

14th
**ANNUAL
REPORT**
2020-21

News Broadcasters & Digital Association

Board of Directors



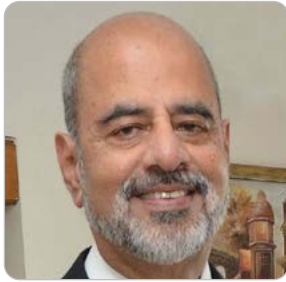
Rajat Sharma
President



Anuradha Prasad Shukla
Vice President



M. K. Anand
Honorary Treasurer



I. Venkat



M.V. Shreyams Kumar



Rahul Joshi



Avinash Pandey



Kalli Purie Bhandal



Sonia Singh



Sudhir Chaudhary

News Broadcasters & Digital Association

(Formerly known as News Broadcasters Association)

Board of Directors

Mr. Rajat Sharma

President
Independent News Service Pvt. Ltd.

Mrs. Anuradha Prasad Shukla

Vice President
News24 Broadcast India Ltd.

Mr. M. K. Anand

Honorary Treasurer
Bennett Coleman & Co. Ltd.

Mr. I. Venkat

Eenadu Television Pvt. Ltd.

Mr. M. V. Shreyams Kumar

Mathrubhumi Printing & Publishing Co. Ltd.

Mr. Rahul Joshi

TV18 Broadcast Ltd.

Mr. Avinash Pandey

ABP Network Pvt. Ltd.

Ms. Kalli Purie Bhandal

TVToday Network Ltd.

Ms. Sonia Singh

New Delhi Television Ltd.

Mr. Sudhir Chaudhary

Zee Media Corporation 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, NBDA



Dear Members,

It gives me great pleasure to present the 14th Annual Report of NBDA. The management report contains in detail all the actions taken by us in the last one year.

Technological advances have changed the media landscape drastically. Massive choices are available to viewers to access content on various mediums. Mobile and internet have become the predominant mode to access content. While television may still be a dominant medium but with digital being the future, news broadcasters have transitioned from linear to digital. Businesses are being leveraged to meet the challenges and adapt to this new reality.

To embrace this changing landscape, the Board decided to bring digital media news broadcasters within the membership of the Association. The change in name of the Association was inevitable with the inclusion of digital media news broadcasters. Board decided to change the name from News Broadcasters Association (NBA) to "News Broadcasters & Digital Association" (NBDA). The members at the EGM unanimously passed the modification in the name of the Association and the amendments to the Memorandum and Articles of Association. I am glad to inform the members that the Ministry of Corporate Affairs, Government of India has approved the new name and the amendments to the Memorandum and Articles of Association.

The Board also decided that with the inclusion of digital media news broadcasters, the name of the self-regulatory body, News Broadcasting Standard Authority (NBSA) be rechristened as "News Broadcasting & Digital Standards Authority" (NBDSA). The NBDSA will look into complaints of both broadcasters and digital news media.

Despite the assurance given by the present dispensation that they are committed to "self-regulation" and not for any "statutory regulation", the Ministry of Electronics & Information Technology notified the Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 (IT Rules), thereby bringing digital media, including OTT platforms, digital news broadcasters and news aggregators, for the first time, within the ambit of government supervision. The IT Rules which have been framed to regulate digital media, not only lay down a Code of Ethics to be complied by digital news broadcasters but also establishes a Three-Tier Grievance Redressal Mechanism to ensure observance of the same. Similarly, the Ministry of Information & Broadcasting also notified the Cable Television Networks (Amendment) Rules, 2021 (Cable Amendment Rules) to establish a Three-Tier Complaint Redressal Structure to ensure observance to the Programme Code and Advertisement Code under the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994.

NBDA has challenged the constitutionality of the both the IT Rules and Cable Amendment Rules in the Hon'ble Kerala High Court on various grounds including on the grounds that the Rules give the Government Authorities excessive powers to unreasonably and impermissibly restrict the freedom of speech and expression of the media under Article 19(1)(a) of the Constitution. Interim Orders were granted in favour of NBA in both matters.

Despite several months having passed, BARC ratings have not been restored as yet. The NBDA Board and BARC have had several rounds of discussions to ensure that reliable credible, tamper free data is made available to the news broadcasters. NBDA has stated that the corrupt, compromised, irrationally fluctuating data will not be

acceptable as the false narrative puts pressure to take editorial calls that run counter to the principles and ethics of journalism. NBDA believes in editorial standards of ensuring objectivity, neutrality, fairness and accuracy in reporting.

The pride of the Association is the independent self-regulatory body set up fourteen years ago. NBDSA (formerly known as News Broadcasting Standards Authority) has put in place a time-tested complaint redressal system and process, headed by eminent judges of the Supreme Court of India and eminent persons who have striven to improve broadcasting standards.

I firmly believe that the NBDA will become a strong collective voice for both the broadcast and digital media. Along with commercial and regulatory issues, it will also enable the Association to defend the fundamental right of free speech and expression guaranteed to the media under the Constitution of India in a better manner.

The Covid pandemic started in March 2020 resulting in broadcasters having to completely recalibrate their working environments and practices. Working from home and using new tools became the new norm. The second wave of the pandemic was unprecedented this year. However, despite the enormous difficulties, our journalists, camera persons and editorial staff went beyond their call of duty, put their lives at risk, and ensured that news and information of the pandemic and other important news reached millions of viewers. The seamless delivery of news to our viewers came at a huge cost - the loss of precious lives of our "Covid Warriors". I salute our journalists and others who have lost their lives in the Covid Pandemic. Our condolences to the family members who lost their near and dear ones.

We are extremely grateful to the Chief Minister of Uttar Pradesh (UP), who facilitated the free vaccination drive for media personnel and their families. Over five thousand vaccinations were given in the first round. We are also grateful to the Chief Minister of UP for providing financial support of Rs 10.00 lakhs each to the family members of media persons who lost their lives during the pandemic.

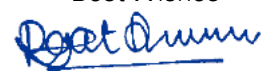
My gratitude to the members of NBDA for the unstinted support the Board and I have received in conducting the affairs of the Association.

I would like to take this opportunity to thank Mr. Anurag Thakur, Minister for Information and Broadcasting, Mr. Prakash Javadekar former Minister, MoI&B, Secretary, MoI&B, Chairman TRAI and officials in various Government Departments and the States for their continued understanding and support on issues which constantly confront us.

On behalf the Board and on my own behalf, I would like to place on record our sincere gratitude and thanks to the Chairperson and Independent Members of the NBDSA for their support, invaluable guidance and time.

Finally, I would like to thank Mrs. Annie Joseph, Secretary General, NBDA for her efforts in ensuring that the objectives and initiatives of NBDA are achieved and implemented. I would also like to thank the staff of the NBDA Secretariat, Legal Counsel, Financial and Corporate Consultants as well as the Auditors of NBDA and Bankers for their valuable time and cooperation.

Best Wishes



Rajat Sharma

Date: September 3, 2021

Notice

Notice is hereby given that the 14th Annual General Meeting of the Members of News Broadcasters & Digital Association (Formerly known as News Broadcasters Association) will be held on Monday, the 27th September, 2021, at 12:00 noon through Video Conferencing (“VC”) / Other Audio Visual Means (“OAVM”), 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, 2021 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, 2021, together with Auditor’s Report and Director’s Report thereon, be and are hereby considered and adopted.”

2. To re-appoint M/s S.S. Kothari Mehta & Co., Chartered Accountants, as Statutory Auditors of the Association for a period of five years, to hold office from the conclusion of this Annual General Meeting (AGM) till the conclusion of the eighteenth AGM of the Company to be held in the year 2026 and to fix their remuneration and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“RESOLVED THAT pursuant to the provisions of Section 139 and other applicable provisions, if any, of the Companies Act, 2013 and the Rules framed thereunder, as amended from time to time, M/s S.S. Kothari Mehta & Co., Chartered Accountants, be and is hereby re-appointed as Auditors of the Company for a period of five years to hold office from the conclusion of this Annual General Meeting (AGM) till the conclusion of the eighteenth AGM of the Company to be held in the year 2026 at a remuneration as may be determined by the Board of Directors of the Association.”

Special Business

3. 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.”

4. 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.”

5. 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.”

6. 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 the legal expenses for engaging Senior Counsel (s) which includes fees for appearance on behalf of NBA before the Courts, related conference charges, settling petitions, legal advice rendered and clerkage as raised by the Senior Counsel.”

“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 & Digital Association**



Annie Joseph
Secretary General

Place: New Delhi
Date: September 3, 2021

Note: The name of the Company has been changed from News Broadcasters Association to News Broadcasters & Digital Association w.e.f. 9.8.2021

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

Item No. 3

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. 3 of this Notice.

Item No. 4

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 are 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. 4 of this Notice.

Item No. 5

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 are 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. 5 of this Notice.

Item No. 6

The issue for consideration before the Board relates to meeting the expenses for engaging a Senior Counsel and the related expenses for matters pending or matters that may arise in the future in the Courts. With the limited financial resources, NBA would not be able to meet the above expenses. Since the issues are related to the industry and affects all members, these expenses should be borne/ honored by the Members/ Associate Members of NBA and should 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. There is a possibility that in the future critical industry matters may arise in the Courts, which would need the intervention of NBA. Routine legal matters are handled by 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 are 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. 6 of this Notice.

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



Annie Joseph
Secretary General

Place: New Delhi

Date: September 3, 2021

Note: The name of the Company has been changed from News Broadcasters Association to News Broadcasters & Digital Association w.e.f. 9.8.2021

Notes

1. Considering the present COVID-19 pandemic, the Ministry of Corporate Affairs (“MCA”) has vide its Circular dated January 13, 2021 read together with Circulars dated April 8, 2020, April 13, 2020 and dated May 5, 2020 (collectively referred to as “MCA Circulars”) permitted convening the Annual General Meeting through Video Conferencing (“VC”) or Other Audio Visual Means (“OAVM”), without the physical presence of the members at a common venue. In accordance with the MCA Circulars, provisions of the Companies Act, 2013 (‘the Act’), the 14th AGM of the Company (hereinafter referred to as ‘AGM’) is being held through VC / OAVM. The deemed venue for the AGM shall be the Registered Office of the Company.
2. Members can join the AGM through VC/OAVM 15 minutes before the scheduled time of the commencement of the Meeting by following the procedure mentioned in the Notice. The facility of participation at the AGM through VC/OAVM will be made available to all members.
3. Since the AGM will be held through VC/ OAVM, the route map of the venue of the Meeting is not annexed hereto.
4. Participation of members through VC/ OAVM will be reckoned for the purpose of quorum for the AGM as per Section 103 of the Companies Act, 2013 (“the Act”).
5. Since the AGM will be held through VC/ OAVM, all resolutions at the meeting shall be carried on by show of hand.
6. 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.
7. Pursuant to the Circular No. 02/2021 dated January 13, 2021 read with other applicable Circulars issued by the Ministry of Corporate Affairs, the facility to appoint proxy to attend and cast vote for the members is not available for this AGM. However, the Corporates Entities are entitled to appoint authorised representatives to attend the AGM through VC/OAVM and participate there at and cast their votes.
8. 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.
9. Members are requested to keep the copy of the Annual Report with them during the Meeting.
10. No person other than the authorized representative of the Member entity as aforesaid shall be entitled to attend the Annual General Meeting of the Association.
11. 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.
12. 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.
13. In compliance with the aforesaid MCA circulars, notice of the AGM is being sent only through electronic mode to members whose email addresses are registered with the Company.
14. 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.

Directors' Report to the Members

The Directors have pleasure in presenting the 14th Annual Report of your Association together with Audited Accounts for the period from April 1, 2020, to March 31, 2021.

Financial Review

	31.03.2021 (Amount in Rs.)	31.03.2020 (Amount in Rs.)
Income from Subscription	1,37,55,000	1,50,75,000
Other Income	25,67,877	32,39,542
Depreciation and amortization expense	59,724	4,27,476
Total Expenditure	1,49,28,926	1,64,24,350
Surplus/(Deficit) after depreciation and tax carried to General Reserve	13,93,951	18,90,192

Of the income and expenditure account a sum of Rs. 53,80,990 (previous year Rs.81,44,755) has been transferred to special reserve.

Change in Nature of Services

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

Change in name of the Company and alteration in Memorandum and Articles of Association

To broaden the activities of the Association and to bring digital news broadcasters into the membership of NBA and to strengthen the News Broadcasting Standards Authority (NBSA), the independent self-regulatory body of NBA, at the EGM held on August 2, 2021 members of the Company approved to change the present name of NBA as '**News Broadcasters & Digital Association**'.

And consequent to the change in name of the Company it is indispensable to amend the Memorandum of Association and Articles of Association of the Company.

Hence, it is considered necessary to update the MoA by altering some of its clauses by modification and revise the existing Articles by adopting the new set of Articles of Association.

Change in name of the Company and alteration in Memorandum and Articles of Association requires approval by Central Government.

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 the last Annual General Meeting.

Membership of Association

The number of Members/Associate Members of the Association are 25 broadcasters representing 78 channels.

News Broadcasting Standards Authority (NBSA)

News Broadcasting Standards Authority [NBSA] is an independent self-regulatory adjudicatory body. The present composition of the NBSA is as under:

Chairperson

Justice A. K. Sikri (Retd.)

Independent Members

1. Dr. Nasim Zaidi, former Chief Election Commissioner of India
2. Ms. Stuti Kacker, former Chairperson, National Commission for Protection of Child Rights (NCPCR)
3. Ms. Zohra Chatterji, former Secretary, Ministry of Textiles
4. Mr. Navtej Sarna, former India's Ambassador to the United States of America

Editor Members

1. Mr. Prasanth P. R., Senior Coordinating Editor, Asianet News
2. Mr. Amrendra Pratap Singh, Managing Editor, India TV
3. Mr. Sandeep Chaudhary, Executive Editor, News24
4. Mr. Brajesh Kumar Singh, Managing Editor, News18 Gujarat & Bihar/Jharkhand

Auditors & Auditors' Report

M/s S.S. Kothari Mehta & Co., Chartered Accountants, were proposed for the appointment of the Statutory Auditors of the Association, to hold office for a period of five years from the conclusion of ensuing Annual General Meeting until the conclusion of the Eighteenth Annual General Meeting in the year 2026.

The Statutory Auditors' Report on the Financial Statement of the Association for the financial year ended 31st March, 2021 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

Pursuant to Section 92 (3) and Section 134(3) (a) of the Companies Act, 2013, the Annual Return is available on the website of the Company at www.nbanewdelhi.com and may be accessed through the web link <https://www.nbanewdelhi.com/annual-return> as compliance under amended Companies (Management and Administration) Rules, 2014 vide MCA Notification No. GSR 538(E) dated 28th August, 2020.

Meetings of the Board

Eight meetings of the Board of Directors were held on 10.7.2020, 18.9.2020, 9.10.2020, 26.10.2020, 19.11.2020, 19.11.2020, 15.1.2021 and 20.3.2021 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 four employees which includes two women employees. Under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Policy of Sexual Harassment of Women at Workplace, along with enclosure approved by the Board have been circulated to the Internal Complaints Committee Members, employees of NBA and the Members of NBA and also uploaded on the NBA website. The Internal Complaints Committee has the following persons as its members:

1. Presiding Officer – NBA Representative: Mrs. Anuradha Prasad Shukla
2. Member-NBA Representative: Ms. Kshipra Jatana
3. Member-NBA Representative: Mr. M. N. Nasser Kabir
4. External Member: Ms. Nisha Bhambhani

NBA has not received any complaints under the provisions of this Act.

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/-
	Rajat Sharma	Anuradha Prasad Shukla	M.K. Anand
Place: New Delhi	President	Vice President	Honorary Treasurer
Dated: August 5, 2021	[DIN No.: 00005373]	[DIN No.: 00010716]	[DIN No.: 02973420]

Note: The name of the Company has been changed from News Broadcasters Association to News Broadcasters & Digital Association w.e.f. 9.8.2021

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 2021, 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, 2021, and the Surplus 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.

When we read the other information identified above if, we conclude that there is a material misstatement of this other information, we are required to report the matter to those charged with governance.

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, 2021, and taken on record by the Board of Directors, none of the Directors is disqualified as on March 31, 2021, 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, 2021.
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)
UDIN – 21094380AAAAGB4261
Place: New Delhi
Date: August 5, 2021

News Broadcasters Association**Balance Sheet as at 31st March, 2021**

(Figures in Rs)

	Particulars	Note No.	As at 31st March, 2021	As at 31st March, 2020
I	EQUITY AND LIABILITIES			
(1)	Members' Funds			
	(a) Entrance Fees	1	1,500,000	2,050,000
	(c) Reserves and Surplus	2	36,403,759	34,409,808
(2)	Non- Current Liabilities			
	(a) Long Term Provisions	3	2,828,388	2,620,470
(3)	Current Liabilities			
	(a) Short Term Borrowings	4	958,012	1,129,925
	(a) Short Term Provisions	5	67,785	1,141,718
	(b) Other Current Liabilities	6	6,000	502,128
	TOTAL		41,763,944	41,854,049
II	ASSETS			
(1)	Non-Current Assets			
	(a) Fixed Assets			
	(i) Tangible Assets	7	205,857	202,731
	(b) Other Non-Current Assets	8	189,000	189,000
(2)	Current Assets			
	(a) Cash and Cash Equivalents	9	38,765,612	38,743,382
	(b) Short-Term Loans and Advance	10	818,227	1,332,197
	(c) Other Current Assets	11	1,785,248	1,386,739
	TOTAL		41,763,944	41,854,049

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

For and on behalf of the BoardSd/-
Naveen Aggarwal
Partner
M No. – 094380
Place : New Delhi
Date : August 5, 2021Sd/-
Rajat Sharma
President
DIN No: 00005373Sd/-
M.K. Anand
Honorary Treasurer
DIN-02973420Sd/-
Anuradha Prasad Shukla
Vice President
DIN-00010716Sd/-
Annie Joseph
Secretary General
[PAN No: ADTPJ0257E]

News Broadcasters Association

Income & Expenditure Account for the year ended March 31st, 2021

(Figures in Rs)

Particulars	Note No.	Year Ended 31st March, 2021	Year Ended 31st March, 2020
Income			
I. Subscription	12	13,755,000	15,075,000
II. Other Income	13	2,567,877	3,239,542
III. Total Income (I + II)		16,322,877	18,314,542
IV. Expenditure			
Employee Benefit Expenses	14	10,391,863	10,196,972
Depreciation and Amortization Expense	7	59,724	427,476
Administrative & Other Expenses	15	4,477,339	5,799,902
Finance Cost	15	-	-
Total Expenditure		1,49,28,926	1,64,24,350
V. Surplus/(Deficit) before Tax (III - IV)		1,393,951	1,890,192
VI. Tax Expense:			
(1) Current Tax		-	-
(2) Deferred Tax		-	-
VII. Surplus/ (Deficit) for the Year (V - VI)		1,393,951	1,890,192

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

For and on behalf of the Board

Sd/-
Naveen Aggarwal
 Partner
 M No. – 094380
 Place : New Delhi
 Date : August 5, 2021

Sd/-
Rajat Sharma
 President
 DIN No: 00005373
 Sd/-
M.K. Anand
 Honorary Treasurer
 DIN-02973420

Sd/-
Anuradha Prasad Shukla
 Vice President
 DIN-00010716
 Sd/-
Annie Joseph
 Secretary General
 [PAN No: ADTPJ0257E]

News Broadcasters Association

Cash Flow Statement for the year ended March 31st, 2021

(Figures in Rs)

Particulars	Note	Year Ended 31st March, 2021	Year Ended 31st March, 2020
A. Cash Flow Operating Activities			
Net Operating Surplus before Tax & Extraordinary Items		1,393,951	1,890,192
Adjustments for:			
Net Operating Surplus before Tax			
Depreciation	7	59,724	427,476
Interest Income	13	-2,367,527	-2,739,532
Operating Surplus before Working Capital changes		-913,852	-421,864
Movements in Working Capital			
(Increase) / Decrease in Other Current Assets	11	-600,000	0
(Increase) / Decrease in Short Term Loans and Advances	10	513,970	-106,294
Increase / (Decrease) in Long Term Provisions	3	207,918	427,250
(Increase) / Decrease in Short Term Borrowings	4	-171,913	-2,986,104
Increase / (Decrease) in Short Term Provisions	5	-1,073,933	1,053,445
Increase / (Decrease) in Other Current Liabilities	6	-496,128	147,128
Cash generated from Operations Before Tax		-2,533,938	-1,886,439
Net Direct Taxes Paid			
Net Cash from Operating Activities			
B. Cash Flow From Investing Activities			
Purchase of Fixed Assets	7	-62,850	-58,233
Interest received		2,569,018	2,692,853
Net Cash from Operating & Investing Activities		-27,770	748,181
C. Cash Flow From Financing Activities			
Entrance fees received	1	50,000	100,000
Interest paid (Net)		0	0

Particulars	Note	Year Ended 31st March, 2021	Year Ended 31st March, 2020
Net Cash from financing activities		50,000	100,000
Net Increase in Cash & Cash equivalent		22,230	848,181
Cash & Cash equivalent at the beginning of the year	9	38,743,382	37,895,201
Cash & Cash equivalent at the end of the year	9	38,765,612	38,743,382

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

For and on behalf of the Board

Sd/-
Naveen Aggarwal
 Partner
 M No. – 094380
 Place : New Delhi
 Date : August 5, 2021

Sd/-
Rajat Sharma
 President
 DIN No: 00005373
 Sd/-
M.K. Anand
 Honorary Treasurer
 DIN-02973420

Sd/-
Anuradha Prasad Shukla
 Vice President
 DIN-00010716
 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, 2021	As at 31st March, 2020
Entrance Fees		
Entrance fees as per last Balance Sheet	2,050,000	2,000,000
Addition during the year	50,000	100,000
Transferred to Capital reserve	(600,000)	(50,000)
	1,500,000	2,050,000

Note # 2**Reserve & Surplus**

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Reserve and Surplus		
(a) Capital Reserve		
As per last Balance Sheet	100,000	50,000
Addition during the year	600,000	50,000
	700,000	100,000
(b) Special Reserve		
As per last Balance Sheet	14,332,933	14,308,429
Addition/(Transfer) during the year (Refer Note 22)	(807,188)	24,504
	13,525,745	14,332,933
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	976,875	1,611,187
Addition during the year	1,393,951	1,890,192
Amount transferred to Corpus Fund	(2,500,000)	(2,500,000)
(Appropriations)/transfer from Special Reserve	807,188	(24,504)
	678,014	976,875
(d) Corpus Fund (Refer Note 24)		

Particulars	As at 31st March, 2021	As at 31st March, 2020
As per last Balance Sheet	19,000,000	16,500,000
Addition Amount transferred from Income & Expenditure A/c	2,500,000	2,500,000
	21,500,000	19,000,000
	36,403,759	34,409,808

Note # 3

Long Term Provisions

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Provision for Gratuity (Refer Note 23)	2,828,388	2,620,470
	2,828,388	2,620,470

Note # 4

Short Term Borrowings

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Bank Overdraft*	958,012	1,129,925
	958,012	1,129,925

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

Note # 5

Short Term Provisions

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Provision for expenses	67,785	1,141,718
	67,785	1,141,718

Note # 6

Other Current Liabilities

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Advance received from Members	-	-
Statutory Dues payable	6,000	502,128
	6,000	502,128

Note # 7**Tangible Assets**

(Figures in Rs)

Particulars	Gross Block				Depreciation				Net Block	
	April 1, 2020	Addition	Disposal/ Adjustments	March 31, 2021	April 1, 2020	Addition during the year	Sale/ Adjustment	March 31, 2021	March 31, 2021	March 31, 2020
Computer	909,547	62,850	-	972,397	818,147	14,254	-	832,401	139,996	91,400
Office Equipment	879,759	-	-	879,759	776,964	42,989	-	819,953	59,806	102,795
Furniture & Fixtures	23,663	-	-	23,663	15,127	2,481	-	17,608	6,055	8,536
Leasehold Improvement	4,301,401	-	-	4,301,401	4,301,401	-	-	4,301,401	-	-
Total	6,114,370	62,850	-	6,177,220	5,911,639	59,724	-	5,971,363	205,857	202,731
Previous Year	6,056,137	58,233	-	6,114,370	5,484,163	427,476	-	5,911,639	202,731	571,974

Note # 8**Other Non-Current Assets**

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Security Deposit	189,000	189,000
	189,000	189,000

Note # 9**Cash and Cash Equivalents**

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Balance with Banks		
In Current account	243,374	225,477
Cash on Hand	11,102	6,768
	254,476	232,245
Current Portion		
Fixed Deposits with Bank*	38,511,137	38,511,137
	38,765,612	38,743,382

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

Note # 9.1
Fixed Deposits with Bank

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Fixed Deposits with Bank		
Upto 12 months maturity from date of acquisition	38,511,137	38,511,137
Shown as Current Assets	38,511,137	38,511,137

Note # 10
Short Term Loans and Advances

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Unsecured considered good		
Advances recoverable in cash or kind or value to be received	758,727	1,290,197
TDS Receivable	59,500	42,000
	818,227	1,332,197

Note # 11
Other Current Assets

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Interest accrued on Fixed deposits	1,185,248	1,386,739
Unbilled Revenue	600,000	-
	1,785,248	1,386,739

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

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Subscription	13,755,000	15,075,000
	13,755,000	15,075,000

Note # 13
Other Income

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Interest Income	2,367,527	2,739,532
Miscellaneous Income	200,350	500,010
	2,567,877	3,239,542

Note # 14**Employee Benefit Expenses**

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Salaries and Wages	9,539,740	9,107,707
Contribution to Provident Fund	635,448	643,273
Gratuity Expense	207,918	427,250
Staff Welfare Expenses	8,757	18,742
	10,391,863	10,196,972

Note # 15**Administrative & Other Expenses**

(Figures in Rs)

Particulars	As at 31st March, 2021	As at 31st March, 2020
Printing & Stationary	80,392	172,433
Legal & Professional Charges	1,970,987	3,215,299
Meeting Expenses	720,000	589,536
Newspapers, Books & Periodicals	-	1,325
Communication Expenses	56,396	81,021
Travelling & Conveyance Expenses	9,890	49,987
Rent & Electricity	1,331,920	1,345,701
Website Maintenance Expenses	78,600	53,600
Repairs & Maintenance-Computer	33,153	6,500
Repairs & Maintenance- Building	96,716	56,551
Repairs & Maintenance- Equipment	8,832	-
Office Insurance-Noida	6,195	10,059
Miscellaneous Expenses	17,233	20,990
Amount Written Off	1,861	-
Rates & Taxes	1,600	133,600
Auditor Remuneration:		
Audit Fee	60,000	60,000
Tax Matters	-	-
Out of pocket expenses	3,564	3,300
	4,477,339	5,799,902

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 2021. 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. 61,88,178/- (Previous Year Rs. 81,20,250/) 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 Rs. 25, 00,000 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
Place : New Delhi
Date : August 5, 2021

Sd/-
Rajat Sharma
President
DIN No: 00005373
Sd/-
M.K. Anand
Honorary Treasurer
DIN-02973420

Sd/-
Anuradha Prasad Shukla
Vice President
DIN-00010716
Sd/-
Annie Joseph
Secretary General
[PAN No: ADTPJ0257E]

Management Report for the Year 2020-21

Industry Issues : 2020-2021

According to the FICCI-EY India's Media and Entertainment Sector 2021 Report, India's media and entertainment industry stood at INR 1,383 billion in 2020, a de-growth of 24% over the previous year. The television industry is at INR 685 billion a de-growth of 13% over the previous year. This has essentially been due to the unprecedented Covid Pandemic since March 2020. Businesses across sectors have been severely impacted and the media industry is no exception in this regard.

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. The meetings have been both physical and virtual:

1. Mr Anurag Thakur, Minister for I&B
2. Mr Prakash Javadekar, Former Minister I&B
3. Mr Yogi Adityanath, Chief Minister of Uttar Pradesh
4. Mr Arvind Kejriwal, Chief Minister of Delhi
5. Dr. P. D. Vaghela, Chairman, TRAI
6. Mr. R. S. Sharma, Former Chairperson, TRAI
7. Mr. Anshu Prakash, Secretary, Telecommunications
8. Mr. Shashi Shekhar Vempati, CEO Prasar Bharti

Cabinet Secretariat Notification dated 9.11.2020 - Online News and Current Affairs Portals

The Cabinet Secretariat Notification dated 9.11.2020 S.O. 4040 (E) amended the Government of India (Allocation of Business) Rules, 1961, thereby bringing online news and current affairs portals as well as films and audio-visual programmes made available by online content providers under the purview of the Ministry of Information and Broadcasting (MoI&B).

Ministry of Electronics and Information Technology

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified by the Ministry of Electronics and Information Technology on February 25, 2021 have been framed to regulate digital media, including OTT platforms and digital news service providers, bringing them, for the first time, within the ambit of government supervision. It mandates all news publishers to establish a grievance redressal mechanism.

The Ministry of Information & Broadcasting (MoI&B) initiated the following actions for implementation of the IT Rules, 2021:

Office Memorandum dated 3.3.2021 to Chief Secretaries of all States and Administrators of Union Territories regarding implementation of IT Rules, 2021

The Deputy Secretary Digital Media, MoI&B [Digital Media Section] vide Office Memorandum dated 3.3.2021 has informed the Chief Secretaries of all States and Administrator of all Union Territories that the Government of India has notified IT Rules, 2021 under Information Technology Act, 2000 by notification dated

25.2.2021. Part III of these Rules relates to publishers of digital news and current affairs and publishers of Online Curated content. It has been informed to them that Part III of the Rules, are to be administered by MoI&B. These powers have not been delegated to State Governments/District Magistrates and/ or Police Commissioner.

Public Notice dated 26.5.2021 – Furnishing of Information from Digital News Publishers under IT Rules, 2021

The Assistant Director (Digital Media) vide public notice dated 26.5.2021 had informed that Rule 18 of the IT Rules, 2021 provides for furnishing of certain information by the publishers of news and current affairs content and by publishers of online curated content to the Ministry. Accordingly, as stated in the notice Appendix I was to be furnished to the Ministry within 15 days of the issuance of this notice.

Public Information dated 24.5.2021 - Appointment of Authorised Officer under IT Rules, 2021

In compliance to Rule 13 of the IT Rules, 2021, Assistant Director (DM) has issued for Public Information on 24.5.2021 the appointment of Joint Secretary (P&A), MoI&B as the “Authorised Officer” for the purpose of issuing directions in accordance with the provisions of the IT Rules, 2021.

Exemption and Exclusion of Traditional Television News Media from IT Rules, 2021

President NBA vide letter dated 27.5.2021, represented to Mr Prakash Javadekar, former Minister for MoI&B for the exclusion of the digital news platforms that are owned and run by traditional news media from the purview of the provisions of the IT Rules, 2021. NBA requested that a specific and express exclusion should be carved out in the definitions of ‘digital news media’ and /or ‘publishers of news and current affairs content’ so as to exclude the applicability of the provisions of the IT Rules, 2021 to the digital news platforms that are owned and run by traditional news media.

The concerns raised by NBA in the representation about the recent Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 [IT Rules, 2021] and its applicability to the digital medium of the linear television channels of the members of NBA were as follows:

1. The Information Technology Act, 2000 [IT Act, 2000] had not contemplated the regulation of Digital News Media. Despite this, the IT Rules, 2021 seek to inter alia include traditional news media, i.e., electronic television news media having a digital news feed and presence on other digital media platforms, within its purview. This appears to be ultra vires the IT Act, 2000. In view of the above, the principal concern of NBA is the inclusion of the traditional electronic/television’s digital news media within the scope of the IT Rules, 2021, especially as enough safeguards exist to regulate the content of both mediums.
2. NBA appreciates the need for regulations, the traditional news media need not be subjected to and/ or covered under the scope of the IT Rules, 2021, since it is already sufficiently regulated by various Statutes, Laws, Guidelines and Codes, Regulations, and Judgments as set out below:
 - i. The traditional news media is governed under the provisions of the Cable Television Networks Regulation Act, 1995 [Cable TV Act], Cable Television Networks Rules, 1994 [Cable TV Rules], Uplinking and Downlinking Guidelines 2011, which require the traditional news media to be compliant with the ‘Programme Code and Advertising Code’ under the Cable TV Act and the Cable TV Rules.
 - ii. The “Electronic Media Monitoring Centre” (EMMC) [which is a subordinate office under the MoI&B] monitors the content of electronic media/ television channels in respect of any violations of the Cable TV Act and the Cable TV Rules, more specifically the ‘Programme Code and Advertising Code’.
 - iii. The content of the traditional electronic media is also governed by Codes, Guidelines and Orders/ Directions of self-regulatory bodies like the News Broadcasting Standards Authority (NBSA) for the news genre, the Broadcasting Content Complaints Council (BCCC) for general entertainment channels and the Advertising Standards Council of India (ASCI) for advertisements.

- iv. The traditional news media, which are owned by news broadcasters who also run their respective news channels, are also required to adhere to the Code of Ethics and Broadcasting Standards [Code of Ethics], the News Broadcasting Standards Regulations and the Guidelines issued by NBSA if they are members of NBA. NBSA is an Independent Self-Regulatory Mechanism which is headed by an eminent jurist, a Retired Judge of the Hon'ble Supreme Court, along with four independent members from the civil society, being persons with proven eminence in various fields of activity and four editors of the members of NBA. This is, in fact, akin to the Level II Self-Regulatory Mechanism prescribed under the IT Rules, 2021.
- v. NBSA's Guidelines cover a wide and exhaustive range of issues in respect of the content telecast by the members, which can be found on the website at '<http://www.nbanewdelhi.com/>'. NBSA also issues Advisories/ Directions/ Orders regularly to address various requirements necessitated on account of evolving circumstances and situations at various points of time relating to the content broadcast by the news broadcasters.
- vi. The Self-Regulatory framework, i.e., NBSA mentioned above, has been in existence since 2008 and has been a very effective complaint redressal mechanism in respect of the content broadcast by the members of NBA. There have been several instances when show cause notices have been issued to erring news channels allowing them and the complainants an opportunity of presenting their case, pursuant to which after hearing both the parties, NBSA has issued Order/s against the erring members who have violated their Guidelines etc. For transparency, the Orders/Directions passed by NBSA are available on the website at 'http://www.nbanewdelhi.com'.
- vii. It is also pertinent to note that in certain Orders passed by NBSA in respect of television channels which have violated the Code of Ethics and/or Guidelines, NBSA also directs the said channel/s to remove the content from the website, YouTube, or any other links, of the television channel/s.
- viii. The traditional news media is also regulated under various other applicable content laws/general statutes, which includes the Contempt of Courts Act, 1971, the Consumer Protection Act, 2019, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Emblems and Names (Prevention of Improper Use) Act, 1950, the Indian Penal Code, 1860 and many other statutes. It may also be noted that the traditional news media is constantly subjected to the abuse of the provisions of Defamation Laws, especially Sections 499 and 500 of the Indian Penal Code, on account of complainants filing frivolous and vexatious proceedings.
- ix. Apart from the above, the traditional television news media is subject to severe time-consuming procedural compliance requirements and also have to undergo a cumbersome procedure to obtain various approvals at various levels from various Ministries and Wings of the Government. Since the members of NBA are already regulated content-wise by the aforementioned statutes and procedurally by the various requirements laid down by the Ministries, the news broadcaster's digital news medium should be an exception when it comes to applying the provisions of IT Rules, 2021. Substantial content on the website is of linear content of the news channels, and therefore there is no requirement to have a new set of rules for non-linear content for the reasons stated above.
- x. It was reiterated that apparently, the intent was not to regulate the digital arm of the linear television channels, and it has only got regulated on account of the ambiguity in the legislation/IT Rules, 2021. However, the content that is made available on the linear television medium and which is made available, as is, on the digital media, is already regulated. It is reiterated that news channels should not be regulated twice for the same version/feed made available simultaneously on their On-Air and On-Line platforms. Therefore, there should be an exemption granted for simulcast feed made available on digital media of the news channels, which means live feed of the news channels is simultaneously made available on On-Air and On-line platforms.

3. The IT Rules 2021, if applied to the digital media of the linear television medium, would only result in duplication of the adjudicatory and redressal mechanism resulting in the creation of parallel adjudicatory bodies. The IT Rules, 2021 prescribe administrative regulations, which will make it virtually impossible for small or medium-sized traditional news media organizations to survive. Any additional mandates as contemplated under the IT Rules, 2021 would result in increasing the employee costs and compliance requirements of the traditional news media organizations along with duplication and creation of parallel processes. The media organizations would have to devote significant resources and time in resolving each complaint and in defending itself before multiple forums. NBA suggested that the focus should primarily be on further strengthening the already existing mechanism of NBSA and giving statutory recognition to NBA's Code of Ethics under the Cable TV Rules.
4. The IT Rules, 2021 has certain deficiencies and the said Rules ought not to:
 - i. use terms like 'half-truths', 'good taste', 'decency' which are words that are vague and ambiguous;
 - ii. enact excessive regulations for the digital medium in order that a level playing field be maintained with the traditional electronic news media; and
 - iii. treat digital media as a 'Social Media Intermediary' or 'Significant Social Media Intermediary'.
5. The electronic news media is no different from print media and majority of content hosted on their digital platforms is nothing but a replica of content which is already a part of the broadcast and has also passed the litmus test of being compliant to the various applicable regulations. The digital news media owned and operated and directly run by traditional news media ought not to be brought under the ambit and purview of the IT Rules, 2021.
6. The IT Act, 2000 and the IT Rules 2021, and more specifically provisions inter alia such as the blocking of content in cases of emergency, will severely impact the freedom of speech and expression of the media. Since the news channels/broadcasters and their extended digital arms strictly adhere to the statutes and regulations applicable and are governed at multiple levels of redressal mechanism, if the IT Rules, 2021 are made applicable, it will not only lead to harassment of the news channels/broadcasters but will also suppress and violate their fundamental right of freedom of speech and expression and will also restrict news reporting in a fair manner.
7. NBA submitted that in any event till such time as the pending matters challenging the IT Rules, 2021 in the various High Courts are adjudicated upon and decided, the IT Rules, 2021 should be kept in abeyance/suspension specifically with regard to the members of NBA since it already has an independent self-regulatory body, NBSA to adjudicate upon all complaints received by it.
8. NBA requested the exclusion of the digital news platforms that are owned and run by traditional news media from the purview of the provisions of the IT Rules, 2021. NBA requested that a specific and express exclusion should be carved out in the definitions of 'digital news media' and /or 'publishers of news and current affairs content' so as to exclude the applicability of the provisions of the IT Rules, 2021 to the digital news platforms that are owned and run by traditional news media.
9. NBA submitted that the need of the hour is to strengthen the already existing independent self-regulatory mechanism of NBSA and to give statutory recognition to the Code of Ethics instead of having two parallel mechanisms in place.

Existential threat to Digital News Broadcast on OTT Platforms

President NBA, vide letter dated 27.5.2021 requested Mr Prakash Javadekar former Minister for MoI&B that OTT and digital platforms be given an assurance that they will not be held liable for the content of 'live' news broadcast of the member broadcasters of NBA. This submission was made in addition to the request that the 'news and current affairs' genre be exempted from the purview of the IT Rules, 2021

Response from Ministry of Information & Broadcasting

Assistant Director (DM), MOI&B vide letter dated 10.6.2021 informed Digital News Publishers and Publishers of Online Curated Content (OTT platforms) that:

“with regard to the implementation of the Rules, the Ministry has received representations from various associations/organizations. One category of the representations received is that the digital arm of the traditional media entities (Print and TV) be excluded/exempted from the applicability of the Rules. In this regard, various arguments have been advanced, including the following: -

The news organizations have the same or common newsroom for the Print, TV and Digital journalists and the content created by them is already subjected to several uniform set of guidelines/standards including the Norms of Journalistic Conduct framed by the Press Council of India (PCI), the Programme and Advertising Codes under the Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under;

The electronic news media is no different from print media and majority of the content posted on the digital platforms of the electronic media is already a part of the TV broadcast, which is subject to government regulations.

The digital/OTT platforms believe that if they host news feed of the TV news broadcasters, they will be burdened to adhere to and comply with the Part III of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (Digital Media Rules 2021) and to establish a self-regulatory/oversight mechanism. This is discouraging these platforms from hosting digital news feed of the TV news broadcasters as they believe that they may be made liable for the content carried under the Digital Media Rules, 2021. Hence, there is a threat to the news feed from being removed from the OTT platforms.

The aforementioned representations were examined in the Ministry in the light of the Digital Media Rules, 2021, the existing statutes, mainly the Cable Television Networks (Regulation) Act, 1995, Cable Television Networks Rules, 1994, the Press and Registration of Books Act, 1867, the Press Council Act, 1978, Norms of Journalistic Conduct under the Press Council Act, the Uplinking & Downlinking Guidelines of 2011 for private TV channels, etc. In view of the above, it was contended as under:-

- i. The Code of Ethics laid down under the Digital Media Rules, 2021 provide that the digital news publishers shall adhere to the Code which has three elements – (a) the Programme Code under the Cable Television Networks (Regulation) Act, 1995; (b) the Norms of Journalistic Conduct under the Press Council Act; and (c) that content which is prohibited under any law for the time being in force be not published. The traditional media publishers (TV and Print) are already regulated by these norms. Accordingly, extending these norms to the digital news platforms of the organizations which are in the business of traditional news (TV and Print) is no new or additional compliance.*
- ii. While the Press Council Act covers newspapers (including replica e-version of a newspaper), the news portals/websites (.coms, .ins, etc.) are not covered under that Act. Content also differs across the traditional and digital platforms. Accordingly, news portals/websites even of the organizations having traditional newspapers will be covered under the said Rules.*
- iii. Similarly, with regard to traditional TV news entities, while content appearing on a traditional TV channel is covered under the content regulations framed under the Cable Television Networks (Regulation) Act, 1995 (Programme Code, etc) read along with the Uplinking and Downlinking Guidelines for Private TV Channels (2011), the digital news portals/websites of these traditional TV organizations are not covered under that Act/Guidelines. Further, the content may be different between the traditional and digital platforms. As a case in point, in a recent decision, the News Broadcasters Standards Authority (NBSA) held that a news which appears only on the website (.com/.in) of an organization but not its traditional TV platform would be outside the scope of its jurisdiction.*

- iv. While newspapers are regulated by RNI under the Press & Registration of Books Act, 1867 and satellite TV channels are granted permission under the Uplinking and Downlinking Guidelines, 2011, the digital news portals/websites are not covered under these laws/guidelines.

The rationale for including the digital news portals/websites of the organizations having traditional news platforms under the ambit of the Digital Media Rules, 2021 is well reasoned. Making any exception of the nature proposed will be discriminatory to the digital news publishers who do not have a traditional TV/print platform.

However, the Ministry does recognize that entities having traditional TV and print media are already registered/enrolled with the Government of India either under the Press and Registration of Books Act (by the Registrar of Newspapers for India) or under the Uplinking and Downlinking Guidelines of 2011 of Ministry of Information and Broadcasting. Accordingly, while notifying the forms for furnishing information by the digital news publishers, a distinction has been made between organizations having traditional news media and other digital news publishers, and for the former, the information sought is bare minimum. As claimed by the aforementioned entities, the digital version/digital publication of the organizations having traditional news platforms (TV and Print) may be following internal guidelines of the self-regulating bodies. Accordingly, if the organizations so desire, they can request the same self-regulatory bodies to serve as the Level II of the self-regulatory mechanism, after ensuring consistency with the Digital Media Rules, 2021.

An apprehension has been raised relating to perceived reluctance of OTT platforms in hosting news feed of digital news publishers on their platform on the pretext that the content contained therein would be the regulatory responsibility of the hosting OTT platform under the Digital Media Rules, 2021. In this regard two points need to be clarified. When any news and current affairs content of a digital news publisher is transmitted on an OTT platform, such content would be outside the regulatory responsibility of that platform. However, if any OTT platform receives a grievance related to such news and current affairs content, it may transfer the same to the concerned publisher of that content. Accordingly, there should not be any apprehension on this count either to the digital news publishers or to the OTT platforms.

The second set of representations received by the Ministry are regarding certain concerns relating to increased compliance burden on publishers, excessive Governmental control by way of emergency powers (under Rule 16), the oversight mechanism (under Rule 13) through the Inter-Departmental Committee, and the prescription relating to the composition of the self-regulating body and its registration by the Government.

It may be mentioned that the Rules have been framed under the Information Technology Act, 2000, taking into account the various legal aspects and are consistent with the provisions of the Act. On the issue of increased compliance burden due to the stipulation of a 3-Tier regulatory mechanism, it may be mentioned that Level I requires a simple mechanism for a digital publisher to redress the grievances relating to the Code of Ethics within a certain time frame. This is considered appropriate from the view point of providing a forum for citizens who may have certain grievances relating to Code of Ethics. However, the publisher can at its level decide whether or not such grievance is in fact a violation of Code of Ethics and convey the same to the complainant. It may also be made clear that rules explicitly mention that only grievances on content relating to Code of Ethics (and not of any other nature) need be addressed. On the issue of excessive compliance burden for attending to a large number of grievances within a timeframe of 15 days especially for the small and medium size publishers, till date the Government has not received any representation from any particular digital news publisher citing the exact number of grievances received by it relating to the Code of Ethics and the difficulty faced by it in the redressal of grievances. In case such a representation is brought before the Ministry, the matter would be considered appropriately.

With regard to Level II viz. the self-regulatory mechanism provided for in the Digital Media Rules 2021, already the traditional TV media organizations have formed various associations to adjudicate grievances relating to

violation of Programme Code under the Cable Television Network Act, 1995 and their internal codes/guidelines. Hence there is a prevalent system of self-regulation for the traditional news platforms. The requirement of the Level II under the Digital Media Rules, 2021 is only an extension of an existing institutional practice. Further, the composition of the self-regulating body would be decided entirely by the publishers and the Government has no role to play. The requirement of registration of such bodies with the Government is only to ensure that the composition is in accordance with the Rules and the body undertakes to perform the functions laid down under the Rules. It is neither stipulated nor intended for the Government to either interfere or obstruct the formation of the self-regulating body including its composition.

With regard to the Oversight Mechanism and the role of the Central Government, some concerns have been expressed including excessive Government control through this level over the functioning of the digital news publishers and OTT platforms. In this regard it may be mentioned that even at present, in respect of traditional TV channels, there is an oversight mechanism in the Government by way of an Inter-Ministerial Committee (IMC) which looks at certain grievances relating to the violation of the Programme Code, a mechanism which is in existence since 2005. Over the last over 15 years, the IMC has given recommendations by way of Advisories, Warnings, etc in respect of a large number of cases involving content of both news and non-news channels in relation to the Programme Codes and in almost every such case, the TV channels have accepted the recommendations of this Committee. The IMC mechanism has stood the test of time. The concept of Inter Departmental Committee (IDC) is similar. It may be mentioned that the IDC under the Rules would consist of, apart from representatives from various Departments, persons with domain expertise from other organizations also. Further, Level III is visualized as a residual level, insofar as the grievances which do not get redressed at the first and second levels would go to the IDC. Accordingly, the apprehension of excessive Governmental control through these mechanisms is misplaced.

On the issue of the Government having emergency powers under Rule 16 of the Digital Media Rules, this matter has already been clarified by this Ministry's communication dated 27.2.2021 wherein it has been mentioned that such a provision already existed since 2009 under the Information Technology Act, 2000.

In the overall context, the Digital Media Rules, 2021 may be complied with by the digital news publishers and OTT platforms without any misapprehensions."

Live News Feed Broadcast on OTT Platforms

President NBA vide letter dated 27.5.2021 requested President IBF for the support and cooperation of IBF in not taking any hasty steps of removing any live news feed of the members of NBA from OTT platforms. NBA requested for a representation from IBF to the Minister of Information & Broadcasting wherein IBF should highlight the anomalies and ambiguities as a result of the unanticipated and unintended consequences of a parallel, overlapping and duplicate self-regulatory/oversight mechanism. The letter stated that the news broadcasters are already well regulated, and the OTT platforms should not be made liable with respect to the digital news content hosted by them. It could never have been the intent of this legislation to have duplicate self-regulatory adjudicatory mechanisms with respect to the same content merely on account of it being hosted through different digital distribution mediums.

Writ Petition in the High Court of Kerala challenging the Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 [IT Rules, 2021]

NBA filed a Writ Petition in the High Court of Kerala challenging the IT Rules, 2021 on the grounds that the said Rules give the Government Authorities excessive powers to unreasonably and impermissibly restrict the freedom of speech and expression of the Media under Article 19(1)(a) and are ultra vires the Information Technology Act, 2000 apart from being violative of Article 14 and Article 19(1)(g) of the Constitution.

The main challenge is to Part III (Code of Ethics and Procedure and Safeguards in relation to Digital Media) of the IT Rules, 2021 as the Rules create an Oversight Mechanism giving the Executive unfettered, unbridled and excessive powers to regulate content of digital news media. The Grievance Redressal Mechanism created, and the powers delegated have a “chilling effect” on the content of the media.

NBA submitted that the IT Rules, 2021 are ultra vires the Information Technology Act, 2000 [IT Act, 2000] as it does not contain any provision for dealing with “content” of a programme. The IT Rules, 2021 violate Article 14 as there is neither any parity nor any valid exercise of classification in the Rules as ‘intermediaries’ have been equated with ‘digital news media’.

The Appendix of the Rules - “Code of Ethics” makes the Programme Code of the Cable TV Act, 1995 and Rules, 1994 applicable to the digital news media. The Programme Code contains vague, imprecise and ambiguous terms in relation to ‘content’ such as “good taste”, “half-truths”, “snobbish attitude”, and therefore, is not in consonance with the judgment of the Hon’ble Supreme Court in Shreya Singhal vs Union of India (2015) 5SCC1, where the Hon’ble Supreme Court has stated that Section 66A creates an offence which is vague and overbroad, and therefore, unconstitutional under Article 19(1)(a) and is not saved by Article 19(2)

Further, under Part III of the IT Rules 2021, the Joint Secretary (Oversight Mechanism) has been given the power to adjudicate upon the Orders passed by a retired Supreme Court / High Court Judge, which allows the Executive to make inroads into the judicial process.

The Kerala High Court passed an interim order in favour of NBA and its members. In light of the Interim Order passed by the Court in WP (C) 6272/2021, the High Court held that no coercive action can be taken against the Members of NBA for not implementing/ complying with “Part III of the IT Rules, 2021 i.e., Code of Ethics And Procedure and Safeguards In Relation to Digital Media”.

Cable Television Networks (Amendment) Rules, 2021

The Ministry of Information & Broadcasting vide notification dated 17.6.2021, notified the Cable Television Networks (Amendment) Rules, 2021 in exercise of its powers under Section 22 of the Cable Television Networks (Regulation) Act, 1995. Under the Amended Rules, to ensure observance of the Programme Code and Advertising Code, a Three Tier Grievance Redressal Structure was established.

Writ Petition in the High Court of Kerala challenging the Cable Television Networks (Regulation) Act, 1995, [Cable TV Act], the Cable Television Networks Rules, 1994 [Cable TV Rules] and the Cable Television Networks (Amendment) Rules, 2021 [Amendment Rules, 2021]

NBA filed a Writ Petition in the High Court of Kerala challenging the Cable TV Act, Cable TV Rules and the Amendment Rules, 2021 on the grounds that these are violative of the fundamental rights guaranteed under Part III of the Constitution of India including Article 14, Article 19(1)(a) and 19(1)(g).

The main challenge is to Rules 18 to 20 of the Amendment Rules, 2021 as the Rules create an Oversight Mechanism giving the Executive unfettered, unbridled and excessive powers to regulate the content of the television channels of the news broadcasters. The Complaint Redressal Structure created, and the powers delegated have a “chilling effect” on the content of the media.

Amongst other challenges, NBA has also challenged the offending parts of Rules 6 [Programme Code] and 7 [Advertising Code] of the Cable TV Rules in that they are beyond the provisions of Article 19(2) of the Constitution. The said Rules contains vague, imprecise and ambiguous terms in relation to ‘content’ such as “good taste”, “half-truths”, “snobbish attitude”, “indecent”, “vulgar”, “suggestive” and “repulsive” etc., and are, therefore, not in consonance with the judgment of the Hon’ble Supreme Court in Shreya Singhal vs Union of India (2015) 5SCC1.

NBA submitted that the Amendment Rules, 2021 are violative of Article 19(1)(a). It also submitted that the said Rules give the Additional Secretary (Oversight Mechanism) the power to adjudicate upon the Orders passed by a retired Supreme Court / High Court Judge, which allows the Executive to make inroads into the judicial process. The Complaint Redressal Structure under the Amendment Rules, 2021 was in *pari materia* with the Grievance Redressal Mechanism in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

In view of the submissions and the interim order passed by the Kerala High Court in WP (C.) No. 13675 of 2021 being *News Broadcasters Association & Others vs UOI & Another*, the Hon'ble Court passed an interim order directing the Respondents to refrain from taking any coercive action against the members of NBA for not complying with the Cable Television Networks (Amendment) Rules, 2021 pending the disposal of the writ petition.

Ministry of Commerce and Industry, Department for Promotion of Industry and International Trade (DPIIT)

Suggestions on Amendments to Copyright Act

Registrar of Copyright vide email dated 14.10.2020 had stated that the Copyright Act, 1957 has been amended in 1983, 1984, 1992, 1994 and 1999 to meet the national & international requirements. The latest amendment was made in the year 2012, bringing Indian copyright law into compliance with the latest World Intellectual Property Organization Treaties – the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) also known as “internet treaties”. During the year 2016, the Copyright Office has been transferred to DPIIT from MHRD bringing all the major Intellectual Property laws under single umbrella. In view of the changed scenario, it is imperative to revisit the existing provisions of the Copyright Act & ascertain “Whether there is a need for the amendment in the Copyright Act, 1957?”

Accordingly, vide letter dated 31.12.2021, NBA submitted that the Copyright Act, 1957 ought to be amended to facilitate the realization of the goals of the National Intellectual Property Rights (IPR) Policy namely, the generation of IPRs through emphasis on monetization and investment, to have a strong Copyright law that balances the interests of the larger public and the rights holders, supplemented by the modernization and upgradation of IP administration, adjudication, and enforcement in a digital age. It was submitted that the larger public interest as served by news broadcasters inter-alia ought to be kept in mind while considering any proposed amendments to the Copyright Act. Under the Copyright Act, copyright refers to an exclusive right available with an owner to do or to authorize doing of certain acts in relation to his / her original copyright work to the exclusion of others. Copyright infringement is the use of copyright protected material without the permission of the copyright holder, where such permission is required. In so far as the provisions relating to news broadcasters qua the Copyright Act are concerned, that the telecasts for the purposes of reporting news, current events and current affairs inter-alia come within the protection of Sections 39 and 52 of the Copyright Act.

NBA submitted that the intention of the legislature in according protection inter-alia to news reporting is sufficiently covered in the Copyright Act. However, clarificatory modifications are required, which will go a long way in amplifying the intent behind the aforesaid provisions thereby, enabling stakeholders to streamline their inter-se interactions and to further promote ‘ease of doing business’, all of which are necessary for overall growth of the broadcasting sector. NBA suggested, if consideration could be given to the same while evaluating amendments proposed in the Copyright Act inter-alia relating to:

1. ‘Fair dealing and ‘de minimis’ use.

NBA submitted that news reporting (including reporting of current events and current affairs) per se should be categorically and specifically mentioned under Section 52 of the Copyright Act as an exception to copyright infringement. Currently, the said Section only covers ‘reporting of current events and current affairs’ and

the said expression does not make it clear as to which platform, mode and manner and which party as publisher, broadcaster or channel is exempt from copyright infringement. Hence, it was recommended that the 'fair use' / 'fair dealing' provisions be clearly exempted under Section 52 of the Copyright Act. In the highly unlikely event and extremely remote possibility of cases where the usage of a copyrighted work by a news broadcaster is beyond the threshold of fair use, then 'de minimis' maxim should apply.

2. Issues beyond fair dealing and applicability of different tariff schemes.

NBA proposed that copyright owners and societies ought to be directed to fix lower and separate tariffs for news broadcasters using copyrighted works for news reporting (including reporting of current events and current affairs). Such an exercise ought to be conducted in consultation with relevant stakeholders / user group i.e., news broadcasters. NBA submitted that:

a. Different Categorization for the News genre.

News is a separate genre from other genres such as, general entertainment, music and sports, specially, in terms of nature of content and programming. Therefore, the news genre requires different categorization with regard to licenses and tariffs for broadcast of the copyright material.

b. No license fee should be chargeable from news broadcasters if the usage is within the concept of 'fair dealing' as contemplated in the Copyright Act. News broadcasters should be treated differently and should not come within the ambit of paying license fees as news broadcasters use music content etc. for limited purpose only on news channels, assuming that the usage conforms with the definition of 'fair dealing' under the Copyright Act.

c. No royalty should be payable by news broadcasters, if the usage falls within the concept of 'fair dealing' as contemplated in the Copyright Act.

Use of non-substantial portions of copyrighted works by news broadcasters should be exempt from the purview of copyright infringement and should not attract payment of royalty, assuming that the usage conforms to scope of 'fair dealing' under the Copyright Act. In case the usage is beyond 'fair dealing', the rates charged by such societies and copyright owners should be per usage basis particularly as use of copyrighted works in the case of news broadcasters is different from say usage in case of general entertainment content / other broadcasters.

3. Number of Collecting Societies and Ease of doing business.

With an aim for promoting 'ease of doing business', which will eventually lead to growth of the sector and promote competition, NBA suggested that there should be a single body for collecting royalty payable to owners and authors of music compositions, lyrics, sound recordings, etc. regardless of the linguistic and regional differences. Each of the registered royalty collection societies representing each class of works shall be required to nominate one representative to such single window royalty collection body. Such single body shall determine and collect royalties for each kind of usages and the amounts so collected can be paid in proportions as pre-determined to each of the royalty collection societies depending on the classes of works such society represents. No author or copyright owner (sound recording, publisher, lyricist, composer) should be allowed to collect their shares of royalties directly. NBA submitted that relevant provisions of the Copyright Act would need to be suitably amended to reflect the above. Further, single window clearances for licenses and payments would also reduce disputes and litigations amongst stakeholders.

4. Steps for clarifying / improving process of payment of royalties to authors.

NBA submitted that copyright owners and societies have been misusing the amended provisions of Section 18 of the Copyright Act to make unlawful and unreasonable demands from news broadcasters. NBA submitted that the conduct/approach and demand by the copyright owners and societies is an erroneous

interpretation of the law. The proviso to Section 18 of the Copyright Act explicitly states that the royalties are to be shared on an equal basis between the author and the assignee. This obviously does not include news broadcasters since, they are neither authors nor assignees. To the contrary, the news broadcasters are, in relevant cases, at best, non-exclusive licensees of content that is not their own, or copyright owners of the content that they may have produced. The licences obtained by the news broadcasters from assignees of copyrighted works only mandate making payment to the licensor for obtaining the license. Once the licence is lawfully obtained and acted upon, no further payment of royalty by a licensee is contemplated in the Copyright Act. It is for the assignee to pay royalties to the authors from the sale of licenses that they are able to generate. As such, NBA submitted that clarificatory language ought to be introduced in the Copyright Act that equal share of royalties contemplated under the proviso of Section 18 of Act should be recovered from the assignees such as, music labels.

NBA submitted that it is a herculean task for news broadcasters to identify/trace/verify claims of each author in the licensed content for payment of royalties, whereas the producers /licensors of the content have all the requisite information /details to make such payments. In such circumstances, making the licensee liable for payment of royalties to the authors places an unreasonable burden on the licensees. Therefore, NBA submitted that producers, being assignees, be liable to pay for the royalties of the copyright owners of the underlying works in the licensed content. The licensees should be protected from any claims for royalty from the owners of copyright in the underlying works. Even a bare reading of the provisions of the Copyright Act that the duty to pay royalty to the author of a copyrighted work does not accrue to the news broadcaster, but only to the producer (assignee). If the usage by the news broadcasters of copyrighted works is for limited purposes on news channels and conforms with the definition of 'fair dealing' under the Copyright Act, then in any event, no licence fees should be charged from the news broadcasters. In view of the above, NBA proposed that a clarification be made regarding the above issues, by way of an appropriate amendment, which may inter-alia be affected by inserting an explanation to Section 18 of the Copyright Act

5. Issue whether content used by news broadcasters ought to be considered a criminal offence or be subjected to penal consequences.

The use of content by news broadcasters for the purpose of reporting news, current events and current affairs should not be considered a criminal offence and should not be subject to criminal penalties. Classifying fair use of copyrighted material for news reporting (exempt under Section 52(1)(a)(iii) of the Copyright Act), as a criminal offence, would tantamount to an unreasonable restriction on freedom of speech and expression available to news broadcasters by virtue of the Constitution of India. In spite of the existence of the concept of 'fair use' / 'fair dealing' for reporting current affairs /current events in the Copyright Act, the news broadcasters are constantly harassed by copyright owners on the following grounds:

- a. Criminal provisions of the Copyright Act are often used by copyright owners as a tool to harass the news broadcasters, even if the content usage is within the realm of 'fair dealing'. Copyright owners opt at the first instance to pursue criminal proceedings, which puts the news broadcasters at high risk for criminal liability. In the event the content usage is not within the realm of 'fair dealing', all these issues can be settled by compensating the owners of copyright for use of their work. Civil remedies should be the only option in such cases (i.e., cases of usage by news broadcasters who are operating under permissions granted by the Central Government and have appropriate security clearance).
- b. The news broadcasters face a constant threat of arrest/imprisonment even if they are genuine users of the copyright work under exceptions provided under Section 52(1)(a)(iii) of the Copyright Act. Therefore, to reduce frivolous actions against genuine usage of the copyright work that do not affect the commercial value of the original work, decriminalization of all actions/broadcasts connected and related with Section 52(1)(a)(iii) of the Copyright Act is necessary in so far as they relate to news broadcasters who are operating under permissions granted by the Central Government and have appropriate security clearance.

- c. Criminal matters are filed in different jurisdictions to harass the news broadcasters even if they are genuine users of their copyright work under exceptions provided under the Copyright Act.
- d. The concept of vicarious liability should not be invoked against Directors of a news broadcasting Company where the Directors are not involved in the day-to-day affairs of such Company and/or not directly involved in the act of copyright infringement. In the above scenario, provisions in the Copyright Act dealing with criminal liability and penalties should be deleted in so far as it relates to news broadcasters who are operating under permissions granted by the Central Government and have appropriate security clearance.
- e. While infringement of copyright should be treated as a serious offence and needs to be dealt with sternly, the civil remedies provided under law should be given more teeth specially in case of use of copyrighted work by news broadcasters. Such amendments would surely benefit the news broadcasting industry and prevent it from being harassed on account of frivolous criminal complaints, while providing the copyright owners with adequate and speedy remedies through civil proceedings.

6. Definition of 'Broadcast' under Section 2(dd) of the Copyright Act.

The definition of broadcast (under Section 2(dd) of the Copyright Act) includes all communication to public by means of wireless diffusion, whether in any one or more of the forms of songs, sounds or visual images or by wire and includes re-broadcasts. Present definition includes both linear and non-linear communication to public of any songs, sounds or visual images. It is wide enough to include broadcast as part of linear channels as well as through non-linear broadcast including that through OTT / Internet. NBA proposed that the definition of 'broadcast' should remain the same, however, a clarification should be given that Internet as a mode / medium is included within the scope of definition of 'broadcast' in Section 2(dd) of the Copyright Act.

7. Defining 'piracy' under the Copyright Act and constituting a Central Authority for tackling the menace of piracy.

'Piracy' needs to be defined under the Copyright Act on the lines that – 'Piracy' is an act of operating any service / platform / broadcast through any modes or mediums which predominantly consists of infringing works or is pre-dominantly used for communicating or making available infringing works to public. Doing so will go a long way in dealing with different types of misuses i.e., whether it is deliberate or inadvertent. This will also help in easing the understanding on quantum of punishment (if any) that may be applicable in case of varied type of misuse. A 'central authority' with the power to deal with 'piracy' and issue orders to Internet Service Providers (ISPs) and other intermediaries to block infringing 'pirate' websites needs to be established under the Copyright Act itself. Doing this will help in more effectively dealing with the menace of 'piracy'. This Central Authority should also have the mandate to establish working relationships with authorities in other countries to tackle 'piracy' originating from such countries. Rules should be introduced in the Copyright Act which provide for a mandatory code of conduct to address bargaining power imbalances between the internet companies such as Google and Facebook and news broadcasters /registered news reporting agencies.

Rules should be introduced in the Copyright Act which provide for a mandatory code of conduct to address bargaining power imbalances between the internet companies such as Google and Facebook and news broadcasters and registered news reporting agencies.

8. News as an original work is capable of being licensed, assigned and is treated as 'copyrightable content'.

NBA submitted that presently, as a general rule, online digital platforms do not perceive or treat content / works created by news broadcasters at par with general entertainment / musical / sports or film content /

works. This results in a situation, where news broadcasters are either deprived of any revenue or their fair share of revenues from such digital platforms and alternatively it is fixed fee payment offered on a take it or leave it basis. The perception that 'news' is not original content needs to change and this mode of business should be discouraged. The challenges being faced by news broadcasters have further increased in the times of the COVID-19 pandemic as the operational costs of news broadcaster's inter-alia towards news gathering, fact-checking and delivery have been on the rise, advertising revenues have fallen and the news broadcasters are continuously being deprived of their fair share of revenues from such digital platforms. Suitable legislation and amendments under the Copyright Act should be made to address this issue which will give a fair bargaining power to news broadcasters vis a vis digital platform in order to remedy the malady which exists. Many countries are already working towards achieving this end of payment of license fee by these digital platforms and India too should look at addressing this issue in a proactive manner.

9. Overriding effect of Copyright Act, 1957

NBA submitted that with an aim to address issues relating to malicious initiation of legal proceedings on usage relating to 'fair dealing' / 'de minimis', it is suggested that a non-obstante provision to provide for overriding effect of the Copyright Act, 1957 should be inserted in the Copyright Act. Such provision will help making Copyright Act a code in itself in so far as it relates to matters contained in the Copyright Act. Further, provisions of the Copyright Act will have an overriding effect on any other legal provisions contained in any other laws that are contrary to those contained in the Copyright Act.

Summary of the Submissions

- a. News reporting (including reporting of current events and current affairs) should be specifically mentioned under Section 52 of the Copyright Act as an exception to copyright infringement.
- b. No licence fee should be charged from news broadcasters if the usage is within the concept of 'fair dealing' or 'de minimis' use. No royalty payment should be payable by news broadcasters for such use.
- c. Copyright owners and societies should be required to fix entirely different and substantially lower tariff schemes for news broadcasters, for usage of their copyrighted works that may otherwise be beyond 'fair dealing' or 'de minimis' use. Presently, the Copyright Act / Rules framed thereunder, already contemplate fixing of separate tariffs. Further, such tariff fixation exercise ought to be conducted in consultation with relevant stakeholders / user group i.e., news broadcasters failing which the exercise ought to be deemed to be vitiated.
- d. The transactional process of granting licenses and making payments should be made simpler with a single-window solution being provided for.
- e. Use of content by news broadcasters for the purpose of reporting news, current events and current affairs should not be considered a criminal offence and should not be subject to criminal penalties / liabilities.
- f. Clarificatory language ought to be added in the definition of 'broadcast' in Section 2(dd) of the Copyright Act to clarify that Internet as a mode / medium is included within the scope of 'broadcast'.
- g. 'Piracy' ought to be defined in the Copyright Act and a 'Central Authority' ought to be set-up under the Copyright Act to inter-alia establish working relationships with authorities in other countries to tackle 'piracy' originating from such countries.
- h. Rules should be introduced in the Copyright Act which provide for a mandatory code of conduct to address bargaining power imbalances between the internet companies such as Google and Facebook and news broadcasters /registered news reporting agencies.
- i. To deal with issues relating to malicious initiation of legal proceedings a non-obstante provision to provide for overriding effect of the Copyright Act, 1957 should be inserted in the Copyright Act.

Broadcast Audience Research Council (BARC)

BARC to Pause Audience Estimates (Ratings) of News Channels

In the light of the developments relating to tampering of meters, BARC Board proposed that its Technical Committee (Tech Comm) review and augment the current standards of measuring and reporting the data of niche genres, to improve their statistical robustness and to significantly hamper the potential attempts of infiltrating the panel homes. This exercise would cover all Hindi, Regional, English News and Business News channels with immediate effect. Accordingly, vide press release dated 15.10.2020 it was announced that starting with the 'News Genre', BARC will cease publishing the weekly individual ratings for all news channels during the exercise. This exercise was expected to take around 8-12 weeks including validation and testing under the supervision of BARCs Tech Comm. BARC would continue to release weekly audience estimates for the genre of news by State and language.

NBA welcomed the decision of BARC and stated that it expects that the period of suspension will be utilized to implement important reforms at BARC; to safeguard the integrity of viewership data, human intervention in its collection and processing must be totally eliminated. Data security, including encryption and restricting access to key information, must be ensured; complaints, if any, should be dealt in an independent and transparent manner; NBA also expects greater consultation and openness when important decisions are taken by BARC.

Suggestions of NBA on BARC Process Improvements

In the light of the decision of BARC to improve their statistical robustness and to significantly hamper the potential attempts of infiltrating the panel homes, NBA submitted a note on 20.11.2020 to BARC which summarized the steps that may be implemented to improve the television rating process. The steps suggested were as follows:

- 1. Increase in sample size** The sample size of panel homes by deploying additional number of BAR-o-Meters should be increased particularly for news and other genre which has low viewership. A larger sample size would address the problem of panel tampering. The sample size can be increased by using of new technology such as adoption of Return Path Data ("RPD") technology, which would allow stakeholders to leapfrog into collecting viewing data/gaining viewing insights from millions of households instead of collecting data from just hundreds or a few thousand households. Having access to this data would give an accurate measure of subscribers viewing behaviour. RPD can be effectively used after taking explicit consent of subscribers and transfer/collation of viewership data should take place electronically only in an anonymised form. RPD should be in addition to the existing boxes (i.e. BAR-o-Meters) that BARC uses and should be done before the government mandates it. BARC could work with distribution platforms like Cable and DTH players to effectively implement RPD technology and collection of data.
- 2. Security of Data** BARC should evaluate ways to anonymise data in a manner that no one has access to details on how and which boxes are used to obtain data. For example, samples could be taken through computerised random selection from different boxes. Since rotation of panel homes has its own operational and cost challenges, a more doable option is Computerised Random selection of only 60% panel homes every week, for the data to be included in the measurement. The computer will randomly pick up any 24400 out of the 44000 panel homes, there will always be rotation of panel homes. The sample size may become smaller but it will be more accurate as manipulation will be minimised. If RPD technology is adopted and additional boxes are added then the panel size would increase. Human intervention in any form should not be allowed.
- 3. Transparency on Outlier Policy** BARC has in place an Outlier Policy by which it keeps a check on any unjustified spike in the viewership of a channel. However, BARC's Outlier Policy is confidential and there is no transparency on how BARC rationalises viewership data in accordance with its Outlier Policy. In the spirit of transparency and fairness, the following was proposed:

- i. BARC needs to be completely transparent with respect to its Outlier Policy.
- ii. The Outlier Policy should be driven to check only statistical outliers which have arisen due to technical issues such as meters getting jammed or a household member unintentionally forgetting to switch-off the button of the BAR-o-Meter remote etc.
- iii. The Outlier Policy should also check for panel tampering where viewing habits are not in line with the household or market profile and there is an evidence of panel tampering on the basis of internal investigations and raw data analysis.
- iv. Application of the Outlier Policy should be algorithmically driven and no human intervention should be allowed in any manner. This will ensure credibility of BARC data.

4. Any form of data smoothening should not be permissible

- i. Reduction in data variability by reporting data at monthly level, rolling averages, broader target group and market cuts like 2+, 15+, only town class data etc. should not be encouraged as these measures do not remove anomalies but smoothen anomalies over longer periods and in fact make them harder to detect even when they exist.
- ii. It is imperative that data is available at the same granular level for news channels as it is available for all other genres. Otherwise, news channels have a distinct disadvantage from a media planning perspective.
- iii. Further, when data is available at a granular level, anomalies can be detected more easily and channels which are tampering data can be put under scrutiny.
- iv. Niche channels are getting under reported as the number of individuals sampling such channels are low and with lesser provisions for booster sample, the viewership shows huge fluctuations. It is imperative that booster samples should be increased for niche channels to represent their true viewership and with lesser fluctuations.

5. Technical Committee to be empowered and expanded Currently, the BARC Technical Committee is under-utilised and should be used more and empowered to evaluate new processes. BARC's Technical Committee should also be expanded to include niche and news broadcasters so that their concerns can be adequately addressed.

6. Sub-Committee to be formed for malpractice claims Any malpractice claims against BARC should be investigated and addressed within the organisation. In addition to BARC's disciplinary committee, a Sub-Committee of BARC's Board should be set up to address any grievances that a broadcaster may have in connection with the finding or an order of the Disciplinary Committee. BARC's management would also consult with the Sub-Committee before filing any FIRs or complaints. The function of the Sub-Committee could be defined in detail. The idea behind setting-up a Sub-Committee is that BARC should find ways of resolving issues internally before approaching any external agencies as involvement by external agencies would invariably bring disrepute to BARC and lead to stakeholders questioning BARC's credibility. Based on recommendations by the Sub-Committee if any action is warranted against a broadcaster such as a case of panel tampering, the Sub-Committee should recommend to the relevant body i.e. News Broadcasters Association (NBA) or the Indian Broadcasting Foundation (IBF) to investigate and take appropriate action against the relevant broadcaster.

7. Raw Data & Additional Data should be made available BARC should provide raw level masked data when sought by the broadcasters. Raw data would help in determining any changes made to weightage is clearly known. BARC should endeavour to give separate data of DTH to check if there is major difference between the data gathered from cable operator and DTH.

- 8. Engaging an Independent Global Advisor** BARC should engage an advisor which has experience in rating agencies internationally and can advise on best practices and technologies which BARC can adopt to further strengthen its systems and processes to ensure BARC remains a credible source of television viewership measurement.

TRP Manipulation

NBA noted the revelations made by Mumbai Police on the issue of TRP manipulations that have been going on since 2016 and the audit conducted for a period from 2016 till 2019 which focused on 44 weeks, which was not shared with NBA though available since July 2020, and came to be known during the press conference.

President NBA in his letter dated 1.1.2021 to Chairman BARC submitted that on several occasions it was informed to BARC that ratings in respect of the news genre is neither transparent nor accurate. Therefore, NBA had demanded an independent and impartial third-party audit/enquiry to be conducted and present the findings to NBA members. All issues were also explained and raised with, Chairman, BARC India Technical Committee, in the meeting with NBA Board Members on 8.5.2019. and to CEO BARC, on 12.12.2019.

It was brought to the notice of Chairman BARC that the report clearly shows data manipulation inside BARC where ratings of the member channels were tampered with to benefit a English news channel during the crucial launch period in 2017, which was clearly in violation of the Code of Conduct for Redressing Viewership Malpractice. Despite the malpractice, the current BARC management gave the channel a clean chit when they are under the lens of Law Enforcement Authorities for the very malpractices.

NBA suggested BARC to take the following steps:

1. BARC should share the third-party forensic audit report which has been provided to the Mumbai Police with the NBA to maintain values of transparency.
2. To inform NBA as to what action is being taken against Republic TV as per the BARC Code of Conduct for Redressing Viewership Malpractices, since BARC's third-party audit has found incriminating evidence against Republic TV.
3. The data of Republic TV to be expunged from BARC for the period found in the report and appropriate legal action to be taken for such criminal conduct.
4. Clarify how BARC gave a clean chit to RepublicTV in two misleading emails dated 17.10.2020 and 20.11.2020 when it was aware that the forensic report had been shared with the police. The email was timed to give Republic TV a clean chit when they are under the lens of Law Enforcement Authorities for the very malpractices that BARC officials perpetrated in cahoots with Republic TV earlier and then had tried to hide under the carpet.
5. BARC should issue a statement confirming the findings of the Audit Report that no clean chit was given to Republic TV as is being claimed by the channel. In fact, the forensic audit report that has attributed enhanced viewership using unfair means should be made public and a press release issued.
6. To ensure that the ratings are now free from alleged misdoings, NBA would like another third-party forensic audit for the same period for Hindi News as well and also after and until now for Hindi and English news genre. Indeed, it would be worthwhile to conduct a full Audit for the entire broadcast industry of all genres as it is quite likely that there will be other such violators and it is in everyone's best interests that this needs to be uncovered.
7. It is learnt that BARC officials were also involved in tampering of data of certain Hindi channels also. The data of Hindi news was managed and manipulated to benefit some channels. We would like to know the names of Hindi channels who were victims of this malpractice and whose ratings were brought down by corrupt interventions.

8. To clarify why BARC's data has not shown any evidence of a DISCOM proceeding against Republic TV which used corrupt means to manipulate data and no penalty has been imposed on the erring channel when the rules of engagement are very clear.
9. The DISCOM proceedings relate to the erring channels, but there is no clarity when cheating/ manipulation is done by officials within BARC, if there is any provision of taking legal /criminal action against them. Procedures in this regard should be drawn up for the future.
10. As per BARC guidelines, the rating of a new channel is reported only after 12 weeks after its launch. As per reports in media in the case of Republic Bharat, the ratings were reported in a few weeks. Can you clarify, why the guidelines were violated in case of the said channel?

Considering that the TRP matter is under a cloud and there are many areas which are not clear to broadcasters and to the overall advertising fraternity as consumers, it would be counterproductive to release the data of the news genre until all the above points are clarified and resolved.

In a subsequent communication dated 7.1.2021 to Chairman BARC, President NBA informed that post the suspension of data in October 2020, new facts are being unearthed almost daily and how brazenly certain individuals at BARC manipulated viewership data to give an unfair advantage to certain news channels at the cost of all others.

NBA requested that the suspension should continue till systemic overhaul takes place to restore credibility of the information it collects and it should permanently exclude the television channels that benefited from manipulation of viewership data it publishes. This will also serve as a strong deterrent going forward and help restore BARC's credibility to some extent.

In response to the letter sent to Chairman, BARC, vide letter dated 9.1.2021, the CEO stated that the audit report sought by NBA has been submitted before Mumbai Police in accordance with the law and is consequently a subject matter of ongoing investigation by the law enforcement and investigating agencies. In addition to the above, such audit report, apart from information sought with respect to alleged TRP manipulation, contains internal and confidential information of BARC.

In so far as the allegation that BARC had issued a clean chit to a broadcaster, it was stated that BARC merely clarified that currently there is no pending proceedings with the BARC Disciplinary Council under the Code of Conduct for Redressing Viewership Malpractices involving the broadcaster and clarifying its position that such communication was not related to the ongoing investigation. The matter at hand is outside the BARCs' Code of Conduct for Redressing Viewership Malpractices. The allegations of alleged TRP manipulation by the broadcaster in connivance with the ex-officials of BARC was concerned, the same is subject matter of ongoing investigation with the Mumbai Police.

In view of the response from BARC not being satisfactory, NBA in a communication dated 2.2.2021 to the Chairman & BARC Board listed down some points to be implemented with immediate effect:

1. Make an official statement about the true position of English and Telugu News Channels for the period of Forensic Audit - 2017-18.
2. Immediately institute a similar Forensic Audit for the period 2018-2019 for Hindi news channels as there is clear indication that the same modus operandi would have been employed in respect of that genre as well.
3. Initiate disciplinary action against the defaulting broadcaster and in the interim suspend their EULA along with viewership data till completion of disciplinary process.

4. Once the above 3 points have been met with and BARC is ready to roll data with NBA consent, we would need a mechanism to ensure that there will be no scope for this kind of fraud going forward. In the above response, it has been described in great detail the improvements in the data processes. We need additional assurance that the new process will have NO manual intervention. The Data processing rules will be transparent to all broadcasters and NO changes to algorithms affecting news channels will be made without NBA's approval.

BARC made a presentation to the NBA Board on 12.2.2021 on the actions being taken by BARC to make the ratings credible and accurate. NBA informed the CEO BARC on 13.2.2021 that the presentation made by BARC addressed none of the concerns raised in detail in several letters including the aforementioned letter. What was presented was cosmetic changes to the software to facilitate reporting of a three-monthly rolling average ratings data rather than a weekly one. NBA categorically stated that BARC should not release any data before we mutually come to an amicable conclusion on this issue which includes:

1. An explanation as to why BARC has failed to present the alarming findings of its internal audit report to NBA when the matter was entirely to do with the news category and NBA members.
2. We insist BARC makes public the findings of this report which threatens to damage the very credibility of news ratings amongst advertisers. Continuing to keep it under wraps is creating a cloud around the whole category and that is damaging our interests.
3. BARC must initiate strict disciplinary and penal action against the errant broadcasters who in collusion with its former CEO and management team have gnawed at the entrails of the news ratings system.

BARC in response vide email dated 18.2.2021 stated that as a Joint Industry Body with stakeholders from across the spectrum, BARC has 'zero tolerance' towards viewership malpractices. The ongoing investigation is a result of BARC's intolerance towards viewership malpractices. The management of BARC has strengthened its processes and policies. Furthermore, BARC has done necessary process changes within the organization in order to ensure that BARC has stricter control and vigilance over its employees. BARC Board had also initiated a comprehensive audit of BARC's operations and procedures. At present, the exact nature of offences committed by certain individual(s) is unclear in light of the pending investigations. Therefore, violations, if any, can be ascertained only after the ongoing investigations see their logical conclusions before a court of law. In light of the foregoing, it would not be appropriate for BARC to comment on a matter that is sub-judice. Any action of BARC in this matter before the pronouncement by an appropriate court of law would be presumptive.

In this regard President NBA vide letter dated 24.7.2021 wrote to President, Indian Broadcasting & Digital Foundation (IBDF) that due to the tampering, manipulation and corruption of data, BARC independently decided to suspend the ratings of the news genre in October 2020. Thereafter, several meetings and letters have been addressed by NBA to understand what steps BARC has taken after the suspension. We have also shared suggestions and insights to assist BARC make the system robust and for improvements. On behalf of the Board an update was sought from BARC on the television ratings for the news genre. He was informed that when the ratings for the news genre were suspended, BARC had assured that it would undertake improvement of processes and algorithms, to address the loopholes in its system which allowed for tampering, manipulation and corruption of data. NBA sought his intervention to correct the anomalies and defects immediately. With respect to the suspended television ratings, BARC represented that it intends to undertake a thorough sanitization of its existing processes. BARC had made a commitment to this effect to its entire subscriber base as well as a substantial part of the media industry, which is largely dependent for continuity of business, on BARC's services. The ratings were suspended since *"the BARC Board was of the opinion that a pause was necessitated to enable the industry and BARC to work closely to review its already stringent protocols and further augment them to enable the industry to focus on collaborating for growth and*

well-natured competitiveness. Until BARC addresses this NBA will be unable to move forward. BARC is duty bound, and is well aware of its responsibility, to put together a fresh robust ratings system and ensure that the subscribers are duly furnished the data on viewership. Unfortunately, even after 9 months and multiple consistent follow ups and requests, we have not received any updates or information from BARC. Some of the subscribers have objected to continue paying the license fees, given the prolonged suspension of BARC's services and without any clarity on when the same will be resumed, or a clear roadmap of the future. In the absence of any substantive progress updates in the last 9 months, we are also unable to provide any updates to our members. NBA reiterated its earlier position and requested President IBDF to revisit our earlier communications on this subject and that BARC has factored the suggestions in implementation of its new processes. NBA sought a detailed response from BARC elaborating the steps taken so far and an estimated timeline for the completion of this activity.

In response vide letter dated 26.7.2021, President IBDF has informed that BARC Board has discussed the issue in length in various Board meetings. In conjunction with the BARC Board various measures have been taken to streamline the functioning of BARC. While some of the measures have been completed, some are still under review and yet to be completed. He has requested for patience on this matter until such time the process has been completed. As far as the payment of licence fee to BARC is concerned, it remains a commercial agreement between BARC and an individual broadcaster.

Revision/Recalculation of SOW/EULA Charges

President NBA vide letter dated 10.8.2021 has requested BARC that since a substantive portion of the Licensed Data which is provided and contemplated under the terms of the Agreement are unavailable to our members on account of BARC's own decisions and actions, the License Fee which is proposed to be imposed has to commensurate and be on a pro-rata basis being directly co-related to the extent of Data/Services provided and made available to the members.

NBA therefore requested BARC to revise the SOW Invoice raised upon the Members and to do the necessary re-workings and extend the benefit of the same by reducing the same from the invoiced amount and by making necessary refunds and adjustments. A reply is awaited in this regard.

Constitution of Committee to review "Guidelines on Television Rating Agencies in India" notified by Ministry of Information & Broadcasting

The Ministry of Information and Broadcasting [Mol&B] vide Order No. 36011/13/2020-BP&L dated 4.11.2020 constituted a Committee to review "Guidelines on Television Rating Agencies in India", under the Chairmanship of CEO, Prasar Bharti. The terms of reference were as follows:

1. Study past recommendations made by various forums on the subject of television rating systems in India and matter incidental thereto;
2. Study recent recommendations of Telecom Regulatory Authority on the subject;
3. Suggest steps for enhancing competition in the sector;
4. Review of the presently notified guidelines to see if the intended purpose(s) of issuing the guidelines have stood the test of time and has met needs of various stakeholders involved. The lacunae, if any, shall be specially addressed by the Committee;
5. Any issues related or incidental to the subject;
6. To make recommendations on way forward for robust, transparent and accountable rating system in India; and
7. Any other related issues assigned by Mol&B from time to time.

Submissions of NBA to the Committee to review “Guidelines on TV Rating Agencies in India”

Prasar Bharati sought the views of NBA vide email dated 13.11.2020. NBA submitted on 1.12.2020 that BARC’s television audience measurement and ratings in respect of the news genre are neither transparent nor accurate and made its preliminary submissions to the Committee for improving BARC’s processes which are as under:

- a. **Sample size and allied issues** The sample size of panel homes by deploying additional number of BAR-o-Meters should be increased. There is need to increase meters particularly for news and other genre which have low viewership. A larger sample size would address the problem of panel tampering. The sample size can be increased by use of new technology such as adoption of Return Path Data (“RPD”) technology, which would allow collection of viewing data / gaining viewing insights from much larger number of households than the few thousand households from whom data is being presently collected. Having access to this data would give an accurate measure of subscribers viewing behaviour. RPD can be effectively used after taking explicit consent of subscribers and transfer/collation of viewership data should take place electronically only in an anonymised form. BARC should collaborate with distribution platforms operators (“DPO”) in a greater manner to effectively implement RPD technology and collection of data.
- b. **Security of data** BARC should evaluate ways to anonymise data in a manner that no one has access to details on how and which boxes are used to obtain data. Appropriate steps should be taken by BARC to ensure:
 - i. privacy of personal information is not compromised,
 - ii. data is maintained, transferred and dealt with in pseudonymized form,
 - iii. there is rotation of panel homes in quick succession / intervals,
 - iv. all concerned are required to execute non-disclosure agreements with BARC, breach of which should inter-alia entail severe monetary consequences, and
 - v. dummy panel homes should be installed to eradicate possibility of manipulation.

Samples could be taken through computerised random selection from different boxes Since rotation of panel homes has its own operational and cost challenges, a more doable option is Computerised Random Selection of only 60% panel homes every week, for the data to be included in the measurement. Since the computer will randomly pick up any 24,400 out of the 44,000 panel homes, there will always be rotation of panel homes. The sample size may become smaller, but it will be more accurate as manipulation will be minimised. If RPD technology is adopted and additional boxes added, then the panel size will also increase.

- c. **Transparent Outlier Policy** BARC has in place an Outlier Policy as per which BARC keeps a check on any unjustified spike in the viewership of a channel. However, BARC’s Outlier Policy is confidential and there is no transparency on how BARC rationalises viewership data in accordance with its Outlier Policy. In the spirit of transparency and fairness, the following was proposed: (i) BARC needs to be completely transparent with respect to its Outlier Policy. (ii) The Outlier Policy should only be driven to check statistical outliers which have arisen due to technical issues such as meters getting jammed or a household member unintentionally forgetting to switch off the button of the BAR-o-Meter remote etc. (iii) The Outlier Policy should also check for panel tampering where viewing habits are not in line with the household or market profile and there is an evidence of panel tampering on the basis of internal investigations and raw data analysis. (iv) Application of the Outlier Policy should be algorithmically driven, and no manual / human intervention should be allowed in any manner. This will ensure credibility of BARC data.
- d. **Any form of data smoothing should not be permissible**
 - i. Reduction in data variability by reporting data at monthly level, rolling averages, broader target group and market cuts like 2+, 15+, only town class data, etc. should not be encouraged as these measures

do not remove anomalies but, smoothen anomalies over longer periods and in fact make them harder to detect even when they exist.

- ii. It is imperative that data is available at the same granular level for news channels as it is available for all other genres. Otherwise, news channels have a distinct disadvantage from a media planning perspective.
- iii. Further, when data is available at a granular level, anomalies can be detected more easily and channels which are tampering data can be put under scrutiny.
- iv. Niche channels are getting under reported as the number of individuals sampling such channels are low and with lesser provisions for booster sample, the viewership shows huge fluctuations. It is imperative that booster samples should be increased for niche channels to represent their true viewership and with lesser fluctuations.
- v. Raw Data & Additional Data should be made available. BARC should be mandated to provide raw level masked data when sought by the broadcasters. Raw data would help in determining any changes made to weightage is clearly known. BARC should endeavour to give separate data for DTH to check if there is major difference between the data gathered from cable operators and DTH.
- vi. Engaging an Independent Global Advisor. BARC should engage an advisor which has experience in rating agencies internationally that can advise on best practices and technologies that BARC can adopt to further strengthen its systems and processes to ensure BARC remains a credible source of television viewership measurement.
- vii. Data Reporting. BARC should share sample size and TV universe of every market that is being reported. Further, currently, data for previous week is released by BARC on Thursday i.e., after five (5) – six (6) days however, this time lag should be reduced to a maximum of two (2) days.

Return Path Data (“RPD”)

Over time, method of television audience measurement has evolved. Initially, audience measurement was conducted through entries in diaries and now they are done primarily through people meters installed by rating agencies at customer’s premises. There is further shift in television audience measurement system with advent of technologies that have enabled gathering of viewing data through return-path. New technologies that enable RPD should be leveraged for television audience measurement and rating system.

Tracking subscriber viewing data through STBs that enable RPD unlocks access to large amounts of audience viewing data, which in-turn is useful to accurately measure subscriber viewing behaviour.

Broadly, RPD is based on the concept where content viewership data is returned by subscriber’s customer premises equipment (“CPE”) either directly to rating agency’s servers, or to DPO’s servers and in-turn the said data is used by DPOs for their own purposes and shared, as is, with rating agencies for statistical analysis, gathering insights into television / content viewing and television rating purposes.

RPD allows stakeholders to leapfrog into collecting viewing data / gaining viewing insights from millions of households instead of collecting data from just hundreds or few thousand households. Having access to this data is an incredibly useful and accurate measure of subscribers viewing behaviour.

To address privacy related concerns, two prerequisites are to be ensured i.e., (i) explicit consent from subscribers prior to use of their CPE for gathering viewership data (or for transferring such data to rating agencies), and (ii) transfer / collation of viewership data should be taking place electronically only in an anonymized format.

Possible solutions for RPD related issues can be addressed inter-alia by analysing steps taken by rating agencies in other countries specially, Numeris in Canada.

BARC should be mandated to carry out an extensive exercise for implementation of RPD based audience measurement and ratings. It is submitted that tracking subscriber viewing data through RPD will help unlock access to large amounts of audience viewing data, which in-turn is useful to accurately measure subscriber viewing behaviour. This will also help in achieving the aim to eliminate manual interventions, which if not eliminated, leads to subjectivity in the ratings systems and results in casting of doubts on credibility of audience measurement system. The Committee had also sought NBA's views on the feasibility of bringing Internet streaming / digital platforms within the scope of television audience measurement. In this regard, NBA submitted that linear broadcast of television vis-à-vis their broadcast on Internet / digital platforms, are distinct modes of transmission with varied consumption / viewing models. The Committee for the purposes of television audience measurement and ratings, broadcasts of linear TV channels via cable and satellite, and as per a defined programming schedule, alone must be taken into consideration. Doing so, will help in obtaining precise and accurate representation of television audience measurement and ratings.

To increase competition / allow more players to come in, the Committee may consider revisiting stipulations relating to cross holdings in Para 1.7 of Policy Guidelines. Considering that Policy Guidelines have built-in checks and balances therefore cross holding restrictions may be done away with. This is also being proposed since, television audience measurement requires huge investments and doing away cross holding restrictions may also act as catalyst for new players and more investments to come in. Further, this will also ease pressure on sole rating agency in the country and in-turn on its stakeholders to continue making huge investments.

The Committee has submitted its Report to the Ministry of Information and Broadcasting.

Spectrum Issues

C-Band Spectrum threat in Broadcast and Cable Services

President, NBA addressed letters on 12.3.2021 to Cabinet Secretary, Secretary, Ministry of Information & Broadcasting, Chairman DCC & Secretary (T), Department of Telecommunications, CEO, NITI Aayog and Chairman, Parliamentary Committee on Information Technology seeking urgent intervention to the proposed set of actions on the anvil to make part of the C-Band Spectrum, now used by the Cable and Satellite (C&S) Industry either unavailable or beset with severe interference issues to make services unviable.

NBA in its representation stated that as per the current National Frequency Allocation Plan 2018 (NFAP-2018) only spectrum outside this band of 3700-4200 MHz (which is used by Broadcasters and MSOs) i.e. 3300-3600 MHz is earmarked to be used by the 4G/5G services. While this band has been free over the years, potential auctions for 5G are likely to allocate it for 5G use. Various International studies including those affiliated with the ITU, IEEE and field trials conducted have concluded that the IMT and satellite services cannot co-exist in the same geographical area, and that the IMT operating in 3.4-3.6 GHz will have detrimental effects on satellite reception in the entire 3.4 - 4.2 GHz band. It will be required by regulations that the 5G operators use special filters to restrict any out of band emissions which may affect satellite signals. However, it is a matter of serious concern for the industry that the existing NFAP-18 is now proposed to be revised post-haste to include new bands for 5G use. A notification issued by the WPC dated 26.2.2021 has constituted working groups which have been tasked to review the NFAP 2018 based on "National Requirements and further developments in Radiocommunication Technologies". As a result of this revision, any allocation of frequencies to 5G services beyond the current NFAP-18 upper limit of 3600 MHz is done, it will lead to serious disruption of Satellite services for media and broadcast in the 3700-4200 MHz band. Today over 600 licensed satellite channels over India operate in this band. A particular concern is the extension of the IMT band upper limit from 3600 MHz to 3700 MHz which will leave no guard band for services operating from 3700-4200 MHz. The entire Linear TV broadcasting industry revolves around the use of C-Band Spectrum where the downlinks by all broadcasters intended for reception by DPOs (Cable operators, MSOs, DTH operators) are in the band of 3700-4200 MHz as prescribed by the ITU and also governed by the Downlink Policy by the Govt of India. It was pointed out that in 2007, the satellite services in the lower

extended C-Band were asked to shift to the normal C-Band vide No. L-14035/02/2007-LR Dated 16.1.2007. Shifting of existing satellite-based operation in the band 3.4GHz to 3.7GHz to normal 'C' band (3700-4200) or Ku band. This leaves only the band of 3700 MHz to 4200 MHz now the sole band which is used for C-band downlinks on which the entire broadcasting and C&S services industry in India is based. This entire bandwidth from 3700MHz to 4200MHz is required to cater to the transmission needs of approx. 1000 channels. Using this frequency band in part or full will also lead to creation of bandwidth crisis for C-band Cable and Satellite which can be very much avoided by proper planning.

The VHF, UHF and upper UHF bands which span from 300 MHz to 850 MHz are extensively used for Cable TV in India which remains coaxial or hybrid coaxial. In most areas (DAS-IV), now digital, the frequencies in these bands are fully used for broadband and digital TV. With nearly 800 channels including HD channels and 50-100 Mbps of broadband delivered to homes, the use of the spectrum till 850 MHz is an essential need for the cable TV industry. Apprehending that the guard band of 100 MHz may also being taken away with 5G allocation till 3670 MHz and only 30 MHz is likely to be left, which will cause serious interference.

President NBA along with others met Secretary DOT, to apprise them of the issues that the broadcasters would face regarding reducing the guard band. In the meeting with NBA, Secretary, DOT stated that the 5G roll would not be stopped. He suggested that broadcasters should participate in the trial runs, which would begin soon.

Comments for Roadmap for use of Radio Frequency Spectrum in India

In response to Notice No. T-11012/18/2020-Conf dated 6.1.2021 from DOT, NBA vide letter dated 13.1.2021 put forward its detailed comments and suggestions. NBA considered the NFAP 2018 as the base document for formulating its reply.

Migration of Indian Broadcasters to Indigenous Satellites

The MoI&B on 29.1.2021 forwarded the minutes of the meeting held on 4.3.2020. It was brought to the notice of the Additional Secretary, MoI&B vide letter dated 9.2.2021 that the minutes have tried to capture the discussion held in March 2020. In the interim, it is understood that the processes in DoS and ISRO have moved on and there are changes happening at ISRO with regard to the structure and modality of engagement. With the constitution of New Space India Limited (NSIL), all contracts for INSAT/ GSAT capacity have been migrated to the new company. NSIL has also indicated that they will allocate capacities based on commercial principles (which have not been elaborated upon or informed to NBA/ stakeholders) and also there is a space regulator (IN-SPACE) which is in the offing which will decide various issues including foreign vs Indian capacities and possibly the continuity of existing services thereon. NBA also sought representation of broadcasters on the Joint Advisory Group (JAG). In view of the above developments and since the minutes being dated, NBA requested MoI&B to fix an urgent meeting virtually with the stakeholders i.e. representatives of ISRO, Antrix, NSIL, NBA and IBF to further clarify the new environment as it applies to broadcasters. There have been no further developments in the matter.

Proposal for Grant of Infrastructure Status to the Broadcasting Sector

Under Secretary MoI&B vide letter dated 7.1.2021 was informed that IBF has made detailed submission to MoI&B. NBA therefore will not be making any separate submissions on the subject and MoI&B to proceed with the submissions made by IBF as also that of NBA.

Accessibility Standards for Persons with Disabilities in Television Programmes

Feed from Doordarshan to News Broadcasters

NBA vide letter dated 31.12.2020 had informed CEO Prasar Bharti that given the current pandemic situation and the economic challenges that the news broadcasters are going through, it appears extremely unlikely that news broadcasters will be in a position to develop their capacity to produce sign language news bulletins on their own post December 2020. Since several of NBA's members are using DD feed in their bulletins, he was

requested that news broadcasters may be given access to DD news content both in English and Hindi until December 2021. This would help news broadcasters to review their readiness in terms of building their own capacity to comply with the Accessibility Standards.

Head, Prasar Bharati, News Services & Digital Platform vide email dated 27.12.2020 informed NBA that as approved by CEO Prasar Bharti, the provision of DD news sign language bulletin feed to private news broadcasters is being extended till 31st December 2021. The link to register and avail this facility was also given by Prasar Bharti.

Meeting to review the progress on implementation of Accessibility Standards

A meeting was held under the Chairmanship of Additional Secretary (I&B) on 15.12.2020 to review the progress made/action taken on implementation of Accessibility Standards for TV/Cinema viewing for persons with different disabilities including hearing and visually impaired.

The meeting was attended by the Secretary General and VP Legal & Regulatory, ABP Ltd. It was explained to the Additional Secretary that the unexpected outbreak of Corona virus for the last several months has been very difficult and onerous for the news broadcasters to run the news channels. Most of the offices were functioning only with essential staff for news room operations and several staff were working from home. Since the epidemic has not completely gone and the limitation of work from home continues, the MoI&B should adopt a liberal approach in implementing the RPwD Act, 2016. It was also mentioned that news broadcasters are completely conscious of the objectives which are intended to be achieved under the provisions of RPwD Act, 2016 and despite the odds, the member broadcasters were doing their best to run a bulletin or DD Feed on their respective channels. The Additional Secretary appreciated our point of view and stated that all stakeholders, broadcasters and TV manufacturers have to play a vital role and it is technology which could come to salvage the situation and the same should be studied and examined well in order to achieve the objectives of the Act.

Workshop on Formulating Accessibility Standards for Persons with Disabilities

A virtual workshop on formulation & implementation of Accessibility Standards for Persons with Disabilities in Television Programmes was conducted by Ministry of Information and Broadcasting, Govt. of India & BECIL-Noida in Collaboration with AYJNISHD(D) (Ministry of Social Justice & Empowerment), Mumbai, & C-DAC, Pune on 4.3.2021. The meeting was attended by Secretary General, NBA, Legal Consultant along with 20 broadcaster members of NBA.

Implementation of Accessibility Standards- Constitution of Core Committee

In the virtual workshop held on 4.3.2021, it was suggested that MoI&B should explore new ideas and technological developments for implementation of Accessibility Standards in TV programming and films for persons with disabilities. Accordingly, MoI&B has constituted a Core Committee under DG Doordarshan associating BECIL, NBA, IBF and domain experts for the said purpose. MoI&B has requested for nomination of NBA representative for inclusion in the Core Committee.

Press Information Bureau

Index Monitoring Cell (IMC)

The Government of India felt the need to measure and monitor the performance of various important social, economic, and other parameters through internationally recognized indices so as to bring reforms in the policies and processes. Thirty-two indices were identified by the Committee of Secretaries (CoS) for the purpose of monitoring. In this regard, the Ministry of Information & Broadcasting was assigned the Press Freedom Index.

The Cabinet Secretary to the Government of India, through a communication dated 5.2.2020 advised that the Ministry of Information & Broadcasting may establish an Index Monitoring Cell (IMC) to coordinate the work on the Press Freedom Index.

Mol&B constituted Index Monitoring Cell (IMC) under the Chairmanship of Pr. DG, PIB to coordinate on the work related to the monitoring of Press Freedom Index released by Reporters Without Borders (RSF). The IMC at its meeting held on 8.10.2020 decided that representatives of the Press Association and News Broadcasters' Association should be invited to be part of the next meeting. Mr. Sumit Awasthi, VP News, ABP was nominated on the Committee. He attended the meetings of the IMC. At the meeting held on 20.11.2020 it was decided that NBA and other stakeholders should give their comments to the Draft IMC report on Press freedom in India.

Suggestions of NBA on the "Draft Report of Index Monitoring Cell (IMC)"

The Government of India felt the need to measure and monitor performance of various important social, economic, and other parameters through internationally recognized indices to bring reforms in the policies and processes of Government agencies and financial institutions. The Ministry of Information & Broadcasting (Mol&B) was assigned the Press Freedom Index and advised that it may establish an Index Monitoring Cell to coordinate the work on the Press Freedom Index. At the meeting held on 8.12.2020, the stakeholders were requested to respond with their comments, suggestions and inputs to the Index Monitoring Committee's Report (IMC). The suggestions of NBA were submitted on 12.1.2021 to the PIB, which were as follows :

NBA stated that it appreciates that the Government has initiated this consultation process on the subject of "Freedom of Press" which is the need of the hour in today's time. The IMC which was created for the aforementioned purpose issued its Recommendations in December, 2020.

NBA perused and examined the Recommendations as also the Annexures/Appendix which contains the relevant data to achieve and progress towards attaining the objectives of Freedom of Press. NBA noted that the Recommendations touched upon various aspects of Freedom of Press which is an intrinsic and inseparable part of Freedom of Speech and Expression under Article 19(1)(a) of the Constitution of India.

Recommendations made by IMC

The definition of journalist and journalism practice: The definition of Working Journalist as given in Section 2(1) (f) of the "*Working Journalist" and other Newspaper Employees (Conditions of services) and Miscellaneous Provisions Act, 1955*" is outdated as it focuses only on the functional aspect and does not cover the journalists working in "electronic and digital media". The IMC recommends a definition of 'Journalist' and 'Journalism' that merges the ethical and legal viewpoints more specifically with regard to the journalists working in electronic and digital media, as this would be in the best interest of public and news organizations, whether print, electronic or digital.

Quantitative tool to measure media pluralism in India: There are two kinds of pluralism in India:

- A. Internal pluralism relates to the reflection of social and political diversity in media content, diversity of representation of different communities, cultural groups, social strata, political and ideological groups and the viewpoints whereof.
- B. External pluralism relates to the number of owners, number of media companies / independent editorial board/ channels, stakeholders etc.

A quantitative scale to measure such pluralism has been suggested for a smooth functioning of the media. The same should be acted upon keeping in mind the risk of the social demographic in India to media pluralism. The European Commission has also introduced a similar scale in their media system.

Establishment of Media Council in India: The same is primarily aimed towards having uniformity in a converged scenario with print, electronic and digital media along with a single legislation to include all the aforesaid media in line with Press Council Act, 1978.

Legal and Administrative Security for Journalist including decriminalization of the offence of Defamation under Indian Penal Code, 1860 (IPC) and reviewing all the other archaic and colonial laws impacting press freedom: Approval / consent from the Press Council of India (PCI) to be made mandatory for filing an FIR against a journalist/media wherein investigation and filing of a charge sheet is to be done in a time bound manner. The same can be also facilitated by mutual and constant dialogue between media and the concerned authorities.

Financial security of Journalist intended for their welfare: The payment structure for journalists should be an amalgamation of various best practices including the implementation of the Majithia Wage Board recommendations.

Physical safety of Journalists: Physical safety is to be provided to the journalists working on the field at dangerous locations risking their lives including safety assurance for the cameraperson(s). The recommendation includes bullet proof jackets, helmets, insurance and other welfare schemes for the journalist and the crew.

Engagement with Industry Representatives and Media Associations: to enable views of the States and to consider an Annual India Media Conclave.

Re-skilling and upskilling of Journalist: To strengthen online capacity building courses and conduct frequent workshops and other short- duration programmes for greater mutual discussion of issues.

Co-ordination with other Ministries /Departments: including Law and Justice, Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA), Labour and State Departments.

Widening the Ambit of Accreditation: A list of working journalists to be compiled who are working with Press Information Bureau (PIB), Press Association and State Public Relations Department and the benefits are to be extended to journalists working in Tier 2 and Tier 3 cities / towns.

Engagement with International Media Ranking Agencies: to understand the relevant aspect related to the Press Freedom Index and present the correct factual position of freedom of press.

Three Pronged Communication Strategy: namely engagement with Industry Representatives and Media Associations, sustained media plan to publish positive aspects related to constitutional and legal aspects as well as institutionalized process, structures, mechanisms related to press freedom.

Developing an India Specific Media Index: NITI Aayog has suggested creating certain indices to promote competition amongst the States. The qualitative aspect of this requires detailed discussion as there exists a competition between various states.

Recommendations and Suggestions of NBA

1. As can be seen from the objectives and purpose explained in the Report, the prime area of concern which was desired to be addressed and for which the entire process was undertaken stemmed from the consistent low ranking of India in the Press Freedom Index of RSF (Rank 142 in 2020) and Freedom of the Press Index by Freedom House (Rank 71 in 2020). It is assumed by IMC that there are numerous positive actions of Government which have not received considerable visibility in the international arena coupled with the concerns which require attention and for which a proactive approach needs to be taken. The factual position is that there is a need for further increase of the 'freedom' available to the Press in India which 'freedom' is a cherished fundamental right as it is this freedom of press/media that sustains a democracy.

2. In addition to the above, if the same is what the concern is and if the diagnosis done is presumed to be true and correct, what is intended to be treated, worked and addressed upon then is an analysis and introspection which is required to be done on all parameters / indicators which formed the basis to arrive at the said global indices where India was given a low ranking.
3. It also needs to be understood as to what additional factors / parameters are to be looked into to ensure that the freedom of speech is achieved in its true sense in a meaningful and contextual manner.
4. Work needs to be done upon those parameters wherein the score / rating was found to be in the negative i.e. which were coloured in red for the purpose of the RSF questionnaire analysis. Similarly, the parameters which formed the basis of Freedom of Press Index by Freedom House also needs to be analyzed, studied and worked upon in detail by testing and coming up with solutions, next steps for each parameter enlisted therein.
5. Even on a cursory glance of the questionnaire analysis of RSF with respect to India (at Appendix 10), it can be clearly seen that there are several areas and parameters which need to be examined. To name a few illustratively:
 - a. Procedural Relaxations, Waivers, Removing disproportionate penalties or deterrents and reducing Government interference and discretion :- At Serial No. B4 dealing with "Transparency of TV and Radio License Grant," it has been remarked that various clearances are required for uplinking and downlinking of channels which are inefficient. These clearances need to be reviewed.

Draft Uplinking and Downlinking Guidelines Consultation:- Recently the Government had come up with a consultation on the Uplinking and Downlinking Guidelines and a draft was also circulated for comments. It is pertinent to mention that while responding to the said consultation, NBA clearly highlighted additional stringent requirements which have been prescribed and which result in throttling of the freedom of press.

The following observations were made in respect of the above:

- i. The discretionary powers vested with MHA whereby the permission can be withdrawn on subjective grounds of security clearance.
- ii. Novel ways of imposing harsh and disproportionate penalties having been introduced even for minor procedural violations which include suspension / revocation of permission and disqualification from holding the same for a period upto 5 years.
- iii. The opportunity to simplify the procedure has not been availed and all the compliance requirements like net worth, validity of permission, roll out obligation, record keeping etc. have been kept intact.
- iv. The request for requirement of intimations as against approval has not been accepted especially for minor changes like change of Logo, branding etc.
- v. The request to grant statutory recognition to the Code of Ethics followed by NBSA under the policy guidelines has also not been accepted.

While the issuance of the final Uplinking and Downlinking Guidelines are awaited, however making modifications and accepting suggestions of the news broadcasters on the subject would be the first stepping stone to moving ahead in the chart of "Freedom of Press index".

- b. Serial No, B8 deals with equitable distribution of Government Advertising which is an important aspect especially in the Covid times when the revenues of the news media companies, who front lined the Covid battle, have been severely impacted and costs have spiraled. NBA through its representations had sought support on various counts including waivers, discounts, compliance relaxations, deferments, carriage fee waivers, tax holidays etc. however no assistance has come on any of the above counts from the Government. To support and sustain the news broadcasting industry during the Covid times,

it would have been advisable to make early and timely payment of DAVP dues particularly as the news broadcasters were chosen as the preferred medium for the purpose of Government advertisements spends since they were front ending the Covid battle along with doctors, nurses, police etc. However, no benefit on that count has been extended. Government should recognize and value the contributions of news media and must support the news broadcasting industry to sustain their businesses.

It has also been noticed that the Government officials favour certain channels when it comes to giving interviews and the observation under Serial Number B10 on the same is "can't say". As is clear that the popularity and reach of a channel also depends upon the type of people, officials, dignitaries, celebrities who appear to express their viewpoints, and if a uniform structure, standard parameters and procedures are not followed for the said purpose, the same leads to disparity.

- c. Investigative Journalism: With respect to the Serial Number D4 of the RSF Report which deals with "Well developed investigative journalism", it is stated that the "investigative journalism" is fairly well developed in India; however, issues regarding certain legislations such as criminal defamation- Section 499/500 IPC, privacy, contempt of court, interference with administration of justice etc exist which need to be clarified and/ or repealed.
- d. Legislations formulated under the umbrella of Reasonable Restrictions to Article 19(1) (a) should be reviewed, modified and /or repealed:
 - i. The Cable Television Networks (Regulation) Act, 1995 (CTN Act) - Section 5 and Rule 6 of the Cable Television Network Rules, 1994 (CTN Rules) namely, the Programme Code, contains certain words which are vague, ambiguous, are capable of subjective interpretation and would not pass muster under reasonable restrictions as outlined under Article 19(2) of the Constitution of India. NBA's comments and suggestions on this issue have already been submitted.
 - ii. Mol&B monitors the violations of the Programme Code through the Electronic Media Monitoring Centre (EMMC) which constantly keeps a check and observes the Programme Code (CTN Act and CTN Rules) violations committed by television channels. Mol&B also has the authority and power to impose penalties, direct that programmes to be taken off air, issue warnings and even direct suspension of channels and / or cancellation of the permission itself. However, all the decisions/ actions taken by Mol&B must conform to the principles of natural justice and a complete hearing must be given to a broadcaster before the Inter-Ministerial Committee prior to taking any decision/ action against a broadcaster as otherwise the actions taken are arbitrary, violative of the principles of natural justice and violative of the free speech right of media.
 - iii. Contempt of Courts Act, 1971-The correctness of the recent instances of advice / recommendations by the Attorney General to issue contempt notices against individuals/creative people /journalists has to be juxtaposed with the situation of Norway referred to in Annexure 16 which falls in the Top 3 of the 2020 RSF Index (Annexure 16 – Best and Worst Performers on RSF WPMI 2020) wherein the Attorney General was being sued in return for denying access to documents in a case regarding police handling of guns. It was the contention of the representative of the news media that the prosecution authority upheld unacceptable obstacles to hinder them to examine how the police managed their power. This case is at the very core of media's control function. Clearly the equality before law and equal protection of laws under Article 14 needs to be given more meaning and substance. The denial of access to the journalists at the place of incidence recently while covering the Hathras rape case followed by litigations and FIR's against journalists who attempted to report on the said case is another glaring instance which can be termed or construed as unreasonable restrictions. Such instances cause deterrence to other journalists wanting to cover news stories. This raised questions on the functioning of the Government and / or its enforcement machinery which directly impacts the freedom of the media in India and also impacts the freedom of press index.

- iv. The other restrictive legislations include various provisions of, inter alia Criminal Procedure Code, 1973 (CrPC), Indian Penal Code, 1860 (IPC), Law of Torts relating to Civil Defamation, and Official Secrets Act, 1923
- v. In the IPC, the most controversial provision relates to Sedition-Section 124A IPC :-The said provision contains unreasonable restrictions and is a provision which is grossly misused and abused. It should be repealed particularly as this is a non-bailable offence for which the punishment is imprisonment which ranges from 3 years to life. In 2018, the Law Commission recommended that it is time to rethink and repeal the said provision. It suggested that either some checks and balances need to be put in place or the stifling archaic law of sedition be repealed.
- vi. Many other laws have been enlisted in Appendix 18 and each one of them need to be studied and examined for their impact on the issue of freedom of press. Legislations should be analysed and revisited keeping in mind the current social, economic and political scenario, with the perspective of its need, relevance, applicability, potential of being misused / abused and keeping in mind the importance of freedom of press.
- e. The Government has decided to regulate Online Digital News by bringing the content of online digital media within the jurisdiction of the MoI&B. The Government of India (Allocation of Business) Rules, 1961 has been amended, the sub-heading “Digital Online Media” was added followed by entry 22A Films and Audio-Visual programmes being made available by online content providers and entry 22B News and current affairs content on online platforms. This indicates the Government’s intent and desire to regulate the content of digital news resulting in further restrictions being legislated and enforced against the Digital News Media. NBA states that such restrictions are neither necessary and are avoidable.
- f. The act of capping FDI in the Digital Media sphere to 26% resulted in a death blow to many of the Digital News Agencies who had to shut down their operations in India on account of the said restrictions. By way of the said amendment, “uploading / streaming of news through digital media” has been brought within the ambit of the FDI restrictions. Since the same is made applicable to even news aggregators like Inshorts and Daily Hunt, the said restrictions do not make any distinction between entities having digital media as their primary business and others. Additional requirements like majority of Directors / CEO to be Indian citizens, requirement of security clearances are other forms of restrictions that have been imposed to reduce the control of foreign entities and foreign channel over digital news media in India. Unfortunately, this has the potential of bringing within its ambit the stand alone Youtubers or online journalist who are automatically brought within the clutches / trapping to be compliant of the procedural requirements of obtaining registration, approvals, permissions, corporatization, tax enrollments which would lead to discouraging budding/citizen journalists from entering the sphere of online journalism. This would disturb the ecosystem of pluralism and diverse opinions existing amongst the masses through the digital medium. The media pluralism is not only to be examined at by looking at the numbers and the languages in which news gets circulated but it also has to be seen in the context of Government measures taken to restrain and restrict opposing voices or to cause deterrence or to instill fear of being victimized in the event of showing dissent.
- g. At Serial No. E 8, there is a reference of protection of journalist from disclosure of source, and such protection in the present law is only codified under Section 15(2) of Press Council Act which is applicable with respect to proceedings before the Press Council. The said rule has no relevance or sanctity or enforceability when it comes to the electronic media. The Rules and Parameters need to be prescribed to determine and decide the circumstances under which disclosure of a source becomes mandatory by way of an exception. In fact, the Law Commission in its 185th Report suggested protection should be granted to the media from being compelled to disclose the source of their publication, except in cases where the publication affects the sovereignty, integrity of India, security of State, friendly

relations with foreign state, public order, decency, morality or contempt of Court.

- h. Interception, Surveillance, Blocking Access: Another potential provision which is being frequently misused are the laws relating to interception and the regulation of internet. The provisions of the Information Technology Act, 2000 (IT Act) are also frequently misused leading to gross violation of privacy and on such alleged grounds of security or potential commission of offence, the Government intrudes in the personal domain of the journalist and also blocks public access of information through computers. The same has to be reviewed and necessary clarifications for such matters should be provided.
 - i. Illegal Arrests of the Journalists: Several incidents of journalists being arrested have also hit the headlines which indicates the absence of balance and equilibrium when it comes to press freedom in India. It is also an indication of the lack of right to dissent by use the laws such as Sedition Section 124A which has been discussed in detail herein above.
 - j. Defamation proceedings against Journalists: The defamation laws particularly Section 499/500 of the IPC are misused most frequently against journalists even in cases of genuine unbiased reporting on individuals. The defamation legislation mentioned above needs to be repealed as it has a “chilling” effect on the media.
6. Study and Follow the Best Performers: It is also important that trends of the best performer in the index and the best practices followed in those Countries are also studied in detail and suitably implemented in India.
 7. The perception of media government nexus to be completely eliminated and removed: Any incidence of Government bias or allegations of Government and media being hand in glove should be countered upfront and head on with the reason and rationale to establish and prove the absence of any unholy nexus between the media and government.
 8. With respect to media pluralism: Appendix 21 highlights various risks which should equally be studied and examined , (totalling to around 40 such risks being identified)with regard to the impact created as a result thereof on the issue of Freedom of Press.
 9. On the issue of Accreditation: the same should not be granted on the basis of being a ‘Journalist’ but should be available and confined to the reporters on ground. The other verticals of editorials who are confined to studio or office like anchors, writers, editors etc. should not be availing the accreditation. The principles as enshrined and similar to Bar Council of India should be adopted wherein the license to practice is suspended upon joining any employment. The procedure for providing accreditation also needs to be streamlined to ensure that only deserving and genuine journalists who have such a role to perform requiring accreditation are being granted with the same.
 10. While the parameters provided under RSF methodology are being examined, the aspects and parameters of the freedom of press should also be evaluated and devised keeping in mind the three environments referred therein namely the legal, political and economic.
 11. NBA submitted that journalists today do not get exploited, are very creative, powerful, and successful who command their own price professionally. To put them to any shackles or the so called entitlements of labour laws or social security code on the assumption that they are deprived of or are being exploited or in need of any social security would be incorrect and thus even if the definition of “working journalist” is expanded, the same should be for the right purpose and not with the mandatory requirement to comply or impose such working condition rules upon them. There are many journalists who prefer to have their own commercial arrangement and to freelance as against expecting the benefit of any labour law legislation or social laws.
 12. The recommendation of establishing a Media Council to have a converged regulatory and adjudicatory body for all three mediums of communication namely print, electronic and digital is not acceptable. In NBA’s submission the same should be avoided since all three mediums have an independent existence and are mutually exclusive, operate in different spheres, are regulated by different legislations and authorities, and

thus their sanctity should be safeguarded by ensuring independent adjudicatory and self-regulatory bodies especially for the electronic and digital news media. On behalf of news broadcasters, NBA has always proposed and has repeatedly presented before all forums and on several occasions that its Code of Ethics and Broadcasting Standards should be included in the CTN Rules in the same manner as the Code of the Advertising Standards Council of India (ASCI)'s Code has got recognition in the CTN Rules and hence, NBSA will be the self-regulatory authority for the news genre. Similarly, digital news should also continue with the self-regulatory mechanism as against being brought under any statutory regulations which would defeat the objective of freedom of press.

NBA submitted that if the above suggestions are acted upon there is a high probability that the Freedom of Press Index will improve in respect of India.

Reconstitution of Central Press Accreditation Committee (CPAC)

Deputy Director (PRS), PIB vide email dated 15.12.2020 informed NBA that PIB has started the process of reconstitution of Central Press Accreditation Committee (CPAC) for the years 2021-2023. As a past member of CPAC, NBA was requested to apply for representation in the CPAC to be reconstituted for the years 2021-23. The complete application along with the supporting documents were submitted on 28.12.2020.

The Deputy Director, PRS, PIB vide email dated 8.3.2021 requested for a panel of 3 names from NBA for representation in the CPAC to be reconstituted.

Accordingly, the following names have been submitted on 12.3.2021:

1. Mr. Zakka Jacob, Managing Editor, CNN News18
2. Mr. Punit Kumar Pushkar, Editor, News Nation
3. Mr. Gunasekaran M., Editor-in- Chief, Sun News

Special Drive under Journalist Welfare Scheme

Deputy Director (PRS), PIB vide email dated 5.1.2021 informed NBA that a Special Drive under Journalist Welfare Scheme (JWS) to collate the details of journalists who lost their lives due to COVID 19 had started. NBA was requested to share contact details and any other information, as available regarding these journalists. Members were requested to provide the necessary details to MOI&B.

Revenue Sharing by Intermediary Technology Platforms

President, NBA vide letter dated 9.3.2021 wrote to the Country Manager Google India, that the changing media landscape with the majority of the public using digital platforms to obtain their news, has resulted in a power imbalance between traditional media/news organizations and big-tech/digital technology platforms. He was informed that news organizations make heavy investments in employing anchors, journalists and reporters to gather, verify and deliver credible information but are inadequately compensated - the largest share of advertising revenue flows disproportionately to Intermediary Technology Platforms such as Google, YouTube, Facebook etc. Google plays a key role in this value chain as an intermediary and plays a part in delivering this news content to its audiences albeit without sufficiently compensating the content owners. The present situation reflects the unfair distribution of advertising revenues and opaqueness of the advertising system which is causing the digital news businesses to come under tremendous pressure/stress. Advertising revenues form the backbone of the news broadcasters. Broadcasters are seeing their share of the advertising pie shrinking in the digital space since technology giants are taking away the major chunk, leaving news broadcasters with a nominal share. Countries like Australia, France and other European countries have taken the lead in addressing/rectifying this power imbalance through legislative enactments which ensure that Google, Facebook and other internet tech giants adequately pay news publishers for their highest quality news content. Google recently agreed to compensate and pay publishers in France, Australia and the European Union. An independent and robust media

landscape is vital for a well-functioning democracy and to sustain/safeguard public interest in journalism. This requires the ecosystem to be made transparent and sustainable by evening out the bargaining power between news publishers/broadcasters and digital platforms/intermediaries. Evidently, there is an urgent need to create an equitable relationship and level the playing field between global tech monopolies and traditional media/news organizations. Being a multinational organization following global best practices in all the countries it operates, the expectation is that Google will employ principles of universal parity in dealing with news content owners and employ similar norms in India.

In response, the Country Manager Google India stated that there is a need to explore additional revenue streams. They have engaged with publishers globally, including some of our members, on a new licensing approach which they think meets this goal through Google News Showcase. They plan to launch it in India in the coming months. They would be happy to meet with NBA Board members, to share the details of the existing efforts and explore the scope of future engagements.

Accordingly, the first meeting between Board members and Google was held on April 13, 2021. Points put forward by NBA in the meeting related to:

1. News consumption is shifting to social and digital platforms. This creates an imbalance of trade between news creators and digital platforms. Creating high quality journalism is expensive (unlike UGC content passing as news) and the current economics of the digital medium are not sustainable. Google has agreed to certain changes (with regard to payments to news publishers) in Australia and Europe. For universal parity and application of the same principles in India.
2. Google News Showcase deal values are low, how can news broadcasters get a fair value from Google, across Showcase and other engagements? Showcase contracts are under US jurisdictions, could this be changed to India.
3. Seek more information about Showcase deals in Australia and Europe.
4. eCPMs and overall monetisation on Youtube is low. How do we get a fair share for the investments in content creation from Youtube.
5. Google policy enforcement (strikes) impacts revenue and leads to other operational overheads. To streamline this process for NBA members to smoothen operations.
6. Google needs to be more transparent with regard to changes in Search Algorithms as it significantly impacts traffic and overall revenue of NBA members.

In response Google submitted that supporting journalism is core to Google's mission and they recognise and value the contributions of NBA members. As user behaviour is shifting to digital, Google is committed to partner with the NBA to support journalism and the success of digital news publishing / broadcasting.

Google has recently launched a new licensing program to support the News industry called News Showcase. Showcase helps news publishers make a deep brand connection with users by leveraging the unique editorial abilities and is an incremental source of traffic from Google. In addition to the above benefits, news publishers will also receive a licensing fee for Showcase content. They are already engaged with NBA members on the Showcase partnership and look forward to launching in India very soon.

YouTube monetisation yields are low and this is a huge concern for Google as well. However, even at current levels, yields are higher than TV. Google is keen to partner with the NBA to solve this industry wide problem.

With regard to Google's policy enforcement action and search algorithm changes, they are committed to support NBA and keen to create a joint taskforce to address operational issues that NBA members experience with Google.

To scale up digital monetisation, it is critical to invest in and scale alternate revenue streams like subscriptions, international user operations etc. Google is keen to partner with NBA to unlock the subscription & export opportunities.

It was decided that Google would continue the News Showcase discussions with NBA members. NBA and Google would create a taskforce to address other concerns including i) Improving YouTube / digital video monetisation yields and ii) Operational issues with regard to Google policy enforcement and changes in Search Algorithms. NBA and Google would meet after 3 months to take stock of progress on the joint engagement.

Subsequently, Google informed NBA of a slew of investments to support India's large and diverse news industry and further reinforced their commitment to helping people find quality journalism and contribute to the sustainability of news organizations. At the first wave launch among other publishers ABP LIVE, India TV, NDTV, and Zee News have subscribed to Google News Showcase in India.

Board decided that a small group should be constituted to have discussions with Google on a regular basis and the meetings should take place every quarter. Accordingly, the group would comprise of representatives from TV Today, NDTV, ABP and India TV.

Corporate Matters

Change in Name of Company, Alteration in Memorandum of Association and Adoption of New Set of Articles of Association

To broaden the activities of the Association and to bring digital news broadcasters into the membership of NBA and to strengthen the News Broadcasting Standards Authority (NBSA), the independent self-regulatory body of NBA, the Board at its meeting held on 3.6.2021 decided to change the name of the Company from News Broadcasters Association (NBA) to News Broadcasters & Digital Association (NBDA), which was approved vide letter dated 7.6.2021 by the Central Registration Centre (CRC), Ministry of Corporate Affairs. Also consequent to the change in name of the Company, it is considered necessary to update the Memorandum & Articles of Association by altering some of its clauses by modification and revise the existing Articles by adopting a new set of Articles of Association.

Accordingly, the EGM was fixed by the Board on 2.8.2021. At the EGM, members of the Company approved to change the present name of NBA as 'News Broadcasters & Digital Association', alteration in Memorandum and adopted the new set of Articles of Association.

Change in name of the Company and alteration in Memorandum and Articles of Association requires approval by Central Government. Necessary application has been filed in this regard with the Registrar of Companies (ROC).

New Logo of NBDA

NBA proposed to change its name to News Broadcasters & Digital Association (NBDA) to reflect the addition of digital media news broadcasters as its members. The new logo was unveiled to reflect the name change.



The new logo consists of two rings which are in unison with each other. This unison signifies the amalgamation of Television & Digital eco-systems. The solid blue ring represents Television eco-system and the solid colour characterizes the firm presence of news genre from ages. Digital being a new-age and a vibrant platform, is denoted by the shades of orange (gradient) in the ring as well as the alphabet 'D'.

Change in name of News Broadcasting Standards Authority (NBSA)

NBA Board decided that with the inclusion of digital media news broadcasters, the name of the present self-regulatory body i.e., News Broadcasting Standards Authority, be rechristened as the **News Broadcasting & Digital Standards Authority (NBDSA)**.

Office Bearers of NBA 2020-21

In terms of Article 26 of the Articles of Association, the following Directors were elected Office Bearers of the Association for the year 2020-2021:

President –	Mr. Rajat Sharma (Independent News Service Pvt. Ltd.)
Vice President –	Mrs. Anuradha Prasad Shukla (News 24 Broadcast India Ltd.)
Honorary Treasurer –	Mr. M.K. Anand (Bennett Coleman & Co. Ltd.)

Membership

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

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

NBA's Policy on Sexual Harassment of Women at Workplace, have been circulated to the Internal Complaints Committee Members, Employees of NBA, the Members of NBA and also uploaded on the NBA website. The Internal Complaints Committee has the following persons as its members:

1. Presiding Officer – NBA Representative: Mrs. Anuradha Prasad Shukla
2. Member-NBA Representative: Ms. Kshipra Jatana
3. Member-NBA Representative: Mr. M. N. Nasser Kabir
4. External Member: Ms. Nisha Bhambhani

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. There have been no further developments in the matter.

Election Data for General Elections and Assembly Elections held in 2020 and 2021

For the counting day election data for the Assembly Elections held in 2020 and 2021 several members and non-member broadcasters subscribed to the data, which was sourced by NBA from Nielsen India and Datanet India.

The support given by the Election Commission of India (ECI) and the State Election Commissions for issuing passes for election on counting day needs special mention, without which it would have been very difficult to relay accurate data by the subscriber member channels of NBA in their election programmes.

Technology Sub Committee of NBA

In view of several technological developments relating to Satellite/ 5G, TRAI Consultation etc. occurring at a very fast pace, it became imperative for NBA to constitute a Technology Sub Committee. Accordingly, a Sub Committee comprising Technology heads of Zee Media, TV18, Times Now, India TV, TV Today, Asianet, NDTV and Sun TV has been constituted.

NBSA Matters

Meeting with Chairperson & Independent Members of NBSA

A meeting with NBA Board and Chairperson and Independent Members of NBSA was held on 15.2.2021. The discussions were fruitful.

Appointment of Editor Members of NBSA

Mr. Sandeep Chaudhary, Executive Editor - News24 and Mr. Brijesh Kumar Singh, Managing Editor - News18 Gujarat & Bihar, Editorial and Content, have been appointed by the Board as Editor members on the NBSA for the remaining part of the term of Mr. Deep Upadhyay (News24) and Ms. Dipika R. Kaura (CNN News 18) in view of their resignations from their respective Organizations. In place of Mr. Amrendra Pratap Singh (India TV), whose term as Editor member ended, the Board appointed Mr. Vishal Pant, Executive Editor, India Today as Editor Member of NBSA for a period of three years.

Vaccination to Media Personnel

President NBA requested the Hon'ble Prime Minister of India , Chief Justice of India, Union Health Minister, Chief Ministers of UP & Delhi and the Covid Task Force to consider media persons and their families for vaccination on priority , for which the media houses would bear the expenses. This would ensure the safety and well-being of the journalists who are subjected to the pandemic risks on a daily basis. President NBA left no stone unturned to achieve this for the members of NBA. It is heartening to report that over 5000 media personnel and their families have been vaccinated pursuant to Uttar Pradesh Chief Minister's directives to his government to carry out free vaccination for all media personnel working in the state and their close family members.

Matters 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 the question of media briefing by the police, the Court heard the submissions made by the amicus curiae, NBA, NHRC & Dr Surat Singh. 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. After hearing the submissions, the Court directed the amicus curiae, to circulate a questionnaire to all the parties to which NBA has responded. The matter has not yet come up for hearing.

Dr. Surat Singh Vs. Union of India and Ors.: W.P. (C) 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 was allowed; By interim Order dated 22.7.2008, which is continuing in the matter, the media has been directed by the Supreme Court to exercise restraint in reporting on the Aarushi case. NBA was directed to circulate the draft Guidelines for Media Briefing by Police to the other counsel in the matter; and the Court also further directed that if any person had a grievance in relation to coverage of the Aarushi murder case by any electronic media organisation, they may file an application before the NBSA. NBSA had assured the Court that such an application (complaint) would be dealt with as per NBSA's Regulations. 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 matters have not yet come up for hearing.

Act Now for Harmony and Democracy (ANHAD) and Anr. Vs. Union of India and Ors.: T.C. (C) No. 27 of 2011 arises from a Writ Petition filed under Article 226 of the Constitution of India before the Delhi High Court 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 Delhi High 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. The application filed by NBA seeking transfer of this writ petition to the Supreme Court so that it be heard along with the Dr. Surat Singh matter was allowed. The matters have not yet come up for hearing.

News Broadcasters Association and Anr. Vs. Telecom Regulatory Authority of India and Ors.: Civil Appeal No. 1525 of 2013 Indus Ind Media and Communications Limited and Anr. Vs. Telecom Regulatory Authority of India and Ors. (TRAI): Civil Appeal No. D3009 of 2013. The civil appeals before the Supreme Court of India have 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 "*Indus Ind Media Communication Ltd. vs. TRAI and Anr.*" NBA was granted leave to file additional grounds and substantial questions of law, 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. NBA moved an application in the matter bringing to the notice of the Hon'ble Court that this appeal is covered by the aforementioned BSNL judgment and therefore the Court may dispose of the matter on the basis of the said judgment. The appeal came up for hearing on 12.7.2018 on which date it was pointed out that TDSAT did not have the jurisdiction to review the regulations issued by 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 counsel appearing for TRAI pointed out that review of the BSNL judgment is pending before the Hon'ble Supreme Court in Review Petition Nos. 1409-1410/2014. In view of the above, the Hon'ble Court tagged all the pending appeals with Review Petition No. 1409-1410/2014. The matter has not come up for hearing.

Nivedita Jha Vs. State of Bihar & Ors: SLP(C) No. 24978 of 2018 has been filed under Article 136 of the Constitution of India praying inter-alia 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. The interim order 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 NBSA, IBF, PCI and Editors Guild to assist the Court in respect of the mechanism for enforcement and implementation of the statutory provisions and guidelines. The matter came up on several dates. NBSA filed its Affidavit and Documents as directed by the Hon'ble Court. On 30.11.2018, the Supreme Court observed in its order that NBSA had not launched any prosecution against any of the alleged offenders in spite of the fact that some of the offences invited criminal liability and prosecution. NBSA has maintained throughout the hearing and in its Affidavit that NBSA was an independent self-regulatory body which could only enforce its own Code of Ethics and Guidelines against any member of NBA for violating such Code of Ethics and Guidelines. It maintained that as a self-regulatory body it was not empowered to enforce statutory provisions nor could it enforce any orders against broadcasters who are not members of NBA. The Hon'ble Court also directed the IBF, PCI and Editors Guild to file affidavits stating whether these bodies could inform the police about offences and if so, why have they not informed the police about offences having been allegedly committed by alleged offenders and why steps have not been taken for prosecution of the alleged offenders. The matter has not come up for hearing.

G.S. Mani & Anr. Vs. Union of India & Ors.: W.P. (CRL) No. 348 of 2019: During the hearing in the captioned matter on 12.12.2019, a suggestion was made before the Hon'ble Supreme Court that the Media should be restrained from giving publicity to the proceedings before the Commission of Inquiry in relation to the Inquiry. The Hon'ble Court considered it appropriate to hear the media before passing any order and accordingly a notice has been issued to the Press Trust of India and the Press Council of India who are stated to represent the electronic and print media. As neither the Press Trust of India nor the Press Council of India represent the electronic media and any orders passed by the Hon'ble Supreme Court in respect of the electronic media will

affect directly the members of NBA, an Application for Intervention was filed by NBA stating that NBA being a representative for the electronic media, would like to intervene in order to represent the electronic media in the matter and bring to the notice of the Hon'ble Court that NBSA, an independent self-regulatory authority, has clear guidelines on the manner in which cases relating to sexual assault, violence are to be covered and telecast by its member broadcasters. The Hon'ble Supreme Court vide Order dated 29.1.2021, granted further extension of 6 months to the Inquiry Commission. The matter has not come up for hearing.

Jamait-Ulama-I Hind & Anr. Vs Union of India & Anr: W.P. (C) No. 787 of 2020; Abdul Kudoos Laskar Vs Union of India & Ors: W.P. (C) No. 789 of 2020; D. J. Halli Federation of Masjid Madrasas & Wakf Institutions Bangalore (North) Trust (Guidance) Under Mahakama Shariya Jamait Ulama-E-Hind Vs Union of India & Ors W.P. (C) No. 788 of 2020; Peace Party Vs Union of India & Ors: W.P. (C) No. 477 of 2020.

The Petitioners have filed the aforementioned writ petitions under Article 32 of the Constitution in the nature of a Public Interest Litigation to seek directions to prevent the communalisation of the Nizamuddin Markaz issue by certain sections of the print, electronic and social media. Vide order dated 27.05.2020, NBA was impleaded in the above matter to represent electronic media. NBA has filed its counter affidavits in the matter, apprising the Court of the pendency of similar complaints on the issue before NBSA and submitted that if the Hon'ble Court deemed appropriate, it may send all complaints in respect of this issue to NBSA. The Hon'ble Bench asked the Senior Advocate appearing for the petitioner as to why the complaints should not be referred to NBSA. However, the Senior Counsel opposed it stating that only the Union of India could take penal action against the media under the various statutes/legislations. NBSA and Press Council of India have filed reports on the number of complaints pending before them in respect of the above issue. When the matters came up for hearing on 17.11.2020, the Hon'ble Court granted Union of India three weeks' time to file a fresh affidavit. The petitioners also sought time to file rejoinder affidavits which request was granted. The Court posted the matter for hearing to 28.1.2021 on which date the Hon'ble Court directed the matters be listed on a non-miscellaneous day after three weeks for hearing. In the meantime, all parties were directed to file their affidavits, if any.

National Alliance of Journalists & Ors. Vs. Union of India & Ors. W.P. (C) No 928 of 2020, in the above writ petition NBA has been made a respondent. The petition relates to retrenchment of employees in the print media and digital media organizations. There is no reference of any broadcaster member/s of the NBA in the writ petition. NBA has filed the counter affidavit. The matter has not come up for hearing yet.

Reepak Kansal Vs. Union of India: W.P. (C) No. 762 of 2020 has been filed by Reepak Kansal, Advocate, praying inter alia, that the Hon'ble Court issue an appropriate Writ, Order or Direction in the nature of Mandamus directing the Central Government / Respondent No. 1 to constitute an independent authority to be known as the Broadcast Regulatory Authority of India for the purpose of regulating and facilitating development of broadcasting services in India. NBA and NBSA are respondents in the matter and have filed their counter affidavit. The matter has not come up for hearing.

Nilish Navlakha & Anr. Vs. Union of India & Ors. W.P. (C) No. 1316 of 2020 has been filed praying inter alia, that the Hon'ble Court issue an appropriate Writ, Order or Direction for setting up of an Independent High Powered Committee to scrutinize and review the entire legal framework related to the media business regulation and recommend appropriate guidelines to be laid down by this Hon'ble Court and to recommend to the Union of India for constitution of a Media Tribunal to adjudicate upon the complaints against the Media/ Broadcasting Channels/Networks as may be filed by viewers/ citizens and for enforcement of the Guidelines laid down by this Hon'ble Court. NBA and NBSA both are Respondents in the matter. The petition has been tagged with *Reepak Kansal versus Union of India & Ors, WP (C) 762 of 2020*. The matter has not come up for hearing.

Firoz Iqbal Khan Vs. Union of India & Ors. W.P. (C) No. 956 of 2020 is a PIL filed by the petitioner seeking inter alia, directions to the Central Government and Ministry of Information and Broadcasting to issue necessary guidelines/instructions to restrain the media channels both print and electronic as well as social media networks particularly Respondent No.5, Sudarshan News from broadcasting or reporting any news relating to religion or which creates any communal disharmony. In the course of the matter, Sudarshan News was restrained from airing the series Bindas Bol and the Union of India was directed by the Hon'ble Court to treat the petition as a representation under the Cable Television Networks (Regulation) Act, 1995. The matter was last listed on 23.3.2021 and has not come up thereafter. It may be relevant to note that during the hearing on the broader issue of regulations for the media, the Court was apprised about the self-regulatory mechanism under the aegis of NBA. Upon the Hon'ble Court's request, NBA has also filed its affidavit in the matter as to in what manner self-regulation can be strengthened.

NBA Vs. Nilesh Navlakha & Ors. [Diary No. 10801 of 2021], is an SLP filed by NBA against the judgment of the Hon'ble Bombay High Court in the matter of *Nilesh Navlakha & Ors. Vs Union of India & Ors* seeking grant of special leave to appeal against the common impugned judgement dated 18-01-2021 passed by the Hon'ble High Court of Judicature at Bombay. NBA seeks to appeal in particular the observations made by the Court in respect to the self-regulatory mechanism and the observations of the Court in regard to *Destruction of Public & Private Property Vs. State of Andhra Pradesh & Ors.(2009) 5 SCC 212*.

Delhi High Court

News Broadcasters Association and Ors. Vs. Telecom Regulatory Authority of India: W.P. (C) 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. At the hearing on 17.12.2013, the petition was admitted for final hearing. TRAI has been restrained from taking any coercive measures to make NBA members abide by the impugned Regulations. NBA members have also 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 from 4th July 2018 to 7th December, 2018. The Petitioners and TRAI (Respondent) concluded their arguments, and the matter was listed for rejoinder arguments of the Petitioners. In view of the elevation of the Judges, the matter had to be re-posted for hearing before another Division Bench. Interim Orders will continue till the arguments of all parties are concluded and judgement delivered. One of the Petitioners-9X Media Pvt. Ltd. amended their pending writ petition to include challenge to Rule 7(11) of the Cable Television Network Rules 1994 and on 12.01.2021, the Hon'ble Court impleaded Union of India through Ministry of Information and Broadcasting as Respondent No.2 in the said writ.

NBA & Ors. Vs. Union of India: W.P. (C) No. 4307 of 2021 is a Writ Petition filed by NBA challenging Rule 7(11) of the Cable Television Network Rules, 1994 on the ground that it violates Article 19(1)(a) read with Article 19(2) of the Constitution. In the petition, NBA has prayed for inter alia, for the issuance of a writ of, or in the nature of, certiorari and/or any other appropriate writ, direction or order, declaring the Impugned Rule 7(11) of the Cable TV Rules issued by the Respondent, Union of India vide notification dated 31st July 2006 ultra vires Article 19(1) (a) of the Constitution and not a reasonable restriction under Article 19(2) of the Constitution. Notices have been issued to Union of India in the matter which has been posted for 2.9.2021.

Sadhan Haldar Vs. The State of NCT of Delhi and Ors: W.P. (CRL) 1560/2017 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, however the court observed that in the minutes of the meeting held on 18.2.2019, it was agreed that the three Municipal Corporations, New Delhi Municipal Council, Railways, DMRC and News Broadcasting Agency be directed to participate in the meetings of the Committee so as to ensure that steps are taken to upload the photographs of the missing

children on display boards within the first 3/4 hours of their going missing. The matter came up for hearing on 9.5.2019 when NBA put in its appearance. However, no directions have been passed in respect of or to NBA. The matter last came up for hearing on 10.1.2021.

Yashdeep Chahal Vs. Union of India & Ors: W.P. (C) No. 12787 of 2019 is a Public Interest Litigation against the Union of India, State of Telangana, other state instrumentalities, print media and online media seeking, inter alia, directions that the Respondents take appropriate action against media houses and reported individuals for violating Section 228A of the Indian Penal Code (IPC) by publishing the name, residential address and pictures of the victim in the Hyderabad rape case, thereby identifying the victim and violating the provisions of the Indian Penal Code and the law as laid down by the Hon'ble Supreme Court in *Nipun Saxena & Anr. Vs. Union of India & Ors. 2018 SCC Online SC 2772*. NBSA has filed an affidavit in the matter and made submissions before the Hon'ble Court that the Respondents in the matter who had violated the provisions of Section 228A of the IPC were either print or online media. It was submitted that none of the aforementioned Respondents were members of NBA and therefore the matters did not come under the jurisdiction of NBSA. In view of the above, NBSA was neither a proper nor a necessary party in the matter and hence should be deleted as a Respondent.

Rakul Preet Singh Vs. Union of India & Ors: W.P. (C) No. 6568 of 2020 is a Writ Petition filed under Article 226 of the Constitution of India seeking inter alia, the issuance of a writ of prohibition to the members of NBA not to telecast, publish or circulate on the TV channels, cable, print or social media, any content in context of actress Rhea Chakraborty's narcotic drugs case that maligns or slanders the Petitioner or which contains anything defamatory, deliberate, false and suggestive innuendos and half-truths in respect of the Petitioner, or to use sensational headlines, photographs, video-footage or social media links which invade the privacy of the Petitioner. The Hon'ble Court vide order dated 17.9.2020, keeping in view the submissions made and the screen shots of the programmes filed in the petition, as an interim measure, directed the Respondents to treat the contents of the present petition as a representation under the relevant provisions of the Cable Television Networks (Regulation) Act, 1995 as also under the Guidelines of NBSA and to expedite the decisions to be taken by the Ministry and NBSA in this regard. In case any interim directions need to be issued to any media house or television channel, the same could be issued by them without awaiting further orders from the Court. NBA has filed the Status Report in the matter, informing the Hon'ble Court that NBSA has examined the complaints of the Petitioner and issued various orders in respect of channels / broadcasters who are its members. Copies of the orders passed by NBSA have been placed on record in the matter. In view of the above, NBA has thereafter also filed an Application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 seeking deletion of NBA as a party from the Petition.

Disha Ravi Vs. NCT of Delhi & Ors. WP (C) 2297 of 2021 has been filed under Article 226 of the Constitution of India seeking inter alia the issuance of a writ of mandamus and/or writ of like nature directing NBSA to take appropriate action against other respondents and private news broadcasting channels under its Guidelines for reporting on Disha Ravi in a manner that is violative of fair trial rights and right to privacy. The Petition was listed before the Hon'ble Court for hearing on 19.3.2021. The Hon'ble High Court passed directions which were to be followed by the media and also directed NBSA to communicate the directions to all its members. NBSA has filed its Counter Affidavit in the matter and has complied with the directions of the Hon'ble Court.

Manjit Singh G.K Vs. AajTak & Ors: W.P. (C) No. 1260 of 2021 and Sukhdev Singh Dhindsa Vs. Aaj Tak & Ors: W.P. (C) No. 1253 of 2021 are Writ Petitions under Article 226 of the Constitution of India challenging the vicious, unmitigated, abhorrent, and reprehensible actions of certain media houses which have unleashed an offensive and potentially communal attack on the "Sikh" community by continuous circulation and constant transmission of unverified videos through different platforms including their respective news channels, You Tube and other such digital and online platforms, pursuant to the events that unfolded in New Delhi on the 72nd Republic Day of India on 26.1.2021. NBA has filed an Application under Order 1 Rule 10 read with Section 151

of the Code of Civil Procedure, 1908 seeking deletion of NBA from the array of parties/Respondents, in view of the fact that the allegations made in the petitions pertain to print and online media only, in respect of which NBSA has no jurisdiction and that no prayers have been made in the writ petition vis a vis NBA.

Danish Hashim Vs. Union of India & Ors. WP (C) 4451 of 2021, is a writ petition filed under Article 226 of the Constitution of India seeking inter alia for the issuance of a writ of prohibition directing the respondents to remove and not circulate, print, publish or display or air any news pertaining to the matrimonial family matters & disputes between the petitioner and other respondents which is pending adjudication before the concerned court of ACMM, South East District, Saket Court, New Delhi. The petitioner has also prayed for directions to be issued to Union of India to draft, formulate & implement rules, regulations/ guidelines through a competent law under Article 19(2) of the Constitution of India to impose reasonable restrictions on circulation & publication of news items pertaining to private disputes/ matrimonial matters which are sub-judice before concerned court of law. NBA has been impleaded as a party and has filed its counter affidavit in the matter.

Bombay High Court

Mr. Nilesh Navlakha & Anr. Vs. Ministry of Information and Broadcasting and Ors: Public Interest Litigation No. (ST)922252 / 2020

The Petitioner prayed inter alia, that the Hon'ble Court issue an appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents to issue necessary instructions to the media channels both print and electronic for temporary postponement of news reporting by way of telecasting, publishing reports/articles and/or carrying out discussions/debate of any kind which tantamounts to media trial and parallel investigation. NBA is Respondent in the matter.

Mr. Mahesh Narayan Singh Vs. Union of India and Ors: Public Interest Litigation No. (ST) 1774/2020

The Petitioner prayed inter alia, that the Hon'ble Court issue an appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents 1 to 4 to issue necessary instructions/guidelines to be followed by the media houses both print, electronic, radio, internet or television or any other form of media for refraining from publishing, circulating any false, derogatory and scandalous comments, social media posts which may jeopardize the reputation of the Police and may cause the public to lose faith in the system and in police administration or hinder the cause of administration of justice

During the hearing on 10.9.2020, the Hon'ble Court opined that pendency of these PIL petitions would not preclude NBSA (Respondent No.4 in Criminal PIL (St) No.1774 of 2020) from considering the complaints that have been received by it and from taking appropriate action thereon in accordance with law. The Hon'ble Court stated that the resultant decisions may be incorporated in the affidavit to be filed by NBSA before the Court.

NBSA's decisions/orders in respect of the above have been filed in the above matters in the Bombay High Court.

On 18.1.2021 the Division Bench of the Hon'ble Bombay High Court delivered the judgment in the above matters and disposed the above PILs in terms of the aforesaid judgment.

This judgment has been challenged by NBA in the Supreme Court of India on the observations made by the Court in respect to the self-regulatory mechanism and the observations of the Court in regard to *Destruction of Public & Private Property Vs. State of Andhra Pradesh & Ors.*(2009) 5 SCC 212.

Mr. Asim Suhas Sarode Vs. News Broadcasters Association and Anr: Public Interest Litigation No. CJ-LD-VC-40/2020

The Petitioner prayed inter alia, that the Hon'ble Court issue an appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents including NBA to file an affidavit that they will inform their members

to follow the guidelines issued by the Press Council of India and the WHO on mental health. All matters concern media reporting on the death of late actor Sushant Singh Rajput.

The Court disposed of the PIL by observing and holding that the guidelines issued by Press Council of India were comprehensive and reasonable enough commending itself to be followed in letter and spirit by the print media as well as the electronic media till appropriate guidelines are framed. Further, the Court held that news channels which are members of NBA shall follow the Advisory dated 13.8.2020 issued by NBSA and breach, if any, in future, may also be appropriately dealt with by NBSA.

Lahu Chandu Chavan Vs. State of Maharashtra & Ors. W.P. (CRL.) No. 1119 of 2021 is a Writ Petition in which NBA along with ABP Majha, IBN Lokmat and TV9 Marathi among others, have been named as Respondents. After hearing the submissions of the Petitioner, the Bombay High Court on 4.3.2021 has directed media organizations to scrupulously follow the guidelines issued by the Bombay High Court in *Nilesh Navlakha v. Union of India* and further to refrain from publishing or giving any unnecessary publicity to the incident of the death of the daughter X of the Petitioner and her alleged illicit relationship with Y. The matter has not come up for hearing subsequently.

Telangana High Court

V. Vijay Krishna Vs. Union of India & Ors : W.P. (PIL) No.182 of 2019 is a Public Interest Litigation against the Union of India, State of Telangana, other state instrumentalities, print media, electronic and online media seeking, inter alia issuance of a Writ, Order or Directions in the nature of Writ of Mandamus directing Respondents No.1 to 5 to initiate criminal proceedings against the Respondents 6 to 17 for violating Section 228A of the Indian Penal Code (IPC) by disclosing the identity of the rape victim. NBSA has been made Respondent No 4 in the matter and the Petitioner has also sought directions from the Hon'ble Court directing Respondents Nos. 1 to 5 to strictly implement the directions of the Hon'ble Supreme Court in *Nipun Saxena & Anr. Vs. Union of India & Ors 2018 SCC Online SC 2772* and that Press Council of India and NBSA be directed to take appropriate action against violators under their Norms of Journalism and Media guidelines respectively.

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 is a writ petition filed by PMASA, under Article 226 and 227 of the Constitution of India which seeks that the Hon'ble Court issue a Writ of Mandamus inter alia 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 under Order 1 Rule 10 read with Section 151 for deletion from the array of parties has been rejected by the Hon'ble High Court. NBSA has filed its statement of objections to the writ petition and the matter will be heard on merits. The High Court is yet to hear the matter regarding other reliefs claimed by the petitioners and also the arguments on behalf of NBSA.

Shakeel Ahmed and Ors. Vs. Suvarna News 24x7 and Ors.: Writ Petition No. 13677 of 2012 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. As per the website of the Karnataka High Court, the matter has been disposed off.

Kerala High Court

K. Biju Vs. Union of India and Others. W.P.(C) No. 21336 of 2013 is a Writ under Article 226 of the Constitution of India seeking 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 respectively to take effective steps to prevent violation of the Programme Code of the Cable Television Networks Act, 1995 and Cable Television Networks Rules, 1994 by private news channels 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 seeking 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. NBA has filed a counter affidavit in Writ Petition (Civil) No. 21336 of 2013 and not in the other matters. The matter awaits a hearing by a larger bench.

News Broadcasters Association and Ors. Vs. Union of India & Ors. W.P. (C) No. 14239 of 2021 is a Writ Petition filed by NBA challenging the Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 [IT Rules, 2021] on the grounds that the said Rules give the Government Authorities excessive powers to unreasonably and impermissibly restrict the freedom of speech and expression of the Media under Article 19(1)(a) and are ultra vires the Information Technology Act, 2000 apart from being violative of Article 14 and Article 19(1)(g) of the Constitution. The main challenge is to Part III (Code of Ethics and Procedure and Safeguards in relation to Digital Media) of the IT Rules 2021 as the Rules create an Oversight Mechanism giving the Executive unfettered, unbridled and excessive powers to regulate content of digital news media. The IT Rules, 2021 are ultra vires the Information Technology Act, 2000 [IT Act, 2000] as it does not contain any provision for dealing with "content" of a programme. The said Rules, 2021 violate Article 14 as there is neither any parity nor any valid exercise of classification in the Rules as 'intermediaries' have been equated with 'digital news media'. The Appendix of the Rules - "Code of Ethics" makes the Programme Code of the Cable TV Act, 1995 and Rules, 1994 applicable to the digital news media. The Programme Code contains vague, imprecise and ambiguous terms in relation to 'content' such as "good taste", "half-truths", "snobbish attitude", and therefore, is not in consonance with the judgment of the Hon'ble Supreme Court in *Shreya Singhal vs Union of India* (2015) 5SCC1.

After hearing NBA, the Hon'ble High Court on 8.7.2021 passed an Interim Order in favour of NBA and its members directing Respondents to not take any coercive action against the Members of NBA for not implementing/ complying with "Part III Code of Ethics and Procedure and Safeguards in Relation to Digital Media of the IT Rules 2021".

News Broadcasters Association and Others Vs. Ministry of Information and Broadcasting W.P. (C) No. 14239 of 2021 is a Writ Petition filed by NBA challenging certain Sections of the Cable Television Networks (Regulation) Act, 1995, [Cable TV Act], Rule 6 (Programme Code) and 7 (Advertising Code) of the Cable Television Networks Rules, 1994 [Cable TV Rules] and the Cable Television Networks (Amendment) Rules, 2021 [Amendment Rules, 2021] on the grounds that the Cable TV Act, Cable TV Rules and the Amendment Rules, 2021 are violative of the fundamental rights guaranteed under Part III of the Constitution of India including Article 14, Article 19(1)(a) and 19(1)(g). The main challenge is to Rules 18 to 20 of the Amendment Rules, 2021 as the Rules create an Oversight Mechanism giving the Executive unfettered, unbridled and excessive powers to regulate the content of the television channels of the news broadcasters.

The Complaint Redressal Structure created, and the powers delegated have a “chilling effect” on the content of the media. Amongst other challenges, NBA has also challenged the offending parts of Rules 6 [Programme Code] and 7 [Advertising Code] of the Cable TV Rules in that they are beyond the reasonable restrictions as prescribed by Article 19(2) of the Constitution. After hearing the Petitioners, the Hon’ble High Court passed an Interim Order directing the Ministry of Information and Broadcasting to refrain from taking coercive action against the NBA and its members for not complying with the Cable Television Networks (Amendment) Rules, 2021 pending disposal of the writ petition.

Lucknow Bench of the Allahabad High Court

Dr. Nutan Thakur Vs. Union of India Writ Petition No. 9976 of 2013 (M/B) Aggrieved by the impugned Order dated 16.10.2013, passed by NBSA, Dr. Nutan Thakur filed the above writ petition. The Court has opined that prima facie the impugned order seems to be cryptic and non-speaking and the material submitted by the Petitioner seems neither considered nor reason has been assigned. 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 is admitted. The Court has also alluded to the issue of paid news appearing sometimes on the electronic media, which the Court has described as a well-established fact. The Union of India has been directed to file an affidavit bringing on record its stand as regards providing some statutory forum for electronic media like the Press Council of India exists for the print media. The counter affidavit on behalf of 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 was not listed for hearing thereafter.

Madurai Bench of the Madras High Court

Mohammed Razvi Vs. Telecom Regulatory Authority of India (TRAI) & Ors. W.P (MD) No. 4357 of 2019. 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 matter was posted for hearing on 19.3.2019 pending reply from the Centre. NBA had filed its Vakalatnama in the matter which however, was returned as NBA has not been impleaded as a party in the matter. Since the same matter is pending before the Delhi High Court, NBA Counsel opined that it would be advisable that NBA moves an application before the Madurai Bench of the Madras High Court seeking impleadment/intervention in the matter to bring to the Court’s notice the fact that a matter with similar questions of law have been pending before the Delhi High Court since 2013 and if necessary to file a transfer before the Supreme Court to seek transfer of the above matter to the Delhi High Court. After the adjournment of the case by the previous bench, no hearing date has been fixed by the present bench. TRAI is yet to file their submissions.

Calcutta High Court

Sri. Charles Nandi Vs. the Union of India & Ors. W.P. No. 5705 (W) of 2020 with CAN 3633 of 2020. The petition has been filed by an employee who is associated with a Political & Business Daily. The other respondents are the State Govt. of WB, INS, NBA, Bennett Coleman, ABP, Aajkaal and Trade Union Organizations of the print media. The petition states that many media personnel in the State of West Bengal are finding it difficult to make both ends meet as they are not permanently employed by any electronic/ print media establishments and work on commission basis and the respondent authorities should frame a scheme for providing financial assistance to all media personnel facing financial crisis in the State of West Bengal during the pandemic. The writ petition does not have any reference to electronic media organizations which are the members of NBA. The matter has not yet been listed.

Indore Bench of Madhya Pradesh High Court

Nyaaayi Through its Founder & Editor & Anr. Vs. Arnab Goswami & Ors. Writ Petition (P.L.) 14379/2020 has been filed for taking action against Republic TV for violating the Cable TV Act and Cable TV Rules. In the matter, an amendment application was moved by the Petitioner, as a result of which NBA and NBSA also have been made Respondents in the matter. NBA and NBSA have yet to receive the Original Writ Petition in the matter.

News Broadcasting & Digital Standards Authority

The actions taken by News Broadcasting & Digital Standards Authority (Formerly known as News Broadcasting Standards Authority) during the year under report have been shown separately in the Annual report.

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



Rajat Sharma

President

[DIN No.:00005373]

Place: New Delhi
Date : August 5, 2021

Annexure - 1

Members of News Broadcasters & Digital Association

(Formerly known as News Broadcasters Association)

Members

S. No.	Name of the Member	Channel(s)
1.	ABP Network Pvt. Ltd.	ABP News, ABP Majha, ABP Ananda, ABP Asmita, ABP Ganga
2.	Asianet News Network Pvt. Ltd.	Asianet News, Asianet Suvarna News
3.	Associated Broadcasting Co. Pvt. Ltd.	TV9 Telugu, TV9 Bharatvarsh, TV9 Gujarati, TV9 Kannada, TV9 Marathi, TV9 Bangla, News 9
4.	BBC Global News India Pvt. Ltd.	BBC World
5.	Bennett Coleman & Co. Ltd.	Times Now, ET Now, Mirror Now, Times Now World, Times Now Navbharat HD
6.	Eenadu Television Pvt. Ltd.	ETV-Andhra Pradesh, ETV-Telangana
7.	Gujarat News Broadcasters Pvt. Ltd.	VTV News
8.	Independent News Services Pvt. Ltd.	India TV
9.	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
10.	MM TV Ltd.	Manorama News Central
11.	New Delhi Television Ltd.	NDTV24x7, NDTV India
12.	New Generation Media Corporation Pvt. Ltd.	Puthiya Thalaimurai
13.	New24 Broadcast India Ltd.	News 24, News 24 Madhya Pradesh – Chhattisgarh
14.	News Nation Network Pvt. Ltd.	News Nation, News State Uttarakhand/Uttar Pradesh, News State Madhya Pradesh/Chhattisgarh
15.	Sobhagaya Media Pvt. Ltd.	APN News
16.	SUN TV Network Ltd.	Sun News
17.	TV Today Network Ltd.	Aajtak, India Today, Tez, Aajtak HD

S. No.	Name of the Member	Channel(s)
18.	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
19.	Writemen Media Pvt. Ltd.	Public TV
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, Zee Bihar Jharkhand

Associate Members

21	IBN Lokmat News Pvt. Ltd.	News18 Lokmat
22	Indira Television Ltd.	Sakshi
23	Malayalam Communications Ltd.	Kairali, Kairali News
24	Quintillion Business Media Pvt. Ltd.	Bloomberg Quint
25	Total Telefilms Pvt. Ltd.	Total TV, Total Haryana

News Broadcasting & Digital Standards Authority

(Formerly known as News Broadcasting Standards Authority)

During the year under report, NBDSA met under the Chairmanship of Justice, A. K. Sikri, former Judge of the Supreme Court of India. Keeping in mind the restrictions imposed due to the Covid-19 pandemic, NBDSA convened its meetings virtually. NBDSA had six meetings during the year under report. NBDSA in these meetings considered, reviewed and decided 404 complaints (90th – 95th meetings), which included complaints directly received by the broadcasters and settled at the first level and complaints received at the second level i.e. NBDSA. The Ministry of Information and Broadcasting (MoI&B), the Electronic Media Monitoring Centre (EMMC) and the Election Commission of India (ECI) also have been sending complaints/ petitions of Members to the NBDSA for its consideration. All complaints received by NBDSA were assessed and dispensed in accordance with the Code of Ethics and Broadcasting Standards and the News Broadcasting Standards Regulations.

Given below are the edited text of the Decisions / Orders passed by NBDSA

The full text of the decisions are available on the website of NBA and can be viewed on <http://www.nbanewdelhi.com/decisions>

Complaints from Ministry of Information & Broadcasting

Complaint No. 1 [ABP Majha on 14.4.2020]

'ABP Majha' had broadcast a news item multiple times on 14.4.2020, speculating recommencement of railway passenger service, especially for migrant workers, citing an internal piece of communication of South-Central Railway, which had no specific mention of origin and destination, stations, dates, passenger capacity or whether such passenger trains will run or not, and the letter was addressed to Divisional Commercial Managers to assess the need of such trains. But none of the above points were mentioned in the said news item and such speculative and exaggerated reporting resulted in accumulation and assembly of thousands of migrant workers at Bandra railway station. In the broadcast it was stated that it was decided to run unreserved Jansadharan Express all over the country to carry labourers to their native places from where they were stuck. This led to the arrest of the reporter of ABP Majha.

Complaint No. 2 [ABP Majha on 14.4.2020]

ABP Majha ran a story claiming that special "Jansadharan" trains would be operated by the Ministry of Railways for migrants stranded in various parts of Maharashtra. This report was run almost an hour after PM Modi announced the extension of the nationwide lockdown to 3.5.2020. Subsequently, at 03:30pm, a crowd of over 300 migrant workers started gathering at Bandra Railway Station in violation of the Covid-19 lockdown. Until that moment, the channel had neither broadcast a clarification nor withdrawn the story on "*special trains for migrants*."

In the evening of the same day, the channel ran live coverage of the incident while further spreading rumors claiming that (a) the migrant workers were a staged crowd as "*they didn't have bags*"; (b) by drawing parallels with the Delhi Anand Vihar incident and alleging a conspiracy, and (c) by explicitly claiming that the gathered migrant workers were from specific neighborhoods in Mumbai. The irresponsible and non-factual news peddled by the channel contributed towards the gathering of a massive crowd in the middle of a pandemic lockdown. The morning news report on "*special trains*" incited people to violate CrPC Section 144 orders and gather in one

place during a pandemic. Subsequently, instead of being responsible news outlet and issuing a clarification, the channel further chose to polarize the incident, seize the opportunity, and to peddle baseless conspiracy theories that would create more panic and uncertainty.

The complainant stated that the actions of the channel are a violation of the Code of Conduct and Guidelines specified by the News Broadcasters Association and therefore he demanded that (1) ABP Majha issue a clarification and an apology for their irresponsible broadcast on 14.4.2020 (2) An internal enquiry be ordered to ascertain the source of the false news on ABP Majha about “special trains being run for stranded migrants” and action be taken against those found responsible (3). The channel should provide 30 minutes of free airtime staggered through a 24-hour period for broadcasting the details of the Maharashtra Chief Minister’s Relief Fund and soliciting contributions from the public.

Complaint No. 3 [ABP Majha on 14.4.2020]

Complainant stated that due to the ongoing pandemic of Covid-19, State and Central government has imposed a ban on interstate travelling, pursuant to this Indian Railways has stopped its passenger services. Lakhs of migrant workers and labourers are stranded in different parts of our country and they are eagerly waiting for railway services to resume. In such an atmosphere, ‘ABP Majha’ broadcasted a news item multiple times on 14.4.2020, speculating recommencement of railway passenger service, especially for migrant workers, citing an internal piece of communication of South-Central Railway. The letter cited had no specific mention of origin and destination stations, dates, passenger capacity or whether such passenger trains will run or not, and the letter was addressed to Divisional Commercial Managers to assess the need of such trains. But none of the above points were mentioned in the said news item and such speculative, exaggerated, farfetched and overblown reporting resulted in accumulation and assembly of thousands of migrant workers at Bandra railway station. The swarming crowds were so huge that police had to use force to disperse it. Obviously, the official precautions of social distancing were not followed by the crowd and this will surely have a detrimental effect on an already overstretched public health system, which might increase the death counts due to infection of Covid-19. Such flawed news reporting and broadcasting has endangered many lives today and this must not go unpunished. This action violates the advisory issued by the Ministry of Information and Broadcasting on 25th February 2020 and rules formed under Cable Television Networks (Regulation) Act, 1995 and rules formed thereafter. The complainant desired that *suo moto* cognizance of this matter be taken appropriate action against persons and entities involved and the news broadcasting license of ABP Majha be suspended till statewide lockdown in Maharashtra remains enforced.

Decision

NBSA considered all the three complaints, response from the broadcaster and the documents submitted by the broadcaster pertaining to Crime No.291/2020 including the translated copy of the FIR in English language. NBSA was of the view that as per Regulations 7.2 read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate for NBSA to take up matters which are *sub judice*. NBSA, therefore, treated the matter as closed. NBSA decided that the MoI&B and the broadcaster be informed accordingly.

Complaints [News18 India on 15.6.2020]

Complaints were regarding a programme titled “Aar Par” which was aired by News18 India on 15.6.2020. It is alleged in the complaints that the anchor during a TV debate, made disparaging and derogatory remarks against the world-renowned Saint Hazrath Khawaja Gareeb Nawaz by calling him a robber and invader. According to the English translation provided by the broadcaster, the anchor made the following remarks:

‘Akranta Chishti came ... Akranta Chishti came ... Lootera came after then religion changed’.

Decision

Since all the complaints related to Aar Par programme aired on News18 India on 15.6.2020 NBSA decided to consider all the complaints together. After considering the complaints and the replies of the broadcaster, NBSA was of the view that as per Regulations 7.2 read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate for NBSA to take up matters which are *sub judice*. NBSA, therefore, treated the matter as closed. NBSA decided that the Mol&B and the broadcaster be informed accordingly.

Complaint [Aaj Tak on 7.7.2020 and 8.7.2020]

Complaint relates to two news reports Naraklok/Naraklok Part-2, which were aired by AajTak channel on 7.7.2020 and on 8.7.2020 about the sexual exploitation of young girls by middlemen and contractors of the mining sector in Chitrakoot district.

Mol&B informed the broadcaster that they had learnt from the Chitrakoot police, who had reportedly carried inquiry on the allegations made in the impugned news report, that no sexual exploitation of the girls as alleged in the impugned news report had occurred. Further, the police had spoken to few families in Goda and Akbarpur village who had denied the allegations and even the girls and their family denied that they were ever subjected to any sort of sexual exploitation. Mol&B further stated that all broadcasters were required to abide by the Programme Codes as enumerated under Rule 6 of the Cable Television Network Rules, 1994 and directed the broadcaster to submit its comment within 7 days from the date of issue of the letter.

Decision

NBSA considered the complaint, response of the broadcaster, and viewed the broadcasts. NBSA noted that the broadcasts were certainly in public interest and was of the view that such investigative news reports should not be discouraged. Reporting such incidents facilitate the law-and-order machinery of the State to take strict action against the perpetrators of such heinous acts. NBSA noted that contents of news reports or news stories are a matter of editorial discretion and that a perception of an issue cannot be a ground to take action against a channel. NBSA was also of the view that the broadcaster has done its duty by reporting the incident, and it found no violation of Code of Ethics and Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA decided to close the complaint with the above observations and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV India on 24.2.2020]

Complaint is regarding a news report aired on NDTV India on 24.2.2020 at 9:00 pm. The complainant alleged that the anchor of the Prime Time show, while reporting on the North East Delhi riots, had wrongly identified the accused in a red shirt as Anurag Mishra despite the statement of DCP (North) that the accused was, in fact, one Shahrukh. The complainant further stated that such kind of journalism not only has the tendency to spread hate but should also be banned for attempting to spread communal disharmony in society.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV India on 24.2.2020]

Complaint is regarding a news report aired on NDTV India on 24.2.2020 at 9:00 pm. The complainant alleged that the anchor of the Prime Time show, while reporting on the North East Delhi riots, had wrongly identified the accused Shahrukh as Anurag Mishra. The complainant stated that by portraying a Muslim accused as Hindu, the anchor has not only attempted to disturb the communal harmony in the society but also malign the reputation of Hindus. The complainant further accused the anchor of politicizing the matter.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Asianet News on 17.4.2020]

Complaint is regarding a news report aired by Asianet News on 17.4.2020. The complainant alleged that the broadcaster had in the impugned news report quoted the Union Minister of State for External Affairs & Parliamentary Affairs as having said that Indians stuck overseas will not be brought back to India. However, the said statement was immediately denied by the Minister who, through his Twitter handle, clarified that the impugned news report was fake news. The complainant stated that by airing fake news, the broadcaster could have caused panic amongst the citizens, thereby adversely affecting law and order in the state, especially at a time when the entire government was focused on fighting the pandemic.

Decision

NBSA considered the complaint, response from the broadcaster and the translation of the Facebook post of the Minister dated 16.4.2020 and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV 24x7]

Complainant stated that Harsh Mander was running down India by targeting the Modi Government over Corona virus. He also accused the NDTV anchor of being an urban Naxal sympathizer, who, according to the complainant, had no love for her country. The complainant further stated that *"we the people warn this Christian woman"*

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV 24x7]

Complainant stated that Harsh Mander was running down India by targeting the Modi Government over Corona virus. Further, he also accused the NDTV anchor of being an urban Naxal sympathizer, who, according to the complainant, had no love for her country. The complainant further stated that *"we the people warn this Christian woman"*.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Asianet News on 20.3.2020]

Complainant alleged that on 20.3.2020, Asianet News aired fake news about the number of deaths due to coronavirus in India. The complainant stated that while the actual deaths reported in India were only 5, the broadcaster had aired a news report stating that 50 Indians had died in the state of Maharashtra due to coronavirus.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [News Nation on 17.4.2020]

Complainant alleged that News Nation had telecast a programme on 17.4.2020, which showed soldiers being sent from Bangalore to Jammu by train. The complainant stated that while the news report was aired to show the trains were being sanitized, however, such report revealed sensitive information which could adversely affect the safety of the soldiers by allowing terrorists to track their movements.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage/CD of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [India TV on 14.4.2020]

Complainant alleged that the anchor while reporting the crowding at Bandra Railway Station, Mumbai, had attempted to communalise the issue. During the impugned news report, the anchor was asking questions like who had called the individuals who had gathered in large numbers outside the Jama Masjid in Bandra and why these individuals did not carry any luggage with them if they were travelling back home. The complainant questioned the intention of the anchor behind such kind of inquiry and stated that such news report has a tendency to spread hatred in the society.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Asianet News on 12.6.2020]

Complaint is regarding the programme "Katha Nunakkatha" aired on the channel. The complainant stated that the broadcaster had, while reporting on the current border conflict between India and the People's Republic of China along the 'Line of actual Control' shown an incomplete map of the Republic of India. The complainant stated that during re telecast of the program at 11:30 am on 13.6.2022, it admitted the violation. The complainant's objection was with the justification advanced by the broadcaster that the violation happened while collecting information from various countries. The complainant stated that it was surprising to learn that a leading regional news channel in the country was using information from various countries to use the map of the country while the 'Code of Ethics and Broadcasting Standards states that *All news channels would use specific maps mandated by law and Indian Government rules*'. It was stated that it had become a regular practice of the broadcaster to telecast programs promoting anti-national sentiments and express apology when noticed by viewers and the general public. He drew the attention of NBSA to the action taken by Mol&B when the channel was taken off air for 48 hours, on 6.3.2020, for telecasting news on the riots in parts of Delhi.

Decision

NBSA considered the complaint, response from the broadcaster, and viewed the footage of the broadcast. NBSA noted that while the broadcaster had taken action of removing the footage and also aired an apology, NBSA was of the view that since showing an incorrect map of India in a broadcast was unacceptable. NBSA decided that a warning be issued to the broadcaster directing them to be more careful while using the map of India in their programmes and any further violation would be viewed seriously and action taken accordingly. NBSA, decided to close the complaint with the above observations and inform the Mol&B and the broadcaster accordingly.

Complaint [India TV on 18.6.2020]

Complainant alleged that the channel had telecast a programme which showed the movement of army convoys from Leh, which other media channels had also telecast. The complainant acknowledged the important role media plays in disseminating information but stated that while doing so, the security of the nation is paramount. The complainant, therefore, requested for guidelines to be issued to all forms of media through the respective ministry to avoid showing videos of strategic installations and movement of army convoys.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Suvama News]

Complainant alleged that Suvama News violated the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994 by encouraging broadcasts on superstitions or blind beliefs. The complainant stated that the broadcaster was misleading the public by broadcasting astrological predictions, effects of solar eclipse and lunar eclipse and remedies by fake gurujis and other misleading programmes. The complainant accused the broadcaster of broadcasting programmes that are “intimidating” and “horrifying” the public; and which were adversely affecting the mental health of people, sometimes even leading to depression. The complainant highlighted a list of misleading programmes and shared the YouTube links for the years 2017 to 2020.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [ETV Andhra Pradesh]

The complainant alleged that every day at 22:30 PM, ETV Andhra Pradesh was telecasting programmes that were infringing the copyright of BBC content. The complainant also alleged that the broadcaster was copying content from different world-wide channels and telecasting the same in its program named, “Aura” which was aired at 17:30 PM every Sunday.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA noted that since the issue of copyright infringement does not fall within its jurisdiction, it cannot proceed with the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [ABP News on 19.6.2020]

Complainant alleged that the channel had broadcast a news report disclosing India’s military preparedness and latest warfare equipment against China. The complainant stated that similar disclosures were made by other TV channels as well and questioned why channels are given liberty to disclose India’s defence secrets. The complainant suggested that there should be a ban on TV channels visiting defence posts or any such locations.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [India TV on 19.6.2020]

Complainant alleged that the channel had broadcast a news report disclosing the movement of Indian Army trucks and fighter planes taking off from Leh. Similar news was also covered by other news channels. The complainant raised serious concerns relating to national security, questioning why television media was allowed to record, transmit, publish and widely telecast the movement status of the Indian Armed Forces.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV India on 22.4.2020]

Complaint is regarding the use of the term “*India Administered Kashmir*” by the news channel in its programme BBC Duniya.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA accepted the response of the broadcaster and decided that the broadcaster should be advised to be more careful in future and to verify third party content before it is telecast. NBSA, decided to close the complaint with the above observations and inform the Mol&B and the broadcaster accordingly.

Complaint [India Today on 20.7.2020]

Complaint is against a news report aired on the channel. The complainant alleged that the broadcaster has, after promoting Chinese military preparations in Chinese occupied Inner Mongolia, started promoting the Chinese propaganda of a massive Air Base at Hutan in Chinese occupied East Turkistan facing Ladakh.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA noted that it is not an investigating agency which would probe as to how the journalist entered a restricted area. NBSA is supposed to examine the contents of the impugned broadcast on the touchstone of the Code of Ethics and Guidelines. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore, decided that no action was called for on the complaint. NBSA did not find anything in the broadcast which was aimed at lowering the morale of Indian Army. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Asianet News on 3.5.2020]

Complainant alleged that a news report aired by the channel showed gross negligence of the broadcaster and also disgraced and degraded the brave heart martyrs who fought for our country in Kashmir. The complainant alleged that the commentary of the reporter in the impugned report was highly anti-national & inflammatory in nature. It was clear from the words used by the anchor that he was in support of the cowardly terrorists & siding by them. The complainant sought an early intervention in the matter as news reports such as the one aired by the broadcaster not only targets our brave heart soldiers but also attempts to damage their morale.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA reiterated the decision taken at its meeting held on 10.7.2020 drawing the attention of the broadcaster to the Guidelines of NBSA regarding issuing a “*corrigendum*” on the channel on which the broadcast took place and not on social media platforms like Twitter, Face Book etc. NBSA decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 2.7.2020]

Complainant alleged that the channel, had aired a news report disclosing sensitive military information, particularly about the movement of "Paramilitary Commandos" and their operation names "Rolls". He questioned how such sensitive military information could be broadcast and stated that news report such as the one aired by Aaj Tak not only harms the Indian Army but also demoralizes them.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint [NDTV India]

Complainant alleged that NDTV India by spreading false rumours about the Corona virus pandemic, attempted to spread fear in the country. The complainant stated that the broadcaster aired a news report stating that in the next three months, India can expect to see a spike of nearly 25 crore cases of Corona virus in the country. If NDTV news report was to be believed, then nearly 20% of the Indian population would be afflicted with Corona virus. Further, the complainant stated that the impugned news report had been denied by John Hopkins University.

Decision

NBSA considered the complaint and response from the broadcaster and found no violation of any Standards or Guidelines in the broadcast and therefore, decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint [Zee News]

The complainant alleged that the channel had carried a news report showing the existence and training of Ghatak Unit. The complainant stated that Indian channels must not air news reports showing Indian special forces, their existence, training, deployment of aeroplanes, troops. The complainant reiterated that anything which compromises India's defence and offence capabilities should not be aired on television.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore, decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint [India TV]

Complainant alleged that the channel had while reporting on Covid-19 in India, only reported the spike in cases and the number of deaths but failed to mention the number of recovered patients and attempted to create panic by reporting India's highest cases every 24 hrs although as per the press conferences of the Ministry of Health and Family Welfare, the number of active cases and death rate in India is very low.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint [Aaj Tak on 5.8.2020]

Complainant alleged that during the live telecast of the Ram Mandir Bhumi Pujan, the channel had shown the number plate of the vehicle which chauffeured Prime Minister to the temple and that no TV channel should be allowed to air the number plate of the Prime Minister's vehicle for security reasons.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Sun News]

Complainant alleged that the channel was repeatedly broadcasting news related to a lock-up death in Sathankulam with an intention to stimulate violence in Tamil Nadu. By repeatedly airing such news, these channels were attempting to promote enmity between the different group of people and trying to create law-and-order issues in the state of Tamil Nadu to degrade the government of Tamil Nadu and the Prime Minister of India.

Decision

NBSA considered the complaint and response from Sun TV. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 3.8.2020]

Complainant alleged that the news channel had aired a news programme promoting a very heated, provocative and abusive discussion. During the discussion, the complainant stated one of the panelists made very insulting comments against the former PMs Pt. Jawahar Lal Nehru, Smt. Indira Gandhi, Shri Rajiv Gandhi regarding their deaths and against Smt. Sonia Gandhi, regarding her illness and against Shri Rahul Gandhi MP calling him '*Nikkama*' and also addressed late Shri Firoz Gandhi as Feroz Khan. Discussion such as the one in the impugned programme had a tendency to incite tension within the society; therefore, the complainant suggested that absurd political discussions should be banned and a Code of Conduct should be enforced for all private news channels in the country.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [NDTV 24x7]

Complainant stated that in Australia on SBS TV Channel, NDTV broadcasts news related to India every day at 11:30 AM. The complaint was on the ground that most items aired by the broadcasters are anti-India. Therefore, the complainant requested the Indian government, Mol&B to intervene and replace NDTV with Doordarshan News as DD is the Indian Government official broadcaster. The complainant stated that on 11:00 AM, Pakistan TV is broadcast, which airs reports about Jammu and Kashmir, which are false and appear to be propaganda to influence viewers and produce anti-India rhetoric. The complainant, therefore, also requested that India should also broadcasts news related to atrocities in Baluchistan and Pakistan occupied Kashmir on the overseas channel so that people around the world can be aware of the actual situation.

Decision

NBSA considered the complaint and response from the broadcaster. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Zee Hindustan on 5.8.2020]

Complaint is by the State General Secretary Youth of the Haryana Sikh Gurudawara Prabandhak Committee in Haryana. The complainant alleged that the channel aired a news report regarding Ram Mandir, in which the broadcaster and its anchor spread rumours by reporting that Guruji sent the Nihang soldiers to protect

Ram Janambhumi. The complainant stated that there is no evidence in Sikh History which recorded that Guru Gobind Singh Ji had sent Sikh soldiers to Ayodhya for saving Shree Ram Mandir. The complainant stated that by telecasting such a news programme, the broadcaster had played with the emotions of the Sikh community and hurt them.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Manorama News on 7.8.2020]

Complainant alleged that the channel, while broadcasting a news report on the natural calamity in Kerala on account of heavy rainfall on 6.8.2020 and 7.8.2020 had reported that 5 dams in the State had collapsed due to heavy rains, when in fact the dams had been opened when the water crossed the level capacity. The complainant stated that the impugned news report created a panic situation in the State and caused worry for many inhabitants in the southern part of the State.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 7.8.2020]

The complaint is regarding the programme titled "Halla Bol". It was stated that during the impugned programme, the anchor reported that the channel had got access to the call records (mobile) of the accused Ms. Rhea Chakraborty, named in the FIR registered by CBI as an outcome of the hearing held on 5.8.2020 at Supreme Court of India. Further, prior to opening up of the panel discussion, the anchor in the impugned programme narrated in a chronological manner - the questions put by the Enforcement Directorate to the accused Ms. Rhea Chakraborty during the first day of enquiry proceedings held at ED Office at Mumbai on 7.8.2020. The channel and its anchors also made public the bank statements of the victim Mr. Sushant Singh Rajput. The complaint, therefore, requested for an enquiry to be conducted in the above matter as to how the broadcaster was able to get access to such records in violation of the Criminal Procedure Code and Data Protection laws, which are not accessible to an ordinary person.

Decision

NBSA considered the complaint, response from the broadcaster and viewed footage/ of the broadcast. NBSA noted that the present complaint relates to media reportage of the criminal investigation into the death of late actor Sushant Singh Rajput. NBSA decided that the guidelines laid down by the Hon'ble High Court of Bombay in the matter of *Mahesh Narayan Singh & Ors. vs. Union of India & Ors.* should be circulated to the broadcaster to ensure compliance while reporting on any ongoing criminal investigation/ related matters. NBSA decided to close the complaint with the aforesaid observations and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 8.8.2020]

The complaint is filed against the channel for broadcasting sensitive information regarding the 740 tonnes of Ammonium Nitrate stored in Chennai. By broadcasting the address and photos of the location of the warehouse, the broadcaster made such sensitive information available in the public domain, it has not only made India a soft target but has also created a big risk for the country.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA noted that while the impugned broadcast was aired in public interest and to alert the public however, since it is a public safety issue, the broadcaster should have certainly refrained from disclosing the location of the warehouse in the interest of national security. NBSA decided that the broadcaster be advised that when airing such sensitive matters, they should refrain from disclosing the location. NBSA, decided to close the complaint with the aforesaid observations and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 27.8.2020]

The complaint relates to the airing of the 100 minutes TV interview of Rhea Chakraborty, one of the suspected accused in the death-case of film-actor Sushant Singh Rajput, followed by comments of Advocate Mr. Vikas Singh, representing the father of Sushant Singh Rajput. It was stated that it was against all moral ethics of media for the broadcaster to air the interview and soon after another competitive TV channel had done the same in its prime-time show at 9 PM. In the fight of TV channels in the unhealthy competition for more TRP should be limited to TV channels only, and it must not drag viewers by dictating what they can see and cannot see. He asserted that not only have the TV anchors started playing the role of self-termed judges, but they had also become panelists by overreacting and using loud voice. He attributed this behaviour as the reason why private Indian TV news-channels were losing popularity amongst TV viewers. He suggested that the time has come for the Central government to make it compulsory for every private TV news-channel to compulsorily telecast one prime-time news-bulletin of Doordarshan. Further, all Doordarshan channels, including DD News, Lok Sabha TV and Rajya Sabha TV, should be compulsorily given initial slot in numbering by Cable-TV and Dish-TV operators to make these channels of positivity become more popular.

Decision

NBSA considered the complaint, response from the broadcaster and viewed footage of the broadcast. NBSA noted that the present complaint relates to media reportage of the criminal investigation into the death of late actor Sushant Singh Rajput. NBSA decided that the guidelines laid down by the Hon'ble High Court of Bombay in the matter of *Mahesh Narayan Singh & Ors. vs. Union of India & Ors.* should be circulated to the broadcaster to ensure compliance while reporting on any ongoing criminal investigation/ related matters. NBSA decided to close the complaint with the aforesaid observations and inform the Mol&B and the broadcaster accordingly.

Representation from Capt. D.P. Ramachandran, Founder & Managing Trustee, Colours of Glory

In the representation dated 13.7.2020 it was stated that it has become common practice by the media nowadays to describe soldiers who are killed in action as martyrs. KIA, for Killed in Action, is a term used by the armed forces, and the armed forces alone, the world over and it carries with it all the solemnity and dignity the sacrificial act of a soldier who falls in battle deserves. Calling KIA martyrdom amounts to undermining the bravery of the soldier while courting death in battle. English language does not really have another phrase that is synonymous with KIA and can convey the true sense of gravity and honour it carries. They do however have an Indian word, 'Veer Gati', which accurately manifests the sense. The word translates to 'brave death' or 'death of the brave'. Perhaps those who rate KIA as lacking in intensity to convey the death of a soldier in battle could adopt this Indian word, if they wish to have an alternate expression.

Decision

NBSA noted that the issues raised in the complaint by an organization of army veterans were valid. However, NBSA would not be in a position to take action on the representation as it relates to the armed forces and it would be best addressed by the Army. NBSA decided that the representation be forwarded to the Army, Ministry of Defence for a response. NBSA, decided to inform the Mol&B accordingly.

Complaint [ABP Majha on 24.9.2020]

Complainant alleged that the channel had broadcast news related to the newly passed Labour Bill. In the impugned news report, it was reported that the new Labour Bill passed by the Government permits companies to convert any permanent employee into a contract employee. He questioned whether the information reported was correct and if it was not, he desired necessary action to be taken against the broadcaster as the topic of the news report was not only very sensitive but could also cause law and order problem in the country if the malicious, motivated propaganda against reforms was allowed to be aired on these channels. He further stated that as per the report, people might fear that their employers can just change their employment from permanent to contract as employees cannot appeal in court as the new law is employer supporting.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [India TV]

Complaint is against the news programme Aaj Ki Baat aired on India TV at 21:00 PM. The complainant alleged that during the middle of the news programme, the anchor, before taking a break for telecasting a commercial advertisement, much to the surprise and astonishment of the complainant, said "25-second ka Ek sponsored message". The complainant questions how the broadcaster can refer to a "commercial advertisement" as a "sponsored message". The complainant alleged that this self-made style pronouncement of the broadcaster was not only unconventional, weird, but it also sounded idiosyncratic and freakish to the complainant. The complainant questioned whether the broadcaster was attempting to fool its viewers, including the complainant. He requested such practice to be stopped immediately.

He alleged that in order to boost its tumbling viewership, the broadcaster started some funny scheme of "*India TV Dekho lakho ka sona jeeto contest*," wherein the broadcaster asks some simple stupid questions to be answered by the viewers. The complainant hoped that the broadcaster was wise enough to obtain necessary permission and approvals from the concerned government department and agencies to float the scheme of "*Sona Jeeto contest*." The complainant highlighted one specific instance of such kind of reporting, i.e., the interview of Mr. Arvind Kejriwal. The interview appeared to be a promotional event and an attempt to glorify the efforts of the interviewee and appeared to be a paid interview, in which the anchor merely asked pre-decided, pre-planned simple and irrelevant questions. The complainant wondered how the anchor could omit to ask Mr. Arvind Kejriwal how his government dared to compare Sikkim, which is an integral part of our country, with Bhutan and Nepal in one of its public advertisements. The complainant called upon the broadcaster to (1) stop calling the "*Telecast of commercial advertisement*" as "*Sponsored message*" (2) to avoid and refrain itself from airing one-sided biased news reports; (3) to provide a copy of the permission obtained by the broadcaster from the concerned Government Department to float the "*Sona Jeeto contest*."

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [CNN News18]

The complaint is regarding its coverage of fuel supply to the Indian Army at LAC. The complainant stated that the impugned news programme might be a security issue as it was in the case of the Mumbai attack, which was telecasted live.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage/CD of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Times Now & Mirror Now on 12.9.2020]

The complainant alleged that in the programme, the anchor praised China's might by stating that the economic capacity of China was five times that of India, and he also praised the Chinese military power. The complainant stated that such reporting reminded him of a similar display of surrender mentality in 1962 when American Senator Sam Harrison made a famous statement that "*Indians made a sorry display of themselves, by allowing themselves to be driven out of the impregnable mountain strongholds.*" The complainant stated that the only way to save India and to protect its territorial integrity would be by having the courage to say that India has no borders with China and that Tibet is always a free nation and also opposed the occupation of Eastern Turkistan.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Aaj Tak on 14.10.2020]

The complainant alleged that the channel in its news bulletin blatantly violated the orders of the Hon'ble Allahabad High Court "*In re: Right To Decent & Dignified Last Rites/Cremation*" in the Hathras case. The complainant stated that in the order, the Hon'ble High Court had directed the respondents to maintain complete confidentiality about the CBI investigation in the case. The order stated that "*the State administration is directed to ensure the safety and security of the family members of the victim so that no harm is caused to them. It is further provided that the inquiry/investigation which is being carried on in the matter, either by the S.I.T. or by any other agency such as CBI, be kept in full confidentiality and no report or post thereof is leaked out in public.*" However, the broadcaster on 14.10.2020 aired a news report about the Hathras case and the ongoing CBI investigation, a video of which was also shared on social media platform Twitter through the official handle of Aaj Tak (which is @aajtak) on the same date. The complainant stated that in the impugned news programme, the broadcaster brazenly violated the order of the Hon'ble High Court by reporting on the investigation of the CBI in the Hathras case and by reporting about the questions asked by the CBI team to the victim's family during the investigation. Therefore, he requested that urgent cognizance be taken of this issue and appropriate action initiated against the broadcaster for non-compliance with the orders of the Hon'ble Court.

Decision

NBSA considered the complaint, response from the broadcaster and viewed footage of the broadcast. NBSA noted that the present complaint relates to media reportage of an ongoing criminal investigation in the Hathras rape case. NBSA decided that the guidelines laid down by the Hon'ble High Court of Bombay in the matter of *Mahesh Narayan Singh & Ors. vs. Union of India & Ors.* should be circulated to the broadcaster to ensure compliance while reporting on any ongoing criminal investigation/ related matters. NBSA, decided to close the complaint with the aforesaid observation and inform the Mol&B and the broadcaster accordingly.

Complaint [Sun News on 2.12.2020]

The complaint is regarding the headline of a news report which stated that the "*Central Govt. had announced that everyone will not be getting the Covid vaccine.*" In the impugned news report, a clip was aired, which showed a government official saying that the government did not assure of a vaccine, which the complainant stated appeared to be a small clip from some press conference. The complainant stated that such news reports

aired by the broadcaster could have created panic among the general public and uneducated public living in remote areas of this state and should be severely dealt with. The complainant stated that the news report was deliberately aired to bring a bad name to the Government and therefore requested the respective authorities to offer a clear statement before this news is misinterpreted.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage/CD of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [Zee News on 2.8.2020]

Complaint is in regard to an objectionable debate programme aired by it on the issue of Ayodhya and Lord Rama. The complainant stated that he was invited by the broadcaster to participate in a panel discussion on the issue of Ayodhya and Lord Ram. However, the complainant stated that, unfortunately, or deliberately, the anchor of the show let the debate degenerate into an abusive slanging match. The complainant referred to BJP spokesperson who was another panellist on the show, who started the debate by making irrelevant remarks and allegations, diverting from the subject. It was stated in advance that Lord Ram was beyond politics and was a question of faith. However, the panelist at once entered into politics by bringing in the issue of Congress and Lord Ram. Further, on several occasions, he stated that he was not allowed to make his point or complete his reply to the various innuendo and wild allegations against Congress, which were irrelevant to the theme announced. He repeatedly reminded the anchor that politics was not to be discussed while discoursing the world's greatest epic, Ramayana and Lord Ram, who is internationally respected and honoured. In the latter part of the debate threatening remarks were made against the complainant and the Congress Party by panelists who were brought into the panel. The debate was declared over without giving him the right to reply or opportunity to make his full statement. He stated that within few hours of reaching home after the debate, he started receiving abusive and threatening calls about the statements which were allegedly attributed to him and captioned in his name on the screen despite the fact that such remarks were not made by the complainant. The complainant reiterated that within the next 72 hours, he received over a dozen calls from unknown persons from all parts of India, which were clearly intimidating. Therefore, he requested the Ministry of Information & Broadcasting to develop a protocol for online debate so that the speakers are not intimidated and are falsely accused, and strict actions are taken against the concerned for hampering the status of the guest/speaker. He also requested for protection and stated that if anything were to happen to him, the responsibility of it would lie with the Zee anchor, show manager and the channel itself.

Decision

NBSA considered the complaint and viewed the footage of the broadcast. NBSA noted that the Hon'ble Bombay High Court in the matter of *Mahesh Narayan Singh & Ors. v. Union of India & Ors.* had laid down guidelines pertaining to the role of anchor in a news programme in particular their duty to prevent the programme from drifting beyond permissible limits. Since, the present complaint raised similar grievances against the anchor, NBSA decided that the guidelines laid down by the Hon'ble Court should be circulated to the broadcaster to ensure compliance. NBSA further observed that the editorial team and the anchor must be careful while inviting panelists who habitually makes inflammatory remarks during news programme. NBSA decided to close the complaint with the aforesaid observations and inform the Mol&B and the broadcaster accordingly.

Complaint [Sun News on 8.12.2020]

The complainant alleged that the channel had broadcast unwanted news about BJP Government, insinuating that they were indirectly supporting DMK. The complainant stated that the channel had aired news completely pulling BJP government and supporting DMK and Congress. He further stated that media is regarded to be an organization that doesn't support any political party and only delivers the truth.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage/CD of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Complaint [News18 Tamil Nadu on 20.12.2020]

The complaint is against the news programme “*Kadhai illa varalaru*” “*Not a story but history*” aired by the channel. The complainant stated that as a Tamil speaking Indian, he was unable to understand how the broadcaster was able to promote a blood-soaked communist revolution in Tamil Nadu under the disguise of a private media channel. He alleged that the impugned programme was a blow against national integrity and therefore requested the department to assess extreme communist revolutionary contents aired in the impugned programme. The complainant stated that the impugned programme talked about films that openly praised blood revolutions and claimed that those which did not were cowards. He reiterated that lawlessness could not be promoted and media channels to be directed to comply with the Indian Constitution.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Mol&B and the broadcaster accordingly.

Electronic Media Monitoring Centre [EMMC]

Alleged violations by News 24 TV channel on 7.6.2020 and 30.6.2020

The complaints relate to two news reports shown on News 24 channel containing viral videos which included scenes of excessive violence which were aired in the month of June 2020.

The first news report was broadcast on 7.6.2020. In the video, which had gone viral, a daughter in law could be seen beating her mother-in-law in Mahendragadh village in Haryana without any mercy by snatching her hair and grabbing her legs. The video also shows that the elderly lady’s cry for help went unheard. It was stated the content shown in the video was disturbing. The said video was broadcast by the channel for nearly 2 mins and 30 seconds and such videos depicting violence should be broadcast only after blurring them.

The second news report which had scenes of graphic violence was broadcast on 30.6.2020. In the video, a mob could be seen beating a girl with sticks in Dhar village of Madhya Pradesh. The viewers are informed that the girl was being beaten by her brother and relatives to teach her lesson for having fallen in love with a Dalit boy. The video was broadcast by the channel for 2 mins and 5 seconds, which should be allowed to be broadcast only after they have been adequately blurred.

Decision

NBSA considered the complaint, response of the broadcaster and also viewed the footage of the broadcasts. NBSA noted that the news items with the corresponding visuals that were broadcast are justifiable on the ground of public interest, and it is a part of the objective of journalism to highlight and report on instances of condemnable conduct and actions affecting the public life in society. Reporting such incidents facilitates the law and order machinery of the State to take strict action against the perpetrators of such heinous acts. NBSA was of the view that the broadcaster has done its duty by reporting the incidents and found no violation of the Code of Ethics & Broadcasting Standards or Guidelines in the broadcasts and therefore decided that no action was called for on the complaint. NBSA, therefore, decided to close the complaints and inform the Mol&B and the broadcaster accordingly.

However, despite closing the complaints, NBSA made certain observations to the above issues being reported upon. NBSA advised that certain standards must be maintained in future by the broadcasters while telecasting such videos:

1. The videos depicting graphic violence should not be broadcast repeatedly, and the broadcasters should avoid looping gory visuals and that too for long durations.
2. Such videos, when broadcast, should be preceded with a disclaimer warning the viewers that the videos contain visuals of violence and advising viewers that they may watch the programme at their own discretion.

Alleged violation by News18 Rajasthan on 17.5.2020

The complaint relates to a viral video in which scenes of excessive violence was broadcast by the channel. The video narrated an incident involving the brutal beating of a Dalit auto driver on suspicion of theft in Chur district of Rajasthan. In the video, it can be seen not only was the Dalit driver beaten but was also forced to drink contaminated water from the sewer and lick footwear. In the video, a man can be seen pulling the driver's hair while others continued to beat him. Although the video was blurred by News 18 Rajasthan, however, what transpired was evident in the video. Further, the video also included the screams of the auto driver, who can be heard pleading. The video was aired by the channel for 3 mins and 22 seconds. The scenes were extremely disturbing and that such videos should not be allowed to be broadcast without being blurred and for such a long duration.

Decision

NBSA considered the complaint, response of the broadcaster and also viewed the footage of the broadcast. NBSA noted that the news items with the corresponding visuals that were broadcast are justifiable on the ground of public interest, and it is a part of the objective of journalism to highlight and report on instances of condemnable conduct and actions affecting the public life in society. Reporting such incidents facilitates the law-and-order machinery of the State to take strict action against the perpetrators of such heinous acts. NBSA was of the view that the broadcaster has done its duty by reporting the incidents and found no violation of the Code of Ethics & Broadcasting Standards or Guidelines in the broadcasts and therefore decided that no action was called for on the complaint. NBSA, therefore, decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

However, despite closing the complaint, NBSA made certain observations on the above issue. NBSA advised that certain standards must be maintained in future by the broadcasters while telecasting such videos:

1. The videos depicting graphic violence should not be broadcast repeatedly, and the broadcasters should avoid looping gory visuals and that too for long durations.
2. Such videos, when broadcast, should be preceded with a disclaimer warning the viewers that the videos contain visuals of violence and advising viewers that they may watch the programme at their own discretion.

Complaints Considered by NBSA [2nd Level of Redressal]

Interim Order dated 13.01.2021 in the matter of CNBC Awaaz "Stock 20-20" Show Co-hosted by Mr. Hemant Ghai

The Interim Order passed by SEBI against Mr. Hemant Ghai, Ms. Shyam Mohini Ghai and Ms. Jaya Hemant Ghai, was received by NBSA for information and necessary action if any, including in terms of the Code of Conduct as relevant / applicable to Mr. Hemant Ghai.

Decision

NBSA at its meeting held on 14.1.2021 observed that though it appeared that it was not the broadcaster but an employee of the broadcaster who had misused his position, however, NBSA should seek a response from the broadcaster as to whether it has violated any clause of the *Specific Guidelines for Reporting by Business*

Channels of NBSA. Accordingly, channel was requested to file their response to the above within one week of receipt of the mail.

The channel vide email dated 28.4.2021 stated that CNBC Awaaz has not violated any of the provisions of the *Specific Guidelines for Reporting by Business Channels of NBSA*. The aforesaid Order was issued against erstwhile employee Mr. Hemant Ghai whose employment with the company was terminated on January 13, 2021 immediately upon receipt of the Order, which was also communicated by to SEBI. As a proactive measure, they also ran disclosures on the show "Stock 20-20" informing viewers that SEBI had passed an interim order against Mr. Hemant Ghai for prima facie violation SEBI Regulations, 2003. The company carried similar disclosures on the channel's official twitter handle informing the public of the SEBI Order against Mr. Hemant Ghai.

NBSA considered the response of the broadcaster and decided that no further action was required in the matter.

Letter from National Spokesperson, Indian National Congress

The letter dated 14.8.2020 was regarding issuance of an advisory on debates aired on TV channels and compliance with specifications on "Broadcasting of Potentially Defamatory" content Clause C and to issue a clarification on the term "*Acrimonious*" and to instruct anchors and media channels not to indulge in acts of personal name-calling, instigation and mike control. The anchor should stand responsible for the acts of their panel thereby acting as a mitigatory force rather than a catalyst to heated deliberation. In essence, the anchor shall ensure that the decency and civility of the debate is not lost.

Decision

The letter was considered by NBSA at its meeting held on 18.2.2021. NBSA decided that the complainant be informed that the Authority considers each complaint that comes before it for violation of the Code of Ethics & Guidelines and takes suitable action accordingly. If there is any specific complaint against any broadcaster, they may bring it before the NBSA for its consideration.

NBSA also decided that the complainant be informed that the Hon'ble Bombay High Court in the matter of *Mahesh Narayan Singh & Ors. v. Union of India & Ors.* had laid down guidelines pertaining to the role of anchor in a news programme in particular their duty to prevent the programme from drifting beyond permissible limits. NBSA decided that the guidelines laid down by the Hon'ble Court should be sent to the complainant. NBSA, decided to close the complaint with the aforesaid observations.

Complaint from Election Commission of India

Complaint of Lok Janshakti Party against Zee Bihar/Jharkhand

The complaint filed by Lok Janshakti Party against the news programmes aired by Zee Bihar/Jharkhand on 23.10.2020 was forwarded by the Election Commission of India to NBSA vide letter dated 3.11.2020. In the letter dated 24.10.2020 addressed to the Election Commissioner, the complainant alleged that the broadcaster was pressurizing them to give money. The broadcaster on 23.10.2020 aired false news regarding the Lok Janshakti Party and its President for six hours without giving them an opportunity to respond. The complainant stated broadcasters like Zee Bihar/Jharkhand aired news only for money and therefore requested for an inquiry to be conducted against the broadcaster. Further, in the letter dated 28.10.2020 addressed to the Deputy Chief Election Commissioner, the complainant requested that the broadcaster should be restrained from making attempts to malign the Lok Janshakti Party and its President. The complainant reiterated that the coverage in the impugned programme was completely baseless, defamatory, one-sided, unfair and a violation of privacy.

Decision

NBSA considered the complaint, response from the broadcaster and viewed the footage/CD of the broadcast. NBSA found no violation of any Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA, decided to close the complaint and inform the Election Commission and the broadcaster accordingly.

Hearing of Complaints

The full text of the Orders are available on the website of NBA on <http://www.nbanewdelhi.com/decisions/orders>

Order No. 77 (2020) dated 9.12.2020

The Ministry of Information and Broadcasting vide letter dated 10.8.2020 had forwarded the complaint dated 20.6.2020.

Complaint

Complaint was in respect of a programme aired on 17.6.2020 on Aaj Tak news channel regarding the escalated situation in LAC. It was alleged that during the impugned programme, the news anchors made completely insensitive, disparaging, gross, distasteful, disrespectful, unlawful, speculative and irresponsible remarks against the Indian Army. According to the complainant, during the telecast the anchors stated *“This is the responsibility of the Army. You can’t blame the government for this” and “that Chinese incursion into the Indian Territory is not just government’s fault, but also Army’s as patrolling the border are not government’s responsibility.”* *“This isn’t a situation where you ask questions after something has occurred. There are a few questions to be answered here. Firstly, if the People’s Liberation Army entered Indian territory and our soldiers were sleeping, then it’s on the Army and not on the government because the government is not on patrolling duty, the Army is.”* Therefore, the complainant stated that the impugned broadcast clearly attacked the sovereignty and integrity of India, the security of the state, public order, decency or morality and in no manner fit in the realm of freedom of press. Further, neither the channel nor the anchor was an authority or specialist to comment or remark on national security and national unity, and make any decisions on how to defend the nation from external aggression and internal threats. That since the channel and its anchors have insulted every hero of the Indian Armed Forces presently serving the nation, martyrs, their families, and every citizen of this nation by their remarks against the Indian Armed Forces, the channel, its anchor and every such member associated with the broadcast apart from suspension/cancellation of the uplinking-downlinking license was also liable for criminal prosecution under relevant provisions of IPC, Army Act and any other provisions of law.

Decision

NBSA considered the complaint, response from the broadcaster, submissions made by both the parties and also viewed the broadcast. NBSA noted that the programme related to the incursions and the reports that the Chinese troops had crossed the Line of Actual Control (LAC) to occupy the Indian territory. Political parties in the opposition were questioning the government on how the Chinese had entered the Indian territory and stated that it was the failure of the government for which they had sought replies. NBSA agreed with the observations made by the broadcaster that instead of seeing the programme in its entirety, the complainant has chosen to complain about certain questions being asked by the anchor. NBSA found that the allegation that the anchor instead of questioning the government in power chose to put the blame on the army was not correct. On the contrary NBSA found that the anchor in her response has requested that there is need to put a full stop to this manner of discourse, which was creating a war like situation between the two countries and this was being reported by the media both domestically and internationally. In view of the above, NBSA found that there was no violation as alleged by the complainant and decided to close the complaint.

Orders of NBSA in the matter of Rakul Preet Singh Vs. Union of India & Others

The complainant had filed a Writ petition in the Hon'ble High Court of Delhi in which the News Broadcasters Association (NBA) along with others were made Respondents. The prayer of the complainant in the said writ petition is that the members of the NBA should not telecast, publish or circulate on the TV channels, cable, print or social media, as the case may be, any content in the context of actress Rhea Chakraborty's narcotic drugs case that maligns or slanders the complainant or which contains anything defamatory, deliberate, false and suggestive innuendos and half-truths in respect of the complainant, or to use sensational headlines, photographs, video-footage or social media links which invade the privacy of the complainant.

The High Court in its Order dated 17.9.2020 had stated that *"as an interim measure, it is directed that the respondents shall treat the contents of the present petition as a representation to the respective respondents under the relevant provisions of the Act as also the Guidelines and expedite the decision thereon. In case any interim directions need to be issued to any Media house or television channel, the same be issued by them without awaiting further orders from this court. As far as the prayer for further interim relief made in the application by the petitioner, it is hoped that the media houses and television channels would show restraint in their reporting and abide by the provisions of the Programme Code as also the various Guidelines, both statutory and self-regulatory, while making any report in relation to the petitioner."*

Accordingly, in compliance of the above Order of the Delhi High Court, NBSA on 3.10.2020 called the complainant and the broadcasters for a hearing. In the hearing it was pointed out by a broadcaster that the allegations against it were not specific, clear and were very general in nature and therefore, the broadcaster did not know, which allegation to respond to. Upon hearing the parties, NBSA decided that in order to have a productive hearing, the complainant be directed to send the links along with brief submissions of the violations relating to individual channels by 5.10.2020 in order that the same may be forwarded to the individual broadcasters so that they may file their response to the allegations made against their channel's telecast on the subject matter by 9.10.2020. In the meantime, it was reiterated by NBSA that it was expected that the member broadcasters of NBA would abide by the Delhi High Court Order dated 17.9.2020 and also follow the Code of Ethics and Guidelines issued by NBSA while telecasting any news relating to the complainant, Ms. Rakul Preet Singh.

Order No. 78 (2020) dated 9.12.2020

The broadcaster submitted that the aforesaid was not telecast by OTV and was exclusively carried as a write up/article on OTV's digital platform OdishaTV.in on 13.9.2020 and therefore the NBSA lacks jurisdiction in this respect. However, to honor the Order dtd.17.9.2020 passed by the Hon'ble Delhi High Court in W.P.(C) No. 6568/2020, the broadcaster submitted that the digital wing of OTV, OdishaTV.in had carried the publication based on information from other news sources and that there are references to "news sources" and "if media reports are to be believed" in the very post itself, which makes it amply clear that the post was based on other media reports. Further, in the aforesaid article, there are only three references to facts related to the complainant *"Rakul Preet Singh was yet to respond or issue a statement to NCB"; "Rakul was currently out of the town for shooting" and "Reports are also making rounds there that the NCB may soon issue summons to Rakul Preet Singh"*

The publication in no manner can be construed to be maligning or slandering the complainant's reputation or which contains anything defamatory, deliberate, false and suggestive innuendos and half-truths in respect of the complainant. There has been no use of sensational headlines, photographs, video-footage or social media links in the write-up/article which invade the privacy of the complainant. There have not been any violations of applicable guidelines, either statutory or self-regulatory, in publishing this writeup/article on OTV's digital platform OdishaTV.in. Therefore, in view of the above, the complaint against OTV may be dropped as not maintainable.

Decision

NBSA noted that the content was exclusively carried as a write up/article on OTV's digital platform OdishaTV. in on 13.9.2020 and therefore the NBSA lacks jurisdiction in this respect. The counsel for the complainant accepted the submissions made by the broadcaster and decided to drop the said complaint. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 79 (2020) dated 9.12.2020

Complainant stated that the offending broadcast on 25.9.2020, by ETV Andhra Pradesh has invariably been broadcast repeatedly, and has often been posted on various digital/electronic handles permeating the web. This broadcast alleged that the complainant supposedly confessed to the NCB that actress Rhea Chakraborty would get drugs sent to her house, as was evident from its headline itself. The complainant stated that she has not stated at any point of time before any authority that actress Rhea Chakraborty would get drugs sent to her house. Further, the complainant herself has no connection with drugs in any manner whatsoever. The complainant stated that this was fake and defamatory news and the broadcaster had till date not issued a corrigendum, acknowledging or correcting the mistakes.

Decision

NBSA considered the complaint, response from the broadcaster, also the heard the arguments of both the complainant and the broadcaster and reviewed the English translation of the full text of the bulletin broadcast on 25.9.2020. After hearing both the parties, NBSA found nothing objectionable in the broadcast and observed there had been no violation of the Code of Ethics or Guidelines of NBSA by ETV Andhra Pradesh. NBSA noted that the wrong caption was given to the news report broadcast on the You Tube channel of the broadcaster which caption had not been used during the telecast on ETV Andhra Pradesh channel. NBSA noted that the broadcaster had admitted that the caption which was broadcast on its You Tube Channel was objectionable; however, it was purely unintentional and was an inadvertent mistake on the part of a journalist. The channel deeply regretted its mistake and the inconvenience caused to the complainant on account of the erroneous caption given in the YouTube video. The broadcaster stated that the YouTube video has been deleted and would not be uploaded again. The concerned journalist who had given the wrong caption for the YouTube video was warned by the broadcaster. In view of the above NBSA decided that no action was required to be taken against the broadcaster. The decision of the NBSA was based only on the links/ response of the broadcaster and submissions. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 80 (2020) dated 9.12.2020

Broadcaster at the hearing submitted that Asianet News (Malayalam), never aired any news against the complainant Rakul Preet Singh as alleged by the complainant. The links submitted by the complainant pertained to news published in the Telugu website of Asianet News. Further, the broadcaster stated that they have no role in the publication of any article in the Telugu website of Asianet News since the website is managed by another Company titled M/s Asianet News Media and Entertainment Private Limited (ANMEPL), which is a separate entity and their company or its Editorial Board has no role in any act of ANMEPL. The broadcaster requested NBSA to remove it from the list of complaints as the news article published on the website did come under the jurisdiction of the NBSA as ANMEPL is not a member of NBA.

Decision

In view of the above submissions, NBSA decided that since the impugned news article was published on the Asianet News Telugu Website, which is managed by another Company i.e M/s Asianet News Media and Entertainment Private Limited (ANMEPL), which is also not a member of the NBA, the said complaint will not come under the jurisdiction of the NBSA. The Counsel for the complainant accepted the submissions made by the broadcaster and decided to drop the said complaint. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 81 (2020) dated 9.12.2020**Broadcast No 1**

The complainant stated that in the broadcast aired on 26.9.2020 by CNN News18, it was alleged that she had supposedly accepted before the NCB that one Kshitij was linked with peddlers. The complainant stated that this was simply fake and defamatory news, as she did not make any such statement. Further, NCB also did not ask her any questions about any Kshitij. The complainant clarified she did not know any Kshitij and therefore the question of her being connected with drugs in any manner whatsoever did not arise.

Broadcast No 2

The complainant stated that in the broadcast aired on 25.9.2020, it was alleged that she had supposedly confessed before the NCB to “drug chats” and that she supposedly had Rhea’s drugs at home while she herself does not consume drugs. The complainant stated that the statement was factually incorrect as the complainant neither confessed to any “drug chat” nor did she have any drugs at home. The broadcast however, proceeded to allege that the complainant’s alleged statement before the NCB of supposedly having drugs but not consuming drugs did not “match” or “add up.” The complainant stated that she had before NCB on 25.9.2020, clarified that the solitary reference to “doobs” in the Whatsapp chats was only in respect to a mere rolled tobacco cigarette which belonged to Rhea Chakraborty and which the actress had left at the complainant’s residence and not to any banned substance. The complainant submitted that such allegations were misleading, slanderous and defamatory, and maligned her clean image. However, the broadcaster had till date failed to issue a corrigendum, acknowledging or correcting the mistakes.

Decision

NBSA considered the complaints, response from the broadcaster, also the heard the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA after hearing both the parties, found nothing objectionable in the broadcasts nor any violation of the Code of Ethics and Broadcasting Standards/ Guidelines in regard to the said broadcasts aired on CNN News 18 channel. The broadcasts on the channel were factual as received from the source i.e. the NCB and the contents telecast was neither defamatory nor maligned the image of the complainant. NBSA neither found the taglines sensational. The decision of the NBSA is based only on the links/submissions made by the complainant and the response of the broadcaster. NBSA also noted that most of the news broadcasters had quoted their source of information and broadcast as NCB, therefore the possibility that some information having leaked from the NCB cannot be ruled out. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 82 (2020) dated 9.12.2020

Complainant submitted the links to two offending programmes broadcast on 14.9.2020 and 15.9.2020, by way of illustration aired on ABP News. The complainant submitted that the impugned broadcasts while referring to Rhea, failed to report the fact that the actress had already retracted her statement, which is a fact that was bound to be in the knowledge of the broadcaster. That in spite of the retraction, the broadcaster continued to telecast as under:

14.9.2020: “*Bollywood Drug Connection: Rhea reveals several names including Sara, Rakul Preet*”

15.9.2020: “*Sara, Simone and Rakul ka nam samne aya tha*” K. P. S Malhotra, Deputy Director, NCB”

The complainant submitted that such broadcasts were malicious, biased, knowingly inaccurate, hurtful and misleading, and failed to present the facts fully or fairly or with objectivity, rather they were calculated to sensationalise the matter and to malign the complainant. Further, the broadcaster had till date not issued a corrigendum, acknowledging or correcting the mistakes.

Decision

NBSA considered the complaint, response from the broadcaster, also heard the arguments of both the complainant and the broadcaster and reviewed the footage. In respect of the issue of retraction of statement, NBSA noted that it did not agree with the submissions made by the broadcaster that it was sufficient for the broadcaster to mention the retraction of Rhea's statement in an article that was posted on their website particularly in view of the fact that the programme had been telecast on ABP News, which carried the news of the complainant along with others having a "Bollywood Drug Connection". NBSA was also of the view that the retraction should have been carried as prominently on the channel, as the news stories on the complainant in order for it to be seen and understood by the viewers. The retraction being carried on ABP News Website instead of being telecast on the channel is a violation of the Principles of Self-Regulation in the Code of Ethics/Guidelines relating to Objectivity, Fairness and Accuracy in reporting.

In view of the above, NBSA warned the broadcaster (Channel ABP News) to exercise greater care, caution in future while telecasting such news stories and taglines. Any clarification, regret or apology or any updates on such stories should be telecast on the channel which carried the news story and not on the website or any other medium.

However, NBSA also noted that during their arguments ABP News and other broadcasters had quoted their source of information and broadcast as NCB. ABP News, in one of the telecasts had also telecast the name of the officer who had given the information i.e. Mr. K. P. S Malhotra, Deputy Director, NCB. It therefore appears that there may have been some information leaked or given by NCB or some authority to the broadcasters. Therefore, the subsequent telecast by ABP News on 15.9.2020 appears to be based on a source and there does not seem to be any denial of the statement made by the Deputy Director, NCB. The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster. NBSA also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 83 (2020) dated 9.12.2020

Complainant submitted links of eleven offending and derogatory programmes by way of illustration on channels of Zee Media, that were malicious, biased, knowingly inaccurate, hurtful and misleading, and did not present the facts fully or fairly or with objectivity and were therefore violative of the guidelines framed by NBSA. The complainant alleged that impugned programmes were fake and defamatory news, intended to sensationalise the matter and malign her.

Broadcast No 1

Complainant submitted that in the impugned broadcast aired on 14.9.2020, the broadcaster had insidiously inserted a film scene from the Bollywood movie "De De Pyar De" in which the character that she is playing says that "I think I had fun last night". The broadcast made false allegations and innuendos, while flashing visuals on her "nonveg nights". The broadcast alleged that the complainant supposedly takes drugs and also showed film scenes of her character gulping alcohol and smoking, so as to insinuate and make defamatory, deliberate, false and suggestive innuendos. The broadcast also alleged that actress Rhea Chakraborty has named her before the NCB as doing drugs and falsely accused her of taking drugs with actresses Rhea Chakraborty and Sara Ali Khan. The offending broadcast flashed visuals of the complainant's support for PETA and of individuals asking her to take ganja etc. as well.

Broadcast No 2

The complainant submitted that in the broadcast aired on 25.9.2020, it was alleged that she had confessed to "drug chat"; that she tried to play hide and seek, evade NCB summons and even went to the Hon'ble Delhi

High Court but all the strategies failed and now the game is over. The complainant stated that she had not made any such confession or tried to play hide and seek or evade summons or made any strategy as alleged. Further, the impugned broadcast also alleged that she had supposedly taken drugs and showed film scenes of her character gulping alcohol and smoking, so as to insinuate and make defamatory, deliberate, false and suggestive innuendos.

Broadcast No 3

In the broadcast aired on 16.3.2020, it was alleged that the complainant had gone underground after being named by Rhea for supposedly doing drugs and cannot meet anyone in the eye.

Broadcast No 4

In the broadcast aired on 13.9.2020, the broadcaster repeated the false drug allegation against her, while interspersing the broadcast with film scenes of her character gulping alcohol and other smoking scenes, so as to insinuate and make defamatory, deliberate, false and suggestive innuendos.

Broadcast No 5

The complainant submitted that in the broadcast aired on 13.9.2020, it was alleged that she supposedly is a “*nashebaaz*” and part of a “*drug gang*”. The broadcast also showed pictures of her which were irrelevant but flashed with a view to sensationalise and garner attention to get TRPs.

Broadcast No 6 and 7

The complainant submitted that in the broadcasts aired on 13.9.2020 and 12.9.2020, it was alleged that she was supposedly part of a Bollywood drug gang, and described her as a “*glamour gudia*”.

Broadcast No 8

In the broadcast aired on 25.9.2020, it was alleged that the complainant supposedly confessed before the NCB to drug chats with Rhea in 2018 who supposedly had her ‘samaan’ at her residence which, as per the broadcaster, was weed and which Rhea’s was supposedly asking back. The complainant stated that she had not made any such confession nor did Rhea have any drug at her residence.

Broadcast No 9

The broadcast plays the news of Aaj Tak to the effect that she had reached Mumbai from Hyderabad on the evening of 23.9.2020, whereas she was in Hyderabad at that point of time. This is fake news that helped the media malign me by alleging that she was hiding in Mumbai and evading NCB summons.

Broadcast No 10

The broadcast aired on 12.9.2020, referred to Rhea’s statement to NCB and insinuated that the complainant also does drugs and had been to the alleged drug party at Sushant Singh Rajput’s farmhouse.

Broadcast No 11

The broadcast aired on 25.9.2020 on Zee Hindustan, alleged that she was part of a drug gang, that she takes drugs and had sought to evade NCB summons. The broadcast showed pictures of the complainant which were irrelevant but flashed with a view to sensationalise and garner attention to get TRPs.

Decision

NBSA considered the complaints, response from the broadcaster, heard the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that it was not dealing with the issue as to whether the broadcaster can or cannot telecast on the said issue as NBSA is conscious of the fact and respects that the media has the right of freedom of speech and expression. However, at the same time whenever any subject is discussed/telecast by the media, the Code of Ethics and Broadcasting Standards, Principles of Self Regulations

and Specific Guidelines Covering Reportage relating to Guideline 2-Impartiality, Objectivity and Fairness; Guideline 4-Good Taste & Decency, Sex & Violence; Guideline 5-Privacy and Specific Guidelines for Reporting Court Proceedings must be kept in mind. Furthermore, whenever anything is telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudge an issue.

NBSA noted that the explanation of the broadcaster that while displaying the hashtags, taglines, some clarifications were given on the telecast in respect of these taglines and if the programme had been viewed in its entirety and in context, the taglines could not be said to be offensive, is not entirely correct. Though NBSA has no serious objection to the news story telecast, however NBSA found that on several occasions the hashtags/taglines telecast did not match with what the anchor was saying in the programme. It is also possible that a viewer could have kept the television on mute and was just watching the telecast and thereby viewing the taglines only. It is in this context that NBSA has come to the conclusion that the following hashtags, taglines telecast by the broadcaster (extracted below) are violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations, Specific Guidelines Covering Reportage and Specific Guidelines for Reporting Court Proceedings mentioned above.

खुल गया 'रकुल का राज़', धुएँ में उड़ी रकुल की 'नोनवेज Night'; बोल्ड रकुल पर, बोल्ड खुलासा, 'ड्रग जाल' में कैसे फंसी रकुल प्रीत सिंह? खुल गया 'रकुल का राज़', ड्रग के नाम पर रकुल का 'डबल स्टैंडर्ड'; बेस्ट फ्रेंड के बॉयफ्रेंड को रिया ने छीना, खुल गई रकुल की 'ड्रग पहली!', ड्रग के खिलाफ़ बोलने वाली रकुल पकड़ी गई?; रिया के ड्रग गैंग की दो सहेलियाँ, एक सारा एक रकुल, रकुल तूने क्या किया, सारा रिया के साथ ड्रग्स लिया?; जब से मैं शाकाहारी बन गई हूँ, मैं बस फील करती हूँ; 'ड्रग जाल' में कैसे फंसी रकुल प्रीत सिंह?; NCB के सवालों से रकुल की 'बत्ती गुल!'; ड्रग्स से 'प्रीत' रकुल को महंगी पड़ गयी!; रिया से दिलदारी, 'गांजे से रकुल की यारी!'; रकुल से NCB के सवाल – लिया तो कौन सा ड्रग लिया और कितनी बार लिया?; काम नहीं आए रकुल के हथकंडे!; फेल हुआ रकुल का ड्रामा!; कहां है 'वो' ? – रकुल प्रीत हुई Underground?; नो ड्रग्स कैम्पेन से ड्रग्स रैकेट तक!; सारा अली खान – रकुल प्रीत सिंह – सिमोन खंभाटा – मुकेश छाबड़ा – रोहिणी अय्यर – रिया की ड्रग्स स्टोरी के '5 नशेबाज़'!

NBSA observed that these hashtags/ taglines were very offensive and derogatory and gave an impression that the complainant was definitely a part of the '*drug circle gang*' and was peddling and consuming drugs. NBSA observed that the broadcaster, while telecasting such hashtags, taglines, and images must understand the impression that these create on the viewers and the fact that these taglines and images, which have no connection with the news programmes being telecast, cannot be broadcast randomly.

NBSA found that the aforesaid taglines were clearly violative of the Code of Ethics and Broadcasting Standards, Principles of Self-Regulations and Specific Guidelines Covering Reportage relating to Guideline 2-Impartiality, Objectivity and Fairness; Guideline-3. Reporting on Crime and Safeguards to Ensure Crime and Violence are not glorified. Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory... Guideline 4-Good Taste & Decency, Sex & Nudity.... "In selecting content, broadcasters should abide by current norms and mores of decency and taste, in visuals, language and behaviour, keeping in mind the context in which any visuals, language or behaviour occurs, including the broadcast time, type of content, target audience, use of parental advisories, cautions and content classification" and Specific Guidelines for Reporting Court Proceedings: 4.... no news channel shall broadcast anything: (iii) Which is a comment on the personal character, culpability or guilt of the accused or the victim". These taglines should have been avoided and were broadcast to sensationalise the issues of the news story.

NBSA also noted that the images of the complainant shown gulping alcohol, smoking and other images shown in the broadcasts were certainly misleading. Some of the images had no connection with the news being telecast and were taken from the complainant's movies without any reference to the same. Therefore, the use of these images in the broadcast are violative of the Specific Guidelines Covering Reportage- Fundamental Standards-C. 'Content' of matter broadcast should not be shown out of 'context' and the Specific Guidelines Covering Reportage relating to Guideline 5-Privacy. These images were repeatedly telecast and therefore the

violations by the broadcaster were egregious in nature and the response given by it was not considered a sufficient explanation or justification for the telecast of the above taglines and images.

In view of the above, NBSA directed the broadcaster to issue an apology on their channels Zee News, Zee 24 Taas and Zee Hindustan. NBSA directed that the broadcaster should be careful while telecasting such misleading taglines and images in future and should not repeat the said violations.

The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Note: NBSA at its meeting held on 14.1.2021, considered the application for review/recall received from Zee Media. NBSA after going through the footage once again noted that since the intensity of the taglines telecast by Zee Hindustan was less offensive, the earlier Order was modified to the extent that Zee Hindustan was warned to be careful in future.

Order No. 84 (2020) dated 9.12.2020

Broadcast No 1

The broadcast supposedly from outside the complainant's then empty Mumbai residence on the morning of 24.9.2020 on India Today channel, was to the effect that she would have to step out of her Mumbai residence and that her plea that she had not received summons was only a delaying tactic and that NCB had supposedly claimed that it had served her. The complainant stated that the broadcast was defamatory and fake news, as she had not received any summons till that time. Further she was not even in Mumbai at the time and had landed at Mumbai airport on the night of 24.9.2020 under intense media coverage as detailed in her Additional Statement dated 30.9.2020 and in the proceedings before the Hon'ble Delhi High Court.

Broadcast No 2

The complainant stated that in the impugned programme aired on 25.9.2020 on India Today channel, it was alleged that the complainant had supposedly "confessed" before the NCB to "drug chats" with Rhea and that Rhea's drugs were supposedly lying at her house and Rhea wanted to take back the same. The complainant submitted that this was defamatory and fake news as there were neither any "drug chats" nor any "drugs" lying at her house.

Broadcast No 3

In the broadcast aired on 15.9.2020 on India Today channel, it was alleged that Rhea had supposedly named the complainant during the drug probe. The complainant submitted screenshots of the information in the public domain to the effect that Rhea had stated as far back as 9.9.2020 that she had been coerced into making the alleged statement to the NCB supposedly naming the complainant as doing drugs along with actress Sara Ali Khan and designer Simone Khambatta, and that she had retracted her alleged statement. However, the complainant stated that the impugned while referring to Rhea, failed to even report the fact that the actress had already retracted her statement, which is a fact that was bound to be in the knowledge of the broadcaster. Therefore she stated that the broadcast was malicious, biased, knowingly inaccurate, hurtful and misleading, and failed to present the facts fully or fairly or with objectivity, rather it was intended to sensationalise the matter and to malign the complainant.

Broadcast No 1

The complainant stated that the broadcast aired on 14.9.2020 on Aaj Tak channel tried to link the complainant with the alleged drug party held at the farmhouse of late Sushant Singh Rajput by falsely insinuating that she was his 'secret friend' and supposedly went to the alleged drug party and did drugs. The complainant submitted that this was simply defamatory and fake news, as she was not a "secret friend" of late actor and neither had she gone to any such party nor had she visited the said farmhouse.

Broadcast No 2

The complainant stated that in the broadcast aired on 25.9.2020 on Aaj Tak channel, it was alleged that the complainant was part of a “Drug Mandli”. That actress Rhea Chakraborty, had supposedly named the complainant and that the boatman has confessed and even the manager had given a statement to the effect. Further, it was also alleged that she had supposedly accepted before the NCB the “drug chats” with Rhea and that Rhea had left “samaan” at her home which were supposedly “drugs”. Furthermore, the broadcast asserted that “if I knew I had drugs, why did I not tell anyone about it and that keeping drugs is illegal and that I am supposedly guilty of not only facilitating but also harbouring which is punishable under Section 27A.”

The complainant submitted that the impugned broadcast was fake and defamatory, as she was not part of any *Drug Mandli* as alleged. Further, Rhea had stated as far back as on 9.9.2020 that she had been coerced into making the alleged statement to the NCB supposedly naming the complainant and had therefore retracted the statement. The complainant stated that to the best of her knowledge, the boatman or the manager did not make any statement against her. Furthermore, the complainant stated that the broadcast was factually incorrect as she had not accepted any “drug chat” before the NCB nor was she guilty of facilitating or harbouring drugs as alleged.

The complainant submitted that the broadcaster had while referring to Rhea failed to air her retraction, which implied that the broadcast was malicious, biased, knowingly inaccurate, hurtful and misleading, and had failed to present the facts fully or fairly or with objectivity. Rather it was intended to sensationalise the matter and to malign the complainant.

Decision

NBSA considered the complaints, response from the broadcaster (India Today and AajTak), heard the arguments of both the complainant and the broadcaster and reviewed the footage. The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster.

On a viewing of the footage of India Today’s Broadcast No. 1 and 2, NBSA found no violation of the Code of Ethics or Guidelines by the broadcaster. In respect of Broadcast No 3, NBSA noted that India Today had not telecast the statement of Rhea Chakraborty in the said broadcast that she had made the statement before NCB under coercion. The retraction statement should also have been telecast in the same broadcast in order that the viewers understand the entire context of the evolving story and versions of all parties.

On a viewing of the footage of Aaj Tak’s Broadcast No. 1, it is apparent that the tagline “Sushant के Drugs पार्ट में Sara Ali Khan, Rakul Preet! NCB का बड़ा खुलासा” had no connection with the news being reported with regard to the boatman Jagdish Das’s statement and therefore the tagline was telecast out of context. NBSA therefore observes that this tagline has been telecast completely out of context and gave incorrect information about the complainant to the viewer. Furthermore, whenever anything is telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudice an issue.

NBSA observed that the taglines “*NCB ke Sawalo mein phasi Rakul Preet, drug mamle mey kiya bada kabulnama,*” “*Drug Mandli, Heroine ki Kundali*” which were telecast in Broadcast No. 2, are violative of the Principles of Self Regulations and Specific Guidelines Covering Reportage relating to Impartiality and Objectivity and Fairness. These taglines should have been avoided and are clearly offensive.

In view of the above, NBSA warned the channel Aaj Tak to be more careful while telecasting taglines and not to broadcast unverified and incorrect information in the future. NBSA noted that most of the news broadcasters had quoted their source of information and broadcast as NCB, therefore the possibility that some information having leaked from the NCB cannot be ruled out. NBSA also directed the broadcaster to remove the video,

if still available on the website of the channel AajTak, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 85 (2020) dated 9.12.2020

Broadcast No 1

Complainant submitted that in the broadcast dated 25.9.2020 on News Nation, it was alleged that while she says no to drugs, she is different in real life. With the headline to the effect that she loves drugs, the broadcast questioned her supposed love for drugs. She stated that she has no connection with drugs and does not take drugs. The broadcast alleged that she tried to evade summons from the NCB but was unsuccessful and insidiously inserted her pictures which was not only irrelevant but maligned her and was calculated to sensationalise and garner attention.

Broadcast No 2

In the second broadcast dated 24.9.2020 on News Nation, it was alleged that she is supposedly part of a Bollywood "*drug mandli*"; and questioned what love she supposedly had for drugs. The broadcast alleged that there were chats where she was supposedly procuring drugs, and that the NCB was in a Bollywood clean up by questioning her. The complainant stated that she was not part of any "*drug mandli*" and that she has no connection with drugs and does not take drugs. Further, the broadcast claimed that Rhea Chakraborty had taken her name. The complainant submitted screenshots of the information in the public domain to the effect that Rhea Chakraborty had stated as far back as 9.9.2020 that she had been coerced into making the alleged statement to the NCB supposedly naming the complainant as doing drugs along with actress Sara Ali Khan and Designer Simone Khambatta, and that Rhea had retracted her alleged statement. She also submitted screenshots of the information in the public domain that actress Rhea Chakraborty's lawyer had stated in an interview prior to 24.9.2020 to CNN News 18 that actress Rhea Chakraborty had not named any actor. However, the complainant stated that the impugned broadcast while referring to Rhea's alleged statement neither mentioned that it had been retracted nor did it mention her Counsel's statement both facts that were bound to be in the knowledge of the broadcaster.

Decision

NBSA considered the complaint, response from the broadcaster, also heard the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA stated that whenever anything is telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudge an issue. NBSA noted that the images of the complainant in Broadcast No 1 was certainly misleading in so far as the viewers were concerned and could have been avoided. NBSA also noted that the use of the tagline "*Drugs se Rakul ki Preet!*" is offensive, in as much as it conveys that the complainant is in love with drugs. The taglines give an impression that the complainant is a drug addict and therefore it appears that the broadcaster is prejudging the issue. Such taglines should have been avoided. Therefore, the images and taglines violate the Principles of Self-Regulation and Specific Guidelines Covering Reportage relating to Impartiality, Objectivity and Fairness. In view of the above, NBSA warns the broadcaster to be more careful in future while broadcasting such misleading images and offensive taglines. If such violations are repeated in future, NBSA will take stricter action against the broadcaster as per Regulation 7.1 of the News Broadcasting Standards Regulations. NBSA noted that the broadcast on 25.9.2020 at 2:27minutes had mentioned the statement that Ms. Rhea Chakraborty's lawyer had denied that Ms. Rhea has dropped any name in her confession to NCB. Therefore, the allegations of the complainant are incorrect as the broadcaster had telecast the retraction statement of Ms. Rhea Chakraborty. The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster. NBSA also directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 86 (2020) dated 9.12.2020

Broadcast No 1

Complainant stated that India TV alleged that she was supposedly part of actress Rhea Chakraborty's "*Drug Mandli*" and that the NCB had evidence that she supposedly took drugs with Rhea. The impugned broadcast had derogatory tag lines and inserted scenes of smoke and people taking drugs to create a false imagery about her, which was fake and defamatory news. Complainant submitted that she was not part of any "*Drug Mandli*" and has no connection with and does not consume any drugs. As regards the allegation that Rhea had named her before the NCB, the complainant submitted screenshots of the information in the public domain to the effect that the actress had stated as far back as 9.9.2020 that she had been coerced into making the alleged statement and had therefore retracted the same. Further, even Rhea's lawyer had stated in an interview prior to 24.9.2020 to CNN News 18 that Rhea had not named any actor. However, the impugned broadcast failed to refer to these facts which were in public domain and were bound to be in the knowledge of the broadcaster. The complainant asserted that the broadcast was malicious, biased, knowingly inaccurate, hurtful and misleading, and failed to present the facts fully or fairly or with objectivity. Rather it was calculated to sensationalise the matter and malign her.

Broadcast No 2

Complainant stated that in the broadcast dated 12.9.2020, India TV has alleged that she is supposedly part of Rhea's "*drug club*" and "*drug mandli*" and asked whether she was involved in a drug cartel. The broadcast alleged that she has been named by Rhea as doing drugs and that she took drugs. The broadcast also inserted dancing scenes from her films into the report with the defamatory tag line 'drug scandal' and the fake news that she and Simone supposedly used to take drugs with Rhea as per sources. The complainant submitted that the impugned broadcast failed to refer to Rhea's retraction of her statement. Further, the complainant stated that she had never met Simone nor had she ever taken drugs. The dancing scenes included in the broadcast were not only irrelevant but were mischievously telecast to sensationalise and garner attention with a view to increase TRPs.

Broadcast No 3

Complainant submitted that the link to this broadcast has been removed. In the programme broadcast on India TV on or around 14.9.2020, the broadcaster had insidiously inserted the scenes of the Telugu Film "*Manmadhudu 2*" which showed her character smoking, with smoke coming out of her mouth, so as to insinuate and make defamatory, deliberate, false and suggestive innuendo that she takes drugs; whereas she is a non-smoker and does not take drugs. Further, the scenes were flashed repeatedly with derogatory taglines, without disclaimer.

Broadcast No 4

Complainant stated that the broadcast on India TV from outside her Mumbai residence falsely alleged that she had returned to Mumbai from Hyderabad on the evening of 23.9.2020 when in fact she had reached Mumbai only on the evening of 24.9.2020 under heavy media coverage. Further, in this broadcast as well film scenes were used which had no relevance but to sensationalise and garner attention to increase TRPs.

Decision

NBSA considered the complaint, response from the broadcaster, also heard the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that it was not dealing with the issue as to whether the broadcaster can or cannot telecast on the said issue because NBSA is conscious of the fact and respects that the media has the right of freedom of speech and expression. However, at the same time whenever any subject is discussed/telecast by the media, the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage relating to Guideline 2- Impartiality and Objectivity and Fairness; Guideline 4-Good Taste & Decency, Sex & Violence, Guideline 5-Privacy and Specific Guidelines for Reporting Court Proceedings must be kept in mind. Furthermore, whenever anything is

telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudge an issue.

NBSA noted that though it has no serious objection to the news story telecast, however NBSA found that on several occasions the hashtags/taglines telecast does not match with what the anchor was saying in the programme. It is also possible that a viewer could have kept the television on mute and was just watching the telecast and thereby viewing the taglines only. It is in this context that NBSA has come to the conclusion that the hashtags, taglines telecast by the broadcaster are violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

NBSA noted that the images of the complainant in Broadcasts Nos 2, 3 and 4 of the complainant dancing, smoking and of her hips were objectionable, placed out of context and were misleading in so far as the viewers were concerned. The images had a tendency to give the impression that the complainant was taking drugs. If the images were seen with some of the hashtags, taglines and text telecast such as *"Drugs Mandli' Theeno Buds letey they : Took Drugs*, gives an impression to the viewer that the complainant was definitely a part of the drug circle.

NBSA observed that the broadcaster, while telecasting such hashtags, taglines and images must understand the impression that these create on the viewer. The hashtags, taglines, and images must have a connection with the news programmes being telecast and cannot be taken randomly from some movie clip as it gives a different tone and tenor to the telecast. These images /photographs could have been avoided. The images along with the taglines were clearly violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

In respect of the issue of retraction of statement, NBSA noted that it did not agree with the submissions made by the broadcaster that it was sufficient for the broadcaster to mention the retraction of Rhea's statement in an article that was posted on its website particularly in view of the fact that the programme had been telecast on India TV.

In view of the above, NBSA censured the channel [India TV] to be more careful in future while broadcasting such misleading hashtags, taglines and images which violate the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

NBSA notes that India TV has acknowledged that the date mentioned in the report in respect of the arrival of the complainant in Mumbai in regard to the summons issued by NCB was incorrect and as a result of an inadvertent error. NBSA also took note of the fact that the broadcaster had mentioned the source of information as 'NCB' in its telecasts as the voice over stated: *"NCB Sutro Ney Bataya"*. In fact, since most of the news broadcasters had quoted their source of information and broadcast as NCB therefore there is a possibility that some information may have leaked from the NCB. The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster. NBSA also directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 87 (2020) dated 9.12.2020

Complainant submitted seven links of the offending broadcasts by Times Now channel from 11.9.2020 to 26.9.2020 by way of illustration that have invariably been broadcast repeatedly and also posted on various digital/ electronic handles of the channel. All the offending broadcasts were carried with the image of the complainant.

Broadcast No 1

Complainant submitted that in the telecast on 26.9.2020 on Times Now channel, the broadcaster alleged that she had supposedly made claims before the NCB on the role of Dharma employee, Kshitij Prasad to the effect

that he regularly procured drugs, supplied drugs to several celebrities, gave drugs to at least 4 stars, and had approached her to be his conduit. She did not make any such statement. She did not name any Kshitiji Prasad which fact was falsely reported. She does not even know any Kshitiji Prasad. The NCB did not ask her any questions regarding any Kshitiji Prasad. The question of the complainant dealing with drugs or being connected with drugs in any manner whatsoever, or being part of any drug group or being a conduit for anyone as sought to be falsely reported does not arise. The broadcast is simply fake and defamatory news.

Broadcast No 2

Did Rakul Preet Singh name four celebrities during NCB Drug Probe?

Response from Broadcaster

This is an online article published on 25.9.2020 by the Times of India team and not by Times Now. While some segments of Times Now's footage have been partially shown, the images depicting drug consumption is not part of Times Now's coverage. However, the news article did state the Petitioner's claim that she did not use or consume drugs and that she did not know any drug peddler.

Broadcast No 3

Complainant submitted that the broadcast on 11.9.2020 on Times Now channel, it was alleged that as per (unnamed) top NCB sources, Rhea had supposedly confessed that Sara Ali Khan, Simone and the complainant hung out with SSR and did drugs. This is factually incorrect. She does not take drugs at all and to the best of her recollection, only met Sara Ali Khan twice (once at IIFA Awards and once while working out in a gym) and has not met Simone Khambatta at all. This offending broadcast of 11.9.2020, while referring to Rhea's alleged statement, did not even refer to the fact that she had already retracted her statement on 9.9.2020, a fact that was bound to be in the knowledge of the broadcaster. Such broadcast is malicious, biased, knowingly inaccurate, hurtful and misleading, and does not present the facts fully or fairly or with objectivity, and instead, is calculated to sensationalise the matter and to malign her.

Broadcast No 4

Complainant stated that in the broadcast aired on 11.9.2020 on Times Now channel, the broadcaster claimed that the NCB has confirmed the new break about her being named by Rhea during interrogation, and alleged that Rhea had verified and signed the statement. The broadcast again played out the visuals of the previous broadcast of 11.9.2020, without again referring to the fact that Rhea had already retracted her statement on 9.9.2020.

Broadcast No 5

Complainant submitted that in the broadcast aired on 14.9.2020 on Times Now channel, the broadcaster telecasted a tagline alleging that her "Drug Link Confirmed". This was on the basis of being named by Rhea during NCB interrogation. The broadcaster again played out the visuals of the previous broadcasts, without again referring to the fact that Rhea had already retracted her statement on 9.9.2020 as aforesaid.

Broadcast No 6

Complainant submitted that in the broadcast on 12.9.2020 on Times Now channel, the broadcaster tried to link her with the alleged drug nexus and had callers calling in to slam those engaging in drugs. Such broadcast injured her reputation and clean image and maligned her. She has never taken drugs. She has nothing to do with drugs.

Broadcast No 7

Complainant stated that in the broadcast on 25.9.2020 on Times Now channel, the broadcaster alleged that she supposedly confessed before the NCB to "drug chats" with Rhea but denied consuming drugs herself. She did not make any such "confession". The true statement made by her before the NCB is detailed in the Additional Statement dated 30.9.2020 and on affidavit before the Hon'ble Delhi High Court. Such allegation is slanderous and defamatory, and maligns her clean image.

Decision

NBSA considered the complaint, response from the broadcaster, also heard the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that it was not dealing with the issue as to whether the broadcaster can or cannot telecast on the said issue because NBSA is conscious of the fact and respects that the media has the right of freedom of speech and expression. However, at the same time whenever any subject is discussed/telecast by the media, the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage relating to Guideline 2-Impartiality and Objectivity and Fairness; Guideline 4-Good Taste & Decency, Sex & Violence, Guideline 5-Privacy and Specific Guidelines for Reporting Court Proceedings must be kept in mind. Furthermore, whenever anything is telecast by the broadcasters in respect of a person involved in any controversy, the broadcasters have to keep in mind the privacy, dignity and the reputation of a person and they cannot prejudge an issue.

NBSA noted that the explanation of the broadcaster that while displaying the hashtags, taglines, some clarifications were given on the telecast in respect of these taglines and if the programme had been viewed in its entirety and in context, the taglines could not be said to be offensive, is not entirely correct. Though NBSA has no serious objection to the news story telecast, however NBSA found that on several occasions the hashtags/taglines telecast did not match with what the anchor was saying in the programme. It is also possible that a viewer could have kept the television on mute and was just watching the telecast and thereby viewing the taglines only. It is in this context that NBSA has come to the conclusion that the hashtags, taglines telecast by the broadcaster are violative of the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage.

NBSA noted that the image of the complainant in skimpy clothes in Broadcast No 3 was certainly misleading in so far as the viewers were concerned. The hashtags and taglines such as '*The Rhea Drug Circle*' had a tendency to give an impression to the viewer that the complainant was definitely a part of the drug circle and was pedalling and consuming drugs.

NBSA observed that the broadcaster, while telecasting such hashtags, taglines, and images must understand the impression that these create on the viewers. Hashtags, taglines, and images must have a connection with the news programmes being telecast and cannot be telecast randomly. On a viewing of the entire broadcast including the commentary, NBSA found that what was really objectionable was not the news story but the hashtags and taglines.

NBSA censured the channel [Times Now] to be more careful in future while broadcasting such misleading hashtags and taglines which violate the Code of Ethics and Broadcasting Standards, Principles of Self Regulations and Specific Guidelines Covering Reportage. NBSA also noted that the broadcaster had mentioned the source of its information as 'NCB' in its telecasts, however the said source should have been clearly visible during the telecasts. In fact, since most of the news broadcasters had quoted their source of information and broadcast as NCB, therefore there is a possibility that some information may have leaked from the NCB. The decision of the NBSA is based only on the links/ submissions made by the complainant and the response of the broadcaster. NBSA also directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 88 (2021) dated 16.6.2021

The complaint relating to News Nation stated "आपके संज्ञान में लाना है कि आज शाम बांद्रा स्टेशन में जो भीड़ इकट्ठा हुई थी उसके बारे में राष्ट्रीय न्यूज़ चैनल न्यूज़ नेशन के द्वारा साम्प्रदायिक सोहार्द्र को खराब करने की कोशिश की गई है उनके द्वारा जो खबर ब्रॉडकास्ट की गई वो बहुत ही गलत है स्टेशन और मस्जिद एक साथ होने के कारण उस भीड़ को मस्जिद से जोड़ना कतई सही नहीं है जबकि आज तक चैनल के द्वारा ये खबर दिखाई गई है कि लोग वहा जब इकट्ठा हो गए थे तो प्रसाशन के द्वारा मस्जिद के लोडस्पीकर की मदद से लोगो को भीड़ इकट्ठा न करने की गुहार लगाई जा रही थी। कृपा आपसे अनुरोध कि इस बात पर आप संज्ञान लीजिये ओर इस तरह की असामाजिक खबर न दिखाने के लिए न्यूज़ एजेंसीज को नियम बद्ध कीजिये।"

Decision

NBSA considered the complaint, response from the broadcaster and also the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA found that the broadcaster had used provocative headlines which conveyed misleading information, thereby creating a wrong impression. There was no balance and objectivity in the reporting as the headlines were in variance and served no purpose in the broadcast, and therefore the broadcaster had violated the fundamental principles of Impartiality, Objectivity and Neutrality and the Specific Guidelines Covering Reportage No. 9 relating to Racial & Religious Harmony while reporting. In view of the above, NBSA warned the channel News Nation for the provocative headlines used in the said broadcast and also directs that such headlines should not be telecast in future in the news programmes. NBSA directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 89 (2021) dated 16.6.2021

Complainant stated that on 14.4.2020, news was broadcast on India TV around 6 pm, claiming that people, had during the lockdown gathered near a mosque next to Bandra Railway Station in Mumbai. The people gathered at Bandra railway station, were migrant workers who wanted to go back to their homes. It was just a coincidence that a large mosque was there near the Bandra Railway Station. However, the channel made this topic communal by spreading hate against a particular community and provoking communalism amongst the viewers. The channel should apologise on TV for broadcasting such irrelevant facts in the news and targeting a community openly without looking for reality reasonably.

Decision

NBSA considered the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA observed that the media has the freedom to report on any story or subject, however, such reporting must be done with accuracy, impartiality and neutrality, keeping in mind that certain subject/ topics and news stories being reported on are sensitive in nature. Therefore, while reporting or telecasting any programme, it is expected that the broadcaster will strictly adhere to the Code of Ethics and Broadcasting Standards and Guidelines. Furthermore, whenever anything is telecast by the broadcasters, the taglines shown in the programme must not be shown out-of-context or be derogatory or offensive and must relate to what is being stated in the programme telecast.

NBSA observed that the headline used in the programme could have been avoided. The broadcaster could have reported that a large number of persons had assembled at Bandra station and not mentioned the Masjid. NBSA tends to agree with the observations of the complainant that for an average viewer, the impression is that a particular community had assembled near the mosque, and they were intentionally breaking Covid protocols. In this behalf, the broadcaster should have kept in mind the Fundamental Principles of Impartiality, Objectivity and Neutrality, the Specific Guideline Covering Reportage - Guideline No. 9 relating to Racial & Religious Harmony which states that *"Racial and religious stereotyping should be avoided"* and *"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"* and the Fundamental Principles No. 4 of the Code of Ethics which states that *"Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group"* and adhered to the same. NBSA decided that a warning be issued to the broadcaster to be careful and sensitive when broadcasting matters which may have an impact on the social and secular fabric of the country. NBSA also directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 90 (2020) dated 16.6.2021

The complaint relates to a news report aired by ABP Majha on 21.4.2020, about COVID-19 cases in Mumbai and Pune. In the impugned report, the news anchor labelled these two cities as “*Corona Bombs*” and raised the following questions: 1. Is the term “*Corona Bomb*” defined by the Ministry of Health and Family Welfare, Government of India or by the Public Health Department, Government of Maharashtra or by the Brihanmumbai Municipal Corporation or by the Pune Municipal Corporation? 2. If not, what is the origin of the term “*Corona Bomb*”? 3. What is the definition or the meaning of the term “*Corona Bomb*”? 4. What are the criteria used to be label a city as a “*Corona Bomb*”? What are the thresholds of these criteria that need to be met? 5. Did both Pune and Mumbai meet these thresholds? 6. ABP News Hindi has labelled Nizamuddin Markaz as a “*Corona Bomb*”, did Nizamuddin Markaz meet the threshold? 7. Has any of your previous shows explained to the viewers the meaning of the term “*Corona Bomb*”? If so, reference the date and time of broadcast of all instances when this explanation was provided. Further, he stated that migrants and residents of Pune and Mumbai had been subjected to exclusion and harassment by people from other villages and towns in Maharashtra due to the Covid-19 related stigma and terror and that the channel had further propagated this terror by labelling these cities which created an atmosphere of fear, anxiety and hopelessness among people living in Pune and Mumbai. Furthermore, the term “*Corona Bomb*” was derogatory, unscientific, stigmatizing and terrorizing and violated the Code of Ethics & Broadcasting Standards, namely, Principles of Self-Regulation.

Decision

NBSA considered the complaint, response from the broadcaster and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA was of the opinion that though the use of the expression “*Corona Bomb*” could have been avoided, however, it did not find any violation of the Code of Ethics and Broadcasting Standards and Guidelines and decided to close the complaint and inform the complainant and the broadcaster accordingly.

Order No. 91 (2021) dated 16.6.2021

The complaint relating to News Nation stated “*Ye news channel Hindu Muslim debate karakar logo ke dilo me zaher gholne ka kaam kar raha hai ye channel logo ke dil me nafrat phelane ka kaam kar raha hai. Is news ko koi adhikar nahi hai apne debate par koi faisla dena. Deepak Chourasia ne apne munh se kaha hai ki hindu muslim hogi. Is tarahki debate band honi chahiye.*”

Decision

NBSA considered the complaint, response from the broadcaster and also considered the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA was of the view that the brow beating style and language used by the anchor in the debates held by the channel, were certainly provocative; such programmes were shown on a daily basis and that the anchor was definitely crossing the “*Lakshman Rekha*”. An anchor should not be a catalyst to heated acrimonious debates and should ensure that decency and civility of the debate is not lost. An anchor needs to be Objective, Impartial and Neutral and should not take any sides during a debate. NBSA noted that the programme violated the fundamental principles of Impartiality, Objectivity and Neutrality in reporting; and also the Specific Guidelines Covering Reportage No. 9 relating to Racial & Religious Harmony, which states that “*Racial and religious stereotyping should be avoided*” and “*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.*” In view of the fact that the broadcaster has given an assurance to NBSA that it would internally discuss the observations of NBSA and ensure that no boundaries are crossed in future debates, NBSA decided to censure the anchor for the reasons stated above and also decided that if such broadcasts continue on the channel in future, serious action will be taken under Regulation 7.1 of NBSA regulations. NBSA, however, directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 92 (2021) dated 16.6.2021

The complaint relating to ABP News stated “यह कि ABP न्यूज़ ने 27 अप्रैल 2020 को खबर में प्रसारित कर ब्रेकिंग न्यूज़ में बताया कि.....इस वक्त की सबसे बड़ी खबर, मदरसे के 53 बच्चे कॅरोना पॉजिटिव उपरोक्त खबर से स्पष्ट है कि अचानक से मदरसे में 53 बच्चे एक दिन में पॉजिटिव पाए गए, जिससे प्रदेश में हड़कंप मच गया, जबकि सी एम ओ कानपुर को पता चलने पर तुरंत मीडिया में खण्डन कर कहा कि आज 27 अप्रैल को कोई भी मदरसे का बच्चा पॉजिटिव नहीं पाया गया। जबकि सी. एम. ओ. कानपुर नगर ने ABP न्यूज़ में प्रसारित 27 अप्रैल की खबर में 40 बच्चे बीमार होने की बात कही थी जिस पर जानबूझकर, आपसी सदभाव व शांति व्यवस्था को बिगाड़ने, 2 सम्प्रदाय में मनभेद पैदा करने, व दंगा कराने की साजिश के तहत झूठी खबर चला कर मुस्लिम समाज को कॅरोना बीमारी फैलाने का कसूरवार उहराने का प्रयास किया, हड़कंप मचने पर कानपुर नगर के सी.एम. ओ. (मुख्य चिकित्साधिकारी कानपुर नगर) ने मीडिया में खण्डन भी किया कि आज 27 अप्रैल को कोई भी मदरसे का बच्चा कॅरोना पॉजिटिव नहीं है।”

Decision

NBSA considered the complaint, response from the broadcaster, and also considered the arguments of both the complainant and the broadcaster and reviewed the footage. In view of the fact that the broadcaster had brought on record a clip/byte of Superintendent of Police, Kanpur wherein he had claimed that 47 kids of Madrassa were found positive, and the telecast of the programme was based on the statement, NBSA found that there was no violation of the Code of Ethics and Broadcasting Standards, Guidelines and decided to close the complaint and inform the complainant and the broadcaster accordingly.

Order No. 93 (2021) dated 16.6.2021

The complaint is that on 14.4.2020, the Prime Minister of India had announced the extension of lockdown till 3.5.2020. On the same day, many people gathered at Mumbai Bandra Railway Station. The lady reporter of ABP News was asking some illogical questions to the ground reporter such as, - *“all those people get together because of instigating by the masjid?”* - *“Is Jamma Masjid responsible for this?”* - *“Did Muslim leaders inspired people by giving a speech?”* - *“Did they send WhatsApp message or call to bring them together at Bandra Station?”*. In response the ground reporter while briefing gave an opinion that, *“it is impossible to believe that without any planning such amount of people can get together”*. This is not all, the lady reporter questioned again - *“after police cleared the area, are they gathered in the mosque?”*.

Decision

NBSA considered the complaint, response from the broadcaster, and also the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that the programme had violated the Fundamental Principles of Impartiality, Objectivity and Neutrality in reporting; the Specific Guideline Covering Reportage - Guideline No. 9 relating to Racial & Religious Harmony, which states that *“Racial and religious stereotyping should be avoided”* and *“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”* and Fundamental Principles No. 4 of the Code of Ethics which states that *“Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.”* NBSA concluded that the channel asked questions which were unwarranted. The reporting was done in a manner that stereotyped a community and should have been avoided. NBSA agreed with the complainant that such provocative, unverified headlines can be deceptive to a viewer, can lead to disharmony amongst communities, can lead to communal unrest and should be avoided. For the above violations, NBSA decided that the broadcaster be issued a warning and also directed that such headlines should not be telecast in news programmes in the future. NBSA, also, directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 94 (2021) dated 16.6.2021

The complainant stated that the reply filed by the broadcaster did not adequately address the grievances expressed in the complaint dated 19.6.2020. He stated that despite widespread criticism of their coverage, Zee News network has carried out a sustained campaign throughout the month of April 2020 to communalize the issue of Tablighi Jamaat Covid 19 hotspot and have failed to do an objective coverage of the pandemic/public health emergency, which has contributed to an unscientific understanding of the matter as evidenced by terms popularized since the outbreak such as '*Corona Jihad*' and '*Chinese virus*'.

The complaint is against several successive broadcasts that have given a communal colour to the reporting of Tablighi Jamaat Covid hotspot on the following dates: -

- 30.3.2020 DNA: DNA Test of biggest negligence over Covid19 in Delhi's Nizamuddin
- 31.3.2020 DNA: Analysis | Tablighi Jamaat Coronavirus
- 1.4.2020 DNA: Religious Freedom India
- 1.4.2020 Tablighi Jamaat has al Qaeda connection, maulana exposed
- 3.4.2020 DNA: Tablighi Jamaat | Corona Jihad | Eyewitness
- 5.4.2020 DNA Test Maulana Ali Qadri
- 24.4.2020 DNA: "Delivery Boy 'Distancing'".

The complainant stated that the complaint was not regarding the content of the broadcast but the manner in which it was presented by the anchor, which included sensationalisation of the matter, particularly the claim that the pandemic hotspot spread was done on purpose. The complainant alleged that the anchor had used his airtime and privilege as a broadcast reporter to impress upon viewers, actively neglecting to report the multiple gatherings that had occurred at the same time, involving a far larger number of people and ignoring the lapse of security measures by the state authorities that should have quarantined these individuals when they came to the country in the first place. In no way does this complaint attempt to dispute that the Jamaat organization and leadership is guilty of criminal negligence, the proceedings for which are being carried out against them in court for endangering the life of others. The response of the broadcaster reiterates known facts while neglecting to address the manner of the journalist's reporting that has contributed to an unscientific understanding of the matter.

Decision

NBSA considered the complaint, response from the broadcaster, arguments of both the complainant and the broadcaster and reviewed the footage. NBSA decided that it would consider the complaints only in regard to the violations of the Code of Ethics and Broadcasting Standards and Guidelines/ Advisories issued by NBSA, and it would not consider the complaint in relation to the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994 and various Sections of the Indian Penal Code, 1860 as the Authority does not have jurisdiction to decide the complaints in relation to the above statutes and Rules.

NBSA noted that whenever any news story is telecast by a broadcaster, the Code of Ethics and Broadcasting Standards, Principles of Self-Regulations, Fundamental Principles and Specific Guidelines Covering Reportage relating Impartiality, Objectivity and Fairness as also the Specific Guidelines Covering Reportage- Guideline No 9 relating to Racial & Religious Harmony, must be adhered to.

NBSA noted that there were certain statements made by the anchor in the programmes, which violated the aforesaid Regulations, Principles and Guidelines. The anchor was condemning his fellow journalists in a programme by calling them "*designer patrakar*" and belonging to the "*Tukde Tukde Gang*" and made various imputations. By way of example, it may be mentioned that:

"सिर्फ कुछ बचे कुचे डिजाइनर पत्रकार इनके पास है अब जो इनके मन की बात कहते है, ये सिर्फ मीडिया के उस हिस्से पर विश्वास करते है जिस हिस्से मे यही डिजाइनर पत्रकार है, टुकड़े-टुकड़े गैंग के सदस्य है और ऐसे लोग है जो देश को तोड़ने,

देश को हराने की बात करते हैं। मीडिया का जो हिस्सा देश की बात करता है, समान अधिकारों की बात करते हैं, जो ऐसे लोगों को एक्सपोज करता है वो इन्हे बर्दाश्त नहीं”.

“देश की सरकार ने पूरे देश में लॉकडाउन कर दिया है लेकिन ये लोग जो हैं ये सरकार के लॉकडाउन को नहीं मानते ये अपने लॉक डाउन को मानते हैं इनके अपने ताले हैं और वो ताला ना ही पुलिस से खुलता है और ना ही संविधान से खुलता है वो ताला ऐसा है जिसकी चाबी इस देश के सुप्रीम कोर्ट के पास भी नहीं है।”

There are number of such assertions in the programmes. Undoubtedly, the anchor had the right to express his view, however the same should be objective, rational, and supported by some material/evidence and further, the anchor should avoid communal touch to the programmes, which seems to have happened in these broadcasts and programmes.

NBSA was of the view that the attempt of the anchor to give it a communal color by targeting one particular community was not appropriate. It is in this context that NBSA has come to the conclusion that the broadcasts telecast by the broadcaster and statements made by the anchor are violative of the Code of Ethics and Broadcasting Standards, Principles of Self-Regulations, Fundamental Principles and Specific Guidelines Covering Reportage relating to Impartiality, Objectivity and Fairness; as also the Specific Guidelines Covering Reportage- Guideline No 9 relating to Racial & Religious Harmony. In view of the above NBSA decided that the broadcaster be directed to air an apology on their channel. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 95 (2021) dated 16.6.2021

The complaint is that the type of news telecast by Zee News that “*Tablighi Jamaat Ki Terror Kundali on 1.4.2020*,” and “*Tablighi Jamaat connected to terrorist*” is illegal, without proof and puts the blame on a community. This type of news flames communal riots.

Decision

NBSA considered the complaint, response from the broadcaster, arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that while the broadcasters have the freedom to report on any news story, however by using the tagline “*Tablighi Jamaat Ki Terror Kundali*” and broadcasting that the Tablighi Jamaat were connected to terrorists, the broadcaster had tried to give the message that the Tablighi Jamaat had terror links, which labelling was not acceptable. The tagline could have been avoided. NBSA was of the view that the title given to the programme was unwarranted. NBSA reiterated that “*Racial and religious stereotyping should be avoided*” and “*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*.” In view of the above, NBSA warned the broadcaster (channel Zee News) to exercise greater care and caution in future while telecasting such news stories and taglines. If the observations of NBSA in its Order are not adhered to, any such future violations by the channel would be viewed seriously.

NBSA also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Common Order No. 96 (2021) dated 16.6.2021

Complaint No. 1

The complaint relates to a news report broadcast on 10.4.2020 and 11.4.2020 at 6:30 PM by India TV, which had quoted Advocate Faiz Syed out of context by selectively including a small portion of a long video clip of a speech made by Adv. Syed in the broadcast. The complainant stated that the speech had been made in respect of evil thoughts which came to a person’s mind during prayer in the masjid, however, the speech was taken out of

context to malign Islam by demeaning it to such a low level. The complainant stated that neither Islam teaches nor preaches that anyone should spit on someone and, therefore, questioned how the broadcaster could use the speech as proof to insinuate that the lecture inspired Tablighi people to spit on other people's faces. The complainant further stated that the allegation that people in the Tablighi Jamaat were spitting has not yet been proved. Even if it was, the same was merely attributable to their own deluded understanding of Islam.

The complainant stated that amidst the Tablighi Jamaat issue, the broadcaster used the opportunity to malign a specific religion. He stated that if the media is not reigned in now, then the day is not far off when the media may blatantly and fearlessly label the Prophet of mercy himself as the one who taught Muslims to spit on the face of other people. He asked the broadcaster who had taught Gaurav Vohra of Delhi to spit on a woman's face and why did Tablighi people not learn from these "chain spitters" and why was it aired that they learned it from Adv. Faiz Syed. He stated that almost all the cases of Tablighi people spitting on doctors or nurses or elsewhere has been nothing more than a false hoax. Further, spitting is not the kind of spitting as is known to people. As a relief, the broadcaster will have to apologize for cherry picking portions of the speech of Faiz Syed to prove that Tablighi's learnt this from him. The complainant further stated that he had not received any response from India TV. However, it had silently made that objectionable video private. The broadcaster cannot get away with just removing the video and will have to publicly apologize for the way it ran this programme out of context.

Complaint No. 2

The complaint relates to a show titled कोरोना की जमात which was broadcast by India TV on 11.4.2020 at 6:30 PM. In the impugned show, the complainant stated that the broadcaster played a video of an Islamic preacher saying, "To save yourself from the clutches of demons, read the Surah Al-Ikhlās and spit thrice on the left-hand side," the video was then paused before the preacher could finish what he was saying. Then the anchor said, "If you do not believe what you saw and heard, watch again and hear with your ears wide open so that no confusion is left." The video is played for a second time as per the complainant, and then the anchor goes on to ask questions that would have sounded ridiculous to the sane mind, namely – "Why do Jamaatis spit?" He further says that there have been reports of Jamaatis spitting on doctors and nurses in isolation wards. The anchor introduces the preacher as Faiz Syed and asks, "Does religion teaches to spit on doctors and nurses?"

The complainant stated that the video played by India TV in the impugned news report was of Faiz Syed, an Islamic preacher and the founder of Islamic Research Centre (IRC), and was shared on the YouTube channel of IRC TV on 27.10.2017. That as per the complainant, Faiz Syed, in the speech first quoted a Hadith (sayings of Prophet Mohammad) and then advised on what people should do if their minds were riddled with evil thoughts on the existence of Allah. The preacher asks people to recite from the Surah Al-Ikhlās (112th chapter of the Quran) – "He is Allah, [who is] One, Allah, the Eternal Refuge. He neither begets nor is born, nor is there to Him any equivalent" – and then spit three times on the left-hand side. IndiaTV had dug up a three-year-old video of the Islamic preacher and falsely claimed that he was advocating the spread of Coronavirus by spitting. It is a violation of Code of Ethics and Broadcasting Standards. The channel did not maintain the principles of due accuracy and impartiality.

Decision

NBSA considered both the complaints, response from the broadcaster, the arguments of both the complainants and the broadcaster and reviewed the footage. NBSA observed that the broadcaster was within its right to report on the Tablighi Jamat issue, however, the reporting had to be within the boundaries of the Code of Ethics and Broadcasting Standards and the Guidelines issued by NBSA. The broadcaster when reporting on any news item, must be objective, impartial, neutral and accurate in its reporting.

NBSA noted that the channel had aired a report of spitting by Tablighi's without ascertaining the accuracy of the same. The broadcaster merely asserted that all channels were showing it so India TV aired it too. However,

this act of spitting is unduly highlighted without cross verifying the truth and accuracy, and a false innuendo is created by asking the question in headlines, “*who taught them how to spit ?*” and juxtaposing a three-year-old video (without mentioning that it is archival material) in which the Maulana explains the scriptural references in the Hadis about spitting. The broadcast had a tendency to stigmatize a community. The act of spitting by a few individuals in an isolated case was thus magnified and presented as a planned conspiracy by the Muslim community to spread Corona through spitting. The juxtapositioning of the video of a Maulana preaching about the context of spitting with headline such as “*jamaat ko thuk ki bimaari kahan se lagi?*” was likely to incite communal feelings, disharmony and discord. Moreover, a fine distinction between “*thukna and thukthukana*” was mentioned merely in a headline in the programme and a delayed clarification was issued, i.e., 12 days later by the broadcaster. The broadcaster sought to justify the entire broadcast by saying that it was merely highlighting the difference between “*thukna and thuk thukana*.” However, NBSA found there was no reason or logic to connect and examine the writings in the scriptures with the alleged and isolated actions of some individuals. NBSA found that the explanation and justification given by the broadcaster for the broadcast was not sufficient. The video of Adv Faiz is a three-year-old video, and the justification given by the broadcaster for the use of the video in the said programme is not acceptable.

NBSA, therefore, censured India TV for airing a broadcast on 10.4.2020 and 11.4.2020 that contained false insinuations and innuendos, which was likely to incite communal feelings, disharmony and discord. It appears that the programme was broadcast without due verification. In view of the above, the broadcasts violated the Code of Ethics and Broadcasting Standards, the Principles of Self-Regulation relating to Impartiality, Objectivity, Ensuring Neutrality and also the Specific Guidelines Covering Reportage - No 9 relating to Racial & Religious Harmony, which states that “*Racial and religious stereotyping should be avoided*” and “*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 also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainants and the broadcaster accordingly.

Order No. 97 (2021) dated 16.6.2021

The complaint is that the reporter and the cameraman entered into a Corona isolation ward of some hospital in Delhi, and took the interview of a Corona positive patient, which violated the *Specific Guidelines on Reporting of the Injured and Ill of NBSA* and also the Guideline provided by the National Center for Disease Control. Further, the headline played along with this report stated, “*Ab Krenge Tabligiyo ko Benakab*”.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA observed that the media has the freedom to report on the Covid pandemic or any other issue. However, it is expected that the broadcasters will strictly adhere to Code of Ethics and Broadcasting Standards, and Guidelines. NBSA noted that the broadcaster had submitted that it had sought the consent of the hospital/Nodal Officer before entering the hospital. In view of the above, NBSA found no violations of the relevant guidelines relating to the *Specific Guidelines for Reporting the Injured and the Ill* as the footage showed that the reporter was accompanied by the Doctor/ Nodal Officer to the Isolation Wards and the patients had willingly spoken to the reporter. It appears that no objection was raised by either the staff of the hospital or the patients while speaking with the reporter. The broadcaster denied using the tagline ‘*Ab Karenge Tabligio ko Benakab*’ in its broadcast. The said tagline was not found in the broadcast, which was viewed by NBSA. In view of the above, NBSA decided to close the complaint subject to the condition that the broadcaster submits the written permission received by it to enter the hospital. NBSA decided to inform the complainant and the broadcaster accordingly.

Order No. 98 (2021) dated 16.6.2021

Complaint relating to India TV stated “कोरोना के काल में पं. बंगाल के हुगली के तेलिनीपारा जो हुबली का सब से ज्यादा संक्रमित इलाका है इस में दो समुदायों के बीच हिंसक झड़प; घरों दुकानों में आगजनी, इंटरनेट सेवा बंद इस शीर्षक की खबर दिखाई गई”

“ब्रेकिंग न्यूज़

हिंसा के बाद हिन्दू पलायन कर रहे हैं. कई दुकानों को आग के हवाले कर दिया गया हुगली में खुनी हिंसा से टेंशन, हिन्दुओं का पलायन (फिर मुस्लिम समुदाय के खिलाफ हिंसा भड़काने वाला वीडियो के साथ साथ उस वीडियो में बात कर रहे व्यक्ति का अनुवाद TV स्क्रीन पर दिखाया जा रहा था जो आग में तेल भड़काने वाला और इस प्रकार है.

“भाइयों मुसलमान लोगो ने काली मंदिर से हमारे दुकानों में आग लगादी है” पुलिस कुछ नहीं कर रही है, हम लोग कितने मजबूर हैं, हमारी मदत कीजिये, प्रशासन वहां पर खड़ा है कुछ भी नहीं कर रहा, मुसलमान लोग बम मार रहे हैं. देखिये घर कितना जला दिया है. धुँआ धुँआ पूरा हो गया है. पुलिस प्रशासन उन लोगों का ही साथ दे रहे हैं. पुलिस के सामने बम पेट्रोल सब चल रहा है. फायरिंग हो रहा है. हम लोगो के एक नागरिक कृष्ण राम को गोली मार दिया गया है. पुलिस ने गोली मारा है, देखिये क्या कर रही है पुलिस। पुलिस ने गोली मारी है.

इस तरह मुस्लिम समुदाय और पुलिस प्रशासन के प्रति नफरत फैलाने वाली खबरे इंडिया TV ने प्रसारित की है.

फिर वहा से गुजरने वाले व्यक्ति से कितनी पूछताछ बताई जाती है. आप लोग कहा जा रहे है ? भरदेश्वर जा रहे है. घर छोड़ कर क्यों जा रहे हो ? क्या करे घर में आग लगा दी है. इसी लिए जा रहे हो. कितने आदमी है आप लोग? 100 आदमी से ऊपर; करेंगे दंगा में, कमाने आए है या दंगा करने भागने के सिवाय कोई उपाय नहीं। खबरों सार इस तरह था के हमेशा हिंदुओं पर अत्याचार होता है. और लोग वहा से पलायन कर है. उन्हें हमेशा दबाया जाता है.”

The complainant stated that “ India TV किसी कट्टरवादी संगठन और पक्ष से प्रेरित होकर इस तरह समाज में नफरत और साम्प्रदायिक तनाव बढ़ाने वाले और आपसी भाईचारे को खत्म करने वाली खबरे लगातार दिखाने में जुटा है यही इससे साबित हो रहा है. India TV समाचार माध्यम का गलत इस्तेमाल कर रहा है. ऐसे भड़काऊ खबरे लोकतंत्र के लिए एक कलंक और घातक है. ऐसी खबरों को बार बार दिखा कर मुस्लिम समाज के प्रति नफरत की भावना, बदनामी और मुस्लिम समाज को देश के नजरो में अपराधी के कटघरे में खड़े करने की कोशिश की जा रही है दो मुल्को के संबंधो में दरार पैदा हो चुकी है. जिस का असर देश के अर्थ व्यवस्था पर पड़ रहा है. बेरोजगारी बढ़ रही है. India TV ऐसे खबरों से देश में हिंसक स्थिति बनाने की कोशिश में जुटा है. जो देश के स्थिरता और अखंडता को नुक्सान पहुंचाने वाली साजिश है. India TV द्वारा कोरोना के फैलाव के लिए तब्लीगी जमात और मुस्लिम समाज के बारे में फैलाये गए अफवाओं और नफरत भरी खबरों का असर ऐसा हुआ है के अब फल और सब्जी बेचने वालो को हिन्दू या मुसलमान ये धर्म की पहचान साबित करने के लिए केसरी झंडे या हिन्दू या मुसलमान लिखना पड़ रहा है. इस तरह से न्यूज़ माध्यम का गलत इस्तेमाल करके साम्प्रदायिक हिंसा को उत्तेजित करने का प्रयास India TV द्वारा किया जा रहा है. India TV ने सांप्रदायिक इरादों से भारतीय मुस्लिमों और उनके मौलिक और मानवाधिकारों को लक्षित किया है. मुस्लिम समाज की मानहानि करके उसे निचा दिखाया है. India TV प्रसार माध्यम भड़काऊ खबरों द्वारा राष्ट्रीय एकता के लिए खतरा निर्माण कर रहा है. देश के विरुद्ध युद्ध पुकारने के बराबर अपराध किया जा रहा है.

India TV द्वारा प्रसारित होने वाली इस किस्म की खबरे केबल टेलीविजन नेटवर्क (विनियमन) अधिनियम 1995 की धारा 19 और 20 और टेलीविजन चैनलों नीति निर्देशों के खंड 8 के अनुसार कानूनी कार्रवाई के लिए पात्र. भड़काऊ बयानबाजी के लिए India TV प्रसार माध्यम की मान्यता रद्द हो और भारी जुर्माने की भी मांग है। TV में मुस्लिम समुदाय और विभिन्न धर्मों और समुदायों प्रति नफरत फैलाने के जुर्म में एंकर सुशांत सिन्हा तथा अन्य पर भारतीय दंड संहिता धारा 153, 153A, 295A, 298, 500, 505(2), 506, 511, 120 बी, 124अ, 499, और अन्य सेक्शन के तहत अदालत में मामला दायर करने जा रहे.”

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that the reporting by the broadcaster in this case was factually correct and the sequence of events/ violence that occurred in the area was not due to the reporting by the broadcaster. However, only the version of one side was telecast by the reporter. In view of the above, NBSA found that the broadcast lacked neutrality and impartiality. NBSA, therefore, directed the broadcaster to ensure that while reporting on sensitive news stories, particularly where the impact is on the social and secular fabric of the country it should be careful and telecast the version of both sides to bring balance to what is being

reported upon. The broadcaster is advised to adhere to the Code of Ethics & Broadcasting Standards while telecasting its news stories. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 99 (2021) dated 16.6.2021

Complaint relating to AajTak stated "आजतक... आज 31:07 PM: दिल्ली में कुल 503 मरीजों में 320 मरकज़ के (जो कल आज तक ने 405 कहा था 445 में शाम के 59:06 में) आजतक... आज 35:07 PM: दिल्ली के कोरोना पॉजिटिव में जमाती %90 अगर दिल्ली के कुल 503 में से मरकज़ के 320 का प्रतिशत निकाला जाए तो होता है %61.63. "

Decision

NBSA considered the complaint, response from the broadcaster, arguments of both the complainant and the broadcaster and reviewed the footage. NBSA observed that the media has the complete freedom to report on the Covid pandemic; however, such reporting must be done with accuracy, impartiality and neutrality, keeping in mind the issue that the subject that is being dealt with is sensitive in nature. Therefore, while reporting or telecasting any programme on the above issue, it is expected that the broadcasters will strictly adhere to the Code of Ethics and Broadcasting Standards, Guidelines and the Advisories issued by the Government in this regard. NBSA noted that the broadcaster had submitted that the figures pointed out by 'Aaj Tak' in the program 'Desh Tak' were primarily figures as disclosed by the government authorities. NBSA also noted that the broadcaster had admitted that there may have been chances that there were some miscalculations as pointed out by the complainant, which were inadvertent, and the broadcaster had no intention to communalize the issue or malign any community. As there may have been errors in the figures telecast in the programme "Desh Tak", NBSA directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links. In view of the above statement made by the broadcaster, NBSA decided to close the complaint and inform the complainant and the broadcaster accordingly.

Order No. 100 (2021) dated 16.6.2021

The complainant provided the details of seven programmes aired by Suvarna News:

1. "Coronavirus infected Tablighi Jamaat attendees misbehave with doctors in Bidar," dated 4. 4.2020.
2. "COVID-19; Police to trace financial source for Tablighi fund," dated 4.4.2020.
3. "Tablighi Jamaat: Maulana Saad's new clip goes viral: 'do not assemble, follow Govt's directive'," dated 2. 4.2020.
4. "Corona Virus isn't an illness, its God's Gift to you' dated 2. 4.2020.
5. "Audio clip allegedly of Chief Maulana Saad goes viral "social distancing not in our religion", dated 1.4.2020.
6. "Disaster at Delhi's Nizamuddin: How Covid-19 spread from here," dated 31.3.2020.
7. "Shafiullah Saheb reacts to closing Mosques amid Coronavirus Crisis," dated 31.03.2020.

The complainant alleged that by attempting to portray one community as the sole responsibility-bearer for spreading the disease, the broadcaster had engaged in fear-mongering, and in rousing communal disharmony. The statements were a clear attempt to promote and incite hatred against communities and people on the basis of religion and are in direct violation of the basic principles of journalism, viz, to verify facts before presenting a news item. Further, the impugned programmes were presented in a highly objectionable manner and could hardly be regarded as a news report, as they were based on pure conjecture. The tone, tenor and language used in the programmes was crass, prejudiced and disrespectful.

The complainant brought to the notice of NBSA that hatred promoted and spread by the broadcaster had destroyed and damaged people's lives. As a result of the impugned programmes, miscreants had taken law onto their hands and forced the general public to not buy fruits/vegetables from Muslim street vendors; Resident Welfare Associations had started boycotting Muslims in their apartments and colonies; Muslims were even stopped from entering specific areas, and even volunteers who were providing relief measures to the poor were stopped merely because they were Muslims. The impugned programmes have even resulted in a social and economic boycott of members of the Muslim community.

The complainant alleged that by airing the impugned programmes, the broadcaster had not only flagrantly violated the Programme Code under the Cable Television Network Rules, 1994, but also the Code of Ethics and Broadcasting Standards and the Principles of Self-Regulation apart from violating the various sections under the Indian Penal Code, 1860.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the broadcasts. NBSA noted the broadcaster's submission that the media could certainly report on any news or topic of its choice but while broadcasting or reporting any news, which is sensitive in nature, the member broadcasters have to bear in mind the Code of Ethics and Broadcasting Standards and the Guidelines laid down by NBSA. It is very important that all news be reported accurately, impartially, objectively and with neutrality. In so far as, the telecast of programme mentioned at Serial No.1 is concerned i.e., *"Coronavirus Infected Tablighi Jamaat Attendees Misbehave with Doctors in Bidar"* dated 4.4.2020, NBSA found that it was based on an information supplied by some source. Therefore, in respect of this programme, nothing objectionable was found. On viewing the footage of other programmes, NBSA was of the view that the manner in which the reporting of the Tablighi's and other related programmes were aired on the channel, clearly indicated that the entire blame / cause of the spread of the Corona Virus was linked to the Tablighi Jamaat and in turn to a particular community. The titles of the programmes had an insidious effect which would incite communal violence. The programmes had gone beyond facts and certainly crossed the limits of good taste and decency in reporting. NBSA noted that members of a particular community were referred as *"them," "these people," "these devils"* etc. The statements made by the anchors in the programmes are hereinbelow:

1. *"nataka drama from some satans from where we are. Further, That the whole world is doing a circus to save themselves from corona, but some shaitaans (devils) among us are doing drama." She says "these people are more dangerous than the coronavirus.....We will show on Suvarna news what this devil is more dangerous than corona virus. Corona criminals hiding in our country will be exposed. For now, we are showing stories of two criminals. See. Suvarna news has traced this news. These shaitaans are more dangerous than coronavirus. Suvarna News will place details about them in front of you. Suvarna news has traced this news. These people think corona is a weapon in their hands. These are the real criminals. After having made these statements, she shows a video of a Muslim man named Sayyad Jameel, wiping his nose with what appears to be currency notes, saying, "There is no cure for corona, it is not a virus, it is a God given donation for you people."*
2. *"The same man who said this is in home quarantine today, appealing to everyone to support the fight against coronavirus. Isn't this a case of the devil quoting the scriptures?"*

NBSA noted that there was certainly lack of balance, objectivity and impartiality in the programmes and the said programmes were overtly prejudiced against a particular religion. NBSA noted that the programmes telecast by the broadcaster had promoted and spread hatred which may have affected people's lives. It has been reported in the media that the community had to face backlash during the Corona Pandemic due to the unobjective and inaccurate reporting. NBSA tends to agree with the observations of the complainant that hate speech dehumanizes an entire community by making them targets of vigilante violence. NBSA also noted that the defense taken by the broadcaster of its right to free speech and the role of the media to report news was unacceptable. NBSA observed that the right to free speech came with reasonable restrictions. Since the broadcaster did not adhere to the Fundamental Principles of Impartiality, Objectivity and Ensuring Neutrality while broadcasting the aforementioned programmes the broadcaster had violated the Code of Ethics and the Fundamental Principles of Self Regulation. NBSA observed that it was necessary for the broadcaster to impart training to the anchors and ensure that broadcasting standards are improved by ensuring strict compliance of the Code of Ethics and Guidelines of the NBSA. In view of the above, NBSA censured Suvarna News for airing

the six broadcasts aired between 31.3.2020 to 4.4.2020 which lacked balance, objectivity and impartiality, were overtly prejudiced against a particular religion and community. The titles of the programmes had an insidious effect which could incite communal violence. In view of the violations by the broadcaster of the Fundamental Principles of Impartiality, Objectivity and Neutrality, NBSA also decided to impose a fine of Rs 50,000. NBSA directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 101 (2021) dated 16.6.2021

The complaints were against two programmes aired on News 18 Kannada, respectively titled: *“Do you know how is Delhi’s Nizamuddin Markaz which has spread the Coronavirus to the nation”* dated 1.4.2020; and *“How many have gone to Delhi’s Jamaat congregation from Karnataka?”* dated 1.4.2020. The complaints were filed in respect to the above-mentioned programmes for allegedly targeting and spreading hatred towards a particular community and for violating the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994 and the Code of Ethics and Broadcasting Standards.

The complainant submitted that the statements in the impugned broadcasts were factually incorrect as the Tablighi Jamaat program was concluded before the announcement of the official lockdown from 23.3.2020 in Delhi, and the subsequent imposition of a nationwide lockdown. However, due to the abrupt announcement of the lockdown, the attendees from different areas could not return home, and were forced to make alternative arrangements. Without regard for these unambiguous facts, the aforementioned unverified videos and statements unambiguously indicated that the channel is prejudiced against the community and is inciting hate against and attacking them without painting the facts in their entirety. By attempting to portray one community as the sole responsibility-bearer for spreading the disease, the channel engaged in fearmongering, and rousing communal disharmony. These statements were a clear attempt to promote and incite hatred against communities and people on the basis of religion. Further, such statements were in direct violation of the basic principles of journalism, viz, to verify facts before presenting a news item.

The manner in which the programmes were presented was also highly objectionable and hardly a news report. Instead, they were pure conjecture and the tone, tenor and language was crass, prejudiced, and disrespectful. They were aimed at promoting and inciting hatred and making assertions that certain citizens do not have fundamental rights due to their religion.

Moreover, these statements and videos amount to the perpetration of genocide against the Muslim community. The hatred spread by the media has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim Street vendors; Resident Welfare Associations boycotting Muslims in their apartments and colonies; stopping Muslims from entering specific areas; preventing volunteers who are providing relief measures to the poor, because they are Muslims. The community subjected to this form of vicious hatred has been transformed from being persons to objects.

Decision

NBSA considered the complaint, response from the broadcaster, translated text of the broadcast and the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that whenever any subject is discussed/telecast by the media, the broadcaster has to bear in mind that the contours of the broadcast should be within the principles laid down in the “Code of Ethics and Broadcasting Standards, Principles of Self Regulations” and “Specific Guidelines Covering Reportage” relating Impartiality, objectivity, neutrality and Fairness; verification of the facts broadcast also the Guideline No 9 relating to Racial & Religious Harmony. NBSA noted that it is critical in the broadcasts complained of, to ensure that there is no communal colour given to any community in a programme as it would corrode the secular fabric of the nation, cause

irreparable harm to a community, and also stigmatize the community. The damage done is difficult to remedy. The focus of news programmes must be to report objectively with the fundamental purpose being to inform the viewers. No programme should prejudge any issue. NBSA while assessing the broadcasts was of the view that the language used by the anchors in both the programmes were unacceptable. Some of which are given herein below:

"You need to notice that entire nation has been infected with Corona due to that one congregation." "The question seems to arise, has Delhi Jamaat somewhere become Wuhan? Because this virus has been spread to the whole world from China's Wuhan." "Has Delhi Jamaat become Wuhan of Karnataka? Muslims of the state too infected with Corona." "Nizamuddin Markaz has spread the Corona to the nation." "You need to notice that entire nation has been infected with Corona due to that one congregation." "Did the killer virus arrive from Delhi? Nizamuddin Toxicity." "We still need answer for the question which all districts the Delhi's toxic is being spread from the virus which has already spread among the Muslim community?" "The entire nation is anxious and miserable as the venom of Nizamuddin has taken over the entire country and this video will show us why. The one congregation that was held on that particular day was responsible for hundreds of people testing positive and becoming patients of corona." "You can see how this is has turned into hell for so many people, it is not just Delhi that has been affected but the whole of India has been infected with corona and Markaz is the reason behind it." The anchor calls the virus their "Prasada" blames them again for the spread of the virus to the entire country.

NBSA noted that the manner in which the programmes were presented was highly objectionable. The news report was based on pure conjecture. The tone, tenor and language were crass, prejudiced and disrespectful. The programmes were prejudicial, inflammatory, and crossed all boundaries of good taste and sensibility without any concern for the feelings of a religious group. It was aimed at promoting and inciting hatred between communities. NBSA was also of the view that the language and words used like "venom," "hell," "prasada," "Nizamuddin toxicity" etc. in the broadcast were certainly derogatory and out of context. NBSA took strong exception to use of the word "these people" to refer to the Tablighi's. The programmes stereotyped a community. The community was being targeted and the programmes had a tendency to incite communal feelings, disharmony, discord and the reference could lead to hate and outrage against the entire community. The broadcasts certainly violated the Code of Ethics and Broadcasting Standards, the Principles of Self-Regulation relating to impartiality, objectivity, ensuring neutrality and lacked verification of facts and also the Guideline No 9 relating to Racial & Religious Harmony, which states that "Racial and religious stereotyping should be avoided" and "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." The language and words should have been avoided as these were broadcast to sensationalize the issues of the news story. NBSA after deliberations directed the broadcaster to air an apology for the telecast on the channel and also decided to impose a fine of Rs.1,00,000/-. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaints with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 102 (2021) dated 16.6.2021

"Complainant stated that "Shoaib Jamai" delivered his hatred song, i.e. "Corona Ab Musalman Ban Gya Hai," with malafide intentions during the debate on 21.4.2020 on News Nation channel for instigating the Muslim society and other societies in India and he has been in favour of Tablighi Jamaat's Chief namely Maulana Saad and members of Tablighi Jamaat against whom a number of FIRs have been registered in Delhi and in other States. That "Shoaib Jamai" has delivered hate statements/arguments in all debates for the purpose of instigating the Muslim society and other societies in India.... "

Decision

NBSA considered the complaint, response from the broadcaster and the arguments of the broadcaster and reviewed the footage. NBSA observed that the media has the freedom to report on any story or subject or to

hold debates with various panelists of its choice. However, while holding such debates and inviting persons who are reputed to make provocative statements, the broadcasters must brief such panelists in respect of the Code of Ethics and Broadcasting Standards and Guidelines, so that the panelist do not make controversial and provocative statements during the debates. Furthermore, on a viewing of the footage, it becomes very evident that the purpose of the programme was not to have a meaningful debate by bringing together parties having different opinions on the issue so that the public can hear different opinions but was to create a communal divide between communities. NBSA warned the broadcaster (channel News Nation) to exercise greater care and caution in future while telecasting such news stories and holding such debates. If the observations of NBSA in its Order are not adhered, to any such violations by the channel would be viewed seriously in future. NBSA also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 103 (2021) dated 16.6.2021

The complainant stated that they were filing the complaint against Times Now for breaching the recognized ethical canons of journalistic propriety and taste in their recently aired programme *“Is Tablighi Jamaat wilfully sabotaging India?”* and by doing so they were responsible for targeting and spreading hatred towards a particular community, and for violating the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994. It stated that the statements made during the impugned programme on Times Now channel on 2.4.2020 were factually incorrect as the Tablighi Jamaat program was concluded before the announcement of an official lockdown from 23.3.2020 and the subsequent imposition of a nationwide lockdown. However, due to the abrupt announcement of the lockdown, the attendees from different areas could not return home, and were forced to make alternative arrangements. Without regard for these unambiguous facts, the aforementioned statements clearly indicated that the news channel is clearly prejudiced against the community and was inciting hate against, and attacking them without painting the facts in their entirety. By attempting to portray one community as the sole responsibility-bearer for spreading the disease, the channel had engaged in fear-mongering, and rousing communal disharmony. Such statements were a clear attempt to promote and incite hatred against communities and people on the basis of religion.

Further, by making and publishing the aforementioned statements, both the news anchor and the panelists imputed the liability to the Muslim community and their obligation to stop propagating the disease, which was not only likely to cause disharmony between the minority religion in question and other religions, but was also bound to cause ill-will between the religions. Such statements were in direct violation of the basic principles of journalism, viz, to verify facts before presenting a news item.

The manner in which the programme was presented was highly objectionable and hardly a news report. Instead, it was pure conjecture and the tone, tenor and language was crass, prejudiced and disrespectful and aimed at promoting and inciting hatred and making assertions about citizens of a particular community. Furthermore, the complainant stated that these statements and videos amount to the perpetration of genocide against the Muslim community.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA decided that it would consider the complaint only in regard to the violations of the Code of Ethics and Broadcasting Standards and Guidelines/ Advisories issued by NBSA and it would not consider the complaint in relation to the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994 and various Sections of the Indian Penal Code, 1860 as the Authority does not have jurisdiction to decide the complaints in relation to the above statutes and Rules.

In respect of the submission of the broadcaster that the complainant has no locus to file the present complaint, NBSA stated that Clause 1.5 of the News Broadcasting Standards Regulations state that a “*Complainant*” means a person or association of persons or organization or corporate entity, who or which, makes a complaint to the Authority regarding a broadcaster in relation to, in respect of and/or arising from any matter which the Authority has jurisdiction to entertain, examine and decide under these Regulations” .In view of the above, this objection raised by the broadcaster is not accepted.

With respect to the complainant’s submission on the procedural lapses by the broadcaster in filing it’s reply, NBSA has noted that the broadcaster stated in its reply that given the pandemic situation and lockdown restrictions, there was an unintended and unavoidable delay on the broadcaster’s part in accessing the necessary information and inputs for drawing up the reply dated 4.5.2020. In view of the submissions made by the broadcaster the delay in filing the reply is condoned.

NBSA accepted the submission made by the broadcaster that the choice of a news debate is entirely an editorial discretion. However while reporting or holding a debate, the broadcaster must adhere to the basic principles of accuracy, impartiality, neutrality and objectivity. While conducting a debate, the anchor must be balanced and cannot push a debate towards a certain agenda.

NBSA noted that the complaint has two facets. In the first place, certain imputation on the part of the anchor are questioned as violative of the Code of Ethics and Broadcasting Standards. Second the complaint blames the utterances on the part of the panelists. These two aspects were dealt with separately.

Coming to the role of the anchor and after considering all issues raised in the complaint, NBSA noted that the anchor of the programme made certain statements relating to the Tablighi Jamaat which were violative of the Fundamental Principles mentioned above. The anchor while conducting the programme stated that:

1. The Tablighi Jamaat were being “*defiant for which India was paying a heavy price*”. Words like “*super spreader*” was used for the Tablighi Jamaat in relation to corona virus.
2. The anchor also spoke of the Jamaat spitting at doctors.
3. The Tablighis were called “*super-spreaders*” and the anchor called for these violators to be punished.
4. The channel also ran a programme on 2.4.2020 with the headline “*Is Tablighi Jamaat Wilfully Sabotaging India | Nation Wants to Know*”.
5. “*Tablighi’s are spitting, abusing, and thrashing the frontline warriors who are attending to them;” “..refusing to get tested.”*

NBSA noted that most of the visuals did not corroborate the statements made by the anchor and there was not sufficient material to justify the aforesaid imputations. Therefore, it lacked objectivity.

NBSA found that programmes telecast by the broadcaster violated the Fundamental Principles in the Code of Ethics and Self-regulation relating to “*impartiality and objectivity in reporting*”. The manner, tenor and words used by the anchor and the headline could have been avoided.

In so far as panelists are concerned, the broadcaster may be right in its submission that it may not have any control on what they say. At the same time, the anchor/broadcaster should exercise proper discretion in selecting the panelists for a particular programme.

Having regard to the violations on part of the anchor, NBSA issued a censure to the broadcaster for telecasting such a programme on a sensitive issue which could create communal dissensions amongst communities. NBSA advised the broadcaster that panelists invited to the debates should be briefed with regard to the Code of Ethics and Guidelines, prior to the debate so that the panelists do not make provocative statements on the programme. The broadcaster should also be careful in choosing its panelists and try to avoid those persons to be panelists who are known in the public domain to have rabid and extreme views. NBSA also decided to issue

an Advisory. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 104 (2021) dated 16.6.2021

Ministry of Information and Broadcasting vide its letter dated 13.3.2020 forwarded a CD to NBSA which contained the clip of a news item aired by ABP news channel on 30.11.2019, which was a report which revealed the identity of the 26-year-old gang rape and murder victim.

Decision

NBSA considered the submissions and after viewing the broadcast, observed that by revealing the identity of the rape victim, the broadcaster had 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 after deliberations decided to impose the following sanctions upon the broadcaster, keeping in view the previous violations of similar nature by the broadcaster:

The broadcaster shall express regret for the said telecast on their channel ABP News, the text of which will be provided by NBSA; A fine of Rs.1,00,000/-(Rupees One lakh only) is imposed on the broadcaster; it would be open to the broadcaster to take appropriate action against the journalist, as it deems fit, in accordance with law; the Editorial Head will be solely responsible for any violations and in future the editorial head will be the person to appear before NBSA; submit complete details of the awareness programmes that have been put in place across editorial and production functions; the video of the said programme, if hosted, on the website of ABP News or YouTube or any other links should be removed. NBSA decided to close the complaint with the above observations and inform the Mol&B and the broadcaster accordingly.

Order No. 105 (2021) 16.6.2021

The complainant stated that in 2018 despite the warning issued by NBSA vide Order No 56 (2018) dated 22.3.2018, the broadcaster has continued to air programmes on the same topics, thus spreading hate and provoking enmity amongst the sections of the society specially between Hindus and Muslims by using terms like "*Islamic terror*"; "*Hindu terror*" and sensationalizing the issues. The complainant submitted that the entire country observed the very recent unfortunate riots which occurred in Delhi, which he alleged is 1000% due to the TV channels' programmes like Aar Par which provoke enmity among people of the country. This resulted in the loss of lives, many were injured in the riots, 123 First Information Reports (FIR) were lodged and 623 people were arrested for riots as per the information till 29.2.2020.

He stated that the reasons for filing the fresh complaint were in respect of the programmes aired on News18 India, News18 Bihar/Jharkhand and CNBC Awaaz, which were as follows:

1. The programme Aar Par titled "*Hindu Aatankwad Ke Piche Kiska Hath*" aired on News18 India on 20.2.2020 from 7 pm to 8 pm was very disturbing and the provocative, offensive and objectionable words were used by the anchor Mr. Amish Devgan i.e., "*is desh ki jo vichar dhara hai, vichar dhara se mera talluque hai ki is desh ki mitti me jo vichar dhara panapti hai vo hai hindu*". (means: "*the ideology which is this country has, I mean to say that the ideology which thrives from the soil of this country is Hindu*)"
2. The broadcaster repeated the same programme with a different name "*Ye Desh Hai Hamara*" on 23.2.2020 from 12 pm to 1 pm on News18 Bihar/Jharkhand. This is again the violation of NBSA guidelines.
3. Very objectionable words "*Islamic Aatankwad*" were used by the anchor of News18 Bihar/Jharkhand on 25.2.2020 between 6 pm – 6:30 pm in the programme News 18 Special.

4. Another hateful, sensational and divisive programme was aired on CNBC Awaaz on 23.2.2020 between 11:57 pm -12:57 am.
5. Another Aar Par programme was aired on News18 India namely “CAA ke nam par bahunskhyank ko lalkara gaya” means: “the majority was threatened in the name of CAA.” In this programme very offensive and objectionable terms were exercised in the whole programme.
6. Another objectionable, quarrelsome and hateful programme “nagrikta ki ladai Hitler par aai” was aired by the News18 India on 20.2.2020. The people were abusing each other and quarrelling. Objectionable terms were used and the show was live.
7. Another programme was aired on News18 India “Delhi ki is isthiti ke liye zimmedar kaun”? (means: who is the responsible for this situation of Delhi)? A lot of inflammatory words were used in this particular programme as well.

Decision

NBSA, on considering the complaints, response of the broadcaster, submissions made by the parties and after viewing the video links at the hearing was of the view that the anchor stated at the beginning of the programme “desh ki jo vichar dhara hai, vichar dhara se mera talluque hai ki is desh ki mitti me jo vichar dhara panapti hai vo hai hindu,” sets in motion the agenda for the debate and the direction the debate would take. The anchors behaviour is very intimidating, his style of anchoring is brow beating. It is very clear that the anchor has an agenda which is divisive and the nature of the debates in question may have the effect of creating/ accentuating a division between communities. The programmes sensationalized the issues and were likely to provoke enmity amongst communities. Further, NBSA Guidelines require channels to avoid tagging the name of any religion to ‘terror’, as terror has no religion.

NBSA was of the view that the common thread in all the programmes was the tendency to provoke and create tension and religious disharmony between two communities and such telecasts should be condemned. NBSA noted that despite the channel in the past being asked to air an apology and has been issued a warning, the channel has not taken corrective measures to tone down the negative nature of the broadcasts. NBSA noted that the topics chosen by the broadcaster in its various programmes were against the Fundamental Principles of the Code of Ethics and Broadcasting Standards, which are as follows:

- 4) *Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.*
- 5) *The fundamental purpose of dissemination of news in a democracy is to educate and inform the people of the happenings in the country, so that the people of the country understand significant events and form their own conclusions.*
- 6) *Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.*

And also, were in violation of the Specific Guidelines Covering Reportage dated 15.9.2020 Regulation 9. Racial & Religious Harmony, which states as follows:

9.1 *Racial and religious stereotyping should be avoided.*

9.2 *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.*

And Guidelines on Broadcast of Potentially Defamatory Content No 10. which states that *“In the choice of panels for discussions, the channels must ensure that their programmes do not become a platform for spreading acrimony.”*

In view of the above violations, NBSA decided to issue a warning to the broadcaster and advised the broadcaster to avoid such broadcasts and debates in future. Though the broadcaster has the right to report on any subject of its choice, but it must adhere to the Fundamental Principles as enumerated in the Code of Ethics and Broadcasting Standards and the various Guidelines and Advisories issued by NBSA. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA also decided that an Advisory be issued regarding the manner in which debates are conducted by Anchors. The Anchors while conducting debates need to be objective, neutral and impartial particularly in respect of the words and language used by them. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 106 (2021) dated 16.6.2021

Mol&B vide its letter dated 14.10.2020 requested NBSA to inquire into a news report broadcast by NDTV 24x7 on 14.10.2020 which related to the Tanishq advertisement and the attack on the Tanishq showroom on 12.10.2020 in Gandhidham, Gujarat. It was stated that they had been informed by the SP, Gandhidham that no attack or ransacking of the showroom had actually taken place and that the impugned news report aired by the channel between 13:00:34 hrs. and 13:15:30 hrs. was based on false propaganda and rumour. It was therefore, asserted that the broadcaster had by virtue of broadcasting the alleged false news report, violated Rule 6(1)(d) of the Programme Code.

Decision

NBSA considered the complaint, submissions made by the broadcaster and also viewed the footage. NBSA was of the view that there was nothing objectionable in the telecast of the broadcaster. The broadcaster had updated the news continuously by giving the police version several times in its broadcasts at different points of time. The broadcaster had done its due diligence while reporting on the new story and had removed the word *“attack”* as the news story evolved. NBSA was of the view that the complaint was untenable as the broadcaster had broadcast information received from a verified reliable source. NBSA found no violations of the Code of Ethics and Broadcasting Standards or the NBSA Guidelines in the said broadcast and therefore it decided to close the complaint with the above observations and inform Mol&B and the broadcaster accordingly.

Order No. 107 (2021) dated 16.6.2021

The complaint relates to a broadcast aired by ABP News on 4.1.2020 around 9:00 PM, on the death of Major General Qasim Sulemani in Iran. The complainant alleged that while reporting on the Major General's death, the broadcaster had referred to the deceased as a *'terrorist'*, thereby hurting the sentiments of the Shia Muslim community.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that while the broadcaster admitted that they should have been more careful, it was clear that it was not necessary for the broadcaster to sensationalize and glamorize the killing of Irani Commander Qasim Solemani. NBSA was also of the view that the taglines used in the broadcast were certainly out of context and were clearly violative of the Code of Ethics and Broadcasting Standards, the Principles of Self-Regulation relating to impartiality, objectivity in reporting and ensuring neutrality. These taglines should have been avoided as these were broadcast to sensationalize the issues of the news story. In view of the above, NBSA directed the broadcaster to issue an apology. NBSA directed that the broadcaster should be careful while telecasting such misleading taglines in future and should not repeat the

said violations. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 108 (2021) dated 16.6.2021

The complaint from the Embassy of the Democratic People's Republic of Korea (DPRK) in India, vide its Note Verbale dated 14.4.2020 related to a programme titled "Vardaat" which was aired on AajTak channel on 13.4.2020 at 23:00 PM and a video clip of 13:22 mins duration uploaded on the YouTube channel of Aaj Tak on the same day. The impugned video clip contained the groundless and unverified allegation that every COVID-19 patient in the DPRK was being executed by shooting at the moment of detection. The complainant requested the Ministry of External Affairs, Government of India to take strict measures to prevent such misguided propaganda about the DPRK from being repeated in the Indian news media. It was stated that provocative videos or news of such kind would be seriously considered to be against the will of the two friendly nations who value their bilateral relationship.

Additionally, the complainant also sent a protest letter No.57 dated 17.04.2020 on the subject. The complainant reiterated that the airing of groundless and unverified anti-DPRK allegations is deemed to be a serious act of defamation, which would adversely affect the long-standing friendly relationship between the DPRK and the Republic of India. Further, this was not an isolated incident. Even in the past, Aaj Tak has been guilty of portraying inaccurate and unfair prejudices against the DPRK and the broadcaster had to air an official apology in July 2017.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that while the broadcaster has the freedom to choose a news story to report and to analyze the same in a programme, however, the broadcaster equally has an obligation to take the version of the other side who is being reported upon to bring balance and neutrality in reporting, which was clearly missing in the said broadcast. On a viewing of the programme, the impression is that the programme telecast is one-sided, biased, sensational, speculative, exaggerated and full of innuendos. NBSA was of the considered view that the broadcast was a badly structured programme as one third of the programme was on unverified assertions.

In view of the above, NBSA decided to close the complaint by issuing a warning to the broadcaster, to be more careful in future while broadcasting such sensitive stories and directed that all future programmes should be structured in such a manner which are compliant with the principles of self-regulation relating to impartiality, objectivity and neutrality. The broadcaster also needs to bear in mind the impact that such reporting has on diplomatic relations between friendly countries. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

Order No. 109 (2021) dated 16.6.2021

The complaint was in respect to a news report aired on ABP Majha on a superstitious practice called "*Bhendwal Bhavishyawani*," which is used to make an annual forecast about crop produce and weather in Maharashtra. During the broadcast of the impugned news report, the complainant stated that the channel had failed to issue any disclaimer providing a warning to the viewers that this practice was unscientific and therefore not credible. The report also failed to present any counter views of Maharashtra's rationalists who staunchly opposed this practice, thereby violating the Fundamental Principles laid out by the NBSA. The complainant brought to the broadcaster's attention, the Maharashtra Andhashraddha Nirmulan Samiti, founded by Dr. Narendra Dabholkar, the man behind the Anti-Superstition Act who declared "*Bhendwal Bhavishyawani*" to be a hollow and

superstitious practice. Thus, the complainant stated that the impugned news report violated Section 1 Point Number 6 of the Fundamental Principles laid out by NBSA and also Section 1, Point Number 8 of the Code of Ethics and Broadcasting Standards and asked the broadcaster what measures it will take for damage control.

Decision

NBSA considered the complaint, response from the broadcaster, the arguments of both the complainant and the broadcaster and reviewed the footage. NBSA noted that the broadcaster in its submissions has admitted that the disclaimer should have been broadcast. NBSA was of the view that the programme lacked due diligence and the programme while reporting on the age-old practice could have brought in aspects which would develop the scientific temper for the viewers watching the programme. The broadcaster should have taken other view points as well. NBSA decided to close the complaint with a warning to the broadcaster to be careful in future while telecasting such programmes. NBSA also advised the broadcaster to conduct its due diligence while airing such programmes and to present other persons versions so that the programme is balanced in its reporting. NBSA also directed the broadcaster to remove the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links. NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

News Broadcasting & Digital Standards Authority

Chairperson & Members



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[Former Judge of Supreme Court of India]
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