

Specific Guidelines for Anchors conducting Programmes including Debates

The audio-visual medium is a powerful means of communication having tremendous impact and influence on the minds of the viewers. Given the importance of the above medium, realizing their responsibility towards the society and the nation and the fact that whatever is broadcast has to be in conformity with law, the Members of NBDA came up with Code of Ethics and Broadcasting Standards (“Code of Ethics”) to establish the broad paradigms, practice and procedures that would help the news media achieve the highest possible standards of accuracy, objectivity, impartiality and neutrality while broadcasting news.

While freedom of speech is of paramount importance and media has the right to report and keep people informed, however this freedom is restricted by “reasonable restrictions” under Article 19(2). Freedom of speech and expression is to be respected, however, at the same time it is observed that in many programmes the Code of Ethics and Guidelines are sought to be twisted under the guise of freedom of speech and the “Lakshman Rekha” drawn in the Code of Ethics are not being strictly adhered to. In individual cases, NBDSA has noticed such a trend and has passed appropriate orders in several complaints received by it. NBDSA finds that some Anchors tend to conduct the debates/programmes in a particular manner and use terms which are derogatory and provocative with reference to individual and particular communities. Based on the experience of NBDSA, going by individual complaints and the nature of violations, NBDSA is of the opinion that it should share its advice with the Members of NBDA in the form of Guidelines in order to ensure that particular kinds of violations are not repeated as broadcasting or publishing news which is inaccurate, not objective or fake can cause incalculable harm to the society.

Therefore, in these circumstances and to ensure adherence to the Code of Ethics and the Guidelines, NBDSA has decided to issue the present Guidelines.

The Anchors/Presenters/Journalists/ Editors should:

- a. Not make any derisive or derogatory statements about individuals, communities or religious beliefs and practices while reporting, commenting, analysing or debating on any issue or topic in any programme/s including debates.
- b. All communally inflammable statements/declarations are prohibited as per the Code of Ethics and therefore should not be uttered during the programmes. Members are aware that such utterances are subject to penalty under the News Broadcasting & Digital Standards Regulations.

- c. While deciding panelists for debates, Anchors, Editors and Broadcasters/Publishers should avoid inviting fringe elements, extremists and separatists who are known for espousing rabid/fanatic views/opinions thereby giving them an opportunity to air and spread their divisive and provocative views.
- d. Caution, inform, guide, advise and brief the panelists (either by e-mail or personally), prior to participating in a debate, to refrain from making any provocative and divisive statements and bring to the attention of the panelists the Code of Ethics and the Guidelines issued by NBDSA. These emails, if any, should be kept on record and may be produced before NBDSA in case of any future complaint/s.
- e. Advise and warn the panelists from making provocative and divisive statements during the debates. In case of non-compliance, mute the panelist/s if he/she continues to make such statements which may incite hatred amongst communities or result in racial and religious stereotyping or which denigrates or creates religious intolerance or disharmony.
- f. Ensure that panel discussions and /or the programmes including debates do not become a platform to encourage or expound extremist/divisive views or spread falsehood or fake facts about individuals, communities, religious beliefs and practices.
- g. Refrain from using religion-linked adjectives in a pejorative manner and refrain from any character assassination/attacks whatsoever on the basis of religion, political affiliations, prejudices etc. in any programme/s including debates.
- h. Avoid pushing any communal agenda during a programme including a debate. Anchors must ensure that they do not take any sides and do not harass or harangue panelists to force any admission, opinion or comment.
- i. Avoid projecting or portraying allegations as facts without proper verification from a credible source. Such a source should also be disclosed. There should also be an attempt to distinguish facts from opinion, analysis and comments, wherever it becomes necessary.
- j. Ensure the programmes do not breach privacy and intrude on personal affairs of individuals, unless there is a clearly established larger and identifiable public interest for such a broadcast.

- k. Emphasize the need for a free and fair debate and discussion, where all opinions are expressed, in a sober and respectful manner, thereby ensuring that controversial subjects are fairly presented and there is representation of panelists with diverse opinion in the programme including debates, in order to ensure that the programme does not lose objectivity.
- l. All programmes whether debates or otherwise must be presented in an impartial, objective and neutral manner and news should not be selected or designed to promote any particular belief, opinion or interests.

It may be noted that adding a Disclaimer to any programme including debates does not absolve Editorial personnel, Anchors, Journalists and Producers of their responsibility in case of violation of the Code of Ethics and the Guidelines. Editorial Policy of a particular channel cannot be a defense to a breach of the Code of Ethics and the Guidelines.

Editorial personnel, Anchors, Journalists, Producers and any other person may also note that the Hon'ble Bombay High Court in *Nilesh Navlakha & Anr. vs UOI & Ors (2021) SCC Online BOM 56* in paragraph 351 of its judgment dated 18.1.2021 has made observations with regard to the Anchors conducting debates which is attached as **Annexure** to these Guidelines, for ready reference.

Members are accordingly advised to bring the aforementioned Guidelines to the specific attention of all their Editorial personnel, Anchors, Journalists, Producers and any other persons who are involved with news programmes.

Members are cautioned that any violation of the above Principles/Guidelines will be viewed seriously by NBDSA and appropriate action may be initiated, including *suo motu* action against the concerned Member including its Editorial personnel, Anchors and Journalists.

October 28, 2022

Encl: As above

Annexure

Paragraph 351 of the Hon'ble Bombay High Court's judgment in Nilesh Navalakha & Anr. vs. Union of India & Ors (2021) SCC Online BOM 56

“It has been urged on behalf of the media houses that on diverse occasions, the guests are invited to speak and address the audience on a particular topic during programmes which are telecast live and, in such cases, it is difficult for the media houses to censor the statements of such guests. What the media houses say could be true, but that would not grant any speaker the license to either abuse or defame any particular individual, who could be the target of the speech, to tarnish his reputation in the eyes of the viewers or to indulge in interference with and/or obstruction to administration of justice by such public speaking. In case of the former, the targeted individual could sue the media as well as the speaker for defamation, which must ordinarily sound in damages but in case of the latter, both the media house and the speaker may be proceeded against for criminal contempt. It would not be enough for the media house to put up a disclaimer at the end of the programme that it does not associate itself with the views of the speaker and thereby evade liability. To obviate such situation, the media houses would be well advised to inform, guide and advise the guest speakers to refrain from making public utterances which are likely to interfere with and/or obstruct administration of justice and thereby attract contempt. The role of the anchor, in such cases, is also important. It is for him/her to apply his/her mind and avoid the programme from drifting beyond the permissible limits. Muting the speaker if he flies off or shows tendency of flying off at a tangent could be one of several ways to avoid embarrassment as well as contempt.”

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