

February 20, 2021

Editors of NBA

Re: Advisory on Media Reporting during an on-going investigation regarding a crime/criminal offence.

A petition titled **Disha A. Ravi v. State of Delhi & Ors, WP (C) No.W.P.(C) 2297/2021** has been filed before the Hon'ble Delhi High Court. NBSA, among others, has been named as Respondent No 3 in the said matter. The petition seeks inter alia, for the issuance of a writ of mandamus and any other order, or direction to secure the petitioner's right to privacy, right to reputation, her presumption of innocence and right to fair trial, as secured under Article 21 of the Constitution.

1. After hearing the submissions today, the Hon'ble High Court has passed the attached Order dated 19.2.2021 which inter alia, states that:

"Media houses shall also ensure that the telecast/broadcast by them is from verified/authenticated sources, though the sources need not be revealed. All disseminated content shall be in strict adherence to the `Programme Code'as contained in the Cable Television Networks Rules 1994 as also the Code of Ethics & Broadcasting Standards prescribed by the News Broadcasters Association.

The editorial teams of the respective channels shall ensure that only such broadcasts and telecasts are communicated and disseminated, which have verified data and verified content. The channel editors shall ensure that the channels exercise proper editorial control so that the Petitioner's investigation is not hampered, in any manner.

If the charge-sheet is filed in the meantime and the same is made public, once the investigation reaches some conclusion, dissemination of the contents of the charge-sheet would not be interdicted in any manner."

2. **It is also being brought to the notice of the Editor members of NBA that while covering the above issue, member broadcasters are to bear in mind the "Specific Guidelines Covering Reportage" dated 10.2.2009, and "Specific Guidelines for Reporting Court Proceedings" dated 15.9.2010, "Guidelines on Broadcast of Potentially Defamatory Content" dated 13.12.2012 (Attached) and the Principles of Self-Regulation relating to Impartiality and Objectivity in reporting, ensuring Neutrality, Privacy, and Endangering national security.**
3. Editor members of NBA may also note that while reporting on ongoing Investigation in respect to a crime/criminal offence, the Hon'ble Bombay High Court **in its Judgement dated 18-01-2021, in the matter of Mahesh**

Narayan Singh & Ors vs UOI & Ors PIL (ST) No 1774 of 2020 has directed the press/media to exercise restraint and refrain from printing/displaying any news item and/or initiating any discussion/debate/interview of the nature that may cause prejudice to an ongoing inquiry/investigations specially in relation to:

(i) Referring to the character of the accused/victim and creating an atmosphere of prejudice for both;

(ii) Holding interviews with the victim, the witnesses and/or any of their family members and displaying it on screen;

(iii) Analyzing versions of witnesses, whose evidence could be vital at the stage of trial;

(iv) Publishing a confession allegedly made to a police officer by an accused and trying to make the public believe that the same is a piece of evidence which is admissible before a Court and there is no reason for the Court not to act upon it, without letting the public know the nitty-gritty of the Evidence Act, 1872;

(v) Printing photographs of an accused and thereby facilitating his identification;

(vi) Criticizing the investigative agency based on half-baked information without proper research;

(vii) Pronouncing on the merits of the case, including pre-judging the guilt or innocence qua an accused or an individual not yet wanted in a case, as the case may be;

(viii) Recreating/reconstructing a crime scene and depicting how the accused committed the crime;

(ix) Predicting the proposed/future course of action including steps that ought to be taken in a particular direction to complete the investigation; and

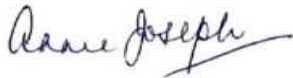
(x) Leaking sensitive and confidential information from materials collected by the investigating agency;

(xi) The news broadcasters must not act in any manner so as to violate the provisions of the Programme Code as prescribed under Section 5 of the CTVN Act read with rule 6 of the CTVN Rules and thereby inviting contempt of Court; and

4. The member broadcasters must also follow the **Advisory issued by NBSA on 06.11. 2020 on the issue of "Media Trial" (Copy Attached)**

The member broadcasters must strictly adhere to the above Guidelines, Advisories and Directions of the Hon'ble Courts and the reportage should be monitored at the highest editorial level.

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



Annie Joseph
For and on Behalf of the News Broadcasting Standards Authority

Encl: a/a

CC: Members & Legal Heads of NBA

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 19th February, 2021

+ **W.P. (C) 2297/2021 & CM APPLs.6685/2021, 6686/2021,
6687/2021**

DISHA A. RAVI

..... Petitioner

Through: Mr. Akhil Sibal, Sr. Advocate with
Ms. Vrinda Bhandari, Mr. Abhinav
Sekhri, Ms. Sanjana Srikumar, Mr.
Krishnesh Sapat & Ms. Sonali Malik,
Advocates (M-8826571429)

versus

STATE (NCT OF DELHI) & ORS. Respondents

Through: Mr. Tushar Mehta, Solicitor General,
Mr. S.V. Raju, ASG with Mr. Amit
Mahajan, SPP, Mr. Rajat Nair, SPP
and Mr. Dhruv Pande, Ms. Mallika
Hiremath, Mr. Shantanu Sharma, Ms.
Sairica Raju, Mr. A. Venkatesh, Mr.
Guntur Pramod Kumar, Mr. Shaurya
R. Rai, Ms. Zeal Shah, Ms. Aarushi
Singh and Mr. Anshuman Singh,
Advocates for R-1/GNCTD.

Mr. Chetan Sharma, ASG and Mr.
Ajay Diggpaul, CGSC with Mr. Amit
Gupta, Mr. Vinay Yadav, Mr. Sahaj
Garg, Mr. Akshay Gadeock & Mr.
R.V. Prabhat, Advocates for R-
2/UOI.

Ms. Nisha Bhambhani and Mr. Rahul
Bhatia, Advocates for R-3.

Mr. Mrinal Bharti, Mr. Sumant De
and Mr. Manish Shekhar, Advocates
for R-4. (M:8527099904)

Mr. Hrishikesh Baruah, Mr. Pranav
Jain, Ms. Mehma Kaur & Ms.

Radhika Gupta, Advocates for R-5.
Mr. Kunal Tandon, Mr. Kumar
Shashank Shekhar and Mr. Amandeep
Singh, Advocates for R-6.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. The present petition has been filed by Ms. Disha Ravi who is stated to be an environmental activist seeking various reliefs against the Police, the Ministry of Information and Broadcasting (hereinafter Ministry of I&B) and various news channels in respect of what are allegedly attributed leakage of her messages and various other investigation material which has been broadcasted and disseminated by the TV channels at the behest of Delhi Police. The case of the Petitioner is that she was arrested on 13th February, 2021 in Bangalore and was brought to Delhi. She was sent on police remand vide order dated 14th February, 2021 by the Duty Magistrate, Patiala House Courts.
3. She claims that after her arrest during the process of investigation, various messages, etc. were leaked by the police to the media, resulting in a large number of programs, news bulletins and online dissemination of various private messages and interventions which were broadcasted. Some of the bulletins also made allegations that she is associated with various illegal and unlawful groups. It is the submission of Mr. Akhil Sibal, Id. Senior Counsel appearing for the Petitioner that the official Twitter handle of Delhi Police released various comments about the investigation which is

going on and these formed the basis of the reports by the News channels. He also alleged that the Petitioner apprehends that various messages were leaked by the police to the media. He submits that there are four reliefs that the Petitioner claims in this writ petition. Firstly, that the alleged WhatsApp conversation ought to be removed from the public domain and the police should be directed not to disseminate anything, which is not part of the public record. Secondly, media houses ought to be directed to comply with the program code and the advertisement code. Thirdly, the Delhi police ought not to share the investigation files and lastly that the police ought not to conduct any press briefings.

4. The Id. Senior Counsel has taken the Court through the various Twitter messages which have been placed on record. Reliance is placed upon various judgments in the manner in which TV channels and other media outlets should exercise responsibility while reporting on an investigation which is ongoing. The Petitioner is claimed to have issued various cease and desist notices. However, since the media TV channels did not exercise any restraint, the present petition has been filed. Finally reliance is placed upon the office memorandum dated 1st April, 2010 issued by the Ministry of Home Affairs, which provides the broad guidelines in the manner in which the investigation and coverage of investigation should be undertaken.

5. Mr. Raju, Id. ASG appearing for the Delhi Police has at the outset presented an affidavit on behalf of the Delhi Police. The same has been sworn by Mr. Anyesh Roy, Deputy Commissioner of Police (Cyber Cell) to the effect that the allegations of the Petitioner that the information or investigation data has been leaked, is false and is incorrect. A categorical

statement has been made to the effect that no information or documents forming part of the case files has been shared by Delhi Police with any media houses or individual. The only exception to this is press briefings or broadcasts which are matter of record and are not disputed. He further submits that there is an attempt by the Petitioner to malign the police and there could be various other sources from where the leakage could have taken place. In any event, he assures the Court that the briefings of the Delhi Police will be in accordance with law.

6. On a query from the Court, Mr. Raju, Id. ASG confirms that the said office memorandum dated 1st April 2010 is operative even as of today. He further submits that the present writ petition is nothing but a method to exercise pressure on the investigation agencies by maligning them and an attempt to hamper the investigation.

7. Mr. Chetan Sharma, ASG appearing for the Ministry of I&B submits that the Ministry is the nodal body for enforcing the program code and advertisement code and under the Cable Televisions Networks (Regulation) Act, 1995 and its Rules. The said Ministry has constituted an inter-Ministerial Committee which is headed by the Additional Secretary, I&B to look into in any complaints which may be received. As on date No complaints have been received. He also challenges the maintainability of the writ petition.

8. On behalf of News Broadcasting Standards Authority (NBSA), Ms. Nisha Bhambani, Id. counsel submits that at the outset, the NBSA has no jurisdiction over tweets or internet articles. It is the authority working under the News Broadcasters Association (NBA) and has nine Members and is headed by a retired Supreme Court Judge. She submits that no complaint has

been received by the NBSA till date and if any complaint is received, the same shall be considered in accordance with the code of conduct applicable to the Members of the NBA. Id. counsel further confirms that the three TV channels which are impleaded in the present petition are Members of the NBA.

9. Mr. Mrinal Bharti, Id counsel on behalf of News 18, submits that he wishes to take instructions in the matter as he has been served with the paper book just a few hours ago. He wishes to verify the various broadcasts and submits that his channel would go by the broadcasts and justifies the same as the same are not violative in any manner.

10. On behalf of India Today – Mr. Hrishikesh Baruah, Id. counsel submits that the only publication which is complained of is an online article and does not relate to India Today TV channels. In any event, he submits that the Petitioner herself does not seem to be alleging that the WhatsApp messages are false or incorrect and cannot be attributable to her. If that is the position, the broadcasting of the WhatsApp messages which are correct cannot be complained of. Reliance is placed upon the judgment of the Supreme Court in *Central Public Information Officer, Supreme Court Of India vs Subhash Chandra Agarwal* 2020 5 SCC 481 and the judgment of the Queens Bench in *Douglas and Others v. Hello! Ltd [2001] QB 967*.

11. Mr. Kunal Tandon, Id. counsel appearing for Times Now places four submissions for consideration i.e. firstly, that all the information is in public domain and he has not had the opportunity to view the videos which has been shared with the Court. He further submits that in any event considering the tweets which have been posted by the Delhi Police, the broadcast of the said tweets or any other news relating to the investigation of the Petitioner

cannot be objectionable. He submits that the right of privacy of the Petitioner would be restricted only by public interest which has to be 'overwhelming' as per the judgment of the Supreme Court in ***K.S. Puttaswamy and Anr. v. Union of India & Ors., 2017 (10) SCC 1***. If the Petitioner wishes to enforce her remedies in terms of the Cable Televisions Networks (Regulation) Act and Rules, she has the remedy to do so. Since the Government has not refused to entertain the Petitioner's complaint as the Petitioner has not approached the Government, the maintainability of the petition is challenged.

12. In rejoinder, it is submitted that the difference between 'Public records' and records in public domain has to be maintained. The fact that the WhatsApp messages may be in public domain, does not make them a part of the public record. The Petitioner having been arrested, the entire leakage has happened at the instance of Respondent No.1. Since the office memorandum respects the privacy of undertrials, the same should be abided by.

13. Heard ld. counsels for the parties. The present petition raises issues of public importance. There are three aspects to the present case. Firstly, the privacy, dignity of the individual concerned as also her right to fair trial. The second aspect would be the sovereignty/integrity of the country and whether there could be reasonable restrictions that could be imposed considering the nature of the investigation that is currently taking place. The third aspect would be the right to free speech and the right of the public to know. Repeated judgments of various courts including the Supreme Court of our country have laid down broad principles and guidelines in order to ensure that a correct balance is struck.

14. Needless to add that in order to adjudicate the issues which have

arisen in the present petition, a detailed hearing would be required, inasmuch as a number of Respondents have not an opportunity to respond to the allegations made in the petition as also peruse the material that has been handed over to the Court today. Thus, time would have to be granted to the Respondents to file a reply to the application for interim relief.

15. However, the question at this stage is whether the present state of affairs ought to continue. This Court has had the opportunity to view the videos, which have been placed on record of News18 and several other materials, which have been revealed from the record including the tweets by of Delhi Police and other publications which are online. There is no doubt that the regulation of content in print and electronic media has been a very contested issue across the world and India is no exception to that. The reasons for the same are not far to seek in as much as content regulation is viewed as being directly affrontive to the Right of free speech. However, while a journalist cannot be asked to reveal the source, it would have to be ensured that the source ought to be a verified and authentic source and the content ought not to be merely speculative or conjectural. Content also ought not to be offensive, scandalising and to the extent possible should be factual in nature.

16. In the present case, the affidavit, which has been placed on record by the Delhi Police reads as under:

“I, Anyesh Roy, Deputy Commissioner of Police, Cyber Crime Unit-CyPAD, Special Cell, New Delhi do hereby solemnly declare and affirm as under:

1. That I am supervisory officer of the FIR No.49/2021 dated 04.02.2021, registered by PS Special Cell and am conversant with the

facts and circumstances of the case. I am further competent to swear this affidavit.

2. That the present affidavit is filed in compliance of the statement made before this Hon'ble Court dated 18.02.2020. In this regard, I respectfully state and submit that the allegation of the petitioner that the subject information [chats of the petitioner] has been leaked by the Respondent No.1, is false and factually incorrect.

I state and submit that no information/document forming part of the case file including the subject chats have either been shared by the Respondent No.1 with any media house or individual except the information communicated officially through press briefing or broadcast, which is a matter of record, nor the same has been leaked from Respondent No.1's end."

17. Thus, the Delhi Police has taken an unequivocal position that they are not responsible for leaking the messages or the investigation material to the media houses. The media houses, however, both in the online articles as also in the videos claim to the contrary. This would require a little more detailed examination in the present case and replies to be called from the TV channels.

18. The question that arises is what should be the ad interim directions that ought to be passed, if any, in order to ensure that all the three aspects – the Petitioner's privacy, dignity and right of fair trial - the sovereignty and integrity of the country - & the right to free speech are equally protected and balanced. The various cases which are placed on record have laid down two principles which are clear that the right of the individual has always to be balanced with the right of the public and the public interest which is

involved.

19. The print and electronic media plays a very important role in ensuring that there is no sensationalism and that they adhere to responsible journalism. Recent coverage by the media definitely shows that there is sensationalism. While police briefings and the happenings in Court proceedings etc. can also be broadcasted and disseminated, leaked investigation material ought not to be disseminated so as to prejudice the investigation.

20. Accordingly, without making any further observations, on the various issues which have been raised and would be adjudicated in the present petition, the following directions are issued:

- (i) The Delhi Police will strictly abide by the affidavit dated 18th February, 2021, which has been filed today as also the Office Memorandum dated 1st April, 2010, which is, admittedly, still in operation. The Delhi Police or other investigation authorities would, however, be, in terms of the said OM, entitled to conduct their briefings in accordance with law so long as no rights of the Petitioner are violated.
- (ii) Media houses shall also ensure that the telecast/broadcast by them is from verified/authenticated sources, though the sources need not be revealed. All disseminated content shall be in strict adherence to the '*Programme Code*' as contained in the Cable Television Networks Rules 1994 as also the Code of Ethics & Broadcasting Standards prescribed by the News Broadcasters Association.
- (iii) The editorial teams of the respective channels shall ensure that

only such broadcasts and telecasts are communicated and disseminated, which have verified data and verified content. The channel editors shall ensure that the channels exercise proper editorial control so that the Petitioner's investigation is not hampered, in any manner.

- (iv) If the charge-sheet is filed in the meantime and the same is made public, once the investigation reaches some conclusion, dissemination of the contents of the charge-sheet would not be interdicted in any manner.
- (v) Since there is an allegation that persons who sympathise with the Petitioner's cause are attempting to malign the police and investigation authorities, Mr. Akhil Sibal, Id. Senior Counsel while denying the allegation, assures that the Petitioner or any other person directly associated with her do not intend to indulge in any kind of maligning of the police or the investigating authorities. This assurance is accepted by the Court.
- (vi) The question of removal of content, which is already in public domain shall be considered with the hearing of the stay application at a later stage.

21. All parties and the media in general shall adhere to the above directions. The NBSA to communicate these directions to all its members. For the sake of ready reference of all stakeholders, a copy of the Office Memorandum dated 1st April 2010 is appended as Appendix A to this order.

22. Reply to the stay application or the writ petition, be filed within one week. Rejoinder thereto, if any, be filed within one week thereafter. List

the matter for further hearing on 17th March, 2021.

**PRATHIBA M. SINGH
JUDGE**

FEBRUARY 19, 2021/dk/Rahul/T/Radha



Appendix 'A'

Digitally Signed By: DINESH
SINGH NAYAL

Signing Date: 19.02.2021 17:23:53

F. NO.15011/48/2009-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 1st April, 2010

OFFICE MEMORANDUM

Subject: Advisory on Media Policy of Police—regarding

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and, therefore, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction. The Union Government, however, attaches highest importance to the matters relating to the prevention of crime; and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime.

2. A good relationship of Police with media helps focus on the positive work done by the Police and the good detective and investigative efforts made. When crimes occur, the situation should be used to put the crime and law and order situation in correct perspective, bring out efforts being made by the police to nab the accused, prevent unnecessary panic, and send a message to the public from the angle of crime prevention and alert them against terrorist acts etc. Press communiqués and conferences form a vital component of communication channel between police and media. However, while sharing information with the public through the media, adequate precautions need to be taken to ensure that only authentic and appropriate information as is professionally necessary is shared without hampering the process of investigation or issues of legal/privacy rights of the accused/victims and matters of strategic and national interest.

The following guidelines may be scrupulously adhered to while dealing with media:

- I. Only designated officers should disseminate information to the media on major crime and law and order incidents, important detections, recoveries and other notable achievements of the police.
- II. Police Officers should confine their briefings to the essential facts and not rush to the press with half-baked, speculative or unconfirmed information about ongoing investigations. The briefing should normally be done only at the following stages of a case:
 - a. Registration
 - b. Arrest of accused persons

PMG

- c. Charge-sheeting of the case
- d. Final outcome of case such as conviction/acquittal etc.

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SINGH NAYAL
Signing Date: 19.02.2021 17:23:53

In a case that attracts the interest of the media, a specific time may be fixed everyday when the designated officer would make an appropriate statement on the investigation.

- III. In the first 48 hours there should be no unnecessary release of information except about the facts of the incident and that the investigation has been taken up.
- IV. The general tendency to give piecemeal information/clues, on a daily/regular basis, with regard to the progress/various lines of investigation, should be strongly discouraged so that the investigations are not compromised and the criminals/suspects do not take undue advantage of information shared by the Police authorities about the likely course of the investigation.
- V. Meticulous compliance with the legal provisions and Court guidelines regarding protection of the identity of juveniles and rape victims should be ensured, and under no circumstances should the identity of juveniles and victims in rape cases be disclosed to the media.
- VI. Due care should be taken to ensure that there is no violation of the legal, privacy and human rights of the accused/victims.
 - a. Arrested persons should not be paraded before the media.
 - b. Faces of arrested persons whose Test Identification Parade is required to be conducted should not be exposed to the media.
- VII. No opinionated and judgmental statements should be made by the police while briefing the media.
- VIII. As far as possible no interview of the accused/victims by the media should be permitted till the statements are recorded by the police.
- IX. The professional tradecraft of policing and technical means used for the detection of criminal cases should not be disclosed as it alerts potential criminals to take appropriate precautions while planning their next crime.
- X. In cases where National security is at stake, no information should be shared with the media till the whole operation is over or until all the accused persons have been apprehended.
- XI. The modus operandi of carrying out the operations should not be made public. Only the particulars of apprehended persons and details of recovery should be revealed to the media on completion of the operations.
- XII. There should not be any violation of court directions and other guidelines issued by the authorities from time to time on this matter.
- XIII. Preferably, there should be one officer designated as the Public Relations Officer to handle the immediate information needs of all media persons and give the correct and factual position of any crime incident.
- XIV. As and when instances of misreporting or incorrect reporting of facts/details pertaining to an incident or the department comes to notice, a suitable rejoinder

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should immediately be issued and, in more serious cases, the matter should be taken up at the appropriate levels for remedial action.

XV. Any deviation by the police officer/official concerned from these instructions should be viewed seriously and action should be taken against such police officer/official.

Digitally Signed By: DINESH
SINGH NAYAL
Signing Date: 19.02.2021 17:23:53

3. You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry. The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Government of India
Ministry of Home Affairs, North Block
New Delhi - 110001
Tel. No. 23092630

To,

1. **The Chief Secretaries of all State Governments and UT Administrations**
2. **The Principal Secretary / Secretary (Home) of all State Governments and UT Administrations.**
3. **Copy also for information and necessary action to:**
 - i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary action.
 - ii. The DGs of CPMFs/CPOs, Ministry of Home Affairs, Government of India.
 - iii. Director CBI, DoPT, Government of India.
 - iv. Ministry of Social Justice and Empowerment (Sh. P.P. Mitra, Joint Secretary), Shastri Bhawan, New Delhi.
 - v. Ministry of Women and Child Development (Mrs. Swarup Kiolkar, Joint Secretary, MWCD) Shastri Bhawan, New Delhi.
 - vi. JS(Judicial), JS(PM), JS(P-I), JS(P-II), JS(UT), JS(NM), JS(HR), JS (NE), JS (K), JS (DM) in Ministry of Home Affairs, Government of India.
 - vii. Shri Onkar Kedia, DDG, Media, Ministry of Home Affairs, Government of India.

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Govt. of India

Pms.

News Broadcasters Association: Specific Guidelines Covering Reportage

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

Fundamental Standards

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

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

1. Accuracy

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

2. Impartiality, Neutrality & Fairness

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

3. Law & Order, Crime & Violence

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

4. Good Taste & Decency, Sex & Nudity

- 4.1 In selecting content, broadcasters should abide by current norms and mores of decency and taste, in visuals, language and behaviour, keeping in mind the context in which any visuals, language or behaviour occurs, including the broadcast time, type of content, target audience, use of parental advisories, cautions and content classification.
- 4.2 Content that contains violent or sexual material, crude, offensive, or coarse language or other content likely to disturb or offend even a reasonable adult viewer should be avoided.
- 4.3 Subjects dealing with incest and sexual abuse, especially of children, must be handled with extreme care and sensitivity.
- 4.4 Combination of violence and sexuality designed in a manner that titillates should not be shown.
- 4.5 Coverage of killings, including terrorist attacks, executions and assassinations, should not be explicit or prolonged.

5. Privacy

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

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

6. National Security

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

7. Supernatural, Occultism & Paranormal

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

8. Children's Interests

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

9. Racial & Religious Harmony

- 9.1 Racial and religious stereotyping should be avoided.
- 9.2 Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.

10. Sting Operations

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

10.2.2009, 6.12.2019

News Broadcasters Association

Specific Guidelines for Reporting Court Proceedings

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

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

Provided however, that no news channel shall broadcast anything:

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

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

Place : New Delhi

Dated : September 15, 2010

Guidelines on Broadcast of Potentially Defamatory Content

Overview:

1. Broadcasters must always be conscious of the power and impact of the audio-visual medium and the phenomenal reach of their news channels, which can cause incalculable harm if not accurate and objective.
2. Broadcasters must remain aware of the risk of being culpable in accordance with law for any defamatory matter that may be carried in their news/programmes, even if the offending matter is a repetition by them of a statement made by someone else.
3. Any sensitive matter that is broadcast in any form by the broadcaster should be strictly vetted and edited.
4. The above position makes it imperative for broadcasters to observe certain norms and caution to minimize the risk of liability in such matters.

Basic Guidelines:

5. A news anchor/journalist/presenter should not make any derogatory, derisive or judgemental statements as part of reporting or commentating.
6. As a norm, a news channel should not report - live or recorded – any statement that is *per se* derogatory or derisive.
7. In the situation of a “live” broadcast, if a potentially defamatory or libelous statement is made by a person, the news channel should take immediate steps to disclaim it.
8. Before reporting any accusation or allegation the version of the person affected must be obtained and aired simultaneously with the accusation or allegation to give a complete picture to the viewer. In the event of inability to obtain the version of the affected person(s) within a reasonable period, the same should be aired simultaneously and authentic contemporaneous records of the effort made should be maintained.
9. Before broadcasting any such news/ programmes, the channel must take necessary steps to ascertain its veracity and credibility.
10. In the choice of panels for discussions, the channels must ensure that their programmes do not become a platform for spreading acrimony.

Place : New Delhi

Dated: December 13, 2012

November 6, 2020

All Member Broadcasters Including Editors of NBA

Re: Advisory regarding the issue of “Media Trial”

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

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

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

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

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

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

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

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

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



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

Encl: As above

CC: Legal Heads of NBA