

November 6, 2020

All Member Broadcasters Including Editors of NBA

Re: Advisory regarding the issue of “Media Trial”

Member Broadcasters including Editors of NBA are aware of the writ petitions filed in the Bombay High Court regarding the media coverage/ reporting of the unfortunate death of Mr. Sushant Singh Rajput (SSR), a well-known film actor of Bollywood. NBA and NBSA were impleaded as respondents in the said writ petitions.

There was extensive coverage in the media on this incident. However, the manner in which some of the broadcasters telecast and reported on the incident resulted in filing of the above writ petitions and complaints being preferred to NBSA alleging that the broadcasters had conducted a **“media trial”** in respect of the above incident and had thereby violated the Programme Code of the Cable Television Networks (Regulation) Act, 1995 (CTN Act) and the Cable Television Networks Rules, 1994 (CTN Rules, 1994) and also violated the Code of Ethics and Guidelines of the NBSA.

Upon considering the media reportage of the incidents, NBSA is of the view that it be brought to the attention of the member broadcasters and editors that while reporting on investigations being conducted by government authorities / agencies media must not conduct a **“trial”**, which would cause prejudice to the accused, pre-judge the issues and interfere with the administration of justice.

Therefore the **“Specific Guidelines for Reporting Court Proceedings” dated 15.9.2010 (Copy Attached)** is brought to the notice of the member broadcasters, which must be followed by them while reporting such matters, **in particular Guideline No 6, which reads as follows:**


- 6. After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing investigation or evidence collected or produced before a Court, Tribunal or other judicial forum.**

In this respect kindly also take note of the **Clauses 3.3, 3.4 & 3.5 of Guideline No 3 (Law & Order, Crime and violence) in Specific Guidelines Covering Reportage** while reporting on any investigation **(Copy Attached)**.

The broadcasters must strictly adhere to the above guidelines and the reportage should be monitored at the highest editorial level.

NBSA will keep a close watch on the above and non-compliance would lead to *suo motu* action by the NBSA.

Kindly circulate the Advisory amongst all concerned in particular the Editorial for strict compliance.



Annie Joseph
For & on behalf of the
News Broadcasting Standards Authority

Encl: As above

CC: Legal Heads of NBA

News Broadcasters Association

Specific Guidelines for Reporting Court Proceedings

In addition to the Specific Guidelines Covering Reportage dated 10th February 2009, the News Broadcasters Association hereby frames the following guidelines to be called the “Specific Guidelines for Reporting Court Proceedings”

1. A news report in relation to a proceeding pending in a Court, Tribunal or other judicial forum shall be neutral and balanced, giving the version of all, or substantially of all, parties to the proceedings.
2. In reporting any Court proceedings, whether in a civil or criminal matter, a news channel shall not identify itself with, or project or promote, the stand of any one contesting party to the dispute.
3. Conjectures and speculation shall be avoided in news reports relating to proceedings pending in a Court, Tribunal or other judicial forum.
4. Except where a Court, Tribunal or other judicial forum conducts proceedings *in-camera* or expressly directs otherwise, it shall be open to a news channel to report on pending judicial proceedings provided the report so broadcast is an accurate, authentic and correct version of what has transpired in Court ; and is fair and reasonable to the contesting parties.

Provided however, that no news channel shall broadcast anything:

- (i) Which is in the nature of a running commentary or continuing debate (including oral comments made by the Court, Counsel, litigants or witnesses during Court proceedings) which do not form part of the record, when proceedings are pending in the Court, Tribunal or other judicial forum;
- (ii) Which purports to report a journalist’s or the news channel’s own opinion, conjectures, reflections, comments or findings on issues that are *sub judice* or which tend to be judgmental in relation to the subject matter that is pending in a Court, Tribunal or other judicial forum;
- (iii) Which is a comment on the personal character, culpability or guilt of the accused or the victim; or
- (iv) Which otherwise interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending in a Court, Tribunal or other judicial forum;

- (v) Which may amount to contempt of Court;
5. No news in relation to any proceedings pending or concluded in a Court, Tribunal or other judicial forum shall be broadcast unless the reporter and/or editor have adequately ascertained the accuracy, authenticity and correctness of what is reported, preferably from Court records, or at the very least, by being personally present during such proceedings. In addition to the reporter's responsibility, the executive head of the editorial operations of the news channels shall also be accountable for the accuracy, authenticity and correctness of what is broadcast in relation to proceedings pending or concluded in a Court, Tribunal or other judicial forum.
 6. After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing investigation or evidence collected or produced before a Court, Tribunal or other judicial forum.
 7. While a news channel may, in public interest, make a fair comment on any judicial act, including any Order or judgment rendered by a Court, Tribunal or other judicial forum, a news channel shall not cast personal aspersions upon, or impute improper motives, personal bias or lack of integrity or ability to a judge or member of a Tribunal or other Authority ; nor shall a news channel report anything that may scandalize a Court or the judiciary as a whole.
 8. News channels shall eschew suggestive guilt by association and shall not name or otherwise identify family members, relatives or associates of an accused or convict, unless such reference is directly relevant to the subject matter of the report.
 9. A news channel shall report upon any proceedings pending in any Court, Tribunal or other judicial forum, in a manner so as to clearly distinguish between "facts" (as then available in the public domain) and the "allegations" being made by parties to such proceedings.

Place : New Delhi

Dated : September 15, 2010

News Broadcasters Association: Specific Guidelines Covering Reportage

In furtherance of the principles of self-regulation as contained in NBA's Code of Ethics & Broadcasting Standards, the following Guidelines set-out specific standards which are to be adhered to by member-broadcasters.

Fundamental Standards

All reporting must be done keeping in view the following supervening criteria:

- A. All news reporting must be done in “public interest”.
- B. Reporting should not sensationalise or create panic, distress or undue fear among viewers.
- C. ‘Content’ of matter broadcast should not be shown out of ‘context’.
- D. Subjects which promote horror, supernatural, superstition, occultism, exorcism, divination, and the paranormal should be avoided.
- E. Broadcasters should exercise care and objectivity in featuring activities, beliefs, practices, or views of any racial or religious group in their content to prevent any negative impact thereof.
- F. “Reconstruction” of events, when shown, should be clearly so marked, and to be consistent with these Guidelines.
- G. Broadcasters should eschew unhealthy competition that may lead to deterioration of broadcasting standards.

1. Accuracy

- 1.1 Information should be gathered first-hand from more than one source, if possible.
- 1.2 Reports received from news-agencies should be attributed and where possible be verified.
- 1.3 Allegations should be reported accurately as made.
- 1.4 Use of archival material should be clearly labeled “file” and preferably also state date and time of initial broadcast.
- 1.5 Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).
- 1.6 Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

2. Impartiality, Neutrality & Fairness

- 2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.
- 2.2 In editing content, broadcasters should ensure that there is no distortion of the facts and events being reported or of the views expressed.
- 2.3 Broadcasters should not use information or pictures obtained through misrepresentation or deception. (For Sting Operation guidelines see separate section below)

3. Law & Order, Crime & Violence

- 3.1 Content should not glamorize or sensationalize crime or condone criminal actions, including suicide.
- 3.2 Content should not depict techniques of crime that may tempt imitation, especially with reference to terrorism and suicide.
- 3.3 Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, *sub judice*.
- 3.4 No publicity should be given to the accused or witnesses that may interfere in the administration of justice or be prejudicial to a fair trial.
- 3.5 Identities of victims should not be disclosed in cases of sexual crimes and violence on women and children.
- 3.6 The dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown.
- 3.7 Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted tastes.
- 3.8 Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter and looping thereof should be avoided.
- 3.9 Broadcasters should not glamorize or in any way promote individuals, groups or organizations that employ or advocate the use of violence or engage in criminal / nefarious activity. Hooliganism, vandalism and all forms of delinquency should not be shown in favorable light.
- 3.10 Live broadcast of sensitive and distressing material without prior scrutiny by senior editorial personnel should be avoided.

4. Good Taste & Decency, Sex & Nudity

- 4.1 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.
- 4.2 Content that contains violent or sexual material, crude, offensive, or coarse language or other content likely to disturb or offend even a reasonable adult viewer should be avoided.
- 4.3 Subjects dealing with incest and sexual abuse, especially of children, must be handled with extreme care and sensitivity.
- 4.4 Combination of violence and sexuality designed in a manner that titillates should not be shown.
- 4.5 Coverage of killings, including terrorist attacks, executions and assassinations, should not be explicit or prolonged.

5. Privacy

- 5.1 Broadcasters should exercise discretion and sensitivity when reporting on distressing situations, on grief and bereavement.

- 5.2 Persons should not be featured in content in a manner that denigrates or discriminates against sections of the community on account of race, age, disability, sex, sexual orientation, occupation, religion, cultural or political beliefs.
- 5.3 Content that would cause unwarranted distress to surviving family members, including by showing archival footage, should be avoided.
- 5.4 No information relating to the location of a person's home or family should be disclosed without permission from the concerned person.
- 5.5 Surreptitious recording of any person or event should only be made without committing any illegality and if editorially justified.
- 5.6 Interviews of the injured, victims or grieving persons should be conducted only with prior consent of the persons or where applicable their guardian.

6. National Security

- 6.1 Broadcasters should not disclose confidential information of operations involving national security.
- 6.2 Broadcasters should use due discretion in reporting on operational methods used by perpetrators of serious offences against the State during the occurrence of the event.
- 6.3 Live interviews with perpetrators should not be aired.
- 6.4 Reporting of events which erodes public confidence in the capacity of national institutions meant to protect them should be avoided during the occurrence of the event.
- 6.5 Broadcasters should not reveal technical details of operations, to prevent information relating to strategies and operations of security agencies becoming known to the perpetrators.

7. Supernatural, Occultism & Paranormal

- 7.1 Subjects promoting horror, supernatural, superstition, occultism, exorcism, divination, and the paranormal, which may be frightening to children should be avoided.
- 7.2 Belief in superstition, occultism, exorcism, divination and the paranormal should not be promoted.

8. Children's Interests

- 8.1 Broadcasters should not screen content that would disturb or alarm children or tend to have a deleterious effect on their psyche during their normally accepted viewing times.
- 8.2 At other times, broadcasters should use appropriate parental advisories, cautions and content classification. Content relating to or containing anti-social behaviour, domestic friction, drug-use, smoking, alcohol-use, graphic violence, menacing or horrifying imagery, sexual material, crude, offensive or coarse language or other content that is likely to disturb, alarm or otherwise affect the psyche of, or cause distress to, children should be avoided.

9. Racial & Religious Harmony

- 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.

10. Sting Operations

- 10.1 Sting operations should only be conducted in “public interest” and when no other means is available to obtain the requisite information, without any illegality or inducement and subject to the legitimate right to privacy.
- 10.2 Broadcasters should resort to sting operations only if editorially justified, for exposing wrong-doing, particularly of the public facets of people in public life.
- 10.3 No sting operation should be conducted except with the concurrence of the person overall in-charge of editorial function; and the Managing Director and/or the Chief Executive Officer of the broadcaster should also be kept fully informed of any sting operation.
- 10.4 Sting operations should be so conducted as to obtain “evidence” of an offence but not to induce “commission” of an offence.

10.2.2009, 6.12.2019