

NewsBroadcastersAssociation



**4th
Annual Report
2010-11**

News Broadcasters Association Board of Directors



K.V.L. Narayan Rao
President



Barun Das
Vice President



Ashok Venkatramani
Honorary Treasurer



G. Krishnan



Rajat Sharma



Sunil Lulla



Saikumar Balasubramanian

News Broadcasters Association

- **Board of Directors**
 - Mr. K.V.L. Narayan Rao
New Delhi Television Ltd. President
 - Mr. Barun Das
Zee News Ltd. Vice President
 - Mr. Ashok Venkatramni
Media Content & Communications
Services (India) Pvt. Ltd. Honorary Treasurer
 - Mr. G. Krishnan
TV Today Network Ltd.
 - Mr. Rajat Sharma
Independent News Service Pvt. Ltd.
 - Mr. Sunil Lulla
Times Global Broadcasting Company Ltd.
 - Mr. Saikumar Balasubramanian
ibn18 Broadcast Ltd.
- **Secretary General** Mrs. Annie Joseph
- **Auditors** S.S. Kothari Mehta & Co
Chartered Accountants
- **Bankers** Bank of India
- **Registered Office** 101-103, Paramount Tower
C-17 Community Center
Janakpuri
New Delhi - 110 058

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Message from President, NBA
September 2, 2011



K.V.L. Narayan Rao
President

Dear Members,

It is my privilege to present the fourth Annual Report of the News Broadcasters Association and present the initiatives and achievements of the past year.

We are collectively taking initiatives to achieve the goals which were set out when a few broadcasters embarked on this journey four years ago. It has not been an easy task. We have met with several challenges in finding solutions for this niche genre of news broadcasters. However, it has always been heartening to note that since the inception of NBA, the approach has always been consensual, which has helped us in taking some path breaking decisions. These include the setting up of the News Broadcasting Standards Authority, which became the bench mark for the Ministry of I&B to set up a similar body for the GEC channels; the decision of the NBA Board to move from weekly to monthly ratings which will facilitate news broadcasters to focus and strategize on content for improving broadcasting standards; self regulation for use of sports footage has helped the news broadcasters to recognize the need to discipline themselves in using third party footage but remaining well within the ambit of “fair use”. Now similar guidelines have been finalized by the Board for GEC content, which are being approved in the ensuing General Body meeting.

The defining moment for the NBA & the NBSA was when in the Order dated 21.9.2010 passed in a PIL filed before the Lucknow Bench of Allahabad High Court, Hon’ble Justice F.I. Rebello, Chief Justice and Hon’ble Justice Pradeep Kant, included in their Order the Guidelines issued vide Advisory dated 16.9.10 by the NBA which were quoted verbatim and made part of the judicial Order. It was in light of the NBA guidelines that the Hon’ble Court stated in the Order that **“...This Court will not take any steps to muzzle the freedom of the press or T.V. Channels; but is assured in view of their self imposed restraint that they will abide by the resolution and also comply with the directions issued by the High Court on the administrative side...”**. This has been a well recognized recognition by the Courts.

The twenty odd news broadcasters representing 45 channels should not be the sole beneficiaries of the various initiatives taken by the NBA. We need to expand our membership base. Our efforts in this regard have not been successful. We have met the Andhra Pradesh Regional Broadcasters again & requested them to see the benefits of being associated with the NBA. We hope regional broadcasters across the country will see value in being members of NBA and we look forward to welcoming them. As envisaged due to lack of funds we have not been able to expand our activities. However, the NBA is broadening its activities to include training, workshops, events etc thus creating value for its Members.

The News Broadcasting Standards Authority, chaired by Justice J. S. Verma, former Chief Justice of India and former Chairperson of the National Human Rights Commission will be completing three years on October 2, 2011. It is with great pride that I state that the self regulation which we have chosen for ourselves has succeeded largely because of the unstinting support, advice and wise counsel that our Members and Editors have been receiving from the Chairperson & Eminent Members of the NBSA. On behalf of the Board and Members of the NBA, I would like to place on record our sincere gratitude to the Chairperson and Members of the NBSA.

The Authority has been meeting regularly and taking proactive actions to improve broadcasting standards. It was observed that our member news broadcasters were committing certain transgressions in relation to reportage, some of which are common across various channels which needed to be addressed at the highest editorial level. The Authority took serious note of the questions being raised in Parliament, other institutions and civil society about the quality of broadcasts and the efficacy of the model of self regulation. To discuss these concerns they had a meeting with all Editor in Chief of the member news channels and advised them to take remedial measures on their own, lest the government be given justification to step in with external regulation.

The Ministry has recognized self regulation and has started forwarding complaints of non members for its consideration. I hope the Ministry take steps to include the NBA Code of Ethics and the Redressal Regulations to be part of the Programme Code under the Cable TV Rules, which would further strengthen the process of self regulation.

I would like to express my sincere gratitude to the Board and Members of the NBA for their constant support. It has been an enriching experience for all of us. I would also like to thank Mr. Sameer Manchanda, member of the NBA Board who stepped down during the year. His contributions have been of immense value to the Association.

I would like to thank Mrs Annie Joseph, the NBA Secretary General for spearheading the NBA's various initiatives and for working tirelessly towards NBA getting its due recognition as a premier national body of news broadcasters and steering the herculian task of ensuring that the self regulation we have chosen for ourselves is implemented in letter and spirit to improve broadcasting standards. I would also like to thank the Office Bearers, Members of the Board, Legal Counsel, Financial and Corporate Consultants as well as the Auditors of NBA and Bankers for their valuable time and cooperation.

Best wishes,



K.V.L. Narayan Rao

Notice

NOTICE is hereby given that the 4th Annual General Meeting of the Members of News Broadcasters Association will be held on Wednesday, the 21st September, 2011, at 12.00 noon at Vice Regal Hall, The Claridges, 12 Aurangzeb Road, New Delhi - 110011, to transact the following business:-

Ordinary Business:

1. To receive, consider and adopt the Audited Balance Sheet as at March 31, 2011 and the Income and Expenditure Account for the period ended on that date together with Auditor's Report and Directors Report thereon and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“RESOLVED THAT the Balance Sheet as at March 31, 2011, and Income and Expenditure Account for the period ended on that date, together with Auditor's Report and Directors Report thereon, be and are hereby approved and adopted.”

2. To re-appoint M/s S.S.Kothari Mehta & Co., Chartered Accountants, as Statutory Auditors of the Association, to hold office from the conclusion of this meeting until the conclusion of the next Annual General Meeting and to fix their remuneration and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“RESOLVED THAT M/s S.S. Kothari Mehta & Co., Chartered Accountants, the retiring Statutory Auditors be and are hereby re-appointed as Statutory Auditors of the Association from the conclusion of this meeting until the conclusion of the next Annual General Meeting at a remuneration as may be determined by the Board of Directors of the Association.”

Special Business:

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

“RESOLVED THAT Mr. Saikumar Ganapathy Balasubramanian who was appointed as a Permanent Director of the Association by the Board of Directors 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.”

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

“RESOLVED THAT in terms of sub-clause 15 and 16 of Clause III (B) of the Memorandum of Association of NBA for the furtherance of its objectives or in the interest of the Association or its Members and Associate Members, unless otherwise decided by the Board, an amount of Rs 25.00 lakhs may be demanded from both Members & Associate Members over and above the budgeted amount towards meeting legal expenses of Senior Counsel(s) which includes the cost of retainership, legal advice and representation of the NBA before the Courts would

be equitably shared/reimbursed by all the Members and Associate Members of NBA for the current financial year 2011-2012 ”.

“**FURTHER RESOLVED THAT** Secretary General, NBA be and is hereby authorised 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”.

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

“**RESOLVED THAT** the approval of the Members be and is hereby accorded to the following Guideline:

NBA News Access Guidelines for General Entertainment Footage

“**FURTHER RESOLVED THAT** subject to approval of Members in General Meeting, Board of Directors, be and is hereby authorised to amend/draw up in future these Guideline(s) or any other Guidelines relating to content of General Entertainment Channels and such Guideline(s) shall be effective from the date of approval of the Board Meeting”.

“**FURTHER RESOLVED THAT** Secretary General, NBA be and is hereby authorised 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”.

Place: New Delhi
Date: September 2, 2011

By Order of the Board of Directors of
News Broadcasters Association



Annie Joseph
Secretary General

Explanatory Statement Pursuant to Section 173(2) of the Companies Act, 1956

Item No. 3

The Board of Directors of the Association, during the year appointed Mr. Saikumar Ganapathy Balasubramanian as a Permanent Director 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.

None of the Directors except Mr. Saikumar Ganapathy Balasubramanian in respect of whom the Resolution is being moved is concerned or interested in this Resolution.

Item No. 4

The NBA has intervened in the following matters which are pending in the Supreme Court and High Court in Delhi:

- 1) Dr Surat Singh Vs Union of India & Ors (Aarushi murder)
- 2) Common Cause Vs Union of India
- 3) PUCL & Anr Vs the State of Maharashtra & Ors
- 4) Act Now for Harmony & Democracy (ANHAD) & Anr Vs UOI (Batla House encounter)
- 5) TRAI Vs Set-Discovery Pvt Ltd & Ors
- 6) NEO Sports Broadcasts Private Limited Vs Independent News Services Private Ltd. & Anr.
- 7) Smt. Ranjitha @ Smt. Ranjita Menon Vs State of Karnataka & Ors.

The NBA Board decided to intervene in these matters as it was of the view that these petitions pending in Supreme Court and High Courts would have far reaching implications on the news broadcasters, if not intervened by NBA. Counsel for NBA appears when the matters come on board. However, till date partial arguments have only happened in matters listed at Items 4 and 6 above. When the final arguments begin, the NBA may need to engage senior counsel (s) to argue the matters in the Supreme Court and High Courts. Engaging senior counsel is quite expensive. With the limited resources available with the NBA, unless otherwise decided by the Board, the cost of meeting such legal expenses beyond the budgeted amount for any financial year, would need to be equitably shared /reimbursed by all Members and Associate Members of NBA as these are industry issues which affect one and all.

Regarding procuring any additional sum from the Members of NBA, sub- clause 15 and 16 of Clause III (B) of the Memorandum of Association of NBA relating to the objects incidental and ancillary to the attainment of Main Object provides as follows:

15 To accept donations, gifts, grants, subscriptions, fees or properties whether movable or immovable and whether subject to any trust or not.

16. To take such steps as may from time to time be deemed expedient for the purpose of procuring contributions, to the funds of the Company in the shape of grants, donations or otherwise.

The Board of Directors therefore recommends the Resolution to be passed by the Members as an Ordinary Resolution.

None of the Directors is concerned or interested in the aforesaid resolution.

Item No. 5

To bring uniformity and rationality to the use of General Entertainment Footage by its Members/ Associate Member, the NBA Board decided that the Members/Associate Members in the spirit of self-regulation should voluntarily adopt Guidelines for use of General Entertainment Footage. Pursuant to this decision, the NBA has drawn up voluntary “NBA News Access Guidelines for General Entertainment Footage”.

The Guidelines as approved by the Board at its meeting held on 20.7.2011 are attached at **Annexure 1**.

The Board of Directors therefore, recommends the Resolution to be passed by the Members as an Ordinary Resolution.

None of the Directors is concerned or interested in the aforesaid resolution.

Place: New Delhi
Date: September 2, 2011

By Order of the Board of Directors of
News Broadcasters Association



Annie Joseph
Secretary General

NOTES

1. Member entities should provide Board Resolution under Section 187 of the Companies Act, 1956 authorising person(s) who will represent them at the Annual General Meeting. Such person(s) shall be deemed to be Member present in person.
2. A Member entitled to attend and vote is entitled to appoint a proxy to attend and vote instead of himself and the proxy need not be a Member. The proxy, in order to be valid must be deposited at the Registered Office of the Association not later than 48 hours before the commencement of the meeting.
3. The Explanatory Statement pursuant to Section 173 (2) of the Companies Act, 1956 is annexed hereto.
4. Members are requested to bring their copy of the Annual Report to the Meeting.
5. 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.
6. 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.
7. Members/ Proxies attending the meeting are requested to bring the attendance slip, as appended to this Notice, duly filled in and present the same at the venue of the Annual General Meeting. No photocopies of the attendance slip will be accepted.

Directors' Report to the Members

The Directors have pleasure in presenting the Fourth Annual Report of your Association together with Audited Accounts for the period from April 1, 2010, to March 31, 2011.

► Financial Review

Your Association has reported a total income of Rs.106,59,058/-, of which income from subscription is Rs.95,75,000/- and incurred an expenditure of Rs.55,03,841/- during the period ending 31st March 2011. Out of the excess of income over expenditure of Rs. 51,55,217/-, an amount of Rs.37,71,435/- has been transferred to special reserve.

► Membership of Association

The number of Members/ Associate Members of the Association as at March 31, 2011 was 20 broadcasters representing 45 channels.

► Auditors & Auditors' Report

M/s S. S Kothari Mehta & Co., Chartered Accountants, Statutory Auditors of the Association, hold office until the conclusion of the forthcoming Annual General Meeting and are eligible for reappointment. The Association has received letter from them to the effect that their appointments, if made, would be within the prescribed limits under Section 224(1-B) of the Companies Act, 1956 and also that they are not otherwise disqualified within the meaning of sub section (3) of Section 226 of the Companies Act, 1956, for such appointment.

The Statutory Auditors' Report on the Accounts of the Association for the financial year ended 31st March, 2011 is self explanatory and do not require further comments in the Directors' report.

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

Information in accordance with the provisions of Section 217(1)(e) of the Companies Act, 1956 read with the Companies (Disclosure of Particulars in the Report of Board of Directors) Rules, 1988 regarding Conservation of Energy and Technology Absorption is not disclosed as the same is not applicable to the Association, being a Association. Association has no foreign exchange earnings and outgo during the period.

► Particulars of Employees

There were no employees of the Association who received remuneration in excess of the limits prescribed under Section 217(2A) of the Companies Act, 1956 read with the Companies (Particulars of Employees) Rules, 1975.

► Directors' Responsibility Statement

Pursuant to Section 217(2AA) of the Companies Act, 1956, it is hereby confirmed:

- (i) that in the preparation of the annual accounts, the applicable accounting standards had been followed;
- (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.

► Management Report

Management Report containing a brief review of the activities of the Association during the year under review is attached with this Report.

► 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

Sd/-	Sd/-	Sd/-
K.V.L. Narayan Rao	Barun Das	Ashok Venkatramani
President	Vice President	Honorary Treasurer

Place: New Delhi

Dated : July 20, 2011

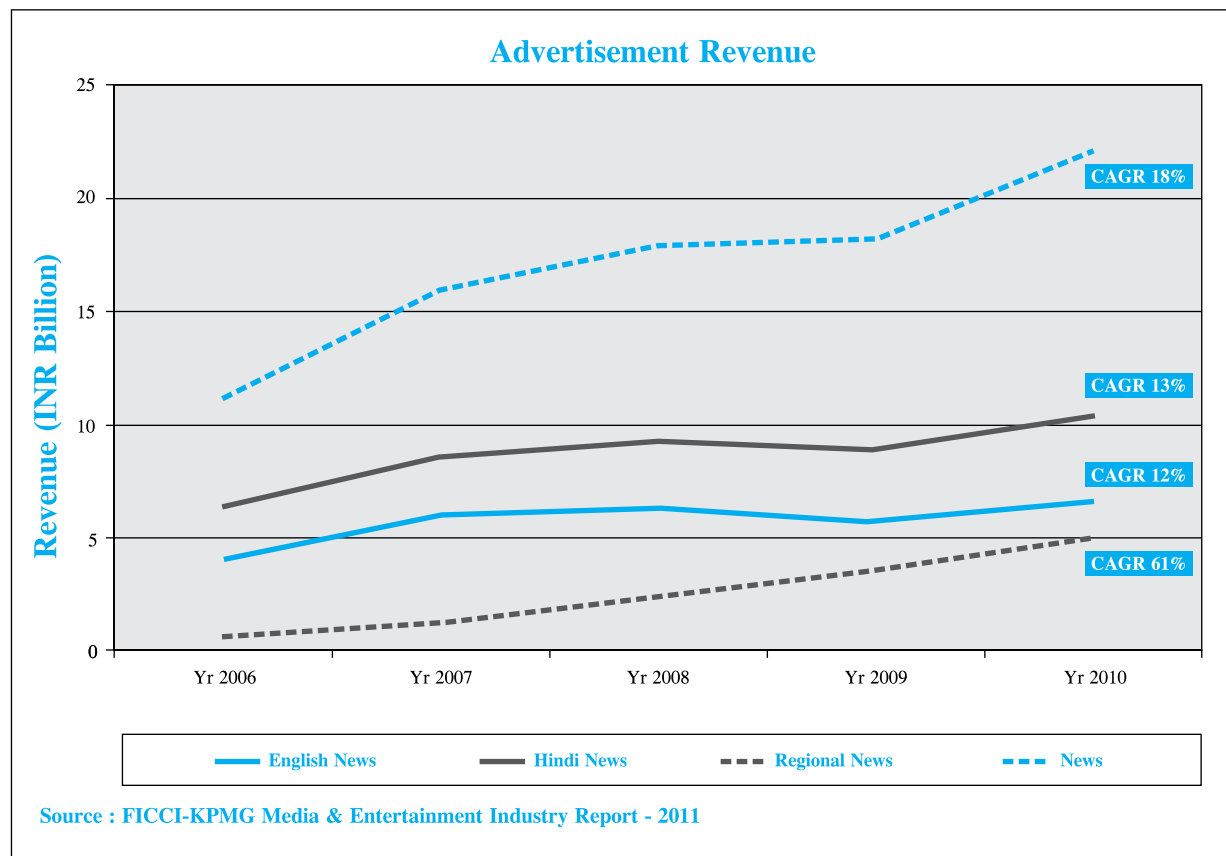
Section I

Management Report for the Year 2010-11

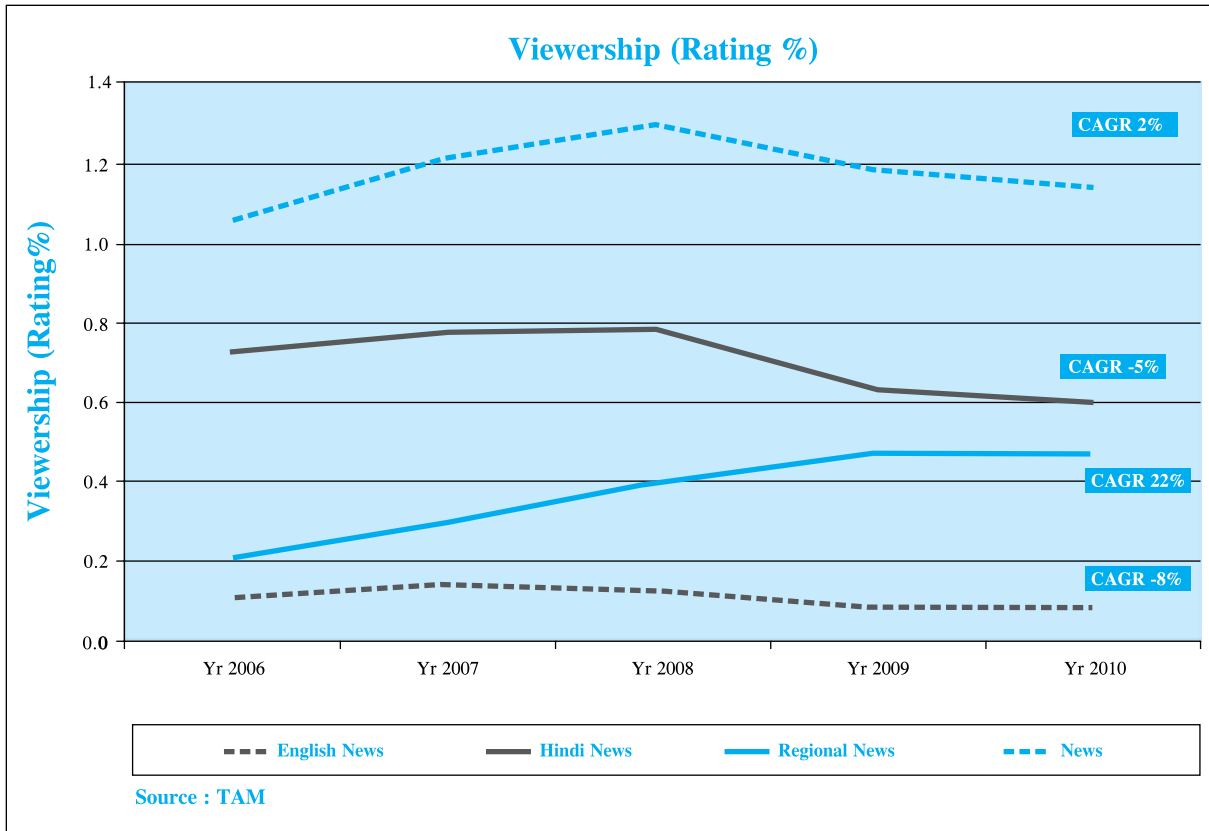
► Industry overview

The FICCI-KPMG Media & Entertainment Industry Report 2011 indicates that India's media and entertainment industry stood at INR 652 billion in 2010, a growth of 11.07% over the previous year. The television industry is at INR 297 billion which is a growth of 15.56%. Television viewing has continued to grow over the last few years with several English, Hindi & Regional language channels becoming operational. This has translated into substantial growth in viewership. Driven by strong economic performances and rapidly improving consumer confidence, the television media's advertising activity has also surged ahead.

The charts below indicate the growth in advertising and the viewership of the news & current affairs genre during the years 2006-2010.



During the years 2006 – 2010, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 18% where English news channels grew by 12%, Hindi news channels by 13% and regional news channels by 61%.



According to TAM reports the viewership of news channels grew at a Compounded Annual Growth Rate (CAGR) of 2% where English news channels viewership declined by 8%, Hindi News channels declined by 5% and regional news channels grew by 22%. Compared to the previous year, the viewership of news channels in 2010 declined by 3%.

It is gratifying to report that the present dispensation in the Ministry of I&B headed by Mrs. Ambika Soni, Minister for Information & Broadcasting has been very proactive, forward thinking, visionary and accommodating in handling issues / concerns of the news broadcasters.

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. The Board Members/Secretary General called on the following officials in the Government:

- Mrs. Ambika Soni, Union Minister for Information & Broadcasting
- Smt. Meira Kumar, Hon'ble Speaker, Lok Sabha
- Mr. Raghu Menon, Secretary, Ministry of Information & Broadcasting
- Mr. T.K. Viswanathan, Secretary General, Lok Sabha
- Mr. Rajiv Takru, Additional Secretary, Ministry of Information & Broadcasting
- Mr. Arvind Kumar, Joint Secretary (Broadcasting), Ministry of Information & Broadcasting

► Industry Matters

► Ministry of Information & Broadcasting

1. Constitution of Task Force on Content Code/Broadcasting Authority

As already reported earlier the Ministry of Information & Broadcasting had constituted a Task Force comprising of representatives of the broadcast organizations, which would hear the views of civil society including academicians, media experts, consumer organizations, state government representatives, associations of other broadcasting associations including MSOs, cable operators, DTH Association, IPTV forum, radio licensees, public representatives, editors of newspapers, legal luminaries to understand their perspective on the need, scope, jurisdiction, organizational structure, powers and functions of an independent broadcast regulator and the issues relating to regulation of content. NBA agreed to be part of this joint initiative but placed on record its reservation for including content related matters in the Ministry's proposed efforts of regulating the media. The Secretary, I&B was informed that the self regulatory mechanism adopted by the NBA has been in operation since October 2008 and has been working well under the Chairmanship of Justice (Retd) J. S. Verma, former Chief Justice of India. The NBA felt that it has been effective and is sufficient to ensure that there is a requisite measure of content guidelines for the electronic media. The I&B Secretary, was also informed that the NBA believes that any form of governmental or government sponsored content regulation is anathema to the free speech guarantee which is central to any modern democracy. The NBA was therefore unanimous in their view that the Ministry of I&B should recognize the Code of Ethics and Broadcasting Standards of the NBA including the mechanism to enforce these guidelines and should make it part of the Programme Code under the Cable TV Rules as has been done in the case of the Advertising Standards Council of India (ASCI).

Mr. Sameer Manchanda, the then President and Mr. Narayan Rao the then Vice President of NBA, represented NBA on the Task Force and participated in the meetings of the Task Force. Since the draft report received by Members for comment mainly related to "content related matters" Mr. Arvind Kumar, Joint Secretary (Broadcasting) was informed that the major focus was on content issues which the NBA cannot accept in the form set out in the draft Report. NBA's views were submitted on the issue for regulation of the broadcasting industry. The thrust of the response was that the Ministry should recognize the regulatory codes of the industry body, as has been done in the case of ASCI, which codes should then be left to self-regulation/enforcement by industry bodies and not regulated by Government.

It is heartening to report that the Ministry appreciated the proactive actions taken by the News Broadcasting Standards Authority since its inception in 2008 as being not only an effective self-regulatory body but also an institution committed to improving broadcasting standards of news broadcasters. The Ministry in the spirit of recognizing self regulation has during the period of report, forwarded complaints received by it against the non NBA members to the NBA to take appropriate action by the NBSA (for details, please see Section-II). The Ministry has been communicating with such broadcasters to cooperate in the matter to which there has been a positive response by the non member broadcasters.

2. Directorate of Advertising & Visual Publicity (DAVP) ----Empanelment Advisory Committee (EAC)

As already reported earlier NBA has been representing to the DAVP that news broadcasters do not get “fair pricing” for the advertisements released by DAVP, an issue pending consideration since the year 2009, when the last revision of DAVP rates took place.

Since there were serious anomalies in the rates offered to news channels across genres, Mr. Ashok Venkatramani, Chairman Sub-Committee (Sales Matters) along with sales heads has been in touch with DG, DAVP to apprise him of the various lacuna while fixing rates which resulted in news broadcasters not getting a “fair price” for DAVP advertisements.

Since this issue was of immense concern to the news broadcasters, the NBA represented to the Ministry of Information & Broadcasting to appoint an Empanelment Advisory Committee (EAC) which should look into the issue of "fair pricing" for DAVP rates for news broadcasters. Accordingly, as reported earlier, the Government constituted an Empanelment Advisory Committee (EAC) with Mr. B. Brahma, Chief Economic Advisor, Ministry of Information & Broadcasting, as its Chairman.

NBA made written representations, appeared and presented its case before the Empanelment Advisory Committee and apprised in detail in these meetings its case for “fair pricing” for DAVP rates. It was suggested that the present formula could be continued with some minor changes, which were as follows:

1. All news channels shall be bought through three time bands of day part, i.e. 6am-12 noon, 12.00 - 6pm and 6pm-12 midnight.
2. To calculate rates it was proposed to remove grouping from current formula - all to be treated as one composite group for the average CPRP calculation.
3. Increase in reach should be considered for calculation of new rate.
4. The new formula should be dynamic and can be revised based on change in viewership and reach once a year.
5. Propose that the rates of English and business channels shall be loaded by a factor of 5 considering they reach to a very unique audience amongst news viewers.
6. Rates shall be revisited every year at the beginning of financial year.

Accordingly, the following formula has been suggested to the EAC:

Hindi and Regional:

Average CPRP of Genre without Grouping (based on current rate and last six months rating) x (Six months average rating of time band of channel) x (All C&S TV reach in 2011/All C&S TV reach in 2008)

English and Business:

5 X (Average CPRP of Genre without Grouping (based on current rate and last six months rating) x (Six months average rating of time band of channel) x (All C&S TV reach in 2011/All C&S TV reach in 2008)

Despite various meetings with the Chairman & Members (EAC), it is understood that the suggestions given by NBA were not finding place in the Report submitted by EAC to the Ministry. The Board Members hence called on Mr. Raghu Menon on 21.6.11, to apprise him of the lacunae in the

recommendations and to consider the suggestions made by NBA prior to finalization of the Report. Mr. Raghu Menon agreed to look into the suggestions of the NBA. The Report is yet to be finalized by the Ministry.

3. Amendments to Cable Television Networks (Regulation) Act, 1995

On coming to know that the Ministry of Information & Broadcasting was proposing certain amendments to the Cable TV Act, the principal concerns of NBA in relation to the Cable Television Networks (Regulation) Act 1995 were presented to the Ministry as stated below:

- a) Digital “and” addressable cable television systems to be made mandatory;
- b) Ensure roll-out of addressable digitization in a time-bound manner with not too much leeway to Government to change the time-frames;
- c) Carriage fee and Placement fee charged to broadcasters be monitored and rationalized so that extortionate demands from MSOs/LCOs are curtailed;
- d) NBA Code of Ethics & Broadcasting Standards be statutorily recognized to enable uniformity of such standards as between news broadcasters;
- e) Self-regulation by broadcasters be made mandatory;
- f) If a cable operator runs a local news channel/s, such cable operator must be bound by the same eligibility requirements, principles and guidelines (including as contained in the uplinking and downlinking guidelines) as are applicable to satellite news channels/broadcasters;
- g) A graded scheme of action for violation of the Programme Code and Advertisement Code be engrafted in Section 19 of the Act so that an errant broadcaster is put to notice, given a proper hearing, made to suffer graded penalties in the case of a violation (such as running a regret etc.), instead of a straight ban or prohibition of broadcast.

NBA in its representation has suggested the following amendments to the Act:

- i. The phrase “addressable system” wherever appearing in the amendments to the said Act, be substituted with the phrase “digital addressable system” in order to ensure that all cable television network systems in India are converted NOT ONLY into digital systems (which essentially means only capacity enhancement) but to also ensure that broadcasters have subscriber visibility;
- ii. It be provided in the amended Act that if a cable operator runs a local news channel/s, such cable operator must be bound by the same eligibility requirements, principles and guidelines (including as contained in the uplinking and downlinking guidelines) as are applicable to satellite news channels/broadcasters;
- iii. A provision be added to the effect that no cable operator shall charge any pay channel or free-to-air channel fee for carrying any channel or for allocating any specific placement to any channel over its cable television network without a full and truthful declaration of the number of subscriber points on such cable television network ; and such fee shall not exceed the sum charged by the cable operator to another similar channel;
- iv. In the Rules to be formulated under the amended Cable TV Act, specific disclosures be required in regard to the Carriage Fee and Placement Fee charged by the cable operator to all pay channels and free-to-air channels (as per the disclosure requirement now existing in Section 4A(9) of the draft amended Act);
- v. A specific provision be added to the said Act making it mandatory for all broadcasters to be members of a self-regulatory body, which would enforce the Programme Code and the Advertisement Code under the said Act;

- vi. In the Rules to be formulated under the amended Act, it be added that no programme which violates the Code of Ethics & Broadcasting Standards and Specific Guidelines issued by the News Broadcasters Association, New Delhi from time to time shall be carried in the cable service;
- vii. In order to avoid multiplicity of forums and jurisdictions it be provided in the said Act that any disputes as regards MSOs not complying with digital addressability requirements etc. shall be decided by the TDSAT.

The NBA Board Members met Mr. Raghu Menon Secretary I&B on 21.6.11 and impressed upon him the need to consider the amendments suggested by NBA for smooth functioning of the day to day affairs of the industry. Mr. Raghu Menon appreciated the suggestions and concerns made by NBA and observed that the Ministry would try and accommodate the suggestions made by NBA while drafting fresh provisions, which he said were easier to notify than making drastic changes to the parent Act.

4. Local news channels run by cable operators

NBA brought to the notice of Mr. Raghu Menon, Secretary, Ministry of Information & Broadcasting of a serious lacuna in broadcasting law by reason of which entities/individuals are running “news channels” without any legal framework applying to them and as a result the very sensitive and important functioning of dispensing information, news and views is left to entities who have no accountability or legal superintendence whatsoever.

In the representation submitted to the Ministry of Information & Broadcasting, it was stated that since a “special” law namely the Cable TV Act has been enacted to govern cable television networks, such special law overrides the “general” law relating to telegraphs namely the Indian Telegraph Act. Attention of the Secretary I&B was drawn to the serious anomalies that arise from the above, which, related to:

- a) a satellite television channel, including a satellite news and current affairs channel, is governed by strict and onerous laws, rules and regulations and is thereby accountable every step of the way in how it conducts its business whereas no such restrictions apply to a local news operator who runs a local channel without obtaining the permissions required from the Ministry of I&B;
- b) more importantly the persons who are engaged in the core operations of a news and current affairs channel – namely its key editorial personnel and even key managerial personnel - are required to be resident Indians and even require security clearance, whereas again, no such requirements apply to a local news channel;
- c) Satellite channels have to fulfill substantial net worth criteria and pay annual fees for continuing their operations in India, whereas no such criteria or fee are asked from local news channels;
- d) It appears that even the basic and essential requirement that personnel engaged in news gathering and dissemination, whether in the print or electronic media, should be accredited by the Press Information Bureau is not applicable to persons running the operations of local news channels;

The representation stated that essentially local news operators are free of the myriad rules, regulations, criteria and conditions that apply to satellite news channels except some basic requirements required only for purposes of registration as a cable operator, which requirements are actually meant to make them accountable only for their business as cable operators and not as persons running local news channels.

Local news channels run are as much news channels as satellite news channels, since they perform the same function of collecting and disseminating news, views and information, although at a smaller scale since they operate in local areas and not pan-India.

Accordingly, in law, there was no “intelligible differentia” as between satellite news channels and local news channels that would justify these two categories being treated differently and different laws being applicable to these two categories of channels. There is also no “reasonable nexus” between the purpose being sought to be achieved by applying a certain legal regime to satellite news channels and not applying the same to local news channels.

The result was that news broadcasters – being satellite news channels: (a) face a completely unequal treatment under the law vis-a-vis local news channels; and (b) local news channels are given a virtually free reign over the areas in which they operate. Such a legal regime, NBA represented would not even stand scrutiny of the law – in particular scrutiny on the constitutional anvil of Article 14 of the Constitution of India, which mandates equal treatment of equals under the law.

The issue that news channels are not accountable and some of them appear to be running riot in terms of their conduct and content has also been raised in various forums by the Government, to which the NBA has always responded by saying that the NBA takes this issue very seriously; and while it is the NBA’s successful endeavour to self-regulate satellite television channels, it is often the completely unregulated cable news channels which act irresponsibly. The NBA has taken substantial, effective measures of self-regulation in order that the credibility of its member news channels remains above reproach and an effective measure of ethics is instilled and monitored by a self-regulatory system.

The Ministry has been requested to examine the issues raised by NBA in the representation and to address and resolve the same urgently, by appropriate subordinate legislation, notifications etc. for which there is ample power even under the Cable TV Act.

The Board Members of NBA have met Mr. Raghu Menon Secretary I&B in this regard. He has agreed to look into the same and consider it while formulating the fresh provisions along side the proposed amendments to the Cable Act.

5. Constitution of Task Force on implementation of digital addressable cable TV system

The Ministry of Information & Broadcasting vide Office Memorandum dated 18.4.11, constituted a Task Force in the Ministry of Information and Broadcasting to oversee and facilitate the implementation of digital addressable cable TV systems in the country. The composition of the Task Force is as follows:

- | | |
|---|-------------|
| 1. Additional Secretary, M/o Information & Broadcasting | Chairperson |
| 2. Principal Adviser (B&CS), TRAI | Member |
| 3. A representative of Cable Operators Federation of India (COFI) | Member |
| 4. A representative of Multi System Operator (MSO) Alliance | Member |
| 5. A representative of Indian Broadcasting Foundation (IBF) | Member |
| 6. A representative of News Broadcasters Association (NBA) | Member |
| 7. A representative of Direct to Home (DTH) Association | Member |
| 8. A representative of Federation of Indian Chambers of Commerce & Industry (FICCI) | Member |

9. A representative of Confederation of Indian Industry (CII)	Member
10. A representative of ASSOCHAM	Member
11. A representative of Consumer Electronics and Appliances Manufacturers Association (CEAMA)	Member
12. A representative of Department of Telecommunications	Member
13. A representative of Department of Information Technology	Member
14. A representative of Prasar Bharati	Member
15. Four representatives of Consumer Groups/Organizations, as per the digitalization implementation schedule	Member
16. Expert from BECIL as required	Member
17. Representatives of State/UTs Governments to be nominated, as per the digitalization implementation schedule	Member
18. Joint Secretary (Broadcasting), Ministry of Information & Broadcasting	Member Convenor

The activities/terms of reference of the Task Force are as below:

- (i) To act as nodal body as well as an interface between the Government and the industry in all matters related to the implementation of digital addressable system in cable sector.
- (ii) To oversee and supervise the implementation of digitalization.
- (iii) To study the roadblocks that exist in the way to digitalization and suggest suitable measures to address those in an efficient manner so as to enable the various stakeholders to carry forward the process of digitalization.
- (iv) To analyze the experience of digitalization process elsewhere in the world and develop a blue print for smooth transition from analogue to digital addressable system in India; and
- (v) Any other issue arising out of, incidental to or connected with the implementation of the digital addressability system or specially referred to the Task force by the Government, from time to time.

The NBA Board has nominated Mr. Barun Das, Vice President, NBA, and Chief Executive Officer, Zee News Ltd to represent on the Task Force. The first meeting of the Task Force took place on 22.7.2011 under the Chairmanship of Mr. Rajiv Takru, Additional Secretary, Ministry of I&B, which was attended by Mr. Barun Das.

Based on the suggestion given by Mr. Barun Das in the meeting, NBA vide letter dated 28.7.2011 has requested the Additional Secretary I&B to draw up a "Process Document" which would outline all possible & related activities for digital addressable roll out including tariff issues in order to avoid delays or bottlenecks at a later stage and also has opposed, in the interim, implementation of CAS.

6. Constitution of Committee by Ministry of I&B to Review TRP System

As reported earlier, the Ministry of Information & Broadcasting had constituted a Committee in May 2010 headed by Dr. Amit Mitra, former Secretary General FICCI to review existing Television Rating Point's (TRP) system in India and suggest measures to bring in place an effective mechanism for a transparent TRP system in the country.

The Committee submitted its Report in January, 2011 which provided a roadmap to the I&B Ministry to review the TRP system in the country. The final recommendations suggested by the Committee are as under:

1. Self-regulation of TRPs by an industry body BARC is the best way to move forward.
2. The constitution of the Board of BARC be broadened to make it more inclusive. It should be a 12 member Board constituting 7 members from broadcasters, including the public service broadcaster, 3 from advertisers, 2 from advertising agencies, including DAVP.
3. High Powered Committee within BARC to guide BARC in the area of research, design and analysis and has suggested representation of the Committee would be eminent members from different fields. The recommendations of the High Powered Committee would be binding on BARC.
4. The Committee has taken serious view of the sample size used by the two existing rating agencies in India and also observed that the rural areas have been left out from the current system of TRP measurement. The Committee has recommended increase in sample size from 8000 people metre homes to 15000 urban and rural households over a period of two years and then to 30000 over the next three years covering urban and rural areas, small towns, J&K and North East thereby providing a complete geographical coverage of the country.
5. The Committee has suggested that broadcasters, advertisers and ad agencies should pay a certain percentage of their relevant turnover to BARC on an annual basis to fund the expansion of sample size for TRP measurement. The total cost of expansion of TRP measurement system over 5 years would be around 660 crores which is approximately 0.32% per year of the total TV industry size in India.
6. In the long term rating agencies should consider manufacturing/assembling people metres in India itself to bring down the cost.
7. As an immediate short term measure reduction in the import duty, which is currently 50% for people metres should be considered.
8. The selection process of rating agency should be carried out in a credible, transparent and statistically in a robust manner and should be subjected to financial and process audit.
9. Rating system should be made compatible with emerging technologies to capture data over different platform corresponding to penetration levels of respective platforms in TV viewing population, to ensure a holistic picture of the viewers' preference.
10. There should not be any cross holding between the rating agencies and the broadcasters and the advertising agencies to avoid conflict of interest.
11. TRP measurement process should consist of 4 stages in which the first stage should be designing of survey and quality control research, followed by commissioning and established survey. The third stage should be data analysis and report generation followed by audit. Each one of these stages should be separately commissioned to distinct agencies to achieve unbiased and reliable results.
12. The Guidelines set out in the TRAI report of 2008 on the key eligibility conditions of rating agencies, general operational, ethical and disclosure norms and standards should be followed.
13. TRP generation and announcement by the rating agencies particularly for the news channels should be done once a week with the possibility to increase the periodicity to a fortnight.
14. BARC should set up a complaint redressal mechanism on the lines of the model being followed by ASCI.
15. BARC should initiate changes within its Board and appoint the High Powered Committee by June, 2011. If BARC fails to do so it may invoke government action through appropriate legislation such as taking over the regulation of TRP measurement either by asking TRAI to step in or by creating another mechanism.

7. Constitution of Sub Group for formulation of 12th Five Year Plan in respect of Broadcasting Sector

The Ministry of I & B has set up a Sub Group with various stake holders which include NBA for formulation of 12th Five Year Plan in respect of Broadcasting Sector. The terms of reference are as follows:

1. To identify the areas and the extent of need for Govt funding to be made available to Prasar Bharati for modernization and upgradation of its network and services;
2. To explore the areas in which Prasar Bharati can resort to PPP model for meeting its fund requirement for upgradation of its network and services.
3. To recommend policy changes, if any, for inviting Pvt participation for enhancement of Prasar Bharati's revenue and upgradation of its network and services.
4. To examine the extent of coverage of Doordarshan and AIR signals in border areas and identify gaps and recommend measures to tackle both infrastructure and content, for better delivery and improved quality of programming in such areas.
5. To recommend measures to provide, facilitate and strengthen and develop various distribution platforms – DTH, cable, IPTV, HITS in the country, including the measures required to draw investment in the sector especially for digitalization of cable services in time bound manner and to enable them to provide triple play.
6. To recommend policy framework for multi-media delivery service through wireless.
7. To recommend measures for promoting, strengthening, developing the community radio services in India and examine the need for public funding for strengthening of Community Radio Stations.
8. To recommend appropriate measures for expansion and strengthening of Pvt FM Radio Services in India.
9. To take stock of the technological development in areas of Broadcasting services and recommend policy measures required to promote the growth of broadcasting services through private participation.
10. Any other issue deemed necessary with permission of the Chairperson.

The first meeting of the Sub Group was held on 4.8.2011 which was chaired by Mr. Rajiv Takru, Additional Secretary Ministry of Information and Broadcasting. The meeting on behalf of NBA was attended by Mr. Gulab Makhija, Vice President - Finance & Accounts, TV Today Network Ltd. The discussions focused on the proposed budgetary allocation for Prasar Bharati, All India Radio, Community Radio for the next Five Year Plan and for strengthening the Electronic Media Monitoring Centre. Other issues discussed were for providing budgetary support for education and training of people working with MSOs and cable operators for speeding up the process of digitalization, creation of infrastructure and allocation of frequencies for mobile TV and investments in BECIL.

8. Meetings with Mrs. Ambika Soni, Minister and Mr. Raghu Menon, Secretary, Ministry of Information & Broadcasting on Ayodhya Judgement and Srikrishna Committee Report

Mrs. Ambika Soni, Hon'ble Minister for Information and Broadcasting, Mr. Raghu Menon, Secretary, I&B, along with other officials of the Ministry invited the representatives of NBA and BEA to discuss the issue of exercising caution while reporting the Ayodhya Judgement in

September 2010 and to ensure that the reporting of the judgement should be done in a balanced manner to avoid any repercussion between the communities.

Similarly prior to the release of Srikrishna Report in December 2010, for formulation of separate Telangana, Mr. Raghu Menon, Secretary I&B met the representatives of NBA and BEA and requested to exercise the same restraint as shown while reporting the Ayodhya Judgement to avoid any flare up resulting in damage to properties and attack on individuals.

It is pleasing to report that on both occasions, the Ministry has been satisfied in the manner the news broadcasters reported the events which was in the true spirit of self-regulation that the news broadcasters have adopted.

9. L Shaped Advertisements

Mr. Rajiv Takru, Additional Secretary, Ministry of Information & Broadcasting, convened a meeting of the representatives of NBA and IBF to discuss the issue pertaining to L shaped advertisements being shown by certain TV channels simultaneously with the telecast of the main programme or sporting events, which were in violation of Rule 7(10) of the Cable Television Networks Rules 1994. The meeting was attended by Mr. Narayan Rao, President, NBA and Sales Heads. NBA represented that the need of the hour was speedy implementation of addressable digitization within the time lines agreed between the Ministry of Information & Broadcasting and TRAI and to take action for its implementation both in letter and spirit. Till such time addressable digitization is completed across the country and the business model augments revenues for news broadcasters, broadcasters would not be in a position to conform strictly to the requirements as envisaged in the Cable Television Networks Rules 1994. The Additional Secretary was informed that news broadcasters had to constantly use innovative methods to augment its only source of revenue "advertising". As and when subscription revenues are received in the measure to run a sound business model, advertisements would automatically get rationalized. Additional Secretary, I&B, was also informed that running L shaped advertisements was not a common practice amongst news broadcasters.

10. TV Advertisements on genuine brand extensions (brand sharing name with tobacco and alcohol products) – curbing of surrogate advertisements of tobacco and alcohol products

Mr. Rajiv Takru, Additional Secretary, Ministry of Information & Broadcasting convened a meeting with the representatives of NBA, IBF, ASCI, CIABC and TII to discuss the issue of genuine brand extensions (brand sharing name with tobacco and alcohol products) curbing of surrogate advertisements of tobacco and alcohol products. The meeting was also attended by the Additional Secretary, Ministry of Health. After hearing all the representatives present at the meeting, it was suggested that the NBA and IBF would draw up self regulation guidelines for brand extension advertisements.

The matter was considered by the NBA Board at its meeting held on 20.7.2011. The NBA Board was of the considered view that the Advertising Standards Council of India (ASCI) which is the body recognized by the Ministry of Information & Broadcasting for self regulation in relation to matters of advertising should be the only body to be assigned the task of drafting the Guidelines & the mechanism for self regulation. The independent status of ASCI was a key factor in maintaining public confidence in the self regulatory system and ASCI encouraged and provided a means for the

acceptance of standards of practice, without constraining the freedom of speech and expression. The Advertising Code drafted by the ASCI is recognized and is in the Cable Television Networks Rules, 1994. The Board decided that since there is already an independent self regulatory body, the onus of framing draft guidelines for brand extension advertisements and self regulation mechanism should vest with the ASCI. However, while drafting the guidelines & the mechanism NBA, IBF and the other organizations that came for the meeting should be involved. A response is awaited in the matter.

11. Advisories issued by the Ministry of Information & Broadcasting

The Ministry of Information & Broadcasting has been issuing advisories on content related matters from time to time. These have been circulated to Members for information and necessary action.

12. Meetings with Minister and Secretary Information & Broadcasting

During the year under review, the Board members of NBA met Mrs. Ambika Soni, Union Minister for Information & Broadcasting and Mr. Raghu Menon, Secretary, Ministry of Information & Broadcasting on a few occasions to discuss issues of concern of the news broadcasters. These meetings have been very fruitful.

13. Complaint against Shreya Broadcasting Private Limited (TV5 Channel)

Ms. Supriya Sahu, Director (BC), MIB, informed the NBA that the Ministry had received a complaint dated 24.2.10 from Reliance Industries Ltd against the said channel which was placed before the Inter Ministerial Committee (IMC) of the Ministry of I&B. As per the decision taken in the meeting dated 17.1.2011, the IMC decided to refer the complaint to NBA for consideration and necessary action.

The NBA Board considered the matter and informed the Ministry that while TV5 was not a member of NBA and therefore strictly speaking the NBA Code of Ethics & Broadcasting Standards and the Regulations were not binding upon TV5, the complaint would certainly be placed before the News Broadcasting Standards Authority (NBSA) provided the MIB directs TV5 to cooperate in the matter. In the true spirit of self regulation, the Ministry addressed a communication to the broadcaster to cooperate with the NBA so that the matter may be placed before NBSA. The broadcaster has also confirmed to the Ministry of I&B that they would cooperate in the matter to resolve the same and they were also in the process of becoming a member of News Broadcasters Association. The complaint has been placed before the NBSA for its consideration.

14. Complaints received by NBA from non members

The complaints received directly by NBA/ NBSA of broadcasters which are not members of NBA are forwarded to Mr. Rajiv Takru, Chairman, IMC and Additional Secretary, MIB and he is informed that since such broadcasters are not members of NBA, the NBA Code of Ethics and Broadcasting Standards and the Regulations were not binding upon them. The complaints would be placed before NBSA provided MIB directs the broadcasters to cooperate in the matter. The Ministry has been very proactive in this regard.

15. Nomination of Official Spokesperson for the Ministry of Home Affairs

Ms. Supriya Sahu, Director (BC), vide circular dated 28.9.10, informed NBA that Mr. D.R.S. Chaudhary, Additional Secretary (NM), had been designated as official spokesperson by the Ministry of Home Affairs to brief the media on a day to day basis at a specified time and also at such times as may be necessary in emergent matters.

► Telecom Regulatory Authority of India

1. Implementation of Digital Addressable Cable TV Systems in India

Telecom Regulatory Authority of India (TRAI), in its recommendations on “Implementation of Digital Addressable Cable Systems in India” dated 5.8.2010, has recommended that digitalization with addressability be implemented in the cable TV sector on priority and, accordingly, suggested a time frame comprising four phases for migration to a digital addressable cable TV system with sunset date for analogue cable TV services as 31st December, 2013.

It is understood that the Ministry of Information and Broadcasting, while expressing its agreement with all other recommendations made by TRAI and also the staggered approach for implementation of full digitalization, had proposed a revised timeline with sunset date as on 31st March, 2015, to which the TRAI recommended a slightly different time schedule without changing its earlier position with regard to the sunset date for switching over to digital system.

The Ministry of Information & Broadcasting after eliciting views of concerned industry associations has arrived at the following time schedule for implementing digitalization with addressability in the cable TV systems in the country subject to approval of the Cabinet.

Phase	Area Suggested by TRAI	Time Frame initially recommended by TRAI dated 5.8.2010	Time frame proposed by the Ministry dated 28.1.2011	Revised time frame recommended by TRAI dated 22.2.2011	Ministry's final views on the time frame for digitalization
Phase-I	Four Metros of Delhi, Mumbai, Kolkata and Chennai	31st March, 2011	31st March, 2012	31st December, 2011	31st March, 2012
Phase-II	Cities with a population more than one million	31st December, 2011	31st March, 2013	31st December, 2012	31st March, 2013
Phase-III	All urban areas (Municipal Corp./ Municipalities)	31st December, 2012	30th November, 2014	31st December, 2013	30th September, 2014
Phase-IV	Rest of India	31st December, 2013	31st March, 2015	31st December, 2013	31st December, 2014

► Department of Telecommunications (DOT)

Review of Spectrum Usages Charges for the Captive Wireless Users including the Government Departments

Department of Telecommunications (DOT), WPC Wing, Ministry of Communication and IT circulated a questionnaire for views/comments on the review of spectrum usages charges for various frequency bands. NBA attended the meeting convened by DOT and also submitted its comments/ views to the questionnaire and were requested to consider the following inputs:

1. The subject and the questionnaire dealt with two prime categories of users – (a) Satellite TV broadcasters and Teleport Operators and (b) Others who would use Radio spectrum for terrestrial mode of operation like Telco operators, VSAT (Data) Service providers and FM Radios and likewise. Spectrum in the former case is allocated to the Satellite Company and in the latter case to the respective user. The two categories of users as above have two different operational, technical and business models and hence are best addressed separately.
2. The scope of the present exercise was limited and the subject could not be addressed in isolation and without touching the other relevant aspects. The spectrum cost being borne by a Satellite TV Broadcaster is towards different line items and is paid to different Government bodies. There was a need to optimize this cost and impart poise to the same.

It is understood that the Committee is in the process of submitting its recommendations to DOT for a final view in the matter. There is no further communication from DOT in this regard.

► Human Resources Development Ministry

1. The Copyright (Amendment) Bill, 2010

As already reported in last years report NBA had appeared before the Department related Parliamentary Standing Committee on Human Resource Development, headed by Shri Oscar Fernandes, MP, Rajya Sabha and had made detailed presentation before the Hon'ble Committee expressing our views and concerns on the proposed amendments to the Copyright Act 1957 with particular reference to Section 39, Section 39(c), Section 52(1)(b)(ii) and Section 63 of the Amendment Bill. However, the 227th (Two Hundred Twenty-Seventh) Report of the Department Related Parliamentary Standing Committee on Human Resource Development, which was presented to the Rajya Sabha on 23.11.2010 and laid on the table of Lok Sabha on 23.11.10, the Report had no recording of the submissions made by NBA except to the extent that the NBA was one of the organizations from whom memorandum/suggestions were received. The proposed amendments are a matter of extreme concern for the NBA; but despite an express direction in the Report that a questionnaire be sent to the witnesses who had appeared before the Hon'ble Committee, no such questionnaire was sent to NBA who were among the witnesses who appeared on that day.

In this regard in March 2011, the NBA represented to the Rajya Sabha Secretariat drawing their attention to the lapse and to find a solution before the Copyright (Amendment) Bill, 2010 is presented in the Parliament.

With persistent follow up, a reply was received from the Rajya Sabha Secretariat that the Report was forwarded on the same day i.e. 23.11.10, to the Department of Higher Education to take a

view on the proposed amendments and was also informed that our representation accordingly was forwarded to the Department of Higher Education for consideration. Thereafter, the matter was represented to the Secretary, Department of Higher Education, to find a resolution to the lacuna, which despite numerous letters has found no favorable response.

The proposed amendments which affect the news broadcasters directly and which should be taken into account at the time of finalizing the amendments are as follows:

- *From the perspective of news broadcasters, inclusion of Section 63 in Section 39A of the Original Act is onerous and such inclusion ought not to be made. This is for the reason that Section 39 crafts-out a specific exception to infringement of broadcast reproduction right, whereby excerpts of a broadcast used (say by a news broadcaster) for reporting of current events or for bona fide review, teaching or research, consistent with the principles of fair dealing, does not amount to infringement of broadcast reproduction right. Accordingly, to provide prosecution (Section 63) under Section 39A is not required and may work to the serious detriment of news broadcasters;*
- *The proposed deletion of Section 52(1)(b)(ii) also seriously prejudices news broadcasters since the entire Section 52 is part of the exceptions to infringement of broadcast reproduction right under Section 39(c) of the Original Act; and if Section 52(1)(b)(ii) is deleted this salutary exception to infringement, namely fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events by broadcast, will be lost.*

The matter has now again been represented to Mr. Kapil Sibal, Hon'ble Minister for Human Resource Development to find a suitable resolution of the issue. The matter is being followed up with no positive response so far from the Ministry of HRD.

2. Draft Indian Legal Text on Treaty of Protection of Broadcasting Organizations (WIPO) – Meeting Convened by HRD Ministry

The NBA submitted a detailed response on “Non-paper on the WIPO Treaty on the Protection of Broadcasting Organizations, which was called for by the Registrar of Copyrights and Director (BP&CR), Copyright Office, Department of Higher Education. Secretary General, NBA and NBA Counsel attended the meetings chaired by Mrs. Vibha Puri Das, Secretary, Department of Higher Education in this matter.

Charging for Excerpts/ Footage of Lok Sabha Television

The issue of Lok Sabha raising invoices on news broadcasters for use of footage has been represented to the Lok Sabha Speaker for the last three years. As there was no resolution to the issue and Members continued to receive invoices, Secretary General, NBA had a meeting with Mr. T.K. Viswanathan, Secretary General, Lok Sabha, and explained to him the reason why news broadcasters should not be charged for excerpts/footage of the Lok Sabha TV. To sort out this matter, Mr. Narayan Rao, President, NBA, Mr. Q.W. Naqvi, News Director, TV Today Network Ltd. and Secretary General, NBA also met Mrs. Meira Kumar, Hon'ble Speaker, Lok Sabha on 5.2.11, whereat Mr. T.K. Viswanathan, Secretary General, Lok Sabha and Mr. P. Sridharan, Chief Executive, Lok Sabha TV were present. Despite these meetings, as in the previous years, the Members of NBA again received invoices from the Lok Sabha TV for the footage of Union Budget & Railway Budget 2011-12. NBA has again represented to the Hon'ble Speaker of Lok Sabha Mrs Meira Kumar drawing her attention to the pending issue that wide spread dissemination

of information relating to Parliament and its proceedings is in the highest interest of democracy and consequently in public interest, hence the decision to invoice members of NBA for use of excerpts/footage from Lok Sabha TV may be reviewed. A reply is awaited.

► Union Budget Issues

As decided by the NBA Board, a Sub-Committee has been constituted to look into budget issues for submission to the Finance Ministry from time to time. The Sub-Committee consists of the following Members:

1. Mr. Ajay Mankotia, President - Corporate Planning & Operations, New Delhi Television Ltd.
2. Mr. Gulab Makhija, Vice President - Finance & Accounts, TV Today Network Ltd.
3. Mr. S. Sundaram, Chief Financial Officer, Times Global Broadcasting Company Ltd.

The Sub Committee chaired by Mr. Ajay Mankotia has met and finalized the issues for submission to the Ministry of Finance, which relate to:

Direct Taxes:

1. Carry forward of brought forward losses on merger under Section 72A of IT Act, 1961
2. Tax holiday for broadcasting sector under Section 80IA of IT Act
3. TDS on payments to Multiple System Operators and Local Cable Operators – 194J or 194C of IT Act, 1961
4. Characterization of Satellite Payments

Indirect Taxes:

1. Point of Taxation Rules
2. Excise duty and custom duty on STBs
3. Excise duty and custom duty on Head End equipments
4. Double taxation on transponder fees
5. VAT on use of IRDs
6. Double taxation on transfer of television content

These submissions have been submitted to the Chairman and Member (Legislation), CBDT, Ministry of Finance, for consideration.

► Law Commission of India

1. Consultation Paper cum Questionnaire on Undercover/Sting Operations

In view of sharp and divergent views with emotive and logical pleas that are raised regarding permissibility of sting operations, the Law Commission of India in November 2010, elicited suggestions from the public, including the media representatives, the NGOs, academia, professional bodies, social activists, officials and elected representatives on a set of questionnaire prepared mainly regarding: whether there is necessity to control the misuse of sting operations by way of a regulatory law? What should be the nature and extent of that regulation to check unwarranted invasion of right to privacy? What kind of mechanisms has to be put in place to prevent publication/broadcasting of the content of sting operations so as to control fabricated versions of the SO and to protect larger public interest? NBA was also requested to reply to the questionnaire.

A detailed reply was submitted on the questionnaire which stated that the predominant test for a permissible sting operation should be “public interest”. If public interest was discernable, invasion of privacy and/or possible defamation should not be relevant factors to the extent that invasion of privacy or defamation was necessary for uncovering culpability. The existing dispensation, especially by way of the News Broadcasters Association's self regulatory guidelines on sting operations are sufficient safeguard. The News Broadcasting Standards Authority was adequate as a mechanism for self regulation inter alia on the issue of sting operations. A sting operation should ordinarily be used to capture wrong doing that is already going on – in the sense that there is prior information or suspicion that the person concerned indulges in wrong doing; and inducement may be offered to capture an instance of such wrong doing. Extreme caution should be exercised in protecting the identity (by not publishing name, parentage, address, location and other specifics) of a child victim or a juvenile offender; but sting operations must yet be permissible to expose the wrong doing. Establishment of any authority or body to be custodians of sting operation material or to grant permission or monitor sting operations will negate the very purpose of sting operations and was not desirable.

2. Astrology Advertisements

Arising out of an Order passed in 2007, by the Hon’ble High Court of Punjab & Haryana, pertaining to misleading advertisements in newspapers, the Law Commission decided that in larger public interest before the unscrupulous among the advertisers bring a bad name to the subject and the science, the law must intervene to regulate the advertisements even in regard to matters that do not directly touch diseases referred to in Section 3 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. The matter was considered by Justice (Retd.) J.S. Verma, Chairperson, NBSA. The Law Commission has been informed that suitable amendments should be made to Section 3 of the Act, to bring misleading advertisements within its purview. However, it would be appropriate that the suggestions in this regard are obtained from the Advertising Standards Council of India (ASCI).

► Issues related to Paid News ----Parliamentary Standing Committee on Information Technology

In response to a Public Notice which appeared in various newspapers that the Parliamentary Standing Committee on Information Technology had decided to examine various aspects related to the subject “Issues related to paid news”, NBA informed the Additional Director (IT), Lok Sabha Secretariat, that NBA is the premier body of news broadcasters which is engaged in creation and enforcement of “self regulation” in electronic media. Its principal belief and thrust being that content regulation is necessarily a reflexive matter and must be self imposed. The NBA is of the opinion that the issue of “paid news” is clearly an “ethics issue” and therefore must squarely be part of the self regulatory regime that NBA has initiated as far back as in 2008 which has successfully evolved since then. In keeping with this philosophy, the NBA submitted that issues relating to paid news must be part of the self regulatory regime and ought not to be legislated upon, except to the extent of “recognizing” the self regulatory regime itself and making self regulation “mandatory” for all media organizations. NBA requested for a personal hearing on the issue of why paid news should be a matter of self regulation. There has been no further communication from the Lok Sabha Secretariat in this regard.

► Sports Matters:

1. NBA News Access Guidelines for sport channel footage

For uniformity and rationality to the use of sports footage by its Members, the NBA Board decided that the Members of NBA in the spirit of self regulation should voluntarily adopt News Access Guidelines for use of/access to sports channel footage. To ensure compliance by all Members and the Associate Members of NBA, the General Body at its meeting held on 15.9.2010, approved the following Guidelines.

1. News Access Guidelines for Football/Hockey Tournaments
2. News Access Guidelines for One Day & T20 matches
3. News Access Guidelines for Cricket Test Matches (Five day matches)

These Guidelines are to be followed by Members/Associate Members. It is pleasing to report that Members and Associate Members of NBA have ensured compliance of these self regulation Guidelines for sporting events during the year under report which included One day/Test matches, ICC CWC 2011, DLF IPL etc.

2. News Access Guidelines for ICC CWC 2011

To ensure that there would be no issues during the ICC CWC 2011 matches, NBA began discussions with Ms. Aarti Singh Dabas, Media Rights and Broadcast Manager, ICC, as early as in November, 2010. However, no agreement was arrived between the NBA and ICC as commercial issues were brought in as part of negotiated news access guidelines, which were drawn up essentially based on “fair use principle”. Despite our various discussions to separate commercial and fair use issues, the ICC did not see reason and did not agree to our suggestion. Since there was no amicable settlement of separating commercial issues, the NBA Board decided that Members of NBA would be advised to strictly comply with the News Access Guidelines drawn up by the NBA and the same be conveyed to Ms. Aarti Dabas. Accordingly, Ms. Aarti Dabas was informed that the Members of NBA will only follow the ICC Accreditation Guidelines to the extent that the same are in consonance with “fair dealing” principles available under Indian Copyright Law as explained in various judgements of our courts.

Towards the fag end of the tournaments, ICC arbitrarily suspended the media accreditation granted to NDTV personnel in relation to the ICC Cricket World Cup. NDTV personnel were denied access to ICC CWC 2011 venues. ICC alleged that they had noted numerous violations by NDTV in relation to constant commercialization of ICC CWC 2011 intellectual properties and related proprietary match content. While the negotiations were going on between NDTV and ICC, Members of the NBA received notices from ICC threatening that their accreditation would be cancelled unless they signed an undertaking as dictated by the ICC, which undertaking was extremely restrictive as regards even legitimate news reporting on ICC matches. In view of the unreasonable stand taken by the ICC at a crucial juncture of the ICC World Cup 2011 matches, which almost completely prohibited reporting of news relating to such an important event, and which was also in disregard of the fair dealing dispensation available to broadcasters under the Indian Copyright Law, the NBA Board decided that its members would stand united and voluntarily desist from accessing match venues or availing any other accreditation benefits like attending press conferences, practice sessions, interviews etc.

It is pleasing to report that due to the intervention of Mrs. Ambika Soni, Minister for Information & Broadcasting, and Mr. Sharad Pawar, ICC President, news broadcasters were allowed to cover the crucial India Pakistan semi final match in Mohali. To find an amicable solution for news access for the final India-Sri Lanka match in Mumbai, I&B Minister facilitated a meeting on 31.3.11 with the representatives of ICC, ESPN, NBA and BEA to sort out issues concerning ICC CWC 2011 News Access Guidelines. This meeting was chaired by Mr. Arvind Kumar, Joint Secretary (Broadcasting) Ministry of Information & Broadcasting. Despite a meeting lasting several hours between the representatives of NBA, ICC, BEA & ESPN to find a solution to the issue that has arisen by the cancellation/threat of cancellation of accreditation of NBA Members by ICC, a short undertaking fully protecting our Members interests was drawn up. The ICC during these negotiations insisted on the unreasonable demands that Member channels must not run sponsored score cubes, on the ground that the ICC had exclusive proprietary rights in communication of the match scores. The consensus between the representatives of NBA and BEA was that reporting match scores was within the purview of news and news channels had the right to have sponsors or score cubes and other score reporting formats. In view of ICC's unreasonable stand on the issue, matters could not be resolved. Access to match venue for the final match at Mumbai on 2.4.2011, remained barred.

The ICC thereafter issued a press release that since NBA and BEA had refused to give assurances that they would desist from breaching the broadcast guidelines in their news programmes, ICC had decided to commence legal action against the companies involved and seek to recover damages through courts in India rather than bar the stations from the ICC Cricket World Cup final match between India and Sri Lanka. In the interests of the event, ICC agreed to reinstate the accreditation for the final match of a hugely successful World Cup. NBA welcomed the decision taken by the ICC, which in large measure was due to the constructive intervention of the Ministry of Information & Broadcasting, including the personal interest shown by Mrs. Ambika Soni, Minister for Information & Broadcasting, who had truly appreciated the sensitivities and rights of the Indian viewers. However, NBA rejected the ICC's position that Members had violated any Guidelines agreed with ICC especially since its Members had scrupulously adhered to the NBA News Access Guidelines and the dispensation available to them under Indian laws, which clearly prevailed over ICC's unilateral actions. The Board decided that if ICC omits to revoke or imposes the accreditation ban on any Member broadcaster, in order to show our unity, all NBA Members would voluntarily forsake and not avail accreditation facilities from the ICC. Members were again advised to strictly follow the News Access Guidelines for the final match. However arbitrarily and without notices to concerned broadcasters ICC cancelled the accreditation of Star News, Zee News and News 24 member channels of NBA. ICC subsequently restored the accreditation of Star News and News 24. However, Zee News accreditation stood cancelled. As agreed by the Board, the NBA informed the ICC that as a measure of joint protest none of the Members will avail the accreditation facility unless the ICC revokes the ban so imposed on a member channel of NBA. Since ICC did not revoke the ban nor gave a response to the communication sent by NBA, the NBA members did not access the accreditation facility.

3. DLF IPL 2011 Tournaments

For the match footage use of DLF IPL 2011 tournaments since signing/acceptance of the DLF IPL 2011 media accreditation included accepting the IPL footage use norms (which are restrictive and unacceptable), NBA Members were advised that they should not apply, sign or accept the

IPL accreditation and should strictly abide by the NBA News Access Guidelines. In the event of their having taken any action in this regard either with the BCCI or local cricket associations or if accreditation had been approved, Members were advised to surrender in writing to the BCCI their accreditation and to not avail any facility or benefit such as accessing match venues, attending press conferences or practice sessions etc. However, if Members had subscribed to such third party services such as SNTV, ANI, Reuters etc., Members were advised that they may use footage or other material made available to them from such third party sources over and above the norms mentioned in the Guidelines. Such Members were informed that they would be bound by the contract that they have signed for the footage use. It is heartening to report that in view of strict compliance of NBA advise by Members and Associate Members during the DLF IPL 2011 tournaments, there were no issues raised by BCCI and SET MAX, the official broadcaster.

4. Commonwealth Games 2010

Prior to the commencement of Commonwealth Games 2010, an injunction suit was filed before the Hon'ble Delhi High Court against 25 broadcasters, which included 10 Members of NBA, against the use of CWG footage in terms of Prasar Bharti norms. The Hon'ble Court while passing the interim order stated “ *having regard to the prima facie evidence on record and the time being the essence the defendants are restrained from telecasting, disseminating, relaying footage of the XIX Commonwealth Games, 2010 except in so far as the telecast is consistent with the concept of fair dealing. ...*” Members of NBA were advised that although the concept of "fair dealing" was not specifically clarified in the Order, Members should keep in mind the provisions of Section 39 of the Copyright Act, 1957 as well as the International Television Access Rules applicable to Delhi Commonwealth Games, 2010.

Since the interim Order allowed the use of footage under the copyright laws, to facilitate compliance, a Guidance Note for news access/footage use for Commonwealth Games was circulated to all Members/Associate Members of NBA.

5. 16th Asian Games 2010

Ten Sports/Taj Television Ltd. had sent a Guidance Note to NBA for compliance by Members with regard to use of footage of 16th Asian Games 2010. The NBA informed the sports broadcaster that since the Guidance Note was drawn up on the basis of a Delhi High Court Order dated 30.9.10 in Prasar Bharati vs TV Today Network Ltd matter, the same had no application or relevance in the context of the Asian Games; and that therefore the NBA Members would follow the fair dealing principles under Section 39 of the Copyright Act with regard to the use of footage of the Asian Games. Members and Editors were issued a Guidance Note for news access/footage of Asian Games.

► Content related matters affecting news broadcasters pending in the Supreme Court, Delhi and Karnataka High Courts.

1. **Common Cause Vs. Union of India** : Civil Writ Petition No. 387 of 2000 pending before the Supreme Court of India, is a petition under Article 32 of the Constitution of India for issuance of a writ directing the Ministry of Information & Broadcasting and the Ministry of Home Affairs to prescribe norms and guidelines for observance by TV Channels, and to bring about conditions where under TV channels and producers adopt self regulatory measures. NBA had

applied for intervention in the matter; which intervention application has been allowed and NBA will be heard in the matter.

2. **R.P.Arora & Ors Vs Union of India & Ors. (Aasaram Babu Matter):** Civil Writ Petition No. 361 of 2008 pending before the Supreme Court of India, was a petition under Article 32 of the Constitution of India for issuance of a writ to prevent telecast of programmes and publishing materials which are not in conformity with the Programmes Code under Rule 6 of Cable Television Network Rules 1994 and Press Council of India norms. The writ petition was dismissed as having been withdrawn by the petitioner.
3. **Dr. Surat Singh Vs Union of India & Ors. (Aarushi Murder Matter):** Civil Writ Petition No. 316 of 2008 pending before the Supreme Court of India 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; and NBA will be heard alongwith Dr. Rajesh Talwar, who has also been impleaded in the matter. By interim Order dated 22nd July 2008, which is continuing in the matter and which has been reiterated subsequently, the media has been directed by the Supreme Court to exercise restraint in reporting on the Aarushi case. The petitioner has moved a fresh application alleging contempt of Court against a magazine for their coverage of the Aarushi matter. The Supreme Court has allowed NBA's application seeking transfer of the writ petition, being Writ Petition (Civil) No. 7368 of 2008 titled "Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors" presently pending before the Delhi High Court to the Supreme Court, since the said petition involves similar issues.
4. **People's Union for Civil Liberties & Anr Vs The State of Maharashtra & Ors.:** Criminal Appeal No. 1255 of 1999 which is 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 office report indicated that pleadings in the matter are not complete. Accordingly the Supreme Court has directed that pleadings in the matter be completed and the matter be listed for further proceedings.
5. **Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors (Batla House Encounter):** Civil Writ Petition No. 7368 of 2008 pending before the Delhi High Court has been 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. On the basis of the enquiry report filed by the National Human Rights Commission on the Batla House encounter, the Hon'ble Delhi High Court was pleased to reject the petitioner's prayer for an independent judicial enquiry into the Batla House encounter. However earlier on the Court had allowed the NBA to intervene in the case whereby NBA was to make submissions to the Court on police-media interaction and related issues. The NBA had also filed Draft/Suggested Guidelines for Media Briefing by Police, which were to be considered by the Court alongwith the guidelines suggested by the Petitioner. However in the meantime, NBA's application filed in the Dr Surat Singh matter pending before the Supreme Court (seeking transfer of this writ petition to be heard in the Supreme Court alongwith the Dr Surat Singh matter) has been allowed.

6. **TRAI Vs. Set-Discovery Pvt Ltd & Ors** : Civil Appeal Nos. 829-833 of 2009 pending before the Supreme Court. On the advise of Mr. F. S. Nariman, Senior Advocate in relation to the issue of carriage fee and placement fee, which has been raised by some of our member broadcasters before the Supreme Court in this matter (namely Star News, NDTV, TV Today and Times Now), and in order to represent the interests of all its Members, with the consent of NBA Board, the NBA had filed an intervention application dated 8.9.2010 seeking to be heard in the matter. The Hon'ble Chamber Judge had ordered that the said application would be considered by the Bench hearing the main matter. In the meantime fresh applications were moved by the Union of India (Ministry of Information & Broadcasting) and the Indian Broadcasting Foundation also seeking impleadment in the matter; upon which applications Court has issued notice.
7. **NEO Sports Broadcasts Private Limited vs. Independent News Services Private Ltd. & Anr.:** CS (OS) No. 2030 of 2010 pending before the Delhi High Court. This suit has been filed by the host broadcaster of India Australia Test Cricket Series 2010 viz. Neo Sports seeking permanent injunction against India TV restraining alleged infringement of copyright, broadcast reproduction right and alleging unfair competition and seeking damages, rendition of accounts of profits, etc. against the said defendant. The NBA and certain sports broadcasters have been summoned by the Hon'ble Court in order to address the recurring larger issue of determining 'fair dealing' under the copyright law and for converting the matter into a representative suit. The Board of Control for Cricket in India (BCCI) appeared and sought time to file reply.
8. **Smt. Ranjitha @ Smt. Ranjita Menon vs. State of Karnataka & Ors. :** Writ Petition No. 8619 of 2011 (GM-RES) pending before the High Court of Karnataka. This Writ Petition under Article 226 of the Constitution of India has been filed by Smt. Ranjitha @ Smt. Ranjitha Menon against 43 respondents which includes News Broadcasting Standards Authority / News Broadcasters Association as respondent seeking to restrain all respondents from telecasting clippings of the "Swami Nithyananda Scandal" involving the actress Ranjitha. The NBSA/ NBA proposes to move an application seeking its deletion from the array of party respondents since it is neither a broadcaster nor does it control editorial operations of any of its member channels.

► Attacks on Electronic Media

The NBA has condemned the attacks on journalists, cameramen and damage to television crew equipment and vehicles belonging to member broadcasters especially the attacks during the year under review on NDTV, Times Now, Aaj Tak, Star News and ETV. The NBA has voiced concern on the increasing violence and attack on journalists and media organizations and resentment against the media. The NBA has on such occasions appealed to the respective Governments to restore law and order and ensure that journalists are allowed to perform their duty in a free and fearless manner.

1. Detention of women journalists

The NBA condemned the irresponsible manner by which an employee of Adani Group, who claimed to be a nodal officer of the SEZ Commissioners office, took the law into his hands and forced two women journalists of NDTV 24x7 and NDTV India to abandon their journalistic duties while filming the depletion of the mangroves in Mundra. The women journalists were detained for an hour and the employee tried to wrest the camera out of the camera person's hands. Journalists

and crew could not leave as their car keys were in their possession and the tyres of NDTV vehicles were deflated. The NBA urged the Chief Minister and Home Minister of Gujarat to take cognizance of the incident and book the culprits. The Mundra Port and SEZ Ltd. apologized in regard to the incident and assured that corrective action would be taken to ensure that such untoward incidents did not happen in the future.

2. Denial of access to news media to restricted/sensitive areas

Lakshadweep Administration decided to ban the entry of journalists of NDTV to Kavaratti until completion of the salvage operations of a ship belonging to Essar Shipping which had run aground on the coral reef that surrounds a significant part of the island. Since bona fide media was being denied to cover an extremely important news story and a potential ecological disaster since the coral cover in Lakshadweep is the life line of the island and part of one of the most pristine eco systems on earth, a communication was sent to the Hon'ble Administrator, Union Territory of Lakshadweep to immediately allow journalists to access the territory. The response received from the Administrator was unacceptable. Hence, the matter was represented to Mr. G.K. Pillai, the then Home Secretary, Government of India. It is pleasing to report that consequent thereupon, permission was granted to the broadcaster to travel to Kavaratti. Mr. G.K. Pillai, the then Home Secretary was also informed that necessary directions may be given to the Union Territory Administration/Officials in similar restricted areas where similar entry rules apply, to process applications received from news personnel on priority basis to cover news unless there are compelling reasons for denial to such areas for covering news.

► Corporate Matters

► 1. Membership

The details of Members/ Associate Members of the Association during the year is annexed at **Annexure – 2**

► 2. Amendments to the Articles of Association

In the Annual General Body Meeting held on 23.9.09, a Resolution was passed for insertion of a new Article 3A to the existing Article 3, which read as follows:

“3A: Prevention of Concentration of Voting Rights

- (i) The Board may, in its absolute discretion, decline to make any body corporate a Member, if in the opinion of the Board grant of such membership may result in the concentration of voting power in the hands of a corporate entity or a group of corporate entities (either through subsidiary companies or holding companies or otherwise);*
- (ii) In the event of change in the shareholding pattern of a Member, the Board may in its absolute discretion, convert the membership status of a corporate body from Member to Associate Member if in the opinion of the Board, by reason of such change there may result a concentration of voting power in the hands of a corporate entity or a group of corporate entities; and re-convert such membership status back to Member if there is further change in its shareholding pattern making it eligible to be Member; and the decision of the Board in this regard shall be final ;*

(iii) The foregoing articles shall apply equally to Members who were enrolled as such at the time of establishment of the Association”.

It is pleasing to report that Mr. B.K. Bansal, Regional Director, Northern Region, Ministry of Corporate Affairs, vide letter No. 3/20/T-1/2009/D/458 dated 20.4.11 has accorded approval to the proposed alteration in the Articles of Association as approved by the Members of the Company vide Special Resolution passed at the AGM on 23.9.09.

➤ 3. Office Bearers for 2010-11

In terms of Article 26 of the Articles of Association the following Directors were re-elected Office Bearers of the Association for the year 2010-11:-

President - Mr. Sameer Manchanda (ibn18 Broadcast Ltd.)
 Vice President - Mr. K.V.L. Narayan Rao (New Delhi Television Ltd.)
 Honorary Treasurer - Mr. Barun Das (Zee News Ltd.)

However, during the year Mr. Sameer Manchanda (ibn 18 Broadcast Ltd.) resigned from the Board of Directors of NBA. Accordingly, pursuant to Article 26 and 27 of the Articles of Association, the following Directors were elected Office Bearers of the Association for the remaining period of the year 2010-11:

President - Mr. K.V.L. Narayan Rao (New Delhi Television Ltd.)
 Vice President - Mr. Barun Das (Zee News Ltd.)
 Honorary Treasurer - Mr. Ashok Venkatramani (Media Content & Communications Services (India) Pvt. Ltd.)

➤ 4. Resignation

Mr. Sameer Manchanda (ibn 18 Broadcast Ltd.) tendered his resignation from the Board of the Association during the period under report.

➤ 5. Appointment

Mr. Saikumar Balasubramanian (ibn 18 Broadcast Ltd.) was appointed as Director on the NBA Board in place of Mr. Sameer Manchanda during the period under report.

➤ 6. Meetings of Board of Directors

The Board of Directors met 6 times during the year under report and all the meetings were held in New Delhi/Noida.

➤ 7. Meeting of Sub Committees

a) HR Sub Committee.

The HR Sub Committee met thrice during the period under review. These meetings were chaired by Mr Ashok Venkataramani, Board Member & CEO Star News. The following issues are being actively considered by the Sub-Committee:

1. **Sector Skill's Council:** Discussions have been held with Mr. Basab Banerjee, Head Standards & QA, National Skill Development Corporation (NSDC) to ascertain further details regarding setting up of Sector Skill Council for the broadcast industry, which includes also the news genre.
2. **Compensation benefits structure benchmarking survey:** The NBA Board decided to commission the said survey. 11 Members of NBA have agreed to participate in the Survey. The Request for proposal (RFP) has been sent to 5 vendors. The short listing of the vendor is under process.
3. **Accreditation to Media Institutes:** The Committee decided that instead of setting up an accreditation system by the NBA, it would be easier, if a standardized test could be put in place for entry level editorial recruitments. The test papers would be modified/ reviewed from time to time. The matter is under progress & would be placed before the Board for approval and compliance.

b) Sub Committee on Sales Matters

The Sub Committee under the Chairmanship of Mr Ashok Venkataramani, Board Member and CEO Star News met thrice during the period under review. The Sub Committee took various actions for better management of commercial issues, which included;

a. Submissions/Presentation before Empanelment Advisory Committee (EAC)

Submissions/presentation before the Empanelment Advisory Committee (EAC) for "fair value" for DAVP rates for news channels.

b. Standard Common Agreement

To ensure commonality/uniformity in terms and conditions entered between broadcasters, advertisers and agencies, a Standard Common Agreement was finalized by the Sub Committee. The Standard Common Agreement duly approved by the Board was circulated to all Members/ Associate Members for implementation w.e.f. 1.1.2011.

c. Standardized Time Bands

The Board approved the decision taken by the Sub-Committee to have standardized time bands during the day across channels as mentioned below which is being complied by members w.e.f. 1.1.2011:

Band	Non-Business Channels	For Business Channels
Morning	5 am till 12 noon	6 am – 9 am
Afternoon	12 noon till 5 pm	9 am – 1800 hrs
Evening	5 pm till 1 am	1800 hrs – 24 hrs

d. Advertisements of Ministry of Agriculture

The National Film Development Corporation (NFDC) informed member broadcasters that channels would have to fill up the data into software indicating the proposed time band of 10-15 minutes one day before telecast and the actual time after telecast. The NFDC was informed that it would not be possible for members to adhere to the request made by the Ministry of Agriculture or by other Ministries and Government Departments. NBA reasoned that scheduling of spots was a continuous/ dynamic process as requests are often received to change the bookings. Advertising agencies also book/finalize the time bands and Release

Orders come accordingly. The telecast certificate sent is the proof of the aired spot in that time band, on the basis of which the bills were, raised. The payments were made by the agencies on that basis. This was the process followed by DAVP & also by the NFDC. Members were also advised accordingly.

► TAM Ratings for News Channels --- From Weekly to Monthly

The NBA Board has been of the view that the rush to garner higher ratings has led to considerable dilution of news content which has been a matter of serious concern. The Board believed broadcasting standards could only improve with strategic planning, research and not be guided solely by ratings, which had no direct effect on the audience but have become key indicators for advertisers and broadcasters.

The NBA Board considered this matter and decided to move from weekly rating to monthly ratings which would be the ONLY format available to all broadcasters, advertisers etc. This transition would be first for all national news channels as these channels represent substantial viewership and the membership of NBA. Ten broadcasters representing twenty four channels have agreed to move from weekly to monthly ratings w.e.f. from 1.9.2011, the data for which will be released in the first week of October 2011. The NBA is having discussions with regional broadcasters and are confident that these broadcasters would also accept the same format.

► Meeting in Hyderabad with AP Broadcasters

A meeting with broadcasters in Andhra Pradesh was held on 14.7.11 in Hyderabad and was chaired by Mr. Narayan Rao, President, NBA. The purpose of the meeting was to apprise the regional broadcasters of the work done by NBA since its inception in 2007; the success of self regulation by news broadcasters, which became the benchmark for the I&B Ministry to set up a similar body for GEC channels; recognition by the Government & statutory bodies of NBA being the collective voice of news broadcasters etc. To strengthen the institution, the President NBA emphasized the need for all news broadcasters to join the NBA. He urged the broadcasters to consider the matter. The meeting was attended by eleven broadcasters who were both members of NBA and non-members. Similar meetings are being proposed in other regions.

► Meeting with Chief Editors & NBSA

A meeting was convened between all Editors in Chief of the channels and the NBSA on 27.7.2011 which was also attended by some Board members of NBA. Important issues were discussed in the meeting with the NBSA and pointing out specific do's and don't's to be kept in mind while broadcasting news/stories/programmes in the news channels.

► Training Modules

Training is essential for career development. It is therefore necessary to have specific programmes for editorial and other staff of member broadcasters. Training modules are being planned to improve broadcasting standards and other skills for the day to day functioning in the organisation. The NBA is in the process of starting training programmes / workshops in collaboration with some national institutes, which initiative is likely to begin in the next few months.

► Events

1. NBA World Summit

The NBA Board has in principle cleared a yearly world news conference to be organized under the aegis of the NBA. The Committee for this event will be chaired by Mr Barun Das, Vice President, NBA. Nominations have been invited from the Board Members for constituting a Sub Committee which will look into summit content and business development. The first world summit is proposed for November 2012.

2. NBA Collaboration for events with ASSOCHAM / CASBAA / FICCI

The NBA agreed to give official support to ASSOCHAM FOCUS 2010, CASBAA- Addressable India 2010 & FICCI FRAMES 2011. These collaborations have been found useful for the member broadcasters.

► Election Data - AC Nielsen ORG -MARG

NBA collectively negotiated and engaged AC Nielsen ORG-MARG Pvt. Ltd. for election data, which was subscribed by Members for the following elections held during the year under review:

Bihar – November 2010;

Tamilnadu, Kerala, Puducherry, Assam & West Bengal – May 2011

► News Access Guidelines for General Entertainment Footage

The NBA Board decided that to streamline the use of GEC footage by news channels and keeping in mind the “fair use” norms, the NBA should draw up news access guidelines for general entertainment footage as has been done in the case of sports footage. These guidelines have been approved by the Board at its meeting held on 20.7. 2011 and are being passed as a Special Resolution in the AGM to be held on 21st September 2011.

► The News Broadcasting Standards Authority

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

Place: New Delhi
Date: September 2, 2011

By Order of the Board of Directors of
News Broadcasters Association

K. V. L. Narayan Rao
President

Report of the Auditors to the Members

The Members
NEWS BROADCASTERS ASSOCIATION
Delhi

We have audited the attached Balance Sheet of News Broadcasters Association as at 31st March 2011 and also the Income and Expenditure Account for the year ended on that date annexed thereto. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in India. Those standards require that we plan and perform the audit to obtain reasonable assurance about, whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

Further 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 accounts as required by law have been kept by the company, so far as appears from our examination of the books.
- c) The Balance Sheet and Income and Expenditure Account dealt by this report are in agreement with the books of accounts.
- d) In our opinion the Balance Sheet and Income and Expenditure Account dealt with by this report comply with the mandatory accounting standards, to the extent applicable, specified by the Institute of Chartered Accountants of India referred to in sub-section (3C) of Section 211 of the Companies Act, 1956.
- e) On the basis of written representation received from the Directors, as on 31st March 2011, and taken on record by the Board of Directors, we report that none of the Director is disqualified as on 31st March 2011 from being appointed as Director in terms of clause (g) of sub-section (1) Section-274 of Companies Act 1956.

In our opinion and to the best of our information and according to the explanations given to us, the said accounts give the information required by the Companies Act, 1956 in the manner so required and give a true and fair view in conformity with the accounting principles generally accepted in India:

- i) In case of Balance Sheet, of the state of affairs of the Company as at 31st March 2011;
- ii) In case of Income and Expenditure Account, of excess of income over expenditure of the Company for the year ended on that date.

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

Sd/-

Naveen Aggarwal

Partner

M.NO. 094380

Place: New Delhi : Date: July 20, 2011

News Broadcasters Association : New Delhi Balance Sheet as at 31st March, 2011

<i>(Amount in Rs.)</i>			
Particulars	Schedule	Current Year	Previous Year
SOURCES OF FINANCE			
Entrance Fees	1	1,000,000	700,000
Reserves & surplus	2	14,649,290	9,494,073
TOTAL		15,649,290	10,194,073
APPLICATION OF FUNDS			
Fixed Assets:	3		
Gross Block		592,805	444,003
Less: Depreciation		301,341	192,463
Net Block		291,464	251,540
Current Assets, Loans and Advances	4		
Cash and Bank Balances		20,635,389	17,682,775
Loans and advances		72,100	20,000
Other Current Assets		715,473	353,221
SUB TOTAL		21,422,962	18,055,996
Less Current Liabilities and Provisions	5	6,065,136	8,113,463
Net Current Assets		15,357,826	9,942,533
TOTAL		15,649,290	10,194,073

SIGNIFICANT ACCOUNTING POLICIES & PRACTICES AND NOTES ON ACCOUNTS 9

The Schedule referred to above form an integral part of the Balance Sheet.

As per our Report of even date attached.

For S.S. Kothari Mehta & Co.
CHARTERED ACCOUNTANTS
Firm's Regn. No. 000756N

Sd/- (Naveen Aggarwal) Partner	Sd/- KVL Narayan Rao President	Sd/- Barun Das Vice President	Sd/- Ashok Venkatramani Honorary Treasurer	Sd/- Annie Joseph Secretary General
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Mem. No. 094380
Place : New Delhi.
Dated : July 20, 2011

News Broadcasters Association : New Delhi Income & Expenditure Account for the Year Ended 31st March, 2011

<i>(Amount in Rs.)</i>			
Particulars	Schedule	Current Year	Previous Year
INCOME			
Subscription		9,575,000	7,500,000
Other Income	6	1,084,058	753,927
TOTAL		10,659,058	8,253,927
EXPENDITURE			
Establishment	7	2,500,395	1,816,571
Administrative & Other Expenses	8	2,894,568	2,638,707
Depreciation		108,878	107,581
TOTAL		5,503,841	4,562,859
Excess of Income over Expenditure		5,155,217	3,691,068
Balance brought forward		2,630,712	1,308,567
Less: transferred to Special Reserve		3,771,435	2,368,923
Balance carried to the Balance Sheet		4,014,494	2,630,712

SIGNIFICANT ACCOUNTING POLICIES & PRACTICES AND NOTES ON ACCOUNTS 9

The Schedule referred to above form an integral part of the Balance Sheet.

As per our Report of even date attached.

For S.S. Kothari Mehta & Co.
CHARTERED ACCOUNTANTS
Firm's Regn. No. 000756N

Sd/- (Naveen Aggarwal) Partner	Sd/- KVL Narayan Rao President	Sd/- Barun Das Vice President	Sd/- Ashok Venkatramani Honorary Treasurer	Sd/- Annie Joseph Secretary General
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Mem. No. 094380
Place : New Delhi.
Dated : July 20, 2011

NEWS BROADCASTERS ASSOCIATION : NEW DELHI

Schedules 1 to 8 annexed to and forming part of the Balance Sheet as at 31st March, 2011 and the Income & Expenditure Account for the year ended on that date.

Schedule 1 ENTRANCE FEES

<i>(Amount in Rs.)</i>		
Particulars	Current Year	Previous Year
Opening Balance	700,000	700,000
Receipts for the year	300,000	-
TOTAL	1,000,000	700,000

Schedule 2 RESERVES & SURPLUS

<i>(Amount in Rs.)</i>		
Particulars	Current Year	Previous Year
Surplus		
As per Income & Expenditure Account	4,014,494	2,630,712
Special Reserve:		
Opening Balance	6,863,361	4,494,438
Transferred from Income & Expenditure Account	3,771,435	2,368,923
Closing Balance	10,634,796	6,863,361
TOTAL	14,649,290	9,494,073

Schedule 3 FIXED ASSETS

Particulars of Assets	GROSS BLOCK				DEPRECIATION				NET BLOCK	
	As at 01.04.2010	Addition During the year	Sale/ adj. during the year	As at 31.03.2011	As at 01.04.2010	For the Year	Sale/ adj. during the year	As at 31.03.2011	As at 31.03.2011	As at 31.03.2010
Computers & Installations	424,013	-	-	424,013	192,318	92,678	-	284,996	139,017	231,695
Office Equipments	19,990	148,802	-	168,792	145.00	16,200	-	16,345	152,447	19,845
TOTAL	444,003	148,802	-	592,805	192,463	108,878	-	301,341	291,464	251,540
Previous Year	252,366	191,637	-	444,003	84,882	107,581	-	192,463	251,540	167,484

Schedule 4**CURRENT ASSETS AND LOANS & ADVANCES**

<i>(Amount in Rs.)</i>		
Particulars	Current Year	Previous Year
Cash and Bank balances		
Cash in hand	2,636	10,371
Balance with Scheduled Bank		
-In Fixed Deposit Account	15,700,000	10,000,000
-In Current Account	4,932,753	7,672,404
SUB TOTAL	20,635,389	17,682,775
Loans and Advances		
Advances recoverable in cash & kind or value to be received	71,992	20,000
TDS	108	-
SUB TOTAL	72,100	20,000
Other Current Assets		
Interest Accrued on Fixed Deposits	715,473	353,221
SUB TOTAL	715,473	353,221
TOTAL	21,422,962	18,055,996

Schedule 5**CURRENT LIABILITIES & PROVISIONS**

<i>(Amount in Rs.)</i>		
Particulars	Current Year	Previous Year
Current Liabilities		
Subscriptions received in advance	6,000,000	7,975,000
Sundry Creditors	-	-
- Total outstanding dues to Micro & Small enterprises	-	-
- Total outstanding dues to creditors other than Micro & Small enterprises	-	-
Other Liabilities	65,136	138,463
TOTAL	6,065,136	8,113,463

Schedule 6**OTHER INCOME**

Particulars	<i>(Amount in Rs.)</i>	
	Current Year	Previous Year
Interest Income	1,076,393	652,943
Excess Liability Written back	6,205	-
Other income	1,460	100,984
TOTAL	1,084,058	753,927

Schedule 7**ESTABLISHMENT EXPENSES**

Particulars	<i>(Amount in Rs.)</i>	
	Current Year	Previous Year
Salaries, Allowances & Other Benefits	2,491,057	1,812,812
Staff Welfare Expenses	9,338	3,759
TOTAL	2,500,395	1,816,571

Schedule - 8**ADMINISTRATIVE & OTHER EXPENSES**

Particulars	<i>(Amount in Rs.)</i>	
	Current Year	Previous Year
Printing & Stationery	152,204	110,403
Legal & Professional charges -	1,316,960	1,392,820
Meeting Expenses	530,823	387,777
Newspaper Books & Periodicals	24,959	10,738
Communication Expenses	95,111	67,497
Travelling & Conveyance Expenses	505,994	442,774
Rent and Electricity	188,597	128,828
Website Development Expenses	11,161	42,466
Repairs & Maintenance-Computer	15,526	9,927
Miscellaneous Expenses	12,973	5,217
Audit Fees	40,260	40,260
TOTAL	2,894,568	2,638,707

SCHEDULE 9 SIGNIFICANT ACCOUNTING POLICIES AND NOTES TO ACCOUNTS

A. SIGNIFICANT ACCOUNTING POLICIES

1. The Company follows the mercantile system of accounting and recognizes income and expenditure on accrual basis. The accounts are prepared on historical cost basis, as a going concern and are consistent with the generally accepted accounting policies.

2. FIXED ASSETS AND DEPRECIATION

- (i) Fixed Assets are stated at cost inclusive of all related and other incidental expenses.
- (ii) Depreciation on fixed assets is provided on Written Down Value method on pro-rata basis at the rates specified in Schedule XIV (as amended) to the Companies Act 1956.

3. TAXATION

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

4. ENTRANCE FEES

Entrance Fees is treated as corpus.

B. NOTES TO ACCOUNTS

- 1. 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.
- 2. The Company is a Small & Medium sized company (SMC) as defined in the general instructions in respect of Accounting Standards notified under the Companies Act, 1956. Accordingly, the Company has complied with the Accounting Standards as applicable to a Small & Medium sized Company.
- 3. 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 2011. Further during the year no interest has been paid, accrued or payable under the terms of the said Act.
- 4. The Company is registered under Section 25 of the 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.
- 5. Special reserve has been created under Section 11 of the Income Tax Act, 1961, by transferring the unutilised 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.

6. Financial figures have been rounded off to the nearest Rupee.
As per our report of even date attached

For S.S. Kothari Mehta & Co.
CHARTERED ACCOUNTANTS
Firm's Regn. No. 000756N

For and on behalf of the Board

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
(Naveen Aggarwal)	KVL Narayan Rao	Barun Das	Ashok Venkatramani	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General
Mem. No. 094380				
Place : New Delhi.				
Dated : July 20, 2011				

Balance Sheet Abstract and Company's General Business Profile

Additional Information as required under Part IV of Schedule VI of the Companies Act, 1956

I. Registration Details				
Registration No. U22211DL2007NPL165480-2007-2008				State Code : 55
Balance Sheet date :	Date 31	Month March	Year 2011	
II. Capital Raised during the year: NIL				
III. Position of Mobilisation and Deployment of Funds: (Amount in Rs Thousands)				
Total Liabilities: 15649			Total Assets: 15649	
Sources of Funds (Amount in Rs Thousands):				
Paid up Capital(Corpus): 1000			Reserves & Surplus: 14649	
Secured Loans: Nil			Unsecured Loans: Nil	
Application of Funds				
Net Fixed Assets: 291			Investments: Nil	
Net Current Assets: 15358			Misc. Expenditure: Nil	
Accumulated Losses: Nil				
IV. Performance of the Company				
Gross Receipts (including interest & others): 10659			Total Exp: 5504	
Profit (before tax): 5155			Profit (after tax): 5155	

Earnings per share N/A

Dividend Rate N/A

V. Generic Names of Principal Products/Services of the Company

Item Code No (ITC Code)

Product Description

Sd/-	Sd/-	Sd/-	Sd/-
KVL Narayan Rao	Barun Das	Ashok Venkatramani	Annie Joseph
President	Vice President	Honorary Treasurer	Secretary General

Place : New Delhi.

Dated : July 20, 2011

ANNEXURE – 1

NBA News Access Guidelines for General Entertainment Footage

► Introduction

1. These News Access Guidelines shall govern the use of general entertainment footage by Designated News Broadcasters and shall be followed by all Members/Associate Members of the NBA. Designated News Broadcaster must bear in mind that general entertainment material is not central to the news genre and accordingly, general entertainment footage must be used sparingly (subject to the guidelines appearing below) and only when such footage has some intrinsic news value or which is connected to any news or current affairs being reported.

► Definitions

2. Capitalized terms used in these News Access Guidelines shall have the meanings given to them in the Schedule to these News Access Guidelines.

► Use of fresh footage

3. Subject always to paragraphs 6 to 10 below, a Designated News Broadcaster may broadcast a maximum of 8 minutes of Fresh GE Footage per News Day (whether from one or more general entertainment broadcaster/s) which may be repeated as specified, provided always that:
 - 3.1 Footage made available to a Designated News Broadcaster as part of a Electronic Press Kit (EPK) shall be counted as part of the 8 minutes stipulated above;
 - 3.2 No more than 3 minutes of Fresh GE Footage shall be used from any single program of a general entertainment broadcaster ;
 - 3.3 It will be permissible to repeat the Fresh GE Footage referred to above upto 2 times in a News Day - i.e. Fresh GE Footage may be used on 1 premier and 2 repeats basis of the same footage ;
 - 3.4 No Footage or part thereof may be provided or made available by a Designated News Broadcaster to any third party.

Provided that such restriction on repeats shall not apply to Fresh GE Footage of an Exceptional Occurrence of news value used in a news program.
4. Use of Fresh GE Footage “live” is not permitted at any time under any circumstances. There must be a minimum of at least 7 minutes delay following the live broadcast of any Fresh GE Footage by the official/host broadcaster before any extract of such Fresh GE Footage may be used by the Designated News Broadcaster pursuant to paragraph 3 above.

► Use of archival footage

5. Subject always to paragraphs 6 to 10 below, a Designated News Broadcaster may use a maximum of 2 minutes of Archival Footage per News Day which shall also be subject to the same restrictions as to repeat use as Fresh GE Footage.

► Commercial guidelines

6. The use of Fresh GE Footage pursuant to paragraphs 3 and 4 above and the use of Archival Footage pursuant to paragraph 5 above is strictly limited in each case to use within news and/or current affairs programmes. No use of Fresh GE Footage and/or Archival Footages is permitted in any circumstances for any commercial purposes.
7. For the avoidance of doubt, a Designated News Broadcaster may commercially exploit a news and/or current affairs program within which Fresh GE Footage and/or Archival Footage is broadcast as a whole, in the regular course, through normal advertising/sponsorship breaks usual in programming of news channels, provided always that, except as permitted pursuant to paragraphs 8 to 10 below, no advertising, sting, logo, graphic and/or any other commercial (morphing) activity occurs immediately before, immediately after or during the Fresh GE Footage and/or Archival Footage and no association is created between the use of Fresh GE Footage and/or Archival Footage and any third party brand or product.

► Credit guidelines

8. Courtesy bug acknowledging the concerned Host Broadcaster must be pasted by the Designated News Broadcaster throughout the broadcast of any Fresh GE Footage and/or Archival Footage.
9. Designated News Broadcasters must use the correct name of the GE Program and the GE Program Logo in any and all broadcasts in which the GE Program is mentioned or referred to, whether or not including the broadcast of any clips of Fresh GE Footage and/or Archival Footage.
10. In the event that the GE Program Logo should be covered by the logo of the Designated News Broadcaster, the Designated News Broadcaster must include a courtesy line extended at the bottom of, or elsewhere, on the screen.

► Excess footage

11. Use of any Footage (whether Fresh GE Footage or Archival Footage) in excess of the stipulations contained above shall be permissible ONLY under separate contractual arrangements between the Designated News Broadcaster and a general entertainment broadcaster and not otherwise.

► General aspects

12. In order to improve the quality of Footage for use, Designated News Broadcaster may use footage received through Integrated Receiver-Decoders (IRDs) obtained from concerned general entertainment broadcasters under simple bilateral arrangements with such general entertainment broadcasters.

13. Except for Footage received from a general entertainment broadcaster as part of EPK, Designated News Broadcaster alone shall be liable for any consequences arising from broadcast of any Footage that may contain adult or otherwise inappropriate content during hours when such Footage is not broadcast by the concerned general entertainment broadcaster. Insofar as EPK Footage is concerned however, such liability (if any) shall be upon the general entertainment broadcaster.

Schedule definitions

“**Archival Footage**” means any Footage from a GE Program from the period 24 hours or more after the completion of the GE Program or episode concerned ;

“**Designated News Broadcaster**” means any broadcaster that is a Member or an Associate Member of the NBA and a list whereof is available on the NBA website ;

“**Exceptional Occurrence**” means any newsworthy occurrence of an extraordinary nature that happens in relation to a GE Program BUT outside the GE Program or the event being broadcast by way of the GE Program ;

“**Footage**” means all recorded and/or transmitted signals, including all audio, visual and audiovisual material, relating to any broadcast on any third party general entertainment television channel ;

“**Fresh GE Footage**” means any Footage (other than Archival Footage) broadcast for the first time (premier) by a Designated News Broadcaster ;

“**GE Program**” means any general entertainment program or episode or content as understood in common broadcasting parlance (as distinct from a sports program or news program), telecast on a television channel and owned and/or broadcast and/or otherwise belonging to a third party;

“**Host Broadcaster**” means the officially appointed broadcaster for a GE Program;

“**NBA**” means the News Broadcasters Association, the representative body of news broadcasters/ channels in India;

“**News Day**” means the period of 24 hours from 12:00 hours (noon) on a given day to 12:00 hours (noon) on the next consecutive day.

July 20, 2011

Annexure - 2

Members of News Broadcasters Association (NBA)

S.No.	Name of the Broadcaster Member	Channels
1	B.A.G Newslite Network Ltd.	News 24
2	Broadcast Initiatives Ltd.	Live India
3	Complete News & Entertainment Broadcast Pvt. Ltd.	CNEB
4	Hyderabad Media House Ltd.	HMTV
5	ibn18 Broadcast Ltd.	CNN IBN, IBN7
6	Independent News Services Pvt. Ltd.	India TV
7	Indira Television Ltd.	Sakshi
8	INX News Pvt. Ltd.	News X
9	Media Content & Communications Services (India) Pvt. Ltd.	Star News, Star Majha, Star Anando
10	New Delhi Television Ltd.	NDTV24x7, NDTV India, NDTV Profit
11	SUN TV Network Ltd.	Sun News, Gemini News, Udaya Varthagalu
12	Television Eighteen India Ltd.	CNBC TV18, CNBC Awaaz
13	Times Global Broadcasting Company Ltd.	Times Now, ET Now
14	TV Today Network Ltd.	Aajtak, Headlines Today, Dilli Aajtak, Tez
15	Ushodaya Enterprises Pvt. Ltd. (TV Division)	ETV2Telugu, ETV Uttar Pradesh / Uttaranchal, ETV Bihar / Jharkhand, ETVMadhya Pradesh/ Chattisgarh, ETV Rajasthan
16	UTV News Ltd.	Bloomberg UTV
17	Zee News Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee News - Uttar Pradesh, Zee 24 Ghantalu
18	Shreya Broadcasting Pvt. Ltd.	TV 5
Associate Members:		
19	Associated Broadcasting Company Pvt. Ltd.	TV9, TV9 Kannada, TV1, TV9 Gujarat, TV9 Mumbai, News 9
20	MM TV Ltd.	Manorama News Central
21	Total Telefilms Pvt. Ltd.	Total TV

Section II

News Broadcasting Standards Authority

Since its establishment in October 2008, the News Broadcasting Standards Authority (NBSA) has been monitoring the broadcast of member channels particularly in relation to the violation of the Code of Ethics and Broadcasting Standards and Guidelines issued from time to time. Apart from looking into specific complaints received from viewers, the Authority has taken various proactive measures to improve broadcasting standards. This has been in the true spirit of self regulation that NBA has adopted and which has now become the standard accepted by the industry and, more importantly, even by the Ministry of Information & Broadcasting.

In this backdrop, the Authority has held discussions with Editors and Board Members of NBA from time to time to ascertain the initiatives which need to be taken up by the NBA for improving broadcasting standards of television news channels / television journalists / producers etc. The NBSA has also had very fruitful discussions with Mrs. Ambika Soni, Minister for Information & Broadcasting and Mr. Raghunath Menon, Secretary I&B. The suggestions given during these interactions are under consideration by the Authority and the Board.

► **Reconstitution of the News Broadcasting Standards Authority**

The NBA Board had decided that, subject of course to the consent of the Chairperson and Eminent Members, the NBA Board desires the present Chairperson and Eminent Members should continue to hold office even after the expiry of the present term on 2.10.2010; however, there would be fresh nominations of Members for the Editors category.

The Chairperson and Eminent Members graciously consented and the Authority was accordingly reconstituted w.e.f 2.10.2010 for a period of two years as follows:

Justice (Retd) J. S. Verma **Chairperson**

Members Representing Eminent Persons

1. Mrs. Chokila Iyer
2. Professor Dipankar Gupta
3. Mr. Nitin Desai
4. Mr. Kiran Karnik

Members Representing Editors

1. Mr. Q. W. Naqvi, TVTN
2. Ms. Sonia Singh, NDTV
3. Ms. Sagarika Ghose, CNN IBN
4. Mr. P.V. Narendra, ETV

► **Reporting the Impending Ayodhya Judgement – September 2010**

The Authority had two meetings with Editors of NBA Members on 15.9.2010 & 2.10.2010 to discuss the Ayodhya Judgement which was delivered on 30.9.2010 by the Lucknow Bench of the Allahabad High Court and review the reporting of the said matter.

The Authority was of the view that since the Ayodhya issue was an extremely sensitive matter in which extra care was necessary, it was crucial to ensure that the telecast of any news relating to

it should not be sensational, inflammatory or provocative. It was agreed in the meetings with the Editors that the basic guideline to be adhered to is that all such news should conform strictly to subserving the “public interest” of maintaining communal harmony & preservation of the secular ethos of our plural society and help in the formation of a well-informed public opinion. The powerful and wide impact of the information disseminated by the electronic media on formation of public opinion made it incumbent on the broadcasters to take extra care in the telecast of news relating to sensitive matters such as this one.

In view of the ultra sensitive nature of the Ayodhya issue, the Authority was of the view that the reporting of the High Court Judgement on Ayodhya required adherence by member broadcasters to the Code of Ethics and other relevant specific guidelines issued from time to time. In addition to these, some additional specific guidelines to be observed in relation to the telecast of this matter were also laid down, which were as follows:

1. *All news relating to the High Court judgement in the case should be verbatim reproduction of the relevant part of the said judgement uninfluenced by any opinion or interpretation.*
2. *No broadcast should be made of any speculation of the judgement before it is pronounced; and of its likely consequence thereafter which may be sensational, inflammatory or provocative.*
3. *No footage of the demolition of the Babri Masjid is to be shown in any news item relating to the judgement.*
4. *No visuals need be shown depicting celebration or protest of the judgement.*
5. *In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy by vetting & clearance at the highest editorial level.*

► **Order passed by Allahabad High Court on 21.9.2010 regarding reporting of impending Ayodhya Judgement**

It is an honor for the NBA to report that in an Order dated 21.9.2010 passed in a PIL filed before the Lucknow Bench of Allahabad High Court, Hon’ble Chief Justice F.I. Rebello and Hon’ble Justice Pradeep Kant, have cited with approval and infact included in their Judgment the Guidelines issued vide Advisory dated 16.9.10 by the NBA verbatim and made them part of the judicial Order. It was in light of the NBA guidelines that the Hon’ble Court stated in the Order that *“...This Court will not take any steps to muzzle the freedom of the press or T.V. Channels; but is assured in view of their self imposed restraint that they will abide by the resolution and also comply with the directions issued by the High Court on the administrative side...”* A copy of order dated 21,09.2010 is attached to this Report as **Annexure - A**.

As per the Hon’ble High Court Order, the Registrar, High Court Lucknow Bench, issued a Press Note which detailed the security steps being taken to prevent any untoward incident within the Court premises and outside at Lucknow. On a special website the gist of the issues, operational part of the Order and final judgement were made available, which facilitated the media in reporting the judgement.

The Editors of the member channels ensured that all editorial personnel covering the judgement and the programmes strictly conformed to the Advisory issued by the NBA.

► Srikrishna Committee Report for separate State of Telangana

The Union Government had appointed a Committee with Justice (Retd) B.N. Srikrishna as its Chairman which, among other things, was to examine the situation in Andhra Pradesh arising out of the demand for a separate State of Telangana. The dissemination of the Report by the electronic media had to be done with extra care as the information/ dissemination by the media would inevitably influence the formation of public opinion. The Authority accordingly decided that while the Editors had to adhere to the Code of Ethics and Specific Guidelines issued from time to time, some additional Guidelines were also to be observed, which were as follows:

1. *All news relating to the Srikrishna Committee Report should strictly adhere to the contents of the Report, uninfluenced by any opinion, inference or interpretation.*
2. *No broadcast(s) should be made of any speculation about the Report before it is made fully available by the Government; and of its likely repercussions thereafter which may be sensational, inflammatory or provocative.*
3. *No footage of violence, agitation, self-immolation etc., if any, is to be shown in any news item relating to the subject matter of the Report.*
4. *No visuals should be shown depicting celebration or protest in relation to the Report.*
5. *Unnecessary repetition of sensitive visuals should be avoided.*
6. *Archival footage should clearly be labeled "file" and preferably also state date and time of initial broadcast.*
7. *In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy and balance of reportage, by vetting and clearance at the highest editorial level.*
8. *It is emphasized that programmes telecast in relation to this subject should not speculate about and should not have contentious debate on its contents.*

In view of the on going developments in Andhra Pradesh for a separate Telangana State where matters were getting increasingly contentious, these specific Guidelines were reiterated through another Advisory dated 5.7.11.

► Advisory on coverage of Mumbai Blasts on 13.7.11

In view of the highly sensitive situation that had arisen because of serial blasts in Mumbai on July 13th 2011, Members were advised to strictly follow the Code of Ethics, particularly the Emergency Guidelines issued by the NBA earlier. Editors were advised to ensure strict adherence to these guidelines to avoid any violation which may invite strict action from the NBSA.

► Promos / Tickers on Member news channels regarding NBSA and Grievance Redressal

Since it is necessary to keep public/viewers informed of the existence of a self regulatory redressal mechanism, the Board decided that a fresh promo should be aired by member broadcasters which would be run by all channels. A new promo was prepared and was run by all channels from 10.1.11 to 31.3.11, alternatively each day in the following time bands:

Band	Non-Business Channels	For Business Channels
Morning	5 am till 12 noon	6 am – 9 am
Afternoon	12 noon till 5 pm	9 am – 1800 hrs
Evening	5 pm till 1 am	1800 hrs – 24 hrs

To make the public/viewers aware of the self-regulatory mechanism, the NBA Board also decided that the Members would be running a ticker on their respective channel(s) regarding the redressal mechanism at least once in each of the following time bands w.e.f. 8th October, 2010 onwards.

Time Bands:

Non-Business Channels

Morning 5 am till 12 noon

Afternoon 12 noon till 5 pm

Evening 5 pm till 1 am

Business Channels

6 am – 9 am

9 am – 1800 hrs

1800 hrs – 24 hrs

It is pleasing to report that as suggested by the Authority, both these actions taken by the NBA Board, has resulted in creating good awareness amongst the public of the redressal of grievances. The Authority is receiving valuable suggestions from viewers, which is helping in improving broadcasting standards.

► **Meeting with Board Members of NBA & NBSA**

The Authority Members had a meeting with the NBA Board on 1.6.11 to discuss matters relating to the Authority and the actions to be taken for improving broadcasting standards which is an integral function of the Authority. The Authority suggested to the NBA Board to consider action in the following areas:

1. An independent monitoring/audit body as recommended by the Authority would be identified and commissioned to monitor and assess from time to time whether NBA members are complying with our Code of Ethics & Broadcasting Standards and the NBA would provide the resources for the same.
2. Workshops would be conducted as required from time to time to review the findings of the audit reports that would be given by the audit body.
3. Training programmes for editorial personnel.

The process is on to implement some of the suggestions made by the Authority.

► **Meeting of I&B Minister, Secretary, I&B and Chairperson, NBSA on 10.6.11**

Mrs. Ambika Soni, Minister for Information & Broadcasting and Mr. Raghu Menon, Secretary, Ministry of Information & Broadcasting, called on Justice (Retd.) J.S. Verma, Chairperson, NBSA on 10.6.11 to apprise him of the setting up of the self regulatory mechanism for the GEC Channels under the Chairmanship of Justice (Retd) A. P. Shah, former Chief Justice of Delhi High Court. The meeting was also attended by President and Secretary General, NBA.

During the discussions Minister for I&B also raised issues relating to the reporting of news. The Minister suggested that the areas which the Authority may look into are: (1) "trial by media" on matters which are subjudice (2) sustained / relentless attack on individuals (3) continuous repetition of visuals (4) news not being objective (5) confidential documents being discussed by news channels (6) language used in the discussions/ text/ tickers etc.

Chairperson, NBSA took the opportunity to apprise the Minister & Secretary I&B that the purpose of setting up the NBSA was not to look into a few complaints that were received. The intent

behind the initiative was to facilitate improvement of broadcasting standards. Accordingly, certain suggestions as discussed in the joint meeting with NBSA and NBA have been given to the NBA Board for its consideration & implementation.

► **Meetings of the Authority**

The Authority met ten times during the year and all the meetings were held in New Delhi.

► **Issuance of Guidelines/Advisories**

Apart from its role of deciding complaints, a very important role of the Authority is to lay down principles and norms for improving broadcasting standards and to provide guidance to member broadcasters. During the year, Advisories/Guidelines issued to both the Members & the Editors as under:

- Burning of copies of the Holy Quran by a pastor in the United States (on September 11, 2010).
- Specific Guidelines for reporting court proceedings.
- Reporting of the impending Ayodhya judgement.
- Advisory on programmes/coverage of 2nd Anniversary of 26/11 Mumbai terror attacks.
- Reporting of the Srikrishna Committee Report.
- Broadcast of news relating to recent developments on the Telangana issue.
- Advisory on coverage of Mumbai Blasts on 13.7.2011.

► **Review of telecasts of News / Programmes aired by Member Broadcasters**

To ascertain whether member broadcasters were following the Code of Ethics, Specific Guidelines Covering Reportage and other Guidelines issued from time to time, the Authority reviewed the reporting in respect of the following news/programmes by member channels.

a. Special Meeting to review reporting of Aarushi murder matter pursuant to Order of Ghaziabad Court on 9.2.2011

A special meeting was convened to review the telecast of both news and special programmes on 9.2.11 in the above matter whereby the Court had ordered prosecution of Dr. Rajesh Talwar and his wife Dr. Nupur Talwar in the Aarushi murder case.

The Authority viewed some of the telecasts and concluded that Member channels in some cases had not strictly adhered to the “Specific Guidelines for Reporting Court Proceedings” dated 15.9.10 while reporting the Order of the Ghaziabad Court in both news and special programmes. The Authority was of the view that in matters which are sub judice, it is legitimate to give information without advocating a judgement or inclining towards a verdict. The intention of reporting sub judice matters is that it should not lead to “trial by media” but should facilitate a ‘fair trial’ without prejudice to either side in accordance with the best tenets and practice of the rule of law.

The Authority decided that once again it be reiterated through an Advisory to the Editors that while telecasting matters which are sub judice, the aforesaid Guidelines must be strictly adhered to and monitored at the highest editorial level. The Authority decided to keep a close watch on reporting of sub judice matters and non-compliance would lead to suo motu action by the Authority.

b. Use of language used by Member Broadcasters while reporting events/programmes on news channels

This issue was discussed with Editors in the meeting held on 27.7.2011 and they were advised to take serious note of the substance of the various complaints being received by the Authority and to take remedial measures on their own, lest the government be given justification to step in with external regulation. It was decided that this would be an issue for discussion in the workshops with editors/editorial personnel to be held in the future.

► Review of complaints, notices and decisions taken by the Authority

During the year, the Authority considered and reviewed 152 complaints received by Member broadcasters/Authority. In most of the cases, the Authority was satisfied with the response / action taken by member broadcasters, the first level for redressal of complaints. In view of the satisfactory resolution of complaints by member broadcasters, only a few complaints warranted specific action by the NBSA. The Authority decided in such cases to issue notices and in one instance suo motu action was taken by the Authority. The Authority after considering and hearing the parties proceeded and issued necessary Orders.

The decisions taken by the Authority are as under:

1. Complaint from the Army regarding story aired on 3rd – 5th June, 2010, on Lt. Gen. A.K. Nanda, Engineer-in-Chief against Times Global Broadcasting Co. Ltd., Channel Times Now

Based on a complaint received from the Army, the Authority decided to proceed under the regulations regarding the coverage of the said news item aired on Times Now. However, the Authority could not proceed in the matter as the Army informed the Authority that no further action be taken with respect to their complaint and that the Army HQ would like to withdraw the complaint, since any recourse at this late stage will not have a desired effect. The Authority did not agree to the contention made by the Army and sought reasons for withdrawing the complaint, which was not responded to by the Army. Accordingly the Authority was left with no option but to close the complaint.

2. Complaint by Dr. Pinak Kapadia, Dentist regarding program “Astro Uncle” broadcast on TV Today Network Ltd. Channel - Tez

Dr. Pinak Kapadia, Dentist filed a complaint with the broadcaster which was reviewed by the Authority regarding a program “Astro Uncle”, which related to treatment of dental problems of kids based on astral charts and decided to issue notice to the broadcaster. The Authority considered the reply from the broadcaster at its meeting held on 2.12.10, and decided that this issue among various other issues needs to be discussed with Editors in a workshop so that they are sensitized and informed that showing such content on news channels was not in conformity with the Code of Ethics & Guidelines adopted by the NBA and neither were such shows news worthy. However in the facts of the complaint, the Authority decided that no further action was called for and the proceedings in the complaint were therefore closed.

3. Complaint by Mr. Oswald Dsouza, Trustee – F.J.S. Educational Trust (MM English High School) against Associated Broadcasting Company Pvt. Ltd. – Channel TV9 for broadcast of story on alleged ill-treatment of a student.

The Authority considered the complaint made by Mr. Oswald Dsouza, Trustee – F.J.S. Educational Trust (MM English High School, Bangaluru), regarding a news programme telecast on TV 9 from 3rd to 5th December, 2010 and issued notice to the broadcaster. After considering the complaint and the response and in view of the conflicting versions of detailed factual allegations relating to the incident, the Authority came to the conclusion that since the decision requires determination of disputed questions of facts for which the Authority does not have the requisite machinery, the complainant may be informed that they may resort to such remedy as they may be advised in accordance with law. The complaint was accordingly closed.

4. Complaint by 2 Corps OMC Pin No 909802 C/o 56 APO against TV Today Network Ltd - Channel Aajtak

TV Today Network Ltd, telecast a programme titled “Operation Jai Jawan” on channel Aajtak on 29.7.2010. In the said telecast, the Channel was exposing corruption in the Ordinance Maintenance Company (OMC), for procuring different kinds of supplies for the use of the Indian Army; the footage /visuals of which was also broadcast as part of the said telecast. The Authority after hearing both the parties held that Aajtak had violated the Code of Ethics & Broadcasting Standards and Guidelines issued by the NBA. Aajtak was therefore directed to do the following:

1. To run an apology for 5 consecutive days (beginning Monday & ending Friday) expressing regret for the said telecast on their channel Aajtak, prior to the commencement of the telecast of the 9 p.m news.
2. To grant 2 Corps Ambala an opportunity to express their version on the subject matter of the said telecast, by broadcasting the un-edited version on the subject matter of the said telecast of a duration not exceeding an aggregate of 5 (five) minutes on the channel Aajtak at 10 pm when the said telecast was broadcasted.

5. Suo motu action on various complaints received by the Authority regarding programme titled “Gay Culture Rampant in Hyderabad” by Associated Broadcasting Company Pvt. Limited, Hyderabad - Channel TV9

Numerous complaints were received via emails by NBSA in relation to a programme titled “Gay Culture Rampant in Hyderabad” that was broadcast by M/s. Associated Broadcasting Company Pvt. Limited on their channel “TV9” on 22nd February, 2011 which contained a story relating to mushrooming of gay culture in Hyderabad. The NBSA took suo motu cognizance of the matter and proceeded as per regulations. After hearing, the Authority held that the broadcaster had violated Clauses 5 (Sex and Nudity), Clause 6 (Privacy) and Clause 9 (Sting Operations) of the Code of Ethics, which are binding on the Members of NBA. The Authority held that by telecasting the programme “Gay Culture Rampant in Hyderabad” on TV9 news channel, the broadcaster was guilty of breach of the Code of Ethics & Broadcasting Standards and was liable therefore and accordingly the Authority issued the following directions against the broadcaster :

- a) A strong “censure” of the acts and omissions in relation to the subject broadcast made on TV9 news channel;

- b) To pay a fine of Rs.1,00,000/- (Rupees One Lac Only) to the News Broadcasters Association.
- c) To run an apology for 3 consecutive days between 20.00 hrs and 21.00 hrs in English and between 15.00 hrs and 16.00 hrs in Telugu.

6. Complaint of Incorrect/Speculative Reporting titled “Rabo bank looking to exit YES BANK” on Television Eighteen India Ltd. Channel CNBC-TV 18

The Authority noted that the broadcaster had taken action of airing a denial that Rabo Bank had no plan to sell its shareholding and confirmed to maintain its minority financial stake in YES Bank. However, after considering the complaint and the response given by the broadcaster the Chairperson decided that notice be issued to the broadcaster for a carrying a speculative news item, which the complainant alleged was primarily responsible for the fall in the stock of YES Bank, resulting in the market capitalization of YES Bank eroding by over Rs.500 crore in one day.

The Authority received a communication from Yes Bank stating that the matter had been amicably settled & hence they were withdrawing the complaint. Before closing the matter the Authority observed that the news channel had severely compromised the ethics of financial journalism and had treaded onto dangerous area while airing a speculative story which had serious financial ramifications. The Authority was of the view that the broadcaster before airing such a speculative story should have spoken to the Managing Director of the Bank for verification of facts as he/she represents the interests of all the shareholders/stakeholders and of investors who have deposits in the bank. The Authority decided that in future if the broadcaster aired such speculative stories without thoroughly verifying facts, the matter would be dealt with as per the regulations and action would be taken. The broadcaster has been informed of the views of the Authority in the matter. The proceedings in the complaint were closed.

7. Complaint filed by Mr. Mohammed Muzaffir regarding programme “International Agenda” on New Delhi Television Ltd. – Channel NDTV India

Since the broadcaster had not responded to the complaint within the stipulated time, a notice was issued to the broadcaster. The Authority noted that the broadcaster had admitted that the error of carrying a brief shot of the Masjid-E-Nabawi, Madina Munawarah of Saudi Arabia in the very initial part of the programme on 27.4.2011 though not named in the list of mosques on which the story was done was erroneous on their part; but since the broadcaster submitted that the error was inadvertent and without any intention to hurt the sentiments of the complainant, any community, sect or religion and had apologized for their error, the broadcaster’s offer to carry a categorical clarification in their programme ‘International Agenda’ was accepted by the Authority. The broadcaster was directed to carry an apology in the text as provided by the NBSA. The complaint was accordingly disposed of.

8. Complaint filed by Mr. Sharad Shah regarding story on Purulia Arms drop broadcast on Times Global Broadcasting Co. Ltd. Channel Times Now

Since broadcaster had not responded to the complaint within the stipulated time, a notice was issued to the broadcaster regarding the story Purulia Arms Drop telecast on Times Now channel in end April and early May 2011. The Authority noted that the essential thrust of the complaint was about excessive time having been devoted to this news item and the purportedly suspect timing of airing the story. In the circumstances of the case, after hearing the broadcaster and considering the material submitted by the complainant, the Authority found nothing amiss in the broadcast and did not consider it necessary to proceed further in the matter. The proceedings in the complaint were closed.

9. Complaint filed by Mr D. K. Dhar regarding Karmapa story broadcast on Zee News Ltd. – Channel Zee News & Media Content & Communications Services (India) Pvt. Ltd. – Channel Star News of one crore cash being seized in Una, Himachal Pradesh

Mr D. K. Dhar had sought condonation of delay in filing the complaints with the broadcasters as he was arrested and was behind bars for 3 months, which condonation was allowed by the Chairperson. The Authority heard both the parties. Mr Dhar alleged that the broadcasts which were without verification and based only on the police version had tarnished not only his image and that of his Bank which he had served for 25 years, but had also spoilt the reputation and the credibility of the family. The broadcasters denied the allegations and stated that the broadcasts were made after due diligence in good faith based upon information contained in the First Information Report and the police version. Mr Dhar requested the Authority to permit him to submit further material for its consideration, which request was allowed.

The complainant did not send to the Authority any substantial further material. However the Authority considered the additional information sent by Mr Dhar; and after considering the same, the Authority decided that while the story aired by Zee News was unobjectionable and the broadcasters were not amiss in reporting the police version, the story aired on Star News had breached the NBA Code of Ethics & Broadcasting Standards in failing to even attempt to obtain Mr Dhar's version on the matter and not including such version in their reportage while carrying serious allegations against the complainant. Star News' omission to take the complainant's version on the allegations aired against him amounted to lack of due diligence and was a clear breach of the broadcaster's obligation of fair reporting; and such one sided reportage was anathema to fair and objective reporting. The Authority accordingly issued a 'warning' to Star News for its omission in having carried a one sided story without obtaining the version of the person being reported upon and Star News was advised to be careful on this account in the future. In view of the contemplated criminal proceeding, the Authority refrained from entering into any other disputed questions/ issues that are likely to arise for decision in the criminal trial. The complaint was disposed of in the foregoing terms.

10. Complaint filed by Ms. Sakina Mir regarding programme titled “Operation Gang Rape” on Independent News Service Pvt. Ltd. – Channel India TV.

After viewing the CD the Authority was of the view that the broadcaster had evidently committed breach of the NBA Code of Ethics & Broadcasting Standards and the applicable Specific Guidelines while reporting the story. In particular, the Authority noted that in the said programme identities of the accused were exposed in a manner which would be likely to interfere in the administration of justice and which could even be prejudicial to a fair trial ; and also that the incident was depicted in a manner inconsistent with the NBA Code and Guidelines.

After issuing notice and considering the broadcaster's response, the Authority decided that the broadcast was a clear violation of Guideline 4 of the Specific Guidelines for Reporting Court Proceedings, Guideline 3.3 of Specific Guidelines Covering Reportage (Law & Order ; Crime & Violence) and Guideline 4.2 of Specific Guidelines Covering Reportage (Good Taste & Decency; Sex & Nudity); and accordingly issued to the broadcaster an “admonition” for the breaches.

11. Complaint by Mr. Yusuf Shaikh regarding coverage of Mumbai blasts on TV Today Network Ltd. – Channel Aajtak

On a complaint dated 14.7.11 regarding coverage of Mumbai blasts telecast on Aajtak on 13.7.11, wherein the broadcaster had aired disturbing scenes of the Mumbai serial blasts and had even carried the byte of a seriously injured person by barging into a hospital, including explicit visuals of another injured patient being attended to by doctors, the Authority called for a response from the broadcaster. The broadcaster's response stated that the visuals were captured at the spur of the moment and had been aired without editing as "live" feed was being telecast; and the moment the disturbing nature of the visuals came to the notice of the producers, their telecast was stopped. The broadcaster has apologized for any undue distress that the visuals aired may have caused to their viewers. The Authority has decided that this matter will be heard alongwith other matters in which similar grievances have been raised, and further action, if any, will be taken thereafter.

12. Complaint by Mr. Ajoy Jauhar regarding coverage of Mumbai Blasts on New Delhi Television Ltd. – Channel - NDTV 24x7

This was another complaint regarding speculative reporting of Mumbai blasts of 13.7.2011 as telecast on NDTV on 13.7.11 reporting that the Indian Mujahidin and LeT were the perpetrators of the blasts without any basis to such reportage. The Authority has decided that this matter will be heard alongwith other matters in which similar grievances have been raised, and further action, if any, will be taken thereafter.

Further the Authority is considering whether the reportage of the Mumbai serial blasts of 13.07.2011 should form subject matter of a comprehensive review to be undertaken under directions of the Authority with the purpose of taking stock of how, and to what effect, broadcasting standards have changed under the self-regulatory regime set up by the NBSA / NBA.

13. Complaint by Mr. Rajesh Kalra regarding broadcast of news "Mandi Live" on Zee News Ltd. – Channel Zee Business

The Authority issued a notice regarding a speculative news aired on ZEE Business that OPEC had taken a decision to raise the crude oil production by 1.5 million barrels per day; hence it was suggested in the news report that crude oil prices were expected to sharply decrease. It was alleged that no such decision had been taken by OPEC and the price of crude oil sharply increased, which was exactly opposite to the news report resulting in huge losses. The Authority decided that the matter will be heard subsequently and further action, if any, will be taken thereafter.

It has also been decided by the Authority that the issue of speculative and unverified reportage of financial news would be considered in a special meeting to be held between the NBSA and Economic Editors / Business Journalists in order to bring out specific guidelines on this issue, which needs to be addressed.

► Complaints received from the Ministry of Information & Broadcasting

1. Complaint against Shreya Broadcasting Pvt. Ltd., Hyderabad - Channel TV5

The Authority considered the complaint dated 24.2.10 from Reliance Industries on a programme regarding to the alleged conspiracy behind the death of late Dr. Y.S. Rajashekar Reddy on 7.1.10 aired by TV 5. Upon detailed perusal of the papers, the Authority noted that it transpired that

criminal prosecution in relation to the said telecast on TV 5 was already pending before Courts in Hyderabad and Kurnool. The Authority noted that it is not appropriate for the Authority to take up matters which are sub judice and the same may be conveyed to the Ministry of Information & Broadcasting.

2. Interim Orders passed by the Hon'ble High Court of Karnataka – (i) W. P No. 7767 of 2010 & (ii) W. P No. 8619 of 2011 (GM-RES) – Nithyananda Swamy/ Actress Ranjitha

The Authority considered the representation/complaint from Ms. Ranjitha film actress to the Minister for Information & Broadcasting in the context of the news item telecast on various channels, which was received from the Ministry of I&B. The telecast of this news item had become the subject matter of writ petitions in the Karnataka High Court. Upon detailed perusal of the papers, the Authority noted that since the matter was pending before the Hon'ble High Court of Karnataka, it is not appropriate for the Authority to take up matters which are sub judice and the same may be conveyed to the Ministry of Information & Broadcasting.

3. Reference received from Ministry of Information & Broadcasting on programme titled “Courtship Hollywood Style” aired on News 9 channel on 9.6.11 for appropriate action by NBSA.

The Ministry of Information & Broadcasting vide letter dated 25.7.11, has referred to the Authority for appropriate action, a programme titled “Courtship Hollywood Style” that was broadcast on News 9 TV channel with the observation that the visuals shown on the channel offend good taste and decency and also violate the tenets of obscenity, vulgarity and were indecent.

On a viewing of the programme the Authority found that prima facie the observations of the Ministry were borne out and the programme appears to have far exceeded the limits of decency that are to be observed in relation to broadcast on news channels, especially evaluating the news value of the content itself. Accordingly, it has been decided that notice be issued to the broadcaster to respond to the observations of the Ministry of Information & Broadcasting. The matter will be considered and decided after a response is received; an information with regard to action be sent to the Ministry of Information & Broadcasting.

The text of the Guidelines and Advisories issued during the year under Report by the NBA and NBSA are mentioned to the Report.

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

September 10, 2010

All Editors of NBA

Re: Burning of copies of the Holy Quran by a Pastor in the United States (on September 11, 2010)

It is learnt that a Pastor in the United States is planning to burn copies of the Holy Quran purportedly as a mark of protest on the anniversary of the terror attack of 11th September, 2001. Needless to say that this kind of act is likely to invoke strong communal reaction.

As per our self adopted Guidelines, Editors of NBA are advised to exercise caution and restraint in reporting this episode.

Sd/-

Annie Joseph
Secretary General, NBA

CC: All Members & Legal Heads of NBA

September 16, 2010

All Editors of NBA

Re: The Impending Ayodhya Judgement

The Lucknow Bench of the Allahabad High Court has fixed 24th September 2010, for pronouncement of the judgement in the Ayodhya Case.

The powerful and wide impact of the information disseminated by the electronic media on formation of public opinion makes it incumbent on the broadcasters to take extra care in the telecast of news relating to sensitive matters.

The Ayodhya issue is one such matter in which extra care is necessary to ensure that the telecast of any news relating to it should not be sensational, inflammatory or be provocative. The basic guideline to be adhered to is that all such news should conform strictly to subserving the public interest of maintaining communal harmony & preservation of the secular ethos of our plural society and it should influence the formation of the correct public opinion.

In view of the ultra sensitive nature of the Ayodhya issue, the reporting of the High Court judgement on Ayodhya in this case requires adherence to the Code of ethics and certain specific guidelines issued from time to time in addition to these.

It is, therefore, necessary that all the broadcasters should not only ensure rigid compliance of the earlier guidelines as well as these guidelines but should also ensure that no occasion arises for any speculation about the accuracy of the content.

Some additional specific guidelines to be observed in relation to the telecast of this matter are as follows:

1. All news relating to the High Court judgement in the case should be verbatim reproduction of the relevant part of the said judgement uninfluenced by any opinion or interpretation.
2. No broadcast should be made of any speculation of the judgement before it is pronounced; and of its likely consequence thereafter which may be sensational, inflammatory or provocative.
3. No footage of the demolition of the Babri Masjid is to be shown in any news item relating to the judgement.
4. No visuals need be shown depicting celebration or protest of the judgement.
5. In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy by vetting & clearance at the highest editorial level.

It is expected that strict adherence to these guidelines would be ensured by all the Editors to avoid any violation which may attract strict action.

Sd/-

Annie Joseph
Secretary General, NBA
CC: Members & Legal Heads of NBA

September 18, 2010

All Editors of NBA

The telecast of news relating to Ayodhya yesterday (17.9.10), including that of rejection of the application for deferment of judgement, have appeared to be not in total conformity with the Advisory issued on September 16, 2010 after a detailed discussion by the NBSA Chairperson and its Members with the Editors of the NBA on September 15, 2010. Copy attached once again for reference.

At this stage nothing more need be said, except to reiterate the need for strict adherence to the said Advisory with the background of the discussions in the meeting on September 15, 2010. This impression is formed by the Chairperson himself while watching the telecast on several Member channels yesterday (17.9.10); and reinforced by a few responsible persons directly to the Chairperson.

For clarity and adherence it is emphasized that such programmes/telecast should not speculate the likely Ayodhya judgement or its repercussion and have no contentious debate of its content.

It is hoped that every channel will hereafter adhere strictly to the Advisory and give no occasion for the NBSA to examine any allegation of violations by the Member channels.

This occasion is a challenge, as well as an opportunity to the Member channels to prove the efficacy of the self-regulatory mechanism. It is hoped that the opportunity would not be lost.

Moreover, all Broadcasters are advised to preserve all the programmes telecast in relation to the Ayodhya matter, including scripts for examination, if necessary.

Issued under Orders of the
News Broadcasting Standards Authority

Sd/-

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

Encl: As above

CC: All Members & Legal Heads of NBA

October 2, 2010

All Editors of NBA

This is in continuation of our Guidelines/Advisory dated 16.9.10 & 18.9.10, regarding the reporting of the news relating to the Ayodhya judgement. By and large the reporting of the news relating to the Ayodhya judgement delivered by the Lucknow bench of the Allahabad High Court on September 30, 2010, was satisfactory even though some of the programmes telecast thereafter did not strictly adhere to the Guidelines in this behalf; this has been brought up with the concerned persons also with a view to prevent any such repetition.

It is necessary to reiterate the earlier Guidelines pertaining to reporting of any news/programmes relating to the Ayodhya matter. This is essential to ensure maintenance of peace, tranquility and harmony and to promote goodwill amongst the people of all sections of the Society.

Some additional Guidelines requiring strict compliance are as follows:-

1. The Guidelines issued earlier in this behalf will continue to operate and would govern the telecast of all news/programmes relating to the Ayodhya matter (Copies attached).
2. Any further discussion/programme of the merits of the Allahabad High Court judgement dated September 30, 2010 is not warranted for the present.
3. Telecast of any news/programme must not give any impression of bias or prejudice in favour of, or against any community.
4. Extreme care should be taken to ensure that no opportunity is given to anyone to express any extremist view through the media in order to influence the viewers.

Compliance of these and earlier Guidelines is being monitored.

The material relating to the programmes on the subject are being examined separately.

All Broadcasters are advised to preserve all the programmes telecast in relation to the Ayodhya matter, including scripts for examination, if necessary.

Issued under Orders of the
News Broadcasting Standards Authority

Sd/-

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

Encl: As above

CC: All Members & Legal Heads of NBA

November 25, 2010

All Editors of NBA Members

**Re: Advisory on Programmes/Coverage of
2nd Anniversary of 26/11 Mumbai Terror Attacks**

This Advisory is being issued in regard to the programmes / reports that member news channels may broadcast in relation to, and on the occasion of, the 2nd anniversary of the terror attacks that took place on 26/11/2008 in Mumbai killing innocent people.

Considering the extremely sensitive nature of the subject and also that the matter is sub-judice, Editors/Members are advised that all programmes/reports relating to the 26/11 terror attacks be carried carefully bearing in mind the Emergency Guidelines & the Specific Guidelines relating to Reportage dated 18.12.08 & 10.2.09 respectively that were issued by the NBA.

All telecast of programmes/reports relating to 26/11 terror attack should be tested on the touchstone of “public interest” to avoid any breach of the above guidelines.

Sd/-

Annie Joseph
For & On Behalf of the
News Broadcasting Standards Authority

CC: All Members/Legal Heads of NBA

December 27, 2010

All Editors of NBA

Re: Srikrishna Committee Report

As all of you are aware the Union Government has appointed Mr Justice B N Srikrishna Committee, which among other things, is to examine the situation in Andhra Pradesh arising out of the demand for a separate State of Telangana.

It is reported that the Committee is to submit its Report on December 31, 2010.

It is imperative that the dissemination of the Report by the electronic media of this sensitive matter is done with extra care.

It is necessary to ensure that the telecast of any news relating to it should not be sensational, inflammatory or provocative. The basic guideline to be adhered to is that all news relating to this subject should conform strictly to subserving the public interest of maintaining parochial and communal harmony, of eschewing any divisive or fissiparous tendencies and of preserving the secular ethos of our plural society.

It should be remembered that the information disseminated by the media influences the formation of the public opinion.

Accordingly, the telecast of the Srikrishna Committee Report requires adherence to the Code of ethics and the Specific Guidelines issued from time to time in addition to the following Specific Guidelines in this behalf and should also ensure that no occasion arises for any speculation about the accuracy of the content.

Some additional specific guidelines to be observed in relation to the telecast of this matter are as follows:

1. All news relating to the Srikrishna Committee Report should strictly adhere to the contents of the Report, uninfluenced by any opinion, inference or interpretation.
2. No broadcast(s) should be made of any speculation about the Report before it is made fully available by the Government; and of its likely repercussions thereafter which may be sensational, inflammatory or provocative.
3. No footage of violence, agitation, self-immolation etc., if any, is to be shown in any news item relating to the subject matter of the Report.
4. No visuals should be shown depicting celebration or protest in relation to the Report.
5. Unnecessary repetition of sensitive visuals should be avoided.
6. Archival footage should clearly be labeled "file" and preferably also state date and time of initial broadcast.
7. In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy and balance of reportage, by vetting and clearance at the highest editorial level.
8. It is emphasized that programmes telecast in relation to this subject should not speculate about and should not have contentious debate on its contents.

It is expected that every channel will strictly adhere to this Advisory and give no occasion for the NBSA to examine any allegation of violations by the Member channels.

This occasion is a challenge, as well as an opportunity, for Member channels to prove the efficacy of their self-regulatory mechanism. It is hoped that the opportunity would not be lost.

All Broadcasters are advised to preserve all the programmes telecast in relation to the Srikrishna Report, including scripts for examination, should it become necessary.

It is expected that strict adherence to these guidelines would be ensured by all the Editors to avoid any violation which may invite strict action.

Sd/-

Annie Joseph
Secretary General, NBA

CC: Members & Legal Heads of NBA

February 23, 2011

All Editors of NBA

Re: Advisory regarding Reporting Court Proceedings

The recent Order of the Ghaziabad Court ordering prosecution of Dr. Rajesh Talwar and his wife Dr. Nupur Talwar in the Aarushi murder case and the subsequent coverage by Member channels led to convening of a special meeting of the NBSA on 21.2.11.

On a review of the telecasts of both news and special programmes, it has become necessary for the Authority to reiterate that the “Specific Guidelines for Reporting Court Proceedings” dated 15.9.2010 (Copy Attached) do not appear to have been strictly followed by the Member channels in some cases.

The Authority was of the view that in matters which are sub judice, it is legitimate to give information without advocating a judgement or inclining towards a verdict. The intention of reporting sub judice matters is that it should not lead to “trial by media” but should facilitate a ‘fair trial’ without prejudice to either side in accordance with the best tenets and practice of the rule of law.

It is therefore once again reiterated by the Authority that while telecasting matters which are sub judice, the aforesaid Guidelines must be strictly adhered to and monitored at the highest editorial level.

The Authority will keep a close watch on reporting of sub judice matters and non-compliance would lead to suo motu action by the Authority.

Kindly circulate to all concerned.

Issued under Orders of the
News Broadcasting Standards Authority

Sd/-

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

Encl: As above

CC: All Members & Legal Heads of NBA

July 5th 2011

All Editors of NBA

**Re: Broadcast of news relating to recent developments
on the Telangana issue**

Member broadcasters are aware of the recent and on-going developments in Andhra Pradesh in relation to the demand for a separate Telangana State, where matters are getting increasingly contentious.

It is imperative that the dissemination by the electronic media of news and information relating to this sensitive matter is done with extra care and caution.

It is necessary to ensure that the telecast of any news relating to this subject should not be sensational, inflammatory or provocative. The basic guideline to be adhered to is that all news relating to this subject should conform strictly to subserving the public interest of maintaining parochial and communal harmony, of eschewing any divisive or fissiparous tendencies and of preserving the secular ethos of our pluralistic society.

It should be remembered that information disseminated by the media influences the formation of public opinion and also has the potential of invoking strong public reaction.

Accordingly, member broadcasters are advised to adhere strictly to the NBA Code of Ethics & Broadcasting Standards and other Specific Guidelines issued from time-to-time that are relevant to the subject.

Some additional, though non-exhaustive, specific guidelines to be observed in relation to the telecast relating to this matter are as follows:

1. No broadcasts should be made of any speculation about the matter and/or of its likely repercussions thereafter which may be sensational, inflammatory or provocative.
2. No provocative footage of violence, agitation, self-immolation etc., if any, should be shown in any broadcast relating to the matter.
3. No visuals should be shown depicting celebration or protest in relation to the matter.
4. Unnecessary repetition of sensitive visuals should be avoided.
5. **Archival footage should clearly be labeled "FILE" and preferably also state the date and time of initial broadcast.**
6. In view of the sensitivity of news reporting on this issue, extra care should be taken to ensure accuracy and balance of reportage, by prior vetting and clearance of news at the highest editorial level.
7. It is emphasized that programmes telecast in relation to this subject should not speculate about, and should not have contentious debate, on the matter.

It is expected that every channel will strictly adhere to this Advisory and give no occasion for the NBSA to examine any allegation of violations by member channels.

Member broadcasters are however also advised to preserve the footage of all the programmes telecast in relation to the Telangana issue, including scripts for examination, should it become necessary.

Editors are advised to ensure strict adherence to these guidelines to avoid any violation which may invite strict action.

Sd/-

Annie Joseph
Secretary General, NBA

CC: Members & Legal Heads of NBA

July 13, 2011
All Editors of NBA

Re: Advisory on coverage of Mumbai Blasts

As you are aware, there have been serial blasts in Mumbai today.

In view of the highly sensitive situation that has arisen thereby, Members are advised to strictly follow the Code of Ethics, particularly the Emergency Guidelines issued by the NBA earlier, which are reproduced below:

“Guidelines For Telecast of News During Emergency Situations

1. *All telecast of news relating to armed conflict, internal disturbance, communal violence, public disorder, crime and other similar situations should be tested on the touchstone of “public interest”.*
2. *The media has the responsibility to disseminate information which is factually accurate and objective.*
3. *No live reporting should be made that facilitates publicity of any terrorist or militant outfit or its ideology or tends to evoke sympathy for the perpetrators or glamorizes them or their cause or advances the illegal agenda or objectives of the perpetrators.*
4. *In live reporting of hostage situations or rescue operations, no details of identity, number and status of hostages should be telecast or information given of pending rescue operations or regarding the number of security personnel involved or the methods employed by them.*
5. *Media should avoid:*
 - a) *Live contact with the victims or security personnel or other technical personnel involved or the perpetrators during the course of the incident.*
 - b) *Unnecessary repeated or continuous broadcast of archival footage that may tend to re-agitate the mind of the viewers. Archival footage, if shown, should clearly indicate “file”. The date and time be given when feasible.*
6. *The dead should be treated with dignity and their visuals should not be shown. Special care should be taken in the broadcast of any distressing visuals and graphics showing grief and emotional scenes of victims and relatives which could cause distress to children and families.*

These are broad Guidelines and are not meant to be exhaustive.

December 18, 2008”

Editors are advised to ensure strict adherence to these guidelines to avoid any violation which may invite strict action.

Member broadcasters are also advised to preserve the footage of all the programmes telecast in relation to the Mumbai blasts and related issues, including scripts for examination, should it become necessary.

Kindly circulate this Advisory to all Editorial personnel in particular the journalists covering the blasts from Mumbai.

Kindly ensure strict compliance of this Advisory.

Sd/-

Annie Joseph
 Secretary General, NBA

CC: Members & Legal Heads of NBA

July 18, 2011

To All Editors of NBA

Re: Press Note from ATS Maharashtra, Mumbai

Reproduced below is a Press Note of request received from ATS, Mumbai with regard to the reportage of the recent serial blasts in Mumbai.

It will be appreciated that matter is highly sensitive & any negligence or lapse in reporting is bound to have extremely serious consequences especially for the witnesses & the investigations.

All Editors are therefore advised to adhere scrupulously to the request received from ATS Mumbai failing which stern action may result for breach of law & ethics.

Member broadcasters are also advised to preserve the footage of all the programmes telecast in relation to the Mumbai blasts and related issues, including scripts for examination, should it become necessary.

Please circulate this mail to all Editorial personnel for compliance & information.

Kindly ensure strict compliance of this request received from ATS, Mumbai.

Kindly acknowledge receipt of this communication.

Sd/-

Annie Joseph
Secretary General, NBA

CC: Members & Legal Heads of NBA

From: "ATS Maharashta" <digatsmum@gmail.com >

Sent: Monday, 18 July, 2011 9:03pm

To: nba@nbanewdelhi.com

Subject: Press Note from ATS Maharashtra, Mumbai

Date :- 18/07/2011.

This is an earnest plea to the Media not to publish , display or telecast any C.C.T.V. footage or C.C.T.V. coverage of the bomb blast incidents dated 13/07/2011, that is unfortunately being presently telecast on certain T.V. Channels . Doing so may lead to the disclosure of the identity of the witnesses in this important case leading to the exposure of such witnesses. This case is being investigated under sections of the Unlawful Activities (Prevention) Act 1967 amended in 2008 and there are special provisions under this Act to protect the identity of witnesses.

Hence, in the interest of the investigation the above request is being made.

From;

ATS, Maharashtra.

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July 19, 2011

All Editors of NBA

**Re: Order Passed by Additional Chief Metropolitan Magistrate,
46th Court, Mazgaon, Mumbai - Importance High**

Further to our mail below forwarding Press Note received from ATS Maharashtra dated 18.7.11, in relation to Mumbai serial blasts on 13.7.11, we have received a copy of the Order dated 19.7.11, passed by the Hon'ble Additional CMM, Mazgaon, Mumbai, the contents of which are self-explanatory. Copy attached.

You are advised to comply with the Order in letter and spirit.

This is for your kind information and necessary compliance.

Kindly acknowledge receipt of the mail.

Sd/-

Annie Joseph
Secretary General, NBA

CC: Members & Legal Heads of NBA

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- COPY -

**IN THE COURT OF THE ADDL. CHIEF METROPOLITAN MAGISTRATE,
02ND COURT MAZGAON, MUMBAI
CASE NO.33/M/2011**

At the instance of Asstt. Commissioner of Police,
ATS, Mumbai & IO of ATS Police Stn. C.R. No.28/1011
(D.B. Marg Police Station C.R. No.177/2011,
(ATS Police Station C.R. No.29/2011)
(L.T. Marg Police Station C.R. No.181/2011)

.. Applicant

Vs.

Star Maza (News Channel)
Aaj Tak (News Channel)
TV-9 (News Channel)
Press Trust of India and U.N.I. &
All other Electronic Media Channels

.. Respondents

**ORDER BELOW APPLICATION FOR ISSUING DIRECTION U/SEC.44 OF
UNLAWFUL ACTIVITIES PREVENTION ACT 1967 AMENDED
REGARDING PROTECTION OF WITNESSES:-**

1. This is an application moved under Section 44 of Unlawful Activities Prevention Act 1967 amended 2008 regarding protection of witnesses. I have heard Mr. More, Ld. APP for the Stte and DCP ATS Shri Deshpande. Read the application. It is submitted tht on 13/07/2011 there has been serial bomb blasts in Opera House, Zaveri Bazaar and Dadar Area in Mumbai City wherein 10 people have died and more than 100 people are injured. It is further submitted that C.R. No.177/2011 and C.R. No.181/2011 came to be registered for an offence punishable under section 302, 307, 326, 324, 120-B r/w/sec. 3,4 of Explosive Substances Act r/w/sec. 3 Prevention to Damage Public Property Act r/w/sec.16 Unlawful Activity (Prevention) Act by DB Marg Police Station and LT Marg Police Station respectively.
2. It is contended that on 18/07/2011 at about 19.30 hrs, and thereafter, electronic media like Star Maza, TV 9, Aaj Tak have telecasted news in respect of CCTV footage and the suspected persons which may hamper the investigation and may disclose the identity of the important witnesses of the case. Therefore, requested to secure the identity of the witnesses to stop the telecasting of the news of the recorded CCTV Footage and incident on media channels. They also taken me towards section 44 of the Unlawful Activities (Protection) Act, 1967 amended 2008 and submitted that this court has jurisdiction to entertain the application.
3. It seems that on 13/07/2011 there was serial bomb blasts in various places like Opera House, Zaveri Bazaar and Dadar Area in Mumbai wherein some people died and some injured. Therefore, the investigation is being carried out to ascertain the identity of the persons who have carried out this type of terrorist attack by CCTV Footage recorded around the vicinity of the place of offence like Tara Road No.1, behind Panchratna Building, Opera House, Mumbai – 400 004 and Agryari Lane No.1, 2 and 3, Near Dhanji Street, Mumbai – 400 003.
4. The incident being terrorist attack, the disclosure of identity of the witnesses may pose a serious threat to the life of the witnesses and will also adversely affect the investigation which is initial stage.
5. At this juncture, I would like to reproduce Section 44(c) reads as under:-
 “Protection of Witnesses: Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in court, if the court so desires;
 (c) the issuing of any directions for securing that the identity and address of the witness are not disclosed”
6. Thus, in view of sub section(c) of section 44(1) Unlawful Activities (Prevention) Act, 1967, if the court so desires may issue directions for securing the identity and address of the witnesses are not disclosed. Thus, under sec. 44 of the Act, the special power given to the Court to take necessary measures for the protection of the witnesses, the nature of the offence is concerned, it touches to the security of the nation as well as to the society at large. The incident of bomb explosion and its coverage reported to be recorded by CCTV Footage is mentioned above. Possibility of the persons becoming the witnesses who are viewed in the coverage of the CCTV cannot be ruled out. In such circumstances, if the identity of the witnesses is disclosed to public

at large, it may hamper the smooth investigation of the case and may cause threat to such persons.

7. In the light of my above discussion, facts and circumstances and submissions made by the Ld. APP for the State and Investigating Officer, I am of the opinion that in view of the provision enumerated under sec.44, in order to safeguard the life of the people and witnesses, the application is allowed. Hence this Order

O R D E R

- i] Application is allowed.
- ii] The respondents i.e. all the media channels are hereby restrained from publishing or telecasting news related to CCTV coverage of the incident dated 13/07/2011 and prior to the incident disclosing the identity of the witnesses in the case.

Sd/-
[N.L. Shende]
Addl. Chief Metropolitan Magistrate
46th Court, Mazgaon, Mumbai
I/C 02nd Court

Mumbai,
19th July, 2011
Vvb

Annexure - A**- COPY-****Chief Justice's Court**

Case : MISC. BENCH No. - 9415 of 2010
Petitioner : We The People Through Its General Secy.[P.I.L.]Civil
Respondent : Union Of India Through Secy. Ministry Of Information and Broadcasting
Petitioner Counsel : Prince Lenin
Respondent Counsel : A.S.G

Hon'ble Ferdino Inacio Rebello, Chief Justice
Hon'ble Pradeep Kant, J.

The petitioner has approached this Court by means of this writ petition praying for issuance of certain directions to the Electronic Media/Print Media, in larger public interest of the peace and security of the nation, by calling on them to abstain from any reporting on the judgment/verdict of this Court to be delivered on 24th September, 2010, in the case popularly known as Ram Janam Bhoomi - Babri Masjid Case. There are also certain other reliefs, including a relief to direct the security authorities to keep the Media away from the gates of the High Court.

The High Court on the administrative side, to ensure peace and security on that date, to Advocates, litigants, and public at large and the Court building, has taken certain administrative measures, which would be separately notified to the public. The Court expects that the Bar Associations, advocates, litigants and others would cooperate with the administration of the Court and the security agencies in ensuring that those measures are implemented without any restriction.

So far as the prayer to issue direction to the Press, in the first instance, they are not party before us. Secondly, the freedom of Press is the bedrock of our democracy. Freedom of speech would mean the right of every citizens to articulate their views, and the right of the public at large to hear such views and expression through the Press and T.V. media. The Press and T.V. to that extent, acts as a medium through which this view can be articulated. Democracy survives if people are given the right to express their views. At the same time, we are aware that the news, if not properly disseminated or improperly made on sensitive issues, is likely to impair the integrity and unity of this nation. Before us, on behalf of the Union of India, learned counsel has produced an unauthenticated copy of resolution dated 16.09.2010 passed by the National Broadcasting Association containing certain guidelines to be observed in the wake of the judgment to be delivered on 24th September, 2010. We may gainfully reproduce the said resolution, which reads as under:-

“All Editors of NBA

Re : The Impending Ayodhya Judgment

The Lucknow Bench of the Allahabad High Court has fixed 24th September 2010, for pronouncement of the judgment in the Ayodhya Case.

The powerful and wide impact of the information disseminated by the electronic media on formation of public opinion makes it incumbent on the broadcasters to take extra care in the telecast of news relating to sensitive matters.

The Ayodhya issue is one such matter in which extra care is necessary to ensure that the telecast of any news relating to it should not be sensational, inflammatory or be provocative. The basic guideline to be adhered to is that all such news should conform strictly to sub serving the public interest of maintaining communal harmony and preservation of the secular ethos of our plural society and it should influence the formation of the correct public opinion.

In view of the ultra sensitive nature of the Ayodhya issue, the reporting of the High Court judgment on Ayodhya in this case requires adherence to the Code of ethics and certain specific guidelines issued from time to time in addition to these.

It is, therefore, necessary that all the broadcasters should not only ensure rigid compliance of the earlier guidelines as well as these guidelines but should also ensure that no occasion arises for any speculation about the accuracy of the content.

Some additional specific guidelines to be observed in relation to the telecast of this matter are as follows:

1. All news relating to the High Court judgment in the case should be verbatim reproduction of the relevant part of the said judgment uninfluenced by any opinion or interpretation.
2. No broadcast should be made of any speculation of the judgment before it is pronounced; and of its likely consequence thereafter which may be sensational, inflammatory or provocative.
3. No footage of the demolition of the Babri Masjid is to be shown in any new item relating to the judgment.
4. No visuals need be shown depicting celebration or protest of the judgment.
5. In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy by vetting & clearance at the highest editorial level.

It is expected that strict adherence to these guidelines would be ensured by all the Editors to avoid any violation which may attract strict action.

Annie Joseph
Secretary General, NBA”

Considering the resolution passed by the National Broadcasting Association, we expect that all the broadcasters will follow the said resolution. This Court will not take any steps to muzzle the freedom of the Press or T.V. Channels; but is assured in view of their self imposed restraint that they will abide by the resolution and also comply with the directions issued by the High Court on the administrative side.

Our attention was invited to the judgment of the Supreme Court in the case of R.K. Anand Vs. Registrar, Delhi High Court, (2009) 8 SCC 106, wherein the Supreme Court articulated the views which have stood the test of time. We may gainfully reproduce paragraphs 329 and 330 of the judgment, which read as under:-

“329. A private TV channel which is also a vast business venture has the inherent dilemma to reconcile its business interests with the higher standards of professionalism/demands of profession. The two may not always converge and then the TV channel would find its professional options getting limited as a result of conflict of priorities. The media trips mostly on TRPs (television rating points), when commercial considerations assume dominance over the higher standards of professionalism.

330. It is not our intent here to lay down any reformist agenda for the media. Any attempt to control and regulate the media from outside is likely to cause more harm than good. The norms to regulate the media and to raise its professional standards must come from inside.”

With the above observations, the petition stands disposed of.

(Pradeep Kant, J.) (F.I. Rebello, C.J.)

21.9.2010

AHA

Hon'ble F.I. Rebello, Chief Justice

Hon'ble Pradeep Kant, J.

Disposed of.

For orders, see order of date passed on separate sheets.

21.9.2010

AHA

(Pradeep Kant, J.) (F.I. Rebello, C.J.)

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PRESS NOTE

In view of the judgement in Ayodhya matter, which is to be pronounced on 24th September 2011, following security steps are being taken to prevent any untoward incident within the Court premises and outside at Lucknow:-

1. Security is being deployed whilst entering the Court premises. All the lawyers are requested to follow the directions of the security agencies in larger public interest and carry with them the Identity Card issued by the Oudh Bar Association. Other lawyers, to bring any other suitable mode of identification. On being identified, entry will be allowed.
2. Lawyers, who have no listed matters on that date, are requested not to come to the Court premises.
3. On 24th September 2010, only those litigants whose matters are listed on that date, will be allowed to enter into the Court premises on collecting a Pass. Request to litigants is to avoid coming to Court on that date.
4. Entry to the Court Room, in which the judgement is to be pronounced on 24th September 2010, will be restricted only to the parties and their lawyers, who will be given Special Passes on that date.
5. Mobile phones will not be allowed to be taken inside the Court Room where the judgement is to be pronounced on 24th September, 2010. Parties and lawyers are, therefore, requested to make arrangements to deposit their mobile phones before they enter the Court Room.
6. For the assistance of the Press/Media, special arrangements have been made in the Collector's Compound by the District Administration.
7. A special Website www.allahabadhighcourt.in/ayodhyabench.html will be made available on which the gist of the issues, the operational part of the order and the final judgement will be available.
8. No staff members, except those directly connected with the Court proceedings, will be allowed entry into the Court where the judgement is to be pronounced.
9. Staff members of the court are requested not to bring their vehicles inside the Court premises on the said date. The only exception will be Judges' cars, official cars, cars of officers of the rank of Joint Registrar/O.S.D. and above.
10. Parking arrangements for 24th September is being rearranged. There will be no parking in the parking lot. District Administration will notify the same separately.
11. The Press/Media are requested not to speculate about the judgement until they have a copy of the issues answered by the Court and the operational part of the order.

The cooperation of Bar Associations, lawyers, litigants, and public at large and the staff members is solicited.

Sd/-
REGISTRAR
HIGH COURT, LUCKNOW BENCH

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Proxy Form

News Broadcasters Association
Regd. Off: 101-103, Paramount Tower,
C-17 Community Center, Janakpuri,
New Delhi - 110 058

I _____ being a Member of the above named Association, representing _____ (Corporate Entity) do hereby appoint Mr./Ms _____ R/o _____ or failing him/her Mr./Ms. _____ R/o _____ as my proxy to vote for me on my behalf at the 4th Annual General Meeting of the Association to be held on Wednesday, the 21st September, 2011, at 12.00 noon at Vice Regal Hall, The Claridges, 12 Aurangzeb Road, New Delhi – 110011, and at any adjournment thereof.

Signed this _____ day of _____ 2011

Signature of Member Representative _____

Name of Broadcaster _____

₹ 1
revenue
stamp

Note : In order to be effective & valid, the proxy form must be received by the Association at its Registered Office not less than 48 hours before the commencement of the Meeting.



Attendance Slip

News Broadcasters Association
Regd. Off: 101-103, Paramount Tower,
C-17 Community Center, Janakpuri,
New Delhi - 110 058

(To be filled in BLOCK LETTERS)

Name of the Member Representative _____

Name of the Proxy _____

(To be filled in if proxy form has been duly deposited with the Association)

I hereby record my presence at the 4th Annual General Meeting of the News Broadcasters Association held on Wednesday, the 21st day of September, 2011, at Vice Regal Hall, The Claridges, 12 Aurangzeb Road, New Delhi - 110011.

Signature of Member Representative / Proxy
(To be signed at the time of handing over this slip)

(Please fill attendance slip and hand it over at the entrance of the Meeting Hall)

Chairperson & Members on the News Broadcasting Standards Authority



Justice J. S. Verma
(Former Chief Justice of India)
Chairperson

Members Representing Eminent Persons



Chokila Iyer



Dipankar Gupta



Kiran Karnik



Nitin Desai

Members Representing Editors



Sonia Singh



Sagarika Ghose



Q.W. Naqvi



P.V. Narendra

NewsBroadcastersAssociation



News Broadcasters Association
Registered Office: 101-103, Paramount Tower
C-17 Community Center, Janakpuri
New Delhi - 110 058
Email: nba@nbanewdelhi.com
Website: www.nbanewdelhi.com