

Guidelines for Prevention of Hate Speech

NBDSA would like to draw the attention of Members, Editors, Editorial Personnel, Anchors, Journalists and Presenters that it has received several complaints concerning the increase in the use of inflammable, derogatory, extremist, divisive, hurtful language and rhetoric in news programmes, which target individuals or groups or communities based on their religion, gender, race, national or ethnic origin, and/or sexual orientation and affects the inherent dignity and equality of every individual/groups/communities so targeted and disturbs the social harmony in general.

NBDSA is of the view that dissemination of such expression through the media has a powerful and pernicious impact on the delicate social fabric of the country and violates the letter and spirit of the Constitution of India. It has therefore become necessary to lay down Guidelines for Prevention of Hate Speech, which the Members must bear in mind before broadcasting and/or publishing any news item.

Editors, Editorial Personnel, Anchors, Journalists and Presenters shall refrain from: -

1. Using language and any agenda-driven words, terms and adjectives which have the tendency to indoctrinate any community by creating extreme prejudices in the minds of its members against another community thereby willfully promoting hatred between communities, including provoking individuals or groups in the society to commit acts of terrorism, genocide, ethnic cleansing etc.
2. Using any and all forms of expression which, when judged contextually, targets, vilifies, ridicules, dehumanizes, reinforces prejudices or stereotypes and/or advocates violence or engenders hatred against any individual and/or communities based on their religion, gender, race, national or ethnic origin and/or sexual orientation.
3. Using expressions of contempt, disgust or dismissal which advocate for the exclusion, boycott, or segregation of members of a community based on their religion, gender, race, national or ethnic origin and/or sexual orientation.
4. Using harmful stereotypes, which have been used historically to attack, intimidate or dehumanize individuals and/or communities based on their religion, gender, race, national or ethnic origin and/or sexual orientation.
5. Using language which is intimidating, and which has a tendency to result in social and economic exclusion and segregation.

6. Disseminating conspiracy theories in news programmes to justify and reinforce extreme prejudices and to target any particular community in order to make its members feel physically, mentally, or morally inferior, thereby impairing their ability to respond.
7. Broadcasting a Disclaimer to any programme including debates, does not absolve Editors, Editorial Personnel, Anchors, Journalists, and Presenters of their responsibility in case of violation of the Code of Ethics and Broadcasting Standards (“Code of Ethics”) and the Guidelines.
8. Editorial Policy of a particular channel or any purported ‘balance of participants’ cannot be a defense against a breach of the Code of Ethics and the Guidelines.
9. The tone, tenor and manner of speech of the person conducting the programme will not be a defense in the event that the language, words, terms promote Hate Speech thereby violating the Code of Ethics and Guidelines.

Members must strictly adhere to these Guidelines 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 Guidelines, and violation of the same would be viewed as serious misconduct, which would lead to *suo motu* action by NBDSA.

These Guidelines should be read in consonance with the Advisory on Hate Speech and the Specific Guidelines for Anchors conducting Programmes including Debates **(Attached)**.

Kindly circulate the Guidelines amongst all concerned, in particular the Editor, for strict compliance and also ensure these Guidelines along with the Advisory on Hate Speech dated 11.11.2022 and the Specific Guidelines for Anchors conducting Programmes including Debates dated 28.10.2022 are put up on the Notice Board in the newsrooms for easy access, ready reference and compliance.

January 30, 2023

Encl: As above

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.*”

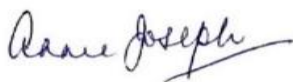
2. To prevent hate speeches, provocative statements and fake news, the Hon'ble Supreme Court in [Tehseen S. Poonawalla vs Union of India \(UOI\) and Ors. \(2018\) 9 SCC 501](#), issued Guidelines to the Central and State Governments to constitute a special task force to procure intelligence reports about 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

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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