News Broadcasting & Digital Standards Regulations

1. Definitions

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

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

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

1.3 **"Broadcaster"** means any association of persons or organization or corporate entity, who or which, owns, manages and/or controls a satellite or cable television channel that comprises exclusively news and current affairs content or news or current affairs capsules as part of its programming, and this term shall be deemed to include the editor;

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

1.4 **"Code of Conduct"** shall mean the Code of Ethics & Broadcasting Standards in relation to broadcasters and television journalists as framed by the NBDA;

1.5 **"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;

1.6 **"NBDA"** means the News Broadcasters & Digital Association;

1.7 **"News Agency"** shall mean any organization whether described as an agency or otherwise, that collects, collates and/or disseminates news and/or other information on current affairs to broadcasters.

1.8 **"Television Journalist"** shall mean and shall include an editor, producer, anchor and/or any other person by whatever name called who is responsible for approving the content of a broadcast and shall include a stringer or a casual contributor.

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

2. Composition of the News Broadcasting & Digital Standards Authority:

2.1 The Authority shall consist of a Chairperson being an eminent jurist and eight other Members nominated by the Board of NBDA by a majority decision.

2.2 Members of the Authority shall comprise 4(four) editors employed with a broadcaster, 4 (four) persons having special knowledge and/or practical experience in the field of law, education, medicine, science, literature, public administration, consumer affairs, environment, human psychology and/or culture.

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

3. Term of Office of Chairperson and Members

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

Provided that the Chairperson shall continue to hold office until the Authority is reconstituted in accordance with the provisions of the NBDA rules or for a period of 6 (six) months whichever is earlier.

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

3.2 A Member nominated in his capacity of an editor employed with a broadcaster shall cease to be a Member if he ceases to be editor employed with such broadcaster; and the concerned broadcaster shall have the option of nominating for the remaining period of the Member's term an alternate editor to fill the vacancy caused, within 15 days thereof, failing which the vacancy shall be filled in the manner as prescribed in clause 3.5 below.

3.3 A Member shall be deemed to have vacated his seat if he is, in the opinion of the Chairperson, absent without sufficient cause, from three consecutive meetings of the Authority.

3.4 The Chairperson may resign his office by giving notice in writing to the NBDA, and any other Member may resign his office by giving notice in writing to the Chairperson, and upon such resignation being accepted by the NBDA or by the Chairperson as the case may be, the Chairperson or the Member shall be deemed to have vacated his office.

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

3.6 A Member retiring or whose membership otherwise ceases as above (except by reason of a warning, admonition, censure, disapproval, sanction and/or fine having been issued against him by the Authority and/or having been removed by the Authority under these Regulations) shall be eligible for re-nomination for not more than one additional term.

4. Terms of Service of Chairperson and Members

4. The Chairperson shall be paid such honorarium, and other Members shall receive such allowances and/or fees for attending the meetings of the Authority, as the NBDA may in its General Body Meeting decide from time-to-time.

5. Meetings of the Authority

5.1 The Authority shall meet at least once in 2 (two) months, at such time/s and place/s in Delhi/New Delhi as the Chairperson may in writing notify the Members at least 7 (seven) days before any scheduled meeting; and shall observe the rules of procedure at the meetings as the Authority may prescribe;

5.2 Quorum of such meetings shall be at least 4 (four) members, including the Chairperson. But, if any meeting is to be adjourned for want of quorum, then at the adjourned meeting the Members present shall form the quorum and shall have the power to decide on all matters which could have been disposed off at the adjourned meeting.

5.3 No act or proceeding of the Authority shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of the Authority or quorum of a meeting.

6. Objects and functions of the Authority

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

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

6.2.1 Maintaining and improving the standards of broadcast, and maintaining the independence of broadcasters, television journalists and/or news agencies;

6.2.2 Ensuring compliance by broadcasters, television journalists and news agencies with the Code of Conduct and adherence by the said persons to high professional standards;

6.2.3 Ensuring the maintenance of high standards of public taste and fostering a due sense of both the rights and responsibilities of citizens;

6.2.4 Fostering and encouraging the growth of a sense of responsibility and public service among all those engaged in and associated with the profession of television journalism and business of broadcasting ;

6.2.5 Keeping under review and scrutiny any developments likely to or having the tendency to restrict the gathering, supply and dissemination of news of public interest and importance;

6.2.6 Such other aspects as may be incidental, consequential, related and/or otherwise materially concerned with the above precepts.

6.3 The Authority shall perform its functions and exercise the powers vested in it under these Regulations in relation to, and upon, the Members and Associate Members of NBDA or in relation to such other complaints or broadcasters and channels as may be referred to the Authority by the Ministry of Information & Broadcasting or other Ministry or other governmental body.

7. Powers of Authority

7.1 Where, on receipt of a complaint made to it or otherwise, the Authority has reason to believe that a broadcaster has violated or offended against the Code of Conduct, the Authority may, after giving the broadcaster concerned an opportunity of being heard, hold an inquiry in such manner as is provided by these Regulations and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish, censure, express disapproval against and/or impose a fine upon the broadcaster and or recommend to the concerned authority for suspension/revocation of license of such broadcaster;

Provided that the fine imposed by the Authority shall not exceed Rs. 1,00,000/- (Rupees One Lac Only) and such fine shall be recovered from the concerned broadcaster;

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

7.2 If the Authority is of the opinion that it is necessary or expedient in the public interest so to do, it may direct any broadcaster to cause to be published through a press release in such newspaper or other periodical and/or on such website, information relating to any inquiry conducted against the broadcaster as the Authority decides including the warning, admonition, censure, disapproval issued and/or fine imposed and any other particulars relating to the proceedings as the Authority thinks fit ; and the broadcaster shall comply with directions ;

Provided also that the Authority shall publish a summary of every inquiry conducted by it on its website and in its Annual Report and newsletter published from time to time;

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

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

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

7.3.2 receiving evidence ;

7.3.3 requisitioning any records or copies thereof from any broadcaster including in particular the footage (both edited and unedited) of any broadcast;

Provided that nothing in these Regulations shall be deemed to empower the Authority to compel any broadcaster to disclose the source of any news or information broadcast or to be broadcast.

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

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

8. Procedure for dealing with Complaints

These Regulations contemplate a "two-tier" procedure for redressing grievances, whereby any person aggrieved by the content of any broadcast is required to first make a complaint to the concerned broadcaster as provided hereinafter; and if such complaint is not addressed or the complainant is not satisfied by the redress offered by the concerned broadcaster, the complainant may then prefer a complaint before the Authority.

Contents of Complaint

8.1 Any complaint made to the concerned broadcaster or to the Authority, as the case may be, in respect of or against any broadcast:

8.1.1 Shall be in writing by giving full name, complete address, mobile/land line No. and email ID, and may be sent by post, courier or electronic mail as convenient.

8.1.2 shall state the name and address of the broadcaster against which or against whom the complaint is preferred;

8.1.3 shall state the time of the broadcast alongwith the substance of the contents of the broadcast and/or the text of the broadcast complained of (if such text be available) and the details of the misconduct complained of;

8.1.4 shall also include such other particulars as are relevant to the subject-matter of the complaint;

8.1.5 shall state in what manner the broadcast violates or offends against the Code of Conduct and/or is otherwise objectionable;

8.1.6 shall (in case of a complaint made to the Authority) enclose a copy of the letter/ electronic mail sent by the complainant to the broadcaster drawing the attention of the broadcaster to the subject matter of the complaint stating the complainant's grievances alongwith reasons therefor together with a copy of the reply, if any, received by the complainant thereto;

Provided that a complaint shall be made to a broadcaster by a person aggrieved within a reasonable time not exceeding 7 (seven) days from the date of first broadcast;

Provided that it shall be encumbent upon the broadcaster to respond to the complaint within 7 (seven) working days from the date of receipt thereof, failing which the Authority shall not entertain any complaint.

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

8.1.7 A complaint may be made in English or Hindi in the form provided on the web site, which can be filed by electronic mail or otherwise in writing; and if any documents in support thereof are in the vernacular, true translations thereof in English or Hindi must be filed alongwith the complaint. Hard copy of the complaint and supporting documents are to be sent by any mode of recorded delivery.

Provided that the Authority shall not entertain any complaint unless before filing the complaint with the Authority, the complainant has made a complaint in writing to the concerned broadcaster as aforesaid; and the broadcaster has not responded or the complainant is not satisfied with or the complainant's grievance is not redressed, by such response.

8.2 A complaint shall be filed before the Authority within 14 (fourteen) days from the date of receipt of a response from the broadcaster, or, if the broadcaster does not respond, within 14 (fourteen) days from the date when the aforesaid period provided for the broadcaster to respond expires;

Provided that if a complaint is presented after the expiration of the period provided therefor, the Authority may, if it is satisfied that the complainant has acted diligently and that the delay in filing the complaint within the prescribed

period has been caused for reasons not of the complainant's making and/or for other sufficient cause, condone the delay and entertain a complaint;

Provided that notwithstanding anything contained elsewhere in these Regulations, the Authority shall in writing inform any broadcaster to retain and preserve records of any broadcast that may be subject matter of a complaint, within 90 (ninety) days of first broadcast, failing which a broadcaster shall be under no obligation to retain or preserve such records.

8.3 In every case the Complainant shall place all relevant and material facts before the Authority;

8.4 The complainant shall, at the foot of the complaint, make and subscribe a declaration to the effect:

8.4.1 that the facts stated in the complaint are true and correct to the best of the complainant's knowledge and belief;

8.4.2 that the complainant has placed all relevant facts before the Authority and has not concealed any material facts;

8.4.3 that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the Authority; and

8.4.4 that the complainant shall inform the Authority forthwith if during the pendency of the inquiry before the Authority the matter alleged in the complaint becomes the subject-matter of any proceedings in a Court of law or other Tribunal or Statutory Authority.

8.5 Where a complainant does not comply with the requirements of these Regulations, the Chairperson may return the complaint by any mode of recorded delivery, asking the complainant to bring it in conformity with such requirements and re-present it within such time as the Authority may grant.

8.6 Where a complainant fails to comply with the requirements as aforesaid set-out by the Authority within the time so prescribed, the Chairperson may terminate proceedings in the matter; and the Authority shall, at its next meeting, be apprised of such decision.

8.7 Not later than 14 (fourteen) days from the date of receipt of a complaint complete in all respects, under the directions of the Chairperson, a copy thereof shall be sent to the broadcaster against which the complaint has been made, along with a notice requiring the broadcaster to show cause why action should not be taken against it under these Regulations giving to the television channel a period of 14 (fourteen) days to respond to such show cause notice;

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

Provided further that the Chairperson may decide not to issue a notice to show cause to a broadcaster where, in his opinion, there is no sufficient ground for holding an inquiry; and the Authority at its next meeting shall be apprised by the Chairperson of the reasons for his decision not to issue notice and the Authority may then pass such orders as it deems fit upon such complaint.

8.8 The notice so issued alongwith a complete copy of the complaint and all documents relied upon by the complainant, shall be sent to the broadcaster by any mode of recorded delivery, at the address/es furnished in the complaint.

8.9 Notice of the time, date and place of hearing shall be served upon the complainant as well as on the broadcaster and shall be sent to them by any mode of recorded delivery.

8.10 The broadcaster against which the complaint is made may, within 14 (fourteen) days from the date of service of the notice alongwith a complete copy of the complaint and all documents relied upon by the complainant or within such further time as may be granted by the Chairperson upon application in this behalf, submit a written statement to the Authority in reply to the complaint and send a copy of such written statement to the complainant by any mode of recorded delivery.

Where the broadcaster produces (or where NBDSA requires the broadcaster to produce) the transcript of any broadcast or other document, the broadcaster shall also produce an English translation thereof, if such transcript or document is in a language other than English or Hindi.

8.11 After receipt of the complaint or written statement, the Chairperson may, if he considers necessary, call for any further information either from the complainant or the respondent broadcaster in order to clarify matters appearing in or arising from the complaint or written statement and in doing so, the Chairperson may call for such additional statements and/or documents as the Chairperson may consider necessary ; and all the statements and documents called for shall form part of the record and shall be placed before the Authority at the time of the inquiry.

8.12 The Authority may, after considering the complaint and the written statement, if it so desires, call for such additional particulars or documents relevant to the subject-matter of the complaint as it may consider necessary from both the parties or from either of them.

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

8.14 If during any inquiry being conducted by the Authority the complainant fails to appear at any hearing without sufficient cause, the Authority may dismiss the complaint; and if the respondent broadcaster fails to appear at any hearing without sufficient cause, the Authority may proceed to decide the complaint *ex parte* as against the party so failing to appear, as the Authority may deem fit.

Provided however that if within 30 (thirty) days of dismissal of a complaint or the passing of any *ex parte* orders/directions, a party aggrieved thereby applies to the Authority to restore the complaint or set-aside the *ex parte* orders/directions so passed and shows sufficient cause for its previous non-appearance, the Authority may restore the complaint or set-aside the *ex parte* orders/directions and proceed further from that stage to decide the complaint.

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

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

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

Provided that no Member shall take part in the proceedings and/or decision of any complaint in which such Member has any direct involvement or commercial interest or in which such Member is interested as an agent or representative of any broadcaster and such Member shall opt-out of such proceedings.

Provided that if any Member or Members have to opt-out as aforesaid, the NBDA shall recommend to the Chairperson 4 (four) names to fill-up such vacancy/ies and from the names so recommended, the Chairperson shall choose and nominate a substitute Member or Members to fill-up the vacancy/ies for a particular inquiry.

8.18 The orders / directions of the Authority shall be communicated in writing to the parties to the case and shall also be duly publicized as may be directed by the Authority, including on the NBDA website, Annual Report and NBDA newsletter.

8.19 In any inquiry under these Regulations a party to the proceedings may appear in person or be represented by Counsel or by a duly authorised representative.

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

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

8.22 The Authority may *suo motu* initiate proceedings and issue notice or, as the case may be, take action in respect of any matter which falls within the mischief contemplated in these Regulations or relating to any matter falling within or arising from the Code of Conduct, and in such case all other procedures prescribed herein shall, mutatis mutandis, be followed as if such proceedings were a complaint.

8.23 All complaints decided by the Authority may be made publicly available by the Authority, including the name of the complainant. However, in the event a complainant has valid concerns relating to privacy issues in making a complaint, the Authority may in its absolute discretion, consider requests from the complainant for anonymity/confidentiality.

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