

November 11, 2022

Members and Editors of NBDA

Advisory regarding “Hate Speech”

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. News channels recognize that they have a special responsibility in the matter of adhering to high standards of journalism since they have the most potent influence on public opinion.

Professional electronic journalists should accept and understand that they operate as trustees of the public and should, therefore, make it their mission to seek the truth and to report it fairly with integrity and independence. They should stand fully accountable for their actions.

Bearing in mind the Fundamental Principles of the Code of Ethics & Broadcasting Standards (“Code of Ethics”), which the Members of NBDA are obliged to adhere to, NBDSA would like to draw the attention of Members, Editors, Anchors, Presenters, Journalists and Editorial Personnel that it has observed an increasing use of divisive, derogatory, hurtful language and rhetoric in news programmes, which target and vilify individuals and communities based on their religion, gender, race, national or ethnic origin and/or sexual orientation. NBDSA has also received several complaints from viewers in this regard.

The Election Commission of India has also forwarded complaint/s impugning several broadcasts for having a tendency to spread communal disharmony in the country, especially prior to and during the election period.

Several writ petitions have also been filed before the Hon’ble Supreme Court in this regard, including *Firoz Iqbal Khan v. Union of India & Ors. WP(C) No. 956 of 2021*, in which NBDA has been made a Respondent.

NBDSA strongly deprecates the tendency of using inflammable, derogatory, extremist, divisive language and rhetoric, which not only violates the basic ethos of responsible and credible journalism but also lowers the public discourse by undermining the dignity of individuals and the principle of tolerance and equality which forms the bedrock of a pluralist constitutional democracy and ensures the prevention of erosion of the secular ethos of the Indian polity.

Therefore, in view of the above and keeping in mind the impact Hate Speech can have on society, particularly on the marginalized and/or minority group/s and/or communities including the tendency to incite violence and cause harm to the public, NBDSA has decided that it has become necessary to bring to the attention of Members, including Editors, Anchors, Presenters, Journalist, and Editorial Personnel the judicial pronouncements, legislations and the Code of Ethics and Guidelines which deal with Hate Speech which the Members must bear in mind before broadcasting and/or publishing any news, which are as follows :

1. The Hon’ble Supreme Court in [*Pravasi Bhalai Sangathan vs Union of India & Ors. \(2014\) 11 SCC 477*](#) observed the impact that Hate Speech has on marginalized and vulnerable individuals/communities which can lay down the “*ground work for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide.*”

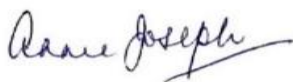
2. To prevent hate speeches, provocative statements and fake news, the Hon'ble Supreme Court in [Tehseen S. Poonawalla vs Union of India \(UOI\) and Ors. \(2018\) 9 SCC 501](#), issued Guidelines to the Central and State Governments to constitute a special task force to procure intelligence reports about the people who are likely to commit mob violence or cow vigilantism or who are involved in spreading hate speeches, provocative statements and fake news.
3. There exist several legislations which deal with hate speech, such as **Sections 153A, 153B, 295A, 298, 505 (1) and (2) of the Indian Penal Code, 1860** and the **Programme and Advertising Code under the Cable Television Networks (Regulation) Act, 1995** and the **Cable Television Networks Rules, 1994**.
4. NBDSA also has its own Code of Ethics and Guidelines, including the [Specific Guidelines Covering Reportage, Guidelines to Prevent Communal Colour in Reporting Crime, Riots, Rumours and Such Related Incidents](#) and the [Specific Guidelines for Anchors conducting Programmes including Debates](#), which enjoins Members to ensure that all programmes are broadcast in a neutral, impartial, objective and accurate manner, in order to avoid stereotyping or offending the sensitivities of any group or creating intolerance or disharmony or spreading falsehood or fake facts about individuals, communities, religious beliefs and practices. News cannot be selected or designed to promote any particular belief, opinion or desires of any interest group.

Members must strictly adhere to this Advisory, and the reportage should be monitored at the highest editorial level.

Members are also being informed that NBDSA would be closely monitoring the compliance of the above Advisory and violation of the same would be viewed as serious misconduct, which would lead to *suo motu* action by NBDSA.

Members are also advised to hold sessions and training of Editors, Anchors, Presenters, Journalists, and Editorial Personnel about the ethical standards, including briefing prior to the programme being produced and aired on the channel.

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



Annie Joseph
For and on behalf of News Broadcasting & Digital Standards Authority

CC: Legal Heads of NBDA