



13<sup>th</sup>

**ANNUAL  
REPORT  
2019-20**

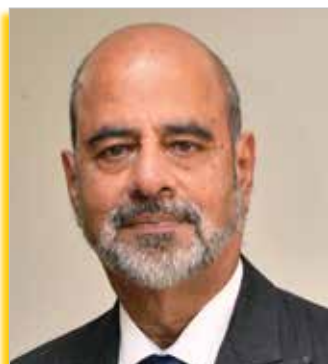


# News Broadcasters Association

## Board of Directors



**Rajat Sharma**  
President



**I. Venkat**  
Vice President



**Anuradha Prasad Shukla**  
Honorary Treasurer



**M. V. Shreyams Kumar**



**M. K. Anand**



**Rahul Joshi**



**Avinash Pandey**



**Kalli Purie Bhandal**



**Sonia Singh**



**Sudhir Chaudhary**



# News Broadcasters Association

<b>Board of Directors</b>	<b>Mr. Rajat Sharma</b> President Independent News Service Pvt. Ltd.
	<b>Mr. I. Venkat</b> Vice President Eenadu Television Pvt. Ltd.
	<b>Mrs. Anuradha Prasad Shukla</b> Honorary Treasurer News24 Broadcast India Ltd.
	<b>Mr. M. V. Shreyams Kumar</b> Mathrubhumi Printing & Publishing Co. Ltd.
	<b>Mr. M. K. Anand</b> Bennett Coleman & Co. Ltd.
	<b>Mr. Rahul Joshi</b> TV18 Broadcast Ltd.
	<b>Mr. Avinash Pandey</b> ABP Network Pvt. Ltd.
	<b>Ms. Kalli Purie Bhandal</b> TV Today Network Ltd.
	<b>Ms. Sonia Singh</b> New Delhi Television Ltd.
	<b>Mr. Sudhir Chaudhary</b> Zee Media Corporation Ltd.

**Secretary General**      **Mrs. Annie Joseph**

**Auditors**                      **S. S. Kothari Mehta & Co**  
Chartered Accountants

**Bankers**                        **Bank of India**  
Bank of Baroda

**Registered Office**          FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi – 110 025

**Corporate Office**          Mantec House, 2nd Floor, C-56/5 Sector 62, Noida – 201301

**CIN: U22211DL2007NPL165480**



# Message from President, NBA

November 3, 2020



It gives me great pleasure to present the 13th Annual Report of NBA. The management report contains in detail all the actions that we have taken in the last one year.

It gives me immense satisfaction to inform members that on the various issues that NBA has represented upon during the last one year, before the government and other bodies, such representations once finalized and notified will facilitate ‘ease of doing business’. NBA is also privileged to have made submissions before the Joint Parliamentary Committee and the Parliamentary Standing Committee on Information Technology of Lok Sabha on the ‘Draft Data Protection Bill’ and ‘Ethical Standards in Media Coverage’.

I do not wish to get into any of the issues that are already in the Management Report. I will only impress upon issues which need our collective attention i.e. content, ratings and the need to strengthen self-regulation to improve broadcasting standards.

During the last six months, the entire world has gone through an unprecedented crisis due to the Covid 19 pandemic. Businesses across the globe have seen disruption. News broadcasters are no exception to this disruption. Overnight everything changed for one and all. Our responsibility as news channels increased manifold when the Government declared us as “essential services”. In such an unexpected situation, news broadcasters had a huge responsibility to deliver credible news and information relating to the Covid pandemic, to millions of our viewers who were dependent on us. In view of the lockdown, we had to find urgent and immediate solutions for our news room operations, so that there would be no disruption in the delivery of news/ information. Our members stood up to all the difficulties and ensured that news was delivered seamlessly and without any glitches. During the lockdown there was an unprecedented spike in the viewership of news channels.

NBA salutes our journalists, camera persons and editorial staff who have gone beyond their line of duty, putting their lives at risk, and ensured that news and information of the pandemic reached millions of viewers.

This year also witnessed an unprecedented challenge of unregulated toxic content by some channels who are not NBA members. I am happy to share that NBA members stood together to fight against this menace. NBA believes in editorial standards ensuring objectivity, neutrality, fairness and accuracy in reporting. We have appealed to the advertisers not to support toxic content and sensationalism that promotes hate. I am happy to share that reputed brands have come forward and supported our stand.

For many years, NBA has been highlighting its concerns about the veracity of TV viewership data, which have been prone to irrational fluctuations. The lid was blown with the recent revelations by the Mumbai police relating to tampering of meters installed in panel homes by BARC. This has led to BARC suspending the weekly individual ratings for all news channels for twelve weeks.

NBA has welcomed the decision of BARC to suspend the measurement of television viewership ratings of news channels for a period of twelve weeks. I have said in my statement “that the corrupted, compromised, irrationally fluctuating data is creating a false narrative on What India Watches and has been putting pressure on our members to take editorial calls that run counter to the journalistic values and ideals of journalism. The current atmosphere of toxicity, abuse and fake news is no longer tenable and NBA as the custodian and guardian of Indian broadcast media believes a bold step of putting ratings of news genre on hold will help in improving the content”.

I would urge all the members broadcasters during this twelve-week period to take all the necessary steps to improve the content of their channels and move away from the tyranny of ratings and ensure that the independent self-regulatory model adopted by the news broadcasters is vigorously supported and its decisions adhered to by all of us.

The present dispensation in the government has publicly acknowledged that they are for “self-regulation” and not for any “statutory regulation”. To strengthen self-regulation, the Government should recognise the NBA Code of Ethics and make it part of the Programme Code under the Cable TV Rules as has been done in the case of ASCI, a long-standing demand of the NBA. We hope the Ministry of Information and Broadcasting would take steps in this direction.

I would like to take this opportunity to thank Mr. Prakash Javadekar, Hon’ble Minister, Secretary and officials in the Ministry of Information & Broadcasting and the TRAI for their continued understanding and support on issues which confront us.

Since 2008, our self-regulation initiative has been a source of pride for us. On behalf of the NBA Board and on my own behalf I would like to place on record our sincere gratitude and thanks to the Chairperson and Independent Members of the NBSA for their support, invaluable guidance and time.

Finally, I would like to thank Mrs. Annie Joseph, Secretary General, NBA for her efforts in ensuring that the objectives and initiatives of the NBA are achieved and implemented. I would also like to thank the staff of the NBA Secretariat, Legal Counsel, Financial and Corporate Consultants as well as the Auditors of NBA and Bankers for their valuable time and cooperation.

Best wishes,



Rajat Sharma

## Notice

Notice is hereby given that the 13th Annual General Meeting of the Members of News Broadcasters Association will be held on Thursday, the 19th November, 2020, at 12:00 noon through Video Conferencing (“VC”) / Other Audio Visual Means (“OAVM”), to transact the following business:

### Ordinary Business

1. To receive, consider and adopt the Audited Financial Statement of the Company for the financial year ended March 31, 2020 together with Auditor’s Report and Director’s Report thereon and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** the Audited Financial Statement of the Company for the financial year ended March 31, 2020, together with Auditor’s Report and Director’s Report thereon, be and are hereby considered and adopted.”

### Special Business

2. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** Mr. Sudhir Chaudhary who was appointed as a Permanent Director of the Association by the Board of Directors on October 24, 2019 subject to approval of General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as a Permanent Director of the Association, not liable to retire by rotation, in terms of the provisions of Article 17 of the Articles of Association.”
3. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:  
“**RESOLVED THAT** Mrs. Anuradha Prasad Shukla who was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing her candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.
4. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“**RESOLVED THAT** Mr. M.V. Shreyams Kumar who was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.”

5. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“**RESOLVED THAT** Mr. I. Venkat who was appointed as an Additional Director on February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 and 22 of the Articles of Association.”

6. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“**RESOLVED THAT** when required all Members and Associate Members of NBA will contribute towards meeting legal expenses of Advocates/ Senior Counsel (s) which includes the cost of retainership, legal advice and representation of the NBA before the Courts.

**FURTHER RESOLVED THAT** Secretary General, NBA be and is hereby authorised to sign and to do all or any of the acts, deeds, matters and things as may be considered expedient and necessary for implementing the said resolution on behalf of the Association”.

**By Order of the Board of Directors of  
News Broadcasters Association**



Place: New Delhi  
Date: October 26, 2020

**Annie Joseph**  
Secretary General



# Explanatory Statement Pursuant to Section 102 of the Companies Act, 2013

## Item No. 2

The Board of Directors of the Association appointed Mr. Sudhir Chaudhary as a Permanent Director on October 24, 2019, subject to approval of General Body meeting on the Board of NBA. The office of his Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, who will be Permanent Director and not liable to retire by rotation under Article 17 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mr. Sudhir Chaudhary in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 2 of this Notice.

## Item No. 3

Mrs. Anuradha Prasad Shukla was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of her Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing her candidature, which has been duly seconded by another Member, for her appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item are available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mrs. Anuradha Prasad Shukla in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the resolution set out at Item No. 3 of this Notice.

## Item No. 4

Mr. M.V. Shreyams Kumar was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of his Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, liable to retire at the next Ordinary

General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mr. M.V. Shreyams Kumar in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 4 of this Notice.

## Item No. 5

Mr. I. Venkat was appointed as an Additional Director on February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. The office of his Directorship expires on the date of this Annual General Meeting.

The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, except Mr. I. Venkat in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 5 of this Notice.

## Item No. 6

The issue for consideration before the Board is that several cases have been filed in the Supreme Court and the High Courts in which NBA / NBSA have been made respondents. Also, there are matters presently pending before the Supreme Court and High Courts, in which NBA has intervened or has been impleaded as respondents or have filed writ petition. It could be possible, in the future, critical industry matters may come up in courts, which would need NBA intervention. With the limited financial resources, NBA will not be able to meet such expenses for engaging advocates/ Senior Counsel/s in the present or in the future. As decided by the Board, this expense would have to be borne/honoured by the Members/Associate Members of NBA and would be equitably shared pursuant to Sub clause 15 and 16 of Clause III (B) of the Memorandum of Association. Routine legal matters are handled by the NBA Counsel. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 6 of this Notice.

**By Order of the Board of Directors of  
News Broadcasters Association**



**Annie Joseph**  
Secretary General

Place: New Delhi  
Date: October 26, 2020

## Notes

1. Considering the present COVID-19 pandemic, the Ministry of Corporate Affairs (“MCA”) has vide its Circular dated May 5, 2020 read together with Circulars dated April 8, 2020 and April 13, 2020 (collectively referred to as “MCA Circulars”) permitted convening the Annual General Meeting through Video Conferencing (“VC”) or Other Audio Visual Means (“OAVM”), without the physical presence of the members at a common venue. In accordance with the MCA Circulars, provisions of the Companies Act, 2013 (‘the Act’), the 13th AGM of the Company (hereinafter referred to as ‘AGM’) is being held through VC / OAVM. The deemed venue for the AGM shall be the Registered Office of the Company.
2. The Members can join the AGM through VC/OAVM 15 minutes before the scheduled time of the commencement of the Meeting by following the procedure mentioned in the Notice. The facility of participation at the AGM through VC/OAVM will be made available to all members.
3. Since the AGM will be held through VC/ OAVM, the route map of the venue of the Meeting is not annexed hereto.
4. Participation of members through VC/ OAVM will be reckoned for the purpose of quorum for the AGM as per Section 103 of the Companies Act, 2013 (“the Act”).
5. Since the AGM will be held through VC/ OAVM, all resolutions at the meeting shall be carried on by show of hand.
6. Member entities should provide Board Resolution under Section 113 of the Companies Act, 2013 authorising person(s) who will represent them at the Annual General Meeting. Such person(s) shall be deemed to be Member present in person.
7. A Member entitled to attend and vote at Annual General Meeting is entitled to appoint a proxy to attend and vote on poll instead of himself and the proxy need not be a Member of the Company. The proxy, in order to be valid must be deposited at the Registered Office of the Association not less than 48 hours before the commencement of the meeting.
8. A Statement pursuant to Section 102 (1) of the Companies Act, 2013 relating to Special Business to be transacted at the meeting is annexed hereto.
9. Members are requested to keep the copy of the Annual Report with them during the Meeting.
10. No person other than the authorized representative of the Member entity or his/her duly appointed proxy as aforesaid shall be entitled to attend the Annual General Meeting of the Association.
11. Members desirous of having any information on accounts are requested to send their queries to NBA at its Registered Office, at least seven days before the date of the AGM, to make the requisite information available at the meeting.

12. Relevant documents referred to in the accompanying Notice and the Statement are open for inspection by Members at the Registered Office of the Company on all working days, except Saturdays, during business hours up to the date of Meeting.
13. Members who have not registered their e-mail addresses so far are requested to register their e-mail address for receiving all communication, including Annual Report, Notices etc. from the Company electronically.
14. The requirement to place the matter relating to appointment of Auditors for ratification by Members at every Annual General Meeting is done away with vide Notification dated May 7, 2018 issued by the Ministry of Corporate Affairs, New Delhi. Accordingly, no resolution is proposed for ratification of appointment of Auditors, who were appointed in the Annual General Meeting held on September 21, 2016.

## Directors' Report to the Members

The Directors have pleasure in presenting the 13th Annual Report of your Association together with Audited Accounts for the period from April 1, 2019, to March 31, 2020.

### Financial Review

	31.03.2020 (Amount in Rs.)	31.03.2019 (Amount in Rs.)
Income from Subscription	1,50,75,000	1,25,50,000
Other Income	32,39,542	28,36,718
Depreciation and amortization expense	4,27,476	11,56,060
Total Expenditure	1,64,24,350	1,55,36,164
Surplus/(Deficit) after depreciation and tax carried to General Reserve	18,90,192	(1,49,446)

Of the income and expenditure account a sum of Rs. 81,44,755 (previous year Rs. 91,88,178) has been transferred to special reserve.

### Change in Nature of Services

There is no change in nature of services provided by the Association.

### Directors

Mrs. Anuradha Prasad Shukla, Mr. M. V. Shreyams Kumar and Mr. I. Venkat were appointed as Additional Directors on February 1, 2012, March 29, 2014 and February 17, 2017 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. Members again approved their appointment in the last Annual General Meeting.

Mr. Sudhir Chaudhary has been appointed Director w.e.f. 24.10.2019 in place of Mr. Ashok Venkataramani who resigned from the Directorship of the Association with effect from July 9, 2019.

Mrs. Annie Joseph, Secretary General has been entrusted the responsibilities of CEO (KMP) under the provisions of Companies Act, 2013 with effect from June 8, 2019.

## Registered Office

Registered office of the Association has been shifted to FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi-110025 with effect from June 24, 2019.

## Membership of Association

The number of Members/Associate Members of the Association are 26 broadcasters representing 76 channels.

## News Broadcasting Standards Authority (NBSA)

News Broadcasting Standards Authority [NBSA] is an independent self-regulatory adjudicatory body. The present composition of the NBSA is as under:

### Chairperson

Justice A. K. Sikri (Retd.)

### Independent Members

1. Dr. Nasim Zaidi, former Chief Election Commissioner of India
2. Ms. Stuti Kacker, former Chairperson, National Commission for Protection of Child Rights (NCPCR)
3. Ms. Zohra Chatterji, former Secretary, Ministry of Textiles
4. Mr. Navtej Sarna former India's Ambassador to the United States of America

### Editor Members

1. Ms. Dipika Kaura, Executive Editor, CNN, News 18
2. Mr. Prasanth P. R., Senior Coordinating Editor, Asianet News
3. Mr. Amrendra Pratap Singh, Managing Editor, India TV
4. Mr. Deep Upadhyay, Managing Editor, News 24

## Auditors & Auditors' Report

M/s S.S. Kothari Mehta & Co., Chartered Accountants, were appointed as the Statutory Auditors of the Association, to hold office from the conclusion of 9th AGM held on 21st September, 2016 until the conclusion of the 14th AGM of the Company to be held in year 2021.

The Statutory Auditors' Report on the Financial Statement of the Association for the financial year ended 31st March, 2020 is self-explanatory and do not require further comments in the Directors' report. The Audit Report does not contain any qualification, reservation or adverse remark.

### **Report on Conservation of Energy, Technology Absorption, Foreign Exchange Earnings and Outgo etc.**

Information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with the Companies (Accounts) Rules, 2014 is given hereunder:

Energy conservation measures taken by the Association include: (1) use of LED/CFL lighting in the entire office area; (2) improved insulation using ceramic fibre in the heat treatment furnaces; (3) installation of heat reflecting film on windows of air-conditioned areas etc. At present, Association has not taken any steps for utilisation of alternate source of energy and no capital investment has been made on energy conservation equipment.

And other information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with the Companies (Accounting) Rules, 2013 regarding technology absorption is not applicable to the Association being involved in welfare services to its Members.

Association has no foreign exchange earnings and outgo during the period.

## **Directors' Responsibility Statement**

Pursuant to Section 134 (5) of the Companies Act, 2013, it is hereby confirmed:

- i. that in the preparation of the annual accounts, the applicable accounting standards had been followed along with proper explanation relating to material departures, if any;
- ii. that the Directors had selected such accounting policies and applied them consistently and made judgments and estimates that are reasonable and prudent so as to give a true and fair view of the state of affairs of the Association at the end of the accounting year and of the surplus of the Association for that year;
- iii. that the Directors had taken proper and sufficient care for the maintenance of adequate accounting records in accordance with the provisions of this Act for safeguarding the assets of the Association and for preventing and detecting fraud and other irregularities;
- iv. that the Directors had prepared the annual accounts on a going concern basis;
- v. the Directors had devised proper systems to ensure compliance with the provisions of all applicable laws and that such systems were adequate and operating effectively.

## **Extract of Annual Report**

The extract of Annual Return as provided under sub-section (3) of Section 92 of the Companies Act, 2013 in prescribed form MGT-9 forms a part of this Report.

Pursuant to clause (a) of sub-section (3) of Section 134 of the Companies Act, 2013 same is also available on the website of the Company at [www.nbanewdelhi.com](http://www.nbanewdelhi.com) and may be accessed through the web link <https://www.nbanewdelhi.com/annual-return> as compliance under amended Companies (Management and Administration) Rules, 2014 *vide* MCA Notification No. GSR 538(E) dated 28 August, 2020.

## Meetings of the Board

Four meetings of the Board of Directors were held on 26.7.2019, 17.9.2019, 17.9.2019, and 14.1.2020 during the financial year.

### **Particulars of loans, guarantees or investments under Section 186 of Companies Act, 2013**

Company has not given any loan or provided any guarantees or made investment to any person under Section 186 of Companies Act, 2013.

### **Particulars of contracts or arrangements with related parties referred to in Sub-Section (1) of Section 188 in the prescribed form**

Company does not have any related party transaction with any person in any form as asked in Form AOC\_2 under Rule 8 of The Companies (Account) Rules, 2014.

## Management Report

Management Report containing a brief review of the activities of the Association and the state of the Company's affairs during the year under review is attached with this Report.

### **Material changes and commitments, if any, affecting the financial position of the Company which have occurred between the end of the financial year of the Company to which the financial statements relate and the date of the report:**

Material changes occurred subsequent to the close of the financial year of the Company to which the balance sheet relates are: **None.**

### **A statement indicating development and implementation of a risk management policy for the Company including identification therein of elements of risk, if any, which in the opinion of the Board may threaten the existence of the Company:**

Association is generating receipts through subscription from Members and provide them welfare services. At present, Company has not developed and implemented any such policy and system which nullify any type of risk on its existence.

### **Details of material and significant orders passed by the Regulators or Courts or Tribunal impacting the going concern status and Company's operations in future:**

No such order is passed by any such Regulators or Courts or Tribunal which impacts the going concern status and Company's operations in future.

### **Compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013**

The Company has only three employees which includes one woman employee. Under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Policy of Sexual Harassment of Women at Workplace, along with enclosure approved by the Board have been circulated to the Internal Complaints Committee Members, employees of NBA and the Members of NBA and also uploaded on the NBA website. The Internal Complaints Committee has the following persons as its members:



1. Presiding Officer – NBA Representative : Mrs. Anuradha Prasad Shukla
2. Member-NBA Representative : Ms. Kshipra Jatana
3. Member-NBA Representative : Mr. M. N. Nasser Kabir
4. External Member : Ms. Nisha Bhambhani

NBA has not received any complaints under the provisions of this Act.

**Details in respect of adequacy of internal financial controls with reference to financial statements:**

The Company has in place adequate internal financial controls with reference to financial statements.

**Fraud Reported by Auditor, if any**

No fraud was reported by Auditors during the year.

## Acknowledgements

The Board of Directors wish to place on record their appreciation for the support and cooperation extended by every Member of the Association, the Secretariat, its Bankers, and valuable contribution made by the Consultants, Counsels and officials of the Member Companies.

**For and on behalf of the Board of Directors**

Place: New Delhi Dated: October 26, 2020	Sd/- <b>Rajat Sharma</b> President [DIN No.: 00005373]	Sd/- <b>I. Venkat</b> Vice President [DIN No.: 00089679]	Sd/- <b>Anuradha Prasad Shukla</b> Honorary Treasurer [DIN No.: 00010716]
---------------------------------------------	-----------------------------------------------------------------	-------------------------------------------------------------------	------------------------------------------------------------------------------------

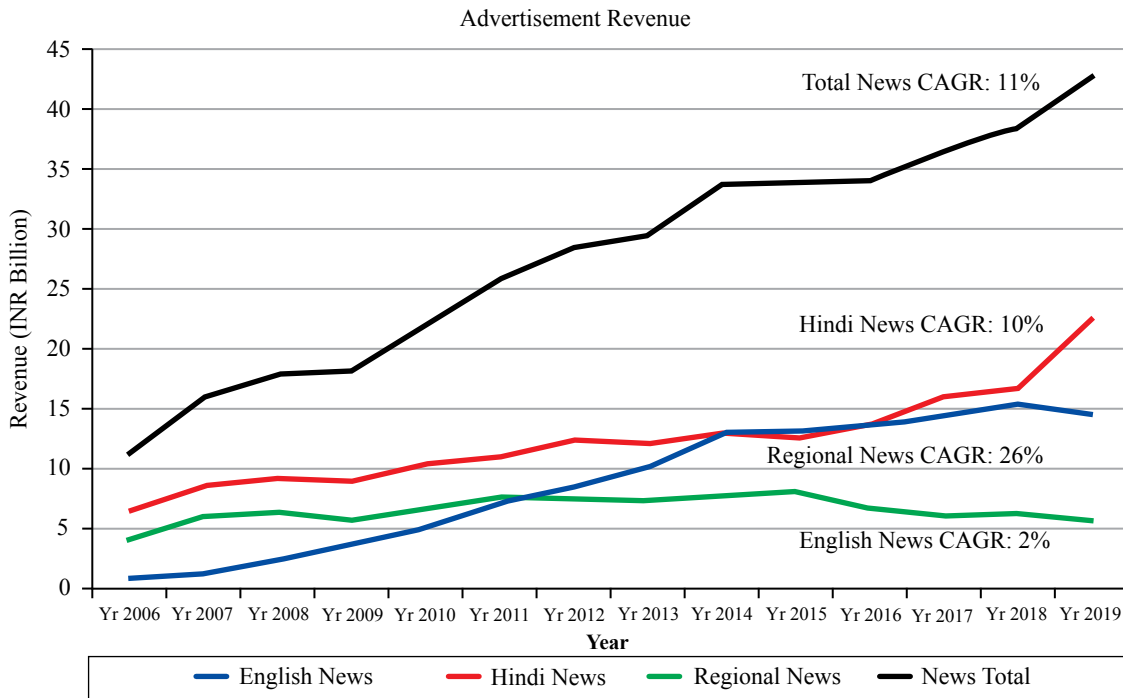
## Section I

# Management Report for the Year 2019-2020

### Industry Overview

According to the FICCI-EY India’s Media and Entertainment Sector 2020 report, India’s media and entertainment industry stood at INR 1,822 billion in 2019, a growth of 8.8% over the previous year. The television industry is at INR 787 billion which is a growth of 6.4% over the previous year.

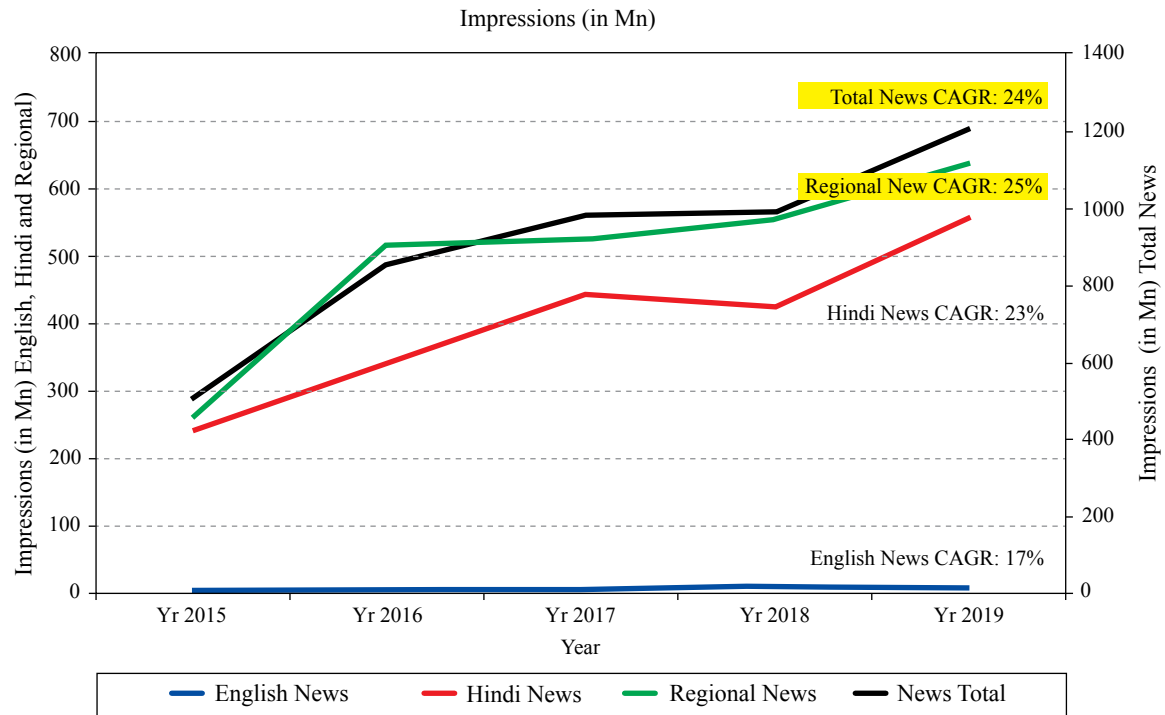
The charts below indicate the growth in advertising of the news & current affairs genre during the years 2006-2019.



Source: 2017-2019: EY M&E Industry Report 2018, 19, BARC Index  
2006-2016: FICCI KPMG M&E Industry Report, TAM Index

During the years 2006 – 2019, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 11% where English news channels grew by 2%, Hindi news channels grew by 10% and regional news channels grew by 26%. If one looks at the change with respect to previous year, news channels revenue in 2019 has grown by 11%.

The graph below indicates the growth in viewership of the news & current affairs genre during 2015-2019.



Source: BARC | Average Weekly Impressions (in Mn) | All India Urban | CS 15+ | All Days | All Daysparts | Wk 21'15-Wk 53'19

During the years 2015 – 2019, the viewership of news channels grew at a Compounded Annual Growth Rate (CAGR) of 24% where English news channels grew by 17%, Hindi news channels grew by 23% and regional news channels grew by 25%. If one looks at the change with respect to previous year, overall news genre grew by 22% in the year 2019.

In the process of managing its policy environment, the Association draws constantly on the goodwill of the Government. During the year under review, the Association took up issues that concern news broadcasters with the government from time to time. President NBA and the Board Members of NBA called on the following officials:

1. Mr. Prakash Javadekar, Minister for Information & Broadcasting
2. Mr. Amit Khare, Secretary, MoI&B
3. Mr. Ravi Mittal, Formerly Secretary, MoI&B
4. Mr. R. S. Sharma, Formerly Chairperson, TRAI
5. Mr. Atul Kumar Tiwari, Additional Secretary, MoI&B
6. Mr. Vikram Sahay, Joint Secretary, MoI&B
7. Mr. S.K. Gupta, Secretary, TRAI
8. Mr. Shashi Shekhar Vempati, CEO Prasar Bharti

## Industry Issues Represented by NBA - 2019-2020

### Ministry of Information & Broadcasting (MoI&B)

#### Ease of Doing Business

MoI&B sought suggestions from NBA on issues to be considered for drawing up a policy document on 'Ease of Doing Business' for the broadcasting sector. NBA in its submissions dated 2.9.2019 stated that MoI&B needs to proactively take up the issue of granting 'infrastructure status' to the broadcast industry as it would encourage investments in the sector by improving profitability which will accelerate the development of content production eco-system, leading to the development of content distribution infrastructure, create opportunities for employment in content production, distribution and broadcasting services and also lead to the overall growth of the economy. It was also suggested that the representations submitted to MoI&B by the NBA on the National Broadcast Policy; the Uplinking & Downlinking Guidelines; Cable Television Networks (Regulation) Act and Rules (CTN Act & Rules) and Cable Piracy and statutory recognition of Code of Ethics / Guidelines under the CTN Act & Rules needs also to be considered while drawing up the Policy.

#### **Bureau of Outreach & Communication (BOC)/DAVP outstanding dues of the member broadcasters of NBA**

NBA represented to the Minister for Information & Broadcasting on 27.4.2020 and on 16.6.2020 drawing his attention to the outstanding dues of BOC/DAVP of member broadcasters, which are pending since 2010, on which there has been no resolution till date. The outstanding dues reported by member broadcasters with regard to various Ministries/Departments, including MoI&B up to 31.3.2020 was approximately Rs.54,36,75,970.00. The member broadcasters reported that Rs.12,86,02,555.00 was received as "on account payments" without providing details of the payments being made.

The Minister was informed that BOC releases "on account payments" to broadcasters without giving details of Bills/RO numbers/channel names/client names etc. It therefore becomes impossible for the broadcasters to identify the payment/s, resulting in "on account payments" remaining unreconciled for several weeks/months as the details are not simultaneously hosted when the payments are released on the website to facilitate reconciliation by the broadcasters. NBA has represented that the BOC must be instructed or an Order passed by the MoI&B that payments released by BOC/DAVP should also be simultaneously hosted on the website of DAVP with the complete details of Bills/RO numbers/channel names/client names etc. against which the payments have been released. Details are hosted after weeks/several months on the website of DAVP.

#### **Suggestions on the draft Cable Television Networks (Regulation) Amendment Bill, 2020.**

MoI&B vide public notice dated 15.1.2020 solicited views from general public/ stakeholders on The Draft "Cable Television Networks (Regulation) Amendment Bill, 2020". NBA submitted its detailed comments on 16.3.2020 on the various provisions/sections of the draft Bill and also submitted as follows:

1. That the provisions of the Act and the Rules should be considered and amended together as the Rules have an impact on the Act and vice versa. In the event that the Rules are not considered for amendment

or modification presently, NBA reserves its right to comment or give suggestions in future particularly on the Programme and Advertising Codes. In view of the fact that only the Act has been considered for amendments, in respect of Programme and Advertising Codes, NBA has commented on the Rules as the Codes give no details of the various provisions which may be violated.

2. The broadcasters and in particular the news broadcasters have fundamental rights of freedom of speech and expression under Article 19(1) (a) of the Constitution. Any restrictions that are imposed have to be within the ambit of Article 19(2). However, Section 16(2) and 16(3) as proposed would definitely affect the freedom of speech of the media and would be subject to challenge as being violative of Article 19(1) (a) of the Constitution.
3. It was reiterated that Code/Guidelines of NBSA (self-regulatory body for members of NBA in respect of news and current affairs channels) should be given recognition in the Programme Code in the same manner as the Code of Advertising Standards Council of India (ASCI) has been acknowledged and recognized in the Advertising Code in the Rules as the self-regulatory mechanism has also been mentioned in the Uplinking as well as Downlinking Guidelines. These Guidelines specifically state that the determination of violation of the content code would be in consultation with the established self-regulatory mechanisms.
4. NBSA, as an independent adjudicatory body has been recognised by the Supreme Court in its judgements which is a witness to the fact of the effectiveness and impact of the existing self-regulatory mechanisms.
5. The punishments for violations of the Programme Code/Rules and Advertising Code/ Rules must not be retributive in nature and therefore penal punishments must be avoided.

### **Submissions on the amendments proposed for the decriminalization of minor offences under the Cable Television Network (Regulation) Act, 1995.**

Vide public notice dated 15.7.2020 the MoI&B solicited views from stakeholders on “Decriminalization of minor offences under Cable Television Networks (Regulation) Act, 1995 (the CTN Act)”.

NBA reiterated its comments/suggestion given to MoI&B on 16.3.2020 on the proposed amendments to the various sections of the CTN Act.

NBA suggested that any amendment to the Sections of CTN Act should be made simultaneously with the amendments to the Rules of the Cable Television Networks Rules, 1994.

NBA suggested that Under Rule 6 of the Rules, the following new sub-rule, to be numbered as (7), should be inserted:

*“(7) No programme, which violates the Code/Guidelines for self-regulation in news and current affairs programs as adopted by the News Broadcasting Standards Authority (NBSA) shall be carried in the cable services or digital addressable systems.”*

NBA suggested that Code/Guidelines of NBSA (self-regulatory body for members of NBA in respect of news and current affairs channels) should be given recognition in the Programme Code in the same manner as the Code of Advertising Standards Council of India (ASCI) has been acknowledged and recognized in

the Advertising Code in the Rules. It is submitted that self-regulatory mechanism has been mentioned in the Uplinking as well as Downlinking Guidelines. These Guidelines specifically state that the determination of violation of the content code would be in consultation with the established self-regulatory mechanisms.

NBA submitted its comments/suggestions on the treatment of violations of Sections 5 and 6 of the Programme Code and Advertising Code which are proposed to be shifted to Section 11 of the CTN Act.

#### **Submissions on Advertising Code-Rule 7[10] of Cable Television Networks Rules, 1994**

The MoI&B had issued notices to several news broadcasters which stated that advertisements broadcast by news channels in the months of November and December, 2018 and January, February and March, 2019 were interfering with the programmes telecast and that this was a violation of Advertising Code-Rule 7[10] of Cable Television Networks Rules, 1994 which provides that *"All advertisements should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz, use of lower part of screen to carry captions static or moving alongside the programmes."*

NBA made independent submissions to the MoI&B in this regard and stated that:

- i. The news broadcasters have always complied with the Cable Television Networks (Regulation) Act, 1995 the Rules including the Programme and Advertising Code and all other guidelines and advisories issued by the MoI&B in connection with the content broadcasting.
- ii. The news broadcasters have also set up self-regulatory mechanisms, including their own standards and practices departments, which review and monitor the content broadcast on their respective channels keeping in mind all the applicable legislations, regulations, rules and self-regulation parameters.
- iii. NBA members are committed to following Rule 7(10) of the Rules.
- iv. The Act recognizes 'advertisements' as being an intrinsic part of the term 'programme' as defined in Section 2(g) of the Act and telecast of the same on Cable networks, Direct-to- Home (DTH) or any other distribution platforms.
- v. It is a known fact that Doordarshan, the public broadcaster, has also used such insertions such as tickers, scrolls on the lower part of the television screen while running its programmes and some international television channels to have insertions along with the programmes which are distinguishable from the programme content.
- vi. The important point to be considered in the above context is that there is clear distinction between (1) the 'Total Television Screen Area', (2) 'the Program Screen Area', and (3) 'the Remaining Television Screen Area (below or on the sides) after the 'Program Screen Area' where the said messages are being displayed.

The insertions, information, messages, promotional and commercial materials displayed on such 'remaining screen area after the program screen area' at the lower part or the sides are clearly distinguished from the program or a news bulletin that is broadcast at any given point of time. These non-intrusive messages should be considered as permissible within Rule 7(10) of the Rules.

News broadcasters recognise the fact that the viewing experience of a viewer is of paramount importance and submitted that:

- i. The space on lower part of the screen of a television is used for advertisement space by news channels as it serves as an effective means of communication. The news channels always take utmost care that such advertisements do not interfere with the interests of viewers and are distinguishable from the program itself.
- ii. News channels ensure that the information/messages/promotional material displayed on the news channels in the lower part of the television screen during the telecast of the programme/news bulletins are clearly distinguishable and do not overlap in any manner with the programming content telecast on the channel.
- iii. The display of packaging of channel's promotions in black bands which are telecast during programming time is an industry practice and has been prevalent for years. The lower part of the television screen is not only used by the news broadcasters for their own purposes but also for exhibiting various messages and advisories issued directly by MoI&B and Telecom Regulatory Authority of India (TRAI), and other Government Authorities, News Broadcasting Standards Authority (NBSA), from time to time to convey important information to the viewer and to sensitise the viewer as to how and where to make a complaint about programmes and how a viewer can approach the Authority; viewer's awareness about the self-regulatory mechanism of the Advertising Standards Council of India (ASCI); scrolls relating to Goods and Service Tax (GST) awareness campaign organised by the GST Cell of the Government of India; scrolls/tickers are also run on the lower part of the television screen which give information on launch of an emergency response support system on women safety/persons/children in distress; information for the benefit of the families of the victims during accidents and calamities, there is a continuous flow of information including display of emergency contact numbers for the benefit of the families of the victims; tickers/scrolls carrying statutory warnings are also run on the lower part of the television screen which are a requirement of the law; weather conditions/warnings or important messages of public use like sudden closure of schools due to increase in pollution levels etc. are also conveyed through these displays on the lower part of the television screen. Therefore, not all content that is displayed on the lower part of the screen can be construed as advertisements and these displays are distinguishable from the program itself or may be used for sharing news and information with viewers on an urgent basis.

Such insertions can also be used to actively interface with viewers to enable them to participate in online contests and communicate other vital information. It is a tool to establish a two-way communication between the news channels and their viewers, giving the news channels an insight to viewers' likes and dislikes thereby assisting the news channels to create and broadcast content which viewers find interesting and worthy of watching. In absence of such insertions, the television viewing experience certainly would not be the same.

For news channels, L shape packaging bands are sometimes used for current affairs information in addition to the on-going programme aired on the channel.

The news broadcasters always try and ensure that advertising in the form of insertions does not violate Rule 7(10) of the Rules.

Apart from being an industry which requires huge initial and continuous investments, the broadcasting industry is also a very highly regulated sector, financially and otherwise. There are several restrictions on news channels:

- a. Maximum time that can be used for free commercial time.
- b. Channel pricing as per TRAI regulations.
- c. Television channel's pricing due to the price-sensitivity of the Indian market.

Apart from the financial liabilities of the news broadcasting industry being extremely high, the industry is also regulated by several legislations including but not limited to the Act, Rules, the TRAI Act, 1997, the Uplinking and Downlinking Guidelines etc. and therefore there are several regulators regulating the industry. The news broadcasters have several compliances to adhere to under various legislations, which compliances are onerous and burdensome. In comparison, the print media is relatively less regulated and the digital/social media is hardly regulated. There are minimal or no restrictions on print or digital media in respect of any insertions/advertisements and therefore there is no level playing field between the news broadcasters and other media. As the sector is excessively regulated, there are several requirements to be adhered to, which the news channels have managed to comply with while ensuring there is continuity of business.

The original objective of Rule 7(10) of the Rules was to protect the Intellectual Property Rights of the broadcasters from unauthorised over laying of any insertions by distribution platforms including cable networks.

A blanket prohibition on insertions would not benefit viewers or the news channels and is therefore undesirable as it would affect the sources of revenue of the news channels thereby affecting their survival and would definitely have an impact on free speech in a vibrant democracy like India.

MoI&B should interpret Rule 7(10) of the Rules in a lenient manner, not prohibit the tickers, scrolls and other insertions on the news channels and instead attempt to balance the viewing experience of the viewer with the rights of the news channels.

To consider the views of both NBA and IBF, Inter-Ministerial Committee (IMC) meeting was held on 3.8.2020 to discuss the violations of Rule 7(10). The meeting on behalf of NBA was attended by the Group General Counsel of TV 18.

#### **Amendments in Policy Guidelines for Uplinking and Downlinking of TV Channels from India**

NBA had submitted its detailed comments/submissions on the Policy in 2019 and had suggested that the Guidelines being formulated should be futuristic bearing in mind the principle of "Ease of Doing Business".



Upon considering the suggestions made by the stakeholders, MoI&B vide Circular No 1503/21/2017-TV (1) dated 30.4.2020 sought comments on the Draft Policy Guidelines for Uplinking and Downlinking of Television Channels from India drawn up by the MoI&B.

NBA submitted that while there has been an improvement between the draft policy guidelines for Uplinking and Downlinking of Television channels from India dated 30.4.2020 and the Policy Guidelines for Uplinking & Downlinking of Television channels from India both dated December 5, 2011. NBA however gave the following suggestions to the Draft Policy Guidelines.

NBA reiterated the fact that for Ease of Doing Business, simplifying of procedures is necessary and remains a concern. The present procedure for grant of permissions to uplink/downlink news channels needs to be simplified so that the delay in granting/renewing permissions is not a long, complicated and arduous procedure. There should be a Single Window Clearance system vis a vis MoI&B, NOCC and WPC and it has been suggested that multiple level clearances be avoided especially security clearance from Ministry of Home Affairs (MHA) which is a very time consuming and an uncertain process.

NBA submitted that MoI&B should acknowledge Codes/Guidelines of the self-regulatory bodies such as the News Broadcasting Standards Authority (NBSA) which deals with complaints relating to broadcasts by news channels (members of News Broadcasters Association) and Broadcasting Content Complaints Council (BCCC) which deals with complaints relating to broadcasts by non-news broadcasters (members of Indian Broadcasting Foundation). This recognition should be given by including the above Codes of aforementioned self-regulatory authorities in Section 5 of the Programme Code of The Cable Television Networks (Regulation) Act, 1995 (the CTN Act) and The Cable Television Networks (Regulation) Rules, 1994 (the CTN Rules) in the same manner as the Code of Advertising Agencies Association of India (ASCI) has been included in Section 6 of the Advertising Code in the CTN Act and Rule 7 of the CTN Rules.

Part IX of the Draft Guidelines dealing with penalties for violations needs to be seriously reconsidered as the penalties prescribed are harsh, disproportionate and these provisions will not only have a ‘chilling effect’ on the news broadcasters but are violative of Article 19 (1) (a) of the Constitution of India as these penalties threaten freedom of speech and expression.

NBA submitted that the MoI&B has considered the suggestion made by NBA in respect of the definition of the term “News Channel” and has incorporated the necessary modifications in the Draft Guidelines. This modification will help in creating a distinction between a private satellite TV channel which predominantly telecasts news and current affairs content programmes and a “channel” which telecasts an “element” of news.

NBA stated that since there is a difference between Free-To-Air (FTA) Channels and Pay channels, the requirement of encryption should be for Pay channels only and should not be mandated for FTA channels.

NBA sought some clarifications in respect of technical difficulties that the news broadcasters are facing interalia relating to the Broadcast Seva, online tracking of application and updates, MoI&B and DoS should consider to start billing from the date of granting of the operating license and Rs.2 crore to be paid as a performance bank guarantee for a teleport is a very high and prohibitive amount.

NBA submitted that it has used the term LLP in its present submissions for the reason that it is mentioned in draft Guidelines. However, NBA clearly opposes the grant of permission to LLP's to Unlink or Downlink channels or get permission / license for use of a teleport.

#### **Recognition of the Code of Ethics in the Cable Television Networks Rules, 1994**

NBSA has done extensive work since inception in 2008 to ensure that self-regulation is implemented effectively in letter and in spirit by the members of NBA. NBSA has also worked towards ensuring that the broadcasting standards of the news channels not only improve but a balance is maintained between the right of "freedom of speech & expression" guaranteed to the media in the Constitution and members responsibility to society in respect of the news broadcasts. The commitment by Members to accept the self-regulatory mechanism has enabled the NBSA to deal effectively with all content related issues.

NBA submitted that for the last several years NBA has been representing to the MoI&B that to make self-regulation more effective, the Ministry should recognize NBSA as the self-regulatory body for the "news genre" and notify the Codes of Ethics under Rule 6 "Programme Code" of the Cable Television Networks Rules, 1994 (CTN Rules). Presently, the NBSA regulations are only binding on the members of NBA. Inclusion of Code of Ethics in the CTN Rules will make it binding on all news broadcasters, irrespective of membership. This will give more teeth to NBSA and it would also put it on par with the Advertising Standards Council of India (ASCI) whose Code has been included in the CTN Rules.

#### **Recognition of Mobile TV under Clause 5.6. of Downlinking Policy Guidelines for Prvt Satellite Channels 2011**

MoI&B issued an Office Memorandum dated 26.11.2019 in respect of recognition of Mobile TV under Clause 5.6 of Downlinking Policy Guidelines for Prvt Satellite Channels and sought suggestions /comments from relevant stakeholders on whether Telecom Service Providers (TSPs) should be included in Clause 5.6 of the said Guidelines in respect of "Mobile TV platforms."

NBA in its submissions dated 20.12.2019 has suggested that the TSPs should not be included in Clause 5.6 of the said Guidelines in respect of Mobile TV platforms for the following reasons:

- a. All stakeholders in the broadcasting industry, are governed by the Uplinking and Downlinking Guidelines and the Act/Rules.
- b. The Broadcasting industry and Telecom sector are regulated by different and distinct legislations, have different licensing requirements, have distinctly separate delivery mechanisms and the viewing mechanism through the Mobile TV and other modes of distribution are completely dissimilar. The differences in the two sectors are as under:
  - (i) The said Guidelines lay down the eligibility criteria for applicant companies, the process for permissions and registration for channels being downlinked and are meant to lay down the terms and conditions for Satellite Television Broadcasters to receive permissions to broadcast the signals of their channels in India. On the other hand, the TSPs are governed by a different set of Legislations and Regulations.
  - (ii) While for DTH and IPTV, there is a requirement of a License under Section 4 of the Telegraph Act, 1885 (DTH / Unified License (UL) / ISP), however, with respect to provision of Telecom Services, there is a requirement of a License under Unified License.



- (iii) As envisaged by the Guidelines, the manner and scope of consumption of television channels via Mobile TV is at variance with the other distribution platforms presently.
- (iv) Clause 5.6 of the Guidelines contemplates four types of distribution platforms - Cable, DTH, IPTV and HITS. Most distribution platforms provide channels through Set-Top-Boxes (STBs) for viewing of television channels, which is very different from the Mobile TV platform. In the case of Mobile TV platform, the content consumption takes place on handheld devices.
- (v) While the Guidelines envisage the distribution of a linear television content to reach the television sets of the end users, through a Coaxial or Fibre or Hybrid Fibre or Coaxial networks, it is not clear from the Memorandum as to what is the intent, purpose, possibilities or limitations of including TSPs in Clause 5.6 of the said Guidelines.
- (vi) The Mobile TV platform envisages a different technology where consumer has to pay for data in proportion to the time for which the consumer has consumed the data and as a result the costs are associated with data consumption. There is no comparison of this technology with the technology envisaged under Clause 5.6 of Guidelines.
- (vii) Delivery of Mobile TV through 3G and 4G networks is disadvantageous to the voice and data services from the perspective of bandwidth as such services would severely burden the already limited capacity of the cellular system.
- (viii) The technology used to provide Mobile TV service is digital based and is more closely connected to the internet phraseology like unicasting, multicasting etc. which are distinct from broadcasting wherein broadcast signals can be received by a viewer simultaneously.
- (ix) There are also other technical constraints in respect of including TSPs within the ambit of the said Guidelines. It is submitted that unless the Mobile TV signals are transmitted in the same frequency band that can be received on Mobile handsets, the reception of broadcast signals on Mobile handset would require an additional receiver, tuner and perhaps antenna and decoder.
- (x) The television viewers are moving towards technologically advanced and bigger screens to enhance their viewing experience which can be provided through a fixed panel and while Mobile TV provides a different experience in that the content can be experienced while on the move, however it cannot be compared with the other four recognized modes of delivery medium which are fixed.
- (xi) For the broadcasters/DPOs to develop a bouquet of channels would be a challenge as the bouquet provided on TV channels by Cable and DTH operators are large in number and have a variety of content, which would not be possible in the case of Mobile TV.

NBA submitted that the intent and contours of the MoI&B in seeking to include the TSPs in Clause 5.6 of the said Guidelines in respect of “Mobile TV platforms” is absolutely unclear. The reason for lack of clarity in respect of the definition, were as under:

- a. “Mobile TV Platform” is not defined;
- b. The convergence of the two types of technologies/platforms that is sought to be achieved through this effort, had been attempted through the Convergence Bill more than 10 years ago, but the Bill did not see the light of day.

- c. In the case of the Mobile TV platform, it is not a dedicated platform to broadcasting as in case of other distribution platforms.
- d. The OTT space has grown at a rapid pace in the past few years. The Government has consciously not regulated the OTT and recognition of Mobile TV or inclusion of the TSPs in Clause 5.6 of the said Guidelines may also compel regulation of OTT in the future because of the similarity between Mobile TV platform and OTT platform.
- e. Inclusion of the TSPs in Clause 5.6 of the said Guidelines may result in emergence of an oligopolistic market in the arena of television distribution on mobile.
- f. By making a request that TSPs be included in Clause 5.6 of the said Guidelines, the TSPs want to gain backdoor entry into the broadcasting sector and are attempting to get content at regulated rates. Currently the news broadcasters share content with OTT / Mobile TV / Internet platforms on a fixed fee or advertisement revenue model.
- g. Mobile TV is offered over the public internet and does not necessitate the use of the satellite. Currently, the last mile of all the distribution platforms contemplated under the Uplinking and Downlinking guidelines are fixed terminals and not mobile.
- h. In view of the high bandwidth requirement, the Mobile TV platform cannot be equated with other platforms which are not dependent on traffic and can simultaneously cater to all users.
- i. Any attempt to include TSPs under Clause 5.6 of the said Guidelines would also lead to the TSPs seeking parity with DPOs without fulfilling other requirements as are to be fulfilled by the DPOs.
- j. Internationally for instance in USA, the Mobile TV sector is classified as internet service and is not subject to broadcast rules and regulations just as in Hong Kong, Mobile TV is not subject to broadcast regulations. While DVB-H was used as the standard for Mobile TV, it failed to take off in European countries and in South East Asian countries due to technological limitations.

The current scenario clearly demands that both sectors be regulated separately and bringing them under one umbrella would not be acceptable. Mobile TV should not be brought under the scope and ambit of Uplinking and Downlinking Guidelines and should not be equated with traditional television broadcasting.

NBA submitted that in the unlikely event that the TSPs are brought within the ambit of Clause 5.6 of the Guidelines, a consultation must be held with all the stakeholders of the news broadcasting industry with regard to:

- i. Rules and regulations to be applicable on the Mobile TV Platforms/ TSPs.
- ii. The issue of accurate rating and sharing of audited numbers of users of news broadcasters' channels on the Mobile TV platform, because it is necessary and mandatory to have accurate data measurement / audience viewing measurement.
- iii. The revenue to be earned by the news broadcasters in case they are mandated to provide content to the Mobile TV Platform.
- iv. Protecting and safeguarding the content rights of the news broadcasters who should be duly compensated through the Internet / mobile medium which primarily earns its revenue as a result of use of internet / broadband / data cost.

- v. Registration processes for news broadcasters.
- vi. Issues of carriage fee regime and placement fee.
- vii. Standards for operation of Mobile TV Platforms.
- viii. Establishment of a level playing field between the news broadcasters, TSPs / Mobile TV Platforms and other news websites.

**Public notice on the draft “Press and Registration of Press and Periodicals Bill, 2019”**

MoI&B circulated a public notice soliciting comments/suggestions/inputs from relevant stakeholders on the draft of the “Press and Registration of Press and Periodicals Bill, 2019”, to replace the existing Press and Registration of Books Act, 1867 which was applicable to the newspapers, printing press and Books (as defined in the Act) and not to the electronic media or digital media.

NBA submitted that the electronic media is regulated by The Cable Television Networks (Regulation) Act, 1995, the Cable Television Networks Rules, 1994 and the Uplinking and Downlinking Guidelines. NBA sought clarity from the MoI&B that if the definition under Section 2 (k) which covers the “news television broadcasters and their digital platforms”, then such media organizations would be required to register themselves under Section 18 with the Registrar of Newspapers of India as may be prescribed. NBA requested that the ambiguity be clarified before NBA give its comments, suggestions or inputs on any other provisions of the Bill and it reserves its right to do so if the electronic media stands to be affected by the legislation at a later date.

**Accessibility Standards for Persons with Disabilities in TV Programmes**

As per the provisions contained in Section 29 (h) and Section 40 of the Rights of Persons with Disabilities Act 2016, the MoI&B vide Office Memorandum No.9/10/2012- BP&L (Vol-II) dated 11.9.2019 had issued the “Accessibility Standards for Persons with Disabilities in TV Programmes”. This matter was considered by the NBA Board at its meeting held on 17.9.2019. The Board decided that all Members of NBA would carry a news bulletin on all days of the week with subtitles as stipulated in Section 29 (h) of the Rights of Persons with Disabilities Act 2016, in the language of the channel/s and at a time convenient to each broadcaster or use DD Feed. To implement the above and to furnish information, members are submitting in a prescribed format, the details of the said broadcasts, which in turn is submitted to MoI&B on a monthly basis.

**Selection of subjects by the Standing Committee on Information Technology for the year 2019-2020 – nomination of a representative on the subject "Ethical Standards in Media Coverage".**

For the year 2019-2020, the subject “Ethical Standards in Media Coverage” was selected by MoI&B, for which it required experts outside the Ministry to be nominated. MoI&B had approached NBA for nomination of a representative. Secretary General, NBA has been nominated on the Committee.

**Accreditation to National and Regional Channels**

Principal Director General (M&C), vide letter dated 9.12.2019 had informed NBA that the Central Press Accreditation Committee has opined that there should be a differentiation between the number of accreditations granted to national news channels and regional news channels. They had sought the comments from NBA on the need to differentiate between the national and regional news channels and the mechanism

for doing so. NBA has conveyed to the Principal Director General (M&C), that there is no need to create any differentiation between the number of accreditations granted to national news channels and regional news channels as no such distinction has been created by the MoI&B in the Uplinking and Downlinking Guidelines and the permissions granted by the MoI&B to the broadcasters.

#### **Feedback/Comments on amendment in the Cable Television Network Rules, 1994**

MoI&B had issued a Notice dated 1.11.2019 for Feedback/ Comments on Amendment to Rule 6 [by having two sub-clauses of Sub-Rule (2)] in the Cable Television Network Rules, 1994 on the issue of display of casting/credits/titles of Hindi serials telecast on TV containing the names of artists, singers, lyricists, musicians, directors, producers, etc. in Hindi language/regional languages also. NBA did not send any comments or suggestions in respect of amendment to Cable Rules as the amendment does not deal with news genre.

#### **Allotment of slots on DD Free Dish DTH Platform through Online e-Auction process**

All communications received from Prasar Bharti in this regard are circulated to members for their information and necessary action.

#### **Letters to Minister for Information & Broadcasting - DD Free Dish payments**

NBA had represented to the Minister for MoI&B on 27.3.2020 and 13.4.2020 that with Corona Pandemic and lockdown news broadcasters were facing a severe financial crisis due to cash flow problems for the following reasons:

- A) advertising release orders being cancelled
- B) advertisers asking for deferment and delay of payment.
- C) advertising inventory bookings are lower than 50 percent even for the top-rated news channels.

MoI&B and Government of India (GoI) was requested to support by taking the following measures for news channels to carry their duty of essential services:

1. Payment due to Prasar Bharati for Free Dish carriage by 31st March 2020 be deferred until July 2020. And a concession of 90 days be given on the carriage amount of Free Dish.
2. All MSOs & DTH operators directed to carry uninterrupted telecast of news channels until June 2020 end even if there is delay by some channels in the payment of Carriage fee / RIO charges as per agreement.

In response to the representation, the successful bidders of 44th e-auction for carrying TV channels on DD Free Dish were given an alternate payment plan whereby the payments due was to be made by 27.6.2020. The same covered the first three instalments and subject to furnishing a bank guarantee of an equivalent amount (valid upto 31.7.2020) and payment of interest amount @ 5.70 % per annum and GST on interest amount. Since the alternate plan suggested by Prasar Bharti in the present circumstances was not financially feasible, NBA requested MoI&B that for the quarter April, May and June 2020 DD Free Dish be given free to all auction winners i.e. no payment and for the quarter July, August and September 2020 - only 50% of payment and balance 50% to be waived off. The members did not get any relief.

### **Illegal availability of Channels on DD Free Dish**

NBA brought to the notice of the Minister for Information & Broadcasting on 6.10.2020 that some of the regional channels are being made available illegally on DD Free Dish. Some of the regional channels which have not participated in the Prasar Bharti auction but have used their proximity to the satellite of DD Free Dish are able to take a free ride on DD Free dish platform without paying the exorbitant fee which other member channels are paying.

It was submitted that DD Free dish channels are uplinked through GSAT15 which is co-shared by several broadcasters. The problem arose when broadcaster's uplink their channels on the KU Band in an unencrypted manner, resulting in such channels being received by the subscribers of DD Free Dish. Such transmission in an unencrypted format in the Ku Band gives an unfair advantage to the channels to be available on DD Free Dish for free without paying Prasar Bharti for the slot on DD Free Dish, and such broadcasters have not participated in the auction. This unfair advantage is discriminatory and does not provide a level playing field to other broadcasters. Due to the illegal presence of such channels on the DD Free Dish platform, these channels get benefits to a larger market share, additional advertisement revenue and this results in a loss to the ex-chequer of license fee legally payable to Prasar Bharti. In addition, such channels, which due to being available in an unencrypted form on Ku Band, are providing the broadcast signals directly to DD Free Dish subscribers without going through the distribution platform, which results in violation of Clause 5.6 of the Downlinking Guidelines of December 2011.

NBA has suggested that MoI&B should take immediate steps to ensure that such blatant violations be stopped by either not issuing approvals for Uplinking of channels on Ku Band other than in case of DTH services or all channels uplinked on Ku Band should be mandatorily be asked to be encrypted.

## **Telecom Regulatory Authority of India**

### **Consultation Paper dated 16.8.2019 on Tariff related issues for Broadcasting and Cable services**

NBA did not submit its comments on the Consultation Paper. It was circulated to members and they were advised to submit their individual comments directly to TRAI and participate in the OHD.

### **Consultation Paper dated 25.9.2019 related to Interconnection Regulation, 2017**

NBA had submitted its comments to the TRAI on 4.11.2019 and participated in the OHD which was held on 28.11.2019.

### **Amendments to Tariff Order, Interconnection Regulations and Quality of Services Regulations of 2017 for Broadcasting and Cable Services Sector**

TRAI had released the following amendments and notified it on 1.1.2020:

1. The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2020 (No. 1 of 2020)
2. The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Second Amendment) Regulations, 2020 (1 of 2020) New Delhi, 1.1.2020
3. The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Third Amendment) Regulations, 2020 (No. 2 of 2020)

NBA in its submissions on the Consultation Paper had made submissions to redefine “Target Market” based on the language of a state/territory or the total subscriber base of a DPO subscribing to a regional pack of that DPO and had reiterated that language should be most important determinant in defining Target Market, no “carriage fee” on news channels and if carriage fee is not abolished it must be reduced and method of calculating carriage fee should be discontinued from defining the term target market.

The submissions of the NBA and the amendments made in Regulations 2020, have been substantially accepted in relation to carriage fees, target markets, EPG etc. The said Regulations as amended do not impact the news broadcasters negatively. NBA had not commented specifically on the Tariff related issues.

#### **Draft Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Amendment) Regulations, 2019**

TRAI on 27.8.2019 had issued Draft Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Amendment) Regulations, 2019 for which written comments were invited from the stakeholders. NBA did not offer any comments on the above Draft Interconnect Regulations.

#### **Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019**

TRAI on 4.9.2019 issued the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019 (No.02 of 2019).

#### **The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Amendment) Regulations, 2019**

TRAI had issued the above regulations on 30.10.2019, which has been circulated to members on 31.10.2019.

#### **Consultation Paper on KYC of DTH Set Top Boxes**

TRAI issued a Consultation Paper on KYC of DTH Set Top Boxes on 19.7.2019. NBA did not offer any comments on the Consultation Paper. The TRAI has given its recommendations on 28.10.2019.

#### **The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual 2019**

TRAI had constituted a Committee which looked into the formulation of the Audit Manual. NBA was represented on the Committee. TRAI finalized the Audit Manual, which has been circulated to members on 11.11.2019.

#### **Consultation Paper on Interoperability of Set Top Box**

The TRAI had issued the above consultation paper on 11.11.2019 and was circulated to members on 13.11.2019. NBA did not offer comments on the said Consultation Paper. TRAI has given its recommendations in this regard on 10.4.2020.

#### **Recommendations on Platform Services offered by DTH Operators**

TRAI issued recommendations on 13.11.2019. From the website of the TRAI it is understood that the “Response to back reference dated 13th May 2020 received from Ministry of Information and Broadcasting (MIB) on TRAI's Recommendations dated 13.11.2019 has been sent on 26.5.2020 to MoI&B” .



### **Broadcasting Centre of Excellence in India**

TRAI informed NBA that based on the recommendations on, ‘Ease of doing Business in Broadcasting Sector’ it has envisioned the establishment of a Broadcasting Centre of Excellence. TRAI therefore decided to constitute a Committee of representatives from the industry and academia. NBA has nominated Group General Counsel, TV18 Broadcast Ltd. on the Committee.

### **TRAI Consultation Paper on “Manufacturing of indigenous equipment for Broadcasting Sector in India”**

TRAI informed NBA that it has decided to issue a Consultation Paper on “Manufacturing of indigenous equipment for Broadcasting Sector in India”. To seek inputs from industry TRAI decided to constitute a Committee of representatives from the industry stakeholders. NBA has nominated Chief Technology Officers of Network18 Media and NDTV on the Committee.

### **ITU-TRAI International Training on ‘Emerging Trends in Broadcasting’ October, 2019**

TRAI requested NBA to nominate four officers of senior and middle management level to attend the training programme, which was being jointly organized by TRAI and International Telecommunications Union (ITU). Member broadcasters OTV, Total TV, Asianet and HMTV were requested to nominate a representative each from their respective organisations. Asianet only participated in the training programme.

### **Republic TV & Republic Bharat being out of Genre & Dual LCN**

NBA has drawn the attention of the TRAI that the above channels are being re-transmitted on various networks in the incorrect language category in the news genre and the said activity continues with impunity despite several representations. NBA has brought to the notice of the TRAI that the said activity undertaken by certain DPOs on behest of the broadcaster is in contravention of Regulation 18 of the Interconnect Regulations which stipulates the manner in which the channels are to be placed by the DPO in the EPG. This activity is also in violation of Regulation 38 of QoS Regulations which requires that a channel of same language shall be put together within the same sub- genre. The QoS Regulations are meant to protect the consumer interest and a particular viewer who is navigating through the EPG of a particular language, should not be subjected to find different language channel placed in between that particular language channel. NBA has demonstrated that how this activity is undertaken in Tamil Nadu, Puducherry wherein “Republic TV” is placed in between Tamil language news channels. In addition to the violations of the extant regulatory provisions, this activity is also anti-competitive and amounts to an unfair trade practice adopted by these networks in favor of “Republic TV” which is discriminatory against channels of NBA members and causing irreparable loss to their business.

To the various representations made, NBA received response dated 3.7.2020 from the Joint Advisor (B&CS) stating that TRAI has taken appropriate action/steps on all complaints of NBA from time to time including seeking comments from all concerned MSOs, referring the issue to Ministry of Information and Broadcasting, and carrying out inspections/ audit. Since the issues raised by NBA are related to violation of extant regulations and dispute among service providers, NBA may consider approaching either MoI&B or Authorized officers under the Cable Television Networks (Regulation) Act and other forums for effective redressal of their complaints. NBA has not accepted the response given by the TRAI and is representing to the TRAI by giving the details on the violations and requesting TRAI to take action under its regulations.

## Ministry of Labour and Employment

### Submissions on the proposed draft of Occupational Safety, Health and Working Conditions Code, 2019

In pursuance of the recommendations of the Second National Commission on Labour in its 2002 Report on “Occupational Safety, Health and Working Conditions of the Workers”, the Government thought it necessary to enact a Central Legislation in the form of a Code, namely the Occupational Safety, Health and Working Conditions Code, 2019 which incorporates the essential features of the thirteen enactments relating to factories, mines, dock workers, building and other construction workers, plantations labour, contract labour, Inter-State migrant workmen, working Journalist and other newspaper employees, motor transport workers, sales promotion employees, beedi and cigar workers, cine workers and cinema theatre workers and to repeal the respective enactments.

The Occupational Safety, Health and Working Conditions Code, 2019 simplifies, amalgamates and rationalises the provisions of thirteen enactments in the aforesaid areas and to comprise them in a concise volume with certain important changes.

The Hon’ble Speaker of the Lok Sabha referred ‘The Occupational Safety, Health and Working Conditions Code, 2019’, as introduced in Lok Sabha to the Standing Committee on Labour for examination and report. The Hon’ble Standing Committee gave an opportunity to the stakeholders, to provide their views, suggestions and recommendations on the proposed draft of Occupational Safety, Health and Working Conditions Code, 2019.

NBA reviewed the Draft Code and made the submissions/suggestions with respect to the provisions of the Draft Code, which specifically impact the news broadcasters inter alia to bring a Working Journalist within its ambit in respect of wages, annual leave, and other working conditions and thereby impacts the electronic media industry (broadcasting industry) and journalists/employees employed in the said industry.

NBA gave detailed submissions why there are several reasons as to why the news broadcasting industry/ electronic media should not be brought within the remit of the Code:

- a. The broadcasting industry was not covered by the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and The Working Journalist (Fixation of Rates of Wages) Act, 1958. In fact, only the print media was within the ambit of the said Acts. The Code surreptitiously attempts to apply the principles of The Working Journalists and Other Newspaper Employees (Conditions of Service) And Miscellaneous Provisions Act, 1955 which was based on a completely outdated Press Commission Report, 1954, on the broadcasting industry. Applying these archaic legislations to the broadcasting industry is completely arbitrary and unconstitutional. It effectively amounts to penalising the electronic media in an age where news is available at the touch of a button. Clauses of the Code impose unreasonable restrictions on electronic media and are violative of its fundamental right to free speech.
- b. The Second National Commission on Labour on the 'Occupational Safety, Health and Working Conditions of the Workers' neither has reference to, nor has it considered ‘electronic media’, and the specific issues of the broadcasting industry.

- c. NBA pointed out that a differentiation has to be made between the news broadcasting industry and the other traditional industries such as mines, factories, beedi and cigar establishments and the construction industry. The media has a fundamental right of freedom of speech and expression under Article 19(1) (a) of the Constitution by which it has a right to disseminate information just as the public has a right to receive information. Media is considered the 'fourth' pillar of democracy and it is integral to and of grave importance to public interest. NBA submitted that given the peculiarities of the news broadcasting industry and the mode and manner in which it functions, all legislations relating to the broadcasting industry should ideally be embodied in a separate legislation relating to the broadcasting industry only. In fact, digital media should also come under a separate legislation and not be clubbed with other establishments particularly as it is a growing industry and has its own nuances.
- d. The Code has sought to bring within its ambit the electronic media, without defining the scope of the term, and without a complete, proper and exhaustive inquiry into whether 'electronic media' is required to be covered under the Code. The ambiguity in defining electronic media will lead to confusion particularly in view of the advent of digital media/social media as news disseminators.
- e. The news broadcasting industry is a unique and highly specialised industry. It is governed by a legal regime which embodies concepts, such as free speech which may have no application to other industries or its workers. Journalists and other technical personnel, who constitute the bulk of the employees in media organizations, necessarily possess high educational qualifications and/or technical knowledge and skill. Journalists cannot, as a class be put in the same bracket as 'workers' in other traditional industries and they would need different statutory protection as compared to other 'workers'.
- f. The nature and mode of operation of the news broadcasting industry varies to a great extent from the other conventional industries / establishments. Substantial portion of work involved in the news broadcasting industry is generally performed by various group of freelancers, small enterprises, small operators, etc. who work on a small scale and with finite budgets and limited resources. Therefore, considering the organizational structure if the news industry is brought under the ambit of complex compliance obligations as are proposed in the Code, would create enormous pressure inter-alia on overall efficiencies, since complying with the proposed onerous obligations will require diversion of resources, funds and time, which would otherwise have been utilized to deliver news. The complex and onerous compliance requirements, as proposed under the Code, may compel small setups to shut down, thereby creating a direct adverse impact on employment options and plurality of the broadcasting industry.
- g. The manner in which news channels operate wherein the broadcasters have to maintain news bureaus in various parts of India for collating news content from its journalists and reporters who are continuously on assignments with their production crew i.e. camera men and Outside Broadcasting (OB) Vans to share and transmit news reports immediately to their main broadcasting center. This is due to the very nature of the electronic media business wherein prompt news reporting is essential to the very core of the industry. It is important to understand the manner that electronic media operates and the challenges faced by the industry before imposing any further legislation on it. The Code has also failed to take into account the dynamics of the business of 24x7 news and current affairs reporting.
- h. The Code does not take into account the mode, manner and nature in which the news broadcasting industry functions and operates. It appears from the provisions of the Code that the freedom of the

media industry to administer itself is being hindered and curtailed by certain unreasonable restrictions laid down by provisions of the Code which could be detrimental to the growth of this dynamic industry. The Code has also failed to take into account the dynamics of the business of 24x7 news and current affairs reporting.

- i. NBA submitted that in today's challenging business environment, as against legislation-backed regulations, the need of the hour is to introduce flexible employment regulations, which would be beneficial for both, survival as well as growth of businesses. Any proposed legislative regulatory framework ought to be consistent with the characteristics of the relevant industry and the approach of 'one size fits all' ought to be avoided. If one of the key aims of the Code is to simplify, amalgamate and rationalise provisions of various statutes (i.e., thirteen statutes) and also to comprise them in a concise volume with certain amendments, then it should be applicable to industries which operate in a similar manner like all the traditional industries. The focus of any legislation dealing with the news broadcasting industry ought to be to introduce a mechanism of self-regulation.
- j. The news broadcasting industry in India is still evolving and burdening it with the obligations sought to be imposed by the Code, without a proper understanding of the workings of the industry, would hinder the development and growth of the said industry. This particularly applies to the regional news broadcasters as several of the channels are Free to Air (FTA) and have no subscription revenues and several Pay channels are also very reasonably priced. Any imposition of additional and/or stringent stipulations as proposed in the Code is bound to have a negative impact on majority of the news channels in the country.
- k. The work/activities of the news broadcasting industry is covered under the various State legislations including the Shops and Establishments Acts which essentially deal with registration of establishments, change in ownership or closure of establishment, employment of adults, their working hours, wages for holidays, wages during leave, period of rest, intervals of rest and meals, provisions for employment of women, appointment letters to be given by employers and some of these legislations define a 'commercial establishment' to include journalistic establishments. Therefore, there is an eminent possibility that if the Code is not amended to exclude the news broadcasting industry and the journalists therein, there would arise contradictions amongst various legislations and the provisions of the Code which would lead to disputes/litigation, apart from making the operational process of doing business more onerous. To avoid contradictions amongst the various legislations, NBA suggested that a separate legislation be brought to govern all aspects of the media /digital industry (after consultation with all relevant stake holders) and the news broadcasting industry be excluded from the Code.
- l. The Code should not over-prescribe legislative regulations as it will be counter-productive to Government's own initiatives of 'Ease of Doing Business'. Legislations should complement Government's vision of improving the business environment in the country, which ought to be necessarily based on a simple and minimal legislative regulation. There are a plethora of legislations applicable to such matters that provide adequate safeguards and grievance redressal mechanism and there is no requirement for separate legal framework. Accordingly, if new laws are implemented that have overlapping provisions with respect to existing corresponding legislations, then the same may be counterproductive and result in creating confusion and uncertainty. Moreover, sufficient safeguards already exist for protection of interests

of workers/employees and therefore, mandating duplicate / varied compliances would also create a hindrance in ‘Ease of Doing Business’ and negatively impact revenues / revenue earning prospects of entities.

A light touch legislative regulatory approach with promise of regulatory certainty and predictability, thereby leaving certain aspects relating to engagement of workforce to market forces will encourage the growth and development of the news broadcasting industry in the country, which will eventually improve employment opportunities.

- m. The Code requires too much compliance from the media companies such as registrations, maintenance of registers and records and filing of returns by the employer etc. The compliances required are a hindrance to the ‘Ease of Doing Business’ apart from being a duplicate exercise as similar registrations of establishments are required under other statutes too. There is also no clarity on the methodology to be adopted and the extent of applicability of the Code to part time and contractual employees like stringers who are important a part of the news broadcasting industry.
- n. NBA submitted that the Code was essentially drafted for regulation of health, safety and working conditions and not to determine the employment terms or contract between employer and employee. Given the peculiarities and the manner in which the news broadcasting industry and digital media operate, all legislations relating to the media should ideally be embodied in a separate legislation only after taking into account inputs from the said industry and its stakeholders.

## **Submissions on the Preliminary Draft Rules under Section 67 of the Code of Wages 2019**

The Ministry for Labour and Employment prepared a preliminary draft Rules i.e. The Wages (Central) Rules, 2019, under Section 67 of The Code of Wages, 2019, and had sought inputs by relevant stakeholders.

NBA vide letter dated 1.12.2019 made its submissions on the Preliminary Draft Rules under Section 67 of the Code of Wages 2019 which stated as follows:

The Central Government is proposing the Rules in exercise of the powers conferred under Section 67 of Code read with Section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the rules made by the Central Government under the enactments repealed by the Code. The Code seeks to withdraw and to repeal the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965 and the Equal Remuneration Act, 1976 and bring in an all-encompassing Code in respect of the provisions relating to wages, revision of dearness allowance, number of hours of work which shall constitute a normal working day, weekly day of rest, night shifts etc.

NBA gave its comments and suggestions on the Rules only to the limited extent that if misinterpreted, the Code and Rules may be made applicable to the news broadcasting industry, which will not be justifiable.

- a. NBA clarified that as drafted the provisions of the Code and Rules do not apply to the electronic and digital media, therefore a misinterpretation of the provisions of the Code and Rules leading to the

application of either on the electronic and digital media would be a contradiction, anathema and against the objectives of the legislation.

- b. NBA also stated that the news broadcasting industry was never covered by the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, and the Working Journalist (Fixation of Rates of Wages) Act, 1958.
- c. The reasons that the above legislations did not apply to the news broadcasting industry is that the nature, manner and mode of operation of the said industry varies to a great extent from the other conventional industries / establishments including the print/newspaper industry. Therefore, the legislations governing the news broadcasting industry cannot be the same as legislations governing the traditional industries.
- d. The news broadcasting industry is a unique and highly specialized industry. It is governed by a legal regime which embodies concepts such as free speech as envisaged by Article 19 (1) (a) of the Constitution, the right to disseminate information to the public. This may have no application to other establishments/industries or its employees/workers.
- e. Journalists and other technical personnel, who constitute the bulk of the employees in media organizations must, necessarily possess high educational qualifications and/or technical knowledge and skill to be employed in the news broadcasting industry. Journalists cannot, as a class be put in the same bracket as 'workers' in other traditional industries.
- f. A journalist working with the news broadcasting industry cannot be treated at par with a journalist working with a newspaper establishment or print media.
- g. There is a distinction required in the skills of a journalist working with the news broadcasting industry and a journalist working with a newspaper establishment or print media and this distinction is significant.

NBA comments on the some of the draft Rules were as follows:

NBA clarified that ordinarily the definitions of 'company', 'establishment' and 'employer' as given in the Code would apply to the electronic media companies and establishments. However, on a harmonious reading of the Code, Rules, on a perusal of the definition of the term 'worker' as given at Section 2(z)(i) of the Code and the aforementioned terms, it can be clearly implied that the Code and the Rules do not specifically include electronic media and would therefore not apply to electronic media establishments or media companies.

The definition of a "worker" as given in the Code, it is evident that the Code does not apply to workers or a journalists employed by the electronic media establishments and/or companies and therefore the terms 'company', and 'establishment' cannot be read to mean electronic media companies and establishments nor can the term 'employer' be read to mean a person in the electronic media industry who employs, whether directly or through any person any employee/worker. By virtue of the fact that the news broadcasting industry was never covered by clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and for the reasons stated in paragraph 4 (a) to (g) the Code and Rules cannot be automatically applied to the news broadcasting industry, whether now or in the future. The provisions of the Act cannot be made applicable through the Code and Rules in a surreptitious manner. This fact is also reinforced by Rule 29 (i) which defines a working journalist to mean

a working journalist defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).

NBA submitted as follows:

1. On a reading of the definition of the term ‘employee’ as given in the Code, it is clear that the term ‘employee’, as defined by the Code does not include employees working with the news broadcasting industry.
2. The definition of “employee” and the definition of semi-skills, skilled occupation, unskilled occupation needs more clarity to differentiate the various classes as any ambiguity would create and generate disputes and litigation amongst the employers and employees/semi-skilled/skilled and unskilled employees. This lack of clarity may militate against the goal of simplification of all labour laws and affect the efficiency of the said Code.
3. None of the provisions of Chapter II dealing with minimum wages or the norms for fixation of minimum rate of wages or fixing the time interval for revision of dearness allowance or the number of hours of work which shall constitute a normal working day or the weekly day of rest or the night shifts would apply to the journalists/employees of the electronic media/news broadcasting industry for the reasons stated above nor would any other provision of the Code and Rules be applicable to the electronic media/news broadcasting industry.

There is an apprehension amongst the news broadcasting industry in respect of Rule 55 of the Rules which reads as under:

*55. Technical Committee for working Journalist.- The Central Government may, for the purpose of fixing minimum wages under the code for the working journalist as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), appoint a technical advisory committee under clause (a) of sub-section (1) of section 8 to recommend the Central Government in respect of such fixation.*

The apprehension is that the Code and Rules may be made applicable to the news broadcasting industry and this arises from the fact if the Occupational, Safety, Health and Working Conditions Code, 2019 (the OSH Code), comes into effect and repeals the Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and thereby the definition of Working Journalist in section 2(f) of said Act, the following consequences may arise:

- i. Provisions of the Code and Rules may be read in order to apply them to journalists of the electronic media /news broadcasting industry.
- ii. Furthermore, the definition of a ‘working journalist’ as defined in the OSH Code may be inserted into the Code and Rules.
- iii. This is apart from the fact that the Technical Committee may end up fixing minimum wages for journalists working in the electronic media /news broadcasting industry under Rule 55 of the Rules which would be akin to the Wage Board under the Act.

iv. This scenario was completely unacceptable and unjustified. It was reiterated that the Code and Rules should not be made applicable to the electronic media/ news broadcasting industry.

NBA found it also necessary to comment on Section 61 as it is not acceptable as drafted. *61. The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service.*

Employers and employees of the electronic media /news broadcasting industry must be free to enter into a contractual relationship and the media industry should be given freedom to administer itself and not be hindered and curtailed by certain unreasonable restrictions laid down by provisions of the Code which could be detrimental to the growth of this dynamic industry.

In view of the fact that the provisions of the Code and the Rules do not apply to the electronic media /news broadcasting industry, NBA would not elaborate on any other provisions of the Code or Rules and reserves its right to do so if the electronic media stands to be affected by the legislation or rules at a later date.

#### **Submissions on the proposed Chhattisgarh Journalist Security Act**

NBA vide letter dated 28.11.2019 submitted to the Chairperson, Chhattisgarh Journalist Security Act 2019 that NBA appreciated the objectives behind the Government of Chhattisgarh bringing out the Chhattisgarh Journalist Security Act which ensured protection to journalists in the State. However, NBA had concerns in respect of some provisions of the Act which inter alia related to the following provisions:

While definition of “*Mediaperson*” appears to be exhaustive enough to encompass most of the participants in the electronic media broadcasting industry, however there should be greater flexibility built into the said definition to permit wider coverage such as to include “such persons as may be identified and prescribed to be Mediapersons from time to time.”

It should be clarified that the definition ‘Person Who Requires Protection’ includes all registered Mediapersons who come to Chhattisgarh from outside the State including those who are registered with the Press Information Bureau (PIB) or the Directorate of Information and Public Relations of the States (DIPR) or those who have valid identity cards issued by media organizations in other states of India.

Mediapersons should also be given protection on a fast track basis under the said Act if they are reporting or carrying out journalistic work/activities in Chhattisgarh for a temporary period and are under threat or are intimidated or face harassment.

Mediapersons from outside the State must be exempted from the registration process while they are conducting their journalistic activities in the State and getting protection from the State in case of intimidation or harassment.

The Register maintained under the said provision should not be made public or be in the public domain as it would not be prudent to make such information available to the public as it may be misused. While the Register may be maintained as prescribed, the information must be kept confidential and may be made available to certain authorities or for specific purposes/requirements only. Mediapersons may face



imminent risks and dangers while conducting their journalistic activities such as covert/sting operations if such information is made public and therefore it would be advisable to protect the identity of such persons. If the said data is made public, the lives of the Mediapersons together with the lives of such persons who are connected with such Mediapersons (including family, friends, relatives, etc.) will be at risk and the very objective of the said Act to protect the Mediapersons shall be lost.

NBA proposed that a person who has been engaged with journalistic activities in the State for at least 3 months should be eligible for registration. There need not be a minimum number of articles or work that a Mediaperson is required to publish/write within 3 to 6 months to become eligible for registration. Furthermore, young journalists who start their official duties in reporting, may not always qualify for the criteria relating to minimum number of articles or work as suggested. Remuneration/payments should not be used as a criterion to decide whether a person can register as a Mediaperson. It must be clarified under sub-clause f that persons who have a valid Identity card or a letter from a media establishment certifying that the applicant is currently employed by it, can also be Mediapersons from outside Chhattisgarh.

The period of 15 days granted to the Authority to decide applications for registration and further another seven days to communicate the decision to a Mediaperson is too prolonged a period in respect of registration of Mediapersons. In cases where time is of the essence, to cover a story in the State, such timelines are not practical. Assuming Mediapersons who come from other states to Chhattisgarh to report on critical news stories, are also required to register as Mediapersons, such procedural delays will impact their activities as journalists.

Where a person has just started journalistic work and he/she faces harassment or intimidation, a delay for 22 days while the procedure of registration is being completed, is not acceptable. The implications of such prolonged period on the life of a Mediaperson and the risk to lives of such persons who may be connected with the Mediaperson like friends, family members etc. should also be taken into consideration and hence a shorter period for registration of a Mediaperson needs to be prescribed. Mediapersons from outside Chhattisgarh should be exempted from registration under the said Act unless the definition under Clause 10 f is clarified to include Mediapersons who are temporarily working in Chhattisgarh but are from a different state.

Registration must be granted for a duration of 5 years. The journalistic activities of Mediapersons should not be hindered for lack of registration/renewal of registration or for getting involved in too many procedural requirements for registration as the process of dissemination news must be seamless. All Mediapersons whether registered under the said Act or conducting journalistic activities in the state of Chhattisgarh for a temporary period must be given protection under the said Act in case of harassment, intimidation and violence. Any information submitted including complaints, evidence or documents must be kept confidential.

The term ‘immediately’ should be defined more specifically as at the moment it is vague, ambiguous and open to misinterpretation. A specific time period must be provided for forwarding a complaint by a Risk Management Unit which does not have jurisdiction to the concerned Risk Management Unit which has the jurisdiction to deal with it. Any delay in forwarding the complaint may result in harm to a Mediaperson under threat.

The period of 15 days required from the date of receipt of the complaint or information to formulate a Protection Plan to safeguard Mediapersons who require protection at the earliest is too prolonged a period. A shorter period needs to be prescribed. Any delay in formulating a Protection Plan to safeguard Mediapersons who require protection at the earliest may result in harm to a Mediaperson under threat.

The penal provisions provided for under the said Act must extend to all persons, authorities and institutions who have committed the offence of harassment or intimidation and violence against Mediapersons regardless of whether these authorities are government authorities, public officers, police and any other authorities. No immunity should be granted to any person or authority.

NBA suggested that there should be a more stringent penalty (both criminal and financial) prescribed if there has been wilful neglect of duty by a public servant to take necessary measures to protect a registered Mediaperson as such conduct may result in egregious harm being caused to a Mediaperson.

The data collected on complaints made, information received, and actions taken under this Act should not be made public due to the sensitive and confidential nature of the data and the safety concerns of the Mediapersons collecting such data.

Clarification is needed whether such data gathered and maintained by the Government of Chhattisgarh with respect to complaints made, information received and actions taken under the said Act shall be brought within the ambit of Right to Information Act, 2005? The implications of making such data available to public, including its effect on the security (threat to life) of a Mediaperson should be taken into consideration.

Since the enactment of this legislation can become a precedent for other States to enact similar legislations, the said legislation must be robust in protecting Mediapersons from harassment, intimidation, violence and have in-built safeguards to protect a Mediaperson's interest including maintaining confidentiality about their work, protecting their privacy and ensuring a fair, transparent, and time-bound process for dealing with issues faced by them.

## **Ministry of Commerce and Industry, Department for Promotion of Industry and International Trade (DPIIT)**

### **Submissions on issues related to Single and Multiple Copyright Societies**

The Ministry of Commerce and Industry, Department for Promotion of Industry and International Trade (DPIIT), had invited stakeholders to discuss issues related to Single and Multiple Copyright Societies on 31.12.2019 under the Chairmanship of Secretary, DPIIT. NBA participated in the meeting.

NBA vide letter dated 3.2.2020 submitted that Section 33 (3) of the Act states that the said provision have been enacted in the interest of 3 classes of persons:

- i. *In the interests of the authors and other owners of rights under this Act.*
- ii. *In the interest and convenience of the public.*
- iii. *In the interest of the groups of persons who are most likely to seek licences in respect of the applicants.*

NBA submitted some specific issues faced by the news broadcasters, in both the cases which were as under:

- i. The principle role of a news broadcaster is dissemination of news and during this process, minor extracts from third-party copyrighted works (such as songs, song recordings etc) may be used; which use, despite being non-substantial is objected by owners/authors of copyright and may also be subjected to claims of royalty by copyright societies at high commercial rates.
  - ii. Often news broadcasters are required to approach multiple music companies and copyright societies (claiming to have members with one or more underlying rights in a single copyrighted work) individually to obtain licenses and pay royalties for using a single copyrighted work. In spite of obtaining the relevant licenses, there is a continuous pending threat of a copyright infringement suit being filed by independent organizations/owners of copyrights against the news broadcasters as they may claim that they are not be part of copyright societies qua payment of royalty.
  - iii. If Multiple copyright societies are catering to same class of work, the news broadcasters will find it difficult to identify which society owns the rights and will necessarily, to get a broader repertoire, obtain multiple licenses. In an era where ‘ease of doing business’ is being promoted and where simplicity in getting licenses should be mandated, the proposal of having Multiple copyright societies increases the work, time spend and the costs the broadcaster.
  - iv. Allowing Multiple copyright societies in India in respect of the same class of work does not resolve but compounds the existing legal and transactional works costs, legal exposure and the stark lack of ease of doing business associated with the current fragmented copyright ownership landscape in India.
  - v. Even to use a non-substantial portion of a copyrighted work (beyond “fair dealing” under the said Act), the requirement is to coordinate with multiple owners/authors of copyright and copyright societies for such permissions and licenses, which is a tedious, time consuming, onerous and cumbersome process for the news broadcasters.
  - vi. In the case of Single copyright societies or individual copyright owners/organisations, news broadcasters are compelled to buy expensive licenses from multiple copyright owners/authors for their respective repertoires and end up paying exorbitant amount of royalties. Furthermore, single Copyright societies tend to be monopolistic in a non competitive environment and therefore charge exorbitant royalties from the news broadcasters.
8. NBA submitted that currently, because of increasing fragmentation of the content owner spectrum, the news broadcasters are forced to secure multiple licenses. The transactional process of granting licences and making payments should be made simpler.

The existence of multiple licensing points has resulted in the following adverse effects on the news broadcast industry:

- a. Significant increase in transactional costs as well as delays associated with identifying, negotiating and acquiring multiple licenses;
- b. Arbitrary license fee valuations by different copyright owners. This is associated with old as well as contemporary/new copyright repertoires – given that owners demand varying rates for their respective content catalogues;

- c. Escalating legal exposure (criminal cases, civil litigations including business disruptive injunctions) from copyright owners have increased exponentially, given that it is not possible to secure licenses from all copyright owners as there is a practical difficulty in ascertaining and / or tracking ownership details and rights in the absence of a central “Universal Works Database”.

NBA submitted that apart from considering the issue of Multiple or Single copyright societies, DPIIT should instead consider the following:

- a. Different Categorization for the News Genre-News is a separate genre from General Entertainment (GE) in content, nature and financially as well. Therefore, the news genre requires different categorisation with regard to licences and tariffs for the copyright material telecast.
- b. Different Tariffs/Rates for the News Genre-The GE channels earn substantially more revenue from advertisements compared to news channels and therefore News as a genre cannot have same tariffs as GE channels.
- c. No License Fee chargeable from news broadcasters if the usage is within the concept of ‘Fair dealing’. news broadcasters should be treated differently and should not come in the ambit of paying license fees as news broadcasters only use the music content for limited purpose on news channels, assuming that the usage conforms with the definition of ‘fair dealing’ under the Act.
- d. No Royalty Payment payable by news broadcasters if the usage is with the concept of ‘Fair dealing’ as per the said Act- Use of non-substantial portions of copyrighted works by news agencies for news dissemination and broadcast should be exempted from the purview of copyright infringement and should not be paying royalty, assuming that the usage conforms to the definition of fair dealing under the said Act. In case the usage is beyond ‘fair dealing’, the rates charged by such societies and copyright owners should be per usage basis particularly as use of copyrighted works in the case of news channels is different from a GE channel. According to the Act, news broadcasters can use copyrighted material without infringing copyright and without getting licenses or making payments provided the use/dealing with the work is ‘fair’.
- e. For the ‘Ease of doing business’, NBA suggested that whether there are Single copyright societies or Multiple copyright societies for the same class of work, what must be ensured is that there must be Single window clearances for obtaining licenses and making royalty payments for all classes of work for news broadcasters and their digital platforms.
- f. Establishment of a single buffer/interface between the users of copyrighted works and the copyright societies, which interface should provide a comprehensive channel for obtaining all the permissions/licenses in one transaction itself, for using a single piece of work.
- g. Single window license clearances would assist the news broadcasters in obtaining licences for all class of works from one source. An umbrella society needs to be established which could act as a single window interface with copyright societies. This is absolutely essential for broadcasters. In fact, the copyright societies may decide internally and between themselves about issues such as tariffs/revenue.
- h. Single window clearances for licences and payments would also reduce disputes and litigations.
- i. As the interface between the users and the copyright societies, this buffer should calculate the royalty payable based on the nature of use, distribution platforms, as well as the duration of use of each

copyrighted work, inter alia, as opposed to taking compulsory license for the entire library of copyrighted works maintained by the copyright holders.

- j. After collecting the requisite royalty from the user, the buffer interface shall be responsible to distribute the royalty to the respective copyright societies, as applicable.
- k. The relevant provisions of the said Act would need to be suitably amended so that any ambiguity in respect of the submissions made above are removed.
- l. The legislation should state that it will be the single buffer interface's liability/ responsibility to bear the burden of the royalties which is to be paid to the copyright owners. Therefore, the single buffer interface should be responsible for issuing licences, accepting payments and giving royalties to the copyright owners.

**Additional submissions in respect of the Copyright Act, 1957**

DPIIT had conducted on 13.2.2020 an interactive session with stakeholders with regard to the various provisions of the Copyright Act, 1957. Since there are several challenges being faced by news broadcasters in relation to crucial issues arising out of other provisions of the Act, NBA on 16.3.2020 made submissions/ comments on the following issues:

- i. Fair dealing and its application on news broadcasters especially in cases of 'de minimis' use.
- ii. Beyond "fair dealing" and the application of different tariff schemes for news broadcasters.
- iii. Payment of Royalties to author.

NBA suggested as under:

**News Reporting should be specifically mentioned**-News Reporting should be categorically and specifically mentioned under Section 52 of the said Act as an exception to copyright infringement.

**Different Categorization for the News Genre**-News is a separate genre from GEC in content, nature and financially as well. Therefore, the news genre requires different categorization and treatment with regard to licenses and tariffs for the copyright material telecast.

**Different Tariffs/Rates for the News Genre**-The GEC channels earn substantially more revenue from advertisements compared to news channels and therefore News as a genre cannot have same tariffs as GEC channels. In case the usage is beyond 'fair dealing', the tariff rates charged by such societies and copyright owners should be per usage basis particularly as use of copyrighted works in the case of news channels is different from a GEC channel.

**No Licence Fee chargeable from News Broadcasters if the usage is within the concept of 'Fair dealing' as per the Act**-News Broadcasters should be treated differently and should not come in the ambit of paying license fee as news broadcasters only use copyrighted works for limited purposes on news channels, assuming that the usage conforms with the definition of 'fair dealing' under the Act. According to the Act, news broadcasters can use copyrighted material for telecasting current events/ affairs without infringing copyright and without getting licenses or making payments provided the use/ dealing with the work is 'fair'.

**No Royalty Payment payable by News Broadcasters**-Royalty payments under the said Act are to be made by the assignee and in view of the fact that news broadcasters are not assignees, DPIIT should clarify the said issue that news broadcasters are not liable to pay royalty/ies to the author. Use of non-substantial portions of copyrighted works by news broadcasters for news dissemination and broadcast are exempted from the purview of copyright infringement and news broadcasters should not be paying royalty/ies.

#### **Submissions on Decriminalization of the Provisions of the Copyright Act, 1957**

Under the Act, a copyright refers to an exclusive right available with an owner to do or to authorise doing of certain acts in relation to his/her copyright work to the exclusion of others. Copyright infringement is the use of copyright protected material without the permission of the copyright holder where such permission is required. However, the telecasts by the news broadcasters for the purpose of reporting current events and current affairs come within the protection of Section 52 of the Act. The use of content by news broadcasters for broadcasts for the purpose of reporting news, current events and current affairs should not be considered a criminal offence and should not be subject to criminal penalties. In fact, making news telecasts exempt under Section 52(1) (a) (iii) of the Act a criminal offence can tantamount to an unreasonable restriction on freedom of speech and expression granted to the media by the Constitution of India.

Criminal matters are filed in different jurisdictions to harass the news broadcasters even if they are genuine users of their copyright work under exceptions of the Act. The concept of vicarious liability should not be invoked against Directors of a Company where the Directors are not involved in the day to day affairs of the Company and/or not directly involved in the act of copyright infringement. In the above scenario, provisions in the Act dealing with criminal liability and penalties should be deleted. While infringement of copyright should be treated as a serious offence and needs to be dealt with sternly, the civil remedies provided should be give more teeth. Such amendments would surely benefit the news broadcasting industry and prevent it from being harassed on account of frivolous criminal complaints while providing the copyright owners with adequate and speedy remedies through civil proceedings.

#### **Submissions on Migration of Indian Broadcasters to Indigenous Satellites**

MoI&B vide letter dated 22.1.2020 informed NBA that a Joint Action Group (JAG) has been constituted under the Chairmanship of Additional Secretary (I&B) to consider and oversee the issue of migration of Indian broadcasters to indigenous satellites, with representatives from Dept of Space and Dept of Telecom as its members. The terms of reference of the Committee are as follows:

1. Preparation of guidelines for migration of Indian broadcasters to indigenous satellites in the light of ease of doing business for user broadcasters; and
2. Ensuing that necessary administrative and financial approvals are obtained timely from the concerned Ministries required for the said migration.

NBA in its response dated 7.2.2020 requested MoI&B to include representatives of the broadcasters on the JAG.

NBA submitted that both NBA and its members have been in continuous engagement with ISRO/Antrix for migration of Indian broadcaster to indigenous satellite. Members of NBA have expressed their

willingness to use Indian satellite for their business. However, the same needs to be done post examining several factors and in a planned and in a phased manner. It should not be done by way of a mandate but it should be an endeavor to ensure gradual migration to Indigenous Satellites while protecting and safeguarding the on-going Satellite / Transponder capacity agreements. The existing arrangements with the satellite providers and the contractual terms should be sufficiently safeguarded without any liabilities / consequences against Indian broadcasters. It needs to be appreciated that most of the broadcasters have a ten-year contractual term with the Foreign Satellite Providers, which are on “take it or leave it basis” with no negotiating powers at the end of Indian broadcasters. Most of the agreements do not have any termination rights at the end of Indian broadcasters. In the event, any policy of Indigenous use is suddenly mandated without taking into account the ongoing agreements, it may result in commercial disputes and also financial liabilities upon the Indian Broadcasters. In view of the gap between requirements, long lead time of new satellite capacity and challenges related to orbital locations available with ISRO, alignment on modalities and process thereof is of utmost importance. Though preferential treatment may be given to Indian satellites (like the right of first refusal) however there should be no bar on hiring of foreign satellites to promote techno-commercial competitiveness of the Indian satellite industry. If Indian satellite is not able to either meet the requirement or is unable to offer the required capacity as per the broadcaster’s timelines, then the broadcaster should be permitted to hire the foreign satellite and there shall be no artificial barriers to the business.

**NBA made the following submissions:**

**1. Footprints of Indian Satellites**

The footprints of the satellites being planned should be wide enough to cover maximum area so that the international presence of Indian TV channels is continued to be ensured. This will ensure that there is no adverse effect on the reach and viewership of the TV channels and there is no loss to the international business which has been built over a long period of time. Indian satellites should offer similar footprints as currently used foreign satellites.

**2. Agreements entered into with the Foreign Satellite**

The current agreements entered into with the foreign satellite should not be asked to be terminated mid-way and they should be allowed to complete their term, as agreements are generally non-terminable during the term of the contract and sudden termination may cause loss to the parties to the contract.

**3. Migration time and Parallel Operation**

The road map and timelines for the migration should be very clear and there should be enough transition time for the migration from foreign satellites to the Indian satellites so that the industry can plan the migration accordingly and there are no abrupt disruptions.

**4. Single Teleport- Satellite uplink for a broadcaster & the capacity to be offered should be in the regular C-Band**

The transmission of the channels by the Indian broadcasters are in bulk i.e. there is a single common uplink for all channels. Hence it is difficult to segregate channels via two uplinks -India only channels with uplink

to Indian satellites and wider distribution channels uplinked to foreign satellites. Hence capacity offered for C-Band should be in bulk on one single Indian C-Band satellites and not split on many satellites.

#### **5. Creating a “Hot” Location for the Indian Satellite**

The practice globally is that all broadcasters focus on certain specific orbital location/ satellites which then become a favored location. Hence when an Indian satellite is dedicated for C-Band services, all such broadcasters and services should be parented on this specific allocation/ satellite instead of distributing these on multiple Indian satellites.

#### **6. Capacity on Indian Satellites- Coordinated and WPC cleared**

Capacity on Indian satellites should be offered as WPC cleared and coordinated. It should not be necessary to wait for WPC clearance for many months. Moreover, the practice of WPC “closing windows” for issue of wireless licenses should be discontinued.

#### **7. NBA suggested the following issues for consideration while framing guidelines for migration of services by Broadcasters onto indigenous satellites:**

- a. Antrix Corporation should set up a dedicated technical service center/ support center working on 24x7 basis for immediate resolution of technical issues as the TV broadcasting is done in an uninterrupted manner.
- b. Technical operations of satellite is being managed by NOCC under Dept of Telecom and ISRO/ Antrix do not have effective role in resolution of incidents.
- c. Antrix/ISRO must put in public domain with complete transparency the availability of satellite transponder capacity and the upcoming satellite launches so that Broadcasters can plan their business expansions.
- d. Broadcasters will be allowed to continue their services till the end of existing contracts with Foreign satellite service providers. Any new channel launch can be done against unused satellite bandwidth of existing valid contracts.
- e. Nearing to the end of contracts with foreign service provider, respective broadcasters will approach Antrix/ISRO for availability of suitable satellite bandwidth matching with footprint, capacity and neighborhood besides other technical parameters .If Antrix Corporation is unable to meet the technical requirement of the applicant broadcaster, it should within the defined time-period give its NOC for hiring foreign satellite.
- f. A licensed Teleport by granted permission automatically in the event when the change of satellite is at the same location due to end of life of satellite or other administrative reasons and there should not be requirement of approaching WPC/NOCC again.
- g. The fee towards allocation of satellite capacity should not be from retrospective date for a continued service.
- h. The satellite space contract lease with ISRO/Antrix to be of longer duration with visibility of cost implications as against the current yearly contract practice with rate revisions mid-way.



- i. Antrix /ISRO must have a plan towards the disaster recovery/ back up satellite so as to ensure services in the case of eventuality/ technical failures as is being offered by foreign satellites.
- j. The distributors of TV channels should be aligned to the migration process so that they deploy antennas to receive signals from Indian Satellites so that the signals of TV channels are received by them so that there is no disruption in the signal.
- k. For ease of doing business there should be one common window for clearance relating to satellite and auto approval in case of migration

Additional Secretary, MoI&B had convened a meeting of the stakeholders. NBA participated in the deliberations. The issues raised in our submissions were reiterated and in particular to include representatives of the broadcasters on the JAG than having only representatives from Dept of Space and Dept of Telecom as its members.

**Submissions in relation to the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Bill, 2020**

NBA submitted its comments on 16.3.2020 on the amendments being proposed to the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, which sought to amend the following provisions of the Act: -

- i. The definition of ‘advertisement’ contained in Section 2(a) of the Act to include mediums such as electronic medium, internet or website etc.
- ii. Increase in the list of diseases, disorders and conditions contained in the Schedule to Section 3 of the Act.
- iii. Enhancement in the punishment for offences punishable under Section 7 of the Act.

**NBA suggested as follows:**

1. The electronic and online media should be excluded from the scope of the said Act.
2. There is a need to review and narrow down the entries in the Schedule to Section 3 of the said Bill/the Act so that the entries are not vague or uncertain.
3. There is a need to amend Section 3(d) of the Act including the Schedule so as to reduce the scope and width of the prohibition contained in the Section in order that the amendments are within the scope of and do not violate Articles 14 and 19(1) (a) of the Constitution.
4. There is a consistent legislative policy that if an advertisement published is contrary to statutory prohibitions, then the discretion is vested with the relevant Court to either impose fine or punish the offender on facts and circumstances. There is no reason to depart from the well-established and consistent legislative policy.
5. Therefore, the penalty/ies under Section 7 of the said Bill should be graded and the discretion must be left with the Court as to whether to impose fine, imprisonment or both.
6. Section 4 of the Act needs to be amended and the expression ‘dishonestly or fraudulently’ be incorporated in Section 4 after the expressions ‘no person’ in the said Section. This would ensure that honest advertisers or news broadcasters are not penalized or prosecuted unnecessarily.

7. The definition of ‘magic remedy’ in Section 2 (c) in the Act must be clear and relate to the objectives of the Act.
8. There is a need in the statutory framework (either in the statute or in the rules) to provide a mechanism whereby an advertiser/news broadcaster can ask the entity/person who seeks to advertise for a disclaimer in respect of the advertisement or take an undertaking from such entity/person that the claims in the advertisements are not in violation of Section 4 or any other provision of the Act. The consequence, thereof, is that the said advertiser/news broadcaster on producing such undertaking etc. cannot be prosecuted.
9. Section 9A of the said Bill which makes offences cognizable needs to be deleted.

## **Standing Committee on Information Technology Branch, Lok Sabha Secretariat**

### **1. Examination of the Ethical Standards in Media coverage**

The Standing Committee on Information Technology decided to hear the views of the representatives of NBA on the subject “Ethical Standards in Media coverage at their sittings on 1.9.2020 and thereafter again on 15.10.2020. The Hon’ble Standing Committee was informed that the issue under consideration is extremely crucial and critical, as it impacts the fundamental right to freedom of speech and expression of the Media and therefore it is imperative, that the views of NBA on the subject be heard by the Committee. NBA requested that in view of the Covid 19 Pandemic, the hearing be postponed to a later date. NBA was requested to send the views/suggestions on the subject matter for consideration of the Committee. Accordingly, detailed submissions were submitted vide letters dated 4.9.2020 & 13.10.2020. It gave details of the NBA, NBSA, its composition, procedure for dealing with complaints, action taken on complaints, Recognition of NBSA Guidelines/Advisories, Reference by Courts etc. To make self-regulation more effective, the Ministry of Information and Broadcasting should recognize NBSA as the self-regulatory body for the “news genre ” and notify the Code of Ethics under Rule 6 “Programme Code” of the Cable Television Networks Rules, 1994 (CTN Rules). Presently, NBSA regulations are only binding on the members of NBA. Inclusion of Code of Ethics in the CTN Rules will make it binding on all news broadcasters, irrespective of membership. This will give more teeth to NBSA and it would also put it on par with the Advertising Standards Council of India (ASCI) whose Code has been included in the CTN Rules. The Code of Ethics should be given recognition in the Programme Code in the same manner as the Code of ASCI has been acknowledged and recognized in the Advertising Code in the CTN Rules, 1994.

### **2. Examination of the subject ‘Review of Functioning of the Telecom Regulatory Authority of India’**

Standing Committee on Information Technology vide letter dated 1.2.2020, desired that NBA appear before it in respect of the ‘Review of Functioning of the Telecom Regulatory Authority of India’ on 6.2.2020. The sitting was cancelled and NBA was advised to submit a brief write up containing its views on the subject.

The submissions made by NBA on 13.2.2020 related to the following three issues:

- a. Composition of Telecom Regulatory Authority of India (TRAI).
- b. Process followed by TRAI before issuing their recommendations on Interconnection Regulations (Regulations), Tariff Orders and Quality of Service (QoS).
- c. TRAI’s jurisdiction on issues of Carriage and Content.

### **a. Composition of TRAI**

NBA submitted that in spite of including the definition of “broadcasting services” in the Act in the year 2000, the Statement of Objects and Reasons of the Act fails to take into account the inclusion of services of broadcasting which are as crucial a service as telecommunications services. It is perhaps for this reason that the composition of TRAI which consists of a Chairperson, and not more than two whole-time members and two-part time members, to be appointed by the Central Government, as stated in Section 3 (3) of the Act, does not take into account that any member should have expertise, special knowledge and professional experience/domain knowledge of the way and manner in which the broadcasting industry functions. This lacuna in the Act with respect to composition of TRAI is creating complications for the broadcasting industry especially when Consultation Papers are issued by the TRAI in respect of broadcasting issues.

One aspect which has been totally overlooked is the diversity in the genres and especially the “News genre”. News genre deserves to be treated differently when it comes to issuing Regulations and Tariff Orders. The composition of TRAI should therefore consist of experts who have a complete understanding of the broadcasting industry so that they are able to come up with solutions which would result in a different set of Regulations/ Tariff Orders being applicable to the distinct genre of news. This would help in decreasing the litigation and challenge to the Regulations and Tariff Orders by the various stakeholders. Therefore, persons with specialized skills, knowledge with experience in the broadcasting sector must be made members of the TRAI when it circulates or considers any broadcasting sector issues or gives recommendations.

### **b. Process followed by TRAI before issuing their recommendations on Regulations, Tariff Orders and Quality of Service (QoS).**

The Act provides for certain steps to be followed before TRAI issues Regulations and Tariff Orders. TRAI generally follows a process of issuing a Consultation Paper, inviting comments and counter comments, followed by Open House discussions which are also duly video recorded and which finally culminate into issuance of Regulations/Tariff Orders, duly supported by an Explanatory Memorandum that briefly summarizes inputs received from stakeholders and reasons behind relevant decision taken by TRAI.

NBA submitted that it can be historically seen that despite the availability of such statutory processes and TRAI having followed the same, most of the Regulations and Tariff Orders are challenged on account of non-transparency. The reason for the same is a general perception that TRAI is acting in a pre-determined manner. In its attempt to address certain concerns, TRAI tends to overstep its jurisdiction. TRAI should not introduce any stipulation /issue that is not part of a consultation process and where stakeholders have not been given an opportunity to provide inputs / comments.

NBA submitted that the scope and ambit of the word ‘transparency’ as defined in Section 11(4) of said Act and to ensure the process is more dynamic, TRAI ought to share an impact analysis report(s) with stakeholders before framing the issues in the Consultation Paper.

### **c. TRAI should restrict its jurisdiction on carriage and not content**

NBA submitted that the Programme Code and Advertising Code are prescribed under the Cable Television Networks (Regulation) Act, 1995 and Cable Television Networks Rules, 1994 which deal with the content telecast by the broadcasters and this is monitored by the Ministry of Information and Broadcasting

(MoI&B). The TRAI has jurisdiction to monitor all aspects of carriage as MoI&B monitors content under the aforementioned statute.

NBA submitted that TRAI should not regulate content, implement excessive regulation or micro-manage the broadcasting industry.

### **Submissions on The Personal Data Protection Bill, 2019 to the Joint Committee of Parliament**

Prior to the formation of the Joint Committee of Parliament, the Government of India had constituted a Committee of Experts to identify key data protection issues in India and recommended methods of addressing them and subsequently on 27.07.2018, the Committee of Experts released a draft of “The Personal Data Protection Bill, 2018”. On behalf of its members, NBA submitted its comments /suggestions in respect of the provisions in the aforementioned Bill.

The Joint Committee, invited views/suggestions from the public in general and Experts/Stakeholders/Organizations, in particular on “The Personal Data Protection Bill, 2019”. NBA vide letter dated 2.3.2020 submitted its comments and suggestions on certain provisions/sections which have the potential of impinging on the fundamental right of freedom of speech and expression granted to the media/press under Article 19 (1) (a) of the Constitution of India. It submitted that while the Bill seeks to protect the privacy of individuals relating to their personal data, however it is also necessary and important to balance the fundamental right of freedom of speech and expression of the media/citizens with the fundamental right to privacy of an individual. The news Genre is a separate genre from other genres and has a greater right of free speech under Article 19(1) (a) as compared to other genres as it also disseminates information of public interest to the citizens, since the general public has a right to receive information under Article 19(1) (a) of the Constitution. In the said context, NBA brought to the notice of the Joint Committee certain provisions of the Bill which may have an adverse effect on the rights of the media/citizens. These related to Section 2 of the Bill which states that the Act applies to the State, any Indian company, any citizen of India or any person or body of persons incorporated or created under Indian law. There is a concept of a “Data Fiduciary” which has been defined in Section 3, but the same has not been classified/ categorized.

NBA submitted that it appears that the term ‘data fiduciary’ applies to any Indian company, any Indian citizen or any person or body of persons incorporated or created under Indian law. There fore on a reading of the definition of the term data fiduciary, unless clarified, a media company could be a data fiduciary. NBA stated that since there is always a potential danger and possibility of media companies being declared data fiduciaries, all the provisions of the said Bill that apply to data fiduciaries would apply to the media companies.

NBA submitted that in view of the various provisions of the Bill, the term ‘data fiduciary’ should not include media companies.

NBA brought before the Committee that Section 26-Chapter VI of the said Bill states that the Authority, The Data Protection Authority of India, (DPA) will have the power to classify significant data fiduciaries and penalize for contravening certain provisions of the Act wherein the penalties may extend to a maximum of one crore rupees in case of significant data fiduciaries, and a maximum of twenty five lakh rupees in other

cases. NBA submitted that the provisions in respect of the harsh onerous penalty/s levied on data fiduciaries under Sections 57 and all other subsequent provisions that contain penalties would have a ‘chilling effect’ on the media/press. If all the obligations/ responsibilities/liabilities of a data fiduciary under the Bill were to apply to media companies, it would clearly impinge on their right of freedom of speech and expression. Such harsh penalties will affect the economics and business of the media companies. In the current environment in which news media companies operate, with high costs, lack of assured revenue streams, imposition of such high financial penalties would threaten their existence apart from creating an atmosphere resulting in the “chilling effect”. These aforementioned provisions are burdensome specially on media companies as businesses of the news media companies is based on collection of any and all sorts of information which is ‘news’ and is disseminated in public interest and may include personal information of an individual too. The media companies will have a problem with telecasting “live news”, if the media companies are declared data fiduciaries under the Bill. NBA reiterated that since there is no clarity with respect of the definition of a ‘data fiduciary’, it should be clearly stated that media companies would not be considered to be data fiduciaries under the Bill.

NBA also submitted that the term “Data Processor”, as defined in Section 3 (15) of the Bill should not include media / journalists, for the same reasons as NBA has suggested that media companies should not come within the definition of “Data Fiduciary”.

NBA submitted that assuming it is held that the ‘journalistic exemption’ is not applicable to certain situations, disclosure by any journalist of a ‘source’ of information has its own potential harm/danger and such disclosure is not desirable at all. This provision is not acceptable. Though there are no special privileges available to a ‘journalistic source’, however it is an accepted norm that unless absolutely necessary and in public interest, journalistic sources should not be disclosed.

NBA submitted that Section 20 (Right to Be Forgotten) read with Section 38 of the Bill as enacted may also present a problem to the media. Section 20 has a direct impact on media’s right to free speech in the following manner:

- i. The determination of balancing constitutional rights of freedom of speech and expression and that of privacy is left to the discretion of the Adjudicating Officer, which he may determine after taking into consideration certain factors provided in Section 20 itself. The fact that the Adjudicating Officer is given the right to decide the question of passing an order of disclosure when he thinks that such disclosure will override the freedom of speech and the right to information is unacceptable.
- ii. On a perusal of the above section, it appears that the news broadcasters may be prevented from usage of any archival footage if the individual to whom such footage relates attempts to prevent the data fiduciary (which may be a media house, etc, if declared so) from using personal data when he/she approaches the Adjudicating Officer to determine whether the rights of the individual override the freedom of speech and expression of a journalist/media.
- iii. If the above determination takes time, the news story or use of footage may become irrelevant.
- iv. NBA submitted that this provision needs reconsideration as there appears to be a clear pre-publication restriction on media from reporting. Furthermore, this provision, as drafted, would certainly violate right of the freedom of speech and expression of the media.

- v. The Bill must achieve a balance between competing social interests such as the right to free flow of information through freedom of speech and expression and the right to restrict such flow in the interest of privacy and safeguarding of the handling of personal data. It was reiterated that freedom of expression is necessary to ensure a participatory democracy where citizens have free and fair access to information. However, it appeared on a reading of several provisions of the Bill that the right of privacy has been given greater weightage than the right to freedom of speech and expression.
- vi. NBA submitted that under Article 19(1) (a) of the Constitution of India the freedom of speech and expression that is available to a citizen not only encompasses the public's right to be informed but also equally includes the media's right to report on issues without restrictions except the restrictions enumerated in Article 19(2) of the Constitution of India. Article 19(2) of the Constitution doesn't contain the word 'privacy' and therefore 'privacy' cannot become an indirect restriction on the right to freedom of speech and expression. It would be unconstitutional to give the right of privacy of a citizen greater importance than the right to receive information and the right to freedom of speech and expression which are not only the rights of the media but are also rights that viewers enjoy. These rights also exist in public interest.
- vii. Section 20, as drafted in the said Bill, can have serious consequences on the freedom of speech and expression of the media particularly if the data principal is a government officer or bureaucrat, political leader, criminal, or a public servant/official/figure. NBA submitted that the provision of "Right to Be Forgotten" can be gravely misused by such data principals to conceal or remove data relating to their activities thereby restricting the reporting by media /journalists. Reporting issues of public interest such as scams, wrong-doings, specifically by Government bodies and persons in public authority strengthens democracy. By permitting the 'Right to Be Forgotten' as a citizen's right in the Bill, and consequently restricting the availability or access to data for journalistic purposes or permitting an Adjudicating Officer to adjudicate, evaluate and balance the right of freedom of speech and expression of the media and right to privacy of an individual, results in seriously threatening the media's rights under Article 19(1) (a) of the Constitution. In fact situations may arise wherein an Adjudicating Officer is not competent to decide the issues relating to balancing fundamental rights as his expertise may not lie in dealing with such issues. It is the Judiciary who balances and interprets these constitutional rights.

NBA submitted that it is assumed that under *Section 38. Research, archiving or statistical purposes*, a journalist would not have to seek 'prior permission' or 'demonstrate' to the Authority before processing data/publication that the data processed/used is for journalistic purposes under Section 36(e) of the Bill. The question of compliance with Section 38 of the Bill should arise only after the data has been processed/published by a journalist. Any other interpretation of the aforesaid section will be in violation of Article 19(1) (a) of the Constitution.

NBA submitted that a journalist should not have to prove that privacy was taken care of and all the safeguards prescribed are complied with before publishing. This appears to be an additional pre-publication restriction on a citizen and the media which was never contemplated by the Constitution.

The other provisions of the Bill which pose a problem are in respect of the provisions relating to exemptions granted for 'journalistic purpose'. The Bill proposes that there should be certain relevant categories like research, archiving or statistical purposes and Journalistic Purpose which should be granted exemption

from the provisions of the Act. The exemptions and limitations of such exemptions have been proposed in Section 38 and 36 (e) of the Bill.

NBA submitted that the definition of “journalistic purpose” given in Section 3 (24) should be given a wider interpretation/scope in order that any changes in the technology that occur in the future are taken care of. Journalists and media houses act as conduits to relay information to the public in an accessible manner as they also have large volumes of information and the multiple sources from where such information originates. However, the provision relating to penalties for violation of the Act are very harsh such as section 61. Such a provision which provides for harsh penalties especially in relation to media/journalists would restrict and impinge on a journalist’s right to freedom of speech and expression.

Section 83 (Chapter XIII) prescribes that all offences under the Proposed law are to be cognizable and non-bailable. For media companies, such excessive provisions are regressive in nature and will not only create an atmosphere of fear which will deter journalists from publishing news/current affairs. This will have a chilling effect on the media and will impede its functioning.

NBA submitted that in view of the observations/suggestions given, media companies/press/journalists should be excluded from the definition of ‘data fiduciary’. Furthermore, the suggestions made need serious reconsideration in light of the need to balance the rights of the media and the rights of an individual under the Constitution.

NBA reiterated that since it is necessary to balance the constitutional rights of freedom of speech and expression and that of privacy, the provisions relating to Section 20, and all provisions relating to definitions, penalties or otherwise, which affect the freedom of speech and expression of the media and journalists need to be reconsidered and amended. The right to privacy cannot become an additional restriction on the media’s right to freedom of speech and expression or be given greater weightage.

NBA submitted that apart from several statutory provisions that govern the media, there are several authorities under the statutory provisions that regulate the media like the Press Council of India, Telecom Regulatory Authority of India, Ministry of Information and Broadcasting (MoI&B) etc.

NBA reiterated that there is no requirement for establishing any other authority/regulatory body to regulate or penalize the media /journalist including the authorities under the Bill.

NBA submitted that if regulation of media under the Bill is considered necessary, it should be restricted and limited to such cases:

- i. where a journalist obtains data from the data fiduciary (it is assumed that the media companies are not going to be considered data fiduciaries) and uses such data for ‘non- journalistic purposes’.
- ii. the said data is leaked by the journalist to third parties illegally.
- iii. the journalist obtains such data unlawfully by hacking into the data base of a data fiduciary.

In all other cases where the data / information, whether personal data or otherwise, has been obtained from other sources, other than the data fiduciary (assuming that media companies/ are not data fiduciaries), there are sufficient statutory legislations and regulators in place to deal with such violations.

NBA submitted therefore that the Bill should not deal with cases where the data/information has been obtained by a journalist from other sources in a lawful manner, other than the data fiduciaries.

NBA submitted that the Bill is very complicated and there is a huge possibility of freedom of speech and expression of the media and of the citizens being severally impaired by the provisions of the Bill. Therefore, NBA strongly recommends that the media in particular news media and journalists should be outside the purview of the Bill because the media is the fourth pillar of democracy and its functioning should not be curtailed under the Bill.

## **Election Commission of India**

A meeting was held with the Chief Election Commissioner of India (CEC), President and Board members of NBA on 12.12.2019 to discuss the way forward to access live election data for future elections and also the probability of ECI giving the election data to the news channels. Pursuant to the meeting, ECI vide Order dated 13.12.2019 constituted a Sub-Committee to suggest viable alternatives to facilitate media passes to the representatives of the agency appointed by NBA for the coverage of counting process during elections. The Committee comprised of the Director General, ECI, ADG, Press Information Bureau, Director (IT), ECI and Secretary General, NBA. The Committee was to submit its report for the consideration of ECI within 20 days. The first meeting of the Sub-Committee was held on 17.12.2019, which was attended by the Secretary General, NBA, Election Head, NDTV and Vice President, Technical, TV 18. Board was informed that the Director IT who participated in the discussions was of the view that it may be feasible to give the data to the news broadcasters. A sample file to the DB structure has been shared with the ECI. No further meetings have been held in this regard. The matter is being pursued with the ECI.

## **Letters to ISRO Chairman regarding Deferment of Payment to Antrix Corporation for lease of transponders by news broadcasters**

NBA wrote to Chairman ISRO on 2.4.2020, 5.5.2020 and 13.5.2020 for deferment of payments from broadcasters who are presently using GSAT30 satellite transponders, after the end of life of INSAT 4A, which are leased from Antrix Corporation, the commercial arm of Indian Space Research Organisation (ISRO). His attention was also drawn to the communication dated 11.5.2020 received by member broadcasters that effective from 1.4.2020, fresh agreements are to be entered between DOS and the broadcasters with “New Space India Limited” (NSIL), a new entity, to administer the agreement for provisioning of INSAT/GSAT transponder capacity. Broadcasters received invoices towards Space Segment Capacity Charges for the period 1.4.2020 to 30.06.2020, to be remitted by 8.6.2020. The communication stated that NSIL has no role in customer's financial obligations including BG with the other entity, Antrix Corporation Ltd (ACL) and broadcasters are requested to settle financial transactions with ACL separately and submit fresh BG to NSIL as per the agreement terms and the format shared.

It is understood that NSIL has informed the broadcasters that in the wake of the prevailing Covid-19 pandemic situation, the competent authority has approved deferment of payments towards transponder leasing charges due during period 1.4.2020 to 30.9.2020(pending dues) as per the following terms.



1. The amounts due during the period April 01, 2020 to September 30, 2020 shall become payable in equal installments (as per the payment cycle in the agreement) starting from October 01, 2020 and fully payable by March 31, 2021 apart from the regular payment for the period from October 2020 onwards.
2. No penal interests shall become chargeable for the payments affected as per above terms. However, any delay beyond the due date of payment shall attract penal interest.
3. All other terms and conditions of the Agreement shall remain unchanged.
4. Comply by submission of requisite financial securities (BG/CD) as per the agreement terms on or before October 20, 2020.

### **Migration of users from INSAT-4A satellite to alternate indigenous capacity**

A meeting was held between SATCOM PO, ISRO / DoS and NBA on 11.10.2019, at ISRO Bangalore, which was attended by the Secretary General, NBA along with the technology heads of TV 18, TV Today, India TV, Zee Media & Asianet.

### **Letters dated 14.4.2020 & 5.5.2020 to Finance Minister regarding request for removal of 18% GST on advertisements on broadcast media or reduce to 5% to be in par with print media**

A correction was made to the representation dated 14.4.2020 submitted to Finance Minister on 5.5.2020 that the reduction in the GST of 18% on advertisements on broadcast media to 5% (to be in par with print media), will only be acceptable, if it is given along with Input Credit Tax (ICT) as the broadcasters will not get any benefit if Input Credit Tax (ICT) is not given along with the reduction in GST.

## **Broadcast Audience Research Council (BARC)**

### **Meeting with CEO, BARC**

A meeting with Mr. Sunil Lulla, CEO BARC and the Board members was held on 12.12.2019, in Delhi whereat issues of concern relating to the news genre were discussed and to understand the steps being taken by BARC for a robust and reliable TRP for the news genre.

## **Corporate Matters**

### **1. Office Bearers of NBA 2019-2020**

In terms of Article 26 of the Articles of Association, the following Directors were elected Office Bearers of the Association for the year 2019-2020:

President – Mr. Rajat Sharma (Independent News Service Pvt. Ltd.)w

Vice President – Mr. I. Venkat (Eenadu Television Pvt. Ltd.)

Honorary Treasurer – Mrs. Anuradha Prasad Shukla (News 24 Broadcast India Ltd.)

### **2. Membership**

The details of Members/Associate Members of the Association during the year are annexed at **Annexure-1.**

### **3. Constitution of Internal Complaints Committee and NBA Policy as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013**

The Policy of Sexual Harassment of Women at Workplace, have been circulated to the Internal Complaints Committee Members, employees of NBA, the Members of NBA and also uploaded on the NBA website. The Internal Complaints Committee has the following persons as its members:

1. Presiding Officer – NBA Representative : Mrs. Anuradha Prasad Shukla
2. Member-NBA Representative : Ms. Kshipra Jatana
3. Member-NBA Representative : Mr. M. N. Nasser Kabir
4. External Member : Ms. Nisha Bhambhani

### **4. Election Data for General Elections and Assembly Elections held in 2019 and 2020**

For the counting day election data for the Assembly Elections and General Elections, held in 2019 and 2020 several members and non-member broadcasters subscribed to the data, which was sourced by NBA from Nielsen India, Rebus Code and Datanet India.

### **5. Registration of NBA Logo with Trade Mark Authority**

In view of the objections raised by NBA, USA, the Registration of NBA Logo is still pending before the Trade Mark Authority. There has been no further developments in the matter .

### **6. NBSA Matters:**

#### **i. Appointment of Independent Members & Editor Member of NBSA**

Dr. Nasim Zaidi, Mr. Navtej Sarna (Independent Members) and Mr. Deep Upadhyay (Editor Member) have been appointed by the Board as members on the NBSA for a period of three years.

#### **Letters issued to Chief Ministers by NBA**

The following letters were addressed to the Chief Ministers of Maharashtra, Uttar Pradesh and Kerala on issues which needed their immediate intervention:

1. Letter dated 16.4.2020 to Shri Uddhav Thackeray, Chief Minister of Maharashtra regarding request for dropping of charges and release of senior journalist Mr. Rahul Gurunath Kulkarni, ABP News and to adopt the recourse of filing complaints before the News Broadcasting Standards Authority (NBSA).
2. Letter dated 22.4.2020 to Shri Yogi Adityanath, Chief Minister, Uttar Pradesh regarding Order No 1990 dated 21.4.2020 issued by the District Magistrate, Gautam Buddha Nagar, sealing the Delhi – Noida border.
3. Letter dated 9.5.2020 to Shri Pinarayi Vijayan, Chief Minister of Kerala Regarding registering FIR under Section 154 Cr.P.C against, Editor-in-Chief of Zee News.

## Matters Pending in the Supreme Court of India and High Courts

### Supreme Court

**People’s Union for Civil Liberties and Anr. Vs. The State of Maharashtra and Ors.: Criminal Appeal No. 1255 of 1999** pending before the Supreme Court of India arises from an Order passed by the Bombay High Court in Criminal Writ Petition No. 1146 of 1997 in relation to alleged fake encounter killings. The Hon’ble Court delivered its judgement dated 23.9.2014 in the matter titled “People’s Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors.” relating to the guidelines to be framed in cases of encounter killings which aspect of the matter does not concern the media or NBA. On the question of media briefing by the police, the Court heard the submissions made by the amicus curiae, NBA, NHRC & Dr Surat Singh. On behalf of NBA a compilation comprising the draft/suggested guidelines of police briefing of the media that had originally been drawn up in the ANHAD matter along with guidelines in vogue in England and New South Wales were presented to Court. After hearing the submissions, the Court directed the amicus curiae, to circulate a questionnaire to all the parties to which NBA has responded. The matter has not yet come up for hearing.

**Dr. Surat Singh Vs. Union of India and Ors.: Civil Writ Petition No. 316 of 2008** has been filed under Article 32 of the Constitution of India for issuance of a writ for ensuring effective enforcement of fundamental right of citizens (in this case Dr. Rajesh Talwar) in relation to police and media handling of the Aarushi murder case. NBA’s intervention application has been allowed; By interim Order dated 22.7.2008, which is continuing in the matter, the media has been directed by the Supreme Court to exercise restraint in reporting on the Aarushi case. NBA was directed to circulate the draft Guidelines for Media Briefing by Police to the other counsel in the matter; and the Court also further directed that if any person had a grievance in relation to coverage of the Aarushi murder case by any electronic media organisation, they may file an application before the NBSA. NBSA had assured the Court that such an application (complaint) would be dealt with as per NBSA’s regulations. The matter is to be heard along with Criminal Appeal No. 1255 of 1999 titled “People’s Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors.” The matters have not yet come up for hearing.

**Act Now for Harmony and Democracy (ANHAD) and Anr. Vs. Union of India and Ors.: Civil Writ Petition No. 7368 of 2008** before the Delhi High Court was filed under Article 226 of the Constitution of India seeking a judicial inquiry into the encounter killings at Batla House, New Delhi and for laying down guidelines for the police and the media regarding the publication of information obtained/claimed to be obtained during investigation. The Court allowed NBA to intervene in the case. NBA had filed draft/suggested Guidelines for Media Briefing by Police, which were to be considered by the Court along with the guidelines suggested by the Petitioner. Application filed by NBA seeking transfer of this writ petition to be heard along with the Dr. Surat Singh matter was allowed. The matters have not yet come up for hearing.

**M/s News Broadcasters Association and Anr. Vs. Telecom Regulatory Authority of India and Ors.: Civil Appeal No. 1525 of 2013**

**Indus Ind Media and Communications Limited and Anr. Vs. Telecom Regulatory Authority of India and Ors. (TRAI): Civil Appeal No. D3009 of 2013**

The civil appeals before the Supreme Court of India has been filed against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement and Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled “Indus Ind Media Communication Ltd. vs. TRAI and Anr.” NBA was granted leave to file additional grounds and substantial questions of law, NBA has filed its counter affidavit. The appeal of NBA is covered by the law as laid down by the Supreme Court on 6.12.2013 in Civil Appeal No. 5253 of 2010 (Bharat Sanchar Nigam Ltd. vs. Telecom Regulatory Authority of India and Ors.) in NBA’s favour. NBA moved an application in the matter bringing to the notice of the Hon’ble Court that this appeal is covered by the aforementioned BSNL Judgment and therefore the Court may dispose of the matter on the basis of the said Judgment. The appeal came up for hearing on 12.7.2018. It was pointed out that TDSAT did not have the jurisdiction to review the regulations issued by the TRAI under the TRAI Act in view of the judgment of the Hon’ble Supreme Court in BSNL vs. TRAI (2014) 3 SCC 222. The counsel appearing for TRAI pointed out that review of the BSNL judgment is pending before the Hon’ble Supreme Court in Review Petition Nos. 1409-1410/2014. In view of the same, the Hon’ble Court tagged all the pending appeals with Review Petition No. 1409-1410/2014. The matter has not come up thereafter.

**Nivedita Jha Vs. State of Bihar & Ors: SLP(C) NO.24978 of 2018** before the Hon’ble Supreme Court has been filed by Nivedita Jha under Article 136 of the Constitution of India praying inter-alia that ad-interim ex-parte orders be passed staying the operation of the interim order dated 23.8.2018 passed by the Patna High Court in CWJC 12845/2018. The interim order had imposed a blanket ban on the print and electronic media while reporting on the happenings in Muzaffarpur, Bihar shelter homes. In the meanwhile, since the electronic media reported on the “Rewari Rape case” and identified the victim, the Hon’ble Court by Order dated 20.9.2018 issued notice to NBSA, IBF, PCI and Editors Guild to assist the Court in respect of the mechanism for enforcement and implementation of the statutory provisions and guidelines. The matter came up on several dates. NBSA filed its Affidavit and Documents as directed by the Hon’ble Court. On 30.11.2018, the Supreme Court observed in its order that NBSA had not launched any prosecution against any of the alleged offenders in spite of the fact that some of the offences invited criminal liability and prosecution. NBSA has maintained throughout the hearing and in its Affidavit that NBSA was an independent self-regulatory body which could only enforce its own Code of Ethics and Guidelines against any member of NBA for violating such Code of Ethics and Guidelines. It maintained that as a self-regulatory body it was not empowered to enforce statutory provisions nor could it enforce any orders against broadcasters who were not members of NBA. The Hon’ble Court also directed the IBF, PCI and Editors Guild to file affidavits stating whether these bodies could inform the police about offences and if so, why have they not informed the police about offences having been allegedly committed by alleged offenders and why steps have not been taken for prosecution of the alleged offenders. The matter last came up on 7.2.2019.

**G.S. Mani & Anr Versus Union of India & Ors.: Writ Petition (Criminal) No. 348 of 2019:** During the hearing in the captioned matter on 12.12.2019, a suggestion was made before this Hon’ble Court that the Media should be restrained from giving publicity to the proceedings before the Commission of Inquiry or

in relation to the Inquiry. The Hon'ble Court considered it appropriate to hear the media before passing any order and accordingly a notice has been issued to the Press Trust of India and the Press Council of India who are stated to represent the electronic and print media. As neither the Press Trust of India nor the Press Council of India represent the electronic media and any orders passed by the Hon'ble Supreme Court in respect of the electronic media will affect directly the members of NBA, an Application for Intervention was filed stating that since notice has been issued to electronic media and NBA being a representative for the electronic media, would like to intervene in order to represent the electronic media in the matter and bring to the notice of the Hon'ble Court that the NBSA an independent self-regulatory authority, has clear guidelines on the manner in which cases relating to sexual assault, violence are to be covered and telecast by its member broadcasters. The matter has not come up for hearing as yet.

**Reepak Kansal Versus Union of India: Writ Petition (C) No. 762/2020** before the Hon'ble Supreme Court of India has been filed by Reepak Kansal, Advocate, praying inter alia, that the Hon'ble Court issue an appropriate Writ, order or direction in the nature of Mandamus directing the Central Government / respondent No. 1 to constitute an independent authority to be known as the Broadcast Regulatory Authority of India for the purpose of regulating and facilitating development of broadcasting services in India. NBA and NBSA are respondents in the matter respectively. NBA and NBSA have filed their counter affidavit. The matter has not come up for hearing till date.

**Jamait-Ulama-I Hind & Anr. Versus Union of India & Anr: Writ Petition (Civil) Diary No(s). 10871/2020.**

**Abdul Kudoos Laskar Versus Union of India & Ors: Writ Petition (Civil) 477of 2020-Diary No. 10897/2020.**

**D. J. Halli Federation of Masjid Madrasas & Wakf Institutions Bangalore (North) Trust (Guidance) Under Mahakama Shariya Jamait Ulama-E-Hind Versus Union of India & Ors: Writ Petition (Civil) Diary No. 10895/2020.**

**Peace Party Versus Union of India & Ors: Diary No. 10956/2020.**

The Petitioners have filed the aforementioned Writ Petitions under Article 32 of the Constitution in the nature of a Public Interest Litigation to seek directions from this Hon'ble Court to prevent the communalisation of the Nizamuddin Markaz issue by certain sections of the print, electronic media and social media. NBA / NBSA are Respondents in the matter. NBA and NBSA have filed their counter affidavit. The matters came up for hearing on 7/27/8.2020 before the Hon'ble Chief Justice's Bench on which date the Counsel for NBSA stated that similar complaints on the issue were pending before NBSA and if the Hon'ble Court desired it may send all complaints in respect of this issue to NBSA. The Hon'ble Bench asked Senior Advocate appearing for the Petitioner as to why the complaints should not be referred to NBSA, however he opposed it stating that only the Union of India could take penal action against the media under the various statues. NBSA and Press Council of India have filed reports on the number of complaints pending before them in respect of the above issue.

**Firoz Iqbal Khan Versus Union of India & Ors: Writ Petition (C) No. 956/2020** before the Hon'ble Supreme Court of India praying inter alia, that the Hon'ble Court issue an appropriate Writ, order or direction in the nature of Mandamus directing the Central Government and Ministry of Information and

Broadcasting, to issue necessary guidelines/ instructions to restrain the media channels both print and electronic as well as social media networks as well as Sudarshan News from broadcasting or reporting any news relating to religion or which has any angle communal disharmony or the contents of video as annexed to the petition. NBA has filed its Affidavits in the matter.

### **Writ Petition (Civil) Diary No 10948 of 2020 in the matter of: National Alliance of Journalists & Ors... Vs. Union of India & Ors. Respondents**

In the above writ petition NBA has been made a respondent. The petition relates to retrenchment of employees in the print media and digital media organizations. There is no reference of any broadcaster member/s of the NBA in the writ petition. NBA has filed the counter affidavit. The matter has not been heard as yet.

## **High Courts**

### **Delhi High Court**

**M/s News Broadcasters Association and Ors. Vs. Telecom Regulatory Authority of India:** Writ Petition (Civil) No. 7989 of 2013 has been filed by the NBA and its other members under Article 226 of the Constitution of India for quashing and setting aside the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013, issued by the Telecom Regulatory Authority of India vide Notification dated 22.3.2013. At the hearing on 17.12.2013, the petition has been admitted for final hearing. The TRAI has been restrained from taking any coercive measures to make NBA members abide by the impugned Regulations. NBA members have been directed to file weekly reports of advertising time minutage in prescribed format before the TRAI. The aforementioned matter was being heard by the Division Bench from 4th July 2018 to 7th December, 2018. The Petitioners and TRAI (Respondent) concluded their arguments and the matter was listed for rejoinder arguments of the Petitioners. In view of the elevation of the Judges, the matter had to be re-posted for hearing before another Division Bench. Interim Orders will continue till the arguments of all parties are concluded and judgement delivered. The matter was last listed on 28.09.2020, where the Court directed the respondents to complete pleadings in the connected matters. The Court further directed the matter to be listed on 19.11.2020.

**Sadhan Haldar Vs. The State of NCT of Delhi and Ors: W.P. (CRL) 1560/2017** before Delhi High Court has been filed by Mr. Haldar. On 22.1.2019 a detailed order was passed issuing directions to various agencies involved in the recovery and restoration of missing children in Delhi. Though NBA is not a party to the writ, however the court observed that in the minutes of the meeting held on 18.2.2019, it was agreed that the three Municipal Corporations, New Delhi Municipal Council, Railways, DMRC and News Broadcasting Agency be directed to participate in the meetings of the Committee so as to ensure that steps are taken to upload the photographs of the missing children on display boards within the first 3/4 hours of their going missing. The matter came up for hearing on 9.5.2019 when NBA put in its appearance. However, no directions have been passed in respect of NBA.

**Yashdeep Chahal Vs. Union of India & Ors: W.P. (C) NO. 12787 of 2019** before the Delhi High Court has been filed by Mr. Yashdeep Chahal as a Public Interest Litigation against the Union of India, State of Telangana, other state instrumentalities, print media and online media seeking, inter alia directions that the

Respondents take appropriate action against media houses and reported individuals for violating Section 228A of the Indian Penal Code (IPC) by publishing the name, residential address and pictures of the victim in the Hyderabad rape case, thereby identifying the victim and violating NBSA has filed an affidavit in the matter. NBSA made submissions before the Hon'ble Court that the Respondents in the matter who had violated the provisions of Section 228A of the IPC were either print and online media. It was submitted that none of the aforementioned Respondents were members of NBA and therefore did not come under the jurisdiction of NBSA. In view of the above, NBSA was neither a proper nor a necessary party in the matter and hence should be deleted as a Respondent. NBSA filed an affidavit stating the reasons why it should not be a Respondent in the matter and the same was placed on the court record. The matter came up for hearing last on 20th December, 2019.

### **Rakul Preet Singh Vs. Union of India & Ors: WP (C) 6568 of 2020**

The aforementioned Writ Petition has been filed by the Petitioner, Rakul Preet Singh under Article 226 of the Constitution of India seeking the issuance of an appropriate writ, order and direction, not to telecast, publish or circulate on the TV channels, cable, print or social media, any content in context of Actress Rhea Chakraborty's narcotic drugs case that maligns or slanders the Petitioner or which contains anything defamatory, deliberate, false and suggestive innuendos and half-truths in respect of the Petitioner, or to use sensational headlines, photographs, video-footage or social media links which invade the privacy of the Petitioner. The matter came up before Hon'ble Court on 17.09.2020 and the Court directed that keeping in view the submissions made and having perused the screen shots of the programmes filed in the petition, as an interim measure, it is directed that the respondents shall treat the contents of the present petition as a representation to the respective respondents under the relevant provisions of the Act as also the Guidelines and expedite the decision thereon. In case any interim directions need to be issued to any Media house or television channel, the same be issued by them without awaiting further orders from this court. On 15.10.2020, Hon'ble Court directed that Status Report placing any order passed by NBSA be filed within two weeks and the Petitioner was granted time to file his rejoinder within one week thereafter and the matter is posted to 11.12.2020.

### **Bombay High Court**

**Mr. Nilesh Navlakha & Anr. Vs. Ministry of Information and Broadcasting and Ors: Public Interest Litigation No. (ST)922252 / 2020**

**Mr. Mahesh Narayan Singh Vs. Union of India and Ors: Public Interest Litigation No. (ST) 1774/2020**

**Mr. Asim Suhas Sarode Vs. News Broadcasters Association and Anr: Public Interest Litigation No. CJ-LD-VC-40/2020**

The Petitioners in Item No. 1 have prayed inter alia, that the Hon'ble Court issue an appropriate Writ, order or direction in the nature of Mandamus directing the Respondents to issue necessary instructions to the media channels both print and electronic for temporary postponement of news reporting by way of telecasting, publishing reports/articles and/or carrying out discussions/debate of any kind which tantamount to Media Trial and Parallel Investigation. NBA is Respondent in the matter. The Petitioner in Item No. 2 has prayed inter alia, that the Hon'ble Court issue an appropriate Writ, order or direction in the nature of Mandamus directing the Respondents 1 to 4 to issue necessary instructions/guidelines to be followed by the media houses both print, electronic, radio, internet or television or any other form of Media for refraining

from publishing, circulating any false, derogatory and scandalous comments, social media posts which may jeopardize the reputation of the Police and may cause the public to lose faith in the system and in police administration or hinder the cause of administration of justice.

The Petitioner in Item No. 3 has prayed inter alia, that the Hon'ble Court issue an appropriate Writ, order or direction in the nature of Mandamus directing the Respondents to file an affidavit that they will inform their members to follow the guidelines issued by the Press council of India and the WHO on mental health. All matters concern media reporting on the death of late actor Sushant Singh Rajput.

The aforementioned matters are pending before the Bombay High Court. Counsel for NBSA submitted that it has since received number of complaints from viewers concerning alleged misreporting by some of the media groups and that the NBSA, having a retired Judge of the Supreme Court in the chair, is in the process of hearing these complaints.

After hearing all parties, the Hon'ble Bench directed that the counter affidavits be filed and Rejoinder thereafter. The Court observed that the pendency of these PIL petitions shall not preclude the from considering the complaints that have been received by it and to take appropriate action thereon in accordance with law. The resultant decisions may be incorporated in the affidavit to be filed by such Respondent. The Court also observed that it hopes and trusts that the spirit of the Order dated September 3, 2020 stating that the media should exercise restraint while reporting in this matter shall be adhered to by the media houses and all concerned in the meanwhile. The Orders passed by NBSA have been placed before the Court.

## Karnataka High Court

**Peoples Movement Against Sexual Assault (PMASA) Vs. Department of Women and Child Department, State of Karnataka & Ors. Writ Petition No.6301 of 2017** before the High Court of Karnataka at Bangalore. This writ petition filed by PMASA, under Article 226 and 227 of the Constitution of India seeks that the Hon'ble Court issue a Writ of Mandamus inter alia to Respondent No. 11, NBSA, (i) to strictly enforce the laws and self-regulatory norms formulated to preserve the confidentiality of the identity of the victims of sexual assault; (ii) to strictly enforce the laws and self-regulatory norms formulated for sensitive and non-sensational reportage of incidents of sexual assault; (iii) to formulate effective and accessible grievance redressal mechanisms against objectionable or offensive content in local languages. NBSA's application under Order 1 Rule 10 read with Section 151 for deletion from the array of parties has been rejected by the Hon'ble High Court. NBSA has filed its statement of objections to the writ petition and the matter is now presently heard on merits. The High Court is yet to hear the matter regarding other reliefs claimed by the petitioners and also the arguments for NBSA. The matter has not been listed since February, 2019.

**Shakeel Ahmed and Ors. Vs. Suvarna News 24 x 7 and Ors.: Writ Petition No. 13677 of 2012** before the High Court of Karnataka at Bangalore: This writ petition filed by Shri Shakeel Ahmed, Advocate, under Article 226 and 227 of the Constitution of India seeks to stop the broadcast of programmes on various TV channels, in which it is alleged that programmes are pre-planned, recorded and broadcast depicting premeditated violence being committed upon persons, in collusion and connivance with TV channels, with



a view to denigrating and defaming such persons to seek revenge (described in the petition as premeditated, violent, personal enmity programmes). The Court had issued notice and asked the Respondents to file their versions in the matter. The matter was posted for consideration on 12.1.2017 on which date the Hon'ble Court was informed that as per the Order passed by the Hon'ble Supreme Court, Monitoring Committee is to be constituted by the Government of Karnataka. The matter has not come up thereafter.

### Lucknow Bench of the Allahabad High Court

**Dr. Nutan Thakur Vs. Union of India Writ Petition No. 9976 of 2013 (M/B)** before the Lucknow Bench. Aggrieved by the impugned order dated 16.10.2013, passed by the NBSA, Dr. Nutan Thakur filed the above writ petition. The Court has opined that *prima facie* the impugned order seems to be cryptic and non-speaking and the material submitted by the petitioner seems neither considered nor reason has been assigned. The Court expressed the view that *prima facie* a writ petition against the decision taken by a non-statutory body (namely NBSA/NBA) seems to be not maintainable; but that keeping in view the public importance of the question raised by the petitioner for creation of some statutory forum where people may seek redressal of their grievances against electronic media (like the Press Council is for the print media), the writ petition is admitted. The Court has also alluded to the issue of paid news appearing sometimes on the electronic media, which the Court has described as a well-established fact. The Union of India has been directed to file an affidavit bringing on record its stand as regards providing some statutory forum like PCI against the news item and other material relating to electronic media. The counter affidavit on behalf NBA has been filed and the rejoinder has been filed by Dr. Nutan Thakur. The matter was posted before Court last on 19.5.2014. The matter has not got listed for hearing thereafter.

### Madurai Bench of the Madras High Court

#### **WP 4357-19 Pay Channels Advertisements -TRAI Regulations: Madurai**

The Madurai Bench of the Madras High Court issued notices to the Telecom Regulatory Authority of India and the Secretary of the Ministry of Communication and on a plea seeking a ban on advertisements by private channels violating the TRAI's advertisement rules. The matter was posted the case for hearing on March 19,2019 pending reply from the Centre. Since the same matter is pending before the Delhi High Court, NBA Counsel opined that it would be advisable that NBA moves an application before the Madurai Bench of the Madras High Court seeking impleadment/intervention in the matter to bring to the Court's notice the fact that a matter with similar questions of law have been pending before the Delhi High Court since 2013 and a transfer petition should be filed in the Supreme Court to seek transfer of the above matter to the Delhi High court. After the adjournment of the case by the previous bench, no hearing date has been fixed by the present bench. TRAI is yet to file their submissions.

### Calcutta High Court

#### **W.P. No. 5705 (W) of 2020 with CAN 3633 of 2020 Sri. Charles Nandi - Versus- the Union of India & others**

The petition has been filed by an employee who is associated with the Political & Business Daily & not belonging to the electronic media. The other respondents are the State Govt. of WB, INS, NBA, Bennett

Coleman, ABP, Aajkaal and Trade Union Organizations of the print media. The petition states that many media personnel in the State of West Bengal are finding it difficult to make both ends meet as they are not permanently employed by any electronic/ print media establishments and work on commission basis and the respondent authorities should frame a scheme for providing financial assistance to all media personnel in the State of WB facing financial crisis during the pandemic. The WP does not have any reference to electronic media organizations which are the members of NBA.

**News Broadcasting Standards Authority**

Attached is a separate Section - II in relation to the initiatives of the News Broadcasting Standards Authority during the year under report.

**Order of the Board of Directors of  
News Broadcasters Association**



**Rajat Sharma**  
President

[DIN No.: 00005373]

Place: New Delhi  
Date : October 26, 2020

## Annexure – 1

# Members of News Broadcasters Association

### Members

S. No.	Name of Member	Channel(s)
1	ABP Network Pvt. Ltd.	ABP News, ABP Majha, ABP Anando, ABP Asmita, ABP Ganga
2	Asianet News Network Pvt. Ltd.	Asianet News, Suvarna News
3	Associated Broadcasting Co. Pvt. Ltd.	TV 9, TV9 Bharatvarsh, TV9 Gujarat, TV9 Kannada, TV9 Mumbai, TV1 & News 9
4	Bennett, Coleman & Co. Ltd.	Times Now, ET Now, Mirror Now
5	Eenadu Television Pvt. Ltd.	ETV-Andhrapradesh, ETV-Telangana
6	Gujarat News Broadcasters Pvt. Ltd.	VTV News
7	Independent News Services Pvt. Ltd.	India TV
8	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
9	MM TV Ltd.	Manorama News Central
10	New Delhi Television Ltd.	NDTV24x7, NDTV India
11	New Generation Media Corporation Pvt. Ltd.	Puthiya Thalaimurai
12	News24 Broadcast India Ltd.	News24
13	News Nation Network Pvt. Ltd.	News Nation, News State Uttarakhand/Uttar Pradesh, News State Madhya Pradesh/Chhattisgarh
14	Sobhagaya Media Pvt. Ltd.	APN
15	SUN TV Network Ltd.	Sun News
16	TV Today Network Ltd.	Aajtak, India Today, Tez
17	TV18 Broadcast Ltd.	CNN NEWS18, News18 India, CNBC Bazaar, CNBC TV18, CNBC Awaaz, News18 Assam/North East, News18 Tamil Nadu, News18 Kerala, News18 Uttar Pradesh/Uttarakhand, News18 Rajasthan, News18 Madhya Pradesh/Chhattisgarh, News18 Bihar/Jharkhand, News18 Urdu, News18 Bangla, News18 Kannada, News 18 Punjab/Haryana/Himachal Pradesh, News18 Gujarati, News18 Odia

S. No.	Name of Member	Channel(s)
18	Zee Media Corporation Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee Hindustan, Zee Kalinga News, Zee Madhya Pradesh Chattisgarh, Zee Punjab Haryana Himachal, Zee Rajasthan, WION, Zee Salaam, Zee 24 Kalak, Zee Uttar Pradesh Uttarakhand, Zee Bihar Jharkhand

#### Associate Members

S. No.	Name of Member	Channel(s)
19	Cloudburst Mediaworks Pvt. Ltd.	GoNews
20	Hyderabad Media House Ltd.	HMTV
21	IBN Lokmat News Pvt. Ltd.	News18 Lokmat
22	Indira Television Ltd.	Sakshi
23	Malayalam Communications Ltd.	Kairali, Kairali News
24	Odisha Television Ltd.	OTV
25	Quintillion Business Media Pvt. Ltd.	Bloomberg Quint
26	Total Telefilms Pvt. Ltd.	Total TV, Total Haryana

# Independent Auditor's Report

## To the Members of News Broadcasters Association Report on the Audit of the Financial Statements

### Opinion

We have audited the accompanying financial statements of News Broadcasters Association (“the Association”), which comprise the Balance Sheet as at 31 March 2020, and the statement of Income and Expenditure and cash flow for the year then ended and notes to the financial statements comprising of a summary of significant accounting policies and other explanatory information (hereinafter referred to as “the financial statements”).

In our opinion and to the best of our information and according to the explanations given to us, the aforesaid financial statements give the information required by the Companies Act 2013 (“The Act”) in the manner so required and give a true and fair view in conformity with the accounting principles generally accepted in India, of the state of affairs of the Company as at March 31, 2020, and the Surplus and its cash flows for the year ended on that date.

### Basis for Opinion

We conducted our audit in accordance with the Standards on Auditing (SAs) specified under Section 143(10) of the Companies Act, 2013. Our responsibilities under those Standards are further described in the Auditor’s Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Company in accordance with the Code of Ethics issued by the Institute of Chartered Accountants of India together with the ethical requirements that are relevant to our audit of the financial statements under the provisions of the Act and the Rules thereunder, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the Code of Ethics. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Information Other than the Financial Statements and Auditor’s Report Thereon

The Company’s Board of Directors is responsible for the other information. Other information comprises the information included in the Director’s report, does not include the financial statements and our Auditor’s Report thereon. The Director’s Report is expected to be made available to us after signing of this Auditor’s Report.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

When we read the other information identified above if, we conclude that there is a material misstatement of this other information, we are required to report the matter to those charged with governance.

## **Responsibility of Management for Financial Statements**

The Company's Board of Directors is responsible for the matters stated in Section 134(5) of the Companies Act, 2013 ("the Act") with respect to the preparation of these financial statements that give a true and fair view of the financial position, financial performance and cash flow of the company in accordance with the accounting principles generally accepted in India, including the accounting Standards specified under Section 133 of the Act. This responsibility also includes maintenance of adequate accounting records in accordance with the provisions of the Act for safeguarding of the assets of the Company and for preventing and detecting frauds and other irregularities; selection and application of appropriate accounting policies; making judgments and estimates that are reasonable and prudent; and design, implementation and maintenance of adequate internal financial controls, that were operating effectively for ensuring the accuracy and completeness of the accounting records, relevant to the preparation and presentation of the financial statement that give a true and fair view and are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Company or to cease operations, or has no realistic alternative but to do so. Those Board of Directors are also responsible for overseeing the company's financial reporting process.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an Auditor's Report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with SAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with SAs, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material

misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances. However the provisions of Section 143(3)(i) of the Companies Act, 2013 are not applicable on the Company as per MCA Notification No. G.S.R. 583(E) dated June 13, 2017, read with corrigendum dated July 13, 2017 on reporting on internal financial controls over financial reporting, accordingly, we are not responsible for expressing our opinion on whether the company has adequate internal financial controls system in place and the operating effectiveness of such controls.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management’s use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Company’s ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our Auditor’s Report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our Auditor’s Report. However, future events or conditions may cause the Company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Materiality is the magnitude of misstatements in the financial statements that, individually or in aggregate, makes it probable that the economic decisions of a reasonably knowledgeable user of the financial statements may be influenced. We consider quantitative materiality and qualitative factors in (i) planning the scope of our audit work and in evaluating the results of our work; and (ii) to evaluate the effect of any identified misstatements in the financial statements.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

## **Report on Other Legal and Regulatory Requirements**

1. This Report does not include a statement on the matters specified in paragraph 3 & 4 of the Companies (Auditor’s Report) Order, 2016 issued by the Central Government in terms of Section 143(11) of the Companies Act, 2013, since in our opinion and according to the information and explanations given to us, the said Order is not applicable to the Company.
2. As required by Section 143(3) of the Act, we report that:

- a. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit;
- b. In our opinion proper books of account as required by law have been kept by the Company so far as appears from our examination of those books;
- c. The Balance Sheet and Income and Expenditure Account and the cash flow dealt with by this Report are in agreement with the books of account;
- d. In our opinion, the aforesaid financial statements comply with the Accounting Standards specified under Section 133 of the Act, read with Rule 7 of the Companies (Accounts) Rules, 2014.
- e. On the basis of written representations received from the Directors as on March 31, 2020, and taken on record by the Board of Directors, none of the Directors is disqualified as on March 31, 2020, from being appointed as a Director in terms of Section 164(2) of the Companies Act, 2013.
- f. This Report does not include Report on the internal financial controls under clause (i) of Sub-section 3 of Section 143 of the Companies Act, 2013 (the 'Report on internal financial controls'), since in our opinion and according to the information and explanation given to us, the said Report on internal financial controls is not applicable to the Company in the current year basis the exemption available to the Company under MCA notification no. G.S.R. 583(E) dated June 13, 2017, read with corrigendum dated July 13, 2017 on reporting on internal financial controls over financial reporting.
- g. With respect to the other matters to be included in the Auditors Report in accordance with the Rule 11 of the Companies (Audit and Auditors) Rules, 2014, in our opinion and best to our information and according to the explanation given to us:
  1. There are no pending litigations impacting financial position of the Company as on 31st March, 2020.
  2. The Company did not have any long-term contracts including derivative contracts for which there were any material foreseeable losses.
  3. There were no amounts which were required to be transferred to the Investor Education and Protection Fund by the Company.

**For S. S. Kothari Mehta & Company**

Chartered Accountants  
Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

(Membership No. 094380)

UDIN – 20094380AAAAGL9580

Place: New Delhi

Date: September 18, 2020



## NEWS BROADCASTERS ASSOCIATION

### Balance Sheet as at 31st March, 2020

(Figures in Rs.)

	Particulars	Note No.	As at 31st March, 2020	As at 31st March, 2019
<b>I.</b>	<b>Equity and liabilities</b>			
(1)	Members' Funds			
	(a) Entrance Fees	1	2,050,000	2,000,000
	(b) Reserves and Surplus	2	34,409,808	32,469,616
(2)	<b>Non- Current Liabilities</b>			
	(a) Long Term Provisions	3	2,620,470	2,193,220
(3)	<b>Current Liabilities</b>			
	(a) Short Term Borrowings	4	1,129,925	4,116,029
	(b) Short Term Provisions	5	1,141,718	88,273
	(c) Other Current Liabilities	6	502,128	355,000
	<b>Total</b>		<b>41,854,049</b>	<b>41,222,138</b>
<b>II.</b>	<b>Assets</b>			
(1)	<b>Non-Current Assets</b>			
	(a) Fixed Assets			
	(i) Tangible Assets	7	202,731	571,974
	(b) Other Non-Current Assets	8	189,000	189,000
(2)	<b>Current Assets</b>			
	a. Cash and Cash Equivalents	9	38,743,382	37,895,201
	b. Short-Term Loans and Advance	10	1,332,197	1,225,903
	c. Other Current Assets	11	1,386,739	1,340,060
	<b>Total</b>		<b>41,854,049</b>	<b>41,222,138</b>

Significant accounting policies and other Notes to Accounts 16-25.

The accompanying notes are the integral part of the Financial Statements

As per our Report of even date attached

**For S.S. Kothari Mehta & Co**

**Chartered Accountants**

Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

M No. – 094380

Place : New Delhi

Date : September 18, 2020

**For and on behalf of the Board**

Sd/-

**Rajat Sharma**

President

[DIN No: 00005373]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No: 00010716]

Sd/-

**I. Venkat**

Vice President

[DIN No: 00089679 ]

Sd/-

**Annie Joseph**

Secretary General

[PAN No: ADTPJ0257E]

**NEWS BROADCASTERS ASSOCIATION****Income & Expenditure Account for the year ended March 31st, 2020**

(Figures in Rs)

	Particulars	Note No.	Year Ended 31st March, 2020	Year Ended 31st March, 2019
	<b>Income</b>			
I.	Subscription	12	15,075,000	12,550,000
II.	Other Income	13	3,239,542	2,836,718
III.	<b>Total Income (I + II)</b>		<b>18,314,542</b>	<b>15,386,718</b>
IV.	<b>Expenditure</b>			
	Employee Benefit Expenses	14	10,196,972	7,628,685
	Depreciation and Amortization Expense	7	427,476	1,156,060
	Administrative & Other Expenses	15	5,799,902	6,751,419
	Finance Cost	15	-	-
	<b>Total Expenditure</b>		<b>16,424,350</b>	<b>15,536,164</b>
V.	Surplus/(Deficit) before Tax (III - IV)		1,890,192	(149,446)
VI.	Tax Expense:			
	(1) Current Tax		-	-
	(2) Deferred Tax		-	-
VII.	Surplus/ (Deficit) for the Year (V - VI)		1,890,192	(149,446)

Significant accounting policies and other Notes to Accounts 16-25.

The accompanying notes are the integral part of the Financial Statements

As per our Report of even date attached

**For S.S. Kothari Mehta & Co**

**Chartered Accountants**

Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

M No. – 094380

Place : New Delhi

Date : September 18, 2020

Sd/-

**Rajat Sharma**

President

[DIN No: 00005373]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No: 00010716]

**For and on behalf of the Board**

Sd/-

**I. Venkat**

Vice President

[DIN- 00089679]

Sd/-

**Annie Joseph**

Secretary General

[PAN No: ADTPJ0257E]

## NEWS BROADCASTERS ASSOCIATION

### Cash Flow Statement for the year ended March 31st, 2020

(Figures in Rs)

Particulars	Note No.	Year Ended 31st March, 2020	Year Ended 31st March, 2019
<b>A. Cash Flow Operating Activities</b>			
Net Operating Surplus before Tax & Extraordinary Items		1,890,192	-149,446
<b>Adjustments for:</b>			
<b>Net Operating Surplus before Tax</b>			
Depreciation	7	427,476	1,156,060
Interest Income	13	-2,739,532	-2,535,528
<b>Operating Surplus before Working Capital changes</b>		-421,864	-1,528,914
<b>Movements in Working Capital:</b>			
(Increase) / Decrease in Other Current Assets	11	0	0
(Increase) / Decrease in Short Term Loans and Advances	10	-106,294	-521,095
Increase / (Decrease) in Long Term Provisions	3	427,250	189,015
(Increase) / Decrease in Short Term Borrowings	4	-2,986,104	3,564,828
Increase / (Decrease) in Short Term Provisions	5	1,053,445	-2,807,179
Increase / (Decrease) in Other Current Liabilities	6	147,128	-540,000
<b>Cash Generated from Operations Before Tax</b>		-1,886,439	-1,643,345
Net Direct Taxes Paid			
<b>Net Cash from Operating Activities</b>			
<b>B. Cash Flow From Investing Activities</b>			
Purchase of Fixed Assets	7	-58,233	-30,799
Interest received		2,692,853	2,529,921
<b>Net Cash from Operating &amp; Investing Activities</b>		748,181	855,777
<b>C. Cash Flow From Financing Activities</b>			
Entrance Fees Received	1	100,000	200,000
Interest paid (Net)		0	0
<b>Net Cash from Financing Activities</b>		100,000	200,000
<b>Net Increase in Cash &amp; Cash equivalent</b>		848,181	1,055,777
<b>Cash &amp; Cash Equivalent at the Beginning of the Year</b>	9	37,895,201	36,839,423
<b>Cash &amp; Cash Equivalent at the End of the Year</b>	9	38,743,382	37,895,201

Significant accounting policies and other Notes to accounts 16-25  
The accompanying notes are the integral part of the Financial Statements

As per our report of even date attached

**For S.S. Kothari Mehta & Co**  
**Chartered Accountants**  
Firm Regn. No. 000756N

**For and on behalf of the Board**

Sd/-  
**Naveen Aggarwal**  
Partner  
  
M No. – 094380  
Place : New Delhi  
Date : September 18, 2020

Sd/-  
**Rajat Sharma**  
President  
[DIN No: 00005373]  
Sd/-  
**Anuradha Prasad Shukla**  
Honorary Treasurer  
[DIN No: 00010716]

Sd/-  
**I. Venkat**  
Vice President  
[DIN- 00089679]  
Sd/-  
**Annie Joseph**  
Secretary General  
[PAN No: ADTPJ0257E]

## NEWS BROADCASTERS ASSOCIATION

### Notes Forming Part of Balance Sheet

#### NOTE # 1

Members Funds

(Figures in Rs)

Particulars	As at 31st March, 2020	As at 31st March, 2019
Entrance Fees		
Entrance fees as per last Balance Sheet	2,000,000	1,800,000
Addition during the year	100,000	200,000
Transferred to Capital reserve	(50,000)	-
	<b>2,050,000</b>	<b>2,000,000</b>

#### NOTE # 2

##### Reserve & Surplus

Particulars	As at 31st March, 2020	As at 31st March, 2019
Reserve and Surplus		
(a) Capital Reserve		
As per last Balance Sheet	50,000	50,000
Addition during the year	50,000	-
	1,00,000	50,000
(b) Special Reserve		
As per last Balance Sheet	14,308,429	15,281,606
Addition/(Transfer) during the year (Refer Note 22)	24,504	(973,177)
	14,332,933	14,308,429
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	1,611,187	3,287,455
Addition during the year	1,890,192	(149,445)
Amount transferred to Corpus Fund	(2,500,000)	(2,500,000)
(Appropriations)/transfer /from special reserve	(24,504)	973,177
	976,875	1,611,187

(d) Corpus Fund (Refer Note 24)

As per last Balance Sheet	16,500,000	14,000,000
Addition Amount transferred from Income & Expenditure A/c	2,500,000	2,500,000
	19,000,000	16,500,000
	<b>34,409,808</b>	<b>32,469,616</b>

**NOTE # 3****Long Term Provisions**

Particulars	As at 31st March, 2020	As at 31st March, 2019
-Provision for Gratuity (Refer Note 23)	2,620,470	2,193,220
	<b>2,620,470</b>	<b>2,193,220</b>

**NOTE # 4****Short Term Borrowings**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Bank Overdraft*	1,129,925	4,116,029
	<b>1,129,925</b>	<b>4,116,029</b>

\* Secured against Fixed Deposit amounting to Rs. 87,48,944

**NOTE # 5****Short Term Provisions**

(Figures in Rs)

Particulars	As at 31st March, 2020	As at 31st March, 2019
-Provision for expenses	1,141,718	88,273
	<b>1,141,718</b>	<b>88,273</b>

**NOTE # 6****Other Current Liabilities**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Advance received from Members	-	355,000
Statutory Dues payable	502,128	-
	<b>502,128</b>	<b>355,000</b>

**Note # 7****Tangible Assets**

(Figures in Rs)

Particulars	Gross Block				Depreciation				Net Block	
	April 1, 2019	Addition	Disposal/ Adjustments	March 31, 2020	April 1, 2019	Addition during the year	Sale/ Adjustment	March 31, 2020	March 31, 2020	March 31, 2019
Computer	851,314	58,233	-	909,547	703,061	115,086	-	818,147	91,400	148,253
Office Equipment	879,759	-	-	879,759	690,639	86,325	-	776,964	102,795	189,120
Furniture & Fixtures	23,663	-	-	23,663	12,646	2,481	-	15,127	8,536	11,017
Leasehold Improvement	4,301,401	-	-	4,301,401	4,077,817	223,584	-	4,301,401	-	223,584
<b>Total</b>	<b>6,056,137</b>	<b>58,233</b>	<b>-</b>	<b>6,114,370</b>	<b>5,484,163</b>	<b>427,476</b>	<b>-</b>	<b>5,911,639</b>	<b>202,731</b>	<b>571,974</b>
<b>Previous Year</b>	<b>6,025,338</b>	<b>30,799</b>	<b>-</b>	<b>6,056,137</b>	<b>4,328,103</b>	<b>1,156,060</b>	<b>-</b>	<b>5,484,163</b>	<b>571,974</b>	<b>1,697,235</b>

**NOTE # 8****Other Non-Current Assets**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Security Deposit	189,000	189,000
	<b>189,000</b>	<b>189,000</b>

**NOTE # 9****Cash and Cash Equivalents**

Particulars	As at 31st March, 2020	As at 31st March, 2019
<b>Balance with Banks :</b>		
In Current account	225,477	257,126
Cash in Hand	6,768	11,975
	<b>232,245</b>	<b>269,101</b>
<b>Current position:</b>		
Fixed Deposits with Bank*	38,511,137	37,626,100
	<b>38,743,382</b>	<b>37,895,201</b>

\* Including amount under lien with Bank &amp; for Credit facilities Rs. 87,48,944

**NOTE # 9.1****Fixed Deposits with Bank**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Fixed Deposits with Bank		
• Upto 12 months maturity from date of acquisition	38,511,137	37,626,100
Shown as Current Assets	<b>38,511,137</b>	<b>37,626,100</b>

**NOTE # 10****Short Term Loans and Advances**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Unsecured considered good		
-Advances recoverable in cash or kind or value to be received	1,290,197	1,225,803
TDS Receivable	42,000	100
	<b>1,332,197</b>	<b>1,225,903</b>

**NOTE # 11****Other Current Assets**

Particulars	As at 31st March, 2020	As at 31st March, 2019
Interest accrued on Fixed Deposits	1,386,739	1,340,060
	<b>1,386,739</b>	<b>1,340,060</b>

**Notes Forming Part of Income & Expenditure Account****NOTE # 12****Revenue From Operations**

(Figures in Rs)

Particulars	Year Ended 31st March, 2020	Year Ended 31st March, 2019
Subscription	15,075,000	12,550,000
	<b>15,075,000</b>	<b>12,550,000</b>

**NOTE # 13****Other Income**

Particulars	Year Ended 31st March, 2020	Year Ended 31st March, 2019
Interest Income	2,739,532	2,535,528
Miscellaneous income	500,010	301,190
	<b>3,239,542</b>	<b>2,836,718</b>



**NOTE # 14****Employee Benefit Expenses**

Particulars	Year Ended 31st March, 2020	Year Ended 31st March, 2019
Salaries and Wages	9,107,707	6,832,800
Contribution to Provident Fund	643,273	590,243
Gratuity Expense	427,250	189,015
Staff Welfare Expenses	18,742	16,627
	<b>10,196,972</b>	<b>7,628,685</b>

**NOTE # 15****Administrative & Other Expenses**

Particulars	Year Ended 31st March, 2020	Year Ended 31st March, 2019
Printing & Stationary	172,433	214,594
Legal & Professional Charges	3,215,299	2,570,612
Meeting Expenses	589,536	957,164
Newspapers, Books & Periodicals	1,325	15,507
Communication Expenses	81,021	98,823
Travelling & Conveyance Expenses	49,987	1,155,009
Rent & Electricity	1,345,701	1,260,124
Website Maintenance Expenses	53,600	53,600
Repairs & Maintenance-Computer	6,500	8,554
Repairs & Maintenance- Building	56,551	56,237
Repairs & Maintenance- Equipment	-	-
Office Insurance-Noida	10,059	8,043
Miscellaneous Expenses	20,990	57,995
Amount Written Off	-	10
Rates & Taxes	133,600	196,847
Auditor Remuneration:		
Audit Fee	60,000	60,000
Tax Matters	-	35,000
Out of Pocket Expenses	3,300	3,300
	<b>5,799,902</b>	<b>6,751,419</b>

## 16. Brief information of the Company

News Broadcasters Association is a Private Company Limited by Guarantee not having a Share Capital, not for Profit registered under Section 8 of the companies Act, 2013 (Section 25 of the Erstwhile Companies Act, 1956) with the main objectives inter alia, to promote, aid, help, encourage, develop, protect and secure the interests of the news broadcasters in the Indian television Industry and other related entities and to promote awareness about the latest developments in the television industry relating to news broadcasting and to disseminate knowledge amongst its members and the general public regarding such developments.

## 17. Summary of Significant Accounting Policies

- a. The Company follows the mercantile system of accounting and recognizes income and expenditure on accrual basis. The accounts are prepared on historical cost basis in accordance with generally accepted accounting principles in India, accounting standard specified under Section 133 of Companies Act 2013, read with Rule 7 of Companies (Accounts) Rules 2014, the Companies Act 2013 (to the extent applicable) as a going concern.

- b. **Revenue Recognition**

Subscription from the members is recognized on accrual basis considering the reasonable certainty for the ultimate collection.

- c. **Fixed Assets and Depreciation**

- i. Fixed Assets are stated at cost inclusive of all related and other incidental expenses less accumulated depreciation.
- ii. Depreciation on Tangible assets is provided in accordance with Schedule II of the Companies Act, 2013 based on Straight Line Method pro-rata over the remaining useful life of the assets. The useful life of asset taken for the aforesaid depreciation is as under :-

Assets	Useful Life
Computers Hardware	3 Years
Office Equipment	5 Years
Furniture & Fixture	10 & 8 Years

- d. **Taxation**

The Company is exempt from tax on income under Section 11 & 12 of the Income Tax Act, 1961; hence no provision has been made for the same.

- e. **Entrance Fee**

Entrance fees treated as Capital Receipts and hence been shown separately.

Forfeited entrance fee is transferred to Capital Reserve in the case of removal or resignation of any Member.

**f. Employee Benefits**

Gratuity Liability is provided on actual basis pro-rata to the number of years served based on the principles stated under the Payment of Gratuity Act, 1972.

**g. Provisions, Contingent Liability & Contingent Assets**

- i. Provisions involving substantial degree of estimation in measurement are recognized when the present obligation resulting from past events give rise to probability of outflow of resources embodying economic benefits on settlement.
- ii. Contingent liabilities are not recognized and are disclosed in Notes.
- iii. Contingent assets are neither recognized nor disclosed in financial statements.
- iv. Provisions are reviewed at each Balance sheet date and adjusted to reflect the current best estimates.

**h. Use of Estimates**

The presentation of financial statements in conformity with the generally accepted accounting principles requires estimates and assumptions to be made that affect reportable amount of assets and liabilities on the date of financial statements and the reported amount of revenues and expenses during the reporting period. Difference between the actual results and estimates are recognized in the year in which the results are known / materialized.

**Other Notes to Accounts**

- 18. In the opinion of the management, the value on realization of current assets, loans and advances in the ordinary course of activities would not be less than the amount at which they are stated in the Balance Sheet and provisions for all known liabilities has been made.
- 19. The Company is a Small & Medium sized Company (SMC) as defined in the general instructions in respect of Accounting Standards specified under Section 133 of The Companies Act, 2013 read with Rule 7 of Companies (Account) Rules 2014 notified under the Companies Act, 2013. Accordingly, the Company has complied with the Accounting Standards as applicable to a Small & Medium sized Company.
- 20. Based on the information available with the Company, no balance is due to Micro & Small Enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006 as on 31st March 2020. Further during the year no interest has been paid, accrued or payable under the terms of the said Act.
- 21. The Company is registered under Section 8 of the Companies Act, 2013 (Section 25 of the erstwhile Companies Act, 1956) and further it has got the registration under Section 12AA of the Income Tax, 1961. Accordingly, income is also exempted from Tax u/s 11 & 12 of the said Act. Therefore, provisions of the Accounting Standard, AS-22 on Accounting for Taxes on Income are not applicable on the Company.

22. Special reserve has been created under Section 11 of the Income Tax Act, 1961, by transferring the unutilized amount in excess of 15% of the total income, for the purpose of building the infrastructure of the Association with a view to achieve the objects stated in the Memorandum of Association.

However, during the year, Company has incurred expenditure of Rs. 81,20,250/- (Previous Year Rs. 1,01,61,355/-) from special reserve created under Section 11 of the Income Tax Act, 1961, towards the objectives as stated above.

23. Gratuity provision has been provided pro-rata based on the current salary drawn and number of years of services. Management is of the opinion that this provision will not be materially different from actuarial calculations as provided in Accounting Standard-15.

24. During the year Board of Directors, decided to set aside Rs. 25, 00,000 of the surplus of the Association as corpus fund for the purpose of long term Association requirement. Accordingly, disclosure has been made in the Note 2 relating to reserves and surplus.

25 Figures of the previous year have been rearranged/ regrouped to conform to those of current year.

As per our report of even date attached

**For S.S. Kothari Mehta & Co**

**Chartered Accountants**

Firm Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

M No. – 094380

Place : New Delhi

Date : September 18, 2020

**For and on behalf of the Board**

Sd/-

**Rajat Sharma**

President

[DIN No: 00005373]

Sd/-

**Anuradha Prasad Shukla**

Honorary Treasurer

[DIN No: 00010716]

Sd/-

**I. Venkat**

Vice President

[DIN No: 00089679]

Sd/-

**Annie Joseph**

Secretary General

[PAN No: ADTPJ0257E]

## Section II

# News Broadcasting Standards Authority

During the year under report, NBSA met under the Chairmanship of Justice, A. K. Sikri, former Judge of the Supreme Court of India and took actions so as to ensure that the broadcasters adhered to the NBA/NBSA regulations, which would help in improving broadcasting standards. The Covid Pandemic 2019 resulted in the national lockdown for a few months. This led to severe disruption in work in the offices of the member broadcasters as they were operating with minimum staff, which also impacted the working of the NBSA. Due to the restrictions imposed by the Covid Pandemic from March 2020, NBSA was not able to convene meetings post January 2020. After the national lockdown was lifted in early July 2020, the meetings of the NBSA are being held regularly and being held virtually.

NBSA has had nine meetings during the year under report and all the meetings were held in New Delhi. NBSA in these meetings considered, reviewed and decided 652 complaints (81st – 89th meetings), which includes complaints received directly received by broadcasters and settled at the first level, complaints at the second level i.e. NBSA. The Ministry of Information and Broadcasting (MoI&B), the Electronic Media Monitoring Centre (EMMC) and the Election Commission of India (ECI) have been sending complaints/petitions of the Members of NBA to the NBSA for its consideration. NBSA after considering the complaints and hearing the parties Decisions/Orders.

**Given below are the edited text of the Decisions / Orders passed by NBSA**

**Note: Full text of the Orders are available on the website [www.nbanewdelhi.com](http://www.nbanewdelhi.com)**

## Complaints from the Ministry of Information & Broadcasting

### Complaint [Zee News on 3.4.2019]

Zee News had broadcast a programme on DNA which was completely against the Indian Union Muslim League Party and the party flag. The complainants alleged that the anchor aired a “*paid news*” story against the IUML and connected and compared the IUML leaders with the partition of India and a neighbouring country and attempted to match the similarities of IUML with the other country. The word “*Vibhajankari Mansikta*” etc. has no relevance with the IUML. The anchor in the programme attempted to malign the reputation of IUML throughout India as also Maharashtra. The complainants stated that the channel did not contact any of the party leaders about the role played by the IUML in the partition of India and the flag of a neighbouring country. The programme was intended to damage and bring disrepute to the IUML party. The complainants alleged that the programme was aired during the ongoing general elections of 2019. The timing preferred by the anchor and the time when the program was broadcast was also intended to decrease the vote bank of IUML and increase the vote bank of people hating IUML. It was also intended to divide voters of other communities casting their vote for IUML. The complainants stated that after the said broadcast many persons contacted them and enquired about the role of IUML with reference to the theory

of the anchor in the said programme relating to the role of the party in the partition, their connection with the neighbouring country and about the flag. Though the party had no relevance with what was broadcast, yet they were compelled to answer questions raised because of this programme. The complainants desired an explanation with documentary proof about the DNA item on 3.4.2019 and particularly about the words used by anchor “*Vibhajankari Mansikta*”. The complainants demanded that in the absence of documentary evidence of the claims made in the said programme, another programme should be broadcast clarifying the position of the party with reference to discovery of new events and the broadcaster also be asked to tender an unconditional apology.

### Response from Broadcaster

The broadcaster stated that there was no reference of IUML in the DNA programme dated 3.4.2019. The program was aired on 4.4.2019. The broadcaster stated that the telecast in question was an analysis of Mr. Rahul Gandhi’s road show on 4.4.2019 in Wayanad and the filing of his nomination paper. The telecast analyzed Mr. Gandhi’s candidature from Wayanad and the presence of IUML volunteers and flags of IUML, which may have a positive and negative impact in different parts of India, particularly in northern and eastern parts of the country. The broadcaster stated that IUML is a partner of the opposition UDF that is led by the Congress party in the state. The road show had a video of a crowd cheering him, which was widely shared on social media. Most of the men in the video were dressed in green t-shirts, hoisting green flags which had a crescent and a star. Broadcaster stated that the entire programme had only shown truth based on historical facts and made the people aware of truth, considering the fact there were rumors that Pakistani flags were waved in Rahul Gandhi’s rally. It was for this reason that IUML was referred in the telecast. Instead of maligning any political party, the programme informed the people at large that rumors of Pakistan’s flag in Mr. Rahul Gandhi’s rally were false and the flag was of IUML. The anchor educated the viewers that the flags and banners were not of Pakistan and showed the viewers the difference between the flags to clear the confusion. The mention of the political party IUML was for the aforementioned reason. Broadcaster stated that due to format of the programme, the history and perception of IUML and controversies surrounding its leaders were also mentioned which were entirely based on facts. The use of the words “*vibhajankari mansikta*” in the programme was used considering the past conduct of the party and its MLAs. The IUML has been known for flaring up communal incidents in the state of Kerala and make communal statements. Broadcaster in this regard referred to the disqualification of a MLA from Kerala, who was barred from contesting polls for six years for circulating communal pamphlet; IUML was involved in the Marad massacre which was an unfortunate event of killing of eight Hindus by a Muslim mob on 2.5 2003 at the Marad Beach of the Kozhikode District, Kerala; in 2016, CBI had registered a fresh FIR against several persons including to p leaders of IUML; based on the recommendations of the Thomas P Joseph Commission report, the High Court of Kerala entrusted CBI to probe the conspiracy in the second Marad riots. The specific objection of the complainant to the term ‘*Vibhajankari mansikta*’ held no ground, in view of the specific material in public domain showing dubious character and divisive agenda of IUML leaders. Broadcaster submitted that the programme was not paid news It was balanced, fair, neutral objective and was in accordance with NBSA guidelines and journalistic ethics.

## Decision

NBSA considered the complaint, response of the broadcaster and also viewed the broadcast. NBSA noted that the programme was certainly one sided. It only had the narration, interpretation and analysis of the anchor on the issues raised in the broadcast. For balanced coverage the broadcaster should have given an opportunity to the representatives of IUML, to present their views. NBSA therefore held that the broadcaster has violated Clauses 1 and 2 of Principles of Self-Regulation and Code of Ethics of NBA dealing with Impartiality and Objectivity in Reporting and Ensuring Neutrality as also the Guideline 2.1 of the NBSA Specific Guidelines Covering Reportage. 2.1 which states that “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”. NBSA further, noted that the use of the word ‘Vibhajankari mansikta’ was certainly unwarranted in the programme and the justification by the broadcaster was unacceptable.

NBSA therefore decided to warn the broadcaster and also noted that any future violations of the Code/Guidelines would be viewed seriously. NBSA also decided that and the video of the said broadcast, if hosted on the website of Zee News or YouTube, or any other links, should be removed immediately.

## Complaint [Zee News and Aaj Tak on 23.4.2019]

The complaint is that while watching Zee News and Aaj Tak channel on 23.4.2019 at 5:00 pm live on Zee News - Taal Thok ke and Aaj Tak – Dangal, the same person Mr. Sudhanshu Trivedi, spokesperson of BJP was appearing on both the channels at the same time “live”. The complainant stated that it was not possible in “live” running programs to show same person appearing at the same time in both the channels.

## Response from Broadcaster [Zee News]

Zee News stated that Mr. Sudhanshu Trivedi was present on the stage of Zee News and said programme ‘Taal Thok Ke’, which was telecast live on Zee News on 23.04.2019 at 5:00 pm. There is no doubt that same person cannot remain present on two channels at the same time and therefore, it may be ascertained from Aaj Tak.

## Response from Broadcaster [Aaj Tak]

Aaj Tak stated that they were to run the impugned news item as "Recorded" in its broadcast; however, due to an inadvertent error in its systems, the Live bug did not disappear. The channel clarified that the concerned producer has already apologized for his mistake and it assured NBSA, that this error would not be repeated in the future.

## Decision

NBSA considered complaint, response of the broadcaster and also viewed the broadcast. In view of the admission by Aaj Tak of the error, NBSA decided to close the matter with a direction to Aaj Tak channel to be more careful while airing such programmes.

## Complaint [News18 Assam/NE on 1.2.2019]

Complaint is that on 1.2.2019 at about 10.30 AM, News18 channel of Assam had telecast news that “First time in Assam Women performed nude protest against the C.A.B. in front of Janata Bhavan (Secretariat) of

Dispur”, but in reality, some male person had performed the nude protest. The complainant stated that the news was totally incorrect, motivated, false and provocative and violates the minimum ethic of journalist code of conduct and action be taken against the channel.

### **Response from Broadcaster**

Broadcaster stated that due to an inadvertent error, it had aired news stating that a nude protest was staged in front of Janata Bhawan by “women” instead of “men”. Upon realizing the inadvertent mistake, it immediately rectified the said news. The said error was neither motivated nor was it provocative.

### **Decision**

NBSA considered complaint, response of the broadcaster and also viewed the broadcast. NBSA noted that in view of the broadcaster’s taking a remedial action on realizing its error, NBSA decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### **Complaint [NDTV India]**

The complaint is that in the programme “Ravish Ki Report”, the channel praised Pakistan instead of India subsequent to the air strike. According to the complainant strict action should be taken against such channel, who does not praise the Indian Army and Air Force but instead praises Pakistan.

### **Response from Broadcaster**

The broadcaster stated that the present complaint is a feedback rather than a complaint about any contravention. The programme contained the official statement of the Indian government on Balakot strike and does not contain any anti-nationalist statements as alleged by the complainant.

### **Decision**

NBSA considered complaint, response of the broadcaster and also viewed the broadcast. NBSA noted that the content of a ‘report’ or ‘story’ fell within the editorial discretion and an individual’s (complainant’s) view or perception of an issue cannot be a ground to take action against a channel, unless there was a violation of the Guidelines. NBSA therefore decided to close the matter and inform MoI&B and the broadcaster accordingly.

### **Complaint [ABP Majha on 28.5.2019]**

MoI&B had forwarded ten complaints, which related to a programme titled “सावरकर ... नायक की खलनायक ?” “*Savarkar – a Hero or a villain?*” aired on ABP Majha on the 136th birth anniversary of Veer Savarkar. According to the complainants, the programme not only hurt their sentiments but the channel also intended to malign the image of a national leader and freedom fighter.

### **Response from Broadcaster**

Broadcaster stated that the programme was telecast as part of ABP Majha’s daily show ‘Majha Vishesh’. The said daily show is telecast five days a week, at 5:15 pm, and is structured in the format of a debate. The reason for focusing on Savarkar in the said show was because of his birth anniversary. Several viewers/complainants chose to view the programme as an ‘anti-Savarkar’ show and one that seeks to defame Savarkar.



Most of the complainants seem to have taken offence at the use of the word ‘Khalnayak’ (villain) in relation to Savarkar. The broadcaster stated that the word was used in the title, in the form of a question: “Savarkar-Nayak ki Khalnayak?” (“Savarkar- a Hero or a Villain?”). The title of the subject programme was posed as a question and not delivered as a statement. Broadcaster stated that since the content of the programme had not found favour with a large number of their viewers, on 29.5.2019 at 9 pm, it ran an explanation to the effect that it did not intend to malign Savarkar’s image and it had respect for his patriotism, a special one-hour show “आम्ही सावरकर प्रेमी बोलतोय।”, “*We, the Savarkar lovers speaking...*” was aired. The show featured only senior Savarkar supporters, which included Mr. Ranjeet Savarkar (descendant of Savarkar). Subsequently, the channel also aired an apology on 20.6.2019 and the byte of Mr. Ranjeet Savarkar, grandson of Savarkar and Chairman of Savarkar National Smarak on 20.6.2019. He stated that since ABP Majha has tendered an apology and removed the clips from its digital media, the persons concerned withdrew the protest march which was thereafter converted into a gathering to pay respect to Savarkar at the Swatantryaveer Savarkar Smarak.

### Decision

NBSA considered complaints, response of the broadcaster and also viewed the broadcasts. NBSA was of the view that the broadcasters have the freedom to structure their programmes in the manner they desire as it falls within editorial discretion. However, while doing so the sensitivities of the persons and organisations being reported upon should be borne in mind as news media has no claim to any special privilege or licence to malign any person or organisation, which may inflame passions and lead to violence/ protests. NBSA noted that in view of the channel having taken corrective steps of airing a special show, airing an apology and carrying the byte of Savarkar’s grandson who is also the Chairman of Savarkar National Smarak, no further action was called for. NBSA decided to inform MoI&B and the broadcaster accordingly.

### Complaints [ABP News, ABP Majha, News 18 India, News 18 Lokmat, News Nation, News 24 and Total TV on 22.2.2019 ]

MoI&B informed NBSA that it had come to the notice of the Ministry that some TV channels including seven member channels of NBA namely ABP News, ABP Majha, News 18 India, News 18 Lokmat, News Nation, News 24 and Total TV channels had telecast the media briefing of the Pakistan army spokesperson Major General Asif Ghafoor on Pulwama terror attack on 22.2.2019 for varying durations. Prima facie, it was noticed there had been no intervention from the channels on the correctness or otherwise of the claims being made by Pakistani army spokesperson during the telecast in order to ensure that there was no violation of the Rule 6(1)(e) & (h) of the Programme Code and Ministry’s advisory dated 14.2.2019 on the subject. In view of the above, MoI&B issued show cause notices (SCNs) to these TV channels requiring them to show cause as to why action as per rules should not be taken against them. It was also stated that the matter was placed before the Inter-Ministerial Committee (IMC) meeting held on 20.5.2019 for its consideration. Considering that the matter is a sensitive one, the IMC recommended that first of all the matters should be referred to NBA for its views in respect of its member channels. MoI&B requested that NBA may furnish its views to the Ministry with regard to telecast of media briefing of Pakistan army spokesperson Major General Asif Ghafoor on Pulwama terror attack on 22.2.2019 by the said TV channels.

### Decision

NBSA considered the above letter and decided that since the action of issuing show cause notices to the channels has been initiated by the MoI&B, it may not be proper for NBSA to comment upon the propriety or legality in respect of the said show cause notices. The MoI&B should conclude the action initiated in this regard. NBSA decided that MoI&B be informed of this decision and the complaints closed, only for the reasons stated above.

### Complaint [Asianet News on 2.6.2019 ]

MoI&B forwarded 21 complaints. The complaints are that the channel ran a news regarding the killing of dreaded Maoists by Indian Army in an ambush in Jharkhand and addressed the killed Maoists as “Martyrs”.

### Response from Broadcaster

Broadcaster stated that while reporting the news of the killing of dreaded Maoists, inadvertently in the graphic card shown along with the news the Maoists were mentioned as “martyrs”. This particular graphic card was only shown once in the news bulletin aired @ 9 AM on 2.6.2019. No subsequent news bulletins carried the said graphic card. On noticing the inadvertent error, as a responsible news channel and as per NBSA regulations, in the first instance they immediately removed the graphic card. Thereafter, they expressed regret in the news bulletins aired @ 12 noon and 1 pm respectively on the same day i.e. 2.6.2019 on Asianet news channel. In addition to the above action, for wider publicity they also posted the regret footage on the official Face Book page of Asianet news and also on their online news portal.

### Decision

NBSA considered complaints, response of the broadcaster and also viewed the broadcast. NBSA decided that in view of the broadcaster having taken immediate corrective action to get the error rectified, no further action was called for. NBSA decided to close the matter and inform MoI&B and the broadcaster accordingly.

### Complaint [Sun News on 23.5.2019]

The complainant alleged that Sun News had carried a news about the Pulwama attack. The news was aired for ten minutes stating that India has shot down its own aircraft leading to the death of seven soldiers and the news was hidden to protect the Prime Minister’s reputation.

### Response from Broadcaster

The broadcaster denied the allegations made in the complaint. The broadcaster stated that it had reviewed the alleged content aired on 23.5.2019 at 6.40 pm to 6.50 pm, which was based on election results discussion in the live programme titled “*Therthal 2019*”, which had three guests. One of the guests, a journalist, was sharing his individual opinion about the reasons for the victory of a political party in the election and made a passing reference on Pulwama attack for 7 seconds and stated that “*For me, it appears even the Pulwama could have been an advantage... he... it could have been an advantage, I feel*” (translated text from Tamil). It was the individual opinion of the panelist in the live programme and Sun News had not opined anything in this regard. Other than the above, there is no reference to Pulwama attack in the programme.

## Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast including the translated text. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

## Complaint [Aaj Tak on 18.6.2019]

The Delhi Medical Association (DMA) in its complaint stated that it was extremely pained by one of the stories telecast by Aaj Tak news channel on the issue of brain fever at the Muzaffarpur Hospital with sole intention to malign the medical profession. The complainant alleged that the channel has added fuel to already increased incidence of violence at hospitals and against doctors; the telecast only indulged in distortion and mudslinging on doctors fraternity; the reporter was seen snubbing and shouting at the attending doctor and other ICU staff. The DMA alleged that broadcaster had violated the “NBSA, Specific Guidelines for Reporting the injured and the ill” where in *“a broadcaster should obtain consent from the team attending on the person/patient or any other responsible person concerned”*. In this case the doctors on duty/ICU in charge/MS of the hospital. *“No broadcaster shall enter any casualty, intensive care unit, ward, room or other medical section of any hospital or other places without the express consent of the concerned persons”*. The reporter and the team failed to understand the sanctity of ICU. The reporting further exposed the sick children to their unsterilized mike, camera & footwear.

## Response from Broadcaster

Broadcaster stated that the program was telecast with the legitimate motive to unmask the failures of a healthcare system, which led to the loss of lives of about 60 – 70 children within a week. The intent was to highlight the poor conditions and bring in the State government to take swift action on the deteriorating condition of the children. The channel covered all human elements of this incidence, hence the ward boy, nurse and doctor were also interviewed, so as to get the background & factual status of the situation which Muzaffarpur was facing since 20 years. The broadcaster stated that the hospital was open and the reporters of the other channels and newspapers were constantly reporting from both ward and ICU. Thus, the allegation of barging in and heckling the doctors or hospital staff is denied. The reporter went inside and met the Medical Superintendent of the hospital in his office and further, conveyed to him that they will be covering the ground situation. Therefore, the allegation of entering without consent was denied by the broadcaster.

The broadcaster stated that the reporter and the team had changed their footwear to the ICU slippers available there. The reporter and the cameraman had in fact, asked for masks from the hospital authorities; however, the same were not available with the hospital staff. Therefore, the allegations of making the children susceptible to further sickness was also denied by the broadcaster. The broadcaster submitted that the reality of an ICU of a government hospital was an expose worth highlighting on national media, so that all relevant authorities responsible for this condition may take cognizance of the situation; answers from the doctor were important to fix the responsibility of the concerned authority as to why there was just a junior resident even in an ICU; if the doctors was facing any support crunch, it was essentially in public interest to keep the public informed about the malpractices in government hospitals and bring it to light before the public. The broadcaster submitted that the reporter also found that there was delay in the treatment due to

the doctor: patient ratio in the ward, even after the death toll had reached almost 100; the ward was in a mess with patients and their guardians all over the floor as the beds were being shared by 2-3 children at the same time. Therefore, the allegations that the coverage violated the *Specific guidelines for reporting the injured and the ill* is denied; pursuant to the broadcast, large funds were sanctioned by the Bihar Government for this particular hospital, additional 900 beds, an air conditioner was provided in the general ward where these children were being treated for heatstroke; sudden inspections led to the suspension of night duty doctors, who were found to be missing from the ward while they were to be on duty; this was a story to bring about a massive change in the health ecosystem, wherein the broadcast, clearly established that guidelines of an ICU were not adhered in the hospital; the visuals clearly showed that the ICU had overworked doctors and nurses working under immense pressure amidst the lack of facilities & procedural guidelines.

### Decision

NBSA considered the complaint, response from the broadcaster and also viewed the alleged broadcasts. NBSA noted that the broadcast was certainly in public interest as it highlighted the lack of facilities in the hospital, which made the authorities take immediate action to improve the facilities/ condition in the hospital. While making the said observations, NBSA noted that it is equally important to present the news in a manner that the institution/ persons (in this case doctors and staff of the hospital) must not be subjected to unnecessary media glare. NBSA noted that the anchor while trying to expose the shortcomings in the hospital, was aggressive and was constantly questioning the doctor and seeking immediate answers, which prevented him from performing his duties inside the ICU and the wards where children were admitted in critical condition. The anchor should have interacted with the doctors and the staff in the hospital in a sober manner and not in manner as seen in the programme. NBSA decided to close the matter with the above observations and inform the MoI&B, broadcaster and the complainant accordingly.

### Letter from Mr. Sharad C. Kapadia, President, Surat Citizens' Council Trust, Surat

Mr. Sharad C. Kapadia, President, Surat Citizens' Council Trust, Surat suggested "that the source of every news item should be compulsorily disclosed along with the name of reporter/agency and his/its email id".

### Decision

NBSA considered the letter and concluded that the suggestion cannot be agreed to. NBSA noted that the broadcaster/s, prior to airing contents received from third party source/s, are required to verify the contents. In the event unverified content is aired by the broadcaster, and complaints are received, action is taken under the NBSA regulations against the broadcaster/s. NBSA decided to close the complaint with the above observations and inform the MoI&B accordingly.

### Complaint [News24]

The complaint was regarding telecast of a debate programme on News 24 on 1.8.2019, in connection with a controversy relating to a Zomato delivery boy.

### Decision

NBSA considered the complaint, response from the broadcaster and counter responses of both the broadcaster and the complainant and also viewed the footage of the alleged broadcast. NBSA noted that

while perusing the footage, it did not find the words “*khalid tum muslman ho aur qun ki tum muslimn ho isleye pandit ajay gautam tumhe dekhenge nehin aur apne aankho per patti bandh lenge*” in the footage of the programme. NBSA observed that the complaint related to observations made after the broadcast of the programme and was not part of the broadcast, which is admitted by the complainant in his reply, he states “*it is further submitted that under the impression that program was over and finished, in response of the fun/joke made by the anchor I covered my eyes and show was finished. It is further submitted that after finish the show normally all guest and anchor make little bit fun and talk about the debate in healthy atmosphere*”. NBSA further also noted that contents of a tweet does not fall in the jurisdiction of NBSA. After consideration of the above, NBSA decided that it only deals with complaints with regard to violation of the NBA Code of Ethics and Regulations and that its scrutiny is limited to content broadcast on the member channels. Since the alleged observations were made after the broadcast, NBSA was not in a position to ascertain the authenticity, veracity of the complaint and proceed under its regulations. NBSA decided to close the complaint with the above observations and inform the MoI&B, complainant and the broadcaster accordingly.

### **Complaint - NDTV India**

The complainant stated that the Mr. Ravish Kumar had wrongly interpreted the interview of the Minister Shri Nishank regarding forecasting of natural calamities.

### **Response from Broadcaster**

The broadcaster informed the complainant that his complaint is a feedback and there is no allegation in his complaint in regard to violation of the Cable Television Network Rules, 1994 or Code of Ethics and Broadcasting Standards of the NBSA.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

### **Complaints [ABP News, Zee Rajasthan, Aaj Tak & Tez]**

The initial complaint dated 16.7.2019 forwarded by the MoI&B to NBSA did not have details relating to the date and time of the broadcasts. The complainant therefore vide email dated 17.10.2019 filed a supplementary application by attaching the links of the impugned news items which were running unscientific, baseless, person centric promotional and hateful news stories:

1. चांद पर होगा मोदी मोदी Tez News Channel, 14.7.2019 12:57 pm <https://youtu.be/v7bL4j5z-ms>
2. Aaj Tak News क्या मोदी जिताएंगे वर्ल्ड कप? खबरदार 9.7.2019 09:30 pm
3. Zee Rajasthan एलियन ले गये जहाज 7.6.2019 <https://youtu.be/IJlrRYysqTE>
4. ABP News पाकिस्तान के झंडे पर चांद और भारत का डंका बजाएंगे चंद्रयान 6.9.2019 <https://youtu.be/Bm00iyIZvjY>
5. Tez मोदी का लक विराट लाएंगे कप 9.7.2019

### Response from ABP News

The broadcaster stated that they did not run the same as a news headline but were running it in the background which was never intended to be defamatory nor abusive to any Indian citizen or media; the debate was based on the technological advancements and achievements made by India including the Chandrayan Mission and the program was a fair and transparent comparison of India and Pakistan on developments in the field of space. The debate showed a mirror as to where India and Pakistan are today in the field of space even though both nations became independent at the same time. The participants in the debate included a Pakistani who also expressed counter views, thus, the programme complied with the requirement of due impartiality

### Response from Zee Rajasthan

Broadcaster stated that the telecast in question aimed at highlighting the inefficiency, inability and incompetence of the system, in a satirical manner. The programme was aired in context of an unfortunate incident of AN-32 jet of the Indian Air Force going off the radar on 3.6.2019 in Arunachal Pradesh with 13 people on board. It was only on 11.6.2019 that the wreckage of the crashed jet was found. The programme was aired on 7.6.2019 i.e. 4 (four) days after the first information of the missing jet was communicated to the general public. The programme was also significant in view of that fact that India, which dreams of becoming super power, was unable to locate and track its missing jet for several days. The programme further highlighted lack of technological advancement, technological prowess and satirically stated that it appears that it had been taken away by aliens. The telecast had not propagated any unscientific or baseless story but questioned the concerned authorities and the government that if they could not find their aircraft in water as well as on land, then should the general public presume that these disappearances are act of aliens. It is further submitted that the intention of the alleged telecast was to invoke a thought that if incidents like these wherein, AN-32 which is a very powerful aircraft equipped with all modern technologies, cannot be located even after the claims of astronomical advancement, then it is a matter of concern.

### Response from Aaj Tak & Tez

Broadcaster stated that they perused the complaint and found the same insincere in as much the same is filled with innuendoes and is tongue in cheek hence the broadcaster would not comment on the said letter and request the complainant to withdraw the same.

### Decision

NBSA considered the complaint, responses from the broadcasters and also viewed the CDs of the alleged broadcasts in respect of ABP News and Zee Rajasthan. Aaj Tak & Tez did not submit the CD of the alleged broadcast. As far as ABP News and Zee Rajasthan are concerned, NBSA found no violation of its Regulations or Guidelines in regard to the said broadcasts. NBSA therefore decided to close the complaint and inform the MoI&B and the broadcasters accordingly. As far as Aaj Tak & Tez channels are concerned, upon consideration of the response, NBSA noted that it expected a more coherent response in respect of the complaints in the present or in the future. NBSA also noted that by the time the complainant sent the details of the broadcast 90 days was over. Therefore, the broadcaster could not be requested to send the CD of the alleged broadcasts.

### **Complaint [Asianet News]**

Mr. Prasanth P.R, Editor member representing Asianet News Network Pvt. Ld. in NBSA being an interested party, recused himself from the proceedings.

It is alleged by the complainant vide complaint dated 17.8.2020 that a particular anchor of the channel gets locals to explain anti feelings against the India government, to get viewership. His reporting is very anti India that generates 'hatred and negative thoughts' in the minds of Muslims in Kerala which is not a good sign.

### **Response from Broadcaster**

The broadcaster in response stated that the program was a detailed report about the current situation in Jammu & Kashmir, which was reported for 14 days by the channel with its journalists traveling across the state. There was nothing in the said news item which endangered the security of the country. In the said news report, they were showing the opinion of two ladies from Pulwama District, who were ordinary citizens and not perpetrators of any crime and there was no violation of any code relating to national security. The ladies expressed their opinion and it was not the opinion of the channel. The channel stated that having widely reported the opinions of people from all walks of life including the Principal Spokesman of Government as well as Chief Secretary; the Government authorities were giving details of how things were back to normal and the channel reported it with all importance; they extensively covered the Independence Day celebrations and speech by the Hon'ble Governor; they had the telecast the views of the people in Ladakh, who hailed the decision of the Government; they travelled to Kheer Bhawani temple in Gandherbal and recorded views of the Pundits present there and telecast the same; the allegation that they did not record the views of pundits is patently false and was made to mislead authorities by raising false and highly defamatory charges against the news channel; the channel didn't coerce anyone to speak but only recorded the views those persons who wanted to express their opinion; it is a fact that many media houses in India and abroad have published similar opinions of people in Jammu and Kashmir; the actual state of affairs prevailing in the State was being reported by the news channel in discharge of its professional obligation to the public about the truth; democracy can flourish only under the watchful eyes of the media which has to reflect the diverse opinions of its citizen. The broadcaster stated that the allegations were baseless and no words or views in the telecast were in violation of the NBA/NBSA Regulations/ Guidelines.

### **Decision**

NBSA considered the complaint, response from the broadcaster, the translated script and also viewed the CD of the alleged broadcast. NBSA noted that 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. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast as it was a fair and balanced reporting. NBSA therefore decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

### **Complaints [Sun News]**

#### **Complaint dated 15.7.2019**

Sun TV in the news telecast on 14.7.2019 at 06:00 pm was continuously transmitting biased news since it belongs to a political party (DMK); it is inciting innocent people of the public to stand against the central government and it is willfully hiding the state and central governments' good people welfare schemes;

it only highlights some sporadic incidents happening here and there to tarnish the image of the ruling party and it is showing the country in bad light worldwide; it is simply glorifying notorious criminals as volunteers and clandestinely supporting them to create social unrest.

### **Complaint dated 5.9.2019**

The complainant alleged that on 5.9.2019 at 6:00 pm, Sun TV had telecast unsubstantiated news about Tamilnadu's Governor and Kashmir. The channel was promoting social unrest in Tamilnadu and it is propagating secessionism to the people of Tamilnadu with its broadcasting machinery. The channel was broadcasting sensitive news without any scruples every day against the state and central governments.

### **Response from Broadcaster**

Broadcaster stated that the complaint is without any substance as the same is vague, non-specific and does not refer to any news aired by the channel which is alleged to be against the government and/or hiding the state and central government welfare schemes, which reveals any dubious intent with an ulterior motive of tarnishing the reputation of the channel or any other non-factual and derogatory statements that the channel is supposedly promoting social unrest in Tamilnadu and propagating secessionism to the people of Tamilnadu.

The broadcaster submitted that having overseen the entire news bulletin aired on 14.07.2019 @ 6.00 pm and on 5.9.2019, no such news item/s as alleged in the complaint have been aired. Further with reference to news telecast on 5.9.2019 at 6 pm which was allegedly "unsubstantiated news about Tamilnadu Governor and Kashmir", the broadcaster stated that the entire news bulletin had one reference about Tamilnadu Governor and another reference on Kashmir. In the news about dismissal of a student from Madras University, the news item merely referred to the petition by the student. There were no other news items with reference to the Governor. Further the bulletin had a brief news about Supreme Court permitting Ms. Iltija to meet her mother and former CM of Kashmir Ms. Mehbooba Mufti, who is under house arrest. The news also stated that the court ordered shifting of Kashmir State CPI(M) Secretary Mr. Tarigami to the AIIMS at Delhi for treatment. There is no other reference to Kashmir on that day.

### **Decision**

NBSA considered the complaints, response from the broadcaster and also viewed the CD of the alleged broadcasts. NBSA noted that the contents on a news broadcast are matters of editorial discretion and no action can be taken on the basis of an individual's view or perception on such issues. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcasts and therefore decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

### **Complaint [Republic TV]**

The complaint is that on 23.10.2019 Republic TV ran a news report linking Mr. and Mrs. Kundra to D-Company. In the report it was mentioned that Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra had business links with D-Gang associates. It was stated that Mrs. Shilpa Shetty Kundra was a Director and Mr. Kundra was shareholder in Essential Hospitality Pvt. Ltd. (EHPL). It was also stated that Essential Hospitality Pvt. Ltd. received money as investment and interest free loans from RKW Developers during the tenure



of 2016-2017 and 2017-2018. In the headlines in the new report in question they had published statements like: *"100cr loan given to Shilpa-Linked Firm", "Raj Kundra got loan from Dheerai Wadhwan", "RKW gave loan to Rai Kundra and Shilpa Shetty"*.

The complaint stated that in the news report the channel and the reporter deliberately failed to mention the timeline of such events; that Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra were the shareholders of the company, Essential Hospitality Pvt. Ltd. which was incorporated on 21.4.2009; there was a prolonged negotiation between EHPL and RKW Developers and Mr. Kundra had to sell a plot near the Airport in 2011 to RKW Developers; later he decided to sell his entire shareholding to RKW Developers subject to certain compliances in lieu of which certain advances were received by EHPL from RKW Developers to meet certain obligations; the entire deal was well documented and verified for Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra by Hariani & Co. Solicitors; the final share sale agreement was entered into between RKW Developers and Essential Hospitality Private Limited on 21.6.2013; thereafter, Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra resigned from the Board of Directors of EHPL on 26.7.2013 concluding the entire transfer of shareholdings to the RKW Developers; Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra exited the company by selling their shareholdings on 26.7.2013 whereas the documents which were so highly entrusted and used for making such false and misleading bulletin by Republic TV clearly stated that the loans in question were given in the tenure of 2016-2018; that such false and misleading news report linking them to the D Company is a direct attack on the reputation of Mr. and Mrs. Kundra; such report has been run by the channel with gross negligence without conducting proper investigation, obtaining substantial evidence and without even confirming the facts from the people in question. with the intent to sabotage and tarnish the name, goodwill, reputation, celebrity status, and clean image of such people, and with the intention of boosting the TRP of their news channel.

The complainants suggested the need of proper laws, regulations and policies that will keep such news channels and news reports in check and will ensure that legitimate news reports are broadcast after thorough investigation of the story and background and with substantial evidence to back such news reports; in the scenario that any news channel does not abide by the policies then hefty fines shall be imposed on such channels and reporters; in addition, licenses of such reporters and channels being suspended for a temporary period.

### **Response from Broadcaster**

Broadcaster stated that they did not carry any "defamatory content" as alleged. The broadcast was primarily a debate centered around exposing the multiple and widespread business dealings of the D Company. The debate included Mr. Raj Kundra's voluntary participation and relevant questions were put to him fairly in the presence of a panel of legal luminaries; the questions put to him were based on public records and admissions by their own client; in the circumstances, the broadcast cannot be termed as "defamatory".

It has alleged that a news report done by Republic TV on a company called Essential Hospitality Private Limited TV, by linking them with the D-Company impinged on the reputation of the complainants. The channel stated that did not link Mr. Raj Kundra and Mrs. Shilpa Shetty Kundra to the D-company but instead put out the facts as they were i.e. that Mrs. Kundra was a Director in Essential Hospitality Pvt Limited and her husband, Mr. Kundra was a subscriber to shares in this company. Republic TV highlighted certain facts

concerning Essential Hospitality Pvt Limited, including the various substantial investments made in it by a company called RKW Developers Private Limited; it is also a fact that Mr. Ranjeet Kumar Bindra, was one of the Directors of RKW Developers is alleged to have close links to Dawood aide Iqbal Mirchi.

Broadcaster submitted that the reports of Essential Hospitality's business dealings have not been denied by Mr. Raj Kundra in the tweets that he put out on 23rd October, which was carried on the channel. Mr. Raj Kundra himself acknowledged having business ties with Mr. Ranjeet Bindra who was taken into custody by the Enforcement Directorate to question him on his links with D-company's gangster Iqbal Mirchi. The news story that was published by Republic TV was based on public records and documentation. It is part of any news channel's duty to raise relevant questions and seek answers based on information available in the public domain that concerns the interest of public at large. The same has been widely reported across various media.

They submitted that it is highly distressing that in the letter addressed to the MIB the complainants have not come out with the complete facts. They have completely overlooked to mention that Mr. Raj Kundra has agreed to be interviewed by Mr. Goswami on his own accord and that he was given a fair opportunity to put forth his case. Mr. Arnab Goswami, asked pointed questions to Mr. Raj Kundra, and did so in the presence of multiple lawyers ensuring legal correctness of the line of questioning. Mr. Raj Kundra was given 31 minutes on a prime time show to give his version, both in Hindi, and in English, thereby ensuring that both versions reach the widest possible audience. Therefore, the claim that the broadcaster ran the new report without confirming facts from the people in question is completely untrue.

### **Decision**

NBSA considered the complaint, response of the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster had ensured that the controversial subject was fairly presented by presenting all points of view, with time being allotted fairly to each point of view. Bearing in mind the above principles, the broadcaster had given Mr. Raj Kundra (complainant) 31 minutes to put forth his views in the debate. NBSA was therefore of the view that in the said broadcast aired on 23.10.2019, the broadcaster had not violated the guidelines of NBSA relating to impartiality, objectivity & neutrality. NBSA therefore decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

### **Complaint [Sun News]**

Complaint was that Sun News in the news broadcast on 22.11.2019 at 7.30 am. mentioned the Opposition leader name as Mr. Adhir Ranjan Choudhary. In his knowledge in present Lok Sabha there is no opposition leader, due to lack of 10 percentage MPs. This is a small example and like this the TV channels spreading false news among the public.

### **Response from Broadcaster**

The broadcaster stated that the news item in question is not false or fake news. The news related to disinvestment of Public Sector Undertakings on which the Union Government proposed to mobilize Rs.1,05,000/- crores this financial year. Both the houses in the Parliament witnessed uproar over this issue and the opposition parties opposed vehemently this move by the Government. In the said telecast Mr. Adhir Ranjan Choudhury was referred to Opposition leader, which is correct, as he is an Opposition leader.

The broadcaster stated that the complainant perhaps is confusing the reference made in the news item i.e. “opposition leader” with the parliamentary term “leader of the opposition”.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast including the translated text of the news. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### **Complaint [ABP News]**

The complainant stated that the channel, on 28.10.2020 at 2.00 pm stated “Al Baghdadi has gone to jahannam (hell)”. He stated that neither American President nor ABP news can supersede Allah (The God) only who can decide who will go to jahannam (hell) in the case of all human being of world. ABP news on what grounds it is declared the Al Baghdadi has gone to Jahannam (Hell).

### **Response from Broadcaster**

The broadcaster stated that news pertained to Baghdadi who was considered a specially designated global terrorist wherein by a secret operation in America, the IS head was killed. It is stated that the context needs to be seen of the news and not in isolation or in a stand-alone fashion. The story aired was mainly to highlight the plight of dreaded international terrorist Baghdadi, who allegedly had killed many innocent people across the world. Broadcaster stated that taking note of the concern of the complainant; they would definitely take necessary steps to take the said suggestion into consideration.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### **Complaint [Zee News]**

The complainant alleged that while reporting of the Supreme Court Ayodhya judgment by news channels, their intention was to promote the channel more than giving importance to national feelings and belief. He did not like the repeated use of the word of “dukan band” by Zee News channel. He stated that Aaj Tak, very well covered this decision without spreading any kind of hatefulness. They put forward both aspects in a positive manner and appreciated the decision in right manner instead of just promoting their channel.

### **Response from Broadcaster**

Broadcaster stated that the complaint in question lacks basic details such as date and time of telecast. In absence of this basic information, it was not possible to reply to the contents of the complaint. The complainant be directed accordingly so as to enable the broadcaster to respond to the same.

### **Decision**

NBSA noted that vide email dated 30.12.2019, the Under Secretary, MoI&B has been requested to provide details of the date and time of telecast to facilitate a response from the broadcaster, which was not received.

NBSA decided that cognizance could not be taken of the complaint as it was bereft of any details of the broadcast/s. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### **Complaint [Aaj Tak]**

The complaint is the Aaj Tak on 16.12.2019 at 00.23 hrs had falsely represented Delhi BJP President Manoj Tiwari as Aam Aadmi Party MLA and Ahmantullah Khan who is MLA of AAP as Delhi BJP President. It is a grave mistake carried out by this news channel which is unacceptable.

### **Reply from Broadcaster**

The broadcaster stated that the exchange of photos in the news flashed on Aaj Tak on 16.12.2020 wherein the news channel had shown Mr. Manoj Tiwari as AAP MLA and Mr. Amanatullah Khan as Delhi BJP President instead of showing them as vice-versa was purely a clerical error due to an oversight in the Editorial/Production team. The broadcaster stated that the error was not intentional or aimed at mis-informing the public and viewers at large. There was no malicious intent to wrongly state the current portfolio of the Hon'ble MLA and Delhi BJP chief. Broadcaster assured that due care will be maintained and no provision of the Code of Ethics and Broadcasting Standards laid down by the NBA or NBSA's Guidelines had been violated and the complaint may thus be withdrawn as there was no ill intention on part of the broadcaster.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster has admitted that the broadcast was a purely clerical and due to an oversight in the Editorial/Production team, the error was not intentional or aimed at mis-informing the public and viewers at large. NBSA also found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### **Complaint [NDTV India]**

The complaint is that NDTV India on 28.12.2020 at 9.10 am had broadcast a video which was going viral where the protestors were praising Pakistan. The police officer had told the mob in Meerut to stop the slogan and not to tie black bands to protest against Indians. He said "*Khaoge idhar ka*" (India) "*aur gaoge kise aurka* (Pakistan) ka". Instead of praising and felicitating this police officer for his patriotism, the female news host very rudely spoke against this cop and clearly stated that this was to hurt the Muslim community. The channel was trying to bring riots between the two over sensitive communities and wants to disturb the peace of India.

### **Response from Broadcaster**

Broadcaster stated that the complainant has expressed her feedback and there is no violation of Code of Ethics and Broadcasting Standard of NBSA as alleged in the complaint. They submitted that the said report was based on the viral video of Mr. Akhilesh Narayan Singh, Superintendent of Police (City), Meerut, for his 'Go to Pakistan' comments made in the video. The said video was widely reported in the media and the Uttar Pradesh Director General of Police had reprimanded Mr. Singh for his choice of words in the video.



## Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Code of Ethics, Regulations or Guidelines. NBSA therefore decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

NBSA also decided to convey to the broadcaster that the complaint was not a “feedback” as stated by the broadcaster in its response but a “complaint” received from the MoI&B which had to be responded to bearing in mind the violations of the Code of Ethics, Regulations and Guidelines issued by NBSA. In the light of the above observations made by NBSA, kindly ensure that any complaint received from MoI&B or otherwise is responded to bearing in mind the violations of the Code of Ethics, Regulations, Guidelines and Advisories issued by NBSA.

## Complaint dated 23.1.2020 of Mr. Krishna Deo Mishra along with letter dated 19.2.2020 by Member, National Commission for Protection of Child Rights (NCPCR) to MoI&B

NBSA considered the letter along with enclosure received from the MoI&B. NCPCR in the said letter has suggested that any rape victim may simply be referred to as a "Victim" or its translated version in any local language. The name such as “Gudiya”, “Jyoti” “Muskan” etc. referred to the rape survivors mostly on news channels and newspapers, should not be used since these are commonly used names of girl children in India; people/children of same name may feel associated and ashamed, and likewise it may cause emotional discomfort to any actual rape survivor of the same name. NBSA decided to circulate the letter along with enclosure to the Members, Editors and Legal Heads of NBA for their information and compliance.

## Decision

NBSA decided to circulate the letter along with enclosure to the Members, Editors and Legal Heads of NBA for their information and compliance.

## Complaint [Zee News]

The complainant stated that on 8.2.2020 Zee News in the programme on Delhi Election hosted by Mr. Sudhir Chaudhary violated the Guidelines for Election Broadcasting issued by the Election Commission of India.

## Reply from Broadcaster

Broadcaster stated that in their show ‘DNA’, telecasted on 8.2.2020, they have conducted a fair editorial analysis of politics of freebies, which was prominent during the election campaign in Delhi. AAP, in its election manifesto had promised the people of Delhi to continue with its pro-people policies such as 200 units of free electricity, 20 kilo litres of free water, free bus ride for women etc. Since the exit polls conducted by various agencies predicted clear majority of Aam Aadmi Party (AAP) in the assembly elections, they telecasted their programme ‘DNA’, wherein, they had conducted a comparative analysis of the ‘domestic and regional issues’ on one hand and ‘the issues of national importance’, which were being raised by BJP during its election campaign, on the other hand. The programme was conducted in a fair and transparent manner and within the four corners of the freedom of expression guaranteed by the Constitution.

So far as the comments in the programme regarding people of Delhi are concerned, the same was related to only those people of Delhi who did not come out to cast their vote during the Delhi Elections, which is a bounden and constitutional duty of every citizen in our democratic country. In the programme, they have not only shown few pictures, but also appreciated the voters of Delhi, who despite their disability and old age, came out and cast their vote in the elections. Thus, by no stretch of imagination, it can be said, that in the aforesaid programme, they have insulted and disrespected the voters of Delhi. They have also stated that the people of Delhi have voted to BJP on all the 7 Lok Sabha seats, however, when it comes to Assembly elections, the very same electorates have cast their vote on domestic issues such as electricity, water, education, healthcare etc. During the programme, they pointed out the similar trend in the States of Maharashtra, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, where despite winning majority and/or all of the Lok Sabha seats in general elections, the BJP lost the State Assembly Elections and could not form the Government. In the show, they have also praised the positive campaign of AAP and more particularly their digital and tech campaign and have also given credit to the AAP for their spectacular campaign. Thus, the contents of the show completely rules out all the allegations of biasness and partiality in favour of any political party, as falsely alleged. The contents of the show were strictly in accordance with the Code of Ethics and rules and regulations framed by NBSA and that they have not breached any guidelines and have strictly adhered to the laid down principles of neutrality, impartiality and fairness in telecast of the story. They never endorse or promote the belief of any of the political party in the country.

### **Decision**

NBSA noted that several complaints on the same broadcast was also received by the broadcaster at the first level of redressal. NBSA considered all the complaints, response of the broadcaster and also viewed the broadcast. NBSA noted that the broadcast related to the results of the exit polls surveys, which pointed towards AAP party winning the elections with a large majority. Since the broadcast was after the voting for said elections was over, NBSA found that there was no violation of the Election Guidelines of the NBSA. NBSA however observed that there was a sub text to the title of the programme which could certainly have been avoided to ensure objectivity and impartiality in the reporting of the Programme. NBSA therefore decided to close the complaint and inform the MoI&B, complainant and the broadcaster accordingly.

### **Complaint [NDTV]**

The complainant's objection is that in the clip the anchor Mr. Ravish Kumar stated that "Kya UP police ne kuch aisa kiya hai ki us par baat na ki jaye aur us pe baat na ho iske saboot hata diya gaya hai"; "Ki Police ki barbarta ke video ghoom rahe hain aap in videos ko dekhenge to dahshat paida ho jayegi unhone un videos ko nahi dikhya jisme Protesters Police par pathhar maar rahen hai kya wo barbarta nahi hai". The complainant stated that by saying that "why we are not talking about police brutality and police get time to remove the proofs of vandalism done by police" can be misinterpreted by the violent protesters across the impacted cities, when the issue is related to national interest. His objection was for the selective presentation for the benefits of his own channel not in the favor of communal harmony or peace of society.

### **Reply from Broadcaster**

The broadcaster stated as alleged in the complaint in the said programme they have shown incidents of police brutality reported from Bijnor and Muzaffarnagar in Uttar Pradesh. The Bijnor report was about two

youth died of bullet injuries and the Muzaffarnagar report was a reality check on the police personnel seen breaking the CCTV cameras after locals alleged that police ransacked their homes. In the said programme they had shown incidents of police brutality reported from Bijnor and Muzaffarnagar in Uttar Pradesh. The anchor raised the question in context of the said two reports after the ground reports were played out. The report on the Bijnor incident carried that statement of SP Bijnor and another officer from the State administration. In regard to the incident from Muzaffarnagar, the report carried the statement of SP Muzaffarnagar, who denied the report of police personnel breaking the CCTCV cameras.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that to balance the broadcast, the broadcaster had taken the version of the police and the state administration. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

NBSA also decided to convey to the broadcaster that the complaint was not a “feedback” as stated by the broadcaster in its response but was a “complaint”, received from the MoI&B, which had to be responded bearing in mind the violations of the Code of Ethics and the Guidelines issued by NBSA. In the light of the above observations made by NBSA, kindly ensure that any complaint received from MoI&B or otherwise is responded bearing in mind the violations of the Code of Ethics, Regulations, Guidelines and Advisories issued by NBSA.

### **Complaint [NDTV]**

The complaint relates to a particular poster, shown on 28.1.2020 at 7.50 pm, Nigeria time on Channel No. 413 of DSTV Africa. The complainant stated that it showed Prime Minister Modiji and several ministers photos in Hall of Shame. It hurt their sentiments as a Bhartiya (Indian) to see very frequently our Prime Minister being insulted by NDTV. His family including school going children were shocked and felt bad to see the poster, and the cheap level to which NDTV has fallen to. They cannot tolerate insult of our Prime Minister and his ministers by false propaganda of NDTV.

### **Response from Broadcaster**

The broadcaster stated that the programme carried the discussion around comments made by Mr. Parvesh Sharma and Mr. Anurag Thakur and more broadly around instances of provocative speeches made by people of influence or people with a wide platform. The reason why Hon’ble Prime Minister Modi was in that graphic was because of his comment on 15th December 2019 at a Jharkhand rally about being able to recognise those opposing CAA and those instigating protests by their clothes – a comment that was widely criticized by opposition parties and in the media as alluding to a particular community. They believe it is a right, and the hallmark of a great democracy, that they can scrutinise comments of all politicians and report the views of all parties fairly.

## Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

NBSA also decided to convey to the broadcaster that the complaint was not a “feedback” as stated by the broadcaster in its response but was a “complaint”, received from the MoI&B, which had to be responded bearing in mind the violations of the Code of Ethics and the Guidelines issued by NBSA.

## Complaint [Aajtak and India Today channels]

The complainant alleged that Aajtak and India today TV channels had broadcast a sting operation of ABVP’s JNU worker Mr. Akshat Awasthi. It was alleged that the video clip of the sting operation done on Mr. Akshat Awasthi on Aajtak and India Today channel was filmed on 22.10.2019, it had nothing to do with JNU violence which occurred in the first week of January 2020. Complainant alleged that the date of the video footage is clearly visible as 22.10.2019 on Aajtak channel. The same is a fabricated attempt on their part to defame a particular ideology and shield perpetrators of “Leftist Violence” on JNU Campus.

## Response from Broadcaster

The broadcaster stated that the manual 'date settings' on one of the cameras that was used for recording the present sting operation was not updated hence a wrong date was displayed on the video clip that lead to confusion. Upon realizing the present technical error, a clarification was issued by them through the official handle of India Today vide a tweet at 2:37 p.m. on 11.1.2020. Further, it could be inferred from viewing the video clip by any person of ordinary prudence that the same could have never been filmed in the month of October 2019. The subject in the present clip could be seen wearing winter clothes in New Delhi which could have never happened in the month of October when the maximum temperature in the city soars up to 33 degree Celsius. The video clip has to be seen in entirety before any opinion is formed. The contents telecast by them was based upon nothing but the voluntary statements made by one member of ABVP, therefore, no allegation of defamation can be leveled. The broadcaster stated that they have utmost respect for every ideology that foster ethos of the Indian Constitution but it is also equally true that they have no hesitation in highlighting any wrong being done in the society regardless of the political ideology which the perpetrator is affiliated to. The grounds on which the allegations are based have been incorrectly assumed and appreciated.

## Decision

NBSA noted that upon receipt of the response from the broadcaster to the complaint, they were informed by NBSA that the action taken of issuing a clarification through the official handle of India Today vide a tweet at 2:37 p.m. on 11.1.2020 was not in consonance with the Regulations i.e. *Guideline "10 Corrigendum" and Specific Guidelines Covering Reportage & Accuracy Guideline-1.5 which states that, as per the NBSA Guidelines significant mistakes made in the course of any broadcast are to be acknowledged and corrected on air immediately giving sufficient prominence to the broadcast of the correct version of fact(s)”.*



NBSA considered the complaint, response from the broadcaster and also viewed the CD of the broadcast. NBSA noted that the broadcaster upon realizing the present technical error, that the manual 'date settings' on one of the cameras that was used for recording the present sting operation was not updated, hence the wrong date was displayed on the video clip that lead to confusion, they had issued a clarification by way of a tweet at 2:37 p.m. on 11.01.2020 on the official handle of India Today channel. NBSA noted that there were no reasons given by the broadcaster as to why the clarification was issued on the official handle of India Today channel and not on the Aajtak channel itself on which the error was pointed out. This was also not acceptable and was incorrect. NBSA also noted that the justification given by the broadcaster that “*if Corrigendum must be issued for such issues on a regular basis then it would become extremely difficult. The line must be drawn in such cases*” was also not acceptable. NBSA decided to close the complaint with the above observations and also decided that it be conveyed to the broadcaster that in future if the NBSA Code of Ethics, Guidelines/ Regulations are not adhered to in letter and spirit, action will be taken against the broadcaster. The broadcaster should bear in mind the observations of NBSA in future broadcasts and also circulate the same to the editorial team for compliance. NBSA also decided that an Advisory\* be issued to all Members of NBA drawing their attention to the Guidelines regarding issuing “corrigendum” on the channel/s on which the broadcast took place and not on social media platforms of the channels’ like Twitter, Face Book etc.

*\*Advisory on corrigendum issued to all Members, Editors on 8.10.2020.*

### **Complaint [News18 UP/UK]**

Ms. Dipika R. Kaura, Editor member representing the broadcaster in NBSA (News18 Group), being an interested party, recused herself from the proceedings.

The complainant submitted that they are a MSME unit manufacturing office furniture an employing more than 700 people. The complainant alleged that a defamatory news was telecast by the channel in its programme ‘*Khabre Garma Garam*’ at 7.27 am on 26.2.2020 against their company. The false news was broadcasted by its reporter without any quoted-source and counter-check. The contents telecast are totally false, anti-business and defamatory to let down their company by the vested interest and an unfair practice to fetch ‘Advertisements’ only. The said broadcast was one-sided story against them and they had not taken care to make counter checking/verify the contents of story with false allegations in its news. There is no correctness in the contents. The broadcaster has violated the Code of Conduct and Regulations merely to defame them, for its own vested motives. The complainant demanded stern action against the channel and to issue a warning and an apology in same programme.

### **Response from Broadcaster**

Broadcaster stated that the story in question is neither false, nor motivated or defamatory, as alleged. The story is based on truth and facts, records of which are in the public domain; it is a matter of fact that the Director General, Medical Education, Government of Uttar Pradesh had, vide letter of 24th October 2019, approved the name of “Geeken Seating Collection Pvt. Ltd.” for purchase of furniture and fixture for newly established Medical Colleges in the State; It is also a matter of fact that the Department of Medical Education, Government of Uttar Pradesh thereafter found illegalities in the said selection, instituted an

inquiry into the same and constituted a 2-member Inquiry Committee for the said purpose and, vide order dated 28.2.2020, the said selection/approval of the complainant was cancelled by the State Government; there was no intention whatsoever to defame any person, instead the aim was to keep the viewers informed about issues affecting the public at large.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that while the broadcaster had broadcast the programme from the records available in the public domain, there was an obligation on the part of the broadcaster for ensuring objectivity, neutrality, fairness to take the version of the party that was being reported upon. NBSA decided to close the complaint with these observations and also inform the broadcaster that any such violations in the future would be viewed seriously and action would be taken accordingly.

NBSA also decided to direct the broadcaster to submit to NBSA, the copies of letter dated 24.10.2019 and Order dated 28.2.2020 referred to in their reply, within seven days of receipt of the communication from NBSA, which will be sent to the MoI&B and the complainant for their information and record. The complaint will be only closed thereafter.

### **Complaint [Aajtak 18.4.2020]**

The complainant stated that Aajtak channel had on 18.4.2020 wrongly represented an Indian naval shore establishment INS Angre as a ship positioned at Mumbai whereas INS Angre is a shore establishment in Mumbai. The Base had reported several sailors tested positive for Covid 19. Such actions of false reporting, errors in reporting by main stream media create panic and lead to unrest amongst family members of other naval personnel. The complainant also alleged that the news channel is falsely reporting/ creating communal tensions by airing heated debates in a time of crisis such as Covid 19 emergency, which is unacceptable. Due to such heated debates/ hateful language used by anchors, communal tensions are arising in society which is even causing social boycott of that respective community/ religion; if found falsely reporting or spreading fake news/ rumours, news channel should be banned for a day or so under stipulated rules and regulations.

### **Response from Broadcaster**

The broadcaster in their response had stated that Aajtak channel had wrongly stated that, INS Angre which is a naval shore established, to be a ship positioned at Mumbai. The said news telecast had highlighted that the corona virus had spread to INS Angre and that 21 people had tested positive for the virus and the complete residential block had been quarantined. The anchor for the news item had incorrectly referred to INS Angre as a ship docked at Mumbai. However, the correspondent reporting from the site in the same news telecast had correctly stated that INS Angre is a residential block near the Mumbai dockyard for Special Sailors. That the mistake made in news telecast in addressing INS Angre (only by the anchor) as a ship was immediately rectified. On the same date (i.e. 18.04.2020) at 10:00 AM (within an hour of the original telecast) 'Aajtak' had issued a clarificatory news item by way of a rectification in the next news bulletin. In this news item, it was clarified that INS Angre is the Block of the India Navy where the 'Jawan's' of the Indian Navy reside and administrative and logistics work is done. It was also specifically

stated that INS Angre is a logistic and administrative support base located near the Indian Navy dockyard in Mumbai and that it has accommodation for about 150 sailors. The broadcaster stated that in furtherance of the principles of self-regulation contained in the NBA's Code of Ethics and Broadcasting Standards. Rule 1.5 of these Guidelines states that - 1. Accuracy 1.5 Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s), the channel strictly adhered to the above Rule and ensured that error of fact was corrected at the earliest by way of the clarificatory news bulletin. In view of the above steps already taken by Aajtak to address the issue raised by the complainant there was no requirement for Aajtak to issue any further clarifications on the subject much less issue an apology as called upon in the complaint.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that since the broadcaster had taken action as required under NBSA Guidelines and ensured that the error of fact was corrected at the earliest by way of a clarifications in the next news bulletin, NBSA decided to close the complaint.

NBSA further noted that in the said complaint the broadcaster had adhered to the NBSA Guidelines for issuing a corrigendum, but in another complaint the broadcaster chose to issue the corrigendum on the official twitter handle of India Today channel which was incorrect and which should be brought to the notice of the broadcaster.

NBSA also decided to draw the attention of the broadcaster to the observations made by the complainant in the said complaint and to share these observations with the editorial personnel of the channel “that the news channel is falsely reporting/ creating communal tensions by airing heated debates in a time of crisis such as Covid 19 emergency, which is unacceptable. Due to such heated debates/ hateful language used by anchors, communal tensions are arising in society which is even causing social boycott of that respective community/ religion; if found falsely reporting or spreading fake news/ rumours, news channel should be banned for a day or so under stipulated rules and regulations”

### **Complaint [Times Now 15.3.2020]**

The complainant alleged that Times Now channel is making fun of Hindus by declaring that Hindus believe that eating cow dung, drinking cow piss and praying to Hindu gods will cure corona virus This ridicule of Ayurveda and ancient Indian culture which is relevant even in this age will not be taken lightly. He wants strong and immediate action against Times group for this blasphemy.

### **Reply from Broadcaster**

The broadcaster in its reply denied that the said news report ridiculed or made fun of the science or practice of Ayurveda. The news report merely highlighted the several so called ‘cures’ that were being claimed all over for treating and/or preventing the Corona virus infection. The news report was carried following a ‘gaumutra party’ called by the All India Hindu Mahasabha the previous day, wherein several believers endorsed this claim. The news report highlighted one more such claim as quoted by BJP MP Sakshi Maharaj who said that non-vegetarian food was behind the Corona virus outbreak. The objective was to highlight

such claims, not with a view to ridicule or criticize the same but to draw attention to the circulation of such statements; It is also widely reported as stated by the WHO that there is no specific anti-viral medicine or vaccine yet to cure Corona virus. WHO in its statement said that *"While some western, traditional or home remedies may provide comfort and alleviate symptoms of Covid-19, there is no evidence that current medicine can prevent or cure the disease? WHO does not recommend self-medication with any medicines, including antibiotics, as a prevention or cure for Covid-19"*. Several medical experts across the world have also said there is no cure as such for coronavirus. As told to PTI by Kriti Bhushan, former DG of Directorate General of Health Services, *"In medical science, we only call something a cure after testing it on a 100 people or more. This is a unilateral claim and has no basis to it. In fact, currently, there is no cure available for coronavirus. A lot of scientists are continuously working to find a solution"*. It is also pertinent to note that the Central Government at that time, had warned people against "false rumours" that the novel coronavirus was spreading through non-vegetarian food like eggs, chicken, mutton and seafood. Union Fisheries, Dairying and Animal Husbandry Minister Giriraj Singh had asked people not to pay attention to such rumours and said that the World Organisation for Animal Health and Indian food safety regulator FSSAI have said there was no scientific evidence to prove transmission of coronavirus from animals to humans. He stated that *"The false rumour has hit thousands of farmers engaged in this business. The livelihood of farmers and the people engaged in the entire value chain have been affected. I humbly request people not to fall prey to such rumours"*. In light of the above, the news report only highlighted the claims being made and was not in any way to ridicule or make fun of or question the traditional practice of 'gaumutra' in Ayurveda for curing diseases. Broadcaster denied that the said news report carried objectionable content as claimed in the said complaint.

### Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was balanced as the views and version of the persons involved with the pandemic was taken. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

### Complaint [India TV dated 17.5.2020]

The complaint is that on 23.4.2020 India TV channel stated that there would be no new cases as on 16.5.2020. This prediction had failed. The lockdown theory or its assessment by India TV was erroneous. The sources and references were wrong.

### Reply from Broadcaster

The broadcaster stated that the broadcast/ programme in question (broadcasted for the first time on 24.04.2020 and not 23.04.2020) related to the projection of decline in cases of COVID-19 w.e.f. 16.05.2020 The report as well as the graphs and projections shown were based on a study conducted by 'Empowered Group-1 (Committee on Medical Management), Niti Ayog'. The said study was presented through a 'media briefing on COVID-19 situation in country' on 24.4.2020. In the said media briefing, the Chairman of the Empowered Group-1 through graphs and statistics presented the projection based

on the study showing a steep decline in cases in first and second week of May and also predicted a possibility of almost no cases by the end of second week of May due to timely lockdown. The India TV report in question, including the projections were a reproduction/ reporting of the study presented by the Empowered Group-1 in the said media briefing. Therefore, neither any 'prediction' has been made by India TV, nor the sources nor references of the report were wrong or unreliable as alleged in the complaint. That the above projections, were widely carried out by various news agencies, print as well as electronic media. The complaint is thus actuated with malice, based on prejudice and preconceived mind with an attempt to target India TV alone.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was based on a study conducted by 'Empowered Group-1 (Committee on Medical Management), Niti Aayog'. The said study was presented through a 'media briefing on COVID-19 situation in country' on 24.4.2020. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

### **Complaint [Asianet News dated 4.5.2020]**

The complaint is that on 3.5.2020 the channel had reported and celebrated the death of two soldiers. The news channel is violating and crossing all limits again and again. Delhi Riots was reported very bad and biased reporting and channel got banned unconditionally. The same reporter from Delhi reported that terrorist achieved their goal and they did the victory by killing two soldiers.

### **Response from Broadcaster**

The broadcaster had stated that the complaint was about an inadvertent mistake which happened while their reporter was LIVE and by the slip of his tongue a mistake happened thereby, he wrongly said- *"So, in the joint move done by the Army and Police, two soldiers could be killed"*. On realizing the mistake, they corrected it immediately from the very next bulletin. They stated that while watching the entire live report anybody can understand that it was not a deliberate act and the mistake was his 'slip of tongue'. The reporter had expressed his regret through his Face book page and expressed his concern over the mistake. Some ill-minded people unethically edited their news item avoiding the entire report and created a havoc in the social media to deviously accuse the reporter of anti-national activity. The channel has no intention to hurt the feelings of our Army and as a law-abiding news channel, they always stood for the unity and integrity of our nation.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster upon realizing the mistake had corrected it immediately from the very next bulletin and the reporter had expressed his regret through his Facebook page and expressed his concern over the mistake. NBSA also noted that since the broadcaster took action as required under the NBSA Guidelines and ensured that error of fact was corrected at the earliest by way of a clarification in the next news bulletin, the complaint be closed.

NBSA, however decided to draw the attention of the broadcaster to the Guidelines of NBSA regarding issuing a “corrigendum” on the channel on which the broadcast took place and not on social media platforms like Twitter, Face Book etc. Broadcaster was requested to bear in mind the Guidelines of NBSA regarding issuing a “corrigendum” in future broadcasts and also circulate the Advisory dated 7.10.2020 issued in this regard by NBSA to the editorial team for compliance in future broadcasts.

### **Complaint regarding logo used by NDTV in one of their programme "Jai Jawan"**

The complaint is regarding the logo used by the NDTV for one of its famous Jai Jawan program. The series of program named with Jai Jawan which is filmed by NDTV on Indian Armed forces with some celebrities. The complainant stated that may be the intention of the production house is good but mistakenly they had used a very wrong logo for the program. Universally it is accepted that in the memory of the martyr's soldiers we put our rifles upside down. But unfortunately, in this logo the helmet is put on the bayonets of the rifle. This type of the blunder mistake done by such production house is a direct insult of our brave soldiers who had laid down their life in the service of our great motherland. The complainant desired that necessary be action to remove that logo with immediate effect.

### **Response from Broadcaster**

Broadcaster in response stated that the said programme is not in memory of martyred soldiers. It is to honor all of the armed forces. It is to pay tribute and convey our gratitude to them for all they do in keeping the nation safe and its citizens secure. This logo was designed when the show began in 2003 and has been in use right from the first episode. Also, each episode is duly vetted by the armed force, whose base their team is visiting.

### **Further response by Complainant**

I fully accept that NDTV and its team follows ethical practices. But if you carefully watch the logo of the Jai Jawan Program (Just Google it), you will easily understand my concerns. If that logo has been used since 2003 from the beginning of the program then that is very bad. Have you confirmed / checked / that logo with any military officer if not please get it done you will understand it.

### **Decision**

NBSA considered the complaint and the response given by the broadcaster. NBSA decided that the broadcaster be advised to take up the matter with the Army Headquarters and ascertain from them whether the logo used by the NDTV in its “Jai Jawan” program is a correct or an incorrect logo with copy to the NBSA, obtain the clearance from the army and then continue to use the logo in the said programme. The broadcaster should take the above action within ten days of receipt of NBSA's letter. The response received from the Army and the action taken based on response if any should be forwarded to the NBSA for its records. In view of the above decision of NBSA, broadcaster was requested to take necessary action in the matter and inform the NBSA accordingly. The response received from the Army must be sent to NBSA for closure of the complaint.

## Electronic Media Monitoring Centre

### Complaint dated 7.2.2019 received from Mr. Utpal Das regarding telecast of alleged provocative / false / incorrect news by Assamese news TV channels

EMMC report stated that Assamese channels, (Prag News, Pratidin Time are not members of NBA) and News18 Assam had carried news on the first phase of Panchayat polls in Biswanath district, Assam on 5.12.2018. The report also stated that on 10.12.2018 the channels had carried news on Panchayat polls at Habiyaal in Golaghat district, Assam wherein they had shown a retired BSF jawan's, movements near a polling booth. The channels reported that the jawan possessed a sharp weapon and tried to injure some civilians. Since he refused to drop his sharp-edged weapon the police opened fire. He was admitted to a hospital where the authorities declared him dead.

Broadcaster stated that the news items in both the clips was reported from the ground. The anchor narrated both the incidents by telecasting the actual visuals to the viewers and interviews of the voters, doctors and concerned police personnel, without any exaggeration of the incidents. There was no intention whatsoever to sensationalize or glamorize the horrific incidents, instead the aim was to inform the public at large about the said incidents and the action taken by the law enforcement agencies to maintain law and order in the state.

### Decision

NBSA considered the EMMC report, the response of the broadcaster and also viewed the broadcasts. NBSA noted that media's job is to disseminate information to the public. NBSA noted that the content of the broadcast was within the editorial discretion/freedom and found no violation of its Regulations or Guidelines. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

### Complaints Considered by NBSA [2nd Level of Redressal]

#### Complaint [Manorama News]

The complainant alleged that in the programme "Parayathe Vayya" on 17.8.2019, the anchor gave several, false information regarding the abrogation of Article 370. The complainant drew the attention to a sentence in the broadcast "*It is worrying that the new BJP government is making the idea of unifying India from Kashmir to Kanyakumari a reality*". The complainant demanded an apology for the above statement.

#### Response from Broadcaster

The broadcaster in its response dated 2.9.2019 submitted that "Parayathe Vayya" is a show wherein the host presents the social and political issues faced by the common man and attempts to put it in perspective. Episode telecast on 17.8.2019 dealt with the manner in which Article 370 that gave special status to Jammu and Kashmir was revoked. There was a view that the removal of the special status of Kashmir was carried out in an arbitrary manner without taking into confidence those residing in the state or considering the larger interest of the population; for the purpose of filing the complaint only a sentence from the particular paragraph was taken in isolation which is uncalled for. To understand the real meaning, the paragraph as a whole should be read.

The broadcaster stated that the translation of the headline is as follows:

*“Realize and recognize the change happening to the people of India. Change is immediate. Due to which you and I need to realize what’s happening at the earliest. Realize what are the effects and how does it affect us. We need to introspect whether the vision “from Kashmir to Kanyakumari “is becoming meaningful or whether it’s enough to sit idle.”*

Complainant did not agree with the translation given by the broadcaster and disputed the translation of the words “becoming meaningful” in Malayalam as “അനുവർത്തം” “Anuvarthan”. According to the complainant the right Malayalam word for "becoming meaningful is “സാർത്ഥകം” “Sarthakam”.

### Decision

NBSA considered the complaint, response from the broadcaster, further reply by the complainant, viewed the broadcast and the translated text of the script. NBSA noted that the content of a broadcast had to be seen in its entirety and the word used in the programme had to be seen in the context it was used in the broadcast. NBSA found no violation of the Code of Ethics and Guidelines in the broadcast. NBSA therefore decided to close the complaint and inform the complainant and the broadcaster.

### Complaint against participation of Pakistani Nationals in debates on TV channels

NBSA considered the email dated 4.9.2019 from Mr. Rekhiv Supekar, to the Chairperson, NBSA, complaining against participation of Pakistani nationals on debates on TV channels.

### Decision

NBSA noted that the guests invited for panel discussions and the contents of a news broadcast are matters of editorial discretion and no action can be taken on the basis of an individual’s view or perception on such issues. NBSA therefore decided to close the matter and inform complainant accordingly. However, the NBSA noted that if there are specific violations of the Code of Ethics, Regulations, Guidelines, the complainant may give the details of the broadcast i.e the date, time and title of the broadcast/s and may point out the violations of the Code of Ethics & Specific guidelines etc, which are all available on the website of NBA <http://www.nbanewdelhi.com/whom-to-complaint-broadcasters>, for consideration by the NBSA.

### Complaint [Aaj Tak]

Complaint is that the channel had broadcast the show with headline "जन्मभूमि हमारी, राम हमारे मस्जिद वाले कहां से पधारे" on 15.10.2019 at 7.00 pm and also tweeted the same text and image. The complainant stated that this type of news seems to provoke the harmony between two sections of Indian society and can clearly create a rift between the people and showing hatred and malice towards Muslims.

### Response from Broadcaster

Broadcaster stated that the said caption “Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare” was not something that was coined and invented by the news channel especially for the purpose of telecast. Rather, the same was taken out of the discussion that took place in the courtroom during the course of hearing of the civil appeal in the Ayodhya dispute. Also, the premise of the arguments put by the Hindu Mahasabha before the Hon’ble Supreme Court was based on the same idea which the caption speaks



of and which has been reiterated by them before the Hon'ble Apex Court. The channel therefore has done nothing wrong but reproduced an argument that was already part of the record. Further the said caption was enclosed within two inverted commas (‘’) which affirms the fact that it was reproduction of a statement/an argument made by someone which was quoted by the channel.

### Further reply from Complainant

The complainant in its reply dated 5.11.2019 stated that he was not satisfied with the response. The broadcaster did not acknowledge that using these hate speeches as headlines in shows using "quotations" is wrong or right. Freedom of press is essential but using provocative speeches as debate show headlines are clearly provocative, and is biased. No one can spread hate against anyone using freedom of speech. Even if those speeches were made in courtroom.

### Further response from Broadcaster

The broadcaster vide email dated 25.11.2019 stated that “.....with respect to the image mentioning “*Janambhoomi Hamari Ram Hamare Masjid Wale Kahan Se Padhare*” was promoted only on social media. With respect to the image/program “Muslim Mukt Bharat”, the complaint relates to an old feed of November, 2018 and the alleged program which was broadcast at the time when UP government was changing names of the cities e.g.- Allahabad to Prayagraj, Faizabad to Ayodhya etc. In the alleged program nothing was shown against any particular religion or a community which could be termed as creating animosity or hatred towards anyone.

### Decision

NBSA considered the complaint and the response of the broadcaster. NBSA noted that since the broadcaster confirmed that the image mentioning “*Janambhoomi Hamari Ram Hamare Masjid Wale Kahan Se Padhare*” was promoted only on social media, NBSA could not proceed further with the complaint as the content available on social media did not fall within the jurisdiction of the NBSA. Therefore, it could not proceed to any take action under the NBSA Regulations. NBSA, therefore decided to close the complaints and inform the broadcaster and the complainant accordingly.

### Complaint by Citizens for Justice and Peace [CJP] dated 17.10.2019 - Aaj Tak on 16.10.2019 and a Tweet posted by verified Aaj Tak Account

#### Aaj Tak programme on 16.10.2019

The complainant stated that the title of the show is: *Ayodhya Dispute*: “देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से *Rohit Sardana* के साथ”. In this show, an individual who was addressed as “Swami Karpatri Ji Maharaj”, expressed some controversial and abhorrent views with respect to the Ayodhya case and declared “*18 November se ayodhya me Shri Ram Janmabhoomi ka nirman hoga*” and “*faisla nischittaur se hai, mere paksh me hai*” (On November 18, the formation/birth of Ram Janmabhoomi will begin; the Judgement will undoubtedly be in our favour.). Complainant stated that this is not just a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon'ble Supreme Court was still awaited; such statements tend to incite public disharmony and could lead to disruption of public order; such content has been aired despite of the NBSA issuing a special advisory, dated 16.10.2019, to all news channels to be extra cautious while conducting debates and stated that “*it is*

*incumbent on the news broadcasters to take extra care and be cautious while telecasting news relating to sensitive and emotive matters”*; the guidelines of the NBSA have not been followed in broadcasting this content. The show aired on news channel, Aaj Tak, has also been uploaded also on the YouTube Channel of Aaj Tak on 16.10.2019 and had more than 3 lakh views.

### **Reply from Broadcaster**

The broadcaster stated that any news debate telecasted by the channel is directed towards fostering civility in public discourse on the issues that are relevant in day to day lives of the people of this country. The debates aim towards bringing the people with different ideological background on one platform and put their opinion on an issue which can be solved by healthy exchange of opinion and intellectual deliberations. The debates also act as an educative tool to the masses. Swami Karpatri Ji Maharaj was one of the panelists in the debate aired by the channel who has inclination towards a particular ideology (which he represented on the panel) just like any other ideology that has been nourished in India on account of its pluralist society. The news channel promotes ideological diversity. The channel respects the freedom of speech and expression of every individual as enshrined in the Constitution of India, therefore, it was not appropriate to show a disclaimer as the same happened spontaneously. The statement of a panelist cannot be attributed to the news channel but solely to the narrator who express it. It should be highlighted that the news channel through its anchor only moderates the discourse and in no way expresses its own opinion without being meaningful and courteous.

### **Further reply from Complainant**

The complainant in response stated show titled “देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ” on 16.10.2019 was not just a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon’ble Supreme Court was then awaited, but such statements tend to incite public disharmony and could lead to disruption of public order; the news channel has thus violated the Important Advisory issued by the NBSA, dated October 16, 2019, the principles of the Code of Conduct of NBSA.

### **Complaint made with regard to the tweet that was posted through the verified Twitter account of Aaj Tak**

The second complaint has been made to the tweet that was posted through the verified Twitter Account of Aaj Tak on 15.10.2019 wherein the graphic complementing the tweet contains the caption: “*Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*”? This particular tweet, unquestionably, has been put out to provoke negative sentiments against one community and is an attempt to sensationalize the Ayodhya case news coverage. This violates the NBSA Advisory on Ayodhya. A news channel ought to be aware of the potent influence it has on public opinion and hence be cautious while putting out content which could even slightly tend to disturb public order and communal harmony. The channel appears to have put into jeopardy the secular ethos of the country. In view of this, it is in best interest, that the channel removes the above-mentioned content on the Twitter account.

### **Response from Broadcaster**

The complaint has been made to the tweet that was posted through the verified Twitter Account of Aaj Tak on 15.10.2019 wherein the graphic complementing the tweet contains the following caption: “*Janmabhumi*

*Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*”? It has been alleged that the tweet has been put out to provoke negative sentiments against one community and is an attempt to sensationalize the Ayodhya case news coverage and violation of the NBSA’s guidelines. The channel has been asked to retract and remove it.

Broadcaster stated that the said caption “*Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*” was not something that was coined and invented by the news channel especially for the purpose of telecast. Rather, the same was taken out of the discussion that took place in the courtroom during the course of hearing of the civil appeal in the Ayodhya dispute. The channel therefore has done nothing but reproduced an argument that was already part of the record. Further the said caption was enclosed within two inverted commas (‘’) which affirms the fact that it was reproduction of a statement/an argument made by someone which was quoted by the channel. Further, it was just a teaser of the program and never came into picture at any time during broadcast of the said story. The intention of the channel behind the present tweet was not to induce public to form a certain opinion but to bring before them the point of view of one of the parties to a dispute that has been going on for decades. Therefore, putting an impediment on the true and fair reporting with a whip will be nothing but unconstitutional.

### **Response from Complainant**

The complainant in response stated that the broadcaster has contended that the “caption is not something that was coined and invented by the News Channel especially for the purpose of the telecast; rather the same was taken out of the discussion that took place in the Courtroom during the hearing of Civil appeal in the Ayodhya dispute”. The channel is only trying to back track from the views it has clearly endorsed, by posting such inflammatory and inciteful content which could and must have certainly hurt the religious sentiments of the Muslim Community in a secular country like India; the impact of the telecast and the social media post cannot but have a deleterious impact; this kind of targeted hateful content keeps growing its tentacles to reach every Indian living room and due to the reach of social media, every user of social media, without any opposition and is against the preambular goal of fraternity and integrity of the nation; such contents are aimed at fuelling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

### **Decision**

NBSA considered the complaint, response from the broadcaster, further response from the complainants and also viewed the CD of the alleged broadcast. NBSA noted that while the broadcaster may have no control on what a participant in a programme may state, it definitely can avoid inviting persons who have ideological leanings, which the broadcaster is aware may result in provocative statements being made in a “live” programme, which is likely to offend the sensitivities of any religious group or may create religious intolerance or disharmony especially when the verdict, in such a sensitive and crucial matter, from the Hon’ble Supreme Court was still awaited.

NBSA decided to give a warning to the channel be more circumvent and careful in the future. In the event that such telecasts are repeated by the broadcaster, NBSA will take appropriate action under its regulations. NBSA however directed the broadcaster to remove the programme *Ayodhya Dispute*: “देश के सबसे बड़े फैसले

पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ” from the YouTube channel and report compliance to NBSA within seven days of receipt of such direction from the NBSA.

NBSA also observed that broadcasters would be responsible for violations of Broadcasting Standards and Guidelines in regard to the content of any programme aired on the channel; that neither any “disclaimers” before any programme nor the fact that offending statements/views expressed by independent anchors, invited guests or other participants, would relieve them from the liability/responsibility for violation of the Standards/Guidelines of NBA/ NBSA .

NBSA considered the complaint, responses of the broadcaster and counter response of the complainant. NBSA noted that since the broadcaster had confirmed that the image reproduced mentioning “*Janambhoomi Hamari Ram Hamare Masjid Wale Kahan Se Padhare*” were promoted only on social media, NBSA could not proceed further with the complaint as the content available on social media did not fall in the jurisdiction of the NBSA. Therefore, it could not proceed to take action under the NBSA Regulations. NBSA, therefore decided to close the complaint and inform the broadcaster and the complainant accordingly.

### Complaint [ABP Majha]

Complaint dated 31.12.2019 from Mr. Abhijeet Shindeis regarding showing picture and mentioning the name and profession of the Hyderabad Rape affected girl by ABP Majha on 31.12.2019 Channel has shown the picture of Hyderabad Rape case affected girl and also mentioned her name and profession

### Response from Broadcaster

Broadcaster stated that the telecast had been an inadvertent and on account of a bona fide mistake. The same is also evident from the fact that it was only aired once. They have taken note of the concerns raised and have assured that it shall be extremely careful while airing such broadcasts in future.

### Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster in its response had admitted that the telecast was inadvertent and on account of a bona fide mistake, and the broadcaster had assured that it shall be extremely careful in future.

NBSA noted that despite the broadcaster having been fined Rs1.00 lakh and issued a warning vide Order No 57 (2019) dated 25.2.2019 for airing a news item on their sister channel ABP News, in which by revealing the identity of the rape victim, the broadcaster had violated the “*Code of Ethics, the Principles of Self-regulation No 4. Depiction of violence or intimidation against women and children*” and the “*Guidelines on reportage of cases of Sexual Assault*” dated 7.3.2018, which also states that news channels must take special note of the provisions of Section 228A of the Indian Penal Code 1860 and of Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (presently Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015) which provides for protection of the identity of victims of sexual offences and of juveniles in conflict with the law”, the same violation was again repeatedly committed by the broadcaster, which the broadcaster needs to be circumspect about.

NBSA noted that in view of the broadcaster having admitted its mistake and also assuring that it would be careful in the future in respect of its broadcast, it was decided that a warning be issued to the broadcaster. NBSA also decided that it be conveyed to the broadcaster that in the event of any future violation in this regard, the matter would be viewed very seriously and action taken accordingly.

### **Complaints [Zee News]**

Since the complainant did not receive a reply to the complaint dated 17.2.2020 from the channel, the complaint was escalated on 20.3.2020 to the second level which is the NBSA

Complainant stated that in the episode the news anchor made a remark against the people of Delhi. He said "दिल्ली की जनता को देश के टूट जाने से कोई लेना देना नहीं है". He said many other things against Delhi's public. He was trying to humiliate the public for giving a mandate to "AAP". He is not maintaining impartiality, objectivity and neutrality in his reporting. It is the violation of Code of Ethics and Broadcasting Standards issued by NBA.

### **Reply from Broadcaster**

Broadcaster stated that in their show 'DNA', telecast on 8.2.2020, they have conducted a fair editorial analysis of politics of freebies, which was prominent during the election campaign in Delhi. AAP, in its election manifesto had promised the people of Delhi to continue with its pro-people policies such as 200 units of free electricity, 20 kilo litres of free water, free bus ride for women etc. Since the exit polls conducted by various agencies predicted clear majority of Aam Aadmi Party (AAP) in the assembly elections, they telecast their programme 'DNA', wherein, they had conducted a comparative analysis of the 'domestic and regional issues' on one hand and the 'the issues of national importance', which were being raised by BJP during its election campaign, on the other hand. So far as the comments in the programme regarding people of Delhi are concerned, the same was related to only those people of Delhi who did not come out to cast their vote during the Delhi Elections, which is a bounden and constitutional duty of every citizen in our democratic country. In the programme, they have not only shown few pictures, but also appreciated the voters of Delhi, who despite their disability and old age, came out and cast their vote in the elections. Thus, by no stretch of imagination, it can be said, that in the aforesaid programme, they have insulted and disrespected the voters of Delhi. They have also stated that the people of Delhi have voted to BJP on all the 7 Lok Sabha seats, however, when it comes to Assembly elections, the very same electorates have cast their vote on domestic issues such as electricity, water, education, healthcare etc. During the programme, they pointed out the similar trend in the States of Maharashtra, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, where despite winning majority and/or all of the Lok Sabha seats in general elections, the BJP lost the State Assembly Elections and could not form the Government. In the show, they have also praised the positive campaign of AAP and more particularly their digital and tech campaign and have also given credit to the AAP for their spectacular campaign. Thus, the contents of the show completely rules out all the allegations of biasness and partiality in favour of any political party, as falsely alleged. The contents of the show were strictly in accordance with the Code of Ethics and rules and regulations framed by NBSA and that they have not breached any guidelines and have strictly adhered to the laid down principles of neutrality, impartiality and fairness in telecast of the story. They never endorse or promote the belief of any of the political party in the country.

### Further response dated 20.3.2020 by Complainant

The complainant stated that he had objections to the comments made by Mr. Sudhir Chaudhary on Delhi peoples like "दिल्ली की जनता को देश के टूट जाने से कोई मतलब है" Zee News in their reply stated that the above comments were related to those residents who did not cast their vote; he pointed out that if someone does not cast his vote does it mean that he has no problems with breakdown of country; till now casting of votes is right not an obligation; I have also not cast my vote for my personal reasons does it mean Zee News declare me anti national; who is Zee News to say to Delhi people that "दिल्ली की जनता को देश के टूट जाने से कोई लेना देना नहीं है" and on what basis the comment was made by Zee News; they have said that BJP raised issues of national importance and AAP raised domestic issues including promises of free water and electricity; and therefore, Zee News conducted an analysis of politics of national importance and politics of freebies; but BJP had also promised free electricity, free scooter to youth etc.; Zee News analysis basically focused on politics of freebies by AAP and politics of national importance by BJP but in reality, both the parties was involved in politics of freebies; the analysis was not conducted on fair and transparent manner; there is lack of impartiality and objectivity in the reporting by Zee News.

### Decision

NBSA noted that several complaints on the same broadcast was received by the broadcaster at the first level of redressal. NBSA considered all the complaints, response of the broadcaster and also viewed the broadcast. NBSA noted that the broadcast related to the results of the exit polls surveys, which pointed towards AAP party winning the elections with a large majority. Since the broadcast was after the voting for said elections was over, NBSA found that there was no violation of the Election Guidelines of the NBSA. NBSA however observed that there was a sub text to the title of the programme which could certainly have been avoided to ensure objectivity and impartiality in the reporting of the Programme. NBSA therefore decided to close the complaint and inform the complainant and the broadcaster accordingly.

### Complaint [Sakshi TV]

Complaint against Sakshi media (news channel and newspaper), biased news channel to a political party in Andhra Pradesh, YSRCP, the present government in Andhra Pradesh. But they never mentioned the same either in the news channel nor in their newspaper. People are blindly following the same news which means the YSRCP party has an extra edge in all the news created by the channel. Also, Sakshi news channel and Sakshi media group create baseless news about other political parties in Andhra Pradesh which is a grave concern for democracy. He urged the NBA to take stringent action on this media group. His request to NBA was to ask the channel to make the statement public that their news is biased towards YSRCP which should be visible in their channel and newspaper always or take stringent measures to keep journalism values alive.

### Response from Broadcaster

The allegations stating that Sakshi Media creates baseless news about other political parties in Andhra Pradesh is incorrect, motivated and farthest from truth. The said KSR Live Show and other Political debates are true events, performed without any biasness and partiality. Sakshi TV identifies facts, investigates the truth and then delivers empowering content to its viewers from across the nook and corners of Telangana and Andhra Pradesh. The said complaint is therefore devoid of any merit, since the complainant is not willing to share his identity and contact details which would have enable us to speak with him and understand his point

of view, which is indicative of the fact that he is not being transparent about his issues with the content on our channel. Hence, the allegations in this regard are baseless and motivated.

### **Decision**

NBSA noted that the issues raised in the complaint does not fall in the jurisdiction of the NBSA. Hence NBSA cannot proceed with the complaint. NBSA therefore decided to close the complaint and inform the complainant and the broadcaster accordingly.

### **Complaint [Suvarna News]**

Mr. Prasanth P.R., Editor member representing the broadcaster in NBSA (Asianet News), being an interested party, recused himself from the proceedings.

The complainant alleged that Suvarna News has broadcast that he is the reason for spreading Corona virus in JSW Steel Factory. The complainant stated that the channel has reported that there has been a sudden increase in number of cases reported in the JSW factory due to an employee of Tamil Nadu origin whose mother had tested positive.

### **Reply from Broadcaster**

The broadcaster stated that the complainant has made a claim that the news report shown in the YouTube link refers to himself. There has been no name taken in the report as per the guidelines issued by the government. They do not refer to the complainant anywhere in the report. The channel has only reported that there has been a sudden increase in number of cases reported in the JSW factory due to an employee of Tamil Nadu origin whose mother tested positive.

### **Decision**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter and inform the complainant and the broadcaster accordingly.

### **Complaint [Aaj Tak]**

The complaint was relating the title of the programme "Amu mei phir Hangame ki pathshala". This might spread hatred instead of "information". He disagrees that the title was in "good faith" and if it was then the punch line was very much objectionable. Complainant stated that because of one or few radical anti-social elements, news channel is defaming the entire University, and the complainant who is an alumnus of the university.

### **Response from Broadcaster**

The broadcaster stated that the reference was made in relation to those miscreants who tried to disrepute the Institution. It is important to mention that media is duty bound to help citizens nourish their rights and it also checks as to whether the citizens are exercising their rights in a correct and legally permissible manner or not while adhering to the duties that have been assigned to us as a responsible news channel. It is to inform you that the news channel does not differentiate between the classes that exist in this country and keeps a

check on their conduct. The news channel has acted neutrally and performed its task dutifully without any pre-disposition towards the University.

### **Decision**

NBSA considered the complaint, response from the broadcaster and found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter.

### **Complaint [Aaj Tak]**

The complainant on 28.2.2020 strongly condemned and disagreed with the anchor criticizing the security forces/police about what to do or what not to do by media persons during riots is very poor and effecting the morale and decisions making process. The unreasonable reporting is also responsible for riots. The tone and language used by your anchor was absolutely unacceptable.

### **Response from Broadcaster**

The broadcaster stated that the disagree with the observation and must remind the complainant that our forces are committed and can take positive criticism if any, while ensuring they cherish our ability to be free and vocal about important issues that we touch upon on a daily basis. As a news channel, their fundamental purpose is to keep the citizens informed about the happenings in the country. The constitution of India guarantees “freedom of speech” as a fundamental right which encompasses not only freedom of press but also the citizens right of being informed on matters of public concerns, moments, etc. Freedom of press is one of the essential pillars of the democracy in our country. A matter of public concern may be repeated including by way of debates, discussions etc. with expert opinion, if any on the topic. They stated that no provision of the Code of Ethics and Broadcasting Standards laid down by the NBA has been violated by the news channel and the complaint may thus be withdrawn as there was no ill intention on part of the news channel.

### **Decision**

NBSA considered the complaint, response from the broadcaster and found that the complaint was bereft of details of the broadcast and the violations. NBSA therefore decided to close the matter.

### **Complaint [Aaj Tak]**

The complaint dated 23.3.2020 is that the Indian Flag which was shown without "The Ashoka Chakra" in the program.

### **Reply from Broadcaster**

The broadcaster stated that Section 3 of The Emblems and Names (Prevention of Improper Use) Act, 1950 prohibits the use of the Ashok Chakra or the picture as used in the Indian National flag without the permission of the Central government. Hence, no Ashok Chakra was used in the representation to ensure that they do not show the Indian Flag. Further, under the Prevention of Insults to the National Honour Act, 1971 we found it appropriate to only use the tri colour and not the flag without violating any law and to portray our love for our country. No provision of the Code of Ethics and Broadcasting Standards laid down by the NBA has been violated by the News Channel.



### **Decision**

NBSA considered the complaint, response from the broadcaster and found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter.

### **Complaint [Aaj Tak]**

The complainant attached two screen shots of same news by Aajtak, in which they have shown people stuck in religious places during Covid-19 lockdown. One is of gurudwara and other of Masjid. While for people in gurudwara, they have used word that people were stuck, for Masjid people they have used word hiding in the news for same incident. This is deliberate attempt to show Muslim community in bad light. It's an intentional harm being done to one community. The complainant desired an on-air apology as a closing way of this complaint. Also, a warning is issued or any action taken against the editorial team or editor to avoid repetition of this again.

### **Reply from Broadcaster**

The broadcaster stated that they are a law-abiding news channel complying to the various guidelines issued by the NBSA) and MIB and that nothing against the laws has been aired by them. The media exist to improve the collective conscience of the society and they believe and hold it as a principle not to be bias against anyone. They hold no personal grudge against any class, colour or religion and present before the world what is reasonable and true and any error that might have come up was purely an oversight by their editorial team and there was never any malafide intention to defame anybody or show biased news.

### **Decision**

NBSA considered the complaint, response from the broadcaster and found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter.

### **Complaint [India TV]**

The channel on 29.2.2020 aired a programme and thereby violated reporting on crime and safeguards to ensure crime and violence are not glorified. In the program they interviewed family members of victims and revealed their identities publicly which was very disturbing and hence he decided to register the complaint against such irresponsible reporting.

### **Response from Broadcaster**

The broadcaster stated that the news program telecast on 29.2.2020 at 10.30 am covered stories of the victims of the recent violence in North East Delhi. Their anchor is seen to be strongly condemning violence and highlighting that riots and violence only lead to loss of innocent lives across all religions. The allegation that they have violated the guideline - 'Reporting on crime and safeguards to ensure crime and violence are not glorified'- is vehemently denied. The news program in no way glorifies or glamorizes the acts of violence committed by the rioters. On the contrary, the acts of violence are deeply condemned and labelled as cowardly. The news program aims to show case the pain, loss and suffering of innocent lives caused due to the cowardly acts of rioters whose sole purpose is to spread hate and communal disharmony in the society.

## Decision

NBSA considered the complaint, response from the broadcaster and also viewed the broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast. NBSA therefore decided to close the matter.

## Complaint from the Election Commission of India

### Complaint dated 17.10.2019 from Mr. Mukund Kulkarni, Office Secretary – BJP Maharashtra - ABP Majha and Zee 24 Taas – “Violation of Guidelines for Election Broadcasts” issued by NBSA

The complaint was forwarded by the Deputy Secretary & Joint Chief Electoral Officer, Maharashtra State that ABP Majha and Zee 24 Taas were repeatedly showing opinion polls in contravention of election rules and also the Guidelines for Election Broadcasts of NBSA dated 3.3.2014, which was also issued by the ECI by a Press Note dated 26.9.2019 wherein the attention of media/broadcasters were invited to the Guidelines for Election Broadcasts of NBSA.

The complainant stated that there was no disclosure in the opinion polls as to who commissioned, conducted and paid for the conduct of the opinion polls and the broadcast. There was also no specific explanation about the context, and the scope and limits of such polls with their limitations, neither was it accompanied by information to assist viewers to understand the poll’s significance such as methodology used, the sample size, the margin of error, the fieldwork dates and data used. The above act on the part of the channels was in flagrant violation of election rules and the Guidelines for Election Broadcast and it may affect and prejudice the minds of viewers.

### Response by ABP Majha

The broadcaster in its response refuted the allegations made in the complaint. It stated that the concern stems from the ABP Majha show aired on 21.9.2019 under the name and style “*Koul Marathi Manacha – Mood Maharashtra cha – Opinion Poll 2019*”. The broadcaster stated that ABP Majha’s anchor had requested his colleague to explain to all the viewers the procedure followed in such opinion poll. Ms. Bharati in her own words stated that, “*Whenever we show such poll/survey, in that case, how such poll/survey is conducted, who has conducted such survey/poll is important to be known...*” and thus she explained the procedure for such opinion poll. She stated that the Opinion Poll was conducted by C- Voter. The sample size used to arrive at the result of the Opinion Poll was 4,855, consisting of persons of age group of 18 years and above, from diverse professions so as to accommodate the opinions of each and every segment of the population and the said poll was conducted at different time intervals i.e. from 1.9.2019 to 10.9.2019. They fairly disclosed the vote shares and seat shares in the said Opinion Poll.

### Response by Zee 24 Taas

Broadcaster in its response stated that the complaint does not mention the date and time of alleged broadcast and therefore it is difficult to understand the grievance and redress the same. However, it had made all efforts by going through the record of the telecasts and found that no such telecast was aired by Zee 24 Taas after the commencement of the elections and in violation of the model code of conduct and NBSA guidelines.

NBSA noted that since Zee 24 Taas confirmed that no such telecast was aired on the channel, there was no need to proceed further with the complaint viz a viz the channel.

### Decision

NBSA considered the complaint of ABP Majha, response of the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that in view of the complete details given by the broadcaster regarding the procedure followed to conduct the opinion poll, the broadcaster had not violated Rule 11 of the Guidelines for Election Broadcast, which requires that the *“Broadcast of opinion polls should be accompanied by information to assist viewers to understand the poll's significance, such as the methodology used, the sample size, the margin of error, the fieldwork dates, and data used. Broadcasters should also disclose how vote shares are converted to seat shares”*. NBSA therefore decided to close the complaint and inform the Deputy Secretary & Joint Chief Electoral Officer, Maharashtra State and the broadcasters accordingly.

## Hearing of Complaints

### [Summary of Orders/Decisions passed by NBSA]

**Complaint by Mr. Sharad Shah [Republic TV] [Order No. 70 (2019) dated 7.10.2019]**

**Complaint by Mr. Sharad Shah [Republic TV] [Order No. 71 (2019) dated 7.10.2019]**

### Complaint

Complainant stated that in the telecast *“The Debate 2 - #The Congress Bharatmata Claim”* where the anchor with ample support of RSS “ideologues” and BJP Spokesperson pilloried Shri Karim Baig, Muslim participant in the debate, to say *“Bharatmata Ki Jai”* implying that he was not a patriot if he did not say that on the program. The complainant stated that Shri Karim Baig was invited to debate the *“Congress Bharatmata claim”* and not to say *“Bharatmata ki Jai”* to prove that he was a patriot as if that was a litmus test of patriotism. The complainant contends that such debates cannot be used for inquisition and that the program clearly violated the following Guidelines Covering Reportage of News Broadcasters Association 9. Racial & Religious Harmony; 9.1 Racial and religious stereotyping should be avoided and 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.

NBSA considered the complaints dated 1.5.2019 and 10.7.2020, response from the broadcaster and decided that the broadcaster and the complainant be directed to appear before the NBSA for a hearing. The broadcaster informed that he will not be present in the hearing. NBSA considered the complaint again and decided that the broadcaster be directed to air an apology and was also warned to be careful in respect of panel discussions held in future in order that it did not violate the principles of the Code of Ethics relating to “Impartiality & Objectivity in reporting” and “Neutrality”. The broadcaster should be cautious while holding panel discussions, make sure that no panelist is browbeaten and ensure that the panelist is given the freedom to voice his/her views.

**Complaint by Mr. Ishwar Singh Latwal, Mr. Debasish Kar, Mr. Nirupam S and Mr. Ishwar Singh [Aaj Tak] [Order No. 72 (2019) dated 7.10.2019]**

The complainants alleged that on March 23, 2019 at around 9.12 pm, while reporting about an incident in Gurugram, Haryana (in which, following a cricket match dispute, the family members of one group

of people were beaten up with sticks by the other group), the correspondents of Aaj Tak threw all norms of responsible journalism to the winds; that the correspondents of Aaj Tak blamed '*Hindutva*' for this incident without any rhyme or reason; and that the channel's correspondents used the word '*Hindutva*' nearly a dozen times in an insulting and derogatory way, brazenly holding '*Hindutva*' responsible for this act. According to the complainant, '*Hindutva*' had nothing to do with the incident, nor did it support or advocate such action; that the channel was simply playing to the gallery with an evil motive; that every pause during the hyperbolized and devious narration of the incident was dramatically followed with the chant of '*Bharat Mata ki Jai*' as if this sacred patriotic slogan justified heinous acts; and that it was clear that these correspondents were working with a sinister agenda to defame and vilify Hinduism and malign the country's patriotic legacy; and that has hurt the feelings and sensitivities of millions of Hindus. The complainant stated that the video showing violence in respect to a religious dispute may further instigate the religious hatred and create violence. Complainant stated that the channel in its programme 'Khabardar' on 23.3.2019 aired the same clip and was repeated multiple times in the same program with extremely vitriolic speech by the anchor. According to the complainant, the said broadcast was violation of 1. Guidelines to prevent giving communal colour to the violence (voice shouting Allah Allah not muted and vitriolic speech by background anchor)2. Against National Security3. Glorifying violence in video clip 4. Depiction of violence or intimidation against children and women 5. Guidelines for telecast of news affecting public order 6. Guidelines on sexual assault.

NBSA considered the complaints, response of the broadcaster and having heard the arguments on behalf of the broadcaster, NBSA was satisfied with the explanation and justification put forth by the broadcaster. There was no violation of NBSA's guidelines and the matter was closed. NBSA decided to close the complaint with the above observations.

#### **Complaint by Mr. Ravindra Ambedkar [ABP Majha] [Decision dated 6.12.2019]**

Complainant stated that ABP Majha conducted a programme on what 'Sharad Pawar's stars forecast' in the Elections 2019, will he become PM and so on. The complaint alleged that the show was anchored in an astrologer costume. He stated that the channel has a permission from the MoI&B for a news and current affairs channel and star forecast according to the complainant, was not news. He stated that these type of programmes are spreading superstition, are illegal in Maharashtra under anti-superstition law, it is also unethical to discuss anybody's fate on the basis of Stars, Zodiac signs and fortune. Complainant also forwarded copy of the MoI&B circular dated 22.5.2019 regarding the Policy Guidelines of TV channels from India 2011, which states that the Ministry gives permission under two categories i.e. non new and news.

#### **Decision dated 10.7.2019**

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast, as the content of the broadcast was within the editorial discretion/freedom. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Since the complainant was not satisfied with the decision, he desired a hearing. Opportunities were given to the complainant for a hearing. NBSA noted that the complainant had not availed the opportunities given to him to appear before the NBSA. NBSA reiterated that the complaint will be closed with the same decision

taken earlier i.e “NBSA found no violation of its Regulations or Guidelines in regard to the said broadcast, as the content of the broadcast was within the editorial discretion/freedom”. NBSA therefore decided to close the matter and inform the complainant and the broadcaster accordingly.

### **Complaint by Mr. Arihant Kothari [Sun News] [Decision dated 6.12.2019]**

Complainant stated that he came across a new interview telecasted by Sun News channel on 11.5.2019, which according to the complainant, was intended to show a community in bad light and use that podium/ platform to encourage violence thoughts against a community.

NBSA noted that upon receipt of the decision of the NBSA the complainant did not accept the closure of the complaint and desired that the matter be relooked at. NBSA decided that the matter will not be reopened again as the complainant had not raised any fresh issues in his letter, which merits reconsideration/ review of the decision taken by the NBSA at its meeting held on 10.7.2019.

### **Order No. 73 (2020) dated 6.10.2020 in respect of telecasts by member broadcasters of NBA relating to actor late Sushant Singh Rajput**

Freedom of speech, thus, is of paramount importance under a democratic Constitution and can be stated to be the foundation of all democratic organisations. Public criticism is essential to the working of democratic institutions which requires free flow of opinions and ideas. Though freedom of press (or for that matter freedom of media) has not been specifically mentioned in Article 19(1)(a) of the Constitution, this is so recognised by the Supreme Court in various judgments describing it as the “ark of the covenant of democracy”. Whether it is print media or electronic media, both exercise their right of freedom of speech. Broadcasting is a means of communication, and is, therefore, a facet of freedom of speech. It is not only necessary to recognise this right in media, it is also to be appreciated that it is a valuable right which has come to be accepted as the most desirable form of governance of quality inasmuch as it contributes to the healthy development of democracy. The success of democracy depends on well-informed citizens who can articulate their opinions on the affairs of the State. With the vast reach of the media, there is no doubt that it plays a vital role in shaping an opinion at large. With the seminal role which the media has played in this direction, it has achieved the status of the fourth pillar of any democracy . Making the people informed is the significant mission that media has to undertake. It, therefore, goes without saying that media needs to be given adequate freedom in the discharge of its salutary function.

At the same time, freedom of speech is not absolute. Whereas Article 19(1)(a) confers this right, Clause (2) of Article 19 also recognises that “reasonable restrictions” on the said right can be imposed. As per the said Clause, the State is entitled to make any law imposing reasonable restrictions on the exercise of this right in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. In *Shreya Singhal v. Union of India* (2015) 5 SCC 1, the Supreme Court has explained that there are three precepts which are fundamental in understanding the reach of freedom of speech and expression. The first is discussion, the second is advocacy and the third is incitement. Mere discussion or even advocacy

of a particular cause howsoever unpopular is at the heart of Article 19(1)(a). It is only when such discussion or advocacy reaches the level of incitement that Article 19(2) kicks in.

Keeping in mind the spirit of the aforesaid provision, many news channels have joined together and has formed the News Broadcasters Association (NBA). Members of the electronic media consisting NBA have come out with self-regulatory mechanism. Towards this end, they have laid down the Code of Ethics and Broadcasting Standards (Code of Ethics) within which they are supposed to function. This Code of Ethics, inter alia, prescribes that while telecasting a programme, the broadcaster would adhere to its provisions. Some of the provisions in the Code of Ethics, relevant for the purposes of these complaints are Impartiality and objectivity in reporting; Ensuring neutrality and Privacy.

The Code of Ethics ensures that broadcasters will not violate the privacy of any person/individual. Privacy is now recognised as a fundamental right by the Hon'ble Supreme Court in a nine judge Bench judgment in the case of *K.S. Puttaswamy v. Union of India & Ors.* (2017) 10 SCC 1. The Hon'ble Court, in the said unanimous judgment, has also held that privacy has its genesis in the dignity of a human being as well as the right to be left alone. It can, therefore, be said that any programme which violates the privacy or dignity of a person would constitute breach of the Code of Ethics. In *Vikas Yadav v. State of U.P.* (2016) 9 SCC 541 and *Nipun Saxena v. Union of India* (2019) 2 SCC 703, the Supreme Court has recognised that the dignity of even a dead person needs to be respected.

NBSA has examined the complaints through the prism of the aforesaid concept and contours of privacy and dignity. Apart from conforming to accuracy, impartiality and objectivity, neutrality the broadcasters are also not supposed to violate the privacy of a person or sensationalise news. This keeps in mind the spirit of Clause (2) of Article 19. In a way, it can be said that provisions made in the Code of Ethics are self-imposed restrictions which are reasonable instructions in public interest

Mr. Sushant Singh Rajput (SSR), a well-known film actor of Bollywood, was found dead in his house on 14.06.2020. This was a big news and it was initially projected that SSR had committed suicide. It became a matter of public debate and there was extensive coverage thereof in media as well. Various broadcasters came out with programmes with different themes on the death of SSR. However, the manner in which some of the broadcasters telecast these programmes has resulted in complaints being preferred to NBSA alleging that the broadcasters have violated the guidelines/provisions of Code of Ethics.

Some persons have even filed writ petitions in the Bombay High Court as well in which NBSA is impleaded as one of the Respondents. Vide order dated 10.9.2020, the Hon'ble High Court directed NBSA to hear and decide the complaints which have been received by NBSA. NBSA has heard the matter. It is clarified at the outset that NBSA has jurisdiction to entertain the complaints only qua those broadcasters who are members of NBA. There may be certain broadcasters who are non-members, and therefore, complaints against them could not be considered by the NBSA. It is also clarified that jurisdiction of NBSA is limited to examine as to whether the act complained of constitutes violation of the guidelines/Code of Ethics. Therefore, the following complaints are examined on these parameters at its meeting held on 24.9.2020.

## **Complaints received by NBSA in respect of telecasts by member broadcasters of NBA relating to actor late Sushant Singh Rajput.**

### **Orders on complaints dated 14/15/16/20.6.2020 by Mr. Saurav Das, Ms. Rutuja Patil, Mr. Varun Singala, Mr. Pulkit Rathi, Mr. Nilesh Navalakha and Mr. Indrajeet Ghorpade regarding media coverage of the suicide case of Sushant Singh Rajput by TV channels Aaj Tak, Zee News and News 24 relating to Taglines/Tickers used by the channels aforementioned**

1. Aaj Tak, a leading Hindi news channel displayed headlines while covering the story- like “Aise kaise hit-wicket ho gaye Sushant?”. Sushant zindagi ki pitch par hit-wicket kaise ho gaye”, ‘Sushant itne ashant kaise’?
2. Zee News, another leading Hindi news channel flashed this headline while asking “7 questions on Sushant’s death”- “Patna ka Sushant, Mumbai me fail kyu?”.
3. News 24 used the headlines “Hey, why didn’t you watch your own film Sushant?” (Referring to the actor’s film Chhichhore which dealt with the topic of Mental Health). 2. “What was you stood up for in your movie, you forgot in your real life” (again referring to the same movie).

NBSA considered the complaints, response and submissions made by the parties and viewed the footage of the said broadcasts.

#### **Decision of NBSA**

NBSA decided that the broadcasters Aaj Tak, Zee News and News 24 be directed to air an apology. The text, date and time of the apology will be given to the three broadcasters. NBSA also censures the channel Aaj Tak for the three Tag lines and also issues a warning to three broadcasters that such Taglines should not be telecast in the future.

### **Orders on complaints dated 14/15/16/20.6.2020 by Mr. Saurav Das, Ms. Ratuja Patil, Mr. Pulkit Rathi, Ms. Priyanka Srivastava and Mr. Nilesh Navalakha regarding media coverage of suicide case of Sushant Singh Rajput by TV channels Aaj Tak and ABP News regarding interviewing grieving family and relatives and showing images of grieving relatives**

These complaints relate to the channels interviewing the family of the deceased and showing images of grieving relatives:

‘Aaj Tak’ barged into Sushant's parents’ house and questioned his various family members who were shocked and in a grieving state. The reporter of the news channel barged into Mr. Rajput's house and attempted to interview his father who was in a state of extreme grief and trauma and which was clearly visible through his camera.

ABP News, another prominent Hindi news channel rushed to interview the Mr. Sushant’s cousin sister, who was also in a state of shock, trauma and grief.

NBSA considered the complaints, response and submissions made by the parties and viewed the footage of the said broadcast.

### Decision of NBSA

NBSA considered the complaints, response and submissions made by the parties and viewed the footage of the said broadcast.

NBSA decided that the broadcasters Aaj Tak be directed to air an apology. The text, date and time of the apology will be given to the broadcaster.

In so far as ABP News is concerned, in view of the fact that the cousin sister of the deceased had voluntarily given the news channel the interview, NBSA issued a warning to ABP News not to interview the grieving family members of the deceased in the future, in cases like the present one in particular.

### Order on complaints dated 14 & 15.6.2020 of Mr. Saurav Das, Mr. Nilesh Navlakha and Mr. Indrajeet Ghorpade on media coverage of suicide case of Sushant Singh Rajput by TV channels [News Nation, Aaj Tak, ABP Majha and India TV] relating to showing the body of Sushant Singh Rajput

The complaints related to showing the body of Sushant Singh Rajput by News Nation, Aaj Tak, ABP Majha and India TV.

1. News Nation showed the corpse in its telecast.
2. Aaj Tak broadcast photographs of late Mr. Rajput's corpse from his bedroom and it explicitly described the method used along with the colour of the cloth used for strangulation.
3. ABP Majha showed footage of the body covered in a cloth being carried out of the apartment by crisis responders.
4. India TV repeatedly described in detail the colour of the lips of the body and the marks on the neck. It also showed the body covered in a cloth being carried out of the apartment, repeatedly.

NBSA considered the complaints, response and submissions made by the parties and viewed the footage of the said broadcast.

### Decision of NBSA

NBSA decided that as far as the channel News Nation was concerned, in view of fact that the channel had profusely regretted the telecast and had given an assurance that the channel will not repeat the violation in future, a warning be issued to the said channel to same effect to not repeat the violation in future.

With regard to the telecasts of the channels Aaj Tak and India TV, NBSA decided that the channels should apologise for the egregious violations of the aforesaid Guidelines and in particular for the manner in which the images of the body of Sushant Singh Rajput were shown. The text, date and time of the apology will be given to the broadcasters aforementioned.

With respect to the telecast of the channel ABP Majha, the fact that the close-up images of the body of Sushant Singh Rajput were not shown, NBSA issued a warning to the said channel not to repeat the violation in future.



**Order on complaint dated 20.6.2020 by Mr. Nilesh Navalakha regarding fake tweets telecast by Aaj Tak relating to actor late Sushant Singh Rajput.**

**Decision of NBSA**

The complainant stated that Aaj Tak, purportedly manufactured certain tweets and falsely reported the screenshots calling them real and attributing them as the actor's last tweets. Aaj Tak falsely reported on the fake tweets stating that Rajput posted three tweets which he later deleted on June 14, 2020, hours before his death, however, the channel later deleted the tweets and took down the article.

NBSA considered the complaint, response and submissions made by the parties. NBSA decided that the broadcaster Aaj Tak be directed to air an apology in view of the fact that it did not conduct the due diligence required prior to telecasting the tweets and attributing them to late Sushant Singh Rajput. The text, date and time of the apology will be given to the broadcaster. NBSA also decided that a fine of Rs. 1,00,000/- (Rupees One Lakh only) be imposed on the broadcaster payable to NBA (News Broadcasters Association).

**Removal of videos by all Broadcasters**

NBSA decided that the videos of the said programmes if hosted, on the website of the broadcasters, YouTube or other links should be removed immediately and confirmed to NBSA.

**Order No. 74 (2020) of NBSA on complaint dated 25.3.2019 from Ms. Sanjukta Basu against Times Now channel regarding programmes titled "India Upfront" at 8 pm and "News Hour Debate" at 9 pm on 6.4.2018**

Not being satisfied with the reply dated 16. 5.2018 received from the broadcaster to the Legal Notice dated 24.4.2018, the complainant escalated the complaint to the NBSA, which is the second level of complaint redressal. The complainant vide email dated 25.3.2019, stated that she wishes to register a grievance against Times Now for running a defamatory program against her on 6th April 2018, violating the Guidelines on Broadcast of Potentially Defamatory Content, basic Guidelines No.5, No.8 and others. She also forwarded the two links of the two hour programmes run by Times Now in which she was addressed with derogatory remarks such as "Hindu Hater" and "vile troll". It was further insinuated that she was recruited by a certain politician to make politically motivated tweets giving the impression that she was taking money or some other benefits. The complainant stated that she explained to the broadcaster that it was incorrect in attacking her name, reputation and integrity for the TRPs of its political program, and requested for an apology, which was not complied to by the broadcaster. In reply, again she was again called a "vile troll". She also stated that the channel did not contact her to obtain her version before running the programs which is a violation of Guideline No. 8 and the broadcaster didn't verify all facts which is in violation of Guideline No.5.

**Broadcasters Submissions**

The counsel submitted that the was debated on the channel in the backdrop of the digital conclave held by the Indian National Congress on March 27, 2018. In the said programmes, reference was made to the attendees of the March 27, 2018 Digital Conclave of the INC. These persons are well known in the social media to have anti BJP and anti- Hindu views (as is evident from several of their tweets). Hence, the question as to what was the agenda behind INC having invited such persons to its digital conclave? Keeping

the context in mind, the reference to social influencers was made, and one of them was the complainant. The channel referred to various tweets of Sanjukta Basu, to show and prove that it is her image on the social media, through her tweeting and the stand taken by her in the social media, which clarifies and justifies her position as an influencer. The counsel submitted that, the words 'vile troll' were not made in reference to the complainant. The reference to a person as a (troll', is neither per se nor potentially defamatory as alleged by the complainant. The word (vile' means extremely unpleasant, though no reference was made. The meaning, by no stretch of imagination, suggests derogatory or derisive or judgmental statement by the host. The meaning of the word (troll) is someone who intentionally leaves annoying messages on the internet either to get attention or to annoy people. It is stated that calling someone a troll is neither derogatory, derisive nor judgmental by any stretch of imagination. The decision to call the complainant a (Hind" Hater") was made keeping all the tweets of the complainant in mind, and further, her stand, opinion and image in the public. Hence, the terminology cannot also be stated to be judgmental. The tweets of the complainant, if seen in this light, are surely intended to be unpleasant and further, can be annoying to certain sections of the society if not the entire society. The tweets indicate a tendency to be promoting Hindu phobia, abuse of rivals using abusive language, and bringing dis-repute to the Indian Army. The tweets and stand taken by the complainant on a public forum reflects and displays her as somebody who has strong views against Hinduism/ Hindutva, as somebody who questions the BJP's intent of Hindutva etc. Thus, the term 'Hindu Hater' is used to simply depict someone who hates Hinduism/Hindutva, and questions the manner in which Hindus conduct themselves while dealing with minority issues and various other issues involving the general public which is clearly evident from her 6 ~ innumerable tweets. The words 'glitter sniper' and 'army basher' have not been used in the context of the complainant which is evident from the said programmes. The photograph of the complainant at the conclave was shown during the India Upfront debate specifically stating that she was seen at the conclave on March 27, 2018. The same was referred to in the News Hour Debate, however, on this occasion, the photo was not shown.

The counsel submitted that there is no privacy violation in the use of the complainant's photograph as it was used in context of her publicly available tweets and to associate her tweets with her identity. The use was contextual and in larger public interest on a news platform. Thus, the said programs were accurate, fair, neutral and impartial. The counsel stated that the complainant is a public figure. The rule for proving derogation in respect of a public figure is clear that the complainant must prove malice in such publication. As stated, the complainant has neither proved, nor was there any malice in the broadcast of the programme. The counsel submitted that there was no necessity for taking the version of the complainant, more so, in view of the fact that the factual assertion that she was present at the digital conclave on March 27th, 2019 further demonstrated that no verification was needed. The channel was only required to conduct a reasonable verification, which was done.

NBSA has considered the oral as well as written submissions of both the sides at the hearing held on 23.9.2019. The entire matter is to be examined in the context of Guideline No.5 and 8 and so see whether these Guidelines have been violated in the broadcast of the aforesaid programmes inasmuch as the news broadcasters are discharging a public duty which comes with enormous responsibility. Therefore, while

performing this public duty for balanced reporting, the principles of fairness, impartiality, objectivity and neutrality are to be followed by the broadcaster/s. Further to safeguard the reputation of the person who is being reported upon, the broadcaster should take the version of the complainant. NBSA was therefore of the view that the broadcaster had violated the principles of self-regulation relating to impartiality and objectivity, ensuring neutrality and fairness in reporting. NBSA decided to issue a warning to the broadcaster and also decided that the broadcaster be directed to air an apology as per the text to be furnished by the NBSA on the date and time indicated by NBSA.

**Order No. 75 (2020) of NBSA on reports of apparent violation concerning viral videos on 22.11.2018 and 4.1.2019 - News 24**

The Ministry of Information and Broadcasting vide letter dated 15.7.2019, had forwarded reports of apparent violation concerning viral videos aired on 22.11.2018 and 4.1.2019 on News 24 channel for consideration by the NBSA.

**1. Complaint: 22.11.2018**

It is alleged that the channel aired news about a viral video from Kannauj district of Uttar Pradesh. The channel reported that two women had boarded a tempo. Two men also boarded the tempo and stole the jewellery of both the women. On realizing that the jewellery was stolen, they made a noise, the crowd grabbed both the men and beat them. The channel had shown a video related to this news in which the crowd is constantly attacking and kicking the men in such a manner that they fainted. The channel broadcast this video for about 2 minutes 49 seconds. The scenes were disturbing. The channel should ignore the transmission of such sensitive videos.

**2. Complaint: 4.1.2019**

It is alleged that the channel had broadcast the news in reference to a viral video from Basgaon in Gorakhpur, Uttar Pradesh. The channel reported that a mob beat up the robbers who had shot the Manager of the SBI Customer Service Center in the area and looted two lakh rupees. But before these people could run away, the crowd surrounded both of them and beat them up in a manner that they fainted. The channel had aired this video for about 6 minutes. The scenes shown were disturbing. The channel should ignore the transmission of such sensitive videos. Decision of NBS A on 23.9.2019 NBSA at its meeting held on 23.9.2019 had considered the above complaints, response from the broadcaster and also viewed the CD of the alleged broadcasts.

NBSA was also of the view that news channels should ensure that such reporting did not cross boundaries of good taste and sensibility; that they should take adequate precautions while showing any visuals of pain, suffering and brutality. NBSA concluded that in this case, the footage of brutality, shown repeatedly and continuously and that too without blurring was not justified.

NBSA therefore warned the broadcaster to exercise greater care, caution and discretion in future while telecasting news stories relating to depiction of violence and that any future violations would be viewed seriously. NBSA also stated that the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links, should be removed immediately .

**Order No. 76 (2020) of NBSA on reports of apparent violation concerning viral videos on 28.1.2019-India TV**

The Ministry of Information and Broadcasting vide letter dated 15.7.2019 had forwarded reports of apparent violation concerning viral videos aired on 28.1.2019 on India TV channel. It is alleged that the channel had aired news about a viral "video from Amritsar in Punjab. It showed a person tying the hand of another person and beating him with a whip. The victim was a resident of Delhi and a member of a Guru Nanak Seva Sansthan. The victim's job was to collect donations for this institution. At some point, this man got upset with his colleagues, after which one of his companions beat him mercilessly. During this entire video, the sound of the victim could be heard clearly. The channel aired this video for about 1 minute. The scenes telecast were very disturbing. The channel should ignore the transmission of such sensitive videos.

NBSA was of the view that the broadcaster had violated the Specific Guidelines Covering Reportage 3.7 which states that " Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted states. 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 should be avoided'. In view of the above violation, NBSA decided to call the broadcaster for a hearing. NBSA concluded that in this case, the footage of brutality shown repeatedly and continuously and that too without blurring was not justified. NBSA therefore warned the broadcaster to exercise greater care, caution and discretion in future while telecasting news stories relating to depiction of violence and that any future violations would be viewed seriously. NBSA also stated that the video of the said broadcasts, if still available on the website of the channels, or YouTube, or any other links, should be removed immediately.

CIN: U22211DL2007NPL165480

## Proxy Form

[Pursuant to Section 105(6) of the Companies Act, 2013 and Rule 19(3) of the Companies (Management and Administration) Rules, 2014]

**Name of the Company: News Broadcasters Association**

**Regd. Off: FF-42, Omaxe Square, Commercial Centre, Jasola, New Delhi – 110 025**

Name of the Member:  
 Registered address:  
 E-mail Id:

I \_\_\_\_\_, authorised representative of the above named Member Entity of NBA, do hereby appoint:

1) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

2) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

3) Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_

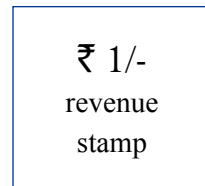
\_\_\_\_\_ having email id \_\_\_\_\_ or failing him/her

and whose signature(s) are appended below as my/our proxy to attend and vote (on a poll) on behalf of member entity at the **13th Annual General Meeting of the News Broadcasters Association to be held on Thursday, the 19th November, 2020, at 12.00 noon** through Video Conferencing (“VC”)/ Other Audio Visual Means (“OAVM”) and at any adjournment thereof in respect of such resolutions as are indicated below:

## Resolution No:

1. To receive, consider and adopt Audited Financial Statement, Reports of Board of Directors and Auditors.
2. To appoint Mr. Sudhir Chaudhary as a Permanent Director of the Association, not liable to retire by rotation, in terms of the provisions of Article 17 of the Articles of Association.
3. To appoint Mrs. Anuradha Prasad Shukla as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
4. To appoint Mr. M.V. Shreyams Kumar as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
5. To appoint Mr. I. Venkat as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
6. Contribution by Members of NBA towards meeting legal expenses of Senior Counsel (s).

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2020



Signature of Member's Representative \_\_\_\_\_

Signature of Proxy holder(s) \_\_\_\_\_

Note: This form of proxy in order to be effective should be duly completed and deposited at the Registered Office of the Association, not less than 48 hours before the commencement of the Meeting.

# Chairperson & Members on the News Broadcasting Standards Authority



**Justice A. K. Sikri**  
[Former Judge of Supreme Court of India]  
Chairperson

## Independent Members



**Nasim Zaidi**



**Stuti Kacker**



**Zohra Chatterji**



**Navtej Sarna**

## Editor Members



**Amrendra  
Pratap Singh**



**Prasanth PR**



**Dipika R Kaura**



**Deep Upadhyay**

NewsBroadcastersAssociation



**News Broadcasters Association**

**Registered Office:**

FF-42, Omaxe Square,  
Commercial Centre, Jasola, New Delhi – 110 025

**Corporate Office:**

Mantec House, 2nd Floor, C- 56/5 Sector 62,  
Noida – 201 301, Tele/Fax : 0120-4129712  
Email: [nba@nbanewdelhi.com](mailto:nba@nbanewdelhi.com)  
Website: [www.nbanewdelhi.com](http://www.nbanewdelhi.com)