financially unstable persons from entering the field of cable business. Corporatization is the best way forward to bring in transparency and increase the level of compliance. Further, if corporatization amongst MSOs was implemented, statutory compliances under the Companies Act, 2013 would ensure transparency and enhance credibility of the sector and prevent manipulation.
2. Under the CTN Act, MIB should be the sole registering authority including in respect of LCOs. This will inter-alia ensure in: (a) bringing clarity / creating centralized database on the number of LCOs existing in the country, (b) helping DPOs to identify as to which LCO is authorized to operate, (c) streamline the registration process of LCOs, and (d) enable initiation of action at Ministry's end in case of violations of provisions under the CTN, Act 1995 by LCOs.
3. Commercial subscribers should not be treated at par with residential/domestic subscribers and as such, tariff for commercial use of TV channels ought not be compared or treated at par with tariff for domestic use of TV channels.
4. Certain channels such as advertising channels are being broadcast by some DPOs without any licences being required. Therefore, regulations should be brought in for such DPOs to require a licence to broadcast such channels in order that the CTN Act apply to them as at the moment they are unregulated.
5. With regard to "Piracy", NBA submitted that there is inadequate protection available to content owners from unscrupulous DPOs engaging in unauthorized distribution of signals of TV channels. With an aim to address this issue, it was suggested that a separate definition of 'piracy' is introduced. Provisions dealing with piracy should also include penalty, prosecution and confiscation of equipment in order to dissuade the violators /defaulters.

6. The CTN Act should be amended to ensure mandatory placement of television channels at a single LCN which in turn would resolve the issues of dual LCN and distorted television audience measurement as reported by BARC. These changes could only be brought by an amendment in the CTN Act, 1995.
7. The provisions of the Programme Code under the present CTN Act, should be suitably amended in order that it applies to DPOs.
8. Just as the channels of Doordarshan are to be carried without any deletion or alteration of any program transmitted, in the same manner the programs of all other private satellite channels of the news broadcasters should also be carried without any deletion or alteration.
9. The decision/order taken in respect of seizure of equipment should be decided/resolved on an urgent basis as the cable operator/broadcaster may be made to suffer losses if such a decision was delayed inordinately.

#### **Submissions on the CTN Rules 1994**

Minimum net-worth requirement for LCOs could be proposed since they are also required to maintain certain infrastructure for providing the last mile connectivity and having a minimum net-worth which would also ensure that such infrastructure is not only established properly but is also maintained adequately so as to provide disruption free service to subscribers. Since there are separate rules for MSOs, there should be similar rules for LCOs.

#### **Programme Code**

Since the media/press has been granted the right to freedom of speech and expression under Article 19 of the Constitution, Rule 6 of the Programme Code of the CTN Rules should adhere to Article 19 and the restrictions imposed should be in consonance with Article 19(2) of the Constitution.

This provision of Rule 6 Programme Code should be made applicable to all DPOs where the DPOs carry their own content/programs on their own platforms.

NBA also made submissions with regard to various provisions in the Programme Code i.e. sub-sections 6(1)(a), 6(1) (b), 6(1) (d), 6(1) (e), 6(1) (i), 6(1) (m) and 6 (6).

Attention was also drawn to the representation dated 12.5.2011 to the then Secretary, MoI&B in respect of LCOs running locality specific news channels without any legislation governing them. NBA submitted therefore, regulations should be brought in for such DPOs/LCOs to require a licence to broadcast such channels in order that the CTN Rules, 1994 apply to them as presently they are unregulated.

A significant submission made by NBA is in respect of Rule 6 Programme Code. It has been suggested that a new sub-rule should be inserted as follows:

*“(7) No programme, which violates of the Code/Guidelines for self regulation in news and current affairs programs as adopted by the News Broadcasting Standards Authority (NBSA) shall be carried in the cable services or digital addressable systems.”*



NBA stated that the Code /Guidelines of NBSA (self-regulatory body for members of NBA in respect of news and current affairs channels) should be given recognition in the Programme Code in the same manner as the Code of Advertising Standards Council of India (ASCI) has been acknowledged and recognized in the Advertising Code in the CTN Rules, 1994. NBA submitted that self-regulatory mechanism has also been envisaged and recognized by the MoI&B, in the Uplinking as well as Downlinking Guidelines. These Guidelines specifically state that the determination of violation of the content code would be in consultation with the established self-regulating mechanisms.

### **Advertising Code**

NBA suggested that Rule 7 Advertising Code should be made applicable to all DPOs where the DPOs carry their own advertisements on their own platforms.

While making submissions on various other provisions of the Advertising Code, NBA submitted that the deletion or clarification in respect of Rule 7(11) has been proposed inter-alia for the following reasons:

- i. It violates freedom of speech and expression under Article 19(1) (a) of the Constitution of India. Advertisements are fundamentally regarded as commercial speech and commercial speech is covered under “Freedom of speech and expression”.
- ii. News and current affairs channels are a separate genre from all other genres and as such news channels rely largely on advertising for their revenue and survival. Therefore, it is important that either Rule 7(11) be deleted or a clarification is issued that the term ‘per hour’ is not given the interpretation of ‘per clock hour’.
- iii. Each different genre of channel has diverse presentation and consumption.

Similarly, genres are unique and have their own requirements, and as such, advertisement breaks are determined accordingly.

### **Policy Guidelines for Uplinking & Downlinking of Television channels from India**

NBA participated in the discussions, chaired by Joint Secretary (P&A), MoI&B to review the present policy of the MoI&B for Uplinking & Downlinking of Television channels from India. NBA submitted the suggestions/comments on the Policy and suggested that the Guidelines formulated should be futuristic bearing in mind the principle of “Ease of Doing Business”.

### **Submissions on the Policy Guidelines for Downlinking of Television channels**

NBA submitted that the net worth required by a news broadcasting company is already substantially high and prohibitive and in fact should be reduced since there is tough competition in the market. The net worth requirement should be applicable to existing channels only if their 10-years license has expired, or if a news broadcasting company is looking to add new channels to their bouquet; there should also be no increase in the amount of non-refundable processing fee.

In case of downlinking of channels, there was no clarity in situations where security clearance was required for Directors and the broadcasting Company. Clear procedure would enable companies to plan their launches of new channels more effectively. The validity of the downlinking permission granted should be



co-terminus with the validity of security clearance of the news broadcasting company with the clarity that the company should be allowed to start/acquire any number of additional television channels without the requirement of any further security clearance.

The definition of “News and Current” affairs channels as it exists today is not acceptable and should not be retained in the Guidelines. The definition of a “News & Current” Affairs TV channel is *“a News & Current” Affairs TV channel means a channel which has any element of news & current Affairs in its programme content”*. The reason for requesting a modification in the said definition was that even an entertainment channel can be listed in the genre of news and current affairs if it has an element of news while during the rest of the period it telecasts other programmes like movies and music etc.

The Guidelines should be amended in order that the downlinking permission for television channels is granted and valid for 15 years to bring the Guidelines at par with FM Radio Guidelines.

In determining any violation by news channels of the Programme Code of the CTN Act, 1995 as contemplated under these Guidelines, the relevant authority should liaison with self-regulating authorities i.e. NBSA in case of news channels to determine whether there has been a violation. NBA submitted that MoI&B should acknowledge Codes/Guidelines of the self-regulatory bodies such as the News Broadcasting Standards Authority (NBSA). This recognition should be given by including the Codes of aforementioned self-regulatory authorities in Section 5 of the Programme Code of the CTN Act, 1995 and Rule 6 of the CTN Rules, 1994 in the same manner as the Code of Advertising Standards Council of India (ASCI) has been included in Section 6 of the Advertising Code in the CTN Act, 1995 and Rule 7 of the CTN Rules, 1994. The said amendments would go a long way in bringing errant non-member channels within the jurisdiction of the self-regulatory mechanisms. NBSA should have the powers to take suitable action against the said non-members under the self-regulatory mechanism.

The penalties prescribed in the Guidelines are not proportionate to the violations of the Guidelines and the offences that may be committed by the news channels. Therefore, the said clause needs to be revised. It would not be correct to suspend any news channel for a prolonged period.

The terms ‘public interest’ and ‘national security’ should be more specifically defined so that it can be interpreted objectively rather than leaving it to the subjective interpretation of the person enforcing the conditions of the permissions.

News broadcasters may not be in a position to operationalise a channel within one year, therefore the time granted to operationalise a channel should be increased to 3 years instead of 1 year.

The reporting time to MoI&B in respect of the changes in Foreign Direct Investment in the company, may be increased to 30 days for convenience of the broadcasting companies.

The period prescribed for keeping a record of content telecast should be modified from 90 days to 60 days, considering the fact that keeping records preserved for a long period of time would require more resources and equipment and would increase the financial burden of the news broadcaster.

The EMMC wing of MoI&B monitors all the channels and in case of encrypted channels news broadcasters provide their Viewing Card to EMMC. Hence, there is no requirement of a separate monitoring system.

In respect of the existing provisions for transfer of license/permission for a TV channel under present Guidelines, these are adequate. However, this view would be subject to the following:

1. All Guidelines /Permissions should be in sync with the Companies Act, 2013 and SEBI Guidelines/ Rules.
2. Currently, in case of merger/demerger/amalgamation, the Ministry issues a fresh approval after the Court Order. NBA suggested that in cases where both companies are security cleared broadcast companies, there should only be a process of intimation and not approval. Acknowledgment of the intimation by MoI&B should be enough for transfer of licenses and permissions.

For change in name of channel/logo/language NBA submitted that:

1. Mere intimation to the relevant Ministry should be allowed in the case change of logo where Trade mark approval is already taken.
2. Where there is no change in majority shareholding, directorship and ownership of a news broadcasting company, a change in name of the channel, should be communicated by way of a mere intimation to the Ministry and there should be no requirement of any prior approval.
3. Change in mode/satellite/language of the channel/teleport are operational changes and should require only intimation to MoI&B and not approval.

#### **Submissions on the Policy Guidelines for Uplinking of Television Channels**

The submissions with regard to network requirements, non-refundable processing, period for uplinking licences for teleports, definition of “News and Current affairs channels”, time given for disclosure to MoI&B about any changes in the shareholding pattern, shareholders agreements, change in the CEO/Board of Directors or key executives, loan agreements, offences and penalties, permissions, security clearance, renewal of permissions, change in name of channel/logo, language, transfer of permission of television channels etc. were the same as given in respect of the Downlinking Guidelines.

News channels located in India ought to be exempted from the requirement of intimating the names and details of any foreigners/ NRIs to be employed/engaged in the company.

Broadcasters should be allowed to use satellites which are coordinated with INSAT system of ISRO on pre-approved teleport. The broadcaster/concerned teleport operator would be required to intimate MoI&B, WPC and NOCC 30 days prior to effective date of use. Only those cases should be sent to DOS where the channel/teleport was asking for permission to uplink on a new satellite which is not mentioned in the existing list of coordinated satellites. DOS should be mandated to take decision on these cases within 30 days from date of receipt of application. The broadcasters should be permitted to use an Indian or foreign satellite depending upon their business strategy and need.

#### **Subleasing of Bandwidth Should be Allowed**

The procedure for obtaining permission for hiring/use of the SNG/DSNG equipment in C Band and KU Band was tedious and cumbersome and there were procedural delays. The Ministry should make available



an online filing portal. Clear-cut guidelines should be issued by the Ministry including the list of documents/enclosures required to be submitted by the entities.

The new Policy is yet to be finalized by the Ministry of Information and Broadcasting.

**Recognition of Code of Ethics/Guidelines in the Cable Television Networks Rules, 1994**

Joint Secretary (P&A), MoI&B convened a meeting with the representatives of both NBA and IBF on 11.1.2019 to discuss the above subject. A detailed Note on the News Broadcasting Standards Authority (NBSA) was submitted on 8.2.2019 to Joint Secretary (P&A) MoI&B. NBA stated that for the last several years it has been representing to the MoI&B, that to make self-regulation more effective, the Ministry should recognize NBSA as the self-regulatory body for the “news genre” and notify the Codes & Guidelines of the NBSA under Rule 6 “Programme Code” of the CTN Rules. Presently, the NBSA regulations are only binding on the members of NBA. Inclusion of NBSA’s Codes/ Guidelines in the CTN Rules will make it binding on all news broadcasters, irrespective of membership. This will give more teeth to NBSA and it would also put it on par with the Advertising Standards Council of India (ASCI) whose Code has been included in the CTN Rules.

The decision is awaited from the MoI&B.

**Draft Policy for Accessibility Standards for Persons with Disabilities in Television Programme**

The Government of India has enacted The Rights of Persons with Disabilities Act, 2016, which is the principal and comprehensive legislation concerning disabled persons. Section 29(h) of the Act requires television to be accessible to persons who have hearing impairments.

Accordingly, Ministry of Information & Broadcasting (MoI&B) constituted a Sub-Group under the Chairpersonship of DG, Doordarshan for formulation of Accessibility Standards to facilitate accessibility for persons with hearing impairment to television programmes keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016.

Meetings of this Sub-Group were held on several occasions and post discussions in the sub-group a basic draft of the standards was discussed. The report of the Sub-Group was examined by the MoI&B. Based on the recommendations made by the Sub-Group, the MoI&B formulated a Draft Accessibility Standards Policy to facilitate accessibility for persons with hearing impairment to television programmes.

NBA submitted the following issues on the draft Policy for consideration:

As envisaged in the earlier draft prepared by DG, DD, NBA reiterated that “news” should be completely exempted from the implementation of the Accessibility Standards.

NBA submitted that in the several discussions that have taken place with the DG, DD, no discussions were held with the Committee with regard to the “Schedule” which is a part of the present draft. While NBA has given its comments in respect of the “Schedule”, the same should not be made part of the “Accessibility Standards”.



There has been no discussions with the DPOs. It was therefore suggested that prior to finalising the “Accessibility Standards” document, the inputs of DPOs or any other stakeholder who may be affected by the “Accessibility Standards” must be held along with other stakeholders in order that there are no contradictions. NBA suggested that until such time all the stake holders inputs are taken, are in consonance and there are no contradictions, the document should not be finalised or implemented.

With regard to “*Exempted Content and Genre*”, NBA reiterated that the entire news genre should be exempted as sufficient choice is already available to access news from different forms of media such as, print and online portals.

Regional news and current affair channels, in particular, should be excluded from the purview of the Accessibility Policy as they would incur substantial costs to implement the Policy for limited viewers which would lead to huge financial losses.

However, if the news and current affairs genre are eventually not entirely exempted from the applicability of the Accessibility Standards, then live news and current affairs, archival footage and repeat footage following the live news broadcast must be exempt from the implementation of the Accessibility Policy.

If the news and current affairs genre is not exempted and the Accessibility Policy applies to the said genre, then the language of the Open Captioning, Closed Captioning or Subtitles shall be the language of the relevant channel or such language as may be determined by the broadcaster.

On “*Phase Wise Implementation*”, NBA submitted that the Policy has recognized that a roadmap prioritizing the implementation of Access Service for different types of television programmes including news, emergency communications, pre-recorded audio-video content and the target set may differ for different categories of Service Providers. Keeping in mind the aforesaid acknowledgement and considering the technical difficulties, the implementation of Access Service should be in a phased manner as follows:

1. Access Service should be first implemented by the public broadcaster Doordarshan.
2. In parallel, distribution networks (networks, IRDs, and Consumer premise equipment) should be evaluated and once researched and considered compatible, the Accessibility Standards should be published.
3. Private broadcasters may begin with one programme per week with subtitles / captions from the date of implementation of the Accessibility Policy.
4. Private news broadcasters may start with daily sign language news bulletins from the date of implementation of the Accessibility Policy.
5. For Private news channels, sign language should be applicable for only one slot of 15 minutes between 3:00pm and 5:00pm subject to availability of a sign language expert or clean feed from Doordarshan without logo (which may be edited by news channels). To facilitate this, Doordarshan should provide its sign language news bulletin free of cost to the private news broadcasters till such time as the private news broadcasters develop their capacity to produce their sign language news bulletins.

6. In the event any exempted programmes are being broadcast during specified time slot, then sign language bulletin may be broadcast within reasonable time after the end of such exempted programmes.

NBA also submitted that the phase-wise targets set out in the Policy to be achieved until 2025 needs to be reviewed by the Ministry in the light of the existing technology, cost and technical challenges in achieving the targets.

After considering all the aspects, NBA Board decided that subject to availability of sign language interpreters, member news channels, would carry one slot of 15 minutes news bulletin between 3:00 pm and 5:00 pm once a week on their channels from 15.8.2019. It was left to the discretion of the broadcasters to take DD feed or not till such time the private news broadcasters developed their capacity to produce sign language news bulletins.

### **Personal Data Protection Bill 2018**

The Committee of Experts on 27.7.2018 released its Report titled '*A Free and Fair Digital Economy, Protecting Privacy, Empowering Indians*' and a draft of the Bill relating to data protection- "*The Personal Data Protection Bill, 2018*". NBA submitted its comments and suggestions on certain provisions/sections in the Bill which may impinge on the fundamental right of freedom of speech and expression granted to the media/press under Article 19 (1) (a) of the Constitution of India and adversely affects the rights of the media/press / journalists.

NBA submitted that there is no clarity which entities could be declared "*Data Fiduciaries*" and the classification of the same needs to be done. If a media company was to be declared a data fiduciary, then all the provisions of the Bill that apply to data fiduciaries would apply to the media companies, which would include the onerous provisions in various chapters of the Bill including penalties and this would clearly impinge on the media's right of freedom of speech and expression, create a "chilling effect" and threaten the economics and business of the media companies and their very existence.

NBA took note of Section 8(f)-'Notice' which provides that a data fiduciary is bound to provide to the data principal the source of collection of data particularly if the data has not been collected from the data principal. On this provision, NBA submitted that assuming it was held that the 'journalistic exemption' is not applicable to certain situations, disclosure by any journalist of a 'source' of information had its own potential harm/danger and such disclosure was not desirable at all.

NBA submitted that, "*Right to Be Forgotten*" as envisaged in the Bill, could have serious consequences on the freedom of speech and expression of the media particularly if the data principal was a government officer or bureaucrat, political leader, criminal, or a public servant/official/figure. NBA submitted that the provision of "*Right to Be Forgotten*" could be gravely misused by such data principals to conceal or remove data relating to their activities thereby restricting the reporting by media/press/ journalists. Reporting issues of public interest and importance such as, scams, wrong-doings, specifically by Government bodies and persons in public authority strengthened democracy. By permitting the 'Right to Be Forgotten' as a citizen's right in the Data Protection Bill, and consequently restricting the availability or access to data for journalistic purposes or permitting an Adjudicating Officer to adjudicate, evaluate and balance the right of freedom of speech and expression of the media and right to privacy of an individual, would result in seriously threatening the media's rights under Article 19(1) (a) of the Constitution. The freedom of speech



and expression that is available to a citizen not only encompasses the public's right to be informed but also equally includes the media/ press's right to report on issues without restrictions except the restrictions enumerated in Article 19 (2) of the Constitution of India.

Section 27 and 45 of the Bill had inherent dangers as on a reading of the said provisions it appeared that the news broadcasters may be prevented from usage of any archival footage. These provisions clearly needed reconsideration as there appeared to be a clear pre-publication restriction on media from reporting and a violation of Article 19(1) (a) of the Constitution.

NBA submitted that the definition of "journalistic purpose" should be given a wider interpretation/scope in order that any changes in the technology that occur in the future are taken care of.

NBA submitted that there is no requirement for establishing any other authority/ regulatory body to regulate or penalize the media/press /journalist including in respect of the Data Protection Law as there are several authorities under the statutory provisions that regulate the media like the Press Council of India, Telecom Regulatory Authority of India, Ministry of Information and Broadcasting etc.

#### **Migration by Broadcasters to Indian Satellites**

As reported earlier, NBA and other stakeholders were invited for a meeting on 16.6.2018 by ISRO in Bangalore to understand the present and future requirements in regard to satellite communication usage.

Since there was no communication from ISRO on the issues raised in the meeting and the status having remained the same since last one year, a letter was sent to Chairman ISRO on 11.6.2019 requesting that the discussions be resumed as there is an urgent need for ISRO to come out with the Policy/ Plan so that the broadcasters are aware of their obligations.

Director, SATCOM, ISRO vide letter dated 20.6.2019 informed NBA that based on the inputs and the feedback during the user meet, SATCOM Programme has taken appropriate actions to address the concerns and issues and brought out a plan for 3-5 years, which has been shared with relevant Departments and their inputs were also included for enhancing the capacity, continuity of services and induction of new services etc; all users on foreign satellites on completion of their contracts as per SATCOM Policy are requested to use INSAT/GSAT capacity when available; the efforts are on to enhance spectrum capacity for global foot print with filings at ITU; however, due to several foreign satellites occupying Indian arc, it is a challenge to this effort; the plans for replacement of INSAT4A, not disturbing the continuity of services is in place; the proposal for avoiding retrospective charges will be addressed during the next price revision. In order to achieve ease of operations, an interdepartmental committee is working to bring in web-based apps.

NBA informed Director, SATCOM on 28.6.2019 that there has not been any communication from their office or from the Ministry of Information & Broadcasting on any of the points detailed in the letter. In the absence of any communication or directives of the indicative policy on use of foreign satellite, the broadcasters are not able to take a firm stand with respect to the action to be taken. NBA noted that the 3-5-year plan developed by ISRO should have been shared with broadcasters/industry bodies. In view of the challenges in creating capacity owing to non-availability of orbital position on Indian arc, hence it is important to know of the short term and long-term plan of ISRO. The plan of action to establish



24x7 customer support function in line with foreign satellite operators, NBA submitted that ISRO should share the capacity plan with NBA and involve the NBA / broadcasters to arrive at mutually agreeable suitable policy/guidelines on the use of foreign satellite on priority. NBA requested that a meeting of NBA, broadcasters and stakeholders be convened at the earliest to deliberate on the subject in reference and other relevant matters including use of C band for 5G application which is a point of contention in many countries now. The matter is being followed up with ISRO.

### **Policy Guidelines for Allotment of Slots of DD Free Dish dated 15.1.2019**

Prasar Bharati notified the Policy Guidelines for allocation of 80 slots of DD Free Dish to private satellite TV channels on 15.1.2019. 26 slots were reserved for DD/Lok Sabha/Rajya Sabha and 54 slots were available for E-Auction. The slots designated for e-auction were categorized under four buckets A, B, C and D. News channels fell under BUCKET C. The reserve price was of Rs.7.00 crores. Interested member broadcasters participated in the e-auction.

### **Amendment in the “Policy Guidelines for the Empanelment of Prvt C&S TV Channels and fixation of rates for Government Advertisements by BOC-2017**

The Ministry of Information & Broadcasting took a decision to revise the advertisement rates offered by the Bureau of Outreach and Communication (BOC) to private TV channels, which were announced on the basis of a Review Committee constituted by the Ministry which submitted its report on 1st January, 2019. The revision lead to an increase in rates of around 11% over the 2017 rates. Differential rate structures for news and non-news channels were offered, depending upon their overall reach in the country. The Policy was announced on 25.1.2019.

### **Outstanding dues of BOC/ DAVP**

The issue of outstanding dues since 2010 is a matter of concern and there is no resolution despite follow up. Joint Secretary P&A, MoI&B was informed that as per the new Policy the Government/Departments will be releasing a large number of advertisements running into several crores of rupees. In the event of non-payment of dues, the arrears would further escalate. NBA suggested that MoI&B should instruct the BOC that the payment for the advertisements released as per the new Policy should be made on or before the 60 days credit period and the advertisements should be released by BOC only on confirmation of funds by the clients and any default in payment would lead to embargo on the client’s advertisements. There has been no progress in this regard.

### **Cinematograph Act (Amendment) Bill**

The Ministry of Information and Broadcasting (MoIB) on 3.1.2019 sought public comments on the Cinematograph Act (Amendment) Bill, for inclusion of a new Sub-Section 7(4) in the Cinematograph Act 1952. No comments were provided by NBA as it appeared that the said amendment was not applicable to nor does it affect the members of the NBA. The MoI&B has amended the Cinematograph Act 1952.

## **Telecom Regulatory Authority of India**

### **TRAI’s Regulatory framework for Broadcasting and Cable TV sector**

To bring in transparency, affordable broadcasting and cable TV services for the consumer and at the same time for an orderly growth of the sector, the TRAI on 3.3.2017, notified a regulatory framework

for broadcasting and cable TV service provided through addressable systems, which include the Direct to Home (DTH) Systems, Cable TV Systems provided through Digital Addressable Systems (DAS), Head-end In the Sky (HITS).

The TRAI after having complied with the judicial mandates in the matter, notified the framework to be followed on 3.7.2018 by prescribing the implementation schedule. The implementation of the regulations have been completed w.e.f. 31.3.2019.

### **Consultation Paper on Review of Television Audience Measurement and Ratings in India dated 3.12.2018**

In view of several concerns raised by stakeholders relating to neutrality and reliability of the existing rating system, it necessitated a need to review the existing Television Audience Measurement and Ratings system in India. Accordingly, TRAI suo motu floated a consultation paper for seeking comments of stakeholders on the issues related to review of existing system. NBA submitted its detailed response on the issues raised in the Consultation Paper and also made oral submissions in the Open House Discussions held on 24.5.2019. The recommendations of TRAI are awaited.

### **Consultation Paper on The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual dated 29.3.2019**

Arising out of the discussions held in an earlier consultation, the TRAI formed a Committee to prepare a comprehensive audit manual for auditors to audit the Digital Addressable Systems. After extensive deliberations, the stakeholders reached consensus and submitted a draft audit manual to the TRAI, which formed part of the said consultation. The recommendations of TRAI are awaited.

### **Committee on Issues Related to New Regulatory Framework**

TRAI formed a Committee comprising of representatives of NBA, IBF, AIDCF and DTH operators to deliberate on the issues raised by stakeholders during migration to new Regulatory Framework for Broadcasting and Cable services. NBA was represented in the Committee.

The recommendation of the Committee are on the following issues:

#### **1. Facilitate discount in NCF and DRP by DPOs on long term subscriptions**

- a. Any subscription with advance payment for a duration of 3 months/6 months or more shall be treated as long term subscription.
- b. DPOs should be permitted to offer discount on NCF, declared on monthly basis, for long term subscriptions and there should not be any cap on such discounts on NCF offered to the subscribers, but such discounts should be uniform and non-discriminatory for all subscribers.
- c. DPOs should be permitted to offer a discount maximum upto 15% on declared monthly Distributor Retail Prices (DRP) of channels and bouquet of channels formed by DPOs as well as broadcasters for long term subscriptions. However, such discounts should be uniform and non-discriminatory for all subscribers.
- d. DPOs should publish and report to the Authority the NCF and DRP for all long-term subscriptions as per the extant Regulations and tariff order or as directed from time to time.



## **2. Facilitate discount on NCF and DRP by DPOs for Multi TV connections in a household**

- a. DPOs should be permitted to offer discount in NCF for 2nd TV onwards in case of Multi TV connections in a household and there should not be any limit on discount on NCF. Such discounts should be uniform and non-discriminatory. DPOs should ensure that this should not be misused for providing connection in commercial organisations like hotels, hospitals, shopping malls etc.
- b. DPOs shall publish on their website, the tariff policy for multi TV connections in a household clearly indicating applicable discounts.
- c. DPOs should not be permitted to offer discount on monthly DRP of channels and bouquet of channels for 2nd TV onwards for Multi TV connections in a household.
- d. DPOs must ensure that subscribers have choice to select the channels for each TV in a given household individually.
- e. DPOs should publish and report to the Authority for 2nd TV onwards in case of Multi TV connections in a household.

## **3. Placement of channels in EPG genre wise/language wise and issues related therein**

- a. Present provisions of placement of TV channels in EPG as per new regulations should not be interfered with.
- b. Issue of placement of channels in EPG may be revisited by TRAI after a detailed consultation process with the stakeholders.

## **4. Limit on number of bouquets formed by broadcasters**

Issue of limit on the number of bouquets offered by a broadcaster should be decided by TRAI after a detailed consultation process with the stakeholders.

## **Committee on issues related to non-provisioning of Monthly Subscription Report (MSR) by DPO's**

A Committee was constituted by TRAI to examine and present a report on issues related to non provisioning of MSR by DPOs. NBA was represented on the Committee.

The recommendations of the Committee are as follows:

- a. All DPOs must furnish the MSR in the manner as specified in Schedule VII of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017.
- b. Associations may hold seminars/workshops with DPOs especially small and medium MSOs all over India to educate them on proper compliance of the new Regulatory framework including timely sharing of MSR in format as prescribed vide Schedule VII of the Interconnect Regulations 2017. The association while conducting such program may involve leading CAS and SMS vendors to educate the MSOs and may also invite panelists/speakers from MIB/TRAI.
- c. The Chief Technical Officer/authorised officer of the DPO shall certify that the MSR is as per Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017. In addition, the DPO shall enclose the actual screen-shot/print which such MSR has generated.



### **Framework for Security Testing of Conditional Access System (CAS)**

TRAI sought comments on the Framework for Security Testing of Conditional Access Systems (CAS) developed by Software Technology Quality System (STQC).

NBA submitted that the conditional access system (CAS) is only one element in the whole distribution system used by DPOs. On various occasions, DPOs bypass the CAS and run unencrypted and/or analogue feed of television channels thus, defeating the very purpose of content protection and digital addressable systems. NBA submitted that not only CAS, but the entire distribution setup of DPOs (including headend equipment, scramblers, encoders, multiplexers, CAS, SMS, STBs, validation of CAS and SMS integration, anti-piracy features, etc.) should be securely tested by BIS or by a BIS appointed accredited authority/body, to bring in transparency and best industry standards. NBA also suggested that the additional requirements and tests should also be included in the draft CAS security testing framework as mandatory system and testing requirements for DPOs.

### **Draft Business Requirement Document ('Draft BRD') on Online System for TV Channel Provisioning Request and Complaint Management ('OTPM')**

TRAI informed NBA that it received numerous complaints from the consumers regarding non-availability of channels by their DPOs. To address such complaints the Authority intended to develop an "Online System for TV Channel Provisioning Request and Complaint Management" (OTPM). Through this portal, the broadcasters will be able to lodge complaints on behalf of the subscribers about non-availability of channels to the subscribers for their effective redressal. TRAI forwarded the draft Business Requirement Document (BRD) to NBA for comments, which was submitted to TRAI.

### **TDSAT Order dated 3.12.2019 on TRAI's Direction dated 3.12.2018 on Landing Page**

The TRAI Direction dated 3.12.2018 relating to display of television channels on landing page was challenged by stakeholders in the TDSAT. The TDSAT vide its judgment dated 29.5.2019 set aside the TRAI's Direction dated 3.12.2018 which restrained broadcasters and DPOs from placing TV channel whose TV rating is released by TV rating agency, on the landing LCN / landing channel / bootup screen.

## **□ Election Commission of India**

### **Review of the Provision of Section 126 of the Representation of the People Act 1951**

By its Order dated 17.12.2017 the Election Commission of India constituted a Committee comprising representatives from the Election Commission of India (ECI), Ministry of Information & Broadcasting (MoI&B), Ministry of Law & Justice, Ministry of Electronics & Information Technology, Press Council of India (PCI) as also the News Broadcasters Association (NBA) with the view to re-visiting the prohibitory provisions applicable to the last 48 hours before completion of polls as contained in Section 126.

After deliberations, with all stakeholders the Committee drew up a draft Interim Report. NBA submitted its comments as follows:

- i. NBA welcomed the addition of "print media, digital and social media" within the ambit of Section 126 (1) (b).

- ii. In respect of the definition of ‘election matter’ in the explanation to Section 126 of the said Act, NBA reiterated that ‘election matter’ “*means any matter intended or calculated to influence or affect the result of an election*” and this should be read to mean any matter intended to influence or affect the result of an election in a given constituency or given candidate and not beyond that. The prohibition should be read as referring to a specific constituency going to polls and the candidates therein. What was prohibited are any advertisements or sponsored programmes or reports intended to criticise or support a candidate in the constituency which is going to polls and which is intended or calculated to influence or affect the result of an election. ‘Election matter’ does not mean any and every matter relating to an election but means a matter which is intended or calculated to influence or affect the result of *an election*. Any other interpretation given to the term ‘election matter’ would impinge on the media’s right to freedom of speech and expression under Article 19 (1) (a) of the Constitution.
- iii. NBA suggested that since there is no definition of ‘social media’ and ‘digital media’, the same be incorporated in Section 126 of the Act.
- iv. NBA also submitted that there was a lot of mischief that could be perpetrated in respect of Section 126 of the said Act by the Local Cable Operators (LCO) who operate their own news channels/channels. The LCOs are not governed by the myriad rules and regulations that govern satellite news channels. The LCOs are required to be registered under the Cable Act 1995, Rules 1994 and are also governed by content guidelines as laid down in the Programme Code and Advertising Code as defined in Section 5 and 6 of the CTN Act,
- v. NBA submitted that the definition of electronic media be defined to mean and include *internet, radio and television, social media intermediaries including Internet Protocol Television (IPTV), satellite including Direct to Home Operators (DTH), Head-end-in-the-Sky (HITS) operators, terrestrial or cable channels including local cable operators or internet/digital versions of Print Media, mobile and such other media either owned by the Government or private person or by both;*
- vi. NBA also submitted that concerned social media platforms must remove or disable access to illegal content and content which violated statutory provisions, within 1 hour of the existence of such content being brought to its notice, as the said content would have a huge probability of influencing the election result at a mammoth scale.

The deliberations of the Committee concluded and the Report of the Committee has been submitted to the ECI.

### **Broadcast Audience Research Council (BARC)**

NBA submitted a detailed representation on 19.3.2019 to the Chairman, BARC bringing to his notice that BARC was putting out weekly data, in violation of MoI&B Guidelines and TRAI Guidelines/ Directions and by continuing to include such data was flouting norms, regulations and ethical industry practices. NBA pointed out that in the past if there was spike in viewership in respect of other news channels, BARC has stepped in and taken action by eliminating such data at their discretion citing Outlier Management Policy. However, BARC has not been transparent or consistent in its policies on elimination of anomalous data. NBA brought to the notice of BARC that precious little was done and achieved to eliminate the impact of malpractices. BARC cites that the water mark technology can only register the impressions and not eliminate any such spikes. As stake holders of BARC, the perception of NBA members is that BARC is not



taking this seriously enough and providing comfort to the news broadcasters. NBA submitted that BARC ratings in respect of the news genre are neither transparent nor accurate. NBA demanded an independent and impartial enquiry is conducted into the malpractices of a new entrant and present the findings to NBA members, which is in consonance with the Guidelines issued by the MoI&B.

BARC in its response dated 25.3.2019 denied the averments made by NBA in the letter dated 19.3.2019.

In response, NBA submitted that the sole objective of forming BARC was to create a transparent and neutral system to address the erstwhile prevalent weaknesses in the system and make it robust. Since its inception, BARC has been referring to its audio watermarking technology and extended number of boxes seeded on the ground. If the audience measurement cannot distinguish between a watermarked channel placed on landing LCN or anywhere else on the distribution platform's LCN and BARC acknowledges it, BARC should identify improvements on existing technologies/ alternate technologies. BARC should explain how data smoothing is done.

Arising out of the exchange of letters, Chairman BARC decided that Chairman BARC India Technical Committee & CEO, IPG Media Brands and the NBA Board members have a meeting, which was held on 8.5.2019 in Delhi. There has been no further communication from BARC to address the issues raised in the meeting.

### **Copyright (Amendment) Rules, 2019**

In order to ensure smooth and flawless compliance of Copyright Act in the light of technological advancement in digital era and to bring them in parity with other relevant legislations, the Department for Promotion of Industry and Internal Trade, proposed to introduce the Copyright Amendment Rules, 2019 by which it proposed to amend Rule 29 sub-rule 3 and replace the words "*by way of radio broadcast and television broadcast*" with the words "*for each mode of broadcast*" thereby including within ambit of the said Rules internet broadcasting. Rules 29 to 31 of the said Rules deal with statutory license for broadcasting of literary and musical works and sound recordings. The copyright regime is governed by the Copyright Act, 1957 and the Copyright Rules, 2013.

NBA did not submit any comments or suggestions as such an amendment will apparently not affect the news broadcasters. It might affect the owners of content, in particular music companies.

## **Corporate Matters**

### **1. Office Bearers of NBA 2018-19**

In terms of Article 26 of the Articles of Association, the following Directors were elected Office Bearers of the Association for the year 2018-19:

President – Mr. Rajat Sharma (Independent News Service Pvt. Ltd.)

Vice President – Mr. M.V. Shreyams Kumar (Mathrubhumi Printing & Publishing Co. Ltd.)

Honorary Treasurer – Mrs. Anuradha Prasad Shukla (News 24 Broadcast India Ltd.)

## 2. Membership

The details of Members/Associate Members of the Association during the year are annexed at **Annexure–1.**

## 3. Shifting of Registered Office of NBA

Registered office of the Association has been shifted to FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi-110025 with effect from June 24, 2019.

## 4. Sales Sub-Committee

During the year under report the Sales Sub Committee met once under the Chairmanship of Mr. Avinash Pandey, Board Member.

## 5. Election Data for General Election 2019 and Assembly elections held in 2018 and 2019

For the counting day election data for the Assembly elections and General Elections, held in 2018 and 2019 members and non-member broadcasters subscribed to the data, which was sourced from Nielsen .

## 6. 3rd Justice Verma Memorial Lecture

The 3rd Justice J.S. Verma Memorial Lecture on “Freedom & Responsibility of Media in the Evolving Media Space” was delivered by Shri M. Venkaiah Naidu, Hon’ble Vice President of India on October 1, 2018, in New Delhi.

## 7. Registration of NBA Logo with Trade Mark Authority

In view of the objections raised by NBA, USA, the Registration of NBA Logo is still pending before the Trade Mark Authority.

## 8. Nomination as Member of Indian Institute of Mass Communications

Director General, Indian Institute of Mass Communications (IIMC) vide letter dated 23.10.2018 informed NBA that the MoI&B vide its notification dated 11.9.2018 has nominated Mr Rajat Sharma, President, NBA as a Member of IIMC for a period of two years.

## 9. NBSA Matters:

### i. Appointment of Chairperson, Independent Members and Editor Members of NBSA

During the year under report the term of Justice (Retd.) R.V. Raveendran came to an end on 25.5.2019 and in his place Justice A.K. Sikri, former judge of the Supreme Court of India has been appointed NBSA Chairperson. Mrs. Zohra Chatterji, former Secretary, Ministry of Textiles, Government of India, and Mrs. Stuti Kacker, former Secretary, Department of Empowerment of Persons with Disabilities, Government of India and former Chairperson, NCPCR, have been appointed as Independent Members of the NBSA in place of Mrs. Leela K. Ponappa and Mrs. Vijayalakshmi Chabra whose term had also come to an end. Mr. Prasanth P.R., Sr. Coordinating Editor – Asianet News and Ms. Dipika R. Kaura, Executive Editor – CNN News18 have been appointed as Members on NBSA representing the Editor category. The appointments are for a period three years.



## ii. Amendments to NBSA Redressal Regulations

On the recommendation of NBSA, the NBA Board at its meeting held on 26.7.2019 has accepted the amendment to the proviso of regulation 8.1.6 of the News Broadcasting Standards Regulations as follows:

*Provided also that any complaint made to a broadcaster under these Regulations shall be addressed to, and dealt with, by the designated compliance officer of the concerned broadcaster whose specific designation, address and other correspondence details shall be available on the websites of the NBA and of the concerned broadcaster.*

## iii. Meeting with Editors of NBA

A meeting with NBSA and Editors of NBA was held on 23.7.2019. The following issues were discussed at the meeting :

1. Panel discussions touching upon national security, defence, and other sensitive matters
2. Military activities and issues being covered in electronic media.
3. Citizen Reporting and replay of social media audio/video clips
4. Negligence and want of care in reporting news stories.
5. Protecting and respecting privacy and dignity of individuals (alive and dead)
6. Violations of ethical standards regarding reporting.
7. Lack of responsibility/awareness while reporting on (a) ecology & environment; (b) animal-human conflicts; (c) glorifying strikes/bundhs/terrorist attacks;
8. Interference with the functioning of the judiciary.

The discussions were fruitful. It was decided that more such interactions should be held with editors and the NBSA.

## Matters Pending in the Supreme Court of India and High Courts

**Supreme Court: People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors.: Criminal Appeal No. 1255 of 1999** arises from an Order passed by the Bombay High Court in Criminal Writ Petition No. 1146 of 1997 in relation to alleged fake encounter killings. The Hon'ble Court delivered its judgement dated 23.9.2014 in the matter titled "People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors." relating to the guidelines to be framed in cases of encounter killings which aspect of the matter does not concern the media or NBA. On behalf of NBA a compilation comprising the draft/suggested guidelines of police briefing of the media that had originally been drawn up in the ANHAD matter along with guidelines in vogue in England and New South Wales were presented to Court. The Court circulated a questionnaire to all the parties to which NBA responded. The matter has not yet come up for hearing.

**Dr. Surat Singh vs. Union of India and Ors.: Civil Writ Petition No. 316 of 2008** has been filed under Article 32 of the Constitution of India for issuance of a writ for ensuring effective enforcement of

fundamental right of citizens (in this case Dr. Rajesh Talwar) in relation to police and media handling of the Aarushi murder case. NBA's intervention application has been allowed. The matter is to be heard along with Criminal Appeal No. 1255 of 1999 titled "People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors." The matter has not yet come up for hearing.

**Act Now for Harmony and Democracy (ANHAD) and Anr. vs. Union of India and Ors.: Civil Writ Petition No. 7368 of 2008** before the Delhi High Court was filed under Article 226 of the Constitution of India seeking a judicial inquiry into the encounter killings at Batla House, New Delhi and for laying down guidelines for the police and the media regarding the publication of information obtained/claimed to be obtained during investigation. The Court allowed NBA to intervene in the case. NBA had filed draft/suggested Guidelines for media briefing by police, which were to be considered by the Court along with the guidelines suggested by the petitioner. This matter is to be heard along with the Dr. Surat Singh matter. The matter has not yet come up for hearing.

**M/s News Broadcasters Association and Anr. vs. Telecom Regulatory Authority of India and Ors.: Civil Appeal No. 1525 of 2013**

**IndusInd Media and Communications Limited and Anr. vs. Telecom Regulatory Authority of India and Ors. (TRAI): Civil Appeal No. D3009 of 2013**

The Civil Appeal has been filed against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement and Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled "IndusInd Media Communication Ltd. vs. TRAI and Anr." NBA has filed its counter affidavit. The appeal of NBA is covered by the law as laid down by the Supreme Court on 6.12.2013 in Civil Appeal No. 5253 of 2010 (Bharat Sanchar Nigam Ltd. vs. Telecom Regulatory Authority of India and Ors.) in NBA's favour. The appeal came up for hearing on 12.7.2018. It was pointed out that TDSAT did not have the jurisdiction to review the regulations issued by the TRAI under the TRAI Act in view of the judgment of the Hon'ble Supreme Court in BSNL Vs. TRAI (2014) 3 SCC 222. The Hon'ble Court tagged all the pending appeals with Review Petition No. 1409-1410/2014. The matter has not come up thereafter.

**Nivedita Jha vs State of Bihar & Ors: SLP(C) NO.24978 of 2018** pending before the Hon'ble Supreme Court has been filed by Nivedita Jha under Article 136 of the Constitution of India praying that ad-interim ex-parte orders be passed staying the operation of the Interim order dated 23.8.2018 passed by the Patna High Court in CWJC 12845/2018, which had imposed a blanket ban on the print and electronic media while reporting on the happenings in Muzaffarpur, Bihar shelter homes. In the meanwhile since the electronic media reported on the "Rewari Rape case" and identified the victim, the Hon'ble Court by Order dated 20.9.2018 issued notice to News Broadcasting Standards Authority (NBSA), Indian Broadcasting Foundation (IBF), Press Council of India (PCI) and Editors Guild to assist the Court in respect of the mechanism for enforcement and implementation of the statutory provisions and guidelines. NBSA filed its Affidavit and Documents as directed by the Hon'ble Court. The matter came up on 7.2.2019. The Hon'ble Court heard the Amicus and the CBI in the main matter relating to the shelter homes in Muzaffarpur but due to paucity of time did not take up the matter relating to the media. The matter has still not come up for hearing.



## Delhi High Court

**M/s News Broadcasters Association and Ors. vs. Telecom Regulatory Authority of India: Writ Petition (Civil) No. 7989 of 2013** has been filed by the NBA and its members under Article 226 of the Constitution of India for quashing and setting aside the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013, issued by the Telecom Regulatory Authority of India vide Notification dated 22.3.2013. The petition has been admitted for final hearing on 17.12.2013. The TRAI has been restrained from taking any coercive measures to make NBA members abide by the impugned Regulations. NBA members have been directed to file weekly reports of advertising time minutage in prescribed format before the TRAI. The aforementioned matter was being heard by the Division Bench. The Petitioners and TRAI (Respondent) concluded their arguments and the matter was listed for rejoinder arguments of the Petitioners. However due to administrative reasons the matter was not heard on the subsequent dates. The matter came up before another Division Bench of the Delhi High Court on 25.7.2019. The matter is listed on 19.9.2019.

**Sadhan Haldar vs The State of NCT of Delhi and Ors: W.P. (CRL) 1560/2017** pending before Delhi High Court has been filed by Mr. Haldar. On 22.1.2019 a detailed order was passed issuing directions to various agencies involved in the recovery and restoration of missing children in Delhi. Though NBA is not a party to the writ, during the course of proceedings of the matter, on an application filed by Bachpan Bachao Andolan, the Court issued notice to News Broadcasters Agency vide order dated 25.2.2019, and NBA received summons dated 14.3.2019. The Court is trying to formulate a procedure to be followed by various agencies to help find missing children. NBA views have not been sought as yet by the Court.

**W.P (C) 13921/2018 Anchit Chawla vs Google India & Ors.**

The case was dismissed as infructuous vide Order dated 21.12.2018.

## Karnataka High Court

**Peoples Movement Against Sexual Assault (PMASA) vs Department of Women and Child Department, State of Karnataka & Ors. Writ Petition No. 6301 of 2017** pending before the High Court of Karnataka at Bangalore. This writ petition filed by PMASA, under Article 226 and 227 of the Constitution of India seeks that the Hon'ble Court issue a Writ of Mandamus to Respondent No. 11, NBSA (i) to strictly enforce the laws and self-regulatory norms formulated to preserve the confidentiality of the identity of the victims of sexual assault; (ii) to strictly enforce the laws and self-regulatory norms formulated for sensitive and non-sensational reportage of incidents of sexual assault; (iii) to formulate effective and accessible grievance redressal mechanisms against objectionable or offensive content in local languages. NBSA's application for deletion from the array of parties as it is an independent self-regulatory body/grievance redressal mechanism has been rejected by the Hon'ble High Court. NBSA has filed its statement of objections to the writ petition and the matter is now being presently heard on merits. The High Court is supervising the disbursement of victim compensation by the state government to the victims, through the Karnataka State Legal Services Authority. The High Court is yet to hear the matter regarding other reliefs claimed by the petitioners and also the arguments for NBSA. The matter has not been listed since February, 2019.

### **B S Yeddyurappa vs. Kannada Prabha News Paper and Ors. W.P. 9208/ 2018**

The case was dismissed as infructuous vide Order dated 13.2.2019.

**Shakeel Ahmed and Ors. vs. Suwarna News 24 x 7 and Ors.: Writ Petition No. 13677 of 2012** pending before the High Court of Karnataka at Bangalore: This writ petition filed by Shri Shakeel Ahmed, Advocate, under Article 226 and 227 of the Constitution of India seeks to stop the broadcast of programmes on various TV channels, in which it is alleged that programmes are pre-planned, recorded and broadcast depicting premeditated violence being committed upon persons, in collusion and connivance with TV channels, with a view to denigrating and defaming such persons to seek revenge (described in the petition as premeditated, violent, personal enmity programmes). The Court had issued notice and asked the Respondents to file their versions in the matter. The matter was posted for consideration on 12.1.2017 on which date the Hon'ble Court was informed that as per the Order passed by the Hon'ble Supreme Court, Monitoring Committee is to be constituted by the Government of Karnataka. The matter has not come up thereafter.

### **Lucknow Bench of the Allahabad High Court**

**Dr. Nutan Thakur vs Union of India Writ Petition No. 9976 of 2013 (M/B)** before the Lucknow Bench. Aggrieved by the impugned order dated 16.10.2013, passed by the NBSA, Dr. Nutan Thakur filed the above writ petition. The Court expressed the view that prima facie a writ petition against the decision taken by a non-statutory body (namely NBSA/NBA) seems to be not maintainable; but that keeping in view the public importance of the question raised by the petitioner for creation of some statutory forum where people may seek redressal of their grievances against electronic media (like the Press Council is for the print media), the writ petition was admitted. The Union of India has been directed to file an affidavit bringing on record its stand as regards providing some statutory forum like PCI against the news item and other material relating to electronic media. The counter affidavit on behalf NBA has been filed and the rejoinder has been filed by Dr. Nutan Thakur. The matter was posted before Court last on 19.5.2014. The matter has not got listed for hearing thereafter.

### **Madurai Bench of the Madras High Court**

#### **WP 4357-19 Pay Channels Advertisements -TRAI Regulations**

The Madurai Bench of the Madras High Court issued notices to the Telecom Regulatory Authority of India and the Secretary of the Ministry of Communication on a plea seeking a ban on advertisements by private channels violating the TRAI's advertisement rules. The same matter is pending before the Delhi High Court with similar questions of law since 2013. This matter came up for hearing on 10.4.2019 and thereafter this case has not been listed till date. TRAI is yet to file their submissions. NBA is in the process of submitting its impleadment application.

### **High Court of Kerala**

**K. Biju vs. Union of India and Others. Writ Petition (Civil) No. 21336 of 2013** pending before the High Court of Kerala. This Writ under Article 226 of the Constitution of India seeks that the Hon'ble Court issue a Writ of Mandamus, from the Court directing Respondent Nos. 1 and 2 i.e Union



of India and the State of Kerala to take effective steps to prevent violation of the Programme Code of the Cable Television Networks Act, 1996 and Cable Television Networks Rules, 1994 by private news channel and to frame stringent statutory provisions for effectively preventing violation of the above Codes. This matter has been linked to four other writ petitions in which the prayers seek a direction from Court to the media to publish only written interim and final orders of the High Court and not to publish/telecast oral observations of judges. Counter affidavit of NBA has been filed in the writ petition. The matter awaits a hearing by a larger bench.

**News Broadcasting Standards Authority**

Attached is a separate Section - II in relation to the initiatives of the News Broadcasting Standards Authority during the year under report.

**By Order of the Board of Directors of  
News Broadcasters Association**



**Rajat Sharma**  
President

[DIN No.: 00005373]

Place: New Delhi  
Date : July 26, 2019

# Annexure – 1

## Members of News Broadcasters Association

### Members

S. No.	Name of Member	Channel(s)
1	ABP News Network Pvt. Ltd.	ABP News, ABP Majha, ABP Anando, ABP Asmita, ABP Ganga
2	ARG Outlier Media Asianet News Pvt. Ltd.	Republic TV
3	Asianet News Network Pvt. Ltd.	Asianet News, Suvarna News
4	Bennett, Coleman & Co. Ltd.	Times Now, ET Now, Mirror Now
5	Business Broadcast News Pvt. Ltd.	BTVI
6	Direct News Pvt. Ltd.	News X
7	Eenadu Television Pvt. Ltd.	ETV-Andhrapradesh, ETV-Telangana
8	Independent News Service Pvt. Ltd.	India TV
9	Malayalam Communications Ltd.	Kairali, People
10	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
11	MM TV Ltd.	Manorama News Central
12	New Delhi Television Ltd.	NDTV24x7, NDTV India
13	New Generation Media Corporation Pvt. Ltd.	Puthiya Thalaimurai
14	New24 Broadcast India Ltd.	News 24
15	News Nation Network Pvt. Ltd.	News Nation, News State Uttarakhand/Uttar Pradesh
16	Sobhagaya Media Pvt. Ltd.	APN
17	SUN TV Network Ltd.	Sun News
18	TV Today Network Ltd.	Aajtak, India Today, Dilli Aajtak, Tez
19	TV18 Broadcast Ltd.	CNN NEWS18, News18 India, CNBC Bazaar, CNBC TV18, CNBC Awaaz, News18 Assam/North East, News18 Tamil Nadu, News18 Kerala, News18 Uttar Pradesh/Uttarakhand, News18 Rajasthan, News18 Madhya Pradesh/Chhattisgarh, News18 Bihar/Jharkhand, News18 Urdu, News18 Bangla, News18 Kannada, News 18 Punjab/Haryana/Himachal Pradesh, News18 Gujarati, News18 Odia
20	Zee Media Corporation Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee Hindustan, Zee Kalinga News, Zee Madhya Pradesh Chattisgarh, Zee Punjab Haryana Himachal, Zee Rajasthan, WION, Zee Salaam, Zee 24 Kalak, Zee Uttar Pradesh Uttarakhand



**Associate Members**

S. No.	Name of Member	Channel(s)
1	Cloudburst Mediaworks Pvt. Ltd.	GoNews
2	Hyderabad Media House Ltd.	HMTV
3	IBN Lokmat News Pvt. Ltd.	News18 Lokmat
4	Indira Television Ltd.	Sakshi
5	Odisha Television Ltd.	OTV
6	Quintillion Business Media Pvt. Ltd.	Bloomberg Quint
7	Total Telefilms Pvt. Ltd.	Total TV, Total Haryana

# Independent Auditor's Report

## To the Members of News Broadcasters Association

### Report on the Audit of the Financial Statements

#### Opinion

We have audited the accompanying financial statements of News Broadcasters Association (“the Association”), which comprise the Balance Sheet as at 31 March 2019, and the statement of Income and Expenditure and cash flow for the year then ended and notes to the financial statements comprising of a summary of significant accounting policies and other explanatory information (hereinafter referred to as “the financial statements”).

In our opinion and to the best of our information and according to the explanations given to us, the aforesaid financial statements give the information required by the Companies Act 2013 (“The Act”) in the manner so required and give a true and fair view in conformity with the accounting principles generally accepted in India, of the state of affairs of the Company as at March 31, 2019, and the deficit and its cash flows for the year ended on that date.

#### Basis for Opinion

We conducted our audit in accordance with the Standards on Auditing (SAs) specified under Section 143(10) of the Companies Act, 2013. Our responsibilities under those Standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Company in accordance with the Code of Ethics issued by the Institute of Chartered Accountants of India together with the ethical requirements that are relevant to our audit of the financial statements under the provisions of the Act and the Rules thereunder, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the Code of Ethics. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Information Other than the Financial Statements and Auditor's Report Thereon

The Company's Board of Directors is responsible for the other information. Other information comprises the information included in the Director's report, does not include the financial statements and our Auditor's Report thereon. The Director's Report is expected to be made available to us after signing of this Auditor's Report.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.



If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### **Responsibility of Management for Financial Statements**

The Company's Board of Directors is responsible for the matters stated in Section 134(5) of the Companies Act, 2013 ("the Act") with respect to the preparation of these financial statements that give a true and fair view of the financial position, financial performance and cash flow of the Company in accordance with the accounting principles generally accepted in India, including the accounting Standards specified under Section 133 of the Act. This responsibility also includes maintenance of adequate accounting records in accordance with the provisions of the Act for safeguarding of the assets of the Company and for preventing and detecting frauds and other irregularities; selection and application of appropriate accounting policies; making judgments and estimates that are reasonable and prudent; and design, implementation and maintenance of adequate internal financial controls, that were operating effectively for ensuring the accuracy and completeness of the accounting records, relevant to the preparation and presentation of the financial statement that give a true and fair view and are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Company or to cease operations, or has no realistic alternative but to do so. Those Board of Directors are also responsible for overseeing the company's financial reporting process.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an Auditor's Report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with SAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with SAs, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances. However the provisions of Section 143(3)(i) of the Companies Act, 2013 are not applicable on the Company as per MCA Notification No. G.S.R. 583(E) dated June 13, 2017, read with corrigendum dated July 13, 2017 on reporting on internal financial controls over financial

reporting, accordingly, we are not responsible for expressing our opinion on whether the Company has adequate internal financial controls system in place and the operating effectiveness of such controls.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our Auditor's Report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our Auditor's Report. However, future events or conditions may cause the Company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Materiality is the magnitude of misstatements in the financial statements that, individually or in aggregate, makes it probable that the economic decisions of a reasonably knowledgeable user of the financial statements may be influenced. We consider quantitative materiality and qualitative factors in (i) planning the scope of our audit work and in evaluating the results of our work; and (ii) to evaluate the effect of any identified misstatements in the financial statements.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

### **Report on Other Legal and Regulatory Requirements**

1. This Report does not include a statement on the matters specified in paragraph 3 & 4 of the Companies (Auditor's Report) Order, 2016 issued by the Central Government in terms of Section 143(11) of the Companies Act, 2013, since in our opinion and according to the information and explanations given to us, the said Order is not applicable to the Company.
2. As required by Section 143(3) of the Act, we report that:
  - a. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit;
  - b. In our opinion proper books of account as required by law have been kept by the Company so far as appears from our examination of those books;
  - c. The Balance Sheet and Income and Expenditure Account and the cash flow dealt with by this Report are in agreement with the books of account;



- d. In our opinion, the aforesaid financial statements comply with the Accounting Standards specified under Section 133 of the Act, read with Rule 7 of the Companies (Accounts) Rules, 2014.
- e. On the basis of written representations received from the Directors as on March 31, 2019, and taken on record by the Board of Directors, none of the Directors is disqualified as on March 31, 2019, from being appointed as a Director in terms of Section 164(2) of the Companies Act, 2013.
- f. This Report does not include Report on the internal financial controls under clause (i) of Sub-section 3 of Section 143 of the Companies Act, 2013 (the 'Report on internal financial controls'), since in our opinion and according to the information and explanation given to us, the said Report on internal financial controls is not applicable to the Company in the current year basis the exemption available to the Company under MCA notification no. G.S.R. 583(E) dated June 13, 2017, read with corrigendum dated July 13, 2017 on reporting on internal financial controls over financial reporting.
- g. With respect to the other matters to be included in the Auditors Report in accordance with the Rule 11 of the Companies (Audit and Auditors) Rules, 2014, in our opinion and best to our information and according to the explanation given to us:
  1. There are no pending litigations impacting financial position of the Company as on 31st March, 2019.
  2. The Company did not have any long-term contracts including derivative contracts for which there were any material foreseeable losses.
  3. There were no amounts which were required to be transferred to the Investor Education and Protection Fund by the Company.

**For S. S. Kothari Mehta & Company**

Chartered Accountants  
Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

(Membership No. 094380)

Place: New Delhi

Date: July 26, 2019

# NEWS BROADCASTERS ASSOCIATION

## Balance Sheet as at 31st March, 2019

(Figures in Rs)

		Particulars	Note No.	As at 31st March, 2019	As at 31st March, 2018
<b>I.</b>		<b>Equity and liabilities</b>			
	(1)	Members' Funds			
		(a) Entrance Fees	1	2,000,000	1,800,000
		(b) Reserves and Surplus	2	32,469,616	32,619,061
	(2)	<b>Non- Current Liabilities</b>			
		(a) Long Term Provisions	3	2,193,220	2,004,205
	(3)	<b>Current Liabilities</b>			
		(a) Short Term Borrowings	4	4,116,029	551,201
		(b) Short Term Provisions	5	88,273	2,895,452
		(c) Other Current Liabilities	6	355,000	895,000
		<b>Total</b>		<b>41,222,138</b>	<b>40,764,919</b>
<b>II.</b>		<b>Assets</b>			
	(1)	<b>Non-Current Assets</b>			
		(a) Fixed Assets			
		(i) Tangible Assets	7	571,974	1,697,235
		(b) Other Non-Current Assets	8	189,000	189,000
	(2)	<b>Current Assets</b>			
		a. Cash and Cash Equivalents	9	37,895,201	36,839,423
		b. Short-Term Loans and Advance	10	1,225,903	704,808
		c. Other Current Assets	11	1,340,060	1,334,453
		<b>Total</b>		<b>41,222,138</b>	<b>40,764,919</b>

Significant accounting policies and other Notes to Accounts 16-25.

The accompanying notes are the integral part of the Financial Statements

As per our Report of even date attached

**For S.S. Kothari Mehta & Co**  
**Chartered Accountants**

Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

M No. – 094380

Place : New Delhi

Date : July 26, 2019

**For and on behalf of the Board**

Sd/-

**Rajat Sharma**

President

[DIN No: 00005373]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No: 00010716]

Sd/-

**M.V. Shreyams Kumar**

Vice President

[DIN No: 00877099]

Sd/-

**Annie Joseph**

Secretary General

[PAN No: ADTPJ0257E]



**NEWS BROADCASTERS ASSOCIATION****Income & Expenditure Account for the year ended March 31st, 2019**

(Figures in Rs)

	Particulars	Note No.	Year Ended 31st March, 2019	Year Ended 31st March, 2018
	<b>Income</b>			
I.	Subscription	12	12,550,000	11,275,000
II.	Other Income	13	2,836,718	2,790,651
III.	<b>Total Income (I + II)</b>		<b>15,386,718</b>	<b>14,065,651</b>
IV.	<b>Expenditure</b>			
	Employee Benefit Expenses	14	7,628,685	7,738,542
	Depreciation and Amortization Expense	7	1,156,060	1,151,096
	Administrative & Other Expenses	15	6,751,419	5,198,057
	<b>Total Expenditure</b>		<b>15,536,163</b>	<b>14,087,695</b>
V.	Surplus/(Deficit) before Tax (III - IV)		(149,445)	(22,044)
VI.	Tax Expense:			
	(1) Current Tax		-	-
	(2) Deferred Tax		-	-
VII.	Surplus/ (Deficit) for the Year (V - VI)		(149,445)	(22,044)

Significant accounting policies and other Notes to Accounts 16-25.

The accompanying notes are the integral part of the Financial Statements

As per our Report of even date attached

**For S.S. Kothari Mehta & Co**

**Chartered Accountants**

Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

M No. – 094380

Place : New Delhi

Date : July 26, 2019

**For and on behalf of the Board**

Sd/-

**Rajat Sharma**

President

[DIN No: 00005373]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No: 00010716]

Sd/-

**M.V. Shreyams Kumar**

Vice President

[DIN No: 00877099]

Sd/-

**Annie Joseph**

Secretary General

[PAN No: ADTPJ0257E]

## NEWS BROADCASTERS ASSOCIATION

### Cash Flow Statement for the year ended March 31st, 2019

(Figures in Rs)

Particulars	Note No.	Year Ended 31st March, 2019	Year Ended 31st March, 2018
<b>A. Cash Flow Operating Activities</b>			
Net Operating Surplus before Tax & Extraordinary Items		(149,445)	(22,044)
<b>Adjustments for:</b>			
<b>Net Operating Surplus before Tax</b>			
Depreciation	7	1,156,060	1,151,096
Interest Income	13	(2,535,528)	(2,789,451)
<b>Operating Surplus before Working Capital changes</b>		(1,528,914)	(1,660,399)
<b>Movements in Working Capital:</b>			
(Increase) / Decrease in Other Current Assets	11	0	0
(Increase) / Decrease in Short Term Loans and Advances	10	(521,095)	(214,488)
Increase / (Decrease) in Long Term Provisions	3	189,015	354,047
(Increase) / Decrease in Short Term Borrowings	4	3,564,828	551,201
Increase / (Decrease) in Short Term Provisions	5	(2,807,179)	2,758,613
Increase / (Decrease) in Other Current Liabilities	6	(540,000)	(3,105,000)
<b>Cash Generated from Operations Before Tax</b>		(1,643,345)	(1,316,026)
Net Direct Taxes Paid			
<b>Net Cash from Operating Activities</b>			
<b>B. Cash Flow From Investing Activities</b>			
Purchase of Fixed Assets	7	(30,799)	(42,400)
Interest received		2,529,921	1,853,864
<b>Net Cash from Operating &amp; Investing Activities</b>		855,778	495,438
<b>C. Cash Flow From Financing Activities</b>			
Entrance Fees Received	1	200,000	100,000
<b>Net Cash from Financing Activities</b>		200,000	100,000
<b>Net Increase in Cash &amp; Cash equivalent</b>		1,055,778	595,438
<b>Cash &amp; Cash Equivalent at the Beginning of the Year</b>	9	36,839,423	36,243,985
<b>Cash &amp; Cash Equivalent at the End of the Year</b>	9	37,895,201	36,839,423



Significant accounting policies and other Notes to Accounts	16-25		
The accompanying Notes form an integral part of the Financial Statements.			
As per our Report of even date attached			

**For S.S. Kothari Mehta & Co**  
**Chartered Accountants**  
Firm Regn. No. 000756N

**For and on behalf of the Board**

Sd/-  
**Naveen Aggarwal**  
Partner

M No. – 094380  
Place : New Delhi  
Date : July 26, 2019

Sd/-  
**Rajat Sharma**  
President  
[DIN No: 00005373]

Sd/-  
**Anuradha Prasad Shukla**  
Honorary Treasurer  
[DIN No: 00010716]

Sd/-  
**M.V. Shreyams Kumar**  
Vice President  
[DIN No: 00877099]

Sd/-  
**Annie Joseph**  
Secretary General  
[PAN No: ADTPJ0257E]

## NEWS BROADCASTERS ASSOCIATION

### Notes Forming Part of Balance Sheet

#### NOTE # 1

##### Members Funds

(Figures in Rs)

Particulars	As at 31st March, 2019	As at 31st March, 2018
Entrance Fees		
Entrance fees as per last Balance Sheet	1,800,000	1,700,000
Addition during the year	200,000	100,000
	<b>2,000,000</b>	<b>1,800,000</b>

#### NOTE # 2

##### Reserve & Surplus

Particulars	As at 31st March, 2019	As at 31st March, 2018
Reserve and Surplus		
(a) Capital Reserve		
As per last Balance Sheet	50,000	50,000
	50,000	50,000
(b) Special Reserve		
As per last Balance Sheet	15,281,606	15,865,753
Addition/(Transfer) during the year (Refer Note 22)	(973,177)	(584,147)
	14,308,429	15,281,606
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	3,287,455	5,225,352
Addition during the year	(149,445)	(22,044)
Less: Amount transferred to Corpus Fund	(2,500,000)	(2,500,000)
Less: (Appropriations)/transfer to/from special reserve	973,177	584,147
	1,611,187	3,287,455
(d) Corpus Fund (Refer Note 24)		
As per last Balance Sheet	14,000,000	11,500,000
Addition Amount transferred from Income & Expenditure A/c	2,500,000	2,500,000
	16,500,000	14,000,000
	<b>32,469,616</b>	<b>32,619,061</b>



**NOTE # 3****Long Term Provisions**

Particulars	As at 31st March, 2019	As at 31st March, 2018
-Provision for Gratuity (Refer Note 23)	2,193,220	2,004,205
	<b>2,193,220</b>	<b>2,004,205</b>

**NOTE # 4****Short Term Borrowings**

Particulars	As at 31st March, 2019	As at 31st March, 2018
Bank Overdraft*	4,116,029	551,201
	<b>4,116,029</b>	<b>551,201</b>

\* Secured against Fixed Deposit amounting to Rs. 87,48,944

**NOTE # 5****Short Term Provisions**

(Figures in Rs)

Particulars	As at 31st March, 2019	As at 31st March, 2018
-Provision for expenses	88,273	2,895,452
	<b>88,273</b>	<b>2,895,452</b>

**NOTE # 6****Other Current Liabilities**

Particulars	As at 31st March, 2019	As at 31st March, 2018
Advance received from Members	355,000	895,000
	<b>355,000</b>	<b>895,000</b>

**Note # 7 Tangible Assets**

(Figures in Rs)

Particulars	Gross Block				Depreciation				Net Block	
	April 1, 2018	Addition	Disposal/ Adjustments	March 31, 2019	April 1, 2018	Addition during the year	Sale/ Adjustment	March 31, 2019	March 31, 2019	March 31, 2018
Computer	851,314	-	-	851,314	589,794	113,267	-	703,061	148,253	261,520
Office Equipment	848,960	30,799	-	879,759	564,959	125,680	-	690,639	189,120	284,001

Furniture & Fixtures	23,663	-	-	23,663	10,165	2,481	-	12,646	11,017	13,498
Leasehold Improvement	4,301,401	-	-	4,301,401	3,163,185	914,632	-	4,077,817	223,584	1,138,216
<b>Total</b>	<b>6,025,338</b>	<b>30,799</b>	<b>-</b>	<b>6,056,137</b>	<b>4,328,103</b>	<b>1,156,060</b>	<b>-</b>	<b>5,484,163</b>	<b>571,974</b>	<b>1,697,235</b>
<b>Previous Year</b>	<b>5,982,938</b>	<b>42,400</b>	<b>-</b>	<b>6,025,338</b>	<b>3,177,007</b>	<b>1,151,096</b>	<b>-</b>	<b>4,328,103</b>	<b>1,697,235</b>	<b>2,805,931</b>

## NOTE # 8

### Other Non-Current Assets

Particulars	As at 31st March, 2019	As at 31st March, 2018
Security Deposit	189,000	189,000
	<b>189,000</b>	<b>189,000</b>

## NOTE # 9

### Cash and Cash Equivalents

Particulars	As at 31st March, 2019	As at 31st March, 2018
<b>Balance with Banks :</b>		
In Current account	257,126	85,379
Cash in Hand	11,975	4,128
	<b>269,101</b>	<b>89,507</b>
<b>Current Position:</b>		
Fixed Deposits with Bank*	37,626,100	36,749,916
	<b>37,895,201</b>	<b>36,839,423</b>

\* Including amount under lien with Bank & for Credit facilities Rs. 87,48,944

## NOTE # 9.1

### Fixed Deposits with Bank

Particulars	As at 31st March, 2019	As at 31st March, 2018
Fixed Deposits with Bank		
• Upto 12 months maturity from date of acquisition	37,626,100	36,749,916
Shown as Current Assets	<b>37,626,100</b>	<b>36,749,916</b>



**NOTE # 10****Short Term Loans and Advances**

Particulars	As at 31st March, 2019	As at 31st March, 2018
Unsecured considered good		
-Advances recoverable in cash or kind or value to be received	1,225,803	704,808
TDS Receivable	100	-
	<b>1,225,903</b>	<b>704,808</b>

**NOTE # 11****Other Current Assets**

Particulars	As at 31st March, 2019	As at 31st March, 2018
Interest accrued on Fixed Deposits	1,340,060	1,334,453
	<b>1,340,060</b>	<b>1,334,453</b>

**Notes Forming Part of Income & Expenditure Account****NOTE # 12****Revenue From Operations**

(Figures in Rs)

Particulars	Year Ended 31st March, 2019	Year Ended 31st March, 2018
Subscription	12,550,000	11,275,000
	<b>12,550,000</b>	<b>11,275,000</b>

**NOTE # 13****Other Income**

Particulars	Year Ended 31st March, 2019	Year Ended 31st March, 2018
Interest Income	2,535,528	2,789,451
Miscellaneous income	301,190	1,200
	<b>2,836,718</b>	<b>2,790,651</b>

**NOTE # 14****Employee Benefit Expenses**

Particulars	Year Ended 31st March, 2019	Year Ended 31st March, 2018
Salaries and Wages	6,832,800	6,791,141
Contribution to Provident Fund	590,243	577,703

Gratuity Expense	189,015	354,047
Staff Welfare Expenses	16,627	15,651
	<b>7,628,685</b>	<b>7,738,542</b>

**NOTE # 15****Administrative & Other Expenses**

Particulars	Year Ended 31st March, 2019	Year Ended 31st March, 2018
Printing & Stationary	214,594	73,216
Legal & Professional Charges	2,570,612	1,566,743
Meeting Expenses	957,164	744,495
Newspapers, Books & Periodicals	15,507	24,644
Communication Expenses	98,823	101,168
Travelling & Conveyance Expenses	1,155,009	1,178,324
Rent & Electricity	1,260,124	1,240,698
Website Maintenance Expenses	53,600	53,600
Repairs & Maintenance-Computer	8,554	-
Repairs & Maintenance- Building	56,237	87,431
Repairs & Maintenance- Equipment	-	-
Office Insurance-Noida	8,043	9,491
Miscellaneous Expenses	57,995	30,309
Amount Written Off	10	24,437
Rates & Taxes	196,847	-
Auditor Remuneration:		
Audit Fee	60,000	52,701
Tax Matters	35,000	7,500
Out of Pocket Expenses	3,300	3,300
	<b>6,751,419</b>	<b>5,198,057</b>

**16. Brief information of the Company**

News Broadcasters Association is a Private Company Limited by Guarantee not having a Share Capital, not for Profit registered under Section 8 of the Companies Act, 2013 (Section 25 of the Erstwhile companies Act, 1956) with the main objectives inter alia, to promote, aid, help, encourage, develop, protect and secure the interests of the news broadcasters in the Indian television Industry and other related entities and to promote awareness about the latest developments in the television industry relating to news broadcasting and to disseminate knowledge amongst its members and the general public regarding such developments.

## 17. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

- a. The Company follows the mercantile system of accounting and recognizes income and expenditure on accrual basis. The accounts are prepared on historical cost basis in accordance with generally accepted accounting principles in India, accounting standard specified under Section 133 of Companies Act 2013, read with Rule 7 of Companies (Accounts) Rules 2014, the Companies Act 2013 (to the extent applicable) as a going concern.

### b. REVENUE RECOGNITION

Subscription from the members is recognized on accrual basis considering the reasonable certainty for the ultimate collection.

### c. FIXED ASSETS AND DEPRECIATION

- i. Fixed Assets are stated at cost inclusive of all related and other incidental expenses less accumulated depreciation.
- ii. Depreciation on Tangible assets is provided in accordance with Schedule II of the Companies Act, 2013 based on Straight Line Method pro-rata over the remaining useful life of the assets. The useful life of asset taken for the aforesaid depreciation is as under:-

Assets	Useful Life
Computers Hardware	3 Years
Office Equipment	5 Years
Furniture & Fixture	10 & 8 Years

### d. TAXATION

The Company is exempt from tax on income under Section 11 & 12 of the Income Tax Act, 1961; hence no provision has been made for the same.

### e. ENTRANCE FEE

Entrance fees treated as Capital Receipts and hence been shown separately.

Forfeited entrance fee is transferred to Capital Reserve in the case of removal or resignation of any Member.

### f. EMPLOYEE BENEFITS

Gratuity Liability is provided on actual basis pro-rata to the number of years served based on the principles stated under the Payment of Gratuity Act, 1972.

### g. PROVISIONS, CONTINGENT LIABILITY & CONTINGENT ASSETS

- i. Provisions involving substantial degree of estimation in measurement are recognized when the present obligation resulting from past events give rise to probability of outflow of resources embodying economic benefits on settlement.
- ii. Contingent liabilities are not recognized and are disclosed in notes.



- iii. Contingent assets are neither recognized nor disclosed in financial statements.
- iv. Provisions are reviewed at each Balance sheet date and adjusted to reflect the current best estimates.

#### h. USE OF ESTIMATES

The presentation of financial statements in conformity with the generally accepted accounting principles requires estimates and assumptions to be made that affect reportable amount of assets and liabilities on the date of financial statements and the reported amount of revenues and expenses during the reporting period. Difference between the actual results and estimates are recognized in the year in which the results are known / materialized.

### Other Notes to Accounts

18. In the opinion of the management, the value on realization of current assets, loans and advances in the ordinary course of activities would not be less than the amount at which they are stated in the Balance Sheet and provisions for all known liabilities has been made.
19. The Company is a Small & Medium sized Company (SMC) as defined in the general instructions in respect of Accounting Standards specified under Section 133 of The Companies Act, 2013 read with Rule 7 of Companies (Account) Rules 2014 notified under the Companies Act, 2013. Accordingly, the Company has complied with the Accounting Standards as applicable to a Small & Medium sized Company.
20. Based on the information available with the Company, no balance is due to Micro & Small Enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006 as on 31st March 2019. Further during the year no interest has been paid, accrued or payable under the terms of the said Act.
21. The Company is registered under Section 8 of the Companies Act, 2013 (Section 25 of the erstwhile Companies Act, 1956) and further it has got the registration under Section 12AA of the Income Tax, 1961. Accordingly, income is also exempted from Tax u/s 11 & 12 of the said Act. Therefore, provisions of the Accounting Standard, AS-22 on Accounting for Taxes on Income are not applicable on the Company.
22. Special reserve has been created under Section 11 of the Income Tax Act, 1961, by transferring the unutilized amount in excess of 15% of the total income, for the purpose of building the infrastructure of the Association with a view to achieve the objects stated in the Memorandum of Association.  
However, during the year, Company has incurred expenditure of Rs. 1,01,61,355/- (Previous Year Rs. 57,04,398/-) from special reserve created under Section 11 of the Income Tax Act, 1961, towards the objectives as stated above.
23. Gratuity provision has been provided pro-rata based on the current salary drawn and number of years of services. Management is of the opinion that this provision will not be materially different from actuarial calculations as provided in Accounting Standard-15.

24. During the year Board of Directors, decided to set aside some portion of the surplus of the Association as corpus fund for the purpose of long term Association requirement. Accordingly, disclosure has been made in the Note 2 relating to reserves and surplus.
- 25 Figures of the previous year have been rearranged/ regrouped to conform to those of current year.

As per our report of even date attached

**For S.S. Kothari Mehta & Co**  
**Chartered Accountants**  
Firm Regn. No. 000756N

**For and on behalf of the Board**

Sd/-  
**Naveen Aggarwal**  
Partner  
M No. – 094380

Sd/-  
**Rajat Sharma**  
President  
[DIN No: 00005373]

Sd/-  
**M.V. Shreyams Kumar**  
Vice President  
[DIN No: 00877099]

Place : New Delhi  
Date : July 26, 2019

Sd/-  
**Anuradha Prasad Shukla**  
Honorary Treasurer  
[DIN No: 00010716]

Sd/-  
**Annie Joseph**  
Secretary General  
[PAN No: ADTPJ0257E]



## Section II

# News Broadcasting Standards Authority

During the year under report, NBSA met under the Chairmanship of Justice R.V. Raveendran & Justice A.K. Sikri former Judges of the Supreme Court of India. NBSA has had six meetings during the year under report. All the meetings were held in New Delhi. NBSA in these meetings considered, reviewed and decided 521 complaints (75th-80th meetings), which includes complaints received directly by broadcasters and settled at the first level, complaints at the second level i.e. NBSA, Ministry of Information and Broadcasting, Electronic Media Monitoring Centre and the Election Commission of India.

**Given below is the edited text of the Decisions / Orders passed by NBSA**

**Note: Full text of the Decisions/Orders are available on the website [www.nbanewdelhi.com](http://www.nbanewdelhi.com)**

### **□ Complaints from the Ministry of Information & Broadcasting**

#### **Complaint [ETV Urdu Channel on 3.1.2018]**

ETV Urdu carried a false and frivolous report that Rs 62.00 lakh was recovered from Mr. Shabir Ahmad Shah by Enforcement Directorate, which was not even mentioned in the charge sheet filed by E.D. No attempt was made by the channel to verify the correctness or authenticity of the allegations that money was recovered from Mr. Shabir Ahmad Shah.

Broadcaster stated that the news flash was telecast in the form of a ticker based on a press release issued by the Enforcement Directorate. Broadcaster stated that there was no intention on its part to damage the reputation of the complainant; that its object was to inform the public about the incident; and while reporting the news several levels of verification was done before actually airing the news story.

#### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that if the ticker was based on an Enforcement Directorate Press Release, there was nothing objectionable. NBSA found no violation of the Regulations or Guidelines of NBA or NBSA.

#### **Disclosing Identity of Rape Victim's Father in the Asaram Babu Case on 25.4.2018 [Tez, News X & Total TV ]**

MoI&B stated that the channels had disclosed the identity of rape victim's father. It was alleged that the channels had carried the bytes of the victim's father talking to the media, without blurring his face. It also stated that in regard to reportage on rape victims, TV channels were required to ensure compliance with the Order of the Delhi High Court, in A.K. Asthana Vs. UOI & Anr (Civil WP.787/2012), the Guidelines on



Media Reporting on Children, Section 74 of the Juvenile Justice Act, 2015, Section 23 of the Protection of Children from Sexual Offences Act, 2012 and Section 228A of the IPC, as also provisions prescribed under Programme/ Advertising Codes.

Tez channel submitted that being a live interview, it was not possible for the channel to monitor or control the broadcast and it was not the intention of the channel to show the face of victims' father.

News X channel submitted that a feed received from ANI was played, just for a fraction, the face of victim's father was telecast inadvertently; and that when it was noticed, remedial steps were immediately taken to blur the face.

Total TV submitted that the byte of a person whose face was half covered with a scarf was shown and that as soon as it became known that the byte was that of victim's father, prompt remedial action was taken. The story was aired subsequently with his face blurred.

### **Decision**

NBSA considered the complaint, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA decided to warn the broadcasters to be more careful in future while airing such sensitive matters and that any future violations would be viewed seriously and action would be taken against the broadcasters.

### **Complaint by Mr. Prateek Dhawan [Aaj Tak]**

The complainant alleged that the channel on 13.4.2018 had falsely stated that the Jammu Bar Association President made a deplorable comment regarding youth taking up AK47 against the arrest of convicts in the Kathua case.

Broadcaster submitted that, the President of the Jammu Bar Association, had supported bandh and gave hate speech during the bandh and provoked the youth of Jammu and stated that *"Today we are with national flag but a day will come, when we will pick up AK- 47 and Bombs"*.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found that there was no violation of the Regulations or Guidelines of NBA or NBSA.

### **Disclosing identity of Kathua rape victim and Unnao rape victim**

MoI&B stated that while reporting about the above incidents, channels CNN News18, Republic TV, Zee News and ABP News had disclosed the identify of the victims' family. It was pointed out that while reporting on rape victims, the channels have to comply with the order of the Delhi Court in *A.K Asthana Vs. UOI & Anr* (Civil WP.787/2012), Guidelines on Media Reporting on Children, Section 74 of the Juvenile Justice Act, 2015, Section 23 of the Protection of Children from Sexual Offences Act, 2012, Section 228A of the IPC, as also provisions prescribed under Programme/Advertising Codes.

CNN News18 stated that the news report did not disclose the identity of the rape victim. It only showed bytes of her father and one of her uncles, without disclosing the victim's name or identity. There was no

intention on their part to reveal the identity or violate the privacy or dignity of the victim. The footage was shown with the sole intention to facilitate the cause of bringing the guilty to the book under the bonafide belief that this would lead to justice to the victim and her family and, consequently, be in their interest. They did not telecast the same again.

Republic TV stated that while the victim's images were blurred in all their telecasts, the uncle's image was shown with a black band over the eyes in its initial broadcast; that thereafter, the uncle began to appear voluntarily in front of television camera along with the victim to express his/their anguish and travails; that in such appearances, the victim was appearing with her face covered and masked, but her uncle never tried to hide identity.

Zee News stated that in most of the telecasts on the Unnao incident, face of the victim and her family members was blurred; however in one news report, face of one elderly lady could not be blurred due to a technical snag/glitch and not on account of *malafide* intention to disclose the identity of the victim.

ABP News stated that the said program was telecast was aired once and was not repeated thereafter. They stated that the footage was blurred at appropriate places, including but not limited to, blurring the face of father of Unnao rape victim. They submitted that there was no violation of either the Programme Code or any applicable laws.

### Decision

NBSA considered the complaint, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA decided that a warning be issued to the broadcasters and that they should be more careful in airing such sensitive matters and that any future violations would be viewed seriously and action would be taken against the broadcasters.

### Complaint by Mr. Sanjay Anand [India TV]

The complainant alleged that in the programme "Aaj Ki Baat Rajat Sharma Ke Sath" telecast on 7.5.2018, it was said that "*jo kaam BJP ken neta nahi kar sakte woh kaam BJP key neta Mani Shankar Aiyer Pakistan me kar rahe hai*".

Broadcaster stated that the complainant has misunderstood the statement. What was stated was "*Waise jo kaam BJP ke neta nahin kar sakte, wo kaam BJP ke liye Mani Shankar Iyer kar rahe hain*". Since it was a live broadcast, it is possible that the complainant might have incorrectly heard and misinterpreted what was stated.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found that there was no violation of the Regulations or Guidelines of NBA or NBSA.

### Complaint by Mr. Manoj Balagopalan [Manorama News]

The complaint was that when Shri Kummanam Rajasekharan was appointed as Mizoram Governor, the channel aired a breaking news headline on 25.5.2018 which translates as "Kummanam is now Governor,



(this is not a troll)”. The complainant contended that it was intentionally done to humiliate the Governor appointee.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of the Regulations or Guidelines of NBSA and decided to close the matter.

### Complaints by Mr. P. Rajeev, Mr. Anil Kumar G and Mr. Thulasidas T [Manorama News]

The complaints are that the programme ‘Thiruva Ethirva’ on 29.5.2018 slandered Shri. Kummanam Rajasekharan, the Governor of Mizoram on the day of his swearing in. The programme showed visuals of Sri Kummanam Rajasekharan and that of Shri Amit Shah, National President BJP, attending press conference; and a Malayalam audio clip was played in synchronization with the video of Shri Amit Shah, which would make it appear to the viewer as if Shri Amit Shah was uttering the words “Every dog has a day”. The broadcasting of such content, was slanderous especially when it had been aired after the swearing in to the “high constitutional post of Governor of a State in the Union of India” and disregarded the constitution and laws of the land and attempted to lower the dignity of the office of the Governor.

The broadcaster stated that in this particular episode the anchor was implying that each one has a talent and deserves to be successful; that in their political satire programmes, many a time the dialogues from movies are used synchronizing the same with the present visuals; that this episode of Thiruva Ethirva used the dialogues from *Chandralekha*, a Malayalam movie where one of the characters depicted by actor Mohan Lal uttered the centuries old English idiom “Every Dog has its Day” both in English and Malayalam. Broadcaster stated that when they noted that the said reference in the satire show was causing negative feedback, they immediately cancelled the repeat telecast of Thiruva Ethirva, and they uploaded a modified version on their portal in which the aforesaid clip was avoided.

### Decision

NBSA considered the complaints, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA took note of the fact that the programme was a political satire, but was of the view that the editorial freedom of a broadcaster did not extend to depictions in a programme specifically suggesting to name public figures. It was of the view that the contents of cinematograph films dealing with fictional and imaginary characters, cannot be extended or applied to programmes on news channels (even if they were political satires) while naming/showing real persons or when commenting on real events or incidents. Using of ‘quotes’ from a movie in the TV programme may not be objectionable, if the programme disclosed that the dialogue was from a movie, thereby making it clear to the viewers that a movie dialogue was being used by way of a satire. NBSA felt that a problem arises where, as in this case, the objected portion, though using words from a movie (without referring to the movie), names a living public figure (Mr. Amit Shah, BJP National President, a real person, as contrasted from a character in a movie) and the audio clip is played in synchronization with the video of Shri Amit Shah, which would make it appear to the viewer as if Shri Amit Shah is uttering the words “*Every dog has a day*”, “*Ella Nayinde Makkalkum oru divasam undu*”. NBSA was therefore of the view, that the objected wordings was improper and not in good taste; and that the exercise of freedom of expression did not extend to such objectionable usage. NBSA was of the view



that it would be sufficient to warn the channel/broadcaster to be more careful in future and not to use such language even if the programme is a political satire, unless it was made clear that the dialogues/expressions used were from a named movie.

### **Complaint by Ms. Sangeeth Krishna GS [Mathrubhumi News]**

The complainant alleged that her former husband from whom she had obtained a divorce from the family court for mental torture appeared in the programme “Crime News” on 13.6.2018 and made defamatory statements tarnishing her morality. The complainant contends that the channel aired a one-sided story without ascertaining or airing her version. She stated that it was wrong on the part of Mathrubhumi News to report on a *sub judice* matter; and that such news reports sent a wrong message that anyone can make derogatory and defamatory statements and news channels would air the same.

The broadcaster stated that the matter was not *sub judice* as her complaint had been dismissed; and the fact that there was some other proceedings relating to divorce pending in some other court did not mean that the channel reported on a *sub judice* matter. The content of the programme has no defamatory element, and whatever was stated in the programme was part of the official record of the court; and the content of the news report/programme was fully supported by evidence and also the judgment of the court.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that as the complainant herself stated that the matter was sub judice, it would not be able to proceed under the NBSA Regulations.

### **Complaint by Mr. Abhay [Mathrubhumi News]**

It is alleged that in the “Vakradrishti” programme aired on the channel on 13.6.2018, they had insulted the Prime Minister.

Broadcaster submitted that the programme contrasted the physical fitness of the Prime Minister, with the mock response of his political rival, Mr. Rahul Gandhi, who professed his ignorance and failure to master boxing, and lack of time to learn Kalaripayattu, so that his knowledge was limited to street fights for which there was no chance of winning cups .

### **Decision**

NBSA considered the complaint, response and also viewed the broadcast and found no violation of the Regulations or Guidelines of NBSA.

### **Violation by News 18 Rajasthan**

The news channel on 28.3.2018 had shown a man hung upside down from a tree being beaten up by some people with a belt in front of the full Panchayat, a video of a woman being beaten up mercilessly by some other women and a woman was tied to a tree by her husband and beaten up with a belt. The channel should have avoided repeated showing of such violent visuals or at least should have blurred them appropriately.

Broadcaster stated that the said news was broadcast with the sole objective of informing the public at large about the horrific incident involving a man and a woman being beaten mercilessly at the instance of a panchayat. It was stated that there was no intention whatsoever to sensationalize or glamorize the horrific incident and that the news program was made in good faith to keep the viewers informed about issues affecting the public at large and to bring it to the attention of the police authorities for taking appropriate action.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA decided that while it is the duty of the news channels 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 that the persons being reported upon must not be subjected to unnecessary media glare. The gruesome acts were being repeatedly shown and for long duration, which was not warranted. NBSA was of the view that the broadcaster had violated the NBSA Specific Guideline 3.7 which states that *“Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted tastes. Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter should be avoided”*. NBSA noted that the broadcaster should avoid airing gory visuals continuously while reporting such incidents. NBSA decided to close the complaint with a warning to the broadcaster.

### Violation by News18 UP/UK

The channel on 30.3.2018 had broadcast a news report in which some miscreants tied a man when the victim sought return of the money lent to. When he sought the repayment, he was tied to a tree and beaten up mercilessly till he became unconscious. The channel has shown the related video repeatedly without blurring some of the visuals.

Broadcaster stated that the said news along with the video was broadcast with the sole objective of informing the public at large about the mistreatment meted out to a youth and that there was no intention whatsoever to sensationalize or glamorize the horrific incident and that its aim was to inform the public at large about the said incident so that police could take action against the perpetrators.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA decided that while it is the duty of the news channels 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 that the persons being reported upon must not be subjected to unnecessary media glare. The gruesome acts were being repeatedly shown and for long duration, which was not warranted. NBSA was of the view that the broadcaster had violated the NBSA Specific Guideline 3.7 which states that *“Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted tastes. Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter should be avoided”*. NBSA noted that the broadcaster should avoid airing gory visuals continuously while



reporting such incidents. NBSA decided to close the complaint with a warning to the broadcaster and that any future violations would be viewed seriously and action would be taken against the broadcaster.

### **Violation by Zee Rajasthan News**

The channel had on 22.1.2018 broadcast a special programme “Baba World” which clearly appeared to promote superstitions. The programme showed, in minute detail, the processes of voodoo black magic by the trantric (Aghori), such as recitation of mantras, the size of the doll, its impact etc. Though the channel had, at the beginning of the programme, issued a disclaimer stating that its object was not to promote superstitions, the anchor was shown confirming the effects of black magic process through a wooden doll made in her name. The channel was trying to validate the impact of black magic and mislead the viewers, by making them superstitious and attempt practicing black magic.

Broadcaster stated that the channel had not promoted any kind of superstition or blind belief. The program in question did not provide viewers with any solutions or remedies for their health problems or personal well-being in any manner, by resorting to black magic and there was not even a single instance during the entire news report that the broadcaster had supported or promoted such acts. The broadcaster had aired a disclaimer.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that such reportage often purports to even distort purely scientific phenomena on baseless and often factually incorrect material and information. Such reportage is not “newsworthy”. In addition, such reportage does harm and tends to create fear psychosis, among the uninformed viewers. Such reportage is usually to garner higher TRPs. Broadcasters should voluntarily improve the broadcasting standards by desisting from airing such reports. NBSA decided to close the complaint with a warning to the broadcaster.

### **Complaint by Mr. Ajay [ABP News]**

The complaint is that ABP News shows a morning programme titled ‘Guruji’, which instils nothing but blind faith and superstitions in the viewers; and that in this programme, people’s fate is predicted and they are advised to do certain things or to avoid certain things on a particular day in accordance with their Zodiac signs.

Broadcaster stated that the complaint is a general point-of-view and expression of desire through a personal choice, taste and preferences of an individual. The said program in question “Guruji” is a program: 1) that infuses positive energy; 2) offers health awareness & consciousness; 3) offers spiritual wisdom; and 4) updates astrological facts based on hindu lunar calendar.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that such reportage may not be “newsworthy” and broadcaster should endeavor to voluntarily improve the broadcasting standards by desisting from airing programmes which may result in increase of superstition or anti-social behavior. NBSA did not want to interfere with the editorial freedom and decided to close the matter with the said observations.



### **Complaint by Mr. Raju Mistry [ABP News]**

Complainant alleged that in a news programme on ABP News, it was stated that former President of India will be attending a RSS function, on an invitation from RSS; and that the former President accepted the invitation as BJP was becoming stronger in Bengal and as he wanted the BJP to give an election ticket to his daughter. The complainant desired to know the source of the news telecast.

The broadcaster stated that the news telecast was on account of the information received from their trusted/reliable sources; that the channel tried to speak to the concerned, but they refused to give their version; the channel later on aired the denial.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA decided to close the complaint as the broadcaster had taken action of correcting the news report.

### **Complaint by Mr. Kannan Nattanmai S A [Republic TV]**

The complaint is that Republic TV does not publish or display date line either at the top or bottom or anywhere on the screen to display date of broadcasting on their screen.

Broadcaster stated that displaying the date and time is not mandatory and has not been prescribed by the MIB, TRAI or the NBSA. It has been displaying the time during the broadcasts voluntarily.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of the Regulations or Guidelines of NBSA and decided to close the matter.

### **Complaint by Mr. Devender Singh [Aaj Tak]**

The complaint is that on Aaj Tak channel, India's map is shown in the weather report at 9 pm. It was pointed out that the channel does not show the North Eastern States (Sikkim, Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland, Tripura and Mizoram), which gives a feeling that these States are not part of India.

Broadcaster stated that the complaint pertains to December 2017. As per the Policy Guidelines for Uplinking & Downlinking Guidelines of Television Channels from India of MoI&B, the channel is required to keep a record of the content only for 90 days; and that the content of the news broadcast complained of is not available.

### **Decision**

NBSA considered the complaint and response given by the broadcaster. NBSA found no violation of the Regulations or Guidelines of NBSA.

### **Complaint by Mr. N.P. Singh regarding secret information about the Army personnel being made public**

The complainant stated that the media in India has been publishing/broadcasting complete information of the army personnel battling the terrorists or their activities to foil infiltration in newspapers or on news channels; and that this may put at risk the security of the army personnel, as the terrorists can harm them or their family members by identifying them.

#### **Decision**

NBSA noted that it could not take cognizance as the complaint was bereft of any details of the broadcasts and the broadcasters. NBSA therefore decided to close the matter.

### **Complaint by Mr. Ravie Lalpurria [NDTV24X7]**

The complainant stated that an anchor of NDTV24X7, who regularly presents political debate on the channel, is the wife of a senior Congress member of Parliament; and therefore, the channel should put a disclaimer in the programmes anchored or presented by her that she is the wife of a senior Congress leader.

#### **Decision**

NBSA found no violation of the Regulations or Guidelines and there is no requirement either in law or in the Regulations requiring such a disclosure/ disclaimer.

### **Complaint by Mr. Banwari Gupta, [ABP News]**

The complainant stated that he saw the report of Shri Prasoon Vajpayee on ABP News on 26.5.2018 which according to his information was erroneous and was intended to spread lies against the government.

Broadcaster stated that the complaint is vague and does not mention which part of the news story was incorrect or untrue; and that in the absence of any specific information of what constituted “fake” and “lies”, it has to be presumed that the complaint was purely based on the personal view of the complainant which cannot be a ground for complaint. The broadcaster asserted that the story was neither fake nor was it untrue and it was carried after observing due diligence.

#### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the content of a ‘report’ or ‘story’ is an editorial discretion and an individual’s view or perception of an issue cannot be a ground to take action against a channel, in the absence of violation of the Guidelines.

### **Complaint by Mr. Ajay [News 24]**

The complaint is that in the morning news aired by News 24, it telecasts a programme named Kalchakra which spreads superstition; that the programme predicts the fate of the viewers according to their zodiac signs and it also suggests what people should do or should not do, what to eat and what not to eat. The complainant contends that any programme which encourages and foster superstitions and misleads people should not be aired.



The broadcaster stated that the programme “Kaalchakra” is not about promoting, supporting or making anyone believe in any kind of superstition, but endeavors to show the science and art of living, worshipping which our sages believed and followed since ancient times. The channel runs a disclaimer in the programme and the channel does not compel anyone to watch the show or follow whatever is being said by the expert.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that such reportage may not be “newsworthy” and broadcasters should endeavor to voluntarily improve the broadcasting standards by desisting from airing programmes which may result in increase of superstition or anti-social behavior. NBSA did not propose to interfere with the editorial freedom and decided to close the matter with the said observations .

### **Complaint by Mr. Chetan Nagda [CNBC TV18]**

Complainant stated that he is a regular investor in share market. On 31.10.2018 during market hours, a false news was flashed on CNBC TV 18 (English) news channel that Tide Water Oil Company India Ltd, a company listed on NSE and BSE, is considering voluntary delisting. Immediately the price of the shares of the Company touched upper circuit i.e., Rs. 6121.40 on NSE and Rs. 6100.80 on BSE. The volume of shares jumped to 55087 shares (NSE) and 6927 shares (BSE) against average volume of around 2000 (NSE) and 300 (BSE). Thus, someone in collusion with the news channel committed a fraud by spreading false news thereby cheating ordinary persons. SEBI must investigate the matter to find out the ultimate beneficiary of this fraud.

Broadcaster denied that the news regarding the voluntary delisting of the Company flashed on their channel CNBC-TV18 on 31.10.2018 is a false news. The broadcaster forwarded the notice dated 30.10.2018 issued by the Company to the stock exchanges i.e. National Stock Exchange of India Limited, BSE Limited and The Calcutta Stock Exchange Limited informing them that in its 319th Board Meeting of the Company, the Board of Directors of the Company, among other agenda items, would consider the proposal for voluntary delisting of equity shares of the Company from Calcutta Stock Exchange Limited.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that it was not within its remit to investigate into allegations of collusion / fraud in spreading false news to cheat investors. NBSA decided that as the ticker was based on a communication by Tide Water Oil Company Ltd., there was no violation of its Guidelines. NBSA decided that the broadcaster be advised to exercise more caution in dealing with reporting of financial matters and to ensure compliance of the “Specific Guidelines for Reporting by Business Channels”. NBSA decided to close the matter.

### **Compliant by Mr. Zahid regarding debates on TV channels**

Complainant alleged that there should be ban on debates on TV channels, which are based on religious, sensitive and inflammatory issues in national public interest.

### Decision

NBSA considered the complaint and noted that the choice of panelists and the presentation are all matters within editorial discretion and an individual's view or perception cannot be a ground to take action against a channel/s, in the absence of violation of the Guidelines. NBSA therefore decided to close the matter.

### Complaint by Mr. DK Dubey [News18 Urdu]

The complaint is that a programme broadcast on "News18 Urdu" titled "Bulletin" on 16.12.2018 was in contravention of various provisions of NBA/NBSA Code of Ethics and Broadcasting Standards as also Guidelines. Complainant alleged that the channel reported that during Pulwama encounter seven civilians were killed and showed their family members and relatives mourning the killing of civilians. According to the complainant, the seven civilians referred to by the channel were actually stone-pelters who were intentionally present at the encounter site to disturb the actions of army/police and they were actually throwing stones at the army personnel. The complainant further alleged that the whole news report was one-sided and distorted so as to mislead the civilians of Kashmir Valley to distrust the army. He alleged that the channel did not cover the story of the army jawans who were martyred during Pulwama encounter.

Broadcaster submitted that said news was about an anti-militancy operation that took place in Pulwama district of Jammu and Kashmir on 15.12.2018 that it had no intention whatsoever to sensationalize or glamorize the incident but instead, the aim was to inform the public at large about the said incident; that through the said news bulletin, they informed the public about the security arrangements made by the administration for ensuring the safety and security of the general public; and that in their news bulletin, they had also carried the views of the various political leaders on the loss of lives of people during the said anti-militancy operation.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast, as the content of the broadcast was within the editorial discretion/freedom. NBSA therefore decided to close the matter.

### Complaint by Mr. Pawan Kumar Rajbhar [Zee Hindustan]

The complaint is that on 15.12.2018 in its programme "Veergatha", Zee Hindustan channel broadcast a programme on Maharaja Suheldev Rajbhar. The guests and historians spoke at length about him and addressed him with his correct name and ancestry as Suheldev Bhar or Rajbhar, but the anchor however addressed Maharaja Suheldev Rajbhar Ji as Paasi. The Rajbhar community is disturbed and hurt by this reference.

Broadcaster submitted that the 'Veergatha' programme showcases the bravery of unsung heroes, who have contributed to the cause of the nation/society. Broadcaster stated that it did not allege that 'Maharaja Suheldev' belonged to any particular community, but instead stated that there were different opinions among historians about the caste origins or community of 'Maharaja Suheldev' and that the intent of the program was not to highlight the community of the great king who was a savior of Hindu culture, but to showcase his bravery.



### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that for balanced coverage the broadcaster could have given an opportunity to a representative from the Rajbhar community to present the views of the community and that was missing in the programme. However, on an overall consideration, NBSA decided to close the matter with a direction to the channel to be more careful while airing such programmes.

### Complaint by Mr. M. Harsha on the programme “Cover Story” [Suvarna News]

Complaint is that the channel had illegally procured a Schedule II Wild animal (Spectacle Cobra) and carelessly transported, held the animal in captivity and released the snake in a security room of a godown in Chamrajpet, Bangalore; that they then called various snake rescuers and catchers with the intention of rescuing the snake unsuccessfully; that they finally called the complainant to rescue the snake to achieve their cheap objective. The complainant alleged that they portrayed him in poor light demeaning his conservation efforts and questioned his integrity, airing the programme with the caption “In case you wish to have someone vacate their homes, just call BBMP Forest cell volunteers, and they will illegally arrange to put a snake inside their homes for a price”.

The broadcaster stated that the alleged episode was targeted at the snake mafia, existing in Bangalore; and that the news story exposed some people who in the disguise of being wild life volunteers recognized or authorised by the BBMP to protect the wild life, are in fact trading in them, for their own benefit. At no point of time they transported a snake in violation of any provision of law and that it had merely reported on the existing mafia nexus through their sting operations.

The sting operation was carried out in two parts on 1.6.2018 to expose the snake mafia. The first part of the sting operation related to engaging a volunteer catch snakes which enter the premises of an urban resident and the difficulties in contacting snake rescuers. The second part of the sting operation, was targeted to expose a bigger crime. For this purpose, the channel team prepared the following story: “Our relatives are not vacating the house. We want a cobra to enter their house and later we will vacate them saying this house has Nagadosha.”; that they approached another so-called wild life activist who directed them to the complainant, claiming that he (the complainant) was an expert in such activities. The channel contended that the episode was aired for the very purpose of exposing/embarrassing such mafia activity.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the content of the broadcast was within the editorial discretion/freedom and found no violation of its Regulations or Guidelines. NBSA was also of the view that the sting operation had been conducted in public interest and did not violate the NBSA Guidelines for Conducting Sting Operations dated 27.2.2012. NBSA therefore decided to close the matter.

### Complaints by Mr. D.K. Dubey [News18-Urdu on 20.1.2019 and 23.1.2019]

#### Complaint dated 31.1.2019:

The news anchor reported that, “Additional General Secretary of National Conference, Dr. Mustafa Kamaal attended a program in Kathua in which Dr. Kamaal highlighted the need to protect Article 370 and made

allegations that the government was not treating militants properly and that government is also not ready to talk to Pakistan for solving issues”. The interview shown by the channel was one sided. The other side of the story was ignored by the channel, as it was apparently a paid news to misguide the innocent viewers of the channel.

### **Complaint dated 6.2.2019:**

The channel confirmed the fact that during an operation, three militants got killed by the Army but the main headline that every channel had shown was ignored by the news anchor that after this operation in Baramula the district is clean from militants and the district has no militant left in the area now and has been declared a free district now by the Army.

Broadcaster stated that in the news aired by the channel was of an event along with views expressed by Mr. Mustafa Kamaal, a member of National Conference on Article 35A and 370 of the Constitution of India. The channel stated that it had informed the viewers about three militants who were killed in an encounter. Since their news story was based on actual facts and there was no official confirmation about Baramulla district being cleared of militancy at the time of airing the said news story, they did not mention the same. Broadcaster stated that around 11:00 PM the police issued its official press release about the encounter, which was aired on the channel.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcasts. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast, as the content of the broadcasts were within the editorial discretion/freedom. NBSA therefore decided to close the matter.

### **Complaint by Capt. Sandeep Puri [Times Now]**

Mol&B forwarded the copy of the complaint dated 25.10.2018 to the SHO, PS Defence Colony, New Delhi against Times Now for possession and broadcasting top secret internal documents of the CBI on national television at 11:30 hrs on 24.10.2019 punishable U/S 5 and 5 (a) of the Official Secrets Act, 120 B of IPC and offence U/S 66 A (b) of the Information Technology Act of 2000.

### **Decision**

As the complaint filed with the police (in regard to offences punishable U/S 5 and 5 (a) of the Official Secrets Act, 120 B of IPC and offence U/S 66 A (b) of the Information Technology Act of 2000) was the subject matter of a criminal case, the matter would not fall under the jurisdiction of the NBSA. NBSA therefore, decided to close the complaint.

### **Legal Notice dated 22.3.2019 [ABP Majha]**

Mol&B forwarded a Legal Notice dated 22.3.2019, alleging that the image of Mrs. Medha Jambotkar (used by their client for her public profile on Instagram) was wrongly and negligently used on ABP Majha on 18.3.2019, by showing her image as that of the wife of late Shri Manohar Parrikar (former CM of Goa) who passed away due to cancer.



Broadcaster submitted its response admitting that a wrong image was mistakenly used. It was stated that as soon as they came to know about the mistake, they stopped the telecasting of the news item and also removed it from their rundown and from all their media platforms immediately; and that they had also carried a corrigendum for wrong use of the image.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the channel ABP Majha had carried the corrigendum. In view of the immediate corrective action taken by the broadcaster, NBSA decided to close the complaint with the observations that they should be careful in future and verify thoroughly before any material is used in a broadcast.

## **□ Electronic Media Monitoring Centre**

### **Alleged violation of Programme Code by various Channels**

Aajtak on 31.1.2018 had shown news of a video of a minor boy in Bistrakh village in Greater Noida mercilessly beating two boys and a girl sitting on the roadside. It was stated that while it may be appropriate to show the video just once while giving information about the news, repeatedly showing the video of the violent and bestial beating can be a traumatic experience for the viewers.

Aajtak stated that the impugned news item was aired in public interest to highlight such issues to the state government; that in compliance with the NBSA Guidelines and Regulations they had blurred all the visuals in the telecast.

ABP News on 6.2.2018 had broadcast a news report which showed the thrashing of an elderly person of the Muslim community in order to forcibly make him utter 'Jai Shri Ram'. It was stated that repeated showing of the said video could torment the sensibility of viewers, hurt the feelings of the Muslim community and could trigger violence and therefore should be avoided.

ABP News stated that they had shown the video to highlight the brutality that was being committed to the person and not to hurt the feelings of any community. They observed self-censorship and muted the audio at many places which according to their judgement was not suitable to go on air and this was also announced by the anchor before the news.

ABP News on 12. 2.2018 had repeatedly aired the CCTV footage of the incident showing a victim being hit on his head with a chair, an iron rod and a brick. It was stated that while it may be appropriate to show the video just once while giving information about the news, repeated showing of the video which is full of violence against the victim, could be a traumatic experience for the viewers.

ABP News stated that the incident involving the victim being beaten viciously and badly was a big news of that day; that the channel had shown only long shots without any zoom- and that it was difficult to connect the story without showing the visuals. The visuals were not unnecessarily repeated.

ABP News on 22.3.2018 had showed a python gripping the neck of a juggler eventually strangulating him to death. The channel should have avoided showing such images or should have blurred the images adequately.

ABP News stated that the mistake of not blurring was realized once the video went on air. The channel pulled out the news and did not air it thereafter.

OTV on 8.1.2018 reported an incident involving a mentally challenged minor girl being brutally thrashed by the villagers for allegedly stealing firewood. In the video of the incident shown by the channel, several men, women and youth can be seen mercilessly dragging the girl, tying her with a rope and beating her. It was stated that instead of presenting the visuals in a responsible manner, it appeared to be an attempt to sensationalize the incident.

OTV stated that its object was to create awareness among the masses about child abuse happening in the society and to draw attention of the authorities for immediate remedial measures. It had the desired result as after the telecast, local police as well as District and State Child Welfare Committee had initiated an investigation and took action against the offenders and the district administration extended financial assistance of Rs10,000 to the victim's family.

Mirror Now on 2.2.2018 repeatedly showed a viral video wherein an ailing paralyzed old mother was being subjected to brutality by her son. It was stated that showing such heart breaking visual for an extended period did not serve any purpose.

Mirror Now stated that the broadcast was not in any manner denigrating towards women or offensive to good taste, as alleged in the report. The channel brought out the story in an objective manner to emphasize the need for more empathy towards the elderly, specifically those who are physically disadvantaged.

Mirror Now on 27.2.2018 had continuously and for an extended period of time carried the shocking video of a mentally challenged woman being dragged, pushed and kicked by a man. It was stated that repeatedly showing the distressing visual to convey a message served no purpose.

Mirror Now stated that the news story highlighted the regretful situation in which a person, allegedly in the role of a care giver was in fact inflicting such hurt on helpless people. The broadcast was not in any manner denigrating towards women or offensive to good taste, as alleged in the report.

News18 Rajasthan on 2.2.2018 reported about a viral video wherein an ailing paralyzed mother is subjected to brutality by her own son in Rajasthan.

News18 Rajasthan stated that the said news along with the video was broadcast with the sole objective of informing the public at large about the mistreatment meted out to an old woman. There has been no intention whatsoever to sensationalize the horrific incident but instead, the aim was to promote awareness among the public at large.

News 18 Assam NE on 10.1.2018 reported that locals protested against the police's custodial killing of a man alleging that it was caused due to third degree torture. The channel had shown the dead body lying on the ground and then wrapped in a sheet of cloth. The visuals were edited in black and white but the channel continuously carried the visual.



News 18 Assam NE submitted that there was no intention whatsoever to sensationalize the incidents; and that the aforementioned two news footages were broadcasted in good faith with the sole objective of informing our viewers about issues affecting the public at large.

### Decision

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that while it is the duty of the news channels to report news which may be in public interest, so that the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner that the persons being reported upon must not be subjected to unnecessary media glare. In all these cases the common thread was that the gruesome acts were being repeatedly shown and in some cases for longer duration than necessary, which was not warranted. It is necessary for the broadcasters to keep in view while broadcasting such news reports, NBSA Specific Guideline 3.7 which states: *“Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted tastes. Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter should be avoided”*. NBSA noted that the broadcasters should avoid airing gory visuals continuously in a loop, while reporting such incidents. NBSA decided to close the complaints with a reminder to the broadcasters to ensure strict compliance with the said Guideline.

**Dalit rag picker brutally beaten to death [NDTV 24x7 and Mirror Now dated 11.5.2018; Aaj Tak ; India Today; India TV; ABP News; ABP Asmita; NDTV India; News 24; News X; Mathrubhumi; Zee Hindustan; News18 India, CNN News18 all dated 21.5.2018**

The channels had reported about a Dalit rag picker brutally beaten to death in a factory compound by the owner in Gujarat. The Dalit rag picker’s wife was also assaulted by the same group during the incident. The channels had shown graphic video of the man being brutally thrashed by people. It was stated that the channels deserve applaud for highlighting the cruelty that is being done against a fellow human being, but at the same time, telecasting viral videos distributed via social media appears to be a trend followed by news channels these days. The effort by these channels to perhaps draw attention to the issue is lacking because it seems to be an attempt to grab eyeballs.

### Decision

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that all the 14 channels/broadcasters stated that the impugned broadcast was aired with a view to highlight the violence against Dalits on account of the caste system and to expose such crimes in the larger public interest. The telecast of news and public pressure, led registration of FIR and arrest of the two accused. The news report, emphasized the need for more empathy towards people irrespective of their caste, creed or religion and specifically those who are financially disadvantaged. NBSA noted that the broadcasts were certainly in public interest and it was the duty of the media to highlight the brutality being meted out to a Dalit rag picker who was brutally beaten to death in a factory compound by the owner in Gujarat, which led to action by the police. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

**West Bengal Panchayat Election violence [Aaj Tak, India TV, ABP News, NDTV India, News 24, APN NEWS, Zee Rajasthan, News 18 India on 14.5.2018]**

The channels had shown news in the context of skirmishes between Trinamool Congress, CPM and BJP workers during the Panchayat elections in West Bengal. The channels had shown scenes of violence and arson at several places during the elections in which people of two different groups are shown beating each other in a merciless manner for a long time.

The broadcasters stated that the report related to violence during Panchayat elections in West Bengal. The news report was aired in public interest, to show the lackadaisical attitude of the administration during elections. Legal action was initiated against all those who were seen inciting violence, which eventually led to the normalization of the situation in the State. The visuals were to show how incidents are being carried out to terrorize voters and hurling bombs outside polling stations.

**Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the news broadcast was in public interest, and was a part of media's objective of highlighting before the public conscience, instances of condemnable conduct and actions, affecting the public life in current society. NBSA held that the broadcast did not violate any Broadcasting Standards or Guidelines and therefore decided to close the matter.

**Gang of goons misbehaving with a minor girl [News 18 India, Zee Rajasthan on 3.6.2018 & News X, Zee Hindustan, on 4.6.2018]**

The news report stated that the gang reportedly attacked a couple in Kaimur District of Bihar, then misbehaved with the girl and filmed the entire incident. Although the channels had blurred the identity of the victim in the video, visuals of the girl being molested by the gang is clearly visible.

The broadcasters stated that the video was duly blurred and the identity of the woman/girl in question was not disclosed instead the video stills of the perpetrators was shown to shame them of acting in a such a beastly manner. This video highlighted the apathy of the police administration in Bihar wherein such incidents are being reported repeatedly . The aim was to promote awareness among the public at large about increase of the such incidents and how such people have no fear of law and order.

**Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that though the visuals were disturbing, the broadcasters had blurred the visuals of the girl and the object/intention of the broadcasters was to focus on the issue of safety of girls and to make the society aware of such atrocities and catalyze the authorities to take some action. NBSA found that the broadcasts were in public interest and did not violate any Broadcasting Standards or Guidelines.

**Domestic violence against a woman [India TV, ABP News & News 24 on 21.5.2018]**

The news report showed the husband was forcing the victim to enter into physical relationships with some males in Meghani, Ahmedabad. When the woman resisted, her husband and mother-in-law badly thrashed



her. The channels had shown the CCTV footage in which the husband and mother-in-law are mercilessly kicking and beating her up in front of her kid.

Broadcasters stated that the clip in question focuses on an atrocious act of domestic violence committed on a woman. The intention of the story was to criticise such reprehensible acts and also to highlight the fact that such domestic atrocities on women continue to occur despite the nation's resolve to respect its women. Given the sensitive nature of the story, the face of the lady in question was blurred and her identity was not disclosed.

### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the broadcasts were in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out, and therefore such news should not be suppressed. NBSA was of the view that the broadcasters had done their duty by reporting the incident and it found no violation of any Broadcasting Standards or Guidelines and therefore decided that no action was called for on the complaint and decided to close the matter.

### **Video of beating a 12 year old girl by her father [India TV, ABP News & Zee Rajasthan on 16.4.2018]**

The channels had shown the video without blurring in which the father is mercilessly beating up his daughter with his sandals in Bhairod, Rajasthan and while he turns back looking for some other objects with which he could thrash her, the girl finds an opportunity to jump down from the roof top in order to escape the atrocity of her father.

Broadcasters stated that the clip in question focuses on an atrocious act of violence committed on a girl and that such atrocities on girls/ women continue to occur despite the nation's resolve to respect its women. Given the sensitive nature of the story, the identity of the girl was not disclosed; even the girls father's face was blurred to ensure non-disclosure of identity. The channels also submitted that the issue of domestic violence is one of public interest.

### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA found that the reporting was in public interest. The visuals were aired to leave an impression in the minds of viewers, on how the lives of children are at risk if harsh punishments, are meted out to them NBSA did not find anything in the broadcast that was objectionable or any violation of NBA/ NBSA Code of Ethics, Regulations and the Guidelines. It therefore decided to close the matter.

### **Video of beating of a person [Zee Salam, Zee Hindustan & Zee Rajasthan on 21.5.2018]**

The news channels had shown news in context of some ruffians mercilessly beating up a person in Bansur, Rajasthan. It was reported that following a heated exchange between a person and some others outside a liquor shop, 3-4 hoodlums started beating him up with heavy sticks in broad daylight.

Broadcasters stated that the said footage was to show the apathy of the police for inaction wherein a man was being mercilessly beaten up with sticks in full public view in a busy market.

### Decision

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines.

### **Video of a mob lynching incident [Mathrubhumi on 24.5.2018, News 24 on 26.5.2018 and ABP News on 30.5.2018]**

The channels had carried a disturbing video of a mob lynching incident in Bengaluru, Karnataka where the residents of Chamrajpet thrashed a 25 year old man to death with bats and rods on suspicion of child trafficking and kidnapping. While reporting this news, the channels had shown graphic video of the man being brutally thrashed by a violent mob.

The broadcasters stated that the clip in question was shown with the intention of alerting viewers about the dangerous rumours being spread on social media with respect to child trafficking and the fatal effect of acting upon such rumours.

### Decision

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the broadcasts were in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Video of beating two Dalit boys [Republic TV, Sun News, CNN News18 on 15.6.2018]**

It was reported that in Jalgaon, Maharashtra, two boys had gone to a well for having a bath where some people of the village spotted them. With the intention of teaching the two boys a lesson, some hoodlums severely thrashed them with belts and sticks after undressing them and the two boys were also shown desperately trying to cover themselves with tree leaves.

Broadcasters stated that the report showed how two boys from the Dalit community were stripped and beaten for swimming in a well in Maharashtra. The faces of the two boys had been blurred so that their identity is protected and nowhere is any information shown, so as to directly or indirectly identify the teenage boys. These men were subsequently arrested and charged under the Atrocity Act, Protection of Children from Sexual Offences Act (POCSO) and under the Information Technology Act.

### Decision

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the broadcasts were in public interest and it was the duty of the media to highlight the brutality being meted out to Dalit boys. The reporting by the channels had led to action being taken, subsequently arrests being made and charges being framed under the Scheduled Caste/Scheduled Tribe Prevention of Atrocities Act 1989, Protection of Children from Sexual Offences Act (POCSO), 2012 and under the Information Technology Act, 2000. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and decided to close the matter.



### **Video of an ailing man being beaten up [ABP Ananda & News 18 Bangla on 28.6.2018]**

The channels had telecast a news report which showed the medical apathy of a 30 year old ailing man being beaten up by a self-proclaimed godman in Malda, West Bengal. He was physically tortured by the supposedly godman and became sick after his left hand and left leg were paralysed. After relentless slapping and beating, he was unconscious and was taken to the hospital where he died. While reporting the news, the channels carried the images of the cruel act without any blur. The identity of the victim and the accused was compromised by the news channels.

Broadcasters stated that the said news was broadcast with the sole objective of informing the public at large about the death of a sick and paralytic person due to superstitious beliefs of people. In the instant case, the victim was beaten up, in the name of treatment, by a self-proclaimed godman to ward off evil spirits. Instead of proper medical treatment the victim was subjected to beating by the self-proclaimed godman. Due to the airing of this news a probe was ordered by the concerned BDO.

#### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA found that such superstitious practices whereby human beings were put to risk, danger and trauma required to be exposed by the media; that by bringing to light such harmful superstitious and objectionable practice, the broadcasters were discharging a public duty. By the media reporting, a probe was ordered by the concerned BDO. NBSA found that the broadcasts were in public interest and did not violate any Broadcasting Standards or Guidelines. NBSA decided that no action was called for on the complaint.

### **Video of child falling to death [Zee Hindustan on 13.5.2018 & News18 India on 11.5.2018]**

The channels had shown the news of a ten month old child falling to death from the third floor of a mall in Sri Ganganagar, Rajasthan. It was informed that a woman was using the escalator with her ten-month-old child in her arms. In the process, she lost her balance and the child slipped out of her arms and fell on the ground from the third floor. The channels had shown the visuals of the entire incident captured in the CCTV cameras in which the child is seen falling down from the escalator from her mother's arms.

Broadcasters stated that the said video was widely circulated on social media platforms and the intention of the channels was not to sensationalize the horrific incident but instead the aim was to promote awareness among the public at large that they should be cautious while using escalators.

#### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that while it is the duty of the news channels to report news, which may be in public interest, it is equally important to present the news in a manner that the dead must not be subjected to unnecessary media glare. In this case the CCTV footage of the infant falling to death from the third floor of a mall in Sri Ganganagar, Rajasthan was shown repeatedly and continuously without blurring which was not justified. NBSA therefore decided to issue a warning to the broadcasters to be more careful in future while reporting such matters. NBSA decided to close the matter.

### **Couple mercilessly beaten up [India TV and Zee Hindustan on 28.5.2018]**

The channels had shown the viral video of people thrashing a love couple in Sangroor, Punjab. The channels should have avoided showing such visuals for a long time.

Broadcasters stated that it was an attempt to highlight the increase in the number of cases of moral policing and the public taking law into their own hands, they had broadcasted the video of a group of people attacking a couple in a public place. The public taking law into their own hands and enforcing their concept of right and wrong over others has become widely prevalent and needs to be strongly condemned.

#### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the broadcasts were in public interest and reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts. NBSA was of the view that the broadcasters did their duty by reporting the incident. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Video of a mentally ill woman being thrashed [ABP News & News18 Punjab/ HP /Haryana on 14.4.2018]**

The channels had shown news in the context of a video that has gone viral from Ferozpur, Punjab. The video showed a mentally challenged woman being thrashed by a doctor. It was informed that the mentally challenged woman, used to go the doctor's cabin every second day for her treatment. In his defence, the doctor said he beat up the woman because she was constantly troubling him.

Broadcasters stated that the clip in question focuses on the atrocious act of violence committed on a woman by a doctor to whom she had gone for treatment. The intention of the story was to criticise such a reprehensible act and also to highlight the fact that such atrocities on women continue to occur despite the nation's resolve to respect its women. This case was particularly alarming as the perpetrator was a doctor. Given the sensitive nature of the story, the identity of the lady was not disclosed.

#### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the visuals objected to, were shown to emphasise the serious nature of the incident and shake the conscience of the public, both for its brutality and its social implications; there was a need to highlight the incident in public interest; that the footage of the incident cannot be seen in isolation and must be viewed along with the news report which was aimed at conveying a basic tenet of civilized society to its viewers that a doctor cannot be allowed to take law into his hands and ill-treat a mentally ill patient who came to him for treatment by dragging the woman, catching hold of her hair and also kicking her. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast. NBSA decided to close the matter.



### **Programmes aired by Mathrubhumi News on 1.5.2018**

The channel in a programme titled “Crime News” reported two separate incidents of a man falling from a lodge building in Kochi, Kerala and a mentally challenged woman being beaten by her neighbours. The first clip carried CCTV footages from two different angles of the man plunging towards the ground with a thud as onlookers watch in shock. The second video shows a group of women beating a woman who is mentally challenged. The graphic visual was disturbing.

Broadcaster stated that the news was shown to point out the indifference of the public to such incidents. The visual was captured either from CCTV visuals or from mobile visuals of onlookers and did not carry any horrifying visuals.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcasts were certainly in public interest. Reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts. NBSA was of the view that the broadcaster had done its duty by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Programmes aired by Mathrubhumi News on 3.5.2018.**

The channel reported about a mob attack against two young teenagers who apparently belonged to different castes. The teenagers were beaten separately by the people of their castes and the two separate videos of the incident went viral on social media. In the videos carried by the channel, the teenage boy was shown being brutally punched and similarly, the girl was seen beaten up. The report stated that the video clips carried by the channel were not suitable to be viewed by viewers. Telecasting viral videos distributed and shared on social media appears to be a trend followed by news channels these days.

Broadcaster stated that the visuals were carried in the Crime News bulletin aired on 3.5.2018. The visuals related to the ruthless thrashings of a couple in love who belonged to different caste groups being beaten up separately by leaders of their own caste. It was alleged that the visuals were recorded and publicized in social media as a warning to other youngsters to abstain from inter- caste marriages.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast of such incidents against inter-caste unions was certainly in public interest and it was the duty of the media to highlight the brutality being meted out some individuals, who had taken the law into their hands. NBSA was of the view that the broadcaster had done its duty by reporting the incidents and found no violation of any Broadcasting Standards or Guidelines in the broadcast.

### **Video of a person being beaten [India TV]**

The channel had aired a video that went viral from Darbhanga, Bihar, where some local people hung a person upside down from a crane and then beat him up mercilessly without blurring it. It was reported that the victim had allegedly stolen a mobile.

Broadcaster stated that the news was telecast to condemn the ghastly act and secondly to assist in identifying the culprits. Since the face of the victim was anyway not clear in the video, it was not considered necessary to blur it. The visuals were of an extremely short duration because of which they were aired more than once.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that it is the duty of a news channel to put forth such reports in public interest. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint.

### **Video of beating of a boy [India TV]**

The channel has aired a video that had gone viral from Bihta, Bihar in which two youths, because of some grouse, are shown thrashing another boy with a belt and a cricket bat. During the incident, the victim cries and winces with pain but that does not have any impact on those boys.. The channel should avoid showing such a sensitive video or they should show it by adequately blurring it.

Broadcaster stated that they had blurred the face of the boy who was being beaten by some other boys. The idea behind not blurring the other faces was to assist in identifying the culprits.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest and it was the duty of the media to highlight the brutality being meted out to a young boy and identifying the perpetrators so that action could be taken against them. NBSA therefore decided to close the matter .

### **Beating of two persons [India TV]**

The channel had aired news with regard to a crowd beating two persons suspecting them to be child lifters in Dwarka, Gujarat. Thereafter two people with a big bundle were seen going somewhere near Okhla railway station; and the crowd thought them to be child lifters and thrashed them in a most brutal manner which was shown without blurring. The channel showed the video related to the news in which some people appear kicking and beating the two persons with fists.

Broadcaster stated that in view of the increasing trend of circulation of fake news, information and messages on the social media and people taking law into their own hands, without verifying the facts or authenticity of information, they decided to air the concerned video to highlight the effects of such messages and its repercussions. Incidents like these were being reported from different parts of the country and as such it was our duty to inform the public of the same. However, due to an inadvertent error, they missed blurring the visuals.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest and it was the duty of the media to highlight,



report and expose such brutality being meted out. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA however noted that showing of un-blurred visuals was unwarranted and the broadcaster should have exercised caution while airing such visuals. NBSA therefore decided to close the matter..

### **Minor girl gang raped and killed [ABP News]**

The channel had shown news of a minor girl being gang-raped and killed in Jharkhand. Following the complaint by the girl, the Panchayat of the village merely imposed a fine of Rs 50,000 on the culprits and allowed them to go. Later on, those hoodlums, accompanied by their accomplices, forcibly entered into the victim's house, badly thrashed her and then burnt her alive. The channel showed the video related with the news for more than two minutes in which the miscreants are shown dragging the minor girl by catching hold of her hair, thrashing and pressing her belly forcefully from his legs. Though the channel had blurred the video it was appropriate to show the video once.

Broadcaster stated that the clip in question focuses on an atrocious act of violence committed on a woman. The intention of the news report was to criticise such a reprehensible act and also to highlight the fact that such atrocities on women continue to occur despite the nation's resolve to respect its women. Given the sensitive nature of the story, the face of the girl in question was blurred and her identity was not disclosed. The broadcaster stated that it would take care to shorten the duration of such clips and also not repeat the clips while reporting.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that the showing the visuals of a minor girl being gang-raped and killed by some powerful hoodlums repeatedly was not in good taste and visual depiction of such matter should have been avoided. NBSA was also of the view that the broadcaster should have avoided airing gory visuals continuously in a loop, while reporting such incident. However in view of the assurance by the broadcaster, NBSA decided to close the complaint with a warning to the broadcaster.

### **Beating of a girl [ABP News]**

In the programme "Sachhi Ghatna Mein" (In True Events), the channel had shown a news item under the caption 'This is India, not Taliban', which is in the context of a video that has gone viral from Naurangiya area of Bagha district. It was informed that the Panchayat of the village announced punishment for a girl, who had made viral indecent pictures of another girl, by tying her with a pillar and then thrashing her in public. The channel had shown the video of the entire incident made on a mobile phone in which the girl is tied to the pillar of a house and then the male members hit her in front of the crowd for around seven minutes.

Broadcaster stated that the clip in question focused on an atrocious act of violence committed on a woman. The intention of the story was to criticise such a reprehensible act and also to highlight the fact that such atrocities on women continue to occur despite the nation's resolve to respect its women. Given the sensitive

nature of the story, the face of the lady in question was blurred and her identity was not disclosed. The broadcaster submitted that the clip did not denigrate women in any way and on the contrary the news story was broadcast with the intent of putting a stop to any manner of denigration of women.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that the news channel had broadcast the news report in public interest. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Showing close up visuals of a deceased lying on hospital bed [ABP Ananda]**

The channel had carried a report on the death of a party supporter who was shot at with a firearm near polling booth in Naoda block, Murshidabad, West Bengal. While reporting the channel had shown extreme close up visuals of the deceased lying on hospital bed. The visual was disturbing and could have been either omitted or properly blurred for telecast.

Broadcaster stated that the only objection of the EMCC in this clip relates to the ‘extreme’ close up visual of the deceased lying on the hospital bed. The broadcaster however stated that it will exercise greater caution while determining the appropriate degree or extent of close-up focus to be used in similar circumstances.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that covering news relating to persons in hospitals or deceased persons requires special sensitivity and care, particularly to ensure that the privacy and dignity of victims and patients is preserved. All decisions to broadcast audio and/video recordings made in such places require balancing the public interest in the story with any distress such filming/broadcast may cause to the patient or, in the case of deceased patients, to the family. Showing of un-blurred visuals were found to be unwarranted. NBSA was of the view that the broadcaster had violated the NBSA Specific Guideline 3.6 which states that “the dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown”. NBSA decided that the broadcaster be warned to be more careful in future while reporting such matters.

### **Beating of a minor [News24]**

The channel had shown news of the owner of a mango orchard in Allahabad beating up a small boy for picking up mangoes from his orchard continuously for two minutes and 15 seconds. It was informed that the owner of the orchard levelled an allegation of theft against the boy and beat him up so severely that he became unconscious.

Broadcaster stated that this piece of news related to atrocities on a minor and they ensured that the child’s identity was not revealed at any cost. A child was severely beaten by a muscleman for stealing mangoes. Through this video, they also wanted to draw the attention of the police and administration so that the guilty were brought to book and was punished in the harshest possible way. The culprit was arrested after the news was telecast.



### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA agreed with the complaint that no useful purpose was served in showing such violent unblurred footage repeatedly and that while showing the footage once or twice could be justified, the repeated use of the footage throughout the telecast was not warranted. NBSA decided that the broadcaster be warned to be more careful in future while reporting such matters. NBSA decided to close the matter.

### Beating of a youth [News24]

The channel had aired news in context of severe beating of a youth in Churu, Rajasthan on 30.5.2018. During the programme, it was shown that some people tied the man to a tree alleging that he had stolen from the donation box of a temple and then humiliated and beat him up in a most brutal manner. Though the video was blurred, still it could be clearly seen that a person sat on the victim and then thrashed him severely.

Broadcaster stated that while telecasting this news, they blurred the video. The news was telecast when the incidents of mob-lynching were rampant in the country. Seeing the sensitivity and timing of the news, they wanted to draw the attention of the police and administration so that the guilty were brought to book and was punished in the harshest possible way.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA agreed that no useful purpose was served in showing such violent unblurred footage repeatedly; and that while showing the footage once or twice could be justified, the repeated use of the footage throughout the telecast was not warranted. NBSA decided that the broadcaster be warned to be more careful in future while reporting such matters.

### Beating a person suspected to be a child lifter [News 24]

News 24 had shown news in connection with thrashing of a man in Malda, West Bengal with sticks. It was informed that the man was tied to a pillar on the allegation of stealing a child and was severely beaten resulting in his death. Though the video was blurred but the incident is visible. It was appropriate to provide information about the news by showing the video in a blurred manner.

Broadcaster stated that, a man was lynched for a child theft and they have shown this news in this context. The news does not owe its credibility to just a viral video; this issue is a subject of sensitive debate across the country as to why mobocracy is becoming the order of the day. While showing this particular news they had blurred the video.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out. Reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such gruesome acts, which happened in this case. NBSA was of the view that the broadcaster had served public interest by reporting the

incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Beating of a daughter by a father [News 24]**

News 24 had shown news in connection with a father beating up his daughter at Pinjore, Panchkula. It was stated that the father badly thrashed his 12 year old daughter whose video had become viral on social media without blurring it. The channel had shown the video in which the father is seen sitting on his daughter and then mercilessly beating her up.

Broadcaster stated that in this news report, they had not revealed the face of the child including her father. The alleged video was made by the wife of the accused. They got the said video from the police. Further, they had not sensationalized the news by repeating the said video.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that said video was obtained from the police. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Showing disturbing gory images of victims [Republic TV]**

The channel Republic TV had telecast a news report about fake news or rumors which resulted in the death of two innocent men in Karbianglong, Assam. In the clip which shows the lynching of the two Guwahati residents, disturbing visuals and gory images of the victims continuously being attacked with sticks and lathis were shown. The victims can also be seen begging and naming their parents to convince the murderous mob. While reporting the news, the channel had showed hostile mob showing no mercy to the victims and the visuals have not been blurred properly. The disturbing visuals of violence and blood-soaked bodies of the victims were clearly visible, which was in bad taste and not suitable for unrestricted public exhibition.

Broadcaster stated that the clip shows the brutal mob lynching of two youths. The killing is said to have been sparked by fake news circulated on WhatsApp about a group of child lifters entering Assam from Bihar. They had shown the video of the mob violence to highlight and bring to the fore the calamity which is fake news. In their efforts to fight the menace of fake news showing such visuals becomes necessary to apprise the audience of the gravity of the situation. Faces of the victims were blurred but the mob actions were not blurred to show the grave crime. One video was highlighted to show a policeman standing on the spot shooting a video. The channel questioned the policeman on the spot and his negligence of duty.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest as it highlighted, reported and exposed brutality being meted out. While the broadcaster had justified in their reply that to fight the menace of fake news showing such visuals becomes necessary to apprise the audience of the gravity of the situation, NBSA was however of the view that showing of un-blurred visuals was unwarranted and the broadcaster



should have exercised caution while airing such visuals. NBSA therefore decided to close the matter with a warning to the broadcaster.

### **Showing disturbing visuals of a deceased man [Sun News]**

Sun News reported about the death of a man during the protest against Sterlite Copper Plant in Tuticorin, Tamil Nadu. While carrying the news on 22.5.2018, channel had shown visual of the man who died after the police fired weapons against the protesters. In the disturbing visual, a man was seen lying on the ground smeared in blood. The images were not properly edited or blurred which offends good taste and is unsuitable for public viewership.

Broadcaster stated that as far as the Thoothukkudi protest news was concerned, since the first telecast was live feed, they were unable to blur the visual of the man with blood who was shot in the protest. However, the same news telecast and repeated subsequently they had telecast the news with the blurred visual.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted 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 that the dead must not be subjected to unnecessary media glare and should avoid airing gory visuals. In this case the broadcaster has admitted that since the first telecast was live feed, they were unable to blur the visual of the man with blood who was shot in the protest. In the subsequent broadcasts the visuals were blurred, which is also confirmed in the EMMC report. In view of the corrective action taken by the broadcaster, NBSA decided to close the matter.

### **Video of a woman being attacked [News18 Assam North East]**

News 18 Assam North East reported a woman getting beaten up by local people mercilessly just because she was seen with a male companion, both belonging from different faith and community. Even though her face was blurred by the channel, the video was repeatedly and extensively carried.

Broadcaster stated that the said news along with the video was broadcast with the sole objective of informing the public at large about the mistreatment meted out to a young woman by some miscreants in Assam. There was no intention whatsoever to sensationalize or glamorize the horrific incident. Their sustained efforts in airing this incident resulted in the arrest of twelve accused persons. Repeated airing of this news item has helped the law enforcement authorities to identify and arrest the miscreants.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out. Reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such gruesome acts. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast.

### **Showing Disturbing Visuals [News18 India]**

The channel had aired news from Ludhiana where a man protested against a team of the Municipal Corporation that had gone to remove illegal encroachments from the government houses. In order to build pressure, he climbed on the top of a transformer. The legs of the boy came in contact with the high voltage wires. As a result, he suffered a powerful electric shock and his legs got entangled in the wires and he fell down. The channel had shown the video in connection with the news without blurring it.

Broadcaster stated that the news was more about capturing the protest that were going on in Ludhiana, Punjab. The clip that showed the aforesaid unfortunate incident was merely of few seconds. They have sensitized and accordingly advised their editorial team to be more careful in future while airing footage of such incidents.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that even if the news was more about capturing the protest that were going on in Ludhiana, Punjab, the visuals were disturbing. The broadcaster should have blurred the visual of the man who suffered powerful electric shocks, became stiff and then fell down. NBSA decided to close the complaint with a warning to the broadcaster to be careful while airing such visuals.

### **Video of prisoners beaten in a jail [News18 India]**

The channel had shown news of thrashing of prisoners in a jail in Hamirpur of Uttar Pradesh without blurring it. As per the news, the prisoners, when they refused to pay heed to the Jail Superintendent, were locked inside a room after making them kneel down and then they were severely beaten up by belts.

Broadcaster stated that the entire reportage of the aforesaid story was done with the objective and aim of highlighting the shocking incident that allegedly transpired within the jail premises and against the illegal acts of the jail superintendent/jailor; that there was no intention whatsoever of the channel to sensationalize or glamorize the horrific incident but instead, to bring to the notice of the concerned authorities and force them to take necessary actions. The broadcaster stated that however they have sensitized and accordingly advised their editorial team to be more careful in future while airing footage of such incidents.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest to highlight the brutality meted out by a Jail Superintendent on prisoners who were locked inside a room after making them kneel down and then being severely beaten up by belts. Such news should be reported. NBSA was of the view that the broadcaster had done its duty by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Visuals of mother-in-law beaten by her daughter-in-law [OTV]**

The channel in its programme “News Fuse”, had shown a middle-aged woman was brutally assaulting her ailing mother-in-law, slaps her on her face while she was lying on her bed without blurring the images. This



cruelty was atrocious when she forcibly drags her out of her bed pushing her to the ground and leaving her there in a vulnerable condition.

Broadcaster stated that the alleged visual was aired with the sole object of saving elderly persons from physical and mental torture by their own family members which started with a proper disclaimer. Since the picture quality itself is very poor and hence it was not felt necessary to blur the visuals. Further neither the identities nor the facial parts were shown during the telecast.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that such incidents should be reported and not suppressed and the brutality with which such heinous acts are done should also be shown so that the people know the fate of the elderly in the hands of their own people and the horror they go through in their own homes. It would facilitate the State machinery to take strict action against the persons resorting to such inhuman treatment on elderly persons. NBSA was of the view that the broadcaster has only done its duty in public interest by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint.

### **Video of boys eve teasing a woman [Aaj Tak, NDTV India, Mirror Now, India TV, CNN News18, News18 India, News X, Zee UP/UK, Zee Hindustan, ABP News, ABP Asmita, APN News [on 6.7.2018]**

The channels had reported about a video from Unnao district (UP) that went viral on social media. The channels showed the video with voice over in which three people kidnapped a woman and tried to force themselves on her and are shown dragging a woman towards the jungle and threatening to make an obscene video involving her, while the woman begs for mercy.

All the 12 channels/broadcasters stated that impugned broadcast was aired with a view to highlight the violence against women and to expose such crimes in the larger public interest. Broadcasters submitted that since they were aware that the clip was of a sensitive nature, they took care to blur the face of the victim. They had put out the news story in an objective manner while maintaining sensitivity; that the telecast was solely in public interest; and that the reportage led to registration of FIR and arrest of the perpetrators.

### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that though the visuals were disturbing, the broadcasters had blurred the visuals of the woman and that it was clear that the object of the broadcasters was to focus on the issue of safety of women and to make the society aware of such atrocities and catalyze the authorities to take some action. NBSA found that the broadcasts were in public interest and did not violate any Broadcasting Standards or Guidelines. NBSA was of the view that no action was called for on the complaint and decided to close the complaint.

**Video of a worker beaten by petrol pump owner [Aaj Tak, NDTV India, News18 India, News18 Rajasthan, News18 Bihar / Jharkhand, News Nation, Zee MP, ABP News [on 6.7.2018]**

The channels broadcasted a video of a petrol pump owner beating a worker in Madhya Pradesh's Hoshangabad district. The channels stated that the owner of the petrol pump beat a Dalit worker for failing to turn up for work without informing, as he met with an accident. The channels showed the video without blurring it.

All the eight broadcasters stated that the said news was broadcast with the sole objective of informing the public at large about the shocking incident of a Dalit employee (petrol pump attendant) being beaten by the employer (owner of the petrol pump) for merely taking an unauthorised leave. There was no intention whatsoever of the channel to sensationalize the horrific incident but instead, the aim was to bring it to the notice of the concerned authorities and force them to take strict and swift action against the perpetrators. As a result of the broadcast, a case was registered against the accused and they were arrested.

**Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA noted that the broadcasts were in public interest and it was the duty of the media to highlight, report and expose such brutality, and therefore such news should not be suppressed; and reporting such incidents would act as a catalyst to prod the law and order machinery of the State to take strict action against the perpetrators of such gruesome acts. NBSA was of the view that the broadcasters had done their duty by reporting the incident and it found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

**Video of eve teasing of a student (News18 -Bihar/Jharkhand, News Nation, Zee Hindustan)**

The channels broadcasted news related to an incident of eve teasing of a student in Nalanda (Bihar) on 10.07.2018. The news report stated that a known person called the student to his house where three other persons were present and they tried to molest her. The boys made a video of this incident and made it viral on social media.

All the three broadcasters submitted that the said video was widely circulated on social media platforms and the intention of the channels was not to sensationalize the horrific incident or denigrate the victim in any manner whatsoever; that the aim was to inform the public about the said incident and ensure that action was taken by the law enforcement agencies against the perpetrators of the horrific activity. This video was duly blurred and the identity of the victim in question was not disclosed instead the video stills of the perpetrators was shown to shame of acting in such a beastly manner and help the police administration to identify them to take appropriate action.

**Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA was of the view that the broadcasts were justifiable on the ground of public interest, as it is a part of media's duty to highlight instances of condemnable conduct and actions, affecting the public in current society. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/ NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.



### **Video of an aged retired police inspector beaten by goons [News 24, ABP News on 4.9.2018]**

The channels broadcasted a video that went viral which shows some goons beating an old retired police inspector to death with sticks in Shivkuti, Allahabad, which were disturbing.

The broadcasters stated that the news story not only brought to focus, the reprehensible behavior of the persons inflicting the fatal injuries but also the conduct of the onlookers who allowed this incident to take place without protest or intervention. The story was indicative of not just the brutalities that are so casually meted out, but also of the apathy of the people witnessing such brutalities. The channels stated that however, in future, they would consider reducing the length of time for which such clips are aired.

#### **Decision**

NBSA considered the complaints, response given by the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA was of the view that the broadcasts were in public interest and that the broadcaster had done their duty by reporting the incident. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA was also of the view that the broadcaster should have avoided airing gory visuals continuously for such long durations while reporting such incident. However, in view of the assurance given by the broadcasters that they would in future, reduce the time of airing such gory visuals. NBSA decided to close the complaint.

### **Video of beating a boy [India TV]**

The channel broadcasted a video that went viral from Kashmir's Kathua in which a Gujjar community youth who got married to a girl of the same community but without the permission of her family was hung upside down and severely beaten. The news report narrated that the family members of the girl first kidnapped the boy and took him to an unknown place, hung him upside down and severely beat him.

Broadcaster stated that the two clips highlighted date back to July and August 2018. They stated that the broadcast in question was made in public interest so that the culprits are identified and brought to justice. Their intent in telecasting the said video was merely to condemn the acts and inform their viewers that such acts do not go unpunished by the authorities. They took additional precaution by blurring the faces of the victims. They have advised their news room to use caution and exercise restraint while airing such videos.

#### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that the broadcast was justifiable on the ground of public interest, and as it is a part of media's duty to highlight instances of condemnable conduct and actions, affecting the public life in current society. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.

### **Video of beating a woman [News18 India]**

The channel broadcasted a video that went viral which showed some people severely beating a woman in Jhunjhunu, Rajasthan by partially blurring the video; this incident took place due to a land dispute in which the family of the elder brother of the victim beat her up after finding her alone in the house. In the video broadcast by the channel, first the head of the woman is smashed on the floor and then she is tied to a tree and beaten badly.

Broadcaster clarified that there was no intention whatsoever of the channel to sensationalize or glamorize the horrific incident but instead, the aim was to bring this horrific incident to the notice of the concerned authorities and force them to take necessary actions against the accused. The channel took all necessary precaution while airing the footage of the said incident including, by blurring the face of the victim and her child but not of the accused(s)/ perpetrators, so as to ensure that they were identified by the enforcement agencies, to enable them to take necessary action against them.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found that the broadcast was in public interest and it did not contain any objectionable content and therefore there was no violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. It therefore decided to close the matter.

### **Beating of 12 year old boy [News24]**

The channel showed that some men beat a 12-year-old boy in Ghaziabad for allegedly stealing a mobile phone. During the course of the report, the channel showed a video in which the boy was hung upside down from a ceiling fan and was punched and beaten by belt, stick, slippers. The video also showed the perpetrators also tried to beat another boy.

Broadcaster stated that while reporting the news related to a child being beaten, they ensured that the child's identity was not revealed. They also wanted to draw the attention of the police and administration so that the guilty were brought to book and punished in the harshest possible way.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that the broadcasts were in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out; and that reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such gruesome acts, which brutality happened in this case. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.

### **Video of teasing a female student [News 24]**

The channel had broadcasted a viral video in Saharsa, Bihar, which showed some boys were teasing a student on bicycle and continued teasing in spite of the friend pleading that they should stop teasing and also recorded the teasing.

Broadcaster stated that intense violence was witnessed in Bihar. A group of men molested a girl, who was on her way on bicycle. The incident witnessed is a blot on our society. The news was shown using video clips. The nature of the news was such that without these videos it was difficult to expose the culprit. While showing this particular news they had indeed blurred the video.



### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the visual objected to, was shown to emphasize the serious nature of the incident and shake the conscience of the public, both for its brutality and its social implications; there was a need to highlight the incident in public interest; that the footage of the incident cannot be seen in isolation and must be viewed along with the news report which was aimed at conveying a basic tenet of civilized society to its viewers that girls in our society cannot be abused in this manner and shamed. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.

### Video of a woman being beaten by her husband [News24]

The channel had shown a video that went viral showing a person beating, dragging and kicking his wife in Aligarh UP. It was stated that the husband and father-in-law of the victim were indulging in violence against her for six months and she had filed a case of dowry torture against them.

Broadcaster stated that they had shown the video because if such incidents of atrocities and injustice towards women are not shown, the public will not be sensitised towards violence on women and such hapless women will not get justice.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found that the object of the news story was to bring out the brutality being meted out to a woman by her husband for dowry, which is a social evil in our society; and that the reporting was in public interest, as the visuals were aired to create an impression in the minds of viewers, on how women suffer in the hands of spouses and in-laws for dowry. NBSA was of the view that such reports would have the effect of awakening the society to take a stand against the evil of dowry, apart from prodding the law enforcement agencies to take strong action against the perpetrators of such heinous acts. NBSA did not find any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. It therefore decided to close the matter.

### Video of a minor girl being beaten up [Zee Hindustan]

The channel broadcasted a news report of a 14 year old minor being beaten up in Jhansi, UP badly by sticks. Some unknown people had kidnapped the minor in February and she could not be found even after an extensive search.

Broadcaster stated that the video was widely circulated on social media platforms and the intention of the channel was not to sensationalize the horrific incident but to make the public at large aware of the cruelty meted out to a minor girl who had been kidnapped and the police administration was unable to locate her for months. The video was blurred properly, and face of the minor was not visible in the said video. It has been wrongly alleged in the complaint that said video was not blurred.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast of a minor girl being beaten by some unknown people with

sticks, is justifiable on the ground of public interest, as it is a part of media's duty to highlight instances of condemnable conduct and actions, affecting the public life in current society. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.

### **Carrying byte of Justice (Retd.) Kolshe Patil [Times Now on 28.8.2018]**

The channel carried a byte of Justice (Retd.) Kolshe Patil saying - *"We organize Elgar Parishad on December 31 (2017). Now they say Naxalite money was pumped into the event. This is a complete 100% lie, 'haramkhor' hai. These Bastard (#####) 'haramkhor' don't understand that we never took money from anyone"*. While telecasting the news bulletin, the channel did not beep/mute the offensive Hindi explicit spoken.

Broadcaster stated that the said news report showed the byte of Justice (Retd.) Kolshe Patil, one of the organisers of the Elgar Parishad, who while addressing the media on the Elgar Parishad used certain abusive words while referring to the police who had allegedly claimed that Naxalite money was pumped into the event which was held on December 31, 2017. The said byte was sourced from a reputed news agency. The news report was carried live on 28.8.2018 and as such the anchor or any of the channel's representatives had no control or anticipation of what a guest or speaker would state on-air.. The sound byte was not used again by the channel. Being a live broadcast, there could not have been any pre-screening of the content, as such a step would have defeated the spirit of a live programme.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that being a live broadcast, there could not have been any pre-screening of the content. NBSA also noted that the broadcaster confirmed that the offensive sound byte was not used/repeated again by the channel. NBSA therefore did not find any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines and decided to close the matter.

### **Showing disturbing visuals [Mirror Now]**

The channel has carried extremely disturbing visuals of a 65-year-old man who fell from a train and was lying on the railway platform bleeding as he lost his hands after the fall without blurring the visuals properly.

Broadcaster stated that the said news report covered the shocking incident where a 65 year old man allegedly fell from the train and was lying injured and bleeding on the railway platform. At all times, the visuals were blurred as the incident was disturbing in nature. The object of carrying this story was to highlight the apathy and insensitivity shown by the people towards the elderly man who was profusely bleeding and in need of help.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was in public interest. NBSA was of the view that the broadcaster



had done its duty by reporting the incident and found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter.

### **Showing stunt crash [News X]**

The channel carried a segment namely 'Stunt Crash' based on various dangerous motor bike stunts with 'No disclaimer' on its screen. As these stunts are being performed by youth, it may influence many others to imitate the stunts.

Broadcaster submitted that they had telecast a news programme about failed motor bike stunts. The story was about the accidents which took place while performing dangerous motor bike stunts on road which were against the law. The purpose behind telecasting the programme in question was to raise an alarm in public that how dangerous these kinds of stunts can be and not to incite the youth to indulge in such acts and bring up such unlawful incidents to the notice of the audience, so that they can take proper precautionary measures and also to trigger the law enforcement agencies. They regretted any oversight/error and assured that they will endeavour to ensure that the unintended violation would not be repeated.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted it was not proper for the broadcaster to air the programme without a "disclaimer". NBSA noted that what was broadcast on the channel was not in the nature of "news"; that the programme showed the stunts in great detail virtually eulogizing the stuntmen; that the avowed object of the broadcaster could have been achieved by showing the visuals of the stunt once or twice, instead of repeatedly showing the stunts in a loop throughout the broadcast which sensationalized the stunts and could lead youngsters trying to imitate the stunts thereby putting their lives to risk. NBSA decided that the broadcaster be warned to be careful in future in broadcasting such visuals. NBSA decided to close the matter.

## **□ Complaints Considered by NBSA [2nd Level of Redressal]**

### **Complaints dated 28.5.2018 by Ms. Rajesh Kumari, Mr. Neeraj Kumar and Mr. Rampal S Singh [Zee Hindustan]**

The complainants allege that the programme titled "Ayassi ke Addo ke caretaker Kon? Babon ke paap lok ka reality check" on 2.5.2018 is not only false, defamatory, derogatory but also incendiary and telecasted with a view to incite hatred, ill-will against Sant Rampal Ji and caused public disorder; that it contains reportage in an aggressive, intimidating and browbeating style and was telecasted with commentary and taglines labeling Sant Rampal Ji as an antisocial; and that though Sant Rampalji has been acquitted in land/property fraud case on 1.5.2018 by a court of Rohtak.

The broadcaster stated that the telecast primarily focused on 'Sedition' case and ruckus created by him in 2014; that the complainant has objected to only one part of the entire telecast, but has not disputed the other content of the said telecast; and that was sufficient to show the bonafide intention of the broadcaster and veracity of the contents aired by it. The broadcaster admitted that it had received an uncertified copy of the court judgement dated 1.5.2018 acquitting Sant Rampal (in the land grabbing case) but explained that the

script of special programme was prepared 2-3 days prior to date of telecast, long before the receipt of the judgement. Broadcaster stated that without prejudice to its rights, it was willing to air a news item, to this effect, in accordance with the editorial discretion if it is provided with the certified copy of the relevant order showing acquittal of Sant Rampal in the said case.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted from the script received from the broadcaster had reported that even though he has not been convicted in any of the several cases pending against him, Godman Rampal “is a serious offender”. NBSA further noted that this manner of reporting, that is described persons accused of crime as ‘offenders’ thereby imputing guilt even before any court holds them guilty is a common practice among channels. NBSA decided to remind members that while referring to persons who were under trial (and who have not been convicted), or while reporting about matters which are sub judice, they should use prefixes like “alleged”, “accused”. For example, channels should use the description ‘alleged serious offenders’ (instead of ‘serious offenders’). Similarly, while referring to a person accused of murder or rape, care should be taken to avoid describing them as ‘murderer’ or ‘rapist’ and use the words “...accused of murder’ or alleged rapist’. NBSA also noted that any reporting describing a person accused of a crime as perpetrator of the crime, is in violation of Guideline No 3 of the “Specific Guidelines for Reporting Court Proceedings”, dated 15.9.2010 which states that “conjectures and speculation shall be avoided in news reports relating to proceedings pending in a court, tribunal or other judicial forum”.

### **Complaint dated 8.6.2018 by Mr. Sharad Shah [Times Now]**

The complaint was that the report by the broadcaster on 13.4.2018 on a charge sheet that the Delhi Police was going to file against Mr. Shashi Tharoor for abetment of suicide of his wife in the programme, was a continuation of the tirade against Mr. Tharoor by the channel, and seemed more like a plant by the Delhi Police and the reporter seemed to be acting as a conduit for Delhi Police rather than a reporter of the channel.

The broadcaster denied the allegations made by the complainant and stated that there was absolutely no merit in the contention that the reporter was acting as a ‘conduit’ for the Delhi Police. The broadcaster also referred to an earlier order dated 9.7.2015 and stated that it had not been violated the said order as there was no parallel investigation or media trial, nor were any speculations/half-truths/ distorted facts were shown in the broadcast.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster was merely reporting the details of the charges that the Delhi Police had indicated will be made it in the charge sheet against Mr. Shashi Tharoor. NBSA found no violation of the Regulations or Guidelines of NBSA. NBSA therefore decided to close the matter.

### **Complaint by Mr. Sharad Shah [Republic TV]**

Complainant alleges that the programme “Grand Alliance Vs Modi” was shown on 2.6.2018; and that thereafter the telecast was repeated from 12 am to 2 pm and from 9 pm to 11pm on 3.6.2018 with the “live” tag, in violation of the “Revised Advisory” dated 10.1.2014 on the use of caption “Live”.



The broadcaster stated that ‘Live’ tag display norms does not necessarily mean that each and every portion of the broadcast was ‘Live’; that the ‘live’ tag will be present whenever ‘Live’ elements come on the screen; that the broadcast at those times had carried additional news elements in the bottom of the screen like social media tracks (Twitter tracks), forthcoming newsbreak information etc., which were dynamic elements. The programme was broadcast first time only on 3.6.2018, at 12 noon and was re-telecasted at 9 pm (with the screen having dynamic news elements as above) and repeated at 11 pm (without a dynamic element). Broadcaster denied that the programme was aired on 2.6.2018.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that very often, member news channels are using the caption “Live” in the course of their broadcasts in a manner that is misleading and mixing “Live and Recorded” feed is deceptive to the viewers. NBSA therefore decided to circulate the Revised advisory on use of caption “Live” to the broadcaster for strict compliance. NBSA decided to close the matter.

### **Complaint dated 8.6.2018 by Mr. Prabhat Agarwal [News Nation]**

The complaint is that while showing the live interview of former Pakistan Army General and former President Mr. Pervez Musharraf from Dubai, the news channel on 2.6.2018 was repeatedly showing different photos and different videos of terrorist Osama bin Laden which was glorifying him. The complainant stated that the broadcast was an infringement of the Code of Ethics & Broadcasting Standards Section 2 Principles of self regulation Category 3 Reporting of crime and safeguards to ensure crime and violence are not glorified.

Broadcaster stated that it is wrong to presume that by displaying the still photographs and videos of the terrorist Osama Bin Laden, they were trying to glorify the heinous activities that Osama Bin Laden had perpetrated throughout the world; that the interview conducted with Mr. Parvez Musharraf from Dubai by their Managing Editor was a comprehensive interview that dealt with nearly every facet of Mr. Parvez Musharraf’s life and that the whole line of discussion pertained to the death of Osama Bin Laden at the hands of United States of America and questions were put forth before Mr. Parvez Musharraf as to how could a nation be trusted on its pledges to fight terrorism, when a dreaded terrorist such as Osama was hiding within Pakistani territory.

### **Decision**

NBSA considered the complaint, response of the broadcaster and also viewed the broadcast. NBSA found no violation of the Regulations or Guidelines of NBSA. NBSA therefore decided to close the matter.

### **Legal Notice dated 25.4.2018 [News18 Lokmat]**

The Legal notice issued on behalf of Mr. Dhananjay Munde stated that on 28.2.2018 the channel, ran a news report under the caption ‘Is commission taken for asking questions in the Legislature.’ While airing the said news under the title “Maha Gopya Sphot (Big revelation)”, the channel showed a telephonic conversation between Pramod Dalvi and Pramod Purandare who was working with a real estate / construction company named HDIL’ and that the entire attempt of the channel in airing the said telephonic conversation and interview of Pramod Dalvi was to make out that his client Shri. Dhananjay Munde received monetary benefits for not raising a question pertaining to HDIL Construction company in the Maharashtra Legislature.

The broadcaster stated that the reporter on Congress–NCP beat was approached by a person called Pramod Dalvi in the month of February 2018; that Mr. Dalvi told her that he has few audio clips which contained conversations regarding money being paid to politicians and legislators in respect of a “deal” on a ‘Calling Attention Motion’ in the Maharashtra Legislative Council relating to violations made by HDIL Builders in a real estate project in Vasai–Virar. Accordingly, on 23.2.2018, Mr. Dalvi shared two audio clips with the channel. From the recording and transcript of the programme/ story in question the version of the complainant was duly telecast prominently along with the audio clips and the allegations made by Mr. Dalvi; and that likewise, the version of Mr. Dhananjay Gawade was also telecast in the same programme.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA observed that it does not verify the correctness or otherwise of the allegations made in any news report and if complainant wants to take any action for defamation, he should do so before the appropriate forum. In so far as the Regulations or Guidelines of NBSA, NBSA noted that the complainant was given due opportunity to present his side over the live-phoner to the channel and there was no violation of the Regulations/Guidelines. NBSA therefore decided to close the matter

### **Complaint by Mr. Manish Awasthi [India TV]**

The complainant stated that the channel broadcast a report on “Health risks in paneer you consume” on 7.9.2018. The channel got some of the brands of paneer available in the super markets and stores tested in a laboratory and found that they were unhealthy to consume and likely to cause failure of kidney and other organs. The grievance of the complainant is that having stated that the paneer tested was injurious to health, the broadcaster should have disclosed the names of the brands so that viewers/consumers could be benefited and be warned; and that the channel merely sensationalized the issue but conveniently omitted to give complete information that would have enabled the viewers to avoid buying those brands.

Broadcaster in their response stated that since the companies, named in the report, were not available for recording their version at the time of airing the report, it would have been against the established standards and norms of responsible news reporting and journalistic ethics to broadcast the names of those companies.

### **Decision**

NBSA considered the complaint, response of the broadcaster and also viewed the broadcast. NBSA found no violation of the Regulations or Guidelines. NBSA therefore decided to close the matter.

### **Complaint by Mr. Sivasankaran [Mathrubhumi News]**

The complaint is that the news channel on 26.9.2018 showed a report of Padmalakshmi (a TV personality / actress) complaining that she was raped by a man at the age of sixteen. The complainant alleged that while airing the said report, the channel had unnecessarily shown her in swim suits and semi-nude pictures, which was vulgar and unwarranted.

The broadcaster stated that the programme was not primarily concerned with rape. It was concerned with the courage of a woman in complaining about her mental and physical trauma in public. When the news item is presented about this lady, it was only in the fitness of things that an allusion is made to the glam



side also and that justified the fashionable photos of the person. It was stated that the serious side of her personality was also brought out by various pictures in the programme.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of the Regulations or Guidelines. NBSA therefore decided to close the matter.

### **Complaint by Mr. Manoj Kumar Yadav [Republic TV]**

The complainant stated that in the news telecast on 15.10.2018 the news anchor totally twisted the statement of Dr. Shashi Tharoor; that the anchor failed to state that the dispute is a title dispute between the litigant and the Congress party has nothing to do with the litigation pending in Supreme Court; and that though the statement by Dr. Tharoor did not say anything amounting to his opposing the construction of Ram Mandir at Ayodhya, his statement was taken out of context and twisted to suit some agenda.

Broadcaster stated that the timing of the statement (made just weeks before the Supreme Court resumes its fast-tracked hearings in the case) and the fictitious and undefined use of qualifier “good Hindus”, was highly controversial and was clearly aimed at playing in vote bank politics; that Dr. Tharoor’s statement created a huge embarrassment for his own party which publicly distanced itself from his statement, by saying that it was his personal view; and that therefore it cannot be said that the anchor misinterpreted or misconstrued the statement made by Dr. Tharoor.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines. NBSA therefore decided to close the matter.

### **Complaints by Mr. Vishva Pratap Garg [APN News, Aaj Tak]**

The complaint is the use of the alleged hate word “गोरखधंधा” by the channels APN News and AajTak in their respective news telecast on 23.08.2018 and 13.9.2018 under heading: “झारखंड में फर्जी प्रमाण पत्र बांटने का गोरखधंधा” and “आस्था के चोले में अधर्म का गोरखधंधा”. The complainant suggested that the broadcasters should replace the word “गोरखधंधा” with other appropriate words and sought a direction to the said channels not to promote/publish word “Gorakh Dhandha” going forward keeping in view the religious sentiments of devotees of Guru GorakhNath.

NBSA noted that APN News channel did not respond to the complaint. Aajtak in their response stated that the words were used in common parlance and that use of such word was not intended to disrespect any religion or God.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcasts. NBSA found no violation of the Regulations or Guidelines of NBA or NBSA. NBSA therefore decided to close the matter.

### **Complaint filed with Joint Commissioner cum Nodal Officer (for North East People), [NDTV 24x7]**

The complaint dated 18.5.2018 was regarding the debate on NDTV on 10.5.2018. It is alleged that one of the panelists made the statement against tribals of North East and Gorkhas saying that those tribals and Gorkhas are separatist, anti-Indian and anti-National without any basis. The statement made by the panelists it is alleged was with the intention of racial hatred, to communal disharmony and displace from the main stream India.

#### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found that it could not decipher what was being said in the broadcast. The complainant has not established any violation of Broadcasting Standards and Guidelines. NBSA therefore decided to close the matter.

### **Complaint by Mr. Manoj Kumar Yadav [Republic TV]**

Complainant stated that while watching a programme on 16.10.2018, many a times the anchor categorically made allegations that Shri Rahul Gandhi and Shri Shashi Tharoor are against women; that he was sure that both of them are in favour of women empowerment and stood for rights of women, but the anchor repeated the baseless and distorted allegations. He also alleged that on 15.10.2018 at 2 pm, the anchor had made similar allegations twisting the words of Shri Shashi Tharoor.

Broadcaster stated that at the start of the subject “The Debate” programme aired by it, its anchor had set the context by clearly stating ‘don’t let women down’ and clarifying that the context of the statements was about the political hypocrisy on the part of both the ruling and the opposition parties on the issue of gender justice; that the objected remark of the anchor, that is, Rahul Gandhi and Shashi Tharoor were against women entering in Sabrimala was made in the context of the said leaders not having taken a publicly asserted stand on the issue, which would have affirmed that they are for gender equality.

#### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of the Regulations or Guidelines of NBSA. NBSA therefore decided to close the matter.

### **Complaint by Shri K.V. Chowdary, Central Vigilance Commissioner**

The complaint was that in the opening remarks of the program “Prathi Dhwani”, on ETV Telangana on 20.11.2018 the moderator/ anchor stated that the CVC along with a central minister received bribes (mudupulu). In the program his photograph was being continuously shown in the background.

The channel informed that they immediately carried a corrective statement and issued an apology in Prathidhwani programme broadcast on 29.11.2018. A written apology was also sent to the complainant.



### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. In view of the immediate corrective actions taken by the channel, NBSA did not find it necessary to pursue the complaint and decided to close the matter, with a warning to the broadcaster to be more careful in future in airing allegations against any public figure or Authority. NBSA therefore decided to close the matter.

### Complaint by Ms. Zakira Zeeshan [News18 India]

During the debate in “Aar-Paar” on 13.7.2018 the anchor asked Babar Qadri “*Will Salauddins be born if Mehbooba Mufti’s party breaks?*” Do you agree with it isn’t it sedition and treason against India. The complainant alleged that the debate mentioned violates Section 6(e) & (h) of Programme Code of the Cable Television Network Rule 1994 and the News Broadcasting Association Specific Guidelines for debate coverage.

The broadcaster stated that the topic of the debate show was decided keeping in mind the recent insensitive and controversial statement made by the former Chief Minister of Jammu & Kashmir where she had said that if PDP breaks, Kashmir will face more terror and had claimed that it would give birth to new terrorists in Jammu and Kashmir. The programme was duly moderated by the anchor of the programme and the anchor had explicitly posed the question in the start of the programme, as to whether politicians could make such insensitive claims/statements to remain in power; and that the anchor throughout the debate did not support any insensitive claims, if any made by any panelist during the debate.

Complainant further stated that she did not question the news anchor or format of the programme, that she understood that it was a debate show, but her concern was the choice of the panelists participating in the debate show. According to her, the question was whether separatists should be invited to such debates and given an opportunity to make statements in the show questioning national sovereignty and integrity and also endangering the national security. Her concern was that those who speak against the nation are frequently called by the channel and given a platform to air their anti-national and poisonous views.

### Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the content, choice of panelists and the presentation are all matters within editorial discretion and an individual’s view or perception of an issue cannot be a ground to take action against a channel, in the absence of violation of the Guidelines. NBSA was of the view that repeatedly inviting fringe elements, extremists and separatists indiscriminately to television programmes and giving them an opportunity to air and spread their poisonous views is a matter of concern to the country and the public. But in this case NBSA did not find any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.

### Complaint by Mr. D.K. Dubey [NDTV India]

Complainant stated that NDTV INDIA, had broadcast a programme titled “Article 370 Ka Sach; kin sharto par hua Kashmir ka vilay” on “NDTV India” on 30.10.2018. It was alleged that in the broadcast it was

stated that “We, consider that Kashmir has been given a special status under Article 370. Why only Kashmir has been given a special status and not any other state? ; “Kashmir ka mamla phir se garma raha”. The complainant submitted that it violated provisions of the Code of Ethics of NBA.

Broadcaster submitted that the broadcast of the programme and the submissions made by the anchor are not in violation of the guidelines issued by the NBA and NBSA and all the allegation levelled are denied in entirety. The programme was entirely based on material available in public domain. It is denied that the anchor is misleading the public at large by distorting the facts and statements.

### **Decision**

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the content of a ‘report’ or ‘story’, relative emphasis to be placed on different news, and the presentation thereof are all matters within editorial discretion and an individual’s view or perception of an issue cannot be a ground to take action against a channel, in the absence of violation of the Guidelines. NBSA therefore decided to close the matter.

### **Complaint by Mr. Mahesh Kapoor regarding promotional programmes**

The complaint was about the practice of all news channels in disguising promotions of products or schemes of a government or achievements of political parties, under the garb of programmes titled as ‘Impact Feature’. The manner in which the purportedly manipulated information was packaged for the consumption of the general public, in the shape of news, was improper and unfair.

### **Decision**

NBSA found considerable merit in the complaint and suggestion made by the complainant. It was therefore decided that Point No. 6 of the Guidelines on “Norms & Guidelines on Paid News” be sent to the broadcasters for their compliance.

NBSA also decided that the NBSA “Advisory regarding promotional programmes not being tagged as an advertisement” dated 4.4.2019 be sent to the complainant.

### **Complaint by Mr. Ratheesh Malottu [Mathrubhumi News]**

The complaint is that the anchor has been articulating very derogatory views to question the strike by IAF at the terror camps in Pakistan and ended up asking why the CRPF/India should really avenge Pulwama when more number of CRPF people were killed in Naxal acts/internal issues. The anchor tried to extend his deep sympathies to Pakistan by saying that Pak is fighting internal issues like Naxals in India.

The broadcaster submitted that the “Super-Prime Time” programme telecast on 26.2.2019 discussed the Air Strike at Balakot, Pakistan by the Indian Air Force. During the discussions, the unfortunate killing of CRPF personnel by a suicide bomber at Pulwama was also discussed and the anchor raised the issue of killings of CRPF personnel by Naxalites in Dantewada region. It emerged from the discussions that what happened in Dantewada is due to internal insurgency and that Pakistan sponsored terrorism and proxy war is happening at Jammu & Kashmir. It was also mentioned that Pakistan by encouraging terrorist organisations in its soil does not consider it as a problem but as its capability or asset.



## Decision

NBSA considered the complaint, response given by the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for. NBSA therefore decided to close the matter.

## □ Complaints from the Election Commission of India

### 1. Assembly Elections Rajasthan 2018- Reports of paid news [News 18 Rajasthan & Zee Rajasthan]

The Election Commission of India had forwarded final reports of six cases (Zee Rajasthan (2 cases), News18 Rajasthan, First Indian News, Samachar Plus and Jan TV) of paid news of Assembly Elections of Rajasthan 2018, which were received from the Media Certification and Monitoring Committees of Jaipur, Udaipur and Sawai Madhapur, along with the minutes of the meeting. NBA took up the matters relating to News 18 and Zee Rajasthan, members of NBA.

NBSA took note of the response given by the broadcasters. On examination of the minutes of the meetings of the of Media Certification and Monitoring Committee , NBSA found that the findings of the MCMC were purely inferential; that the findings were against the respective candidates after considering their responses; and that the broadcasters were not heard nor given an opportunity to give any response. NBSA was of the view that it cannot proceed on the findings of the officials of Media Certification and Monitoring Committee (MCMC/ ECI) and if it has to take any action, it should independently consider whether there were any violations of its Guidelines relating to election broadcasts and paid news.

In view of it, NBSA decided to consider independently whether there were any violations of its Guidelines relating to election broadcasts and paid news with regard to both the cases received from the ECI. In the absence of any direct evidence of any payment of consideration to the broadcaster, and in view of the specific denials by the broadcaster that the telecasts were not for consideration, NBSA was of the view that it was not possible to hold that there was any violation of its “ Norms and Guidelines on Paid News” (dated 24.11.2011), by either News 18 Rajasthan and Zee Rajasthan. NBSA decided to close the matter.

## □ Hearings of Complaints

### (Summary of Decisions/Orders passed by NBSA)

#### Complaint by Ms. D. Sunitha, Additional Superintendent of Police, Anti-Corruption Bureau, Telangana [HMTV] [Decision dated 11.7.2018]

The complainant submitted that she filed a complaint dated 20.2.2018 to HMTV news channel. No written response was received from the Channel. However, the videos referring to complainant were deleted from their website and the information was communicated to the complainant. The complainant approached NBSA on 30.3.2018 seeking redressal and to ensure that the broadcaster is penalized and directed to desist from telecasting programs that are motivated, derogatory of women and defamatory in nature and in total breach of the Code of Ethics and Broadcasting Standards and Guidelines laid down by NBA.

The channel stated that it telecast the facts as they were; that they tried to take the version of the complainant but she hid herself and did not give her version; that they removed the videos from YouTube and their website immediately after receiving the complaint. According to broadcaster, the allegation of the complainant that Mr. Mallikarjun Reddy was at the parking area and he was brought from there to the complainant's flat, was incorrect; and that the correct position was that, at midnight hours, complainant's husband took the media persons directly to the flat where complainant was present with Mr. Mallikarjun Reddy; and that noticing her husband, mother and aunt, along with the media, complainant went into hiding. He contended that there was no misreporting and that as the matter related to a high ranking police officer, it was of public interest.

NBSA at its meeting held on 24.5.2018 took note of the facts stated in regard to the complaint and the response and decided to call the parties for a hearing.

However, in view of certain queries and suggestions by NBSA during the hearing, both parties, after discussions, reported the settlement to NBSA. Broadcaster agreed to air a regret in Telugu on three consecutive days. Subject to such broadcast the complainant agreed to withdraw the complaint and further agreed not to commence or pursue any other action or remedy against the broadcaster or any of its employees. The regret shall be uploaded by the broadcaster on YouTube on 15.7.2018. Accepting the said settlement between the parties, NBSA closed the complaint.

### **Complaints by Ms. D. Sunitha, Additional Superintendent of Police, Anti-Corruption Bureau, Telangana [Sakshi TV & ETV] [Common Order No. 55 (2018) dated 30.8.2018]**

The complaint is that the Sakshi TV telecast a news story of an incident as "Breaking News" on 23.1.2018 with the headlines "Govt. Suspends ACB ASP Sunitha over illegal Affair/Face to Face with Sunitha -Estranged husband" and repeated the telecast with the said visuals with different headlines and anchors on 23.1.2018.

The complaint is that the channel ETV Telangana telecast a news story of the incident as "Breaking News" on 23.1.2018 with the headlines "Kalwakurthy CI Mallikarjun Reddy Suspended" and repeated the telecast with the said visuals with different headlines and anchors on 23.1.2018.

Sakshi TV stated that it had only telecast the news item pertaining to the suspension order issued by the Government of Telangana, to a police officer of the State and related matters. It was contended that the telecast of a true fact i.e., suspension order issued by the Government of Telangana, does not infringe an individual's privacy. The broadcaster denied the allegation that the news story had cast serious aspersions on her character, integrity and caused harm to her or that her professional work and reputation in the Department and society. It denied having filmed or having shown in the telecast, the complainant's bathroom or bedroom. It stated that it had deleted the story link from the YouTube on 7.3.2018.

ETV Telangana stated that what was aired by them was a factual report on the suspension of a police officer and the grounds for suspension; and that no visuals of her flat or what transpired on the intervening night on 21/22.1.2018 were aired. It was contended that suspension of a senior police officer is a matter of public concern and the media has a duty to disseminate such news; and that the news report was in public interest and there was no ill-will or malice against the complainant.



The parties were called for a hearing. NBSA found that the news stories aired by Sakshi TV and ETV Telangana were of a different nature, when compared to the news story aired by HMTV. The news stories by the channels related to the suspension order issued by the government and the FIR lodged by the husband and there was no intrusion/entry into the complainant's flat, as in the case of the story aired by HMTV. NBSA was however of the view that while the reporting of the lodging of the FIR and the suspension of a senior police officer was not objectionable, the two channels were not justified in using material from the FIR to formulate and express judgmental views and opinions which could be interpreted by the viewing public as casting doubts/aspersions on the conduct of a woman police officer in her personal life. NBSA therefore decided to issue a warning to the two channels (Sakshi TV and ETV Telangana) to exercise greater care, caution and discretion in future, in using material from FIR in formulating news stories. NBSA therefore decided to close the matter.

**Complaint by Mr. Tebasrwn Brahma [ABP News] [Decision dated 30.10.2018]**

Complainant stated that ABP News had aired a report on 24.4.2018 that the Army, SSB and Assam police launched a joint operation against NDFB(S) in Manash and Ripu reserve forest of Kokajhar. During the said report, the channel used the words "Bodo Ugrawadi", which was objectionable. and that use of the term "Bodo Ugrawadi" unjustifiably brands the entire community of Bodos as Ugrawadis and that had tarnished the image of Bodos.

Broadcaster stated that the use of the word "Bodo" with the word "Ugrawadi" was unintentional and it was never their intention to brand or condemn any community or group. They stated that all that they meant to convey was that the militants belonged to a particular community and not that the entire community were militants. The description was not meant to offend the Bodo community.

Both the parties were called for a hearing. The broadcaster reiterated what was stated in their response The complainant was not present at the hearing .

NBSA considered the explanation and the circumstances in which the word "Bodo" were used with reference to their community. Broadcaster was requested to submit in writing (on the letter head) that the description by the channel in context was not intended to associate the entire community of Bodos to 'terror'. Thereafter, the matter was closed on receipt of the letter.

**Complaint by Mr. Gangadharan Kaleeswaram [Mathrubhumi News] [Order No. 53 (2018) dated 30.8.2018]**

The complainant alleged that in the programme Vakradrishti on 7.2.2018, the anchor repeatedly ran a clipping of Malayalam Comedy Actor Mr. Salim Kumar, uttering arrogantly 'PODA' (meaning 'Get Lost'/'Get Out' in Malayalam) and that at the end of the programme, a clipping of Shri. Rahul Gandhi was shown with an audio back up in Malayalam saying that Mr. Vinay Katiyar should be forcefully made to bend before the public on M.G. Road and burnt alive by pouring kerosene on him and by putting cotton in his mouth. The complainant stated that such content was highly objectionable.

The broadcaster stated that in its Vakradrishti programme, resorted to satirical criticism of the hate speech of Mr. Vinay Katiyar. It was submitted that the object of the programme was to uphold the principles of

secularism, harmony among religious beliefs and promoting fraternity, unity and integrity of the nation, which are the sentinel qui vive of India's rich cultural heritage and constitutional ethos. It was submitted that viewed in that light, there was nothing objectionable in the programme.

NBSA, called both parties for a hearing. The complainant was not present.

The learned counsel for the broadcaster submitted that the words considered to be objectionable by NBSA were bodily lifted from a famous scene in a popular Malayalam movie called "*Oru Parakkum Thalika*", wherein identical words were spoken by actor Dileep, the hero of the film, in a live TV interview, regarding a police inspector who had harassed him. He contended that the Malayalam audience were fully familiar with and aware of the said film dialogue in the script of that movie and in the context in which the said words were shown, the Malayalam viewers (for whom it was intended) would understand the satirical sense in which the said words were uttered and by no stretch of imagination consider them as provocative or fanning violence. It was pointed out that the said dialogue, appearing in the movie, has been certified by the Censor Board for public exhibition. The learned counsel argued that NBSA should not take objection to use of the said words from the movie as the Supreme Court, as also several High Courts, have uniformly held that the approval by the Censor Board insulates movies against any allegation of being in violation of ethical standards and morals.

NBSA was of the view that the principles relied upon by the broadcaster regarding certification by Censor Board and its effect, which were laid down in the context of cinematograph films dealing with fictional and imaginary characters, cannot be extended or applied to programmes on news channels (even if they were political satires) while naming real persons and commenting on real events or incidents. The use of the violent words in a movie could be justified by the fact that movie is a work of fiction and the reference was to imaginary characters. Quoting of such words in a TV programme by disclosing that the dialogue was from a movie, may also be justified as it would be clear to the viewers that it was a movie dialogue. But the difficulty arose where, as in this case, the objected portion though using words from a movie (without referring to the movie), names a living public figure (Mr. Vinay Katiyar, a real person, as contrasted from a character in a movie) and states that he should be burnt alive by pouring kerosene on him, and that too, while showing the visual of Mr. Rahul Gandhi, a well-known political leader. NBSA was therefore of the view, that though the programme is a recognised political satire, the objected wording (that Mr. Katiyar should be burnt alive by stuffing a cotton in his mouth) and the manner in which they were shown with the visual of Mr. Rahul Gandhi, was neither in good taste, nor was permissible as an exercise of freedom of expression. Fringe/extremist elements, unaware of the movie or that the dialogue was from the movie, may be incited by such provocative and unwarranted language, resulting in violence and disturbance of public order and peace.

NBSA decided to warn the channel/broadcaster to be more careful in future and not to suggest in any programme aired by it (including any satirical programme) that any named person/s or any unnamed but identifiable person/s or group of persons be harmed or killed.

### **Complaint by Mr. A. Singh [Republic TV] [Order No. 54 (2018) dated 30.8.2018]**

The complaint was that in Mr. Arnab Goswami's show on 9.1.2018 at 9 PM (repeated many times and video also put up on the website of Republic TV), while reporting about a youth rally under the caption "Jignesh



Flop Show” the complainant’s image was shown with red dots around his head, targeting and calling him as “vulgar thug”, “pervert”, “goon”, “sexist”, “hyena” and “anti-Indian”. He alleged that the broadcaster refused to apologize in spite of his complaint.

The broadcaster stated that its reporter along with channel’s cameraman, were at the venue of a rally on 9.1.2018 and the broadcast complained about was highlighting the unruly and uncivilized behavior of certain unidentified persons including the complainant who harassed her at that time. The broadcaster stated that it could be clearly seen from the objected news report (video footage) that the complainant (person identified by red dots) was interfering with the reporting done by the channel’s female reporter by moving towards her in an intimidating and aggressive manner and shouting the words “...*jhoot bol rahi hai ye*” as she was confronting another person harassing her. It was further alleged that the complainant engaged in further sloganeering which, though not clearly audible, appeared to be aimed at the female reporter. The actions of the complainant and others present at the venue of the rally, presented an imminent threat and danger to reporter, necessitating her to be escorted away with police protection. The broadcaster submitted that the broadcast was based on sufficient facts, cogent and credible evidence and there was nothing in the broadcast to defame, ridicule or harass the complainant. It was submitted that the broadcaster did not violate the Regulations and Guidelines of NBA/NBSA.

NBSA considered the complaint, the response of the broadcaster and also viewed the CD. Not being satisfied with the explanation given by the broadcaster and being *prima facie* satisfied that the language used against the complainant in the broadcast [such as “vulgar thug”, “pervert”, “goon”, “sexist” and “anti-Indian”] was inappropriate and unwarranted on the facts and circumstances, NBSA decided to call both parties for a hearing.

In his submissions at the hearing, the complainant stated that in the video, he was shown as saying, “*Koi aapko tang nahi kar raha, aap jhooth bol rahin hain!*”. He stated that anyone hearing him saying “*Aap jhooth bol rahi hain*”, would realise that he was not behaving as a “vulgar thug”, “pervert”, “goon”, “sexist” and that by no stretch of imagination, he could be labeled as “anti-Indian” which were the descriptions used by Mr. Arnab Goswami in the broadcast while referring to him. He pointed out that after posting the video on its website, the channel removed the red dots shown around his face, as by then, he had sent a series of emails to the channel and also complained to several authorities including NBSA. The complainant and his wife stated on seeing the broadcast, many of their relatives called expressing shock and the broadcast has brought shame and loss of reputation to the family. They demanded an apology from the channel.

The broadcaster submitted that the channel reported news in relation to the Jignesh Mevani rally held at the Parliament Street on 9th January 2018, covered by Ms. Shivani Gupta, one of the female editors of the channel and anchor of Republic TV. While the reporter was reporting the news regarding the rally, about 10 to 12 unidentified men and the complainant surrounded the Reporter and started harassing her by making unwelcome gestures and sexually colored remarks and shouted intimidating slogans against the reporter, with the obvious intent of obstructing her from reporting. Even though the rally was being covered by several journalists of different news channels who were present at the Parliament Street, the unidentified men and the complainant singled out its reporter and subjected her to continued harassment and assault. The reporter being put in a situation wherein she had to fear for her safety and modesty due to the criminal

intimidation of unidentified men and the complainant, had to be escorted away by the police given the imminent danger to her. The broadcaster submitted the incident had been captured by the cameraman of Republic TV. The broadcaster being deeply concerned with the intimidating treatment meted out to its reporter by unidentified persons and the complainant, filed a complaint with the Parliament Street Police Station on 14 January 2018 through the Executive Editor of Republic TV, against unidentified persons in regard to various offences under several sections of the IPC. According to the broadcaster, the matter is still under investigation.

The broadcaster, after reiterating the substance of what was stated in their response, contended that the video footage clearly showed that the complainant had actively participated in the gathering/rally and was amongst those who intimidated/ attempted to intimidate their female reporter. According to the broadcaster, the purpose for which the complainant may have been present at the rally and the fact whether or not he was associated with Mr. Jignesh Mewani, was immaterial as the larger issue was the threats held out and the intimidating behavior against its female reporter. The broadcaster submitted that in view of the behaviour of the group of men including the complainant in harassing its reporter, it (Republic TV) decided to highlight the said issue in the broadcast by holding a debate on the same; and that in order to create public awareness, it had identified the accused persons including the complainant, in the programme.

NBSA noted that the footage does not show use of any objectionable words by the complainant or any gesture which can be described as “lewd” or “threatening”. NBSA was of the view that the use of words like *“I am going to show these crude, lewd hyenas /show the dirty faces of lewd, cheap, vulgar, sexist, pervert anti-India goons”* by Mr. Arnab Goswami who was anchoring the programme, while the channel focused on the face of the complainant (by marking his face by a circle of red dots) from among the persons at the rally venue who allegedly threatened/harassed its female news reporter, Ms. Shivani Gupta, was totally unwarranted and unjustified and the same was in violation of the Broadcasting Standards. The Code of Ethics and Broadcasting Standards of NBA, relating to “Impartiality and Objectivity in Reporting”, provide “.... 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...” The specific Guidelines covering Reportage (vide para 4.2) requires that the content of the reporting should avoid crude, offensive or coarse language. The Guidelines on Broadcast of Potentially Defamatory Content provide: “a news anchor/journalist/presenter should not make a derogatory, derisive or judgmental statements as part of reporting or commenting” (vide Basic Guideline 5) and “As a norm, a news channel should not report – live or recorded – any statement that is per se derogatory or derisive”.

NBSA noted that the very same news report by the channel in regard to the very same rally, had also wrongly identified a news reporter of another channel as one of the perpetrators who targeted its News Editor Ms. Shivani Gupta at the Jignesh Mewani Rally. But in his case, on the very next day, the broadcaster had issued the clarification.

In view of its findings, NBSA decided that the broadcaster be directed to air a clarification as per the text to be furnished by NBSA on the date and time indicated by NBSA.



**Complaint by Mr. Md. Iqbal Ansari [News18 India] [Order No. 56 (2018) dated 31.12.2018]**

The complainant alleged that the following five “AAR PAR” programmes aired by News18 India were based on religion and were divisive and intended to spread hatred among communities and spread the poison of ethnicity:

“मुह्ररम के लिए दुर्गापूजा पर पाबंदी क्यों?”

“इस्लामिक आतंकवाद पर नेता चुप क्यों?”

“टेन्ट से निकलेंगे ‘राम लला’?”

राम मंदिर वहीं, मस्जिद और कहीं!

“मन्दिरों की घर वापसी”:

According to the complainant, the five programmes with provocative titles were aired merely based on the statements/observations by some persons; and that the broadcasts were under a specific agenda to hurt the religious sentiments of the people belonging to a particular religion and generate hatred and animosity between the Hindus and the Muslims. He pointed out that the title of the five programmes deliberately referred to Muharram, Durga Pooja, Islam, Ram Mandir and Masjid. He stated that there were also other programmes broadcast earlier by the channel which were designed to hurt religious sensibilities and spread hatred in the country. He stated that the channel, through these “AAR PAR” programmes appear to implement a special agenda to divide the country on religious lines i.e. Hindu / Muslim which would endanger the harmony and brotherhood among citizens of the country. He stated that such programmes only created tension and spread animosity between the two communities. He stated that the programmes had the effect of spreading misleading rumours among people who were absolutely unaware of what transpired or about decisions of the government. Complainant stated that while attempts should be made to build the awareness among the public about the problems and issues linked with their welfare, it was not proper to debate any issues related to a particular religion, that too those which evoke strong reactions/emotions. He contended that the programmes only created tension in the society and spread animosity between the two communities. He pointed out that the language used by some hardliners during discussions on the channel hurt the sentiments of a particular religious community. He requested the NBSA to look into the issue as such programmes creates a divide between two communities

Broadcaster stated that it had no intention whatsoever to endanger the national security and that the object of airing such programmes was to keep the viewers informed about issues affecting the public. The issues debated in the aforesaid programmes have been under public discussion/deliberation for quite some time, before the channel decided to have a debate on those issues; and that the channel ensured that the stakeholders/people from various walks of life had an opportunity to express their views and opinions through these programmes.

Both parties were called for a hearing.

NBSA, on considering the complaint ,submissions made by the parties at the hearing and on viewing the CDs, was of the view that the channel used the term “Islamic terror” repeatedly and unwarrantedly and the nature of the debates in question may have the effect of creating/accentuating a division between “Hindus” and “Muslims”. NBSA Guidelines require channels to avoid tagging the name of any religion to ‘terror’,

as terror has no religion. The programmes sensationalized the issues and was likely to provoke enmity amongst sections of the society. NBSA was of the view that if the channel did not take corrective measures and tone down the negative nature of the broadcasts, it may lead to serious law and order problems.

NBSA found that the broadcaster in relation to the above broadcasts had violated the Specific Guidelines Covering Reportage, Fundamental Standards B which states that “*Reporting should not sensationalise or create panic, distress or undue fear among viewers*” and Guideline 9.2, which states that “*Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony*”.

NBSA directed the broadcaster to air an apology on their channel and a warning was issued to the channel News18 India.

### **Complaint by Dr Vikash Bhardwaj [ABP News] [Order No. 57 (2019) dated 25.2.2019]**

The complaint relates to a news report broadcast by ABP News channel about the disclosure of identity of the Rewari gang rape victim. “Why the identity of girl is disclosed by showing her certificate/ invitation in the video. Is it her invitation letter or someone else? Any computer expert now can easily guess the name”.....

NBSA noted that revealing the identity of a rape victim was a violation of the “*Code of Ethics, the Principles of Self-regulation No 4. Depiction of violence or intimidation against women and children*” and the “*Guidelines on reportage of cases of Sexual Assault*” dated 7.3. 2018. Considering the said news report from the perspective of the NBA Code of Ethics & Broadcasting Standards and said Guidelines which member broadcasters have voluntarily agreed to abide by, NBSA was of the view that the said telecast was in breach of the Broadcasting Standards and Guidelines. NBSA after considering the complaint, response from the broadcaster and also viewing the video clips furnished by the complainant, decided to call both the parties for a hearing . The broadcaster appeared for the hearing. The complainant was not present.

The broadcaster submitted that the object of the news report/broadcast was to focus on the fact that the police were neither lodging a FIR in the case nor arresting the culprits and were making the whole issue a question of jurisdiction. The news report regarding the incident was shown in relation to the fact that the girl who had achieved great laurels in her academics had been a victim of a heinous crime and to highlight the inaction of the police in such a heinous crime. It is in that context that the broadcaster showed the certificate of the victim and mentioned that CBSE topper student honoured by the President of India on 26th January 2016, was kidnapped and gang raped. The broadcaster, in its response was apologetic for showing the certificate without blurring the image.

NBSA was of the view that the description of the victim of the gang rape as the CBSE topper who was honoured by the President of India on 26th January 2016, identified the victim. NBSA was of the view that though reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts, by revealing the identity of the rape victim, the broadcaster had however violated the “*Code of Ethics, the Principles of Self-regulation No 4. Depiction of violence or intimidation against women and children*” and the “*Guidelines on reportage of cases of Sexual Assault*”



*dated 7.3.2018, which also states that news channels must take special note of the provisions of Section 228A of the Indian Penal Code 1860 and of Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 which provide for protection of the identity of victims of sexual offences and of juveniles in conflict with the law”.*

NBSA decided that the broadcaster is imposed a fine of Rs. One lakh and a warning is issued to the broadcaster (channel ABP News)

**Complaint by Ms. Ishani Goyal [Aaj Tak] [Order No. 58 (2019) dated 25.2.2019]**

The complaint relates to a news report broadcast by Aajtak news channel on 14.9.2018 about the disclosure of identity of the Rewari gang rape victim. The channel also informs people that she was a CBSE topper in 2015 and also that she receives a medal from our Honorable President in Khatar Sarkar tenure in 2016. By this much information about a rape victim anyone can find out her identity.

NBSA considered the above complaint. NBSA decided that the broadcaster be directed to submit the CD of the alleged broadcast, script and other details and also appear for a hearing before NBSA. The broadcaster appeared for the hearing. The complainant was not present.

The broadcaster submitted that the focus of the news report/broadcast was on the slogan ‘Beti Bachao Beti Padoo’ and the incident was shown in relation to the fact that the girl who had achieved great laurels in academics had been a victim of a heinous crime. While reporting such a heinous crime, it was mentioned that CBSE topper student was kidnapped and gang raped and that she was honored by the President of India on 26 January 2016. Broadcaster submitted that as the law does not allow the media to reveal the identity of the victim of an offence such as a rape, it had kept the name of the victim on the certificate in non-decipherable format.

The broadcaster also submitted during the hearing that consent in writing from the victim was available in its Chandigarh office and it would submit the copy of the consent letter within one week. The broadcaster was permitted to do so. In pursuance of it the broadcaster submitted the consent letter.

After viewing the broadcast, NBSA was of the view that since there could only be one CBSE topper, and as the victim who was gang raped was described as the CBSE topper, the victim got identified in the broadcast by virtue of being described as the CBSE topper.

NBSA noted that reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts by revealing the identity of the rape victim the broadcaster had however violated the “Code of Ethics, the Principles of Self-regulation No 4. Depiction of violence or intimidation against women and children” and the “Guidelines on reportage of cases of Sexual Assault” dated 7.3.2018, which also states that news channels must take special note of the provisions of Section 228A of the Indian Penal Code 1860 and of Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 which provide for protection of the identity of victims of sexual offences and of juveniles in conflict with the law”.

NBSA noted that the broadcast was not with the consent of the victim. The letter undated and notarised on 25.1.2019 produced by the broadcaster shows that it was obtained long after the broadcast, which was on 14.9.2018.

NBSA after deliberations decided that the broadcaster is imposed a fine of Rs. One lakh and a warning is issued to the broadcaster (channel Aajtak).

### **Complaint by Dr. Raj Kumar Lalwani [NDTV 24x7] [Order No. 59 (2019) dated 25.2.2019]**

The complaint relates to a sting operation aired by NDTV in August 2014 highlighting the nexus between pharma companies and doctors. The complainant, a doctor who was one of the subjects of the sting operation, alleged that the news report was distorted as the clips were edited to suit the channel and the report is even today posted in public domain (NDTV website) showing him as engaging in an ‘unethical practice’ thereby continuously defaming him and being a source of misinformation against him. Though the complaint was made after three years, relating to a 2014 news report, NBSA decided to entertain the complaint as the complainant had provided the video clips and report is still on NDTV website. NBSA called both the parties for a hearing.

Dr. Raj Kumar Lalwani submitted that in August 2014 a report about a sting operation was aired by NDTV highlighting the nexus between pharma companies and doctors. The complainant, who is a medical practitioner is one of the subjects of the sting operation. The complainant contended that the news report was distorted and edited to suit the channel’s view point, showing him as engaged in ‘unethical practice’ of demanding gifts from a pharma company as consideration for prescribing its products. The report is still posted in public domain and continues to be a cause of defamation and a source of misinformation against him, as a person and as a professional. He stated to sensationalise the issue and for their glorification, both the reporter and the channel created/manufactured a fake news item, which not only hurt him, but resulted in loss of his credibility and affected his image and future employability. He informed NBSA that he has filed a complaint before the Ethics Committee of the Delhi Medical Council. He stated that he never demanded any bribe or any reward for prescribing any medicine; that he regularly got remuneration as a speaker for CME programmes for pharmas and many other organisations and therefore in the said footage he was talking about the remuneration that he would possibly get for speaking at an event that may be held by the pharma company which the sting operators were posing to be the representatives.

Broadcaster submitted that the “Sting Operation” was conducted in August 2014 to expose the nexus between doctors and pharmaceutical companies. Broadcaster submitted that the programme was aired in public interest to show the nexus between pharma companies and the doctor; that based on the said broadcast Dr. Harsh Wardhan, the then Health Minister informed Parliament that cognizance would be taken on the issue of nexus between the doctors and pharma companies; and that taking cognizance of the said sting operation additions/ modifications/ deletions / substitutions were made in the “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 by the Medical Council of India vide notification dated 28.1.2016 on the “Code of Conduct for doctors in their relationship with pharmaceutical and allied health sector industry.” In view of the above the broadcaster stated that it was not willing to remove the video available on their website.



The complainant submitted that the footage of the sting operation had been edited/manipulated. The broadcaster stated that it had not manipulated the raw footage to the detriment of the complainant and it was willing to put the raw/unedited version of the sting operation on its website so that the viewers could form their own opinion. It was also noted that the complainant had met the sting operators twice and had permitted the persons, posing as medical representatives (conducting the sting operation) to visit his house and did not prevent the said persons from coming into his house and discussing a 'high end camera'.

On a comparative viewing of the broadcasted footage and raw footage, NBSA found that there was no deliberate editing, or alteration of the visuals of the raw footage by the broadcaster to mislead the viewers. NBSA was of the view that the sting operation had been conducted in public interest and did not violate the NBSA Guidelines for Conducting Sting Operations dated 27.2.2012. Complaint was rejected.

### **Viral Sachh programme [ABP News] [Order No. 60 (2019) dated 2.4.2019]**

The channel had aired a special programme under the title "Viral Sachh" on 3.5.2018 showing young pupils of a school being mercilessly beaten up. The programme packaged five videos that had become viral on social media, which allegedly related to a school (RMVM School). In these videos, the staff members of the school were shown inflicting physical torture on the kids. The channel made a thorough investigation of these videos and also spoke to the school administration. Following this, it was told that all these videos being linked with the school, was incorrect. During the broadcast, the videos that were aired showed some people undressing kids and beating them up with belts, thrashing girls by holding their hair, children being tossed up in the air and getting beaten up with sticks and also kicked. In addition, the fifth video aired by the channel showed two boys of the school beating each other. Though the channel purports to oppose such brutal acts against children, it inappropriately showed such brutality continuously for five minutes.

Broadcaster stated that the news report in question was aired with the intention of clarifying that the videos of violence inflicted against children that were going viral on the internet and being sought to be connected with the RMVM school, were in fact not connected with that school. There was an appeal in the story to viewers at large that they should not believe the rumours and should not participate in the spreading of such videos. The intention of the story was also to bring to sharp focus and criticize atrocities committed on children.

NBSA noted that the channel was inappropriately showing such brutality continuously for five minutes of un-blurred visuals. NBSA was of the prima facie view that the broadcaster had violated the Principles of Self-Regulation and Specific Guidelines covering Reportage. NBSA decided to call the broadcaster for a hearing.

The broadcaster during the hearing accepted the fact that showing such gruesome videos for long durations without blurring was not appropriate and submitted that it will abide by any future Regulation or Guideline made by NBA/NBSA restricting the duration of broadcast of such videos by news channels. It also submitted that it would sensitize its editorial team to ensure adherence to the Guidelines of NBSA and would take due care in the future broadcasts.

NBSA found that only towards the end of the programme it was mentioned that the school referred to in the video was not RMVM school in Bengaluru and that what was being circulated were fake videos relating to brutality being meted out to children in an orphanage in Egypt. NBSA was of the view that it is not proper for news channels to show brutality for a long period thereby sensationalizing the issue and create panic among viewers, while purporting to make a programme out of false/fake videos circulating in the social media. NBSA was of the view that television news has greater reach, and more immediate impact than social media, which makes it all the more necessary that news channels exercise restraint to ensure that any report or visuals broadcast do not induce, glorify, incite, or positively depict violence/brutality or perpetrators thereof. NBSA concluded that in this case, the footage of brutality, shown repeatedly and continuously without blurring at several places, was not justified.

NBSA therefore warned the broadcaster / channel (ABP News) to exercise greater care, caution and discretion in future while formulating news stories relating to depiction of violence or intimidation against children and that any future violations would be viewed seriously.

### **Video aired on ABP News on 12.5.2018 [Order No. 61 (2019) dated 2.4.2019]**

The channel had shown news in context of a video that was becoming viral on Twitter and Facebook in which some boys are appealing to the people to buy country made guns to protect their Hindu religion. During the broadcast of the news, the channel has shown the video in which three or four boys, in an inebriated condition, firing bullets in the air and saying: *“We are appealing to all Hindu brothers...don’t buy phones of Rs 5,000 but buy country made guns that come for Rs 2,500 and save your Hindu religion. Say Jai Shri Ram, and after that load things and fire bullets. Say Jai Shri Ram, brothers.”* The channel while purporting to deprecate the contents of the video, showed the video for more than four minutes and repeatedly flashed on the screen the utterings of the boys in text form, which was a clear attempt to disrupt communal harmony and mislead people.

NBSA was of the prima facie view that the broadcaster had violated Specific Guidelines Covering Reportage Guideline No. 3.2 and Guideline No 3.8. NBSA decided to call the broadcaster for a hearing.

The broadcaster during the hearing submitted that the object of the programme was not to sensationalise the issue, but to focus on the fact how persons are taking the law into their own hands and propagating violence and creating a law and order problem. It submitted that the report was in public interest and should be seen in that context. It was further submitted that such reports drew the attention of the law and order machinery to take stern action against perpetrators of mischief. The broadcaster agreed that it should have shortened the duration of airing the video and should not have given prominence to such perpetrators of mischief by repeatedly flashing their utterings in text form. The broadcaster submitted that it would bring to the notice of the editorial the need to shorten the duration of repeating visuals and carrying it in a loop.

NBSA warned the broadcaster (channel ABP News) to exercise greater care, caution and discretion in future while broadcasting news reports relating to depiction of violence or news reports promoting or giving prominence to individuals/ groups / organizations advocating the use of violence or engaging in criminal / nefarious activities. NBSA further warned the broadcaster that any future violations would be viewed seriously.



**Telecast of an audio clip of Jaish-E-Mohammad's Chief Masood Azhar [India Today] [Order No. 62 (2019) dated 2.4.2019]**

EMMC report stated that the channel had telecast a news bulletin on 3.6.2018 about an audio clip of Masood Azhar, Chief of the proscribed organization - Jaish-E-Mohammad. In the said propaganda styled audio telecast by the channel, the self-styled leader is heard saying *"Some people must be worried about ceasefire in Kashmir. Have you heard it or not? Did it worry you? Ceasefire has taken place because of the fear of Jaish. I want to tell you that the ceasefire has left open space for Jaish. We vow to increase attacks in these places than ever before.... this time the sound of the violence will resonate in the same way as enemies used to mourn for 8 days...40 days...If your leaders have abandoned you, Jaish-E-Mohammad will avenge your sacrifice. Hizbul Commanders who are in Police custody must not feel alone...Jaish-E-Mohammad will free them with full dignity."* While reporting this news, the channel carried unrestricted audio clip of the speech giving platform for anti-nationals to spread their message of hatred and provocation. Such type of callous reporting may brainwash certain individuals and or encourage them to incite violence.

Broadcaster stated that the telecast was aired when the Centre had directed the security forces to halt their operations during the holy month of Ramzan. Azhar's statements came out in an audio clip, wherein he was heard addressing a gathering, openly mocking the ceasefire declaration by the Indian government and boasting that the government has left open space for JeM. The purpose of the report was to show that such an audio was a threat not to only to our nation but also put the Indian forces deployed to maintain harmony, peace and order at risk. The broadcaster clarified that the news report was not intended to be divisive or incite hatred amongst the people of this country.

NBSA was of the view that the broadcaster had violated Guidelines for Telecast of News Affecting Public Order No 3 and therefore decided that the broadcaster be requested to appear for a hearing at the next meeting of the NBSA.

Broadcaster reiterated the explanation submitted in the response of the broadcaster. It was submitted that when the video was received, after due diligence checks and after consulting the concerned editorial team, the channel decided to air the video with the object of persuading the government to take action to ensure that proper security measures were taken to prevent any untoward incidents and to ensure law and order. The broadcaster submitted that the broadcast was in public interest.

NBSA did not find merit in the submissions of the broadcaster. NBSA was of the view that there was no public interest in telecasting the hateful speeches of terrorists; and that in such a situation, the channel should have merely reported about the video, without telecasting the hateful speech. NBSA was of the view that even if such provocative /unverified videos are available in the social media or through any other platform, the news channels have an obligation to ensure that only the news, and not propaganda/divisive agenda of secessionists/terrorists are carried. NBSA was of the clear view that airing Azar propagating his hate filled ideology and agenda, would have an unwanted demoralizing effect on the people and clearly violated Guideline No.3 of "Guidelines for Telecasting of News affecting Public Order". NBSA therefore directed the broadcaster (Channel: India Today) to exercise greater care, caution and discretion in future while formulating news stories relating to propaganda by terrorists/secessionists and warns the broadcaster that any similar future violations would be viewed seriously and action would be taken against the broadcaster.

### **Programme “Main Rakshash Hoon” [Tez] [Order No. 63 (2019) dated 2.4.2019]**

The channel aired a special programme titled: “Main Rakshash Hoon” (I am a demon) on 16.5.2018 in which several videos (which had gone viral on the social media) of a man humiliating his mother, children being thrashed and daughters-in-law beating up their mothers-in-law were shown. In the first part relating to a video that went viral from Jodhpur, a person is shown dragging his mentally debilitated old mother on the road. In the second part of the broadcast, the channel had telecast the footage captured in the CCTV camera fixed in a house, showing a daughter-in-law mercilessly beating up her mother-in-law in Uttar Pradesh. In the third part, a similar CCTV camera footage was aired showing a woman mercilessly beating up her 70 year old mother-in-law and later throwing her from the bed. In the fourth part of the programme, videos of young children being cruelly thrashed by their guardians and family members are shown. These videos include the visuals of children being stuffed in sacks and then thrashed, continuously slapped, pushed around, and their necks being pressed.

The broadcaster stated that the title of the programme, “Mein Hun Rakshas”, showed that the intention of the channel was to highlight the heinous crimes that were being committed behind closed doors against aged relatives and children. The object of the broadcaster was to highlight the fact such heinous crimes are being committed by family members against their own parents/children/relatives, and thereby prevent the occurrence of such events by increasing the awareness and sensitizing the viewers against such atrocities. The broadcaster stated that its reporters/journalists are sensitized regarding such issues and disseminate news in an objective manner keeping in mind the ethical standards and norms of journalistic practices.

NBSA was of the view that repeatedly showing the visuals of infants and aged being beaten up without morphing was not in good taste. NBSA was of the view that the broadcasters had violated the NBSA Specific Guideline 3.7. NBSA decided to call the broadcaster for a hearing.

The broadcaster reiterated the explanation given in response to the complaint . He however submitted that he would bring to the notice of the editorial and the management of the channel, the need to shorten the duration of such disturbing visuals and the need for appropriate morphing while airing reports of such incidents.

NBSA was of the view that the purpose could have been achieved by the channel by reporting the news rather than glorifying the brutality being meted out to the elderly, women and children. The channel had allotted disproportionately higher time to show the videos of such gruesome acts/brutality and that airing of the visuals of any brutality should be brief and illustrative. It would have been appropriate if a programme was made on “domestic violence” and experts were invited to give their views on the psychological impact of such brutal acts on the elderly, women and young children, so that the programme would have been informative and credible. NBSA was of the view that the editorial freedom and discretion do not permit showing such violence for long periods and that programmes should not be aired to sensationalise such issues and garner TRPs. NBSA therefore holds that the broadcaster has violated Guideline 3.7.

NBSA therefore directed the broadcaster (Channel: Tez) to exercise greater care, caution and discretion in future while formulating news stories relating to depiction of violence or intimidation against children, elderly and women and warns that any future violations by the channel would be viewed seriously and



action would be taken against the broadcaster. NBSA decided to convey its concern to the broadcaster about the lack of sensitivity of the editorial personnel and to suggest to the broadcaster to hold refresher sessions for the editorial personnel periodically.

**Complaint by CEO, People for the Ethical Treatment of Animals [PETA] [Zee News] [Order No. 64 (2019) dated 2.4.2019]**

Complainant alleges that the broadcaster had broadcast three programmes “Taal Thok Ke: Special Edition” at 6:00 pm; “News Special”, aired at 8:15 pm and “DNA”, at 9:00 pm on 3.9.2018 portraying and describing the complainant as “Anti-Hindu”. It was further alleged that a defamatory tagline “#AntiHinduPETA” was used in these programmes to sensationalize and promote the programme on social media even before the programme was aired; that the channel falsely and unjustly alleged that PETA advocated and appealed for adopting of environment-friendly/animal-friendly policies only during Hindu festivals, but was silent in regard to animal slaughter during festivals of other religions such as Bakrid; that the channel’s programmes deliberately attempted to portray the complainant as an anti-Hindu organization even though it is one of the largest organizations in the country working for animal rights and animal protection. The complainant also alleged that the broadcaster did not respond to its Notice dated 4.9.2018.

Complainant drew the attention of the NBSA to various captions of the show ‘Taal Thok Ke’: It was submitted that the introduction to the programme ‘Taal Thok Ke’, was done in a biased manner portraying PETA as exclusively targeting Hindu festivals and traditions; that the questions framed for the debate also indicate bias and that the channel was promoting the hashtag ‘#AntiHinduPETA’ prominently, during the entire programme, by asking viewers to tweet their opinion on this hashtag, and the following text was flashed on the screen throughout the show: ‘#AntiHinduPETA par karein tweet’ or ‘#AntiHinduPETA par rai tweet kijiye’; ‘While Vegetarian on Janmasthmi, PETA is silent on Bakr-eid?’ (‘Janmashtami Par Shakahari PETA ka Bakr-Eid Par Sannatta?’). It was alleged that the presenter kept on interrupting the PETA representative, by accusing PETA of ‘double standards’ and the channel kept on flashing the following text on screen: ‘On Krishna Janmashtami, PETA’s phony/hypocritical wisdom’ (‘Krishna Janmashtami par PETA ka ‘Pakhandi Gyaan’). It was alleged that the channel gave prominence to another panellist who repeatedly called PETA as ‘idiotic/stupid’ and ‘double-faced’ and repeatedly accused the PETA representative of speaking ‘nonsense’.

Complainant submitted that in the second programme (News Special), the anchor characterised PETA’s campaign as being hypocritical/phony (‘pakhandi’) and the same was also flashed on screen and accused PETA of selective campaigning targeted towards Hindu festivals and traditions; and that the channel characterised PETA’s campaign as false and hypocritical by flashing the following text on screen:

*‘PETA India’s phony/hypocritical wisdom’ (‘PETA India ka pakhandi gyaan’);*

*“On Krishna Janmashtami, PETA’s phony/ hypocritical wisdom (Krishna Janmashtami par PETA ka pakhandi gyaan);”*

*“Why should Hindustan follow this phony/hypocritical wisdom (Pakhandi gyaan ko kyun maanein Hindustan)”*

*“PETA has let down Lord Krishna with phony/hypocritical wisdom (PETA ne pakahand se bhagwan Krishna ko naraaz kar diya)”*.

The complainant submitted that in the third programme (DNA), the channel flashed the following texts on screen:

*A secular DNA test of 'PETA's hypocrisy on Janmashtami' ('Janmashtami par PETA ke pakhand ka sabse dharmanirpeksh DNA test').*

*'PETA's tricks on Bakr-eid!' ('Bakr-eid par PETA ki chaalbaaziyan!').*

The complainant submitted that the objectionable content broadcast in the course of the three programmes violated the principles of neutrality, objectivity and fairness and were defamatory and demanded that the channel be directed to retract the same. The time allotted to view-points favoring Zee News predetermined tagline was highly disproportionate when compared to the time allotted to the complainant's representative and the statements of the anchor clearly amounted to accusing PETA as communal.

The broadcaster alleged that PETA was deliberately diverting from its objectives; that on 1.9.2018, PETA tweeted (on the social media platform Twitter) that Hindu festival Janmashtami should be celebrated with vegan ghee; that during another Hindu festival – Nagpanchami – PETA released a statement stating that people should celebrate a “snake-free Nagpanchami”; that in this manner PETA has targeted the religious practices and beliefs of Hindu community practiced from time immemorial; and that on the other hand, on the occasion of Bakrid where goats are sacrificed and slaughtered as per tradition, PETA did not show any reaction except addressing a letter to the Government stating that killing and sacrificing of animals should be done in a slaughter house. It also contended that the “#AntiHinduPETA” tag was not initiated by the broadcaster, but was already being used in social media in regard to PETA. The broadcaster contended that bringing the one-sided activities of PETA for discussion in a public forum cannot be objected by PETA.

NBSA was of the *prima facie* view; (i) that it was not appropriate for the channel to use hashtag ‘#AntiHinduPETA’ while referring to PETA; (ii) that the tag was apparently used by the channel to sensationalise the subject matter of the programme and also to promote the programme on social media even before the programme had been aired and a panel discussion had taken place; and (iii) that the broadcaster had violated the Fundamental Standard (c) of the Specific Guidelines covering reportage, Clause 1 of the Principles of Self-Regulation of the Code of Ethics dealing with Impartiality and Objectivity in Reporting – “and Clause 2 of Principles of Self-Regulation of the Code of Ethics Ensuring Neutrality. NBSA therefore decided to call both the parties for a hearing.

NBSA was of the view that the action of PETA in canvassing and advocating conversion to or adoption of vegan way of life (or vegetarianism), or suggesting use of vegan ghee during *Janmashtami* or other festivals or suggesting celebration of *Nagpanchami* without involving snakes, did not justify the channel to describe PETA as Anti-Hindu or to use the hashtag ‘#AntiHinduPETA’, while referring to PETA in its programmes. NBSA was also of the view that something allegedly said by some individuals or a hashtag used on social media cannot be a license to a news channel to repeat it or adopt it or highlight it in its news programmes. A news channel is bound by NBA/NBSA Regulations, Code of Ethics and Guidelines, while individuals expressing views on social media, are not.

NBSA noted that Hinduism is multi-layered and multifaceted, known for its tolerance. Different beliefs, practices, faiths and view-points can co-exist and are in fact permitted in Hinduism. Among Hindus, different



practices are followed in different regions and by different sects/communities. Merely expressing any view, or expressing a different view as to how festivals should be celebrated, or in what manner 'prasad' should be prepared or distributed or consumed, cannot be described as 'Anti-Hindu'. Neither the practices followed during festivals of other religions, nor what PETA did or did not suggest with reference to the practices or festivals of other religions, are not relevant to consider whether the channel was justified in tagging PETA as 'Anti-Hindu'.

NBSA therefore held that the broadcaster had violated Clauses 1 and 2 of Principles of Self-Regulation and Code of Ethics of NBA dealing with Impartiality and Objectivity in Reporting and Ensuring Neutrality and also the Guideline 2.1 of the NBSA Specific Guidelines Covering Reportage. NBSA directed the broadcaster to air an apology on the channel.

### **Complaint by Mr. Sharad Shah [Republic TV] [Order No. 65 (2019) dated 2.4.2019]**

The complainant stated that during the Newshour debate on 18.9.2018 the anchor stated that Mr. Navjot Sidhu, the Minister of Local Government, Tourism, Cultural Affairs of the State of Punjab is a member of ISI and has received money from it; and that the said allegations were without any evidentiary basis, defamatory and violated the Code of Conduct of NBA.

Broadcaster stated that Mr. Navjot Singh Sidhu had been to Pakistan on the invitation of the Pakistan Prime Minister Mr. Imran Khan and was seen hugging the Pakistani Army Chief during that visit, which has been widely reported. The debate aired by them was discussing the various aspects of Mr. Sidhu's visit and why the Pakistan government was choosing to have a dialogue through Mr. Sidhu, rather than with the Indian government; and that it was in the context of the discussions and debate on the programme relating to the intent, motive and reason for his visit, and his attempts to open diplomatic dialogue not authorized by the Government of India, various panelists expressed their opinions and concerns and the anchor used the words "Pakistani stooge" referring to Mr. Sidhu to place the conduct of Mr. Sidhu in context. The broadcaster denied the allegations made in the complaint. Since the complainant was not satisfied with the response received from the broadcaster, the complaint was escalated to the second level of redressal i.e. NBSA.

NBSA was of the *prima facie* view that the use of the words "*Pakistani stooge*" to describe Mr. Sidhu, a Minister in the Punjab Government, by the anchor, was in violation of the Code of Ethics of NBA relating to the principles of impartiality and objectivity in reporting and the Guidelines on Broadcast of Potentially Defamatory Content. Broadcaster appeared before the NBSA for a hearing.

The broadcaster submitted that Mr. Sharad Shah represents some vested interests and has been singularly targeting the channel; and that though the subject matter of the programme was covered by other channels, the complainant had chosen to single out Republic TV for making a complaint. The broadcaster also pointed out that having made the complaint, Mr. Shah was obliged to attend the hearing; and that as he failed to do so, the complaint required to be rejected.

The broadcaster submitted that the programme did not allege that Mr. Sidhu is a member of a terrorist organisation or ISI, nor allege that he received any money from such organisations. The broadcaster

submitted that the use of the words “*Pakistani Stooge*” by the anchor was in the context of Mr. Sidhu as a Minister making statements which were pro-Pakistan and contrary to the stand of the Government of India. It was pointed out that as Mr. Sidhu was acting irresponsibly as a Minister and public figure, his actions and conduct were open to criticism. The broadcaster submitted that the programme has to be seen in its entirety in the context of the actions of Mr. Sidhu.

The broadcaster submitted that the complaint should be dismissed as it did not have any objectionable content and in that behalf relied upon the observations of the Supreme Court in *Ajay Goswami vs Union of India (AIR 2007 SC493)*; the observations of the Delhi High Court in *Dr. Shashi Tharoor vs Arnab Goswami and Anr – 246 (2018) DLT 279*; and the Supreme Court observations in *Kartar Singh & Ors. Vs. State of Punjab, 1956 SCR 476*.

The broadcaster also contended that NBSA had gone beyond the original complaint dated 18.9.2018 filed by Mr. Shard Shah. He submitted that the original complaint of Mr. Sharad Shah had alleged that the channel had stated that “*Sidhu was a member of ISI, a terrorist organization and that he had received money from the said organization*”, but the notice dated 19.12.2018 issued to the broadcaster by NBSA did not refer to the said allegation in the original complaint, but objected to the use of the words “*Pakistani Stooge*” in the broadcast by the anchor.

NBSA found no merit in the contention of the broadcaster that the notice issued by NBSA was beyond the scope of the original complaint. The anchor in the opening remarks of the programme stated that “*This man is not doing this without knowing the consequences. He is doing this because he knows that there are benefits to being the linchpin of the Pakistani ISI.... I want to know from you, Sidhu, what they are giving you.... Has Sidhu now become a tool for the Pak Army & ISI.... I can bet you the ISI has a deal with Sidhu*”. During the programme, the hashtag “*#ProPakSidhu Sidhu used as linchpin by ISI ?*” was flashed at the bottom of the screen during most of the programme. NBSA was of the view that the statement made by the anchor “*I can bet you the ISI has a deal with Sidhu*” implied unwarrantedly and without basis, that Mr. Sidhu, a public figure, was guilty of some misdeeds. NBSA noted that the broadcaster in its response dated 19.9.2018 while denying the allegations made by the complainant submitted that the anchor had only used the words a “*Pakistani Stooge*” to place in context the conduct of Mr. Sidhu. The notice issued to the broadcaster referred to what it alleged to be the content of the broadcast. The broadcast was considered in totality and ‘in context’ by the NBSA. The original complaint and the reference to “*Pakistani stooge*” in the broadcaster’s response to the complaint were considered together by NBSA and the notice issued accordingly.

NBSA was of the view that the broadcaster has not made out any basis or justification for describing Mr. Sidhu, a Minister of a State Government and a public figure, as ‘the linchpin of Pakistani ISI’ or in stating “*I can bet you the ISI has a deal with Sidhu*” or in describing him as a ‘Pakistani stooge’. NBSA therefore holds that the broadcaster (Channel Republic TV) had violated the NBA Regulations and Code of Ethics relating to the need for the channel to maintain objectivity, neutrality and fairness in regard to reporting and news programmes.

NBSA therefore decided to censure and warn the broadcaster that any future violations by the channel would be viewed seriously and action would be taken against the broadcaster.



**Complaint by Director (Media) for Additional Directorate General of Public Information, Integrated HQ of MoD (Army) [Order No. 66 (2019) dated 1.5.2019]**

The complaint related to the telecast of a video of Rifleman Aurangzeb (which was released by a terrorist organization that had abducted and later killed Rifleman Aurangzeb in Pulwama district of J&K) on various channels on 15th and 16th June 2018. In the video, the terrorists can be heard saying that they had abducted him to avenge neutralization of a fellow terrorist who had been earlier eliminated in army operation. It is evident that the video was made by them with a sole aim of terrorizing local populace. Though the Additional Directorate General of Public Information Army Headquarters expressed reservations regarding its telecast and requested that it should not be aired, a number of channels (including News X, ABP News, Aaj Tak, India Today, Zee News, India TV and Republic) aired the footage and in some cases showed it as screen shots. Most channels showed the video glamourizing terrorism. Telecast of issue of such pictures or videos vacuously lends itself to terrorist propaganda, apart from affecting the dignity of the deceased soldier. The channels failed to show sensitivity towards the family of the deceased soldier. Moreover, Geneva Convention too protects soldiers under captivity from such exploitation. Intentionally or unintentionally there has been a serious error of judgment & editorial oversight and the channels have violated Para 3 of Principles of Self-Regulation mentioned in Code of Ethics & Broadcasting Standards. Though the army respects the freedom of speech of the media, it wants the rights of a soldier and his family to be protected with equal sensitivity. The army therefore desired that its deep objection and displeasure in regard to the matter be communicated to the editors of the channels.

The question before the NBSA was whether electronic media, which has immense impact in the minds of viewers and which should act in the interest of the public/nation, should provide a platform to terrorist organization/s to spread their message of hatred and provocation, as such type of callous reporting may mislead and encourage some misguided individuals to incite or resort to violence. NBSA therefore decided to call upon the broadcasters to give their response and also submit CD's if not already submitted; and that the Army be also requested to submit the footage.

NBSA noted that airing of the said video was in violation of Code of Ethics and Broadcasting Standards and Specific Guidelines Covering Reportage relating to *Reporting on crime and safeguards to ensure crime and violence are not glorified; Endangering national security and Specific Guidelines Covering Reportage and Law & Order, Crime & Violence and National Security*. NBSA called the army and the broadcasters for a hearing.

The army reiterated the submissions made in the mail dated 18.6.2018. Army laid stress on the fact that in utter disregard of the request of the Army (through the correspondents of news channel who are in touch with the spokespersons of the Army) not to carry the propaganda video on their channels, the channels aired the footage and, in some cases, showed it as screen shots. It was pointed out that the Geneva Convention protects soldiers under captivity from such exploitation. Another point made was that the families of the martyred soldiers should be left alone when in mourning and the media should avoid showing heart broken, grieving/weeping family members of the martyred soldiers. It was also stated that the channels should respect the privacy of the families of deceased soldiers and not visit the families for interviews/bites/comments, when the families are vulnerable and emotionally torn. It further stated that scenes of grief shown on TV channels can demoralize the public and could lead to many families deciding not to send their children to join the armed forces. On the contrary, channels should show programmes showing the valour of our soldiers so that families are encouraged to send their children to join the armed forces.

The broadcasters submitted that the footage was picked up from ANI and all the channels carried it and not just the few that has been named by the Army. They stated that the rifleman was off-duty and was going home to celebrate *Eid al-Fitr*, when he was abducted. Army started investigating the whereabouts of the rifleman and it was the army which provided the information of the missing rifleman. Broadcasters submitted that their intention behind broadcasting the story, was neither to glamourize violence or terrorism nor encourage the secessionist groups and interests, but to express anger and disgust against those who had abducted and killed the soldier. They contended that showing the video/pictures were necessary to raise questions over the abduction of the soldier and the object of the telecast was to condemn terrorism. They did not agree that the telecast lent itself to any terrorist propaganda. They submitted that all possible care was taken to respect the privacy of the deceased and avoid distress to the family while reporting the incident by showing the footage and while interviewing the kin of the deceased soldier; that the facts were reported objectively and the reporting was not intended at creating panic, distress or undue fear among viewers; and that they proceeded cautiously in airing the story and took every effort/care not to sensationalize the story or grab undue attention, but to do factual reporting of the incident. Most of the broadcasters submitted that they stopped airing the news story any further and also removed the video from the internet, once the Army expressed its reservation and displeasure.

The broadcasters unanimously stated that in the absence of any specific guideline of NBA/ NBSA with regard to airing such footage of soldiers in captivity, there is no violation by them. They pointed out that Regulation 7 of the Principles of Self-Regulation nor Guideline 3 and 6 of Specific Guidelines Covering Reportage, are not applicable with reference to the facts of this news report. However, they assured the NBA and the MoD (Army) that while reporting such matters, they will bear in mind the observations/reservations/suggestions of the Army with reference to material made available by terrorist organisations/terrorists and take additional precautions while reporting such security sensitive issues. They also stated that they would abide by any guidelines by NBA/NBSA in this behalf.

NBSA was of the view that while it is necessary to keep the people informed by reporting on the killings of army personnel and on the militant/terrorist attacks, the manner of presentation of the news relating to such incidents in the telecasts by the news channels warrants serious consideration. Telecasts showing the bereaved family members of deceased soldiers mourning the death or giving vent to their grief, have far reaching effect and even tend to adversely affect recruitment to armed forces. NBSA was therefore of the view that news channels should report such news in a positive manner so that such telecasts do not deter the young men of our country from joining the armed forces or discourage the parents of youngsters from sending their sons/daughters to join the armed forces. NBSA also noted that excessive coverage of such incidents would help the enemy/terrorist planners and handlers, in achieving their goal of demoralizing the citizens and the country by such heinous attacks. In short, the entire matter is a national security issue. While referring to the death of the jawans, the news reports should concentrate upon their courage, their sacrifice and the conditions in which they work. The news reporting should help and assist the families of the martyred jawans to get speedy relief/compensation/benefits from the government. Showing and commenting upon the dastardliness of the attacks and the brave manner in which bereaved families cope up with their losses will send a clear and positive message to those trying to destabilize the country.

NBSA was also of the view that even if any provocative/unverified videos are available in the social media, the news channels have an obligation to ensure that only verified information is carried, so that the



credibility of broadcasters are not at stake. Hence the ideology/agenda/misinformation/material circulated by terrorist organization/s to propagate their hateful agenda should not be shown on the TV channels, as it would demoralize the morale of the soldiers and the members of their families.

When the appropriateness of the broadcasts in question are considered in the light of the observations above, it is clear that the broadcast of the video regarding Rifleman Aurangzeb released by terrorist organization, may violate Regulation 3 and Guideline 3 & 6 .However, in the absence of specific guidelines in regard to material made available to terrorist organization, and in view of the assurances of the broadcasters. NBSA decided to close the present complaint with an observation that the broadcasters should exercise care and caution in regard to matters of national security and in using any material made available by terrorist organizations.

NBSA also decided to independently consider the need for any guidelines in regard to seeking Army's clearance in using material issued or made available by any terrorist organization/terrorists relating to security sensitive matters and the need to issue an Advisory /guidelines putting together the principles relating to dignity to the dead (not being made a public spectacle), respecting the privacy regarding the grief of the bereaved families, soldiers' honor and dignity and national security, and other related matters, to improve the presentation and broadcasting of such news stories.

**Complaint by President and Secretary, Citizens for Justice and Peace (CJP) [Zee News] [Order No. 67 (2019) dated 1.5.2019]**

The complainants stated that the programme, "Kya Kehta Hain India" aired on 30.6.2018 on Zee News, shocked their conscience, as it focussed on communal hatred, disharmony as it provided a platform provided with complete endorsement and backing, as declared by the voice-over at the beginning of the programme, which called itself the "Constitution" of Zee News and that the programme has the recitation of poetry by various poets.

The complainants submitted that the tone and tenor of the programme focused on communal hatred, disharmony as it provided a platform provided with complete endorsement and backing, as declared by the voice-over at the beginning of the programme, which called itself the "Constitution of Zee News" and that the programme has the recitation of poetry by various poets. A news channel cannot use the medium in the guise of artistic/poetic liberties to air a programme which results in polarization, negative propaganda and encouragement of violence against a class of people in the country/society. A news channel cannot put out such divisive propaganda. The programme is neither a "debate" programme nor is it a "live" programme, but an edited programme where images have been used to propagate the hate agenda. While margin can be given for exaggeration of poetry, in the programme broadcast, the body language, tone and tenor of the poets encourages violence against a community. There is no neutrality/ objectivity or balance in the programme. In any balanced programme, there would be a disclaimer. In the absence of a disclaimer in the programme that the views expressed by the panelists/participants are not the views of the channel, it is very clear that the news channel completely endorsed the hate agenda run on their channel. The poets were given a completely free hand in the programme and there was no anchor to moderate the programme. The stand taken by the channel that the object of the programme was to encourage nationalistic and patriotic feelings was baseless and untenable.

The broadcaster stated that the programme in question provided a platform to eminent and acclaimed Hindi poets to present their views through poetry on nationalism and issues relating to Kashmir, issues relating to anti-India sentiments being spread by separatists, serious problems faced by army personnel in discharging their duties and obstacles created by stone pelters affecting the army operations; that the issues dealt with by the poets were not imaginary but are indeed being faced by army personnel in their day-to-day activities; and that the complaint apparently gave an impression that it is a vice/sin to express views on nationalism, or to speak against the stone pelters and separatists who are working against the interest of India and posing serious threat to national security. The broadcaster stated that these poets have not expressed their views first time but were doing so continuously at different public platforms.

NBSA was of the prima facie view that the broadcaster was in breach of the Specific Guidelines Covering Reportage No 2, (2.1), Guideline No 3(Law & Order, Crime & Violence): and Clause 7 of the Principles of Self-Regulation Endangering National Security). NBSA decided to call both parties for a hearing.

Complainants counsel during the hearing stated that such exhortations calling for the killing of fellow human beings and citizens was allowed by the channel to be propagated to millions of viewers, spewing hate within households across the country; that the divisive rhetoric and its encouragement and celebration reflected on the mindset of public violence and lynchings which has emerged as a major law and order challenge for the country; and that the rhetoric of violence propagated by Zee News through the programme violated its commitments to media ethics as it irresponsibly misusing the power of media. The complainants stated that the programme violated the Principles of Self Regulation Code 7- *Endangering National Security*, as the content broadcasted by the news channel encouraged and promoted violence against a particular community, thus endangering national security. They stated that the issues raised in the complaint were about inciteful poetry and verse, wherein even young children were used as agents to fan hatred which could lead to violence; that by spewing venom directed against all Kashmiris as a justification in the name of what our soldiers go through is to tread a rhetorical line; that it was not their intention in any way to lessen or deride the acts of Indian defence forces; and that what is in question in the complaint made by them is the levels of hatred directed against ordinary Indians [in this case the Kashmiris]. They submitted that Indian law has provisions against the use of expressions, written, oral or spoken that may incite violence against sections of the citizenry.

The broadcaster submitted that six months after the Uri attack, the Government of India had released the video of the surgical strikes and it was in this context that the six poets were invited to the programme to invoke patriotic and nationalistic feelings among the people. The object and context of the programme can be understood only by viewing the programme in totality and not by picking and choosing words and sentences out of context and reading them in literal sense, as has been done by the complainants. The programme was not intended to polarize citizens nor to spread negative propaganda, nor to encourage violence against any class of people in the country/ society.

NBSA considered the submissions made by both the parties and also viewed the broadcast. NBSA noted that the broadcaster had set the tone of the programme, by stating in the beginning of the programme: “Namaskar its Zee News’s constitution speaking”. *“But the leaders of our own country call the surgical strike fake against our powerful army. Kept asking for proof. After the byte of the leaders Zee News shows*



*the constitution and says India's Nationalist poets will respond to such people who speak the language of Pakistan against India's pride".*

NBSA noted that the *"taglines and the ten big messages"* of the surgical strike reflected the agenda of the programme. NBSA noted that there was no background to the programme, that it was one sided as the channel only put together a particular view. There were no representatives in the programme to give another point of view resulting in lack of balance in the programme. Certain portions of the language used in the programme were unwarranted and was likely to incite/instigates violence, animosity and hatred between communities. NBSA was of the view that the objectionable portions of the programme cannot be defended by terming it as a news programme on surgical strikes to celebrate the valour of our armed forces; and the programme lacked impartiality, neutrality and it instigated violence. NBSA also noted that the role of the anchor of the programme was also questionable.

NBSA therefore held that the broadcaster violated the *"Specific Guidelines Covering Reportage No 2. Impartiality, Neutrality & Fairness 2.1 which states that "For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view" and Guideline 3.Law & Order, Crime & Violence which states that "Broadcasters should not glamorize or in any way promote individuals, groups or organizations that employ or advocate the use of violence or engage in criminal / nefarious activity. Hooliganism, vandalism and all forms of delinquency should not be shown in favorable light" and the Clause 7 of the Principles of Self-Regulation of the Code of Ethics and Broadcasting Standards - endangering national security"*.

NBSA decided that a warning be issued to the broadcaster (Channel: Zee News) and that any future violations would be viewed seriously.

### **Complaint by Dr. Michael Williams [Zee News] [Order No. 68 (2019) dated 1.5.2019]**

Complainant stated that during the broadcast of the special report titled *"DNA: What tactics are Christians using to convince Hindus to convert to Christianity?"* on 11.9.2018. The anchor made derogatory, malicious, biased and misleading statements against the Christian Community of Jaunpur.

The complainant stated that the above allegations were baseless and completely contrary to the various statements of the persons who allegedly "turned to Christianity" recorded in the media report itself. The media report took interviews from various persons of Jaunpur and not one of them raised any complaints or made any allegations against anyone. In fact, the persons interviewed clearly stated that they accepted Christianity out of their own experience and choice, and this was exactly the opposite of what was presented by Zee News in its news report; and that the anchor had concocted stories of forced conversions with the intent of injuring the tenets and beliefs of the Christian community of Jaunpur and of this country. The complainant alleged that the media report incited hatred towards the Christian community of Jaunpur and alleged that Christianity was a religion of a foreign entity; and that led to mobs attacking and disrupting Christian prayer services held in the district and denying the Christian Community from assembling and praying together across Jaunpur District.

The broadcaster stated that there was no statement/visual, which showed any community in poor light or targeted any community; that the programme was aired to make people aware how superstitions and misconceptions are spread in the name of religion. As a responsible news channel, it had also run a disclaimer and in fact the presenter had also emphasized on the fact that the broadcasted programme was not to target any community and that people of India are free to practice and propagate religion of their choice as a fundamental right. The complainant gave a communal colour to such an important issue relating to the evil of superstitions and misconceptions being spread and being used to target poor and gullible people; the said broadcast was based on various verifiable reports about some persons targeting the gullible strata of society, in the name of Christianity, to trap emotionally, financially or physically weak people. People were shown misleading videos and objectionable reading material was distributed among the poorer sections of the town to misguide them and convert them into Christianity. The issue was widely reported in various leading national dailies. The channel also took into consideration the registration of a First Information Report on the subject matter, before airing the programme and direction of the competent Court, to register the FIR against a total of 271 persons for various penal offences like cheating, defiling places of worship and prejudicing national integration. The intent of the broadcast was to bring out the fact that gullible sections of people who were emotionally, financially or physically suffering, were being trapped into conversion in the name of religion. The programme was in public interest and to bring awareness among the people so that they do not fall prey to such superstitious preaching, but seek proper medical help and treatment from qualified doctors. The anchor read out excerpts from a widely circulated magazine “Jeevan Jyoti” which mentions that magical waters, medicine and methods shared and distributed in such prayer meetings have healed incurable diseases.

NBSA considered the complaint, response of the broadcaster, rejoinder filed by the complainant and also viewed the CD of the alleged broadcast. NBSA was of the prima facie view that the broadcast was in violation of the principles of Code of Ethics and Broadcasting Standards and Specific Guidelines Covering Reportage .NBSA called both parties for a hearing .

NBSA noted that the problem lay in the manner the programme was conceptualized and presented by, the anchor of the programme. It was not a debate programme so that the views of others could be ascertained to balance the programme. It was a one-sided programme with only the views of the anchor.

NBSA noted that the anchor did not ensure a full and fair presentation of news, which is the fundamental responsibility of a news channel. The anchor should have ensured that the controversial subject was fairly presented. NBSA was of the view that the broadcast violated the *Principles of Self-Regulation relating to Impartiality and objectivity in reporting and Ensuring neutrality*.  
*B. Specific Guidelines Covering Reportage: Fundamental Standards (A) All news reporting must be done in “public interest”; (C) ‘Content’ of matter broadcast should not be shown out of ‘context’; (E) Broadcasters should exercise care and objectivity in featuring activities, beliefs, practices, or views of any racial or religious group in their content to prevent any negative impact thereof.*  
*1. Accuracy*  
*1.6 Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.*  
*2. Impartiality, Neutrality & Fairness*  
*2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.*



NBSA therefore decided to censure the channel for its failure to make a full and fair presentation of news and also warn the channel to be more careful in future and maintaining neutrality. NBSA also noted that any future violations by the channel/ anchor would be viewed seriously.

### **West Bengal Panchayat Election Violence [APN News]**

The EMMC report stated that the channel had shown news on 14.5.2018 in the context of skirmishes between Trinamool Congress, CPM and BJP workers during the Panchayat elections in West Bengal. The channels had shown scenes of violence and arson at several places during the elections in which people of two different groups are shown beating each other in a merciless manner. During the broadcast of the news, violent scenes have been shown for a long time. All these visuals are extremely tormenting and can also prove effective in rupturing communal harmony.

APN News submitted that that several media houses showed large scale violence in Panchayat Election in West Bengal, even though their channel only covered limited story on the election in the interest of public to focus on law and order situation as well as police inaction in West Bengal during Panchayat Election. The channel aired a story on the inaction of concerned authorities. It was submitted that their channel always took care of prescribed guidelines or Programme Code meant for media. No malafide intention can be attributed for airing an authentic story. However, the channel will abide by any advisory issued by the Hon'ble Authority.

NBSA noted that the news that was broadcast was in public interest, and was a part of media's objective of highlighting before the public conscience, instances of condemnable conduct and actions, affecting the public life in current society. NBSA held that the broadcast did not violate any Broadcasting Standards or Guidelines and therefore decided to close the matter.

### **Video of a son beating his mentally deranged father [APN News]**

The channel has broadcasted news from Kushinagar in Uttar Pradesh where a son of a mentally deranged father tied his hands and feet and then severely beat him up. It was told that the son first hit his father with chappals (slippers) and after dragging him for some distance, hit him with his legs and fists. The channel had repeatedly shown the video related to the incident in which the cruelty of the son against his father is clearly visible. The channel repeatedly showed the video for nearly two and a half minutes.

Broadcaster submitted that the said news item was aired in public interest and to draw attention of public at large. Only after airing this story the concerned authorities had initiated action. Any guidance will be kept in mind while airing the stories in future.

NBSA noted the broadcast was justifiable on the ground of public interest, and as it is a part of media's duty to highlight instances of condemnable conduct and actions, affecting the public life in current society. NBSA did not find anything objectionable in the broadcasts nor any violation of NBA/NBSA Code of Ethics, Regulations and the Guidelines. NBSA therefore decided to close the matter.



CIN: U22211DL2007NPL165480

## Proxy Form

[Pursuant to Section 105(6) of the Companies Act, 2013 and Rule 19(3) of the Companies (Management and Administration) Rules, 2014]

**Name of the Company: News Broadcasters Association**

**Regd. Off: FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi – 110 025**

Name of the Member:

Registered address:

E-mail Id:

I \_\_\_\_\_, authorised representative of the above named Member Entity of NBA, do hereby appoint:

1) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

2) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

3) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

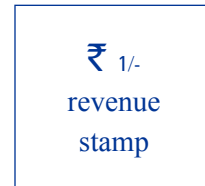
and whose signature(s) are appended below as my/our proxy to attend and vote (on a poll) on behalf of member entity at the **12th Annual General Meeting of the News Broadcasters Association to be held on Tuesday, the 17th September, 2019, at 12.00 noon at Multipurpose Hall, Kamaladevi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003**, and at any adjournment thereof in respect of such resolutions as are indicated below:



## Resolution No:

1. To receive, consider and adopt Audited Financial Statement, Reports of Board of Directors and Auditors.
2. To appoint Mrs. Anuradha Prasad Shukla as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
3. To appoint Mr. M.V. Shreyams Kumar as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
4. To appoint Mr. I. Venkat as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
5. Contribution by Members of NBA towards meeting legal expenses of Senior Counsel (s).

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2019



Signature of Member's Representative \_\_\_\_\_

Signature of Proxy holder(s) \_\_\_\_\_

Note: This form of proxy in order to be effective should be duly completed and deposited at the Registered Office of the Association, not less than 48 hours before the commencement of the Meeting.

CIN: U22211DL2007NPL165480

**Attendance Slip**

**News Broadcasters Association  
Regd. Off: FF-42, Omaxe Square,  
Commercial Centre, Jasola,  
New Delhi – 110 025**

**(To be filled in Block Letters)**

Name and Address of the Member Entity \_\_\_\_\_

\_\_\_\_\_

Name of the Authorised Representative of Member Entity \_\_\_\_\_

\_\_\_\_\_

Name of the Proxy \_\_\_\_\_

(To be filled in if proxy form has been duly deposited with the Association)

I hereby record my presence at the **12th Annual General Meeting of the News Broadcasters Association held on Tuesday, the 17th September, 2019, at 12.00 noon at Multipurpose Hall, Kamaladevi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003.**

\_\_\_\_\_  
**Signature of Member Representative / Proxy  
(To be signed at the time of handing over this slip)**

(Please fill attendance slip and hand it over at the entrance of the Meeting Hall)





# Chairperson & Members on the News Broadcasting Standards Authority



**Justice A.K. Sikri**  
[Former Judge of Supreme Court of India]  
Chairperson

---

## Independent Members



**Nitin Desai**



**Dr. S.Y. Quraishi**



**Zohra Chatterji**



**Stuti Kacker**

## Editor Members



**Ajay Kumar**



**Amrendra Pratap Singh**



**Prasanth PR**



**Dipika R Kaura**



NewsBroadcastersAssociation



**News Broadcasters Association**

**Registered Office:**

FF-42, Omaxe Square,  
Commercial Centre, Jasola, New Delhi – 110 025

**Corporate Office:**

Mantec House, 2nd Floor, C- 56/5 Sector 62,  
Noida – 201 301, Tele/Fax : 0120-4129712  
Email: [nba@nbanewdelhi.com](mailto:nba@nbanewdelhi.com)  
Website: [www.nbanewdelhi.com](http://www.nbanewdelhi.com)