

NewsBroadcastersAssociation



7th Annual Report 2013-14



News Broadcasters Association Board of Directors



K.V.L. Narayan Rao
President



Ashok Venkatramani
Vice President



Rajat Sharma
Honorary Treasurer



Ashish Bagga



M.K. Anand



Bhaskar Das



Anurradha Prasad



Jagi Mangat Panda



M.V. Shreyams Kumar



News Broadcasters Association

Board of Directors	Mr. K.V.L. Narayan Rao New Delhi Television Ltd.	President
	Mr. Ashok Venkatramani Media Content & Communications Services (India) Pvt. Ltd.	Vice President
	Mr. Rajat Sharma Independent News Service Pvt. Ltd.	Honorary Treasurer
	Mr. Ashish Bagga TV Today Network Ltd.	
	Mr. M.K. Anand Times Global Broadcasting Company Ltd.	
	Dr. Bhaskar Das Zee Media Corporation Ltd.	
	Mrs. Anuradha Prasad News24 Broadcast India Ltd.	
	Mrs. Jagi Mangat Panda Odisha Television Ltd.	
	Mr. M.V. Shreyams Kumar Mathrubhumi Printing & Publishing Co. Ltd.	
Secretary General	Mrs. Annie Joseph	
Auditors	S.S. Kothari Mehta & Co Chartered Accountants	
Bankers	Bank of India	
Registered Office	Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar, New Delhi – 110 087	
Corporate Office	C- 56/5, 3rd Floor, Sector 62, Noida – 201 307	

**Message from President, NBA
September 1, 2014**



K.V.L. Narayan Rao
President

Dear Members,

It is my privilege to present the seventh Annual Report of the News Broadcasters Association and present the initiatives and achievements of the past year. The Management Report contains the issues undertaken by the NBA during the year. Hence, I would reflect only on issues which are of concern for the broadcasters and which need immediate resolution from the government and other authorities.

Despite being the biggest champions of the digitization process, carriage fees continue to cripple broadcasters. News broadcasters are yet to see the real benefits of digitization by paying lesser carriage fees or receiving subscription revenues. Since there has been no intervention by the TRAI in this regard, the MSOs continue to demand exorbitant carriage fees, which if not paid has the consequence of the channel(s) being switched off. Broadcasters are therefore forced to pay the carriage fee being demanded by MSOs at the risk of closing down their businesses. The “must carry” provision in the regulations acknowledges that it’s implementation is subject to the payment of carriage fees. If the Government does not intervene and does not fix “reasonable carriage fees”, or abolish carriage fees in every form, this malaise will continue to haunt and torture the broadcasters and affect the very survival of the broadcasters. It will lead to closure of several Indian news broadcasting companies. Only foreign broadcasting companies, with deep pockets will be able to survive in this environment. The unholy, almost absolute, dependence on advertising remains. The belief that digitisation would be an immediate game changer for the broadcasters has remained unrealized despite 4 metros and 38 cities having been digitalized in Phase 1 & 2. We continue to be denied our fair share of subscription revenues while carriage fees remain high. It is understood that the deadline for digitization is being extended further.

It is unfortunate that news broadcasters have had to approach the Courts for redressal on the curbs put in by the TRAI relating to advertising, the lifeline of the broadcasters. We now have to await the outcome from the Court in this regard. NBA Board has left no stone unturned to find an amicable resolution to this issue through the government. Our efforts continue.

Despite, a four year engagement with the Ministry of Information & Broadcasting to get a “fair pricing” for government advertisements released through the DAVP, our rates remain very low. We are sure, the Ministry of Information & Broadcasting will constitute a new Empanelment Committee to look into the issue of “fair pricing” for DAVP rates, which has not been constituted till date. This is something that the government needs to do urgently.

We have had excellent relations with the government and I wish to record my gratitude and thanks to the Hon’ble Minister, Mr Prakash Javadekar, former Minister Mr. Manish Tewari, Secretary I&B and officials in the Ministry of Information & Broadcasting and the TRAI for their continued understanding and support on issues which confront us.

It is very encouraging to note that the Minister for Information and Broadcasting has publically acknowledged that they are for self regulation and not for any statutory regulation. I am sure therefore the Government would recognize the NBA Code of Ethics and the Redressal Regulations and make it part of the Programme Code under the Cable TV Rules as has been done in the case of ASCI.

To avoid any Government interference, we must ensure the self regulation model adopted by the news broadcasters is vigourously pursued by all of us. Under the leadership of Justice (Retd) R.V. Raveendran, Chairperson NBSA, the broadcasters have gained immensely in improving broadcasting standards. On behalf of the NBA Board and on my own behalf I would like to place on record our sincere gratitude and thanks to the Chairperson and Eminent Members of the NBSA for their wholehearted support, time and guidance.

I would also like to express my sincere gratitude to the Board and Members of the NBA for their constant support and we have been able to benefit hugely from that. During the year Mr. Ashish Bagga, Mr. M. K Anand and Dr. Bhaskar Das have joined us on the Board. Mr. Anil Mehra, Mr. Alok Agrawal and Mr. Saikumar Board members have stepped down during the year. Their contributions have been of immense value to the Association.

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

Best wishes,



K.V.L. Narayan Rao



Notice

NOTICE is hereby given that the 7th Annual General Meeting of the Members of News Broadcasters Association will be held on Wednesday, the 24th September, 2014, at 12.00 noon at Multipurpose Hall, Kamla Devi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003, to transact the following business:-

Ordinary Business:

1. To receive, consider and adopt the Audited Financial Statement of the company for the financial year ended March 31, 2014 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 Audited Financial Statement of the company for the financial year ended March 31, 2014, 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. Ashish Bagga who was appointed as a Permanent Director of the Association by the Board of Directors on September 20, 2013 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 Mr. M.K. Anand who was appointed as a Permanent Director of the Association by the Board of Directors on February 13, 2014 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.”

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

“**RESOLVED THAT** Dr. Bhaskar Das who was appointed as a Permanent Director of the Association by the Board of Directors on June 12, 2014 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.”

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

“**RESOLVED THAT** Mrs. Anurradha Prasad was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing her candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.”

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

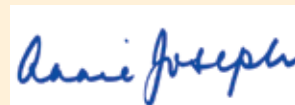
“**RESOLVED THAT** Mrs. Jagi Mangat Panda was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting and who holds office up to the date of this Annual General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

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

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

Place: New Delhi
Date: September 1, 2014

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 appointed Mr. Ashish Bagga as a Permanent Director on September 20, 2013 subject to approval of General Body meeting on the Board of NBA. The office of his Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, who will be Permanent Director and not liable to retire by rotation under Article 17 of the Articles of Association of NBA.

The Board of Directors therefore recommends the Resolution to be passed by the members as an ordinary resolution.

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Mr. Ashish Bagga in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 3 of this Notice.

Item No. 4

The Board of Directors of the Association appointed Mr. M.K. Anand (Anand Moorkoth Kandoth) as a Permanent Director on February 13, 2014 subject to approval of General Body meeting on the Board of NBA. The office of his Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, who will be Permanent Director and not liable to retire by rotation under Article 17 of the Articles of Association of NBA.

The Board of Directors therefore recommends the Resolution to be passed by the members as an ordinary resolution.

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Mr. M.K. Anand in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 4 of this Notice.

Item No. 5

The Board of Directors of the Association appointed Dr. Bhaskar Das as a Permanent Director on June 12, 2014 subject to approval of General Body meeting on the Board of NBA. The office of his Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, who will be Permanent Director and not liable to retire by rotation under Article 17 of the Articles of Association of NBA.

The Board of Directors therefore recommends the Resolution to be passed by the members as an ordinary resolution.

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Dr. Bhaskar Das in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 5 of this Notice.

Item No. 6

Mrs. Anuradha Prasad was appointed as an Additional Director on February 1, 2012 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every ordinary general body meeting. The office of her Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one member proposing her candidature, which has been duly seconded by another Member, for her appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA.

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

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Mrs. Anuradha Prasad in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 6 of this Notice.

Item No. 7

Mrs. Jagi Mangat Panda was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every ordinary general body meeting. The office of her Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one member proposing her candidature, which has been duly seconded by another Member, for her appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA.

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

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Mrs. Jagi Mangat Panda in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 7 of this Notice.

Item No. 8

Mr. M.V. Shreyams Kumar was appointed as an Additional Director on March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every ordinary general body meeting. The office of his Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, liable to retire at the next Ordinary General Body Meeting under Articles 16 and 22 of the Articles of Association of NBA.



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

Relevant documents relating to said item is available for inspection by members at the registered office of the company.

None of the Directors except Mr. M.V. Shreyams Kumar in respect of whom the Resolution is being moved is concerned or interested, financially or otherwise, in the resolution set out at Item No. 8 of this Notice.

Place: New Delhi
Date: September 1, 2014

By Order of the Board of Directors of
News Broadcasters Association

A handwritten signature in blue ink that reads "Annie Joseph".

Annie Joseph
Secretary General

NOTES

1. Member entities should provide Board Resolution under Section 113 of the Companies Act, 2013 authorising person(s) who will represent them at the Annual General Meeting. Such person(s) shall be deemed to be Member present in person.
2. A Member entitled to attend and vote at Annual General Meeting is entitled to appoint a proxy to attend and vote on poll instead of himself and the proxy need not be a Member of the company. The proxy, in order to be valid must be deposited at the Registered Office of the Association not less than 48 hours before the commencement of the meeting.
3. A Statement pursuant to Section 102 (1) of the Companies Act, 2013 relating to Special Business to be transacted at the meeting is annexed hereto.
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.
8. Relevant documents referred to in the accompanying Notice and the Statement are open for inspection by members at the Registered Office of the company on all working days, except Saturdays, during business hours up to the date of Meeting.
9. Members who have not registered their e-mail addresses so far are requested to register their e-mail address for receiving all communication including Annual Report, Notices etc from the company electronically.

Directors' Report to the Members

The Directors have pleasure in presenting the 7th Annual Report of your Association together with Audited Accounts for the period from April 1, 2013, to March 31, 2014.

Financial Review

Your Association has reported a total income of Rs.1,36,29,199/-, of which income from subscription is Rs.1,08,75,000/-. Expenditure of Rs.1,02,35,495/- has been incurred during the period ending 31st March 2014. Out of the excess of income over expenditure of Rs. 33,93,704/-, read with notes to accounts # 22 an amount of Rs.24,18,537/- (net refer note #22) has been transferred to special reserve.

Directors

Mrs. Anuradha Prasad, Ms. Jagi Mangat Panda and Mr. M.V. Sreyamskumar were appointed as Additional Directors on February 1, 2012, March 29, 2014 and March 29, 2014 by the Board of Directors in terms of Articles 16 and 22 of the Articles of Association liable to retire at every Ordinary General Body Meeting. Mr. Ashish Bagga, Mr. M.K. Anand and Dr. Bhaskar Das have been appointed as Directors on 20.09.2013, 13.02.2014 and 12.06.2014 by the Board of Directors in terms of Article 17 of the Articles of Association, not liable to retire by rotation. Mr. Anil Mehra, Mr. Sunil Lulla, Mr. Alok Agrawal and Mr. Saikumar Ganapathy Balasubramanian have tendered their resignation from the Board of the Association during the period under report.

Membership of Association

The number of Members/Associate Members of the Association are 26 broadcasters representing 59 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 141(3)(g) of the Companies Act, 2013 and also that they are not disqualified for re-appointment.

The Statutory Auditors' Report on the Financial Statement of the Association for the financial year ended 31st March, 2014 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. 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/-
K.V.L. Narayan Rao
President

Sd/-
Ashok Venkatramani
Vice President

Sd/-
Rajat Sharma
Honorary Treasurer

Place: New Delhi

Dated: July 24, 2014

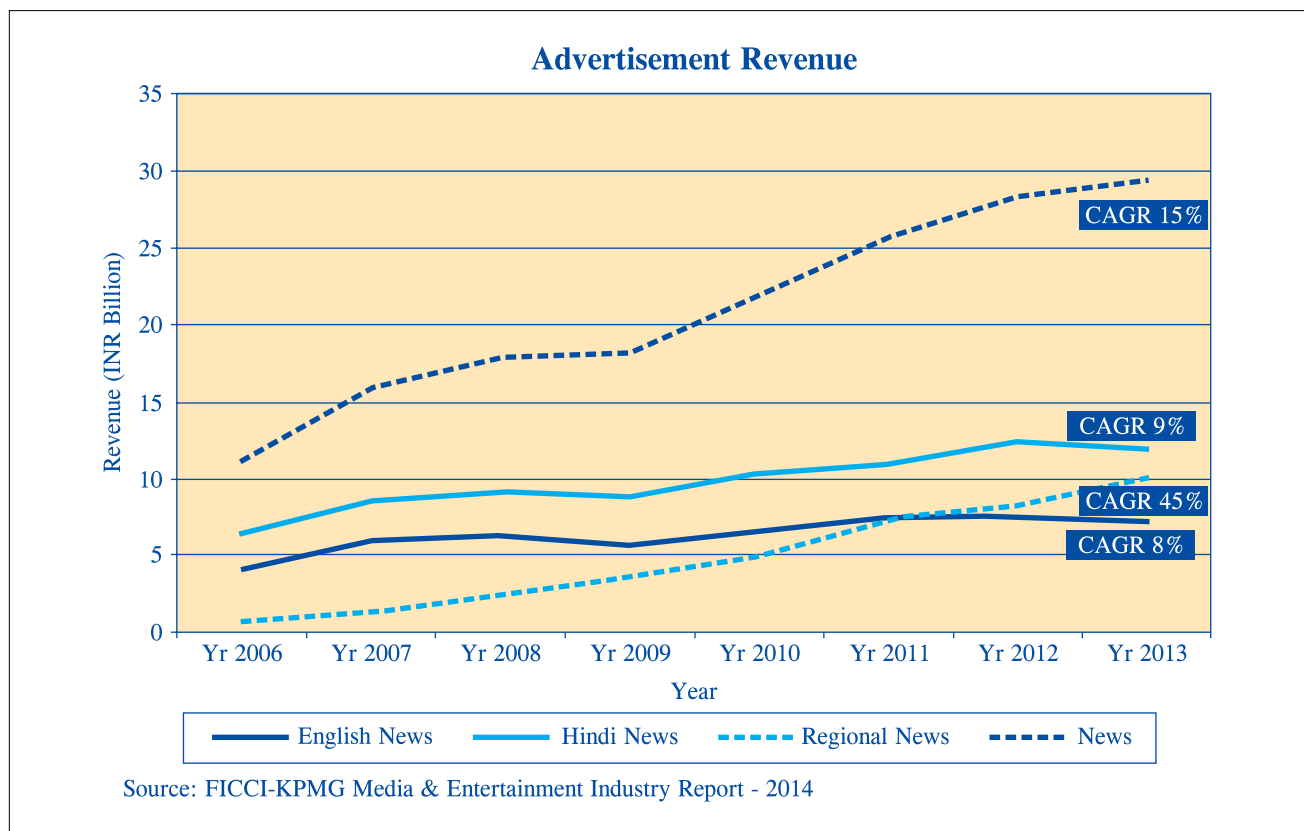
Section I

Management Report for the Year 2013-14

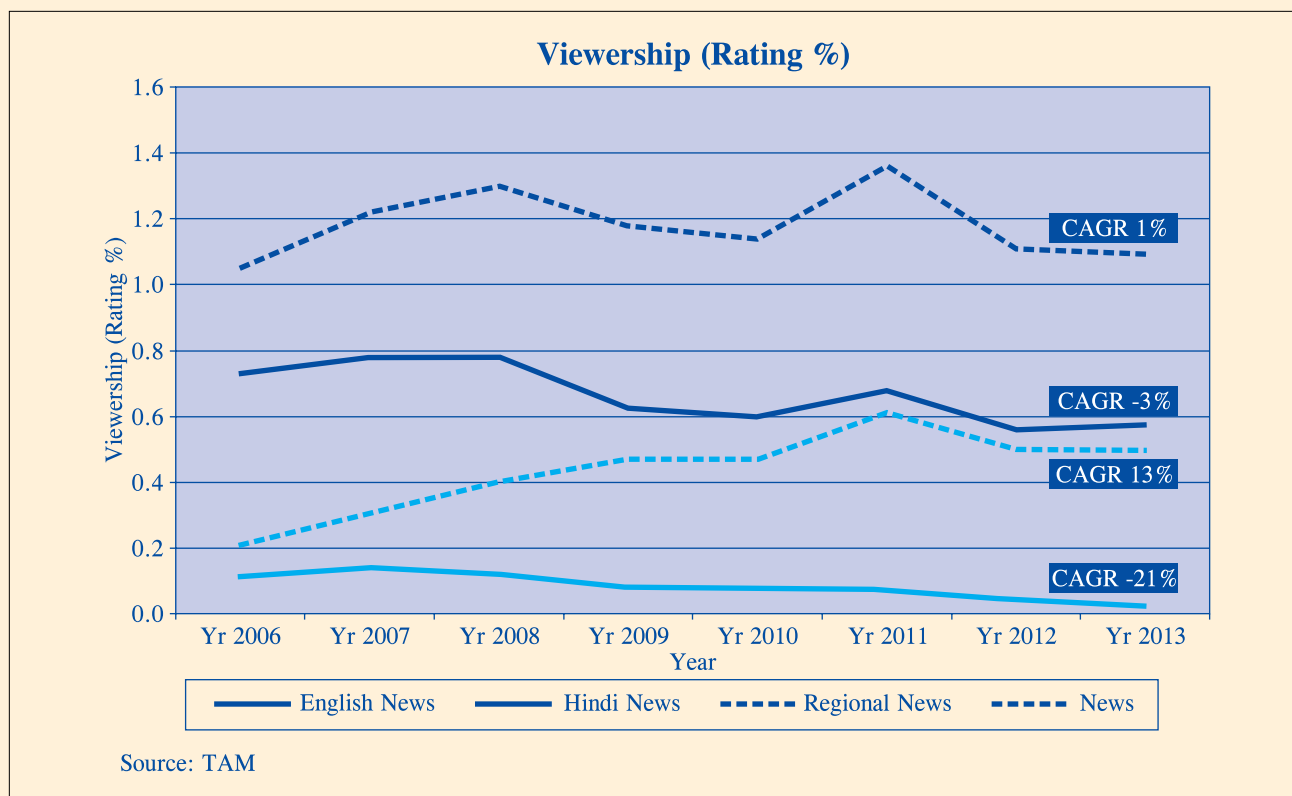
Industry overview

According to the FICCI-KPMG Media & Entertainment Industry Report 2014, India's media and entertainment industry stood at INR 918 billion in 2013, a growth of 11.8% over the previous year. The television industry is at INR 417.2 billion which is a growth of 12.7%. Television news viewership has declined with respect to previous year due to digitization.

The charts below indicate the growth in advertising and the viewership of the news & current affairs genre during the years 2006-2013.



During the years 2006–2013, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 15% where English news channels grew by 8%, Hindi news channels by 9% and Regional news channels by 45%. If one looks at the change with respect to the previous year, news channels revenue in 2013 increased by 4%.



According to TAM reports the viewership of news channels grew at a Compounded Annual Growth Rate (CAGR) of 1% where English news channels viewership declined by 21%, Hindi news channels declined by 3% and Regional news channels grew by 13%. Compared to the previous year, the viewership of news channels in 2013 declined by 2%.

The Ministry of I&B in the present dispensation of Mr Prakash Javadekar, Minister for Information & Broadcasting (Independent Charge) and under the earlier dispensation of Mr Manish Tewari has been extremely sensitive, supportive and accommodating in sorting out issues 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:

- Mr. Prakash Javadekar, Minister of State (Independent Charge) of the Ministry of Information and Broadcasting
- Mr. Manish Tewari, former Minister of State (Independent Charge) of the Ministry of Information and Broadcasting
- Mr Bimal Julka, Secretary, Ministry of Information and Broadcasting
- Mr J. S. Mathur, Additional Secretary & Financial Advisor, Ministry of Information and Broadcasting
- Mrs Supriya Sahu, Joint Secretary, Ministry of Information and Broadcasting
- Mr. B. Brahma, former Chairman, Empanelment Advisory Committee & Additional Secretary & Economic Advisor - Ministry of Information and Broadcasting



- Mr. K. Ganesan, Director General, Directorate of Advertising & Visual Publicity (DAVP)
- Mr. G. Mohanty, former Director General, Directorate of Advertising & Visual Publicity (DAVP)
- Mr. N. Parameswaran, Principal Advisor, TRAI

Industry Matters

1. Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013 (3 of 2013) dated 22.3.13

As already reported, the TRAI took suo motu action to review the existing regulations on duration of advertisements and the format of their presentation in television channels in India, for which purpose they had circulated a Consultation Paper on 16.3.2012. NBA submitted its comments on the issues raised in the Consultation Paper and also stated in conclusion that the TRAI should focus on successful implementation of DAS across the country within the sunset date and facilitate the broadcast industry in such transition by addressing issues of removal of price cap on subscriber tariffs, abolition of carriage and placement fee regime etc. As with the case of other content on television, NBA recommended self-regulation by the broadcast industry for advertisements, rather than the imposition of impractical regulations by TRAI or the Government.

The TRAI without giving any opportunity to stake holders or convening open house discussions issued Notification dated 14.5.12, on Standards of Quality Service (Duration of Advertisements in TV Channels) Regulations, 2012. The salient features of these Regulations were as follows:

1. The advertisement regulations limit the duration of advertisements on TV channels to 12 minutes per clock hour, further providing that any shortfall in a clock hour cannot be carried over;
2. Advertisements during live broadcasts of a sporting event can only be during breaks in sporting action;
3. The minimum time-gap between any two advertisement breaks cannot be less than 15 minutes; and in case of movies such time-gap must be a minimum of 30 minutes (with the relaxation that this time-gap condition will not apply to live broadcast of a sporting event).
4. Advertisements can only be “full-screen” and “part-screen” or drop down advertisements is not permitted.

NBA Board met Dr. Rahul Khullar Chairperson, TRAI, to keep these regulations in abeyance till such time the entire digitization process was over and its real effect on the industry was clear. NBA had also represented and met the then Minister of I&B and sought their intervention.

Since, there was no resolution, NBA along with some broadcasters had filed an appeal under Section 14(b) of the TRAI Act impugning Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations 2012. The appeal was admitted by the TDSAT. The TRAI sought time to reconsider the issues raised in the appeal.

Taking into consideration the issues raised by the broadcasters in the appeal, the Authority decided to review the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, dated 14th May 2012. Accordingly, a draft regulation Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2012 was circulated for consultation with the stakeholders.

In its response, NBA had stated that it was participating in the present consultation process and submitting the present objections strictly without prejudice to all rights and contentions raised by the NBA in Appeal No. 10(C) of 2012 titled “M/s. News Broadcasters Association & Ors Vs. Telecom Regulatory Authority of

India” pending before the Hon'ble TDSAT. The NBA reaffirmed and reiterated that the TRAI has no power or jurisdiction whatsoever to issue any kind of regulations or orders in relation to the use, allocation and formatting of advertisements and advertising time on TV channels. NBA submitted that the remit and power of the TRAI under Section 11(1)(b)(v) of the Telecom Regulatory Authority of India Act 1997 to “lay-down the standards of quality of service” to be provided by service providers does not include the power to lay-down regulations which amount to “content control” which is anathema to the constitutional scheme. The attempt to regulate advertisements on television channels even in the manner proposed in the said amended regulations clearly amount to “content regulation” and such regulation was wholly beyond the jurisdiction of the TRAI. By including Regulation 4 in the said amended regulations giving the TRAI power to issue orders and directions to ensure compliance of the said amended regulations; the TRAI has further exceeded its mandate under the TRAI Act since TRAI cannot issue orders and directions towards compliance of something that TRAI cannot regulate in the first place. As admitted in para 6 of the Explanatory Memorandum annexed to the said amended regulations, Rules 7(6), 7(10) and 7(11) of the Cable TV Rules already cover the ground in relation to the advertisements on television channels, and therefore, the Cable TV Rules eclipse the powers given to the TRAI vide Notification dated 9th January, 2004 issued by the Ministry of Communication & Information Technology (whereby Broadcasting and Cable TV Services were included within the ambit of ‘telecommunications service’ within the meaning of the TRAI Act). Under the Cable TV Act, the Ministry of Information & Broadcasting (MIB), if at all, is the competent authority for regulating content in accordance with law as laid down by Parliament and not the TRAI, which (latter) has limited jurisdiction only over disputes involving “technical” issues concerning broadcasting and not over “content” related issues; and TRAI would be acting far in excess of its jurisdiction in acting on content related issues. Advertisements are part of the free speech guarantee contained in Article 19(1)(a) of the Constitution of India, which is a fundamental right and a “preferred freedom” under the Constitutional scheme and any restriction upon such fundamental right to freedom of speech and expression can only be imposed by “law”, which must pass the test of “reasonable restriction” within the meaning of the Article 19(2) of the Constitution of India and such freedom certainly cannot be curbed by regulations made by the TRAI. In view of the admitted position that advertising revenue is the “lifeblood” of the media, restrictions imposed upon advertisements that may be carried on television channels would amount to unreasonable restriction, violative of Article 19(1) (g) r/w 19(6) of the Constitution.

NBA has represented that the very proposal to introduce regulation on advertisements on television channels was contrary to the TRAI’s earlier recommendations dated 1st October, 2004 on the same issue, whereby the TRAI had opined that there should not be any regulation at that time on advertisements on television channels; NBA reiterated that instead of regulating advertisements, the effort should be on successful and urgent implementation of digitization of the cable television sector, with its concomitant availability of full choice of channels and the ability of consumers/viewers to exercise such choice. The NBA cited the judgments of the Hon'ble Supreme Court relating to the print media on the free speech guarantee under our constitutional scheme and of advertising being part of such free speech guarantee. It submitted that what applies to newspapers, applies equally to the electronic media, since restriction on “advertising airtime” on a TV channel is in pari materia with the restrictions on “advertisement space” in a newspaper. In view of the above objections, the NBA submitted that the said amended regulations should not be issued.

Thereafter an Open House Discussion was held on 23rd November 2012, in which NBA participated.

TRAI on 22.3.2013 issued the following regulations to amend the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, 2012 (15 of 2012), namely:-



1. Duration of advertisements in a clock hour.--- No broadcaster shall, in its broadcast of a programme, carry advertisements exceeding twelve minutes in a clock hour.

Explanation: The clock hour means a period of sixty minutes commencing from 00.00 of an hour and ending at 00.60 of that hour. (example: 14.00 to 15.00 hours).

2. Power of the Authority to intervene ---The Authority may, by order or direction issued from time to time, intervene for the purpose of protecting the interests of the subscribers or for ensuring compliance of the provisions of these regulations.
3. Reporting requirement.--- Every broadcaster shall, within fifteen days from the end of a quarter, submit to the Authority, in the format specified by it by order, the details of advertisements carried in its channel.

While making the above amendments, the TRAI took the view that the issue of excessive advertisements in violation of the existing rules, needs to be addressed for giving a respite to the consumers from onslaught of prolonged duration of advertisements and thereby to enhance the quality of viewing experience of TV channels. The TRAI is also of the view that the restriction on maximum duration of advertisements carried in the programmes of a TV channel, as prescribed in the Cable Television Networks Rules is to be effectively enforced on a clock hour basis, to ensure quality of service to the consumers. With regard to the reporting requirement, the TRAI is of the view that there should be a proper monitoring mechanism in place. Accordingly, a reporting requirement has been incorporated in the regulation wherein the broadcasters are required to furnish to the Authority a report in the proforma and at intervals as specified by the Authority, from time to time.

NBA in its representation and meetings with the former Ministers and the present Minister for I&B, TRAI Chairperson, former and present Secretary I&B has explained all the issues involved (total dependence on advertising revenues, high carriage fees and little or no subscription revenues) and requested that the notification be kept in abeyance for about 18 months to two years by when digitisation would be completed and the resultant benefits of no carriage fees and credible subscription revenues would accrue. It was also explained that in so far as fixing the duration of maximum advertisements for channels was concerned, TRAI has only recommendatory or an advisory function. The final jurisdiction and authority to take decisions regarding the parameters for regulating maximum time for advertisements vests in the Ministry of Information and Broadcasting. Also that under the garb of “regulation of advertisements” through TRAI imposed restrictions, hitting at the finances of news channels, amount to “Control of Content” and these advertisement regulations are in violation of Article 19 (1) (g) of the Constitution of India, which entitles a citizen to inter alia carry on any trade or business. Therefore news channels should be exempted from this notification and an appropriate amendment be made in the Cable Act. Such exemption should be keeping in line with rest of the media such as newspapers, magazines, website etc. where there is no restriction on number of advertisements.

Appeal No. 10(C) of 2012 in TDSAT

An appeal under Section 14(b) of the TRAI Act had been filed impugning the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations 2012. After a preliminary hearing, the TDSAT has issued notice to the Respondent/TRAI; and the TRAI has sought time to re-consider the issues raised in the Appeal. When the matter came up on 31st August 2012, the TDSAT directed that without prejudice to the rights and contentions of the Appellants with regard to the question of jurisdiction of the TRAI to pass the impugned regulations, the Appellants would submit their objections to the fresh draft amendment regulations issued by the TRAI; and the Respondent had made the statement on 11.6.2012 that no coercive action will be taken against the Appellants pursuant to the impugned regulations. The TRAI has since

issued the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations 2013 on 22nd March 2013. As a result of prosecutions launched by the TRAI against certain broadcasters for alleged violation of the advertisement regulations, the NBA moved before the TDSAT an application seeking stay of the Amended Advertisement Regulations 2013, which was heard on 30th August 2013. By its Order of 30th August 2013 the TDSAT restrained the TRAI from taking any coercive measures against NBA members to make them abide by the Advertisement Regulations 2013; the TDSAT further exempted NBA members from submitting to the TRAI weekly reports of the advertisements run on their channels; with the mandate that NBA members would faithfully maintain a record of the advertisements per hour run by them for examination by the TDSAT at the time of hearing. The TDSAT also allowed the NBA applications seeking amendment of the Appeal and for condonation of delay in filing for amendment. Time was given for completion of pleadings and the matter was posted for final arguments on 11th November 2013. The matter was heard at length and the judgment was reserved on 29th November 2013. While the Tribunal was engaged in preparing the judgment, in the meanwhile, on December 6, 2013 the Supreme Court rendered a decision in Civil Appeal No. 5253 of 2010 (Bharat Sanchar Nigam Ltd. Vs. Telecom Authority of India & Ors.) and other analogous cases, holding that the TDSAT does not have the jurisdiction to entertain a challenge to “regulations” framed by the TRAI under Section 36 of the TRAI Act. In view of the decision of the Supreme Court, the NBA Appeal (alongwith all connected appeals) was held to be not maintainable and dismissed accordingly on 11th December, 2013

Writ Petition (Civil) No. 7989 of 2013 before Delhi High Court

In view of the appeal being dismissed in the TDSAT, NBA and four broadcaster members filed a Writ Petition (Civil) No. 7989 of 2013 before Delhi High Court under Article 226 of the Constitution of India for quashing and setting aside the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013, issued by the Telecom Regulatory Authority of India vide Notification dated 22nd March, 2013. At the hearing on 17th December 2013, the petition has been admitted for final hearing and in the interim the TRAI has been restrained from taking any coercive measures to make NBA members abide by the impugned regulations. NBA members have been directed to file weekly reports of advertising time minutage in prescribed format before the TRAI. The matter is pending for final hearing.

Deletion of Rules 7(10) and 7(11) of the Cable TV Rules 1994 - Representation to Ministry of Information & Broadcasting

NBA has represented to the Secretary, Ministry of Information & broadcasting that Rules 7(10) and 7(11) are commercially unworkable and unconstitutional for the following reasons:

- The said Rules operate to regulate advertisements on television channels in a manner that amounts to “content regulation” and such regulation is anathema to the constitutional scheme in our country.
- Advertisements are part of the free speech guarantee contained in Article 19(1) (a) of the Constitution of India, which is a fundamental right and a “preferred freedom” under the Constitutional scheme and any restriction upon such fundamental right to freedom of speech and expression can only be imposed by law which must pass the test of “reasonable restriction” within the meaning of the Article 19(2) of the Constitution of India, which the said Rules do not (as explained below).
- Advertising revenue is the lifeblood of the media and therefore restrictions imposed upon advertisements that may be carried on television channels would also amount to unreasonable restriction, violative of Article 19(1) (g) r/w 19(6) of the Constitution, which grants freedom to do business.
- Restrictions placed on advertisements will have the inevitable effect of exposing broadcasters to financial



loss, by reason of decrease in advertisement inventory available with broadcasters.

- Restrictions placed on advertisements will also have the inevitable effect of a sharp increase in subscriptions charges payable by subscribers / viewers for pay channels.
- Restrictions on availability of advertising time would, in addition, have the inevitable effect of increase in advertisement rates, which would be detrimental to the interests of the small scale and medium enterprises and advertisers.
- Advertisements are not a pernicious evil nor are advertisements useless or purposeless. Advertisements serve the purpose of informing viewers and consumers about goods and services; and of promoting consumption of goods and services, which is in the best interests of economic development of the country as a whole.

NBA has stated that the importance of advertising revenue for the electronic media (especially news channels) is exactly the same, if not even more grave, as that for print media, especially since there is no “subscription” revenue for most news channels and “advertisement” revenue is the only source of revenue (unlike newspapers). With a dip in the revenues, both advertising and subscription (given that even digitization has not yet taken full effect), even if the expenses stay the same (remuneration and wages of journalists, managers & other staff, expense for creation/purchase of news content from press agencies, equipment, rental costs, movement of journalists etc.) broadcasters would still find it hard to remain financially viable. Also, in case of newspapers, it is at least possible to increase the number of pages and thereby garner more advertising revenue; but a TV channel cannot increase the hours of the day to do so.

The said Rules have been framed by the Central Government in exercise of its powers under Sec. 22(1) read with Sec. 6 of the Cable TV Act 1995, which powers must necessarily be exercised only in the context and purpose of the Cable TV Act; and, it is the NBA’s submission that there is no power under the Cable TV Act that authorizes the MIB to control or regulate the content broadcast by TV channels, except strictly on the grounds available under Art.19(2) of the Constitution of India. Art. 19(2) does not in any manner permit imposition of any curb on free speech (including length of advertisements) purportedly in “public interest” or in the interest of the viewers. Consumer or public interest is not a permissible ground under Article 19(2) for curtailment of the free speech right under Article 19(1)(a).

It has been pointed out that under Section 2(g) of the Cable TV Act “programme” is defined to include ‘advertisement’ and it is therefore clear that extant law also regards advertisements to be part of a programme and are therefore ‘content’. By restricting the duration of advertisements to be run in an hour, the MIB is also necessarily dictating the duration of the ‘programme’ in which such advertisements are interposed, which clearly amounts to ‘content control’.

NBA has represented that since the broadcasting industry is bound in a watertight regulatory framework on several critical commercial aspects, as briefly enumerated below, the said Rules are proving to be commercially fatal for its very survival, now more than ever before in the current economic environment:

- Channel pricing is regulated by the TRAI;
- Bouquet packaging is regulated by the TRAI;
- Mandatory ‘Must Provide’ exists for channels as imposed by the TRAI;
- Under declaration of subscriber points by MSOs is rampant in the industry;
- Uncontrolled piracy of channel feed is rampant in the industry;
- Broadcasters get extremely Low ARPU (Average Revenue Per User);

If, in addition to the foregoing, the only substantial stream of revenue namely advertising revenue is also curtailed, news broadcasters will inevitably be exposed to severe financial loss, leading to the imminent closure of many news broadcasting companies and lay off of employees.

Such onerous control on advertising on TV channels is only aggravated by the fact that the digitization of broadcasting services which is supposed to bring accountability and fairness between stakeholders (and thereby a fair share of subscription revenues to broadcasters) is lagging far behind the schedules set for it by Government, which digitization could possibly offset the severe advertising revenue loss that will inevitably arise as a direct and proximate result of the asphyxiating control over advertising on TV channels imposed by the said Rules.

While Rule 7(11) discerns only 2 types of advertisements, it does not take into account that advertisements are actually of 3 types – commercial advertisements (paid advertisements released by third-party businesses), public service and related advertisements (free/concessional advertisements issued by governments, departments and authorities etc.) and self-promotional spots (advertisements telecast by the channel for informing viewers of the channel's own programmes), which advertisements cannot all be treated at par in imposing a restriction on advertisement duration as a whole or in only 2 parts.

The share of 'advertisement spending' available to news broadcasters is a small fraction of the total advertisement spending and any curtailment of the advertisement inventory of news broadcasters will cause serious financial detriment to the already stressed news broadcasting industry as a whole.

In a free market regime, viewers have abundant choice in any genre of channels, including news channels. Moreover, there is no exclusivity of content on news channels, unlike on General Entertainment, Sports and Movie Channels, which have exclusive content in the shape of reality shows, soap operas, dramas, live sports and movies on their channels, for which a viewer has to continuously subscribe to them. Viewers are accordingly in a position to choose and reject news channels they do not find worth watching at will (for any reason, including for carrying excessive advertisements). Data shows that TV channels that carry the highest proportion of advertisements, also enjoy the highest Television Rating Points (TRPs), which belies the theory that advertisements are an unwelcome interruption for 'all' viewers.

Just as there is no restriction on the quantum of advertisements carried in any print media publication (such as a newspaper, magazine or other periodical) or on internet websites, so also, there ought not to be any restriction on the quantum of advertisements broadcast on a television channel. Abundant choice is available to the consumer, being a television viewer, inasmuch as the viewer may choose to watch or not to watch a particular television channel or a particular programme, if in the viewer's subjective opinion, the nature, duration or any other aspect of advertisements carried on such channel is found insufferable (equally as a viewer may reject a TV channel for the standards or selection of its programmes).

The advertisement cap of 12 minutes per hour is arbitrary and without rationale. Similarly, it is wholly untenable to stipulate any restriction on the format of advertisements to be run on TV channels, as has been sought to be done by Rule 7(10).

Besides, the same advertisement cap has been applied to all 'genres' of broadcasters across the board viz. general entertainment, news and current affairs, music etc. - which is neither fair nor practicable; nor can it pass muster on the anvil of Article 14 of Constitution of India i.e. the equal treatment of equals doctrine since different genres of TV channels cannot be regarded as equals. If anything, "news" as a genre must enjoy primacy over other TV channel genres since news channels are engaged in dissemination of news, views and information that is extremely critical to a democracy.



NBA therefore submitted that the existence of the said Rules on the Statute Book ought to be done away with keeping in mind the constitutional provisions of free speech and for the very survival of the news genre. This issue has again been taken with Mr Prakash Javadekar, Minister of State for MIB (Independent charge). We are awaiting a response from the MIB in this regard.

Digitisation of Cable Television

Carriage Fees

The most significant problem that news channels face is the terrible menace of carriage fees, which has not been sorted out and news broadcasters continue to reel under the pressure of unreasonable fees being demanded by MSOs.

NBA has met, all concerned in the TRAI & MIB numerous times over the last two years and discussed the issue of reasonable carriage fees. NBA has even carried out several discussions with MSOs but barring a token reduction over the amount of carriage fees paid earlier (which have included placement and any other fees demanded by MSOs in the analogue system), no one has accepted the formula set by the Government (the payment of a uniform and reasonable fee paid on a per subscriber basis). No credence is being given to the rules as announced and MSOs continue to demand exorbitant carriage, placement and other fees. The very purpose of digitization is being thwarted.

This issue has now been again taken up with Mr Prakash Javadekar, Minister of State (Independent Charge) in a meeting with him & the Secretary, MIB and it has been represented that the news companies that make up the NBA, wholeheartedly supported digitisation and the effort put in by all NBA members by way of promotions, programmes, scrolls, public support etc., is a testimony to this and contributed in a large way to the successful implementation of Phase 1 & 2 of the digitisation process. The support was given largely because we believed that digitisation is good for the country and all stakeholders, including the public. Additionally, news organizations believed that with digitisation, the carriage menace should come to an end, allowing news broadcasters to generate resources, which are now gobbled up by MSOs, to create better content for our audiences, the Indian public. The carriage fees problem continues to loom large behind us and no solution seems to be in sight. The “must carry” provision in the regulations acknowledges that its implementation is subject to the payment of carriage fees. This, coupled with the lack of subscription revenues and an unholy dependence on advertising revenues in a depressed economic climate, is crippling the news broadcasters.

Ministry of Information & Broadcasting:

Constitution of Task Force on implementation of digital addressable cable TV systems for Phase III & IV of digitization.

Joint Secretary, MIB, vide letter dated 20.5.2014, has informed the NBA that the MIB is in the process of constituting a Task Force for Phase III and IV of the digitization process and desired that NBA nominate a representative to be on the Task Force. Joint Secretary, MIB, has been informed that Mr. Ashok Venkatramani, Board Member would be representing NBA on the Task Force. The Task Force is yet to be constituted.

Constitution of an Expert Committee on the Protection of the Broadcasting Organisation at World Intellectual Property Organisation (WIPO)

Ministry of Information & Broadcasting has constituted an Expert Committee with the Secretary, MIB, as its Chairman. The activities/terms of reference of the Expert Committee would be as under:-

- a) To discuss the issues relating to the entire gamut involved in the proposed treaty on Protection of Broadcasting Organisation.
- b) To examine and articulate the stand being taken/to be taken by India at WIPO.
- c) To discuss and comment on the alternative views suggested by other countries in the proposed treaty.
- d) To submit a report in a time bound manner.

MIB requested that NBA nominate a person on the said Committee. NBA has nominated Mr. Ajay Mankotia, President – Corporate Planning & Operations, NDTV, as its representative.

Security clearance for broadcasters valid for 3 years only

On coming to know that broadcasting companies would have to seek a security clearance for their Directors every three years, NBA represented to Secretary MIB that apart from the fact that this imposes an unnecessary hardship on news broadcasters, it creates an anomalous situation as permissions for uplinking are issued for a period of ten years as per the Uplinking & Downlinking Guidelines issued by the Ministry of Information & Broadcasting, and security clearances of Directors are co terminus with these. Companies would have to apply every three years for security checks while their permissions continue. NBA stated that this was a retrograde step and anti business. Security clearances take between six months and two years. NBA sought to know whether permissions would get withdrawn due to delay and whether broadcasting channels had set up infrastructure and got investments for a three year life cycle. NBA represented that the government in its own wisdom had decided on a ten year permission as this would be the normal time span required for the effective functioning of the business, setting up of infrastructure etc. NBA stated that if this decision was implemented, the business of the broadcasters would slow down and bring the news business to a standstill. It was also understood that the new norms also stated that if a company was applying for a new channel, the existing security clearance, even if valid, would have to be revisited. NBA urged the Ministry of Information and Broadcasting not to implement this decision and continue with the provisions contained in the Uplinking & Downlinking Guidelines dated 5.12.2011.

We are glad to report that vide Office Memorandum dated 25.6.2014, Ministry of Information and Broadcasting has clarified that it has now been decided to restore the earlier practice wherein no fresh security clearance was sought in case security cleared company (with security cleared Directors) sought permission for additional TV channel(s) within the validity period of security clearance.

Policy Guidelines for Television Rating Agencies in India issued by MIB on 16.1.2014

The Union Cabinet at its meeting held on 9.1.14 approved the Guidelines for Television Rating Agencies in India. In pursuance of this decision, the Ministry of Information & Broadcasting vide Order No. 9/135/2013-BP&L dated 16.1.2014 had issued the above Guidelines. These Guidelines would come into force after 30 days from the date of issuance of the Order. Kantar Market Research Services Pvt. Ltd. filed a Writ Petition in the Delhi High Court to stay the guidelines as they contended that when the guidelines become operational, they would not be able to operate their business and they would have to shut down their business. NBA has intervened in the matter and the matter is pending for final hearing.



Meeting on 21.1.14 with former I&B Minister and others regarding 3rd and 4th phase of digitization

A meeting was convened by Mr Manish Tewari, former Minister for Information and Broadcasting with the members of Task Force constituted for Phase II of digitization to assess the impact of the cable TV digitization. The Minister's view at the meeting was that from the feed back received, it was understood that digitization has not benefited any one of the stakeholders and hence the third and fourth phase of digitisation should be kept on hold until such time all the issues relating to the first and second phase were sorted out. After hearing the views of all the stakeholders, it was decided that the third and fourth phase would be rolled out as mandated. It was agreed that all the stakeholders would jointly work to ensure smooth implementation of digitization including the final phase of digitization.

Advisories issued by Ministry of Information & Broadcasting

During the year under review Ministry of Information & Broadcasting had issued the following advisories which have been circulated to all Members and editors for their information:

- a. Advisory dated 20.9.13 in the wake of recent Muzaffarnagar communal riots.
- b. Advisory dated 21.10.13 regarding PM Speech on 15.8.13.
- c. Advisory dated 23.1.2014, regarding sign language interpretation of the Republic Day Parade commentary to provide access to the people with hearing impairment.
- d. Advisory dated 23.5.2014 issued by MIB ----- Depiction of rash negligent & dangerous driving in various programmes, serials, news features etc.
- e. Advisory dated 26.6.2014 regarding Advertisements of Zaitoon Tara Edible Oil.
- f. Advisory dated 14.8.2014 regarding carrying the Independence day speech of the Prime Minister of India.
- g. Advisory dated 21.8.2014 regarding certain objectionable advertisements being carried by various news channels.

Consultation Paper on Media Law issued by the Law Commission of India

NBA responded to the above consultation and stated that the entire framework of legislation and regulation relating to the media must be such that it remains squarely within the Constitutional mandate contained in Art.19 (1) (a) of the Constitution of India. Any legislation or regulation that transgresses the constitutional guarantee regarding free speech given to the people (who have a right to know) and consequently to the mass media/press (who have the obligation and duty to inform) would be liable to be declared unconstitutional.

NBA stated that the electronic media is already regulated by the Cable Television Networks (Regulation) Act, 1995, the Cable Television Networks Rules, 1994 and Policy Guidelines for Uplinking & Downlinking of Television Channels from India (content aspects), the Telecom Regulatory Authority of India Act 1997 (carriage aspects), by several judicial decisions; and most importantly by the guidelines and norms of self regulatory bodies such as the NBSA.

In addition to the foregoing legal dispensation, as part of its earnest effort and desire to improve upon and monitor the standards of news broadcasting, in 2008 NBA set up a non statutory independent self regulatory

mechanism in the form of the News Broadcasting Standards Authority (“NBSA”) comprising a Chairman (presently a retired Supreme Court Judge), 4 persons of proven eminence from various walks of life and 4 senior members of the electronic news media fraternity who bring their hands on experience and knowledge in the field (comprising a peer jury) which body has actively engaged in setting and monitoring high standards of news broadcasting; and has also decided complaints made by viewers against member broadcasters. In recognition of NBSA’s efficacy, even the Ministry of Information and Broadcasting refers complaints received by the Ministry or arising from monitoring done by the EMMC to the NBSA for decision, including complaints pertaining to news broadcasters that are not members of NBA. A very important role of the NBA/NBSA is to lay down principles and norms for improving broadcasting standards to provide guidance to member broadcasters. In this regard various Advisories and Guidelines have been issued to both Members and editors for compliance.

In the broad context of the above and in response to the said Consultation Paper, NBA responded to the following questions:

1. Methods of Regulation
2. Paid News
3. Opinion Polls
4. Media and Individual Privacy
5. False sting operations
6. Specific guidelines governing disclosure of private information by the press.
7. Guidelines on reporting of sub judice matters.
8. Is the current definition of “Identifiable larger public interest” under the Cable TV Networks (Regulation) Act, 1995 comprehensive?
9. Trial by media and rights of the accused.
10. What form of regulation, if at all, is required to restrict media reporting of sub-judice matters?
11. Defamation --Should there be modifications in the law of civil and criminal defamation as it applies to journalists?
12. Publications and Contempt of Court.
13. Regulations surrounding government owned media.
14. Social Media and Section 66A of the Information Technology Act, 2000 be retained in its present form or should it be modified/ repealed?
15. Should the existing law be amended to define what constitutes “objectionable content”?

Content related matters affecting news broadcasters pending in the Supreme Court of India & High Courts

Supreme Court:

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 was allowed on 17.3.2009. The matter came up for hearing last on 13th March, 2014 on which date the Hon'ble Court passed an Order stating that the matter be listed for hearing after six weeks and that the parties were permitted to file their counter/rejoinder affidavits. Written Submissions have already been filed by Intervener/NBA in the matter. Union of India submitted on 20.8.2014 that as the pleadings were not complete and their replies were not filed, the matter be adjourned to a later date. In view of the submissions made, the Court directed that the matter come up for hearing after three weeks.

Dr. Surat Singh Vs Union of India & Ors.: 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 22.7.2008, 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 "India Today" magazine for their coverage of the Aarushi matter in its issue dated 24th January 2011. The Supreme Court had allowed NBA's application seeking transfer of Writ Petition (Civil) No. 7368 of 2008 titled "Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors" which was pending before the Delhi High Court to the Supreme Court, since the said petition involves similar issues. In the meantime, the parties in this case were given an opportunity of being heard on the limited issue of regulations on media reporting of Court proceedings in the matter titled "Sahara India Real Estate Corp. Ltd. & Ors. Vs. Securities & Exchange Board of India & Ors.": Civil Appeal No. 9813 of 2011 which matter was heard by a 5-Judge Constitution Bench of the Supreme Court and in which Judgment has since been pronounced on 11.9.2012. On 23rd August 2013, when upon hearing parties, the Court directed counsel for the CBI and the UP Police to take instructions and revert on issues of media briefing by police personnel. NBA was directed to circulate the draft Guidelines for Media Briefing by Police to the other counsel in the matter; and the Court also further directed that if any person had a grievance in relation to coverage of the Aarushi murder case by any electronic media organization, they may file an application before the NBSA and that the NBSA had assured the Court that such application (complaint) would be dealt with as per NBSA's regulations. Thereafter, on 2nd December, 2013, the Court had sought the opinion of the States and Union Territories on four questions, viz. (i) Whether the press briefing to the media by the police is regulated by any rules? (ii) Whether the press briefing given to the media is given only by the person authorised and that too whether verbally or in writing? (iii) What is the procedure in the CBI regarding the Press Briefing? and (iv) Whether copies of all Press Releases issued by the Department concerned are maintained by the Department including Police Department? and parties had been directed to file their response within six weeks. The Court had also requested the NHRC to examine the issues and frame guidelines; which were to be placed before the Court. On 3rd February 2014 the Hon'ble Court again issued notice to several states who had not filed their response to the questions raised by Court earlier on. On 10th March, 2014, the NHRC filed its guidelines and the States were directed to file their response/suggestions to the said guidelines. On the last date of hearing i.e. 28th April 2014 the Hon'ble Court has directed the States to file their responses/suggestions to the guidelines filed by NHRC and the matter was listed on 30th July 2014 for further proceedings. After hearing the facts of the case, on 30.7.2014, the Court adjourned the matter by four weeks in view of the absence of the Petitioner (Dr. Surat Singh).

Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors: Civil Writ Petition No. 7368 of 2008 before the Delhi High Court was filed under Article 226 of the Constitution of India seeking a judicial inquiry into the encounter killings at Batla House, New Delhi and for laying down guidelines for

the police and the media regarding the publication of information obtained / claimed to be obtained during investigation. On the basis of the enquiry report filed by the National Human Rights Commission on the Batla House encounter, the 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) was allowed; and the file of this matter has since been sent up by the Delhi High Court to the Supreme Court to be heard alongwith the Dr Surat Singh matter.

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. As of April 2014, pleadings in the matter were not complete. Accordingly the Supreme Court directed that pleadings in the matter be completed and the matter be listed for further proceedings thereafter. The matter will be heard in due course.

TRAI Vs. Set-Discovery Pvt Ltd & Ors: Civil Appeals Nos. 829-833 of 2009 pending before the Supreme Court: On the advice of Mr F.S. Nariman, Sr 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 Board Members, the NBA had filed an intervention application dated 8.9.2010 seeking to be heard in the matter, which application was listed before the Chamber Judge in the Supreme Court on 18.10.2010. The Chamber Judge had ordered that the said application would be considered by the Bench hearing the main matter. In the meantime in February 2011 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 had issued notice. Thereafter in November 2011, the Cable Operators Association also moved an application for intervention. The matter came up on 31.8.2012, on which date the Court has directed parties to file their additional documents. The matter came up last on 27.11.2012, on which date the Court directed that the matter be posted after winter vacations. TRAI moved an application, which was heard on 28.2.2014, to review the tariff ceiling to make adjustment for inflation and to notify the same, which prayer was allowed and the application was disposed off accordingly. The matter will be heard in due course.

M/s News Broadcasters Association & Anr. Vs. Telecom Regulatory Authority of India & Ors.: Civil Appeal No. 1525 of 2013 pending before the Supreme Court of India. The Civil Appeal has been filed against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled "IndusInd Media Communication Ltd. Vs. TRAI & Anr." On its first listing before the Court on 1.3.2013, the appeal was admitted; and the NBA was granted leave to file additional grounds and substantial questions of law, for which the NBA has since filed the required application. The matter was posted on 17.4.2013 for final hearing, subject to completion of pleadings. NBA has filed its counter affidavit in the connected IMCL appeal, as directed. The matter came up before the Supreme Court on 8.1.2014 when parties were permitted to file additional documents/pleadings; and the matter was directed to be listed after the summer vacations. However, it may be noted that the NBA Appeal in this case is covered by the law as laid down by the Supreme Court on 6.12.2013 in Civil Appeal No. 5253 of 2010 (Bharat



Sanchar Nigam Ltd. Vs. Telecom Authority of India & Ors.) in NBA's favour. NBA moved an application in the matter bringing to the notice of the Hon'ble Court that this Appeal is covered by the aforementioned BSNL Judgment and therefore the Court may dispose of the matter on the basis of the said Judgment. The matters came up for final disposal on 9.7.2014, on which date TRAI sought an adjournment. The matter will be heard in due course.

IndusInd Media and Communications Limited & Anr. Vs. Telecom Regulatory Authority of India & Ors. (TRAI): Civil Appeal No. D3009 of 2013 pending before Supreme Court of India. This Civil Appeal has been filed by IndusInd Media and Communications Ltd. against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled "IndusInd Media Communication Ltd. Vs. TRAI & Anr.". NBA has filed its counter affidavit in the matter. This appeal is connected with the appeal titled "M/s News Broadcasters Association & Anr. Vs. Telecom Regulatory Authority of India & Ors." Civil Appeal No. 1525 of 2013. The matter came up before the Supreme Court last on 8.1.2014 when parties were permitted to file additional documents/pleadings; and the matter was directed to be listed after the summer vacations. However it may be noted that the NBA Appeal in this case is covered by the law as laid down by the Supreme Court on December 6, 2013 in Civil Appeal No. 5253 of 2010 (Bharat Sanchar Nigam Ltd. Vs. Telecom Authority of India & Ors.) in NBA's favour. NBA moved an application in the matter bringing to the notice of the Hon'ble Court that this Appeal is covered by the aforementioned BSNL Judgment and therefore the Court may dispose of the matter on the basis of the said Judgment. The matter came up for final disposal on 9.7. 2014, on which date TRAI sought an adjournment. The matter is to come up for hearing shortly.

Hindu Janjagruti Samiti Vs. Union of India & Ors.: Writ Petition (Civil) No. 963 of 2013 pending before Supreme Court of India. This petition has been filed under Article 32 of the Constitution of India seeking inter-alia the framing and/or issuance of guidelines in the matter of regulation of Television Channels in India. NBA has received notice in the matter. The matter came up before the Supreme Court on 15.1.2014. Court observed that apart from the main writ petition, namely, "Common Cause (A registered Society) Vs. Union of India & Ors. W.P. (C) No.387 of 2000, the other two connected writ petitions i.e., W.P. (C) No.880 of 2013 and W.P. (C) 1024 of 2013, had to be heard along with the main petition. The matter came up for hearing last on 13.3.2014, alongwith the main writ petition, namely, "Common Cause (A registered Society) Vs. Union of India & Ors. W.P. (C) No.387 of 2000, on which date the Hon'ble Court passed an Order stating that the matter be listed for hearing after six weeks. NBA has filed its counter affidavit in the above matter. Union of India submitted on 20.8.2014 that as the pleadings were not complete and their replies were not filed, therefore, the matter be adjourned to a later date.

Mediawatch-India Vs. Union of India & Ors.: Writ Petition (Civil) No. 1024 of 2013: This petition has been filed under Article 32 of the Constitution of India seeking inter-alia to establish systematic and deterrent "self-regulatory" mechanism for the electronic media and other detailed reliefs in regard to content violations and grievances by/against such media. NBA has received notice in the matter. The matter came up before the Supreme Court on 15.1.2014 and has been posted for hearing with "Common Cause (A registered Society) Vs. Union of India & Ors. W.P.(C) No.387 of 2000, and the other two connected writ petitions i.e., W.P.(C) No.880 of 2013 and W.P.(C) No.963 of 2013. The matter came up for hearing last on 13.3.2014, alongwith the main writ petition, namely, "Common Cause (A registered Society) Vs. Union of India & Ors. W.P. (C) No.387 of 2000, on which date the Hon'ble Court passed an Order stating that the matter be listed for hearing after six weeks. NBA has filed its counter affidavit in the above matter. Union of India submitted on 20.8.2014 that as the pleadings were not complete and their replies were not filed, therefore, the matter be adjourned to a later date.

Delhi High Court:

M/s News Broadcasters Association & Ors. Vs. Telecom Regulatory Authority of India: Writ Petition (Civil) No. 7989 of 2013 pending before Delhi High Court has been filed by the NBA and its other members under Article 226 of the Constitution of India for quashing and setting aside the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013, issued by the Telecom Regulatory Authority of India vide Notification dated 22.3.2013. At the hearing on 17.12.2013, the petition has been admitted for final hearing; parties have been directed to complete the pleadings; and in the interim the TRAI has been restrained from taking any coercive measures to make NBA members abide by the Impugned Regulations. NBA Members have been directed to file weekly reports of advertising time minutage in prescribed format before the TRAI. On 13.3.2014, the NBA was given time to file its rejoinder to the counter affidavit of TRAI as TRAI had filed its counter affidavit only three days before the hearing. TRAI took almost three months to file its counter affidavit. Interim orders were continued. The matter came up for hearing last on 6.5.2014 when NBA sought further time to file its rejoinder, as NBA pointed out that there were discrepancies in the ad minutage data submitted before the Court by the TRAI and the data which had been submitted by the petitioners before the TRAI. Further time was granted by the Court to the NBA for filing its rejoinder; and the matter was posted for hearing on 15.7.2014. Interim Orders made in the matter have been continued. NBA has filed its rejoinder to the counter affidavit of TRAI. On 15.7.2014 when the matter came up for hearing, the Court expressed its inability to hear the matter and therefore adjourned the matter for hearing to 25.9.2014. The Court directed TRAI to bring on the Court's record its counter affidavit before the next date of hearing, which is pending with the Registry. Interim Orders made in the matter have been continued.

Kantar Market Research Services Pvt. Ltd. & Anr. Vs. Union of India & Ors: Writ Petition Civil No. 494 of 2014 pending before Delhi High Court. This petition has been filed under Article 226 of the Constitution of India seeking inter-alia the Order or direction quashing the Policy Guidelines for Television Rating Agencies in India. NBA filed their Counter Affidavit on 11.2.2014. The matter came up on 12.2.2014, when Petitioners stated that they are only challenging paras 1.7(a), 1.7(d) as well as 16.1 and 16.2 of the "Policy Guidelines for Television Rating Agencies in India" published on 16.1.2014 by Union of India which prohibits cross-holding between Rating Agencies and Advertising Agencies. They also relied upon Section 11 (1) (a) (iv) and (vii) of the TRAI Act to submit that TRAI had no jurisdiction to recommend the impugned guidelines. Kantar Media gave an undertaking to the Court that they would disclose the list of affiliated companies engaged in advertising sector in India as well as a list of significant clients of its affiliated advertising companies on its website, which was accepted by the Court. They were given two weeks to place these details on their website. In view of the above undertaking, Para(s) 1.7 (a) & 1.7(d) as well as 16.1 & 16.2 of the impugned guidelines qua the petitioners are stayed till the final disposal of the present writ petition. In view of the deadline for registration expiring on 15.2.2014, TAM Media Research Ltd in which Kantar Media holds 50% shares has been given two weeks to register under the impugned guidelines. The matter came up for hearing last on 11.7.2014 when Counsel for the Union of India, Respondent No.1 sought an adjournment. The Hon'ble Court has released the matter from being part heard and has posted it before the Regular Bench on 26.8.2014. An intervention application has been filed by the Indian Broadcasting Foundation (IBF).

Court on its own motion Vs. Union of India & Ors.: Writ Petition (Civil) No. 787 of 2012 pending before Delhi High Court: This writ petition had been initiated by the Delhi High Court on the basis of a Letter Petition filed by Mr. Anant Asthana, Advocate drawing the attention of the Court to the on going media reportage relating to two year old baby girl named Falak who was admitted at the All India Institute of Medical



Sciences and another 15 year old minor girl who had allegedly brought baby Falak to Hospital. By its Order dated 8.2.2012 the Court recorded that the issue related to the violation of particular provisions inter-alia of the Juvenile Justice (Care and Protection of Children) Act, 2000 by causing breach of privacy by revealing the name/s and identity/ies of the children and the Court expressed that it would frame guidelines for media reportage of such situations. The NBA moved an intervention application in the matter, which application was allowed on 7.3.2012. Expressing that the views of NBA would be important for taking a decision in the matter, the Court had permitted the NBA to nominate a media representative on the committee that the Court has constituted to look into the issues arising in the case. The NBA nominated Ms. Annie Joseph, Secretary General as its nominee on the Committee; and on 7.8.2012 the said committee submitted a Report containing the “Guidelines Proposed for Media Reporting on Children” which contained a note of dissent by the NBA on certain aspects. At the hearing on 8.8.2012, the Court resolved the issues raised by NBA in its dissent by duly modifying the proposed Guidelines to take care of NBA’s concerns. By order dated 8.8.2012, the Court has directed that the guidelines so finalized insofar as media is concerned, be implemented with immediate effect. On 4.9.2013, when the Petitioner sought further time to bring on record the further Proposed Guidelines for Stakeholders other than Media for Reporting on Children, NBA had given to the Petitioner a copy of its existing Specific Guidelines for Reporting on the Injured and the Ill so that the same may mutatis-mutandis be incorporated in the guidelines proposed by the Committee in relation to reportage on children. The matter was posted before Court last on 18.12.2013, when certain procedural orders were made in regard to the members of the Committee looking into the matter; and the Committee has been directed to furnish its report / guidelines with regard to police as well as lawyers as expeditiously as possible, preferably within six weeks. The Court has also directed NCPCR and DCPCR to file their response / report in accordance with para 2.15 of the Guidelines for Media Reporting on Children (approved by the Court vide order dated 5.12.2012) within a period of eight weeks. The matter came up for hearing last on 14. 5 2014 on which date NCPCR sought further time. The matter has been posted to 3rd September, 2014.

Karnataka High Court:

Shri Shakeel Ahmed & Ors. Vs. Suwarna News 24 x 7 & Ors.: Writ Petition No. 13677 of 2012 pending before the High Court of Karnataka at Bangalore: This writ petition filed by the Shri Shakeel Ahmed, Advocate, under Article 226 & 227 of the Constitution of India seeks to stop the broadcast of programmes on various TV channels, in which it is alleged that programmes are pre-planned, recorded and broadcast depicting premeditated violence being committed upon persons, in collusion and connivance with TV channels, with a view to denigrating and defaming such persons to seek revenge (described in the petition as premeditated, violent, personal enmity programmes). The Court had issued notice and asked the Respondents to file their versions in the matter. The matter was posted for consideration last on 12.12.2012 on which date it was adjourned for hearing to a later date.

Lucknow Bench of the Allahabad High Court:

Dr. Nutan Thakur vs Union of India Writ Petition No. 9976 of 2013 (M/B) before the Lucknow bench. Being aggrieved by the impugned order dated 16.10.2013, passed by the NBSA, Dr Nutan Thakur filed the above writ petition. The Court has opined that prima-facie the impugned order seems to be cryptic and non-speaking and the material submitted by the petitioner seems neither considered nor reason has been assigned. The Court expressed the view that prima-facie a writ petition against the decision taken by a non-statutory body (namely NBSA/NBA) seems to be not maintainable; but that keeping in view the public importance of

the question raised by the petitioner for creation of some statutory forum where people may seek redressal of their grievances against electronic media (like the Press Council is for the print media), the writ petition was admitted. The Court has also alluded to the issue of paid news appearing sometimes on the electronic media, which the Court has described as a well established fact. The Union of India has been directed to file an affidavit bringing on record its stand as regards providing some statutory forum like PCI against the news item and other material relating to electronic media. The counter affidavit on behalf NBA has been filed and the rejoinder has been filed by the Petitioner, which has been received. The matter will be heard in due course.

Sports Matters:

- 1. Australia tour of India bilateral cricket series held between 10th October 2013 and 2nd November 2013**
- 2. India-West Indies Cricket Series 6th November to 27th November 2013 Test & ODI Matches**
- 3. ICC World Twenty20 Bangladesh 2014 - 12th March to 6th April 2014 (inclusive of official warm-up matches)**
- 4. PEPSI Indian Premier League 2014 (16.4.2014 to 1.6.2014)**
- 5. Hero Hockey India League 2014 (25.1.2014 to 23.2.2014)**
- 6. FIFA World Cup 2014**

Since, the accreditation terms & conditions of the captioned tournaments, also contained news access guidelines, members were advised not to submit or sign any accreditation papers as the restrictions that are included therein (apart from any additional news access regulations that may be issued later on), shall immediately become binding upon the accredited broadcasters. Therefore, in respect of the above tournaments, member broadcasters were advised to strictly follow the NBA News Access Guidelines for Cricket Test Matches, for One Day & T20 Cricket Matches, Hockey and Football matches. In addition to adhering to the NBA News Access Guidelines, the following specific guidelines as approved by the Board were also to be followed while covering the tournaments.

1. No member broadcaster shall either directly or indirectly access the match venues.
2. Member broadcasters will only cover the matches and no other event such as press conferences, interviews, practice sessions and associated events etc.
3. Member broadcasters who have separate arrangements with third party sources such as SNTV, APTN, Reuters etc. may use footage obtained from such third party sources in accordance with the contractual arrangements with such third parties.

In addition to the above, members were also advised to bear in mind the principles of general applicability relating to fair dealing as laid down by the Hon'ble Division Bench of the Delhi High Court in Judgment dated 11.10.2012 in case FAO (OS) 460 of 2012 titled "NDTV Ltd. Vs. ICC Development (International) Ltd. & Anr."

Corporate Matters

1. Membership

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



2. Office Bearers for 2013-14

In terms of Article 26 of the Articles of Association the following Directors were elected Office Bearers of the Association for the year 2013-14:-

President – Mr. K.V.L. Narayan Rao (New Delhi Television Ltd.)

Vice President – Mr. Ashok Venkatramani (Media Content & Communications Services (India) Pvt. Ltd.)

Honorary Treasurer – Mr. Saikumar Ganapathy Balasubramanian (ibn 18 Broadcast Ltd.) *Resigned

Honorary Treasurer – Mr. Rajat Sharma (Independent News Service Pvt. Ltd.)** w.e.f. 24.7.2014

3. Resignation

Mr. Anil Mehra (TV Today Network Ltd.), Mr. Sunil Lulla (Times Global Broadcasting Co. Ltd.), Mr. Alok Agarwal (Zee Media Corporation Ltd.) and Mr. Saikumar Ganapathy Balasubramanian (ibn18 Broadcast Ltd.) tendered their resignations from the Board during the period under report.

4. Appointment

Mr. Ashish Bagga (TV Today Network Ltd.), Mr. M. K Anand (Times Global Broadcasting Co. Ltd.) and Dr. Bhaskar Das (Zee Media Corporation Ltd.) were appointed as Permanent Directors on the NBA Board in place of those Directors who had tendered their resignations during the period under report.

5. Appointment of two Additional Directors

Board decided to increase the strength of the NBA Board by appointing two Additional Directors from the regional category representing the corporate entities Mathrubhumi Printing & Publishing Co. Ltd. (Mathrubhumi News) and Odisha Television Ltd. (OTV). Accordingly, Mr Shreyams Kumar and Ms. Jagi Mangat Panda have been appointed Additional Directors of NBA.

6. Meetings of Board of Directors

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

Sharing of Election Data for General and Assembly Elections – AC Nielsen

NBA negotiated with A.C. Nielsen for the counting day election data for the General Elections and Assembly elections held during the year. Several members and non member broadcasters subscribed to the data.

Joint meeting of NBA/NBSA

Chairperson and Eminent Members of NBSA had a joint meeting with NBA Board Members on 19.2. 2014 to discuss issues relating to self regulation and the actions to be taken jointly to strengthen the initiative. In particular, the need to get recognition of the Code of Ethics and Regulations by the MIB so that it is made part of the Programme Code.

Yearly memorial lecture as a tribute to Justice (Retd.) J.S. Verma, former Chief Justice of India and first Chairperson, NBSA


NBA Board concurred with the view of the NBSA that the biggest tribute NBA could give to Justice Verma was to announce a yearly memorial lecture on the theme “Freedom & Responsibility of Media”. Action is being initiated to host the first memorial lecture this year.

News Broadcasting Standards Authority

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

Place: New Delhi
Date: July 24, 2014

By Order of the Board of Directors of
News Broadcasters Association



K.V.L. Narayan Rao
President

Annexure - 1

Members of News Broadcasters Association

Members:

S.No.	Name of the Broadcaster Member	Channel(s)
1.	Asianet News Network Pvt. Ltd.	Asianet News, Suvarna News
2.	Bennett, Coleman & Co. Ltd.	ET Now
3.	Business Broadcast News Pvt. Ltd.	Bloomberg TV India
4.	Eenadu Television Pvt. Ltd.	ETV-Andhrapradesh, ETV-Telangana
5.	ibn18 Broadcast Ltd.	CNN IBN, IBN 7, CNBC Bazaar
6.	Independent News Services Pvt. Ltd.	India TV
7.	Indira Television Ltd.	Sakshi
8.	INX News Pvt. Ltd.	News X
9.	Malayalam Communications Ltd.	Kairali, People
10.	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
11.	Media Content & Communications Services (India) Pvt. Ltd.	ABP News, ABP Majha, ABP Anando
12.	New Delhi Television Ltd.	NDTV24x7, NDTV India, NDTV Profit
13.	News24 Broadcast India Ltd.	News 24
14.	News Nation Network Pvt. Ltd.	News Nation
15.	Odisha Television Ltd.	OTV
16.	Panorama Television Pvt. Ltd.	ETV UP/Utarakhand, ETV Rajasthan, ETV MP/ Chattisgarh, ETV Bihar/ Jharkhand, ETV Urdu, ETV News Bangla, ETV News Kannada, ETV Haryana/HP
17.	SUN TV Network Ltd.	Sun News, Gemini News, Udaya Varthagalu
18.	Television Eighteen India Ltd.	CNBC TV18, CNBC Awaaz
19.	Times Global Broadcasting Company Ltd.	Times Now
20.	TV Today Network Ltd.	Aaj Tak, Headlines Today, Dilli Aajtak, Tez
21.	Zee Media Corporation Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee Sangam, Zee Kalinga, Zee Madhya Pradesh Chattisgarh, Zee Punjab Haryana Himachal, Zee Marudhara

Associate Members:

22.	Hyderabad Media House Ltd.	HMTV
23.	IBN Lokmat News Pvt. Ltd.	IBN Lokmat
24.	MM TV Ltd.	Manorama News Central
25.	Prism TV Pvt. Ltd.	ETV Bangla, ETV Marathi, ETV Kannada, ETV Gujarathi, ETV Oriya
26.	Total Telefilms Pvt. Ltd.	Total TV

Independent Auditor's Report

To The Members of News Broadcasters Association

Report on the Financial Statements

We have audited the accompanying financial statements of News Broadcasters Association, which comprise the balance sheet as at 31 March 2014 and Income and Expenditure Account for the year then ended and notes to the financial statements comprising of a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation of these financial statements that give a true and fair view of the financial position and financial performance of the Company in accordance with the Accounting Standards referred to in sub-section (3C) of Section 211 of the Companies Act, 1956 ("the Act") read with General Circular 15/2013 dated 13th September, 2013 of the Ministry of Corporate Affairs in respect of Section 133 of the Companies Act'2013. This responsibility includes the design, implementation and maintenance of internal controls relevant to the preparation and presentation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with the Standards on Auditing issued by the Institute of Chartered Accountants of India. Those Standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of the material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and reasonableness of the accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

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

- a) In the case of the Balance Sheet, of the state of affairs of the Company as at March 31, 2014 and
- b) In the case of the Income & Expenditure account, of the Surplus for the year ended on that date.

Report on Other Legal and Regulatory Requirements

This report does not include a statement on the matters specified in paragraph 4 of the Companies (Auditor's Report) Order, 2003 [as amended by the Companies (Auditor's Report) (Amendment) Order, 2004] issued by the Central Government in terms of Section 227 (4A) of the Companies Act, 1956, since in our opinion and according to the information and explanations given to us, the said Order is not applicable to the Company.

As required by Section 227(3) of the Act, we report that:

- a. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit;
- b. In our opinion proper books of account as required by law have been kept by the Company so far as appears from our examination of those books;
- c. The Balance Sheet and Income and Expenditure Account dealt with by this Report are in agreement with the books of account;
- d. In our opinion, the Balance Sheet and Income and Expenditure Account comply with the Accounting Standards referred to in sub-section (3C) of Section 211 of the Companies Act, 1956 read with General Circular 15/2013 dated 13th September, 2013 of the Ministry of Corporate Affairs in respect of Section 133 of the Companies Act'2013;
- e. On the basis of written representations received from the Directors as on March 31, 2014, and taken on record by the Board of Directors, none of the Directors is disqualified as on March 31, 2014, from being appointed as a Director in terms of clause (g) of sub-section (1) of Section 274 of the Companies Act, 1956;

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

Chartered Accountants

Firm Regn. No. 000756N

Sd/-

Naveen Aggarwal

Partner

(Membership No. 094380)

Place: New Delhi

Date: July 24, 2014

NEWS BROADCASTERS ASSOCIATION

Balance Sheet as at 31st March, 2014

<i>(Figures in Rs)</i>			
Particulars	Note No.	As at 31st March, 2014	As at 31st March, 2013
I. EQUITY AND LIABILITIES			
(1) Members's Funds			
(a) Entrance Fees	1	1,550,000	1,300,000
(b) Reserves and Surplus	2	27,670,450	24,276,746
(2) Non- Current Liabilities			
(a) Long term Provisions	3	817,128	-
(3) Current Liabilities			
(a) Short term Provisions	4	153,146	83,184
(b) Other current Liabilities	5	4,325,000	7,023,485.00
TOTAL		34,515,724	32,683,415
II. ASSETS			
(1) Non-Current Assets			
(a) Fixed Assets			
(i) Tangible Assets	6	185,151	214,681
(b) Other Non-current assets	7	-	21,375,767
(2) Current Assets			
(a) Trade Recievables	8	112,360	823,485
(b) Cash and Cash Equivalents	9	31,037,291	10,225,054
(c) Short-Term Loans and Advances	10	120,760	44,428
(d) Other Current assets	11	3,060,162	-
TOTAL		34,515,724	32,683,415

Significant accounting policies and other Notes to accounts 16-24

The accompanying notes are the integral part of the Financial Statements

As per our report of even date attached

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

Chartered Accountants

Firm Regn. No. 000756N

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
(Naveen Aggarwal)	K.V.L. Narayan Rao	Ashok Venkatramani	Rajat Sharma	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi.

Dated: July 24, 2014

NEWS BROADCASTERS ASSOCIATION

Income & Expenditure Account

for the year ended 31st March, 2014

<i>(Figures in Rs)</i>			
Particulars	Note No.	Year Ended 31st March, 2014	Year Ended 31st March, 2013
Income			
I. Subscription	12	10,875,000	10,262,500
II. Contribution from Members			3,300,005
III. Other Income	13	2,754,199	2,571,201
III. Total Income (I + II)		13,629,199	16,133,706
IV. Expenditure			
Employee Benefit Expenses	14	5,036,645	3,840,928
Depreciation and Amortization Expense	6	54,950	76,611
Administrative & Other Expenses	15	5,143,900	7,264,424
Total Expenditure		10,235,495	11,181,963
V. Surplus before Tax (III - IV)		3,393,704	4,951,743
VI. Tax Expense:			
(1) Current Tax		-	-
(2) Deferred Tax		-	-
VII. Surplus/ (Deficit) for the Year (V - VI)		3,393,704	4,951,743

Significant accounting policies and other Notes to accounts 16-24

The accompanying notes are the integral part of the Financial Statements

As per our report of even date attached

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

Chartered Accountants

Firm Regn. No. 000756N

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
(Naveen Aggarwal)	K.V.L. Narayan Rao	Ashok Venkatramani	Rajat Sharma	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi.

Dated: July 24, 2014

NEWS BROADCASTERS ASSOCIATION

Notes Forming Part of Balance Sheet

NOTE # 1	<i>(Figures in Rs)</i>	
Members Funds		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Entrance Fees		
Entrance fees as per last Balance Sheet	1,300,000	1,050,000
Addition during the year	250,000	250,000
		-
	1,550,000	1,300,000
NOTE # 2	<i>(Figures in Rs)</i>	
Reserve & Surplus		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Reserve and Surplus		
(a) Capital Reserve		
As per last Balance Sheet	50,000	50,000
Addition during the year		
	50,000	50,000
(b) Special Reserve		
As per last Balance Sheet	16,443,500	13,662,202
Addition during the year (Refer Note 22)	2,418,537	2,781,298
	18,862,037	16,443,500
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	7,783,246	5,612,801
Addition during the year	3,393,704	4,951,743
Less: Allocations & Appropriations-transfer to special reserve	(2,418,537)	(2,781,298)
	8,758,413	7,783,246
	27,670,450	24,276,746
NOTE # 3		
Long Term Provisions		
Particulars	As at 31st March, 2014	As at 31st March, 2013
-Provision for Gratuity (Refer Note 23)	817,128	-
	817,128	-

NOTE # 4		<i>(Figures in Rs)</i>							
Short Term Provisions									
Particulars		As at 31st March, 2014			As at 31st March, 2013				
Other Provisions									
-Provision for expenses		153,146			83,184				
		153,146			83,184				
NOTE # 5		<i>(Figures in Rs)</i>							
Other Current Liabilities									
Particulars		As at 31st March, 2014			As at 31st March, 2013				
Subscription Received in Advance		4,325,000			6,200,000				
Statutory Dues:									
Service Tax payable		-			823,485				
		4,325,000			7,023,485				
Note # 6		<i>(Figures in Rs)</i>							
Tangible Assets									
		Gross Block			Depreciation			Net Block	
Particulars	April 1,2013	Addition	March 31,2014	April 1,2013	For the year	March 31,2014	March 31,2014	March 31,2013	
Computer	468,208	25,420	493,628	394,726	29,393	424,119	69,509	73,482	
Office Equipment	196,792	-	196,792	72,347	22,525	94,872	101,920	124,445	
Furniture & Fixtures	17,500	-	17,500	746	3,032	3,778	13,722	16,754	
Total	682,500	25,420	707,920	467,819	54,950	522,769	185,151	214,681	
Previous Year	643,000	39,500	682,500	391,208	76,611	467,819	214,681	251,792	
NOTE # 7		<i>(Figures in Rs)</i>							
Other Non-Current assets									
Particulars		As at 31st March, 2014			As at 31st March, 2013				
Non-Current Bank Balances									
- Deposit with original maturity for more than 12 months		-			20,500,000				
Interest accrued on Fixed deposits		-			875,767				
		-			21,375,767				
NOTE # 8		<i>(Figures in Rs)</i>							
Trade Receivables									
Particulars		As at 31st March, 2014			As at 31st March, 2013				
Unsecured considered good									
Outstanding for a period less than six months		112,360			823,485				
		112,360			823,485				

NOTE # 9	<i>(Figures in Rs)</i>	
Cash and Cash Equivalents		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Balance with Banks:		
In Current Account	4,024,714	7,722,070
Cash on Hand	12,577	2,984
	4,037,291	7,725,054
Current portion:		
Fixed Deposits with Bank (Refer Note 9.1)	27,000,000	2,500,000
	31,037,291	10,225,054
NOTE # 9.1	<i>(Figures in Rs)</i>	
Fixed Deposits with Bank		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Fixed Deposits with Bank		
-Upto 12 months maturity from date of acquisition	6,500,000	-
-Maturity more than 12 months but within one year from the reporting date	20,500,000	2,500,000
Shown as Current Assets	27,000,000	2,500,000
-Maturity more than 12 months but after one year from 12 months from the reporting date	-	20,500,000
Shown as Non-current Assets	-	20,500,000
Total	27,000,000	23,000,000
NOTE # 10	<i>(Figures in Rs)</i>	
Short Term Loans and Advances		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Unsecured considered good		
- Advances recoverable in cash or kind or value to be received	120,652	44,320
TDS Receivable	108	108
	120,760	44,428
NOTE # 11	<i>(Figures in Rs)</i>	
Other Current Assets		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Interest accrued on Fixed deposits	3,060,162	-
	3,060,162	-

NEWS BROADCASTERS ASSOCIATION

Notes Forming Part of Income & Expenditure Account

NOTE # 12	<i>(Figures in Rs)</i>	
Revenue From Operations		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Subscription	10,875,000	10,262,500
		-
	10,875,000	10,262,500
NOTE # 13	<i>(Figures in Rs)</i>	
Other Income		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Interest Income	2,653,399	2,270,301
Miscellaneous income	100,800	300,900
	2,754,199	2,571,201
NOTE # 14	<i>(Figures in Rs)</i>	
Employee Benefit Expenses		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Salaries and Wages	4,201,072	3,825,640
Gratuity Expense	817,128	-
Staff Welfare Expenses	18,445	15,288
	5,036,645	3,840,928
NOTE # 15	<i>(Figures in Rs)</i>	
Administrative & Other Expenses		
Particulars	As at 31st March, 2014	As at 31st March, 2013
Printing & Stationary	157,070	178,172
Legal & Professional Charges	2,496,425	4,882,498
Meeting Expenses	1,100,967	829,068
Newspapers, Books & Periodicals	64,015	40,067
Communication Expenses	113,558	108,912
Travelling & Conveyance Expenses	854,375	768,578
Rent & Electricity	221,328	212,336
Website Development Expenses	44,832	43,656
Repairs & Maintenance-Computer	4,410	72,096
Miscellaneous Expenses	23,718	21,847
Content Monitoring	-	54,048



Interest on TDS	10,055	-
Auditor Remuneration:		
Audit Fee	49,440	49,440
Out of pocket expenses	3,707	3,706
	5,143,900	7,264,424

16. Brief information of the Company

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

17. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

b) REVENUE RECOGNITION

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

c) FIXED ASSETS AND DEPRECIATION

- i. Fixed Assets are stated at cost inclusive of all related and other incidental expenses.
- 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.

d) TAXATION

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

e) ENTRANCE FEE

Entrance fees treated as capital receipts and hence been shown separately.

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

f) RETIREMENT BENEFITS

Gratuity Liability is provided on actual basis pro-rata to the number of years served.

g) PROVISIONS, CONTINGENT LIABILITY & CONTINGENT ASSETS

- i. Provisions involving substantial degree of estimation in measurement are recognized when the present obligation resulting from past events give rise to probability of outflow of resources embodying economic benefits on settlement.
- ii. Contingent liabilities are not recognized and are disclosed in notes.

- iii. Contingent assets are neither recognized nor disclosed in financial statements.
- iv. Provisions are reviewed at each Balance sheet date and adjusted to reflect the current best estimates.

h) USE OF ESTIMATES:

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

OTHER NOTES TO ACCOUNTS

- 18. In the opinion of the management, the value on realization of current assets, loans and advances in the ordinary course of activities would not be less than the amount at which they are stated in the Balance Sheet and provisions for all known liabilities has been made.
- 19. The Company is a Small & Medium sized Company (SMC) as defined in the general instructions in respect of Accounting Standards notified under the Companies Act, 1956. Accordingly, the Company has complied with the Accounting Standards as applicable to a Small & Medium sized company.
- 20. Based on the information available with the Company, no balance is due to Micro & Small Enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006 as on 31st March 2014. Further during the year no interest has been paid, accrued or payable under the terms of the said Act.
- 21. The Company is registered under Section 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.
- 22. Special reserve has been created under Section 11 of the Income Tax Act, 1961, by transferring the unutilized amount in excess of 15% of the total income, for the purpose of building the infrastructure of the Association with a view to achieve the objects stated in the Memorandum of Association.
Further, during the year, Company has incurred expenditure of Rs 15,71,337/- for achieving the objects of the Company, which is utilized from special reserve created under Section 11 of the Income Tax Act, 1961, by transferring the unutilized amount in excess of 15% of the total income in the previous years. Accordingly, this amount has been appropriated from special reserve after netting off the amount required in above paragraph.
- 23. During the year, Company has started providing liability in relation to employee gratuity based on the principles stated under the Payment of Gratuity Act, 1972.
Accordingly, the gratuity provision has been provided pro-rata based on the current salary drawn and number of years of services. Management is of the opinion that this provision will not be materially different from actuarial calculations as provided in Accounting Standard-15.

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

As per our report of even date attached

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

Chartered Accountants

Firm Regn. No. 000756N

For and on behalf of the Board

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
(Naveen Aggarwal)	K.V.L. Narayan Rao	Ashok Venkatramani	Rajat Sharma	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi.

Dated: July 24, 2014

Section II

News Broadcasting Standards Authority

During the year under report, the NBSA has been meeting regularly under the Chairmanship of Justice R.V. Raveendran, former Judge of the Supreme Court of India and proactively taking actions to ensure that broadcasting standards of member broadcasters improve. During the year 1143 complaints were considered and reviewed by the Authority, which included complaints received from the Ministry of Information and Broadcasting and Election Commission of India.

The self regulation mechanism envisages a two tier mechanism for resolution of complaints of viewers. The first tier being the broadcaster and the second being the NBSA. In view of the satisfactory resolution of complaints at the first tier i. e the broadcasters, only a few complaints warranted action by the NBSA. In the latter category of cases, the NBSA issued notices where it so decided; in some cases even took suo motu action. NBSA after considering the complaints and hearing the parties or otherwise issued necessary decisions/orders.

Hearing of Complaints ----- Decisions and Orders passed by NBSA

1. Complaints relating to promo aired for the promotion of the Programme titled “Mujsh Kuch Kehti Yeh Khamoshiyaan” on Star Plus, a General Entertainment Channel (GEC) in November 2012.

The complaints related to a promo of an upcoming serial on Star Plus Channel which showed that a girl by the name of Gauri Bhonsle was missing from Southampton, London and was likely to be in India. The promo was a marketing promotion by Star Plus, a GEC channel, for announcing the details of the missing girl, which was shown in a misleading manner by using the format/brand/ logo of ABP News and a prominent anchor of ABP broadcasting “breaking news” that a girl by the name of Gauri Bhonsle was missing from Southampton, London and was likely to be in India. The anchor also gave details of the missing girl with her photograph and other details to find Gauri and for any information about Gauri’s whereabouts, to call “1800 1800 0000”. The question, however, was whether ABP News, a news channel, could do so, misleading viewers into believing that what was being broadcast was part of a news or current affairs programme, informing viewers about a missing person.

NBSA was of the prima facie opinion that the broadcaster (ABP News) had violated the principles of self-regulation relating to (i) ensuring accuracy (as opposed to misleading viewers) (ii) not sensationalizing the content or news so as to create panic, distress or undue fear among viewers; and (iii) not showing the content out of context. NBSA decided to issue a notice to the broadcaster requiring them to file a written statement with CD along with any documents or material they wish to rely upon in their defence in relation to the matter.

Broadcaster, stated that the promotional advertisement named “Gauri Bhonsle Missing” was a creative advertisement campaign of the Star Plus Channel for the promotion of its new serial named 'Mujsh Kuch Kehti Yeh Khamoshiyaan' in an unique manner, in exercise of its freedom to practice trade and profession guaranteed by Article 19 (1) (g) of the Constitution of India. The advertisement was created by the creative team of Star Plus and was broadcast on the Star Plus channel only and no broadcasts of the said advertisements were made on any of the news and current affairs channels owned and managed by MCCS (broadcaster), neither at any normal hours, nor at the prime time, and that the notice against MCCS (owning the channel ‘ABP News’) was not warranted in respect of a programme carried by another broadcaster as the content was neither a news report nor was it broadcast by a news channel; it did not attempt to create any panic or disorder



as none of the said advertisements were ever broadcast on any of the news and current affairs channels owned and managed by it.

Broadcaster submitted that the programme was an advertisement as depicted by the disclaimer in all content regarding the promotion, displaying the words "advt" denoting "advertisement" on the lower right hand corner of the screen. One of the advertisements clearly informed the public about the date and time of the commencement of the programme. The broadcaster contended that the advertisements showed the picture of an actress (Mrunal Thakur) in half frame of the screen, who happened to be a familiar face in the homes of India, owing to her appearances in TV serials/advertisements; that the very fact that the person shown was a known actress made it clear that it was a promotional advertisement; and that as the advertisement did not create or attempt to create any confusion, there was no violation of any principles of self regulation relating to accuracy. The broadcaster stated that ABP News is a reputed news channel and they have always maintained a strict code of ethics in their functioning. However, keeping in view the observations of NBSA, as a gesture of their integrity they tendered their sincere apologies for the errors committed, if any.

During the hearing, the channel reiterated that only Star Plus channel carried the promo and neither ABP News nor any other channel owned by MCCA carried the promo. They contended that they had only permitted Star Plus to use the screen format of ABP News/logo and correspondent with their regular anchor announcing that Gauri Bhonsle was missing from Southampton, London and her whereabouts may be intimated on the toll free number shown on the screen. They also contended that the said promotional programme aired on Star Plus channel carried the tag "advt." to inform the viewer that it was a promotion and not news.

After viewing the promotional programme and after considering the arguments put forth by the broadcaster, NBSA was of the view that the promo would certainly mislead the viewers and create panic, distress and undue fear among viewers. The explanation given by ABP News, that it had only lent its brand/ format/logo/ correspondent/ anchor for a TV promotion and that it had not misused the platform of a news channel, was untenable. While the broadcast was a promotional programme for an upcoming serial on Star Plus channel, ABP News by lending its name, format, logo, brand, correspondent/anchor certainly gave a platform for disseminating an advertisement falsely as news and information thereby leading the viewers/complainants to believe it to be news and that it referred to a true incident. NBSA was also of the view that the "advt." tag in the promotional programme was very small and insignificant and most of the viewers would miss it. Both ABP News and Star Plus are to be blamed. However, as Star Plus was not before NBSA, the Order was restricted only to ABP News.

NBSA held that ABP News had violated the principles of self-regulation on (i) ensuring accuracy (as opposed to misleading viewers) (ii) not sensationalizing the content or news so as to create panic, distress or undue fear among viewers and (iii) not showing the content out of context. The broadcaster was warned not to lend its Format/Logo/Brand/ Anchors/ Correspondents to any other channel or media to create any deceptive 'news', that is advertisements masquerading falsely as news.

2. Complaint dated 21.5.2013, filed by Mr. Atul Jain regarding programme titled "Bura na Mano" on ABP news channel

The complaint was that in a programme titled "Bura Na Mano" ABP News tried to show Mr. Pawan Bansal, the then Railway Minister, as guilty though he was not even an accused in the said matter under investigation by CBI. By airing such programme the complainant stated that the channel had not followed the Fundamental Principles, as per Section 1, and Principles of Self Regulation, as per Section 2, of the Code of Ethics and Broadcasting Standards of NBA. Complainant stated that as an ardent admirer of Mr. Pawan Bansal, he chose to make the complaint. The complainant and the broadcaster were heard by the NBSA. The broadcaster stated

that the programme was a political satire; that such programmes are broadcast on several news channels; that the object of the programme was not to hurt or bring disrepute to any individual and in the instant case to Mr. Pawan Bansal, the then Railway Minister; that such programmes have to be seen in the context of humour and satire; and that the programme was not aired to gain TRP as alleged. The broadcaster pointed out that no other viewer(s), in particular Mr. Pawan Bansal, had found the programme objectionable.

Complainant did not agree and was of the view that the broadcaster was violating the rules and regulations laid down by NBA and the broadcaster cannot, in the guise of a political satire, air a programme which was derogatory and defamatory and the broadcaster should air an apology.

NBSA was of the view that as Mr. Pawan Bansal, who was the object of the programme had chosen not to make a complaint or approach the NBSA, the complaint had to be rejected. In view of the above, NBSA decided that it was not necessary to examine the question whether the broadcast or any part of it was objectionable. The complainant and the broadcaster were informed and the matter was closed.

3. Complaint dated 20.6.2013 filed by Mr. Pradip Kundu, Jt. General Manager (PR), Indian Railway Catering and Tourism Corporation Ltd., New Delhi regarding sting operation titled “Dalal Junction” aired on Aaj Tak Channel on 24.3.2013

Mr. Pradip Kundu, Jt. General Manager (PR), Indian Railway Catering and Tourism Corporation Ltd. (IRCTC), New Delhi had filed a complaint regarding sting operation titled “Dalal Junction” aired on Aaj Tak Channel on 24.3.2013 from 6.00 pm to 7.30 pm and subsequent broadcast on 25.3.2013 alleging that the news channel Aaj Tak without verifying facts and without any attempt having been made by the news channel to contact IRCTC to carry their side of the story had broadcast a one sided story of the probable nexus between the touts and the booking clerks at railway counters operating the computerized ticketing system.

Complainant and broadcaster were called for a hearing. The complainant stated that the whole programme revolved around touting and the probable nexus between the touts and the booking clerks at railway counters operating the computerized ticketing system; and that no part of the programme related to e-tickets and there was no complaint or reference to any personnel of IRCTC being involved in any irregularities, or the IRCTC website being compromised or hacked by touts. It was also pointed out that none of the members of the public or officials who were interviewed on the programme had mentioned anything about “on line ticketing” in the said sting operation; and therefore, the tagline “IRCTC ki website par gadbad jhala” repeatedly shown on Aaj Tak channel was wholly unwarranted and derogatory, and had maligned their reputation in the eyes of the public. IRCTC stated that the main server was maintained by the Centre for Railway Information Systems (CRIS), which was used for both railway counter booking by the railway clerks and e-ticketing by IRCTC; and that IRCTC was only a platform which any individual after registering could use for e-ticketing purposes. They stated that without verifying facts and without giving any opportunity to them to explain or point out the correct facts, the broadcaster chose to air a programme unconnected with them, dragging their name in the tagline. They, therefore, demanded an apology from the broadcaster.

Broadcaster contended that the broadcast was done in public interest to expose touts who cornered reserved tickets to sell them in black at a higher price, thus depriving general public of tickets from the reservation counters. The broadcaster tried to justify their stand by stating that they had obtained the views of the Reservation Superintendent, the Assistant Commercial Manager, the Additional Commissioner of Police, Delhi, former Member of the Railway Board and a cyber crime expert to show the complete fact without any prejudice to the IRCTC; and that their intention was to highlight the necessity to improve the system and to make it tout free.

On enquiring, whether they had sought the comments from officials of the IRCTC, the broadcaster stated that they had tried to get their version but were not successful. IRCTC denied that the channel even tried to contact them. The broadcaster also contended that no technical report was provided by IRCTC to show that it was not involved in the matter.

The technical report dated 10.10.2013 received from Addl. GM/IT/ IRCTC, was considered by NBSA which gave details of the various measures taken by IRCTC to secure its website from attacks of various bugs or hackers besides the measures taken by CRIS to protect the Railway Passenger Reservation System. This technical report had also been shared with the broadcaster.

NBSA noted that the entire programme related to the probable nexus between touts and booking clerks at the railway ticket counters. Without ascertaining the distinction between “counter booking and e-ticket booking” and without giving an opportunity to the IRCTC to give their version, the broadcaster had run the tagline “IRCTC ki website per gadbad jhala”, several times during the programme without any justification even though it had no basis for the same and thereby tarnished the image of IRCTC. The broadcast was, without “due diligence” as there was no “verification of facts”, and that guidelines relating to “accuracy, impartiality and neutrality” had been ignored while reporting on the subject.

NBSA therefore held that Aajtak channel was in breach of NBA Code of Ethics and Guidelines particularly the provisions relating to accuracy, impartiality, objectivity, neutrality in reporting and had failed to perform due diligence before broadcasting an unverified allegation, which was not true.

NBSA therefore directed TV Today Network Ltd (Aajtak channel) to tender an apology for five consecutive days from 13.1.2014 to 17.1.2014 respectively at 6.00 p.m. daily by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel Aaj Tak by stating the following:

रेलवे काउंटर टिकट प्रणाली के बुकिंग क्लर्कों व दलालों के बीच सम्भावित सॉटगॉठ के सम्बन्ध में आज तक पर “दलाल जंक्शन” शीर्षक से 24.3.2013 को व उसके बाद प्रसारित किये गये स्टिंग आपरेशन व इसमें बार-बार दोहरायी गयी टैग लाइन “IRCTC की वेबसाइट पर गड़बड़झाला” से इंडियन रेलवे कंटेरिंग एंड टूरिज्म कॉरपोरेशन लिमिटेड (आईआरसीटीसी) संगठन के बारे में गलत व भ्रामक छवि बनी। इस मामले को प्रसारित करने के पहले आईआरसीटीसी का पक्ष लेने का प्रयास भी नहीं किया गया। इससे आईआरसीटीसी की प्रतिष्ठा को पहुँची ठेस के लिए आज तक को गहरा खेद है और वह इसके लिए क्षमाप्रार्थी है।

NBSA also directed that the video of the said programme, if hosted, on the website of Aaj Tak or other links should be removed.

The broadcaster has complied with the Order of NBSA.

4. Complaint dated 4/9.12.2012 from Ms. Seema Mittal regarding false story in the programme titled “Vardat” on 7.11.2012 repeat telecast on 8.11.2012, further telecast with complainant’s version on 15.12.2012 and repeated on 16.12.12 on Aaj Tak Channel

Ms. Seema Mittal’s grievances/complaint relating to the aforesaid broadcast(s) was that without verifying facts, purely on false and truncated facts narrated by her estranged husband and his family and relying upon one sided documents furnished by them, a reputed news channel like Aaj Tak had telecast a distorted story of her matrimonial dispute showing her in very bad light, which had ruined her life and had brought disrepute to her family. She alleged that she and her husband had gone on honeymoon and had lived together as husband and wife till their relations had soured. But the channel had depicted her as a bride of only five days. She stated that the broadcaster had without verifying the facts not only telecast a one sided false information but had also telecast an imaginary version of her marriage with another individual, which according to her was

false, as there was no such marriage. She also pointed out that the broadcast implied that she was responsible for that individual's suicide. She stated that the broadcaster had misused / misinterpreted the FIR, affidavits and other documents filed in legal proceedings without knowing their evidentiary value or the context in which they were filed. She stated that when the matrimonial dispute was still sub judice such broadcast prejudiced her and her case. She stated that she belonged to an ordinary middle class family and the said broadcasts had not only defamed her and her entire family but affected their position and status in the society for which she demanded justice. She also stated that her conversation with the journalist of the channel was unauthorizedly carried as a voice over on 15.12.2012 and repeated on 16.12.12 respectively.

The broadcaster denied the allegations made by the complainant and stated that the programme was aired after verification of facts. They stated that they had the police/court records to establish the correctness of the contents telecast. They stated that their two attempts to trace Ms. Seema Mittal in Bangalore/Aligarh to hear her version were unsuccessful as she was not available at the addresses mentioned in the FIR. Subsequent to the broadcast when she complained, the broadcaster asked the complainant for her version and her conversation with a journalist of the channel was carried as a voice over by the channel. The broadcaster justified the broadcast by stating that it was not merely a matrimonial dispute but there were other issues like suicide, which needed to be brought out in the public domain. The broadcaster also pointed out that the complainant did not deny her relationship with one Mr. Ashish who had committed suicide, nor the photograph(s) published in newspapers in Bangalore.

NBSA considered the complaint, response and additional documents received from the complainant and the broadcaster and the contentions of both sides. NBSA was of the view that the subject broadcast was one sided as the complainant's version had not been carried; and what was carried after the broadcast was only a voice over of her conversation with a journalist of the broadcaster. NBSA was of the view that the programme relating to the matrimonial dispute between the spouses should not have been broadcast until due opportunity was given to the complainant against whom allegations and imputations were being made in the programme. The purported efforts made by the news channel to contact the complainant were found to be unsatisfactory, perfunctory and half hearted as the address of the complainant and her family members which included their Bangalore residential address and the complainant's work place address were available in the FIR dated 4.10.2012, which the channel had referred to for their telecast.

NBSA was of the view that the broadcaster (Aaj Tak channel) had violated the principle which required that news reportage should be fair and balanced particularly in respect of the person on whom the report was based and such person should be given the opportunity of giving his /her version. In the instant case the version of Ms. Seema Mittal was neither sought nor carried in the initial broadcast or in the subsequent broadcast. Only the version of her estranged husband was aired. In fact, on an earlier occasion while considering another complaint against the same channel (filed by Dr. Kalind Parashar dated 21.6.2012), NBSA also noted with "anguish and dismay how precious air time was spent by the news channel on a subject and related purely to the private and personal affairs of private individuals (as distinct from public figures) who had no association with public life at all; and such matters had been carried with prominence without there being any "news value" in the broadcast".

NBSA held that the broadcaster was clearly in breach of the NBA Code of Ethics & Broadcasting Standards, Specific Guidelines and had violated the principles of self-regulation relating to impartiality, neutrality, fairness, objectivity in reporting, privacy, good taste and wilful violation of the Advisory dated 16.9.2012, regarding "Reportage of Family/ Matrimonial Matters", which proscribes reportage on family and matrimonial matters with no "public interest" aspect or "news value".

TV Today Network Ltd (Aajtak channel) was directed to carry the unedited version of the complainant,

prominently for duration of three minutes at the same time that the first broadcast was made at 11.00 p.m. for three consecutive days i.e. on 20th, 21st and 22nd January, 2014 respectively. The complainant's version was also to be preceded by an apology to be tendered by the channel, by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel Aaj Tak stating the following:

आज तक श्री विशाल गर्ग और उनकी पत्नि सुश्री सीमा मित्तल के बीच वैवाहिक मतभेदों के सम्बन्ध में 7.11.2012 व 8.11.2012 को एकपक्षीय रिपोर्ट प्रसारित करने के लिए खेद व्यक्त करता है। यह रिपोर्ट 'कोड आफ एथिक्स', विशिष्ट गाइडलाइन्स व पारिवारिक/वैवाहिक मामलों की रिपोर्टिंग के बारे में 16.09.2011 को जारी की गयी एडवाइज़री का उल्लंघन है। इस प्रसारण से सुश्री सीमा मित्तल व उनके परिवार को पहुँची किसी ठेस या क्षति के लिए हमें गहरा खेद है।

The broadcaster was directed to pay a fine of Rs. 1,00,000/- (Rupees One Lac Only) to the News Broadcasters Association within 7 (seven) days of receipt of the Order for willful second violation of NBSA Advisory dated 16.9.2011 on reportage of family / matrimonial matters; the video of the said programme, if hosted, on the website of Aaj Tak or other links must be removed immediately.

It was made clear that the decision was not with reference to any aspect of the matrimonial dispute between the complainant and her husband or her alleged involvement in any other incident. The decision only dealt with the complaint that the news channel had published a one sided version of her husband without ascertaining her version and thereby caused her prejudice.

The broadcaster has complied with the Order of NBSA.

5. Complaint filed by Mr. R.K. Lal, Administrator, Mallige Medical Centre Pvt. Ltd., Bangalore against CNN IBN regarding programme titled "Bangalore woman incapacitated after botched surgery" from 29.3.2013 to 31.3.2013 again telecast on 6.4.2013, and repeated on 7.4.2013 and also telecast in the programme Face the Nation on 1.4.2013.

Mr. R.K. Lal, Administrator, Mallige Medical Centre Pvt. Ltd had filed a complaint regarding the above programmes. The broadcast related to the treatment of the patient (Mrs. Shylaja) showing her as a victim of medical negligence by the hospital, when the matter was pending before the Karnataka Medical Council, a quasi judicial body. The grievance of the complainant was that the broadcaster had aired a one sided alleged medical negligence story at the instance of one Mr. Muniraju, a citizen journalist and husband of Ms. Shylaja, in violation of the Specific Guidelines titled "Guidelines of Broadcast of Potentially Defamatory Content"; "Guidelines for Reporting Court Proceedings" and "Guidelines for Reporting the Injured and the Ill"; and that the broadcast has tarnished the reputation of the hospital which had been functioning for the last 35 years. It was contended that the claim of the broadcaster that their correspondent had approached the hospital for their views was false as they neither received any email nor did the correspondent approach the hospital to obtain their views before the telecast. The complainant further stated that despite the hearing having been fixed for 25.10.2013, the broadcaster had resorted to a repeat telecast of the programme in October 2013. The complainant also brought to the notice of the NBSA that the Karnataka Medical Council in their final order dated 22.8.2013, had exonerated Mallige Medical Centre of medical negligence. The complainant also informed NBSA that Mr. Muniraju had filed a complaint before the National Consumer Redressal Commission, which was pending. In view of the violation of the aforesaid Guidelines the complainant demanded an apology from the channel.

The broadcaster stated that they had aired the programme in public interest and they had not violated the Guidelines. They stated that their correspondent had made several attempts to speak to the concerned doctors to get their point of view, which remained unsuccessful. The broadcaster on being asked whether they had sent any written communication to the hospital for their comments before airing the story, they stated that

they would check with their correspondent and if there was any communication, they would file it before NBSA. But no such document has been filed. On being asked why the patient Shylaja was shown in distress and without masking her face contrary to the Guidelines, the broadcaster reiterated that the programmes were telecast in public interest to highlight medical negligence cases. It was contented that showing the patient was with the consent of the family, with the husband himself acting as a citizen journalist. It was stated that unless the patient was shown, the effect of medical negligence would not be evident and the purpose of the programme would not be achieved.

On considering the facts, circumstances and contentions and viewing the CD, NBSA was of the view that the broadcaster CNN IBN channel was in breach of provisions in the NBA Code of Ethics and Guidelines relating to accuracy, impartiality, objectivity, neutrality in reporting, as it had failed to perform due diligence and had violated the Guidelines for Reporting the Injured and the Ill. The broadcaster had failed to make adequate efforts to contact the hospital to ascertain its version of the events.

In regard to the complaint that the broadcaster had violated the Guidelines for Reporting the Injured and the Ill, NBSA was of the view that on the facts, the hospital had no locus to complain. But NBSA was nevertheless of the view that, as Smt. Shylaja was not capable of giving consent, the broadcaster should have made an effort to show the patient in a manner which did not affect her dignity.

NBSA directed that the broadcaster (CNN IBN channel) be visited with the following consequences:

- (a) NBSA warned the broadcaster for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines and also for wilful violation of the Guidelines for Reporting the Injured and the Ill.
- (b) Channel be asked to tender an apology by once airing on January 10, 2014 prior to the commencement of the 9 pm news the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel CNN IBN by stating the following:

“CNN IBN regrets and apologizes for airing the programme titled “Bangalore woman incapacitated after botched surgery” without ascertaining the version of Mallige Medial Centre Pvt. Ltd., on 29.3.2013, 30.3.2013, 31.3.2013, 1.4.2013, 6.4.2013 and 7.4.2013”

The broadcaster has complied with the Order of NBSA.

6. Complaint dated 24.12.2012 filed by Mr. Hariharan S. regarding a child rape victim identified by CNN IBN journalist while covering the protest at India Gate on 23.12.2012

The complaint related to the “live” coverage of the protest at India Gate on 23.12.2012 by CNN IBN channel post the Nirbhaya gang rape in Delhi a few days ago. In the said coverage, the father of a child rape victim had used the opportunity of the “live” telecast at India Gate to convey to the public his anguish that despite three months having passed, no action had been taken by the authorities. The child rape victim’s father was not morphed as it was a “live” telecast.

NBSA on considering the complaint and viewing the footage had noted that the broadcast of the impugned footage in the backdrop of the protest at India Gate had to be seen in the larger perspective and context, namely the anguish of a common man, who was voluntarily giving information relating to the rape of his young girl child, and the insensitivity of the establishment whereby no action had been taken by the authorities for him to get speedy justice. Viewed with this perspective, the broadcast could not be faulted since it was part of an “unstructured live telecast” of an event at India Gate. NBSA then decided that no further action needs to be taken in the matter.



On being informed of the decision of the NBSA, the complainant requested that the ex-parte order of the NBSA be set aside and to restore the complaint. He also gave reasons as to why he wanted to contest the response given by the broadcaster.

NBSA on 18.9.2013, re-considered the complaint, response of the broadcaster and viewed the CD and decided to hear the complainant and the broadcaster alongwith the concerned editor/ producer who cleared the story and asked both to appear before the NBSA. Accordingly, the complainant and the broadcaster were called for a hearing. The complainant could not attend the hearings due to personal reasons and informed NBSA that it could proceed with the hearing in his absence. The representatives of the broadcaster present at the hearing were informed that the complainant would not be present at the hearing and the NBSA would rely on the written submissions of the complainant.

The broadcaster stated that the byte of the child rape victim's father was not pre-determined or pre-conceived. The gentleman was part of a very large crowd and several protesters were highlighting how their grievance was not being heard by the police and law enforcement agencies. In the instant case the anguish of the father was that despite his six-and-a-half years old child having been raped, no action had been taken by the police authorities to identify and apprehend the offender. The father by highlighting his plight was only seeking justice. The reporting was certainly in public interest and part of a live programme. The broadcaster stated that by revealing the name of the rape victim's father they had not violated the provisions of the Juvenile Justice Act.

The complainant contended that even in a live programme, the identity of a victim or her parent could be protected without morphing. He stated that a newspaper or a handkerchief could have been used to hide his face.

The broadcaster fairly admitted that irrespective of the circumstances under which the coverage was done, it was possible to have been more careful, but in a surcharged atmosphere, which was being captured live, it was not thought of. The broadcaster assured the NBSA that they regularly sensitize their editorial personnel including camerapersons on as to how to report sensitive matters; and that it is their constant endeavour to ensure that the NBA/ NBSA Codes and Guidelines are followed in both letter and spirit.

On the facts and circumstances, NBSA felt that there was a breach. NBSA closed the matter with a warning to the broadcaster to be more careful and responsible in future. NBSA directed that if the video was on the website of Ibnlive.com or any other link, it should be removed and compliance reported.

The broadcaster has complied with the Order of NBSA.

7. Complaint dated 13.5.2013, against Sakshi TV programme aired on 12.4.2013 titled "drunken girls hulchul midnight" and case filed against pub management by 4 students of NALSAR

NBSA considered the complaint by four students of NALSAR and the response of Sakshi TV. NBSA also considered the representations received from Network of Women in Media (NWI) & AP Electronic Media Journalists Association, Hyderabad (APEMJA) and also viewed the CD in respect of the said telecast. After deliberations, NBSA decided to hear the complainant, broadcaster and AP Electronic Media Journalists Association, Hyderabad (APEMJA).

The complainants, Sakshi TV and APEMJA were called for a hearing. AP Electronic Media Journalists Association, Hyderabad (APEMJA) did not respond to the communication nor appeared before the NBSA.

The complainants stated that the students of fourth year at NALSAR University of Hyderabad had hosted a private farewell party for their seniors (including the complainants) at "Rain Club", Hyderabad. After the party was over, while they were escorting their friends and juniors into their pre-paid cabs they noticed an

unknown individual standing by their cabs with his camera phone pointed at their female friends who were boarding their cabs. Suspecting that the individual was video graphing and photographing the girls, he was approached with a request to hand over the phone, failing which they would report the matter to the police. The individual handed over a phone to the girls. However, after they left the place with the phone, they realized that the phone they received was a dummy phone. They returned to the “Rain Club” to return the dummy phone and confront the person who took the photos and talk to the police officials about filing an FIR for voyeurism against the individual.

Upon their return, they found that their juniors had left and a crowd had gathered outside the club, which included the individual who had taken their photographs and his friends. Along with them two or three policemen were also present at the scene and they noticed a van belonging to ABN Andhra Jyothi parked next to the footpath. The complainants alleged that while they were speaking to the policemen, the individual and his friends approached them and started making unsavory comments, which led to an argument between them, which was video graphed by the cameraman of ABN Andhra Jyothi. The complainants alleged that the cameraperson of ABN Andhra Jyothi instead of stopping the video shoot, followed them and made provoking comments, which made them feel insecure as the situation was getting out of control. The complainants alleged that the TV footage aired subsequently, showed the camera targeting two of the girls specifically and that the camera person thrusting his camera into their cab through the window intruding upon their privacy and preventing them from leaving the scene; and footage also showed that they were incessantly heckled and harassed by the camera man who repeatedly taunted them and made comments such as “come out”, “speak up now”, “you wanted to speak, why are you now sitting quiet”. Eventually when the senior police officers arrived they left the scene and reached the campus at 12.30 am.

The complainants alleged that the next morning i.e. 12.4.2013, they discovered to their shock that some local TV channels had broadcast the truncated footage of the incident of previous night without verifying the facts with the subjects of the video. The footage was aired on ABN Andhra Jyothi, TV 9, CVR News, Studio N, N TV (non-members), TV 5, (a member then but subsequently ceased to be a member of NBA), News 24 and Sakshi TV members of NBA. The complainants, however, filed the complaint only against the broadcaster (Channel Sakshi TV), a member of NBA.

The complainants alleged that the broadcaster replayed the footage obtained from another channel with their own editing and video clippings and that the facts were continuously manipulated and misrepresented; that the reportage was erroneous and defamatory comments were made by referring to them as “drunk”, “half naked” and “nude” and further obfuscated the facts by employing editing tactics such as blurring out portions of one of their member’s dress to make it appear that they were dressed in an indecent manner. The channel in their reportage also showed statements of some local politicians thereby misleading the viewers and attempting to draw public opinion.

The complainants alleged that the video footage and the method of reporting undertaken by the broadcaster (Channel Sakshi TV) were in clear violation of guidelines relating to “impartiality and objectivity in reporting; ensuring neutrality; depiction of violence or intimidation against women and children; privacy; Guidelines on “Broadcast of Potentiality Defamatory Content” and “Guidelines for Conducting Sting Operations” and sensationalized the broadcast.

During the hearing the complainants alleged that their attempt at contacting the media channels to clarify their story were fruitless. Only HMTV, a member of NBA, and a few other channels responded to their claim. Instead, they received a letter dated 20.4.2013, from Mr. C. Hariprasad, President, APEMJA, which made no attempt to respond to their allegations, but further claims were made against them that questioned their



character. The complainants alleged that APEMJA carried out mala fide and a vicious vendetta against them on the pretext of targeting “pub culture” via a sting operation; that APEMJA also started a signature campaign against them titled “condemn the action of a group of students for assaulting media persons”; and that the host website (change.org) in a regular security check found that 97% of the signatures were fake; the complainants also alleged that APEMJA had procured a spoof video made by one of the students for some other party, which they wrongly claimed was the invitation to the farewell party at “Rain Club”. They alleged that this was a false and baseless claim and a viewing of the said video (which APEMJA called the “daaru party” video or the “invitation to party”) made it obvious that this video and the “Rain Club” party were completely and totally unrelated. It was made for circulation among the students, purely for their entertainment and was published on Youtube on 22.3.2013. It was made private (visible only to the maker) in two weeks’ time on 6.4.2013, five days prior to the farewell party.

The broadcaster (Channel Sakshi TV) during the hearing stated that they had aired the news after coming to know that an FIR was registered by ABN Andhra Jyothi reporters against the students. They had aired the visuals and covered the same on their channel so as to emphasise that pubs were illegally open beyond the licence hours and to highlight indecent act being committed by students/young people at midnight, at a critical time when “Nirbhaya” incident was being debated all over the country. The broadcaster justified the broadcast by stating that it was aired in public interest. Broadcaster further stated that other media persons/reporters had approached the State Human Rights Commission against the students for their indecent behaviour at midnight and several media channels had aired the same visuals; and that they had broadcast the visuals only after the confirmation that Jubilee Hills Police Station had registered the case. The broadcaster stated that the news was telecast in good faith without interfering with the privacy of any individual; and that the incident happened on the public road, which led to public nuisance, and the telecast was based upon the information and the incident that led to registration of a crime by the police in regard to the said incident. According to the channel, the video footage and the news telecast on Sakshi TV pertained to public nuisance on a main road having public access and the object of the telecast was to highlight the fact that the bars were opened beyond the licensed hours. Sakshi TV, alleged that its crew did not interfere with the privacy of any persons, including that of the four students. It was contended that the incident that recorded in any private place, and that a bare perusal of the entire news along with the ticker that was displayed clearly established that there was no reference to any individual by name; and the news was telecast without sensationalizing the issue, while other channels had sensationalized the issue. The broadcaster stated that the complaint against the telecast was unwarranted and it infringed their freedom of expression. The broadcaster stated that on coming to know that the persons involved in the incidents were students, the broadcaster immediately stopped any repeat telecast, thereby maintaining highest journalistic ethics. The broadcaster justified that the telecast was of the video footage of the true facts and that the incident took place in a public place leading to registration of a crime by the police and such telecast cannot be considered as being against the Code of Ethics and Broadcasting Standards of NBA/NBSA and that they had made an offer to the students to telecast their views/version on their channel provided the students gave a day’s notice in advance.

APEMJA did not attend the hearing or respond to the communication sent by NBSA, which contained all the documents relating to the complaint. NBSA decided to consider the letters dated 17.4.2013, and 20.4.2013 of the APEMJA, wherein they contended that a public duty was cast upon media to expose incidents of illegality and vulgarity resulting in public nuisance and serving of liquor by the pub management to the customers below the statutory age limit and that too beyond the license hours.

NBSA considered the submissions and was of the view that the broadcast intruded into the privacy of the students; there was no objectivity, impartiality or neutrality in reporting the incident; there was no verification

of facts; and that it caused unwarranted distress to the students; and that the story was one sided as the views of the students were not taken into consideration before broadcast. NBSA also found that the manner in which the camera man thrust the camera inside the car through the window taking shots of the cowering girls inspite of their objections with taunts demanding comments and telecast of such footage were highly objectionable and violated the norms.

NBSA therefore directed that Indira Television Ltd. (Sakshi TV channel) be censured for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines, wilful violation of the NBSA Guidelines on “Broadcast of Potentiality Defamatory Content” and “Guidelines for Conducting Sting Operations”, for sensationalizing the broadcast.

A fine was imposed on the broadcaster of Rs.1,00,000/- (Rupees One Lac Only) payable to NBA (News Broadcasters Association)

NBSA decided that the broadcaster (channel: Sakshi TV) should tender an apology for three consecutive days on 15th, 16th and 17th January, 2014 prior to the commencement of the telecast of the 8 pm news bulletin by running the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel Sakshi TV by stating the following in both English and also in Telugu (by translating the matter into Telugu):

Sakshi TV regrets and apologizes for broadcasting the programme titled “drunken girls hulchul midnight” on 13.5.2013, which intruded into the privacy of the students of NALSAR, Hyderabad. The channel made the broadcast without making adequate efforts to obtain the views of the students before the broadcast.

NBSA also directed that the video of the said programme, if hosted, on the website of Sakshi TV or other links shall be removed.

The broadcaster has complied with the Order of NBSA.

8. Complaint dated 25.6.2013 filed by X regarding the program ‘Face the Nation’ - Phaneesh Murthy case: Is sexual harassment in work place a double edged sword? aired on May 22nd 2013 on CNNIBN channel alleging that her name was unnecessarily revealed and wrong information was disseminated of subjudice matters.

Complaint dated 25.6.2013 was received by the NBSA from X regarding the above programme alleging that without her consent her name was revealed and without verifying the facts regarding pending civil and criminal matters, inaccurate information regarding the quashing of the FIR was shown on the screen shots.

While considering the complaint Chairperson recused himself. The other members considered the complaint and decided that both the complainant and the broadcaster be called for a hearing at the next meeting of the NBSA and the broadcaster be required to depute the concerned editor/ producer who cleared the story to also appear before the NBSA.

Mr Nitin Desai, Eminent member chaired the proceedings.

Complainant stated that without her consent her name was revealed in a programme (not relating to her) and without verifying the correct facts regarding pending civil and criminal proceedings, inaccurate information regarding the quashing of the FIR was shown on the screen shots in the above programme. She submitted documents to show that her complaints before the Courts were still pending disposal and she had been fighting for justice for several years regarding a sexual harassment case in the workplace. She stated that the screen shots shown of other sexual harassment cases in the programme were matters which had been decided by the Courts; and that by revealing her name and airing unverified information, the broadcaster had prejudiced sub judice matters and the viewers would tend to believe that there was no case pending in any Court of Law.



The broadcaster stated that the information relating to her case given in the screen shots was available in the public domain and based on their research with regard to reported cases of sexual harassment in the work place, they had only shown on the screen shots the correct position regarding the case before the Bombay High Court. The broadcaster justified the broadcast and stated that they had not violated any law or NBSA Guidelines.

The broadcaster was however unable to justify their action, with reference to Rule 4 of the “Guidelines on Reportage of Cases of Sexual Assault” which provides that in reporting cases of sexual assault on women to respect their privacy, the name, photograph and other details that may lead to disclosure of their identity shall not be broadcast or divulged.

NBSA therefore held that the broadcaster (CNNIBN channel) was in breach of NBA Code of Ethics and Guidelines particularly the provisions relating to accuracy and “Guidelines on Reportage of Cases of Sexual Assault” and had failed to perform due diligence before broadcasting an unverified information, which was not true.

NBSA therefore directed that the broadcaster (CNNIBN channel) be issued a warning for breach of the NBA Code of Ethics & Broadcasting Standards and Guidelines and also for wilful violation of the “Guidelines on Reportage of Cases of Sexual Assault”.

The broadcaster was directed to issue a written apology on the company letter head addressed to the complainant by the Director News and to be delivered to the NBSA in the text provided below. The apology letter once delivered by the broadcaster, NBSA would send to the complainant by email & recorded delivery.

“CNN IBN sincerely regrets that in the programme “Face the Nation Phaneesh Murthy case: Is sexual harassment in work place a double edged sword”? broadcast on 22.5.2013, the name of X (the name to be mentioned in the apology letter) was mentioned; and that full and correct particulars regarding subjudice matters and FIR were not shown on the screen shots in the said programme. CNN IBN regrets that before the information was aired on the channel neither the consent nor the version of X (the name to be mentioned in the apology letter) was sought, which might have harmed her reputation and breached her right to privacy”.

NBSA also directed that the video of the above programme, if hosted on the website of ibnlive.com or other links should be removed forthwith.

The broadcaster has complied with the Order of NBSA.

PS: Considering the nature of the matter and the requirement to protect the confidentiality & privacy of the complainant, the Order was released keeping the identity of the complainant anonymous.

9. Complaint dated 18.3.2014 filed by Mr Naveen Jindal (Member of Parliament, Lok Sabha) against Zee News, Zee Business and Zee News (UP) channels

Mr. Naveen Jindal, Member of Parliament, had given a complaint dated 18.3.2014 to Election Commission of India against Zee News, Zee Business and Zee News (UP) channels, in regard to the contents of certain news broadcasts on 7.3.2014, 10.3.2014 and 16.3.2014 and sought a direction to Zee News and its associated channels not to air false, defamatory, misleading news items against him and his company. The Election Commission of India forwarded the said complaint to NBA under cover of letter dated 20.3.2014, so that NBSA could consider the complaint and take such action as it deems appropriate. NBSA considered the said complaint and decided to issue a notice to the Broadcaster calling upon them to file its response. Both parties were also called for a hearing.

Zee Media Corporation Limited in its response alleged that on the very same allegations, Mr. Jindal had filed a suit before the Hon'ble Delhi High Court in CS (OS) No.881 of 2014 seeking permanent and mandatory

injunctions as also damages; that Mr. Jindal had also moved for an application for temporary injunction; and that the said application had been disposed of by order dated 1.4.2014 declining to grant the temporary injunction sought. The Broadcaster had also contended that having regard to Regulation 7.2, Mr. Jindal cannot pursue any remedy before NBSA, when a suit is pending on the same issue.

NBSA heard on 1.5.2014, the submissions of Mr. Jayant Bhushan, Senior Advocate appearing for Mr. Naveen Jindal and Mr. Maninder Singh, Senior Advocate appearing for the Broadcaster and considered the complaint and reply.

On comparing the averments in the complaint given by Mr. Jindal to the Election Commission and the averments in the suit and the interlocutory application filed by Mr. Jindal before the Delhi High Court, NBSA found that both the complaint and the suit were based on the same facts and grievances and the relief's sought were also the same.

Further, NBSA noted that the second proviso to Regulation 7.2 of the News Broadcasting Standards Regulations, stated that **“Provided that nothing in these regulations shall be deemed to empower the authority to hold an enquiry into any matter in respect of which any proceeding is pending in a court of law or other tribunal or statutory authority”**. Having regard to the said provision and having regard to the fact that a suit was pending before the Delhi High Court in regard to the very same issue, NBSA decided that it would not be able to entertain the complaint. Mr. Jindal and the Election Commission may be informed accordingly.

During the hearing, Mr. Jayant Bhushan, the learned senior counsel appearing for Mr. Jindal, submitted that the complaint was given to the Election Commission and not to NBSA and therefore he may be permitted to pursue the said complaint before the Election Commission. He also submitted that Mr. Jindal may be permitted to add other prayers, in the forwarded complaint before NBSA, which were not covered by the pending suit. However, NBSA decided that it would not be appropriate to permit the complainant to amend the relief sought, to get over the bar contained under second provision to Regulation 7.2. If Mr. Jindal wanted to file a complaint under the regulations, independent of the subject matter of the suit, it was open to him to take action as is permissible in law/in accordance with the regulations.

The complainant, broadcaster and ECI were informed of the decision and the matter was closed.

10. Complaint dated 28.7.2013 to NBSA from Mr. Prashant Singh S/o Mr. C.N. Singh Ex MP regarding misleading information aired on ETV Uttar Pradesh on 18.3.2013

Mr. Prashant Singh S/o Mr. C.N. Singh Ex MP had given a complaint dated 28.7.2013 to NBSA against ETV Uttar Pradesh alleging that the broadcaster had aired misleading news against his father on 18.3.2013 and the said news was aired throughout the day. The news related to an incident which occurred in the Padmavat Express from Pratapgarh to Delhi on the night of 17.3.2013 in which his father, Mr C. N. Singh, former MP, & some other co passengers were travelling. Since the complainant was not satisfied with the response received from the broadcaster it was decided that both parties be called for a hearing to resolve the matter. The complainant & the broadcaster appeared before the NBSA.

At the hearing both parties informed NBSA that they had arrived at the following settlement:

1. Broadcaster shall broadcast the version of the complainant (as to what transpired in the Padmavat Express from Pratapgarh to Delhi on the night of 17.3.2013 in which his father, Mr C. N. Singh, former MP, was travelling).
2. An airtime slot of three minutes before the 8 PM news on any day between 25th and 31st May 2014 will be made available by the broadcaster, for broadcasting the complainant's version.



3. Version of complainant shall not have any defamatory / offensive / objectionable content against anyone.
4. The complaint be treated as closed in view of the said settlement.

NBSA accepted the said settlement and treated the complaint as closed and directed the broadcaster to submit proof of compliance by submitting a compact disc containing the telecast with particulars of the time and date of the telecast to the News Broadcasters Association within 7 days of telecast.

The broadcaster has complied with the Order of NBSA.

11. Telecast of video of ‘Head Parade’ by News X TV channel on 9.1.2014

The complaint was received from the Ministry of Information & Broadcasting, under cover of letter dated 11.2.2014 to NBA. The complaint was that NEWS X had telecast a news report and discussion based on the alleged beheading of two Indian soldiers, which took place in January 2013 along the LOC on the Pakistani side of the border. It was alleged that the report contained visuals wherein a man was shown holding a human head (according to the channel the head was of Lance Naik Hemraj Singh) along with his alleged belongings like some Indian currency, Gutka (tobacco) wrapper and torch bearing the Indian army mark; that the visuals in the footage shown in the report were gruesome and highly graphic in nature; that the visuals were continuously shown throughout the report; that though the channel has blurred the visuals, it was clearly visible that a man was holding a human head; that some very close shots were also shown; that the visuals were very disturbing and against good taste apart from creating law and order problem in the country; and that such visuals were not suitable for unrestricted public exhibition. It was further alleged that it violated the provisions of the Programme Code – 6 [1] (a) which offends against good taste and decency, 6 [1] (e) to encourage or incite violence or contains anything against maintenance of law and order or which promote antinational attitude and 6 [1] (o) which is not suitable for unrestricted public exhibition.

NBSA at its meeting held on 21.3.2014 considered the complaint, the response of the broadcaster and viewed the CD and decided that a notice be issued to the broadcaster calling upon them to file its response and also decided that the broadcaster be called for a hearing, with a request to MIB and the concerned Army Authority to participate at the hearing and give their views on the matter. MIB did not appear for the hearing.

Mr Sudhir Nandrajog, Senior Advocate, appeared for the broadcaster and submitted that the beheading of the Indian soldier was in January 2013 and the programme was telecast on their channel after a year in January 2014. He submitted that the incident was reported extensively in the print media and there was also demand from the public and political parties to take suitable action in the matter. The broadcaster stated that only after cross-checking with their sources in the army, and following the standard procedures laid down editorially prior to broadcast, the video was broadcast in the said programme after blurring the image of the head along with appropriate disclaimer. The broadcaster stated that before broadcast they had sent a mail to the army seeking confirmation whether the footage related to Lance Naik Hemraj Singh, and that they received no response thereto. Mr Nandrajog, Senior Counsel stated that it was not possible to reveal the source in the army who confirmed about the authenticity of the video. He also pointed out that neither the Army nor the MIB had ever disputed the authenticity of the contents of the footage.

The Army representative stated that they had not received any email communication from the broadcaster in this regard. He stated that in spite of Army Authorities writing to the broadcaster on 10.1.2014 pointing out that the Army had not officially verified the authenticity of the video, the broadcaster continued to repeat the broadcast.

The broadcaster was requested to submit a copy of the e-mail sent to the Army to the NBSA for its consideration. The hearing was concluded and decision was reserved.

NBSA at the meeting held on 17.7.2014 considered further written submissions made by the broadcaster and also the copy of the email dated 10.1.2014 sent by the broadcaster to Director, Media (Army), forwarding the original video received. NBSA found that the email sent to the Army was not sufficient verification, as the CD was merely sent as an attachment without any message. There was no specific request for confirmation or verification or clarification. Nor was there an acknowledgement from the army confirming receipt of the email with the video. NBSA was of the view that the pre-verification done by the broadcaster was inadequate and that the broadcaster had not followed required processes, prior to airing such a sensitive broadcast. NBSA also noted that the guidelines relating to accuracy and good taste were also not followed by the broadcaster. Nor was the version of the Army aired. NBSA also noted that despite the request of the Army to the broadcaster not to air the story, the broadcaster chose to run the story on two days.

NBSA was of the view that the broadcaster had violated the regulation requiring accuracy by proper verification. It was therefore decided to warn the broadcaster to be more careful in the future and inform them that any future transgressions would be viewed seriously by the NBSA. With such warning the matter was closed. The broadcaster, army and the MIB have been informed of the decision.

12. Complaint dated 25.3.2012, filed by Ms. X regarding offensive visuals aired in the Kahiye Janab programme telecast on 17.3.12, at 8.30 p.m. (repeated on 18.3.2012 at 3.30 p.m).

Complaint dated 10.9.2013 filed before NBSA by Ms. X regarding broadcast in programme titled “Vaardat” on Aaj Tak channel on 7.9.2013 at 11 pm and repeated on 8.9.2013 at 12.30 pm.

The above two complaints were tagged with the matter arising out of the Order in WP No. 8619/2011 of the Hon'ble High Court of Karnataka. As that matter was closed, NBSA decided to de-link these two matters and proceed with them separately by calling the complainant and the broadcasters for a hearing. The complaints related to showing the complainant in a footage relating to or referring to Swami Nithyanand, contrary to the order of the Hon'ble High Court of Karnataka dated 28.2.2011 in WP No. 8619/2011. Accordingly, complainant and the broadcasters had been requested to be present for a hearing on 2.6.2014. The complainant was not present at the hearing.

NBSA heard both the broadcasters and viewed the footage. NBSA found that the broadcast of the programme called 'Vaardat' by Aaj Tak on 7.9.2013 at 11.00 PM, repeated on 8.9.2013 at 12.30 PM, showed the complainant in a footage relating to Swami Nithyananda and that may be contrary to the order of the Hon'ble High Court of Karnataka dated 28.2.2011 in WP No. 8619/2011.

It was also found that the broadcast of a morphed video which impliedly linked the complainant to Swami Nathyananda by Zee News (in the programme 'Kahiye Janab' on 17.3.2012) may also violate the order dated 28.2.2011 of the Hon'ble High Court of Karnataka in WP No. 8619/2011.

NBSA therefore decided that the broadcasters be advised to air apologies on their respective channels, the text and date of which would be furnished by NBSA. NBSA also decided that the objectionable portion of the video of the complained programme, if hosted on the websites of the broadcasters or any other links, shall be removed forthwith.

NBSA therefore directed that Zee Media Corporation Ltd. and TV Today Network Ltd. (ZEE News & Aaj Tak channels) to tender an apology on September 5, 2014 at 8.00 pm the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channels Zee News and Aaj Tak by stating the following:



आज तक को खेद है कि 7.9.13 को प्रसारित व 8.9.13 को पुनर्प्रसारित कार्यक्रमों 'बाबाओं की बदमाश कम्पनी' व 'वारदात' में स्वामी नित्यानन्द से सम्बन्धित एक फुटेज में सुश्री X का रुपान्तरित अश्लील वीडियो दिखाया गया। इस अनभिप्रेत त्रुटि के लिए आज तक को खेद है।

जी न्यूज़ को खेद है कि 17.3.2012 को प्रसारित व 18.3.2012 को पुनर्प्रसारित कार्यक्रम 'कहिए जनाब' में स्वामी नित्यानन्द से सम्बन्धित एक फुटेज में सुश्री X का रुपान्तरित अश्लील वीडियो दिखाया गया। इस अनभिप्रेत त्रुटि के लिए जी न्यूज़ को खेद है।

NBSA also directed that the video of the said programmes, if hosted, on the website of ZEE News & Aajtak or other links shall be removed.

The decision of the NBSA has been conveyed to the broadcasters & the complainant.

PS: Considering the nature of the matter and the requirement to protect the confidentiality and privacy of the complainant, the Order was released keeping the identity of the complainant anonymous.

13. Alleged violation on News 24 on 14.11.2013 at 07:01:37 hrs – Complaint received from the Section Officer, MIB showing a rape victim without blurring her face

The complaint dated 7.4.2014 was received from the Ministry of Information & Broadcasting, relating to a news item on News 24 channel showing a rape victim without blurring her face. NBSA considered the complaint. In the first instance, the broadcaster chose not to respond on the ground that after going through the logs of the last three months (90 days), they were unable to pin point the exact date and time of the broadcast. NBSA furnished the date and time of the programme. The Legal Head then responded that the said telecast of November 2013 was more than 3 months old and therefore they were unable to respond to the complaint.

NBSA at its meeting held on 1.5.2014 considered the complaint and viewed the CD and decided to issue a notice to the broadcaster calling upon them to file its response and also decided to call the broadcaster for a hearing at the next meeting of NBSA.

The representatives of the channel were asked to explain the reason why they did not respond in spite of reminders. The Legal Head of the channel stated that it was never their intention to show any disrespect and that they could not give a reply to the Notice, as the broadcast could not be verified by its library in the absence of exact date and time of the broadcast and passage of time. He however agreed to submit a written response within two days and the hearing was concluded.

NBSA at its meeting held on 17.7.2014 considered the response dated 3.6.2014 given by the broadcaster and also the submissions made at the hearing. The broadcaster has acknowledged the violation and has explained that it was inadvertent and unintentional and that it had initiated measures to strengthen the existing mechanism to ensure that such violations do not occur in future. It had also expressed its regret and sought condonation. It has offered to run a ticker with corrigendum/regret message.

Having regard to the gravity of the violation, it was decided that the broadcaster should be asked to air an apology and not a ticker on their channel News 24. The text, date and time of broadcast would be given by the NBSA.

NBSA therefore directed that News24 Broadcast India Ltd. (News 24 channel) to tender an apology on September 5, 2014 at 9.00 pm the following text (static) on full screen in large font size with voice over (in slow speed) expressing regret for the said telecast on their channel News 24 by stating the following:

न्यूज़ 24 ने बीएसपी सांसद के खिलाफ अपनी घरेलू नौकरानी से कथित बलात्कार के लिए एफ.आइ.आर. दर्ज किये जाने के बारे में समाचार प्रसारित करते हुए न्यूज़ 24 ने बलात्कार पीड़ित का चित्र उसका चेहरा धुंधला किये बिना दिखा दिया था। न्यूज़ 24 को खेद है कि 14.11.2013 को 07:01:37 बजे प्रसारित समाचार में एक बलात्कार पीड़ित का चेहरा बिना धुंधला किए अनभिप्रेत रूप से दिखा दिया गया। इस अनभिप्रेत त्रुटि के लिए न्यूज़ 24 को खेद है।

NBSA also directed that the video of the said programme, if hosted, on the website of News 24 or other links shall be removed.

The decision has been conveyed to the broadcaster and the MIB.

Complaints received from Ministry of Information & Broadcasting (Monitoring of content by EMMC)

- 1. Alleged violation on Sun TV on 25.7.2012 (14:38:02), 26.7.2012 (19:01:19), 29-07-2012 (07:27:01), 18.8.2012 (12:37:25) 25.11.2012 (19:03:33) and 27.1.2013 (19:10:11), – content monitored by Electronic Media Monitoring Centre (EMMC), MIB received from the Under Secretary, MIB vide letter dated 23.5.2013.**

Telecast Date: 25.7.12.

In a news report relating to a murder case, the channel had shown the visuals of a dead body of a child from close quarters without making it opaque or blurring it. The visuals were disturbing and offend good taste and decency and it violated Provision 6 (1) (a) of the Programme Code.

Telecast Date: 26.7.12.

In a news report relating to an incident in which some men were brutally killed, the channel had shown the visuals of dead bodies lying in the pool of blood from close quarters without making them opaque or blurring it. The visuals were disturbing and offend good taste and decency and it violated Provision 6 (1) (a) of the Programme Code.

Telecast Date: 29.7.12

In a news report, the channel had reported how a few youngsters including four girls were severely manhandled in a private guest house on the outskirts of Mangalore city. The incident happened, when the youngsters were celebrating one of their friend's birthday and some people from the Hindu Jagran Vedic attacked and manhandled them. In the video footage telecast during the report, the attackers could be seen beating two boys badly. While telecasting news report, the channel had revealed the identity of victims. It could have blurred the faces of the victims. The visuals also offend good taste and it violated Provisions 6 (1) (a) and 6 (1) (k) of the Programme Code.

Telecast Date: 18.8.12

The channel had telecast a news story from Viruthunagar district in Tamil Nadu where a man had set himself ablaze against a demolition drive being carried out in his locality by the local administration. The channel while telecasting the news had shown disturbing visuals of self-immolation of the auto driver, which offends good taste. The channel should have blurred such disturbing visuals and it was not suitable for unrestricted public exhibition and it violated Provisions of 6 (1) (a) and 6 (1) (o) of the Programme Code.

Telecast Date: 25.11.12

The channel while reporting the news of a farmer's suicide in Koorathaangudi village, Nagapattinam district of Tamil Nadu had shown the dead body lying on a stretcher without blurring the visual. The visuals were sensitive and against good taste also and was not suitable for unrestricted public exhibition and violated the Provisions of 6 (1) (a) and 6 (1) (o) of the Programme Code.



Telecast Date: 27.1.13

During a news report based on an accidental death of a farmer from Mithoor village in Vellore district of Tamil Nadu, the channel had shown the dead body of the farmer lying on a bed without editing. The visuals were disturbing and offends good taste and violated the Provisions of 6 (1) (a) of the Programme Code.

Decision:

NBSA considered the above complaints and the response given by the broadcaster wherein they admitted that inadvertently in the initial broadcasts they had shown the above visuals without blurring, which were corrected subsequently. The broadcaster admitted in their response that it was not their intention to offend the sensibilities of any person/s and they would ensure that they will abide by the applicable guidelines and also assured that the same will not be repeated. NBSA decided to close the complaints by informing the broadcaster to be more careful and sensitive while showing such visuals on their channel. The MIB was informed accordingly.

2. Alleged violations of content by TV News Channels (ETV 2 (3.12.2012 08:52:15) and Manorama News (11.12.2012 22:59:59) - content monitored by Electronic Media Monitoring Centre (EMMC), MIB received from the Under Secretary, MIB vide letter dated 8.4.2013

Complaint: ETV 2

Channel had carried a news report based on a unique beauty pageant that took place in Brazil in the name of 'Miss Bom Bom'. The pageant was to award the participant who has the best buttocks among all of them. The channel had shown the recorded footage of the pageant in which the participants were seen performing catwalk in front of the judges as well as a large group of viewers. In order to show their buttocks, the participants were dressed in revealing attires. They also made some obnoxious dance moves to highlight their particular asset. In one shot, all the participants were shown together, standing in a line, with their buttocks exposed before the jury/viewers. Though they were wearing thongs, its design was such that it did not cover their butts even partially. The visuals offend good taste and decency. It also denigrates women by showing their body in an indecent manner and violated the Provisions of 6 (1) (a) and & 6[1](k) of the Programme Code.

Decision:

NBSA considered the complaint and the response given by the broadcaster and noted that the broadcaster should have verified the contents received from third party sources however renowned they may be, in the instant case APTN, a news agency, before it was telecast on the news channel. NBSA also noted with regret that the broadcaster chose to show such a programme on a news channel. In view of the broadcaster having submitted that the concerned journalist was advised to refrain from telecasting such pageants in future and expressed regret for telecasting such programme, NBSA decided to close the matter with a warning to the channel that any future transgressions would be viewed seriously. MIB was also informed accordingly.

Manorama News

Channel without blurring the visuals had telecast disturbing visuals smeared with blood, in their crime based programme "Kuttapatram" which offended the standards of good taste and decency.

Decision:

NBSA considered the response in which the broadcaster stated that they had blurred the wounds and the blood on the dead body, but by oversight, the concerned producer had failed to mask the face. They admitted that the same was purely a mistake from the producer's end and was unintentional. The broadcaster also stated that

the concerned producer was issued a warning. NBSA decided that no further action needs to be taken. The matter was closed with a warning to the channel that any future transgressions would be viewed seriously. MIB was also informed of the decision.

3. Alleged violation of content by TV news channel (OTV Channel) on 2.1.2013 (22:21:05) - content monitored by Electronic Media Monitoring Centre (EMMC), MIB received from the Under Secretary, MIB vide letter dated 17.5.13

Complaint:

Channel in their programme “News Fuse” had shown a young man doing dangerous stunts and visuals without any disclaimer. The said programme showed a man lying between railway lines as the train ran over him. The timing of the broadcast was also inappropriate as a large number of children may be watching television during that time. Viewing such stunts could lead to young minds getting influenced to imitate such dangerous stunts.

Decision:

NBSA considered the response given by the broadcaster and was not convinced that the broadcast was done in public interest or that it was in any way helping viewers not to practice such dangerous stunts and engage in constructive work. NBSA decided that the broadcaster be informed that in future such programmes should not be telecast, and if telecast, there should be a continuous legible disclaimer through the programme. It was also decided to advise the broadcaster that such telecast did not have news value and could adversely influence young minds. NBSA decided that no further action needs to be taken and the matter may be closed with a warning to the channel that any future transgressions would be dealt with severely. MIB was informed of the decision.

4. Alleged violation of content by TV news channel (Zee 24 Taas) on 3.2.2013 (02:44:46)-content monitored by Electronic Media Monitoring Centre (EMMC), MIB received from the Under Secretary, MIB vide letter dated 17.5.2013.

Complaint:

On being informed by the local residents alleging a prostitution racket being run in a beauty parlor, the police raided the parlor in Thane district. It was alleged that the channel while broadcasting the raids on the parlor, had not covered the face of the girls, which would have an impact on their social life.

Decision:

NBSA considered the response and viewed the content aired on the channel and noted that the channel had nowhere in the news item disclosed that the girls were involved in prostitution or in illegal activities. NBSA decided that no action was called for in the matter. and the MIB be informed of the decision.

5. Alleged violation of content on ETV UP on 5.4.2013 (19:10:14) - content monitored by Electronic Media Monitoring Centre (EMMC), MIB received from the Under Secretary, MIB vide letter dated 24.6.2013.

Complaint:

Complaint related to the telecast of a gang rape of a minor girl in which the police had revealed the name of the father of the victim. It was stated that such broadcasts should be done with care and sensitivity as it may cast social stigma upon the victim.



Decision:

NBSA noted that the channel in its reply has stated that the voice over did not mention the name nor disclosed any details sufficient to identify the victim. However, due to some technical error, the byte of the Superintendent of Police could not be filtered which mentioned the name of the minor victim's father.

NBSA accepted the response of the broadcaster and noted that the broadcaster could not be faulted for the version of the police. NBSA decided that the broadcaster be requested to be more careful and sensitive when covering such issues. MIB was informed of the decision.

6. Complaint dated 25/06/2013 regarding telecast of programme in Gemini News at 17.46.56 hrs. received from Section Officer (BC-II) vide letter dated 17/10/2013

Complaint related to a telecast which showed an ASI of police had attempted to rape a minor girl in Nalgonda district of AP after luring her to his house on grounds of giving her a job and financial help. During telecast the channel revealed the identity of the girl. Revealing the identity of a minor victim of sexual harassment may jeopardize the victim's social life and future.

The broadcaster was directed by NBSA to submit a response on the alleged violation bearing in mind NBA Code of Ethics and Principles of self regulation and Guidelines for media reporting on children approved by the Hon'ble High Court of Delhi dated 8.8.12 in Writ Petition (Civil) No.787/2012, which was circulated to all Members vide email dated 5.10.12 and the Juvenile Justice (Care & Protection of Children) Act, 2000.

Decision:

NBSA considered the complaint, the response given by the broadcaster and also viewed the CD. NBSA was of the view that though the news was of value to the viewers, the broadcaster should have been more careful and ought not to have revealed the identity / name of a minor victim of sexual harassment even if the consent had been given by the victim and her parents. NBSA decided to issue a warning to the channel to be more careful and close the matter. The broadcaster and the MIB were informed of the decision.

7. Alleged violation of Programme Code by Asianet News Channel regarding programme "FIR" telecast on 1.6.2013 at 22:59:59 hrs, on 5.6.2013 at 22:59:59 hrs and 1.7.2013 at 02:21:29 hrs received from Section Officer (BC-II) vide letter dated 17.12.2013

Asianet News Channel in the said programmes had shown disturbing visuals and dead bodies without blurring the same; these visuals were disturbing and were not suitable for unrestricted public exhibition, it violated the provisions of the Programme Codes 6[1](a) and 6[1](o).

Decision:

NBSA considered the response given by the broadcaster wherein they admitted that inadvertently in the initial broadcasts they had shown the above visuals without blurring, which were corrected subsequently. The broadcaster stated in their response that it was not their intention to offend the sensibilities of any person/s and assured that such visuals will not be repeated. NBSA decided to close the complaint by informing the broadcaster to be more careful and sensitive while showing such visuals on their channel and inform the MIB about the same.

8. Alleged violation of Programme Code by ETV Odiya regarding programme "Full Bobal R U Ready" telecast on 7.4.2013 at 10:54:35 hrs, 12:05:03 hrs, 12:34:14 hrs, 23.4.2013 at 11:44:52 hrs and 10.5.2013 at 21:28:04 hrs. received from Section Officer (BC-II) vide letters dated 17.12.2013 and 26.8.2013

ETV Odiya had violated the provisions of the Programme Codes 6[1] (a) and 6[5] by showing stunts "like

a participant swallowing 15 long sharp knives altogether; a participant places a blade and a sharp needle in an upright position and attempted to pick them up with his eye lids, he bends to pick up a sharp needle at pinpoint from his right eye by closing the eye lids and succeeds in doing so, a minor boy dressed and painted like a tiger performing dance, using fire sticks as a prop; the dance shows the boy spinning the fire stick like a sword; later he could be seen jumping through a ring of fire”, offended good taste and cause strong repulsion in the minds of viewers; and telecasting such dangerous stunts on a national television at prime time would lead to the risk of imitation by children who might be watching TV at that time.

Decision:

NBSA considered the response and decided to close the matter by informing the broadcaster that the NBSA was not happy with the justification given by the broadcaster for airing such a programme and to also inform the broadcaster that as a news channel it should be their endeavour to ensure that adequate precaution was taken when such programmes were aired by informing the viewers the risk of imitating the stunts being shown on the programmes. Such information should be conveyed to the viewers by a voice over, continuous disclaimer/ticker, which should run through the programme.

9. Alleged violations of Programme Code by ETV Odiya on 9.12.2012, 16.1.2013 & 7.5.2013 and ETV Gujarati on 23.1.2013 by telecasting disturbing visuals of dead bodies.

The channels in their news reports had carried extremely disturbing visuals of dead bodies and badly injured people, which were not only disturbing but may also hurt the sentiments of viewers. These visuals were not morphed or blurred, in keeping with the sensitivities of the victims as well as the viewers. Hence, these visuals appear to offend against good taste, decency and also do not appear to be suitable for children and also not suitable for unrestricted public exhibition. Airing these visuals were violation of the provisions of the Programme Codes 6 (1) (a), 6 (1) (o) and 6 (1) (5) relating to good taste or decency; not suitable for unrestricted public exhibition and unsuitable for children.

Decision:

NBSA considered the complaints, the response admitting the inadvertent violation, and noted the action taken by the broadcaster of issuing a warning to the concerned journalist and advising the journalist to undergo training for two weeks under a senior journalist. NBSA agreed with the view of MIB (EMMC) that telecasting of visuals of dead bodies without blurring offended the norms relating to good taste or decency and such visuals were not suitable for unrestricted public exhibition.

NBSA noted the steps taken by the broadcaster to sensitize the journalist in question, and decided that the channels be asked to tender an apology, once prior to the commencement of the 8 pm news. The text and date of apology was provided by NBSA.

The broadcaster complied with the decision and carried the apology on their channels on 22.4.2014. The CD containing the apology has also been sent to MIB.

10. Alleged violation of Programme Code by Asianet News Channel

Asianet news channel on 1.10.2013, 17.10.2013, 26.10.2013, 2.11.2013, 6.11.2013, 1.12.2013, 12.12.2013 and 18.12.2013, had in their crime based programme “FIR” shown dead bodies without making it opaque or blurred, which violated the provisions of 6 (1) (a) the Programme Code relating to good taste and decency and 6 [1] (o), that no programme should be carried in the cable service which is not suitable for unrestricted public exhibition.



Decision:

NBSA considered the complaint regarding dead bodies being shown on various dates in their programme “FIR” on Asianet news channel. The broadcaster in its response had stated that as they had shown distant visuals, they were not objectionable; that they would be more cautious and careful in the future and that strict instructions were issued to the “FIR” production team to strictly adhere to the standard media guidelines of MIB. The broadcaster also tendered an unconditional apology. In view of the above NBSA decided to close the complaint and inform the MIB.

11. Alleged violation by Sakshi TV on 19.11.2013

Sakshi TV on 19.11.2013 had telecast a news report regarding a girl who was sexually abused by the Principal of her college. During the telecast, the broadcaster revealed the identity of a student, which violated the provisions of 6[1](k) and 6[1](o) the Programme Codes, which denigrates women and was not suitable for unrestricted public exhibition.

Decision:

NBSA considered the complaint and the response given by Sakshi TV in which they admitted that there was a violation of programme code pertaining to the said telecast in which they had disclosed the name of the student. NBSA noted the corrective action taken by the broadcaster in immediately disciplining the concerned editorial staff and ensuring that the programme was not again aired. NBSA therefore decided to close the complaint and also inform the MIB.

12. Alleged violation by Gemini News on 7.12.13

Gemini News had telecast a news report of a girl who was sexually abused and during the telecast had revealed the identity of the victim by taking her name and had also not blurred her face, which violated the provisions of the Programme Codes 6[1](k) and 6[1](o).

Decision:

NBSA considered the complaint and the response given by Gemini News TV in which they stated that the victim was an adult, that her complaint was that she who was allegedly cheated by a film producer and that she had voluntarily given the interview to the media and that only with her consent, they had recorded her allegations and telecasted the same. On consideration, NBSA found no violation and decided to close the complaint and also inform the MIB.

13. Alleged violation of content by OTV News Channel on 16.12.2013 and 20.12.2013

OTV news channel on 16.12.2013 and 20.12.2013 in the programme titled “Police File” and other news reports telecast visuals of dead bodies without editing or blurring them, and complained that the images were disturbing and were not suitable for unrestricted public exhibition, thereby violating the provisions of the Programme Code 6[1](a) and 6[1](o).

Decision:

The broadcaster, in its response, has acknowledged its lapses in showing the visuals of dead bodies without blurring the same and informed that it had taken action in the matter internally. In view of the above, NBSA decided to close the complaint by informing the broadcaster to be more careful in future while showing such visuals and has also informed MIB of the decision.

Complaints forwarded by Ministry of Information & Broadcasting:

1. Letter dated 13.12.2012, from the Under Secretary (BC-III) - instance of paid news with regard to certain TV channels.

Complaint:

ETV, Chhatisgarh, the only member of NBA mentioned in the news report, had been advised to respond to the issues which had appeared in the Indian Express & Hindu newspapers. The response of ETV Chhatisgarh was considered. NBSA noted that to understand the content broadcast on the channel and with the response given by the broadcaster, it was necessary to view the programme. Accordingly, it was decided that the broadcaster, may be advised to submit the CD to NBSA.

Decision:

NBSA had decided to call upon the broadcaster to submit the CD containing the offending broadcasts. In response the broadcaster informed NBSA that the allegation that ETV Chhatisgarh had broadcast paid news was incorrect. Therefore, there would not be any footage relating to the complaint, which can be provided by ETV Chhatisgarh for consideration by NBSA. Further, in its reply dated 11.5.13, the broadcaster had stated that it had routinely produced news stories on the success of the Chhatisgarh Government and broadcast these as stories; that such success stories of Chhatisgarh Government, released by State Public Relations Department, were broadcast on the channel, as advertisement or sponsored items and not as news; and that the channel has never received any consideration in cash or kind, for broadcasting any favorable news items/reports for the Government of Chhatisgarh, as alleged in some print media and when any matter was released by the Public Relations Department on any development programmes, such matter was telecast only as advertisement but not as news.

NBSA considered the above response and found that that in the absence of any CD showing the 'offending' news it could not proceed further in the matter and decided to inform the MIB accordingly. NBSA decided that if MIB was able to procure the CD containing the aforesaid 'offending' news broadcast, NBSA would reopen the complaint and consider the same. The decision was conveyed to MIB on 16.10.2013. There is no response from MIB. Hence no action has been taken.

2. Complaint dated 5.4.2013, by Mr. U. Daharwal regarding programme Stock 20:20 on CNBC AWAAZ

The complainant alleged that in the above programme the channel recommends stocks, which can be purchased. After watching the said programme and after cross checking the fundamentals on NSE, it was observed by the complainant that out of 40 stocks recommended, stocks of at least 38 would be very weak and the value of the stock recommended by them would fall 90-99%. On the basis of such information innocent investors suffer huge losses.

Decision:

NBSA considered the complaint and the response given by the broadcaster and decided that no action needs to be taken in the matter. An investor should not depend on a television programme to invest in security markets and would be doing so at his own risk and responsibility. However, having said that, the NBSA opined that such information on stocks, equity etc. must be thoroughly verified by the channel before being aired so that investors do not lose money based on such recommendations given on television channels. The MIB and the complainant were informed of the decision.



3. Complaint dated 28.4.13 by Mr. Edara Gopichand, Vice President, Media Watch India regarding complaint against TV Channels (Gemini Comedy, Sun Music (Non-members) and Sakshi Telugu channel – Member – non-display of mandatory CBFC’s certificate title and violation of Cinematograph Certification Rules

The complainant alleged that as part of the trailer of the film “Gunde Jaari Gallanthayyinde” telecast on 19.4.13, Sakshi Telugu news channel failed to display censor certified title (‘U/A’) as part of the trailer of the film, which is a violation of Rule 38 of the Cinematograph Certification Rules 1983. The trailer was supplied/produced by film producer and channel had no role in this regard can’t be a defence because the failure to comply with any of the provisions of Cinematograph Act and Rules is a clear violation of the Programme Code – Rule 6(1)(n) of the Cable Networks Rules, 1994 for which the BSP is solely and wholly responsible.

Decision:

NBSA considered the complaint and decided that the Ministry of Information & Broadcasting (MIB) be informed that the forum for getting redressal for the said complaint was the Advertising Standards Council of India (ASCI) and not the NBSA. MIB was informed accordingly and the matter was closed thereafter.

4. Complaint dated 31/05/2013 addressed to Minister for Information & Broadcasting by Mr. Diana Ratnagar, Chairperson, Beauty Without Cruelty, Pune received from Under Secretary (BC-II) vide letter dated 02/08/2013

The complainant stated that TV channels were telecasting gruesome cookery demonstration that depicts raw bloody flesh of animals, birds and fish sometimes live creatures are torn apart and actually killed. Such scenes obviously prove to be repulsive to average viewers, more so if vegetarian. It can also hurt the sentiments of religious Hindus if it is beef and Muslim if it is pork. In view of the above, to seriously consider blocking such shows being telecast for audiences in India.

Decision:

NBSA decided that no action needs to be taken as the complainant had merely given her personal views and there was no specific complaint with regard to any broadcast(s) or violation of the guidelines of NBA/NBSA. The MIB was informed of the decision and the matter closed.

5. Complaints from Mr. K.L. Bhatia regarding alleged unauthentic news telecast on NDTV Profit on 1.4.2010, received from Under Secretary (BC-II) vide letter dated 29.10.2013

NBSA noted that on 24.6.2013 the complainant had filed the complaint with the channel with copy to NBSA alleging that on 1.4.2010, NDTV Profit on their channel had announced the quarterly financial results of Bharat Electronics Ltd., which later turned out to be incorrect. On receipt of the complaint the broadcaster had stated that they were unable to revert without any specifics and as per the Uplinking and Downlinking Guidelines they had to retain footage only for a period of 90 days and hence they were unable to address the complaint.

Decision:

NBSA decided that no action be taken on the complaint as it was hopelessly belated and the matter be closed. The decision was conveyed to the complainant and the MIB.

6. Complaint dated 10/09/2013 from Mr. Kishanlal KuliyaI regarding disclosing name of victim and victim's parents in the broadcast on NDTV received from Under Secretary (BC-II) vide letter dated 14/10/2013

Complainant had alleged that NDTV in its programme had disclosed the name of the Delhi rape victim and her parents, contrary to law. On receipt of the complaint the broadcaster stated that they were unable to address the complaint adequately due to the lack of specifics in the email and sought details of date and time of the broadcast, which was conveyed to the broadcaster.

Decision:

NBSA considered the response given by the broadcaster that the parents of Nirbhaya had willingly participated in the various shows on NDTV and were not coerced or persuaded to participate in any programme; that they had also on their own accord participated in the police press conference, prior to appearing on their channel; that Nirbhaya's parents had also accepted their invitation and had participated in the Eighth NDTV Indian of the Year, which was held on April 15, 2013 dedicated to the Daughters of India and had accepted an award under the category of 'Daughter of India'. The parents were actively cooperating with NDTV to launch a scholarship in honor of the memory of their daughter. NBSA noted that the response was forwarded to the complainant on 5.12.2013. Since there was no further communication from the complainant, the NBSA decided to close the matter and MIB be informed accordingly.

7. Complaints from Mr. Kannan N.S. dated 1.8.2013, 3.8.2013 and 15.8.2013 regarding objectionable programmes on Sun News Channel forwarded by Under Secretary (BC-II) vide letter dated 22.10.2013

Complainant alleged that the news channel in a 45 minutes programme related to "paid killer and murderers on the rise in Tamil Nadu's Southern district" showed the justification of a convict and released paid killer that he relinquished the profession not because he was crippled with absence of limbs but due to his conversion to spirituality. The complainant alleged that the panelist discussed the if's and but's of the profession of killing. They justified paid killing directly attributing to unemployment, poor salary etc. without realizing that this could misguide the viewer and damage the fabric of society.

Decision:

NBSA considered all the above three complaints and the response given by the broadcaster and noted that the complaints were vague and there was no merit in the complaints. NBSA decided that no action was called for and the MIB be informed accordingly.

8. Complaints from Mr. D.K. Nathani and Mr. Sanjay Patel against telecast of alleged objectionable/distorted programmes on Asaram Bapu by News 24, P7, India News and News Nation TV channels during the month of December 2013.

The complainants alleged that the broadcasters had distorted a family video clip and telecast the same with objectionable dialogues. The telecast defamed a girl of 10 years and the women of the family and Asaram Bapu

Decision:

NBSA noted that the complaints related to the same issue which was considered at its meeting held on 25.10.2013, resulting in an Advisory dated 10.1.2014. NBSA therefore decided to close the matter, by sending a copy of the said advisory dated 10.1.2014 to the MIB for information.



9. Letter of Shri Bhagwan Singh Yadav raising concerns over TV broadcasts on child victims of sexual abuse---reference by Shri Digvijay Singh, Member of Parliament

Complainant alleged that several TV channels frequently show the abhorrent and perverse incidents of sexual abuse of minor girls by their close relatives which include even fathers, brothers, uncles and maternal uncles. It would be reasonable if such incidents were shown by TV channels only after the honorable courts have pronounced the people guilty who have perpetrated these heinous crimes. At the same time, it would be appropriate to use the term “minor” for the victim girls rather than disclosing their age.

Decision:

NBSA considered the matter and noted that there were no specific complaints relating to any broadcasts. The letter merely makes some suggestions to print and electronic media, on publication/broadcast of child victims of sexual abuse.

In view of the fact that NBA/NBSA have already issued several guidelines, that is (i) Specific Guidelines Covering Reportage dated 10.2.2009, (ii) Specific Guidelines for Reporting Court Proceedings dated 15.9.2010, (iii) Guidelines for Media Reporting On Children (approved by the Hon’ble High Court of Delhi on 8.8.2012 in Writ petition (Civil)No 787 of 2012) and (iv) Guidelines on Reportage of Cases of Sexual Assault dated 7.1.2013, NBSA was of the view that no further action was required. It was decided to inform the MIB about the existing Guidelines (which are also published on the NBA website) with an observation that if there were any specific violation of the Guidelines, the complainant may file a complaint regarding such violation under the Regulations.

The decision of the NBSA has been conveyed to the MIB.

10. Complaint dated 21.2.14, received from Ms. Geetanjali Khadagade regarding promotional commercials of Nirmal Baba

The complainant stated that News 24 was showing promotional commercials of Nirmal Baba. The so called sage had been accused of cheating people and there were many cases of fraud against him. All the news channels covered his news when he was being accused, taken to court, etc. How can a news channel be allowed to show such promotional content which misguides people? It should be stopped and strict action should be taken against the news channels facilitating fraud for such bogus people. The commercial gives details of their bank details, details of next show, etc.

Decision:

NBSA considered the complaint and noted that the complaint related to commercials of Nirmal Baba aired on News 24 channel. As commercial/ advertisement related complaints are considered by the Advertising Standards Council of India (ASCI), it was decided that MIB be informed accordingly so that it can take suitable action.

The decision of the NBSA was conveyed to the MIB.

11. Representation from Shri Chetan Arun Manerikar, Advocate against telecast of alleged derogatory programme ‘Comedy Circle’ by ETV Kannada TV channel

The Ministry of Information & Broadcasting had forwarded legal notice dated 28.2.2014, addressed to the broadcaster regarding telecast of programme titled “Comedy Circle” on 16.2.2014 on ETV Kannada showing mimicry of Hindu saints, sadhvis, Hindu dharma and its ritual etc. which according to the complainant was biased and intended to defame Hindu Saints, Sadhvis, Hindu religion and culture.

Decision:

NBSA considered the complaint and the response given by the broadcaster wherein they had stated that the intention was not to hurt the sentiments of any one. The broadcaster also gave an undertaking that the said episode shall not be telecast or re-telecast on ETV Kannada channel and they would remove the said episode from other platforms such as YouTube and other websites. NBSA decided to close the complaint and also inform the MIB of the same.

The decision of the NBSA was conveyed to the MIB.

12. Complaint from Shri Kannan Nattanmai regarding news broadcast about Shri Somnath Bharti's comment in his tweet on internet about President of India on 27.1.2014 on NDTV 24x7.

The complainant expressed concerns about the coverage given to the tweet of Mr. Somnath Bharti, wherein Mr. Bharti had denounced the comments of the Hon'ble President of India on the methods of mass agitation adopted by some political parties.

Decision:

NBSA considered the above complaint and the response given by the broadcaster and noted that the complaint was vague and there was no merit in it. NBSA decided that no action was called for and the MIB be informed accordingly.

The decision of the NBSA was conveyed to the MIB.

13. Complaint from Shri S. K. Gupta Advocate against NDTV Ltd for telecasting false/incorrect/defamatory news about Shri S. K. Srivastava, Commissioner of Income Tax by their TV channels

The Ministry of Information & Broadcasting vide letter dated 12.3.14, forwarded the complaint dated 11.2.2014, filed by Mr. S.K. Gupta, Advocate, on behalf of his client Mr. S.K. Srivastava, which stated that in the broadcast of a news item that took place on 16th and 17th January, 2014, the broadcaster had continuously and malafidely telecast and broadcast false and incorrect news about his client with pre meditated and malafide intent, aim and objectives to cause prejudice to his client in the SLPs that were coming up for consideration on 17.1.2014 before the Hon'ble Supreme Court.

Decision:

Ms Mannika Raikwar Ahirwal, Editor Member on NBSA being an interested party recused herself from the proceedings.

NBSA considered the above complaint only in relation to the broadcasts on 16.1.2014 & 17.1.2014 (and not the several other issues raised in the complaint), response given by the broadcaster and also viewed the news items aired on NDTV 24x7. On such consideration and viewing, NBSA was of the view that the complainant has not made out any violation of the NBA/NBSA Regulations/Guidelines by the broadcaster. Nor was the broadcast objectionable with reference to the regulations. The broadcaster had the editorial discretion and freedom to report news. In the instant case, the broadcaster while airing the said news relied on various orders passed by the Courts. NBSA decided that no action was called for and the MIB be informed accordingly.

The decision of the NBSA was conveyed to the MIB.

14. Complaint dated 21.8.2013 from Mr Ajay Gautam, President, Sai Lok Kalyan Sanstha, forwarded by MIB requesting the prohibition of programmes/advertisements which promote the use of "magic remedies"

The complainant has objected to indiscriminate airing of programmes/advertisements suggesting the use of



magic remedies to cure diseases, which are likely to endanger lives or harm the health.

Decision:

NBSA resolved to address the concerns raised in the petition by issuing an Advisory regarding content aired by electronic media channels in violation of the provisions of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and also to send a copy of the complaint as also the Advisory issued by NBSA, to the Advertising Standards Council of India (ASCI), who deal with advertisement content, to take suitable action, which had been drawn up and circulated to members and Editors of NBA & also sent to ASCI & MIB.

Complaints not redressed at the first level of redressal i.e the broadcaster & considered by NBSA.

1. Complaint filed by Dr. Pankaj Phadnis, Settlor and Advisory Trustee, Abhinav Bharat Mumbai, against Irresponsible Journalism in “We the People” Programme on February 17, 2013 on NDTV 24x7

The complainant stated that there are two Abhinav Bharats – one in Mumbai and the other in Pune, not connected to each other in any manner with distinctly different points of view. Non-disclosure of facts by the anchor during the programme “We The People” while introducing the spokesperson of the Pune based organization was irresponsible journalism and being the second such instance appeared to be a deliberate attempt to increase TRP ratings and for the purpose of making monetary gains. To avoid any confusion amongst viewers, the broadcaster should have made a distinction between the two organisations. The complainant stated being a repeat instance, albeit of a different nature, an apology in this case would serve no purpose. They were prepared to participate in the programme and put these facts on record for the viewers. However, they would not share stage with any representative of the Pune organization with whom their only contact was in the Court during proceedings of WP 2942 of 2011.

Decision:

NBSA considered the complaint and the response given by the broadcaster and noted that the broadcaster in their reply had explained their stand regarding introduction of one of the panelists Mr Milind Joshi as spokesperson of Abhinav Bharat on the programme which related to right wing terrorism. NBSA noted that the response given by the broadcaster was satisfactory and there was no need for NBSA to take any further action on the complaint. NBSA noted that the dispute regarding the names of the two organisations i. e Abhinav Bharat Pune & Mumbai was subjudice and therefore the broadcaster be advised that they should be careful in future and ensure that accuracy is maintained. The complaint was closed with these observations. The complainant and broadcaster were informed of the decision.

2. Complaint dated 22.2.13, by Mr. Sharad Shah about the programme Terror in Hyderabad the News Hour debate on Times Now channel on 21.2.13, at 10 pm

The complainant drew the attention of the broadcaster of the callous manner in which Maj. Gen. (Retd.) Bakshi an eminent guest panelist was treated by the anchor during the debate. The complainant stated that Maj Gen. Bakshi was making an important point in the debate that the bomb blasts were related to the hanging of Afzal Guru and Hyderabad is a sensitive area and therefore the government should have been prepared for this kind of an event. Instead of allowing him to have his say, first he was interrupted, then shouted out and finally told by the anchor that "I will not allow you to debate this". Complainant was of the view that this was no way to conduct a debate and the anchor should encourage all views to be presented for the benefit of other panelists and the viewers even if the anchor himself does not like what is being said. The complainant was of the view that the channel and the anchor should publicly apologize to Major Gen. (Retd.) Bakshi at the same time before or after a "News Hour" broadcast.

Decision:

NBA considered the complaint, the response given by the broadcaster and the rejoinder to the complainant and decided that no further action needs to be taken in the matter and the complaint be closed. The complainant and the broadcaster were informed of the decision.

3. Complaint dated 12.6.13, filed by Mr. Subhash Vaid regarding news hour programme on Times Now on Operation Blue star telecast at 9.00 p.m

Complainant stated that on June 12, 2013, the channel in the programme telecast a programme on Operation Blue Star. According to the complainant, the programme appeared to be anti-people, against the spirit of patriotism, may incite Punjab youth against the State and its organisations. NBSA was requested to take suo motu notice to check the intentions of the channel reviving issues pertaining to Operation Blue Star and presenting more of the militants' side point of view. A common citizen would feel the programme was biased. There was no account why the enormous weapons and ammunition were allowed to be piled up in the temple complex, why SGPC was permitted holy complex to be taken over by militants to issue murder diktats causing mayhem. In the internal security, armed forces are sent to assist the civil administration and state police. Action of armed forces are strictly as per instructions. The complainant stated that one politician Mr Ramoowalia was quoted to having said about some representative of armed forces killing surrendered militants. Hearsay quotes are worst and may be under a sinister design. The programme may fuel fresh attempts of militants to rise and may fan communal passions among youth of Punjab. Communal feelings could also percolate among troops. The matter is very serious and requires urgent suo motu intervention of NBSA.

Decision:

NBSA considered the complaint regarding telecast of the said programme and the response given by the broadcaster. NBSA found no irregularity and decided that no further action needs to be taken in the matter and the complaint be closed. The complainant and the broadcaster were informed of the decision.

4. Complaint dated 29.3.13, by Ms. Nutan Thakur regarding news reports of murder of Mr. Zia- Ul -Haque, Deputy Superintendent of Police, Uttar Pradesh and trial by media regarding immediate punishment to be meted out to Raja Bhaiya.

Complaint:

Complainant had stated that the telecast on news channels was an example of trial by media and pre-determining the actions to be taken by law enforcement agencies. In her complaint she drew the attention of the NBA Code of Ethics & Broadcasting Standards relating to impartiality and objectivity in reporting, accuracy, neutrality, full and fair presentation etc, which the member broadcasters are to adhere to and these guidelines were not followed. The complainant cited examples of highlights/ breaking news text on various channels.

Decision:

NBSA noted that the complainant had highlighted breaking news text on various channels while reporting the above matter, which according to the complainant was "trial by media and pre- determining the actions to be taken by the law enforcement agencies". NBSA considered the complaint and the response given by four broadcasters and decided that there was no impropriety and that no action need be taken on the complaint and that the matter be closed. The decision was conveyed to the complainant and MIB.

Being aggrieved by the impugned order dated 16.10.2013, Ms Nutan Thakur has filed a writ petition before the Allahabad High Court. The Court has opined that prima-facie the impugned order seems to be cryptic and non-speaking and the material submitted by the petitioner seems not to have been considered nor has any reason been assigned. The Court also expressed the view that prima-facie a writ petition against the decision



taken by a non-statutory body (namely NBSA/NBA) seems not to be maintainable; but that keeping in view the public importance of the question raised by the petitioner for creation of some statutory forum where people may seek redressal of their grievances against electronic media (like the Press Council is for the print media), the writ petition was admitted. The Court has also alluded to the issue of paid news appearing sometimes on the electronic media. The Union of India has been directed to file an affidavit bringing on record its stand as regards providing some statutory forum like PCI against the news item and other material relating to electronic media. NBSA decided that since the NBSA has been made a party in the matter it should file a reply Affidavit in the Court. Action has been taken in the matter

5. Complaints filed by 7 devotees of Asaram Babu regarding telecast of a programme of Asaram Babu on 17/18.3.2013 titled “Badnam Babu” on India TV

Complaint:

Complainants alleged that the title of the programme “Badnam Babu” for a highly Hon’ble Sant was an objectionable title and it appeared to be in violation of Programme Code 6(1)(A) offending good taste or decency of Cable Television Networks Rules 1994; and the visuals highlight disgraceful headline captions as “Asaram Babu pathar marte hain”.

Decision:

Complainants had informed NBSA that they were not satisfied with the response received from the broadcaster and hence the same should be considered by the NBSA. NBSA viewed the CD and noted that the programme was in the context of highlighting wastage of water for celebration of Holi by Asaram Babu and his devotees when certain parts of Maharashtra were reeling under severe drought. NBSA was of the view that the broadcaster should have been more careful in the language used for the title / captions of the programme. NBSA was also of the view that broadcasters should have used dignified language in their broadcasts and not use potentially defamatory, derogatory or derisive language. NBSA decided to issue a warning to the channel that any future transgression would be dealt with severely and the channel was advised to remove the video from their website and other links and closed the matter. In view of the above NBSA closed the matter.

6. Complaint dated 23.6.2013 filed by Mr. S. Shankar regarding video relating to sexual acts involving a MLA of Kerala Assembly telecast on Mathrubhumi news channel on 23.6.2013

Complainant alleged that the news channel reported, as a part of its breaking news, about a complaint by a lady against a MLA of the present Kerala Assembly. The lady stated that she was sexually exploited by the MLA and his son and a complaint was made to the police. The complainant stated that it was not about the news being broadcast but the channel had shown the visuals of the sexual act scene by the MLA and the lady for nearly ten minutes, almost like a blue film scene, which was not appropriate to be shown on a news channel especially when it can be watched by youngsters and boys or girls.

Decision:

NBSA noted that since the matter was sub judice, in accordance with Regulation 7.2 read with Regulation 8.4.3 of the NBSA Regulations, it was unable to entertain the complaint at this stage.

7. Complaint dated 10/09/2013 filed by Mr. Sharad Shah regarding programs demanding death sentence for Nirbhaya rape case victims on September 9th / 10th, 2013 on Times Now channel

NBSA noted the complaint relating to the inappropriateness of the various programmes telecast on Times Now channel demanding death sentence of four criminals who had been found guilty in the Nirbhaya rape matter even before the judge had decided the quantum of punishment.

Decision:

NBSA considered the response given by the broadcaster and also viewed the CD containing the broadcast. NBSA noted that the broadcaster had clearly violated the NBA Guidelines for Reporting Court Proceedings and should have exercised restraint from commenting on a sub judice matter. NBSA decided that the broadcaster be advised to ensure that they are more circumspect in future while reporting sub judice matters.

8. Complaint dated 12.1.2014 by Mr Sharad Shah regarding News Hour debate at 9 PM on January 10th 2014 on molestation charges against former Supreme Court Judge, Justice Shri Swantanter Kumar on Times Now Channel

Complainant alleged that during the News Hour debate on molestation charges against former Supreme Court Judge, Hon. Justice Shri Swanter Kumar, while Ms Ranjana Kumari was speaking the right 1/3 of the screen shows the picture of a girl. The complainant wanted to know the source of the picture, the relevance of putting this picture on screen during debate, what the picture represented and what was the channel trying to illustrate by showing it? Was it appropriate to show such a picture without clarification in a matter as delicate as allegation of sexual harassment against a retired Supreme Court Judge when the only evidence with the channel is allegations? The complainant sought an apology a clarification if not an apology to the judge concerned.

Decision:

NBSA viewed the CD and noted that it was a reconstructed image which was carried on the channel while covering the subject of alleged sexual harassment charges made against a former Supreme Court Judge. NBSA was however of the view that to avoid confusion amongst viewers, it should have tagged the image with the word "Reconstruction", as contemplated in the "Specific Guidelines covering Reportage" dated 10.2.2009.

NBSA decided to close the matter by advising the broadcaster to be more careful and to mark "reconstruction" when a reconstruction was being shown in any news/programmes. The decision of the NBSA was conveyed to the complainant.

9. Complaint dated 23.2.2014 by Mr. Sharad Shah, regarding programmes aired on 1.2.2014 of the alleged meeting between Mr. Modi and Mr. Pawar on January 17th, 2014 in Delhi on Times Now channel

The allegations in the complaint were that throughout the day on February 1, 2014, the channel was broadcasting the news of an alleged meeting between Mr. Modi and Mr. Pawar on January 17th, 2014 in Delhi. Mr. Pawar denied any such meeting and said that he was not in Delhi but in Pune and Sangli on that day. Yet the channel continued to repeat the news.

Decision:

At its meeting held on 21.3.2014, NBSA decided to close the matter on the ground that the documents before the NBSA showed that Mr Pawar had confirmed that the meeting as alleged did take place and therefore the news item aired was correct. When the decision was conveyed to the complainant, he had stated that Mr Pawar had not in fact confirmed but categorically denied any such meeting having taken place. The complainant drew the attention of NBSA to a news report on NDTV website dated January 31, 2014 where the NCP Spokesperson had stated that Mr. Pawar was not in Delhi on the relevant date. Complainant alleged that Times Now channel had deliberately misconstrued the denials as confirmation of their second hand report and requested NBSA to restore the complaint and proceed further and decide the complaint.

In the light of the above communication, NBSA reconsidered the original complaint, responses and noted that



the issue raised by the complainant related to “accuracy & verification of facts” prior to airing a news item, based on news paper reports.

NBSA decided that the broadcaster be requested to clarify in writing about the nature of the verification it had done of the news before it was aired on their channel Times Now and the basis for stating that Mr Pawar had confirmed his meeting with Mr Modi. The clarification was submitted by the broadcaster.

NBSA decided that as requested by the complainant the response received from the broadcaster to the complaint be given to Mr. Shah and thereafter the matter may be closed.

10. Complaint dated 1.2.2014 by Mr M. R Goplani regarding programme titled Kalchakra aired on News 24 on 1.2.2014

Complainant stated that a Hindu Pandit in his programme named "Kalchakra" was suggesting the method and procedure for pleasing Shani God. He was advocating the practice that puja material and other items should be placed exactly on road crossings. He claimed that God Shani will be pleased with this. The channel was not only promoting superstition but also encouraging people to throw the material on main roads to please their Gods, which was highly objectionable. The Complainant stated that channel be made to apologize for encouraging people to create public nuisance on the roads and for spreading superstition among the people of India.

Decision:

NBSA considered the CD including the disclaimer prior to airing of the programme. NBSA noted that when the CD was submitted earlier there were no details including the disclaimer. However, when subsequently another CD was submitted, NBSA observed that a Hindi news channel was giving a disclaimer in English and it made no reference to the astrological programme which was to follow after the disclaimer. NBSA further noted that the broadcaster had chosen not to respond to a connected complaint of a viewer that astrology prediction related programmes were being repeated on subsequent days with the “live” tag. NBSA decided that the broadcaster be informed: (i) that in future, the programmes should commence with a specific disclaimer in the language of the broadcast (which in this case is Hindi). If it was a paid programme it should be tagged as an “Advertisement”; and (ii) that the broadcaster be advised to ensure that “repeat” programmes are not aired with the tag “live” and to follow the Advisory issued in this regard.

Suo Motu Action taken by NBSA for telecast of hospital visuals by Member Broadcasters:

1. TV Today Network Ltd. (Aaj Tak) – Telecast of hospital visuals in the programme “Red Terror Strikes” on 26.5.13

In the above telecast the broadcaster had shown visuals of Mr. V.C. Shukla in a critical condition lying in a hospital in Gurgaon.

2. IBN 18 broadcast Ltd. (CNN IBN) - Telecast of hospital visuals relating to building collapse in Thane, Mumbai on 6.4.13, in the news bulleting titled “Good Evening India” at 6.00 pm

In the above telecast the Correspondent of CNN IBN had entered the hospital ward where the injured children were admitted and took bytes of relatives of patients inside the ward/hospital.

3. IBN 18 broadcast Ltd. (CNN IBN) - Telecast of hospital visuals while telecasting the news of attack on 3 journalists in Barrackpore Bengal by Trinamool on 7.6.13 at 7 pm news bulletin on your channel CNN IBN

In the above telecast, the broadcaster had shown hospital visuals of three injured journalists lying in their hospital beds.

Decision:

NBSA took suo motu action against all the three broadcasters for breach of the “Specific Guidelines for Reporting the Injured and the Ill” and the principles of self regulation relating to “Impartiality and objectivity in reporting; “Ensuring neutrality & privacy’ as contained in the “Code of Ethics & Broadcasting Standards” and "Specific Guidelines Covering Reportage". NBSA considered the response received from the three broadcasters & also viewed the broadcasts and noted that all the three broadcasters had failed to adhere to the guidelines, while reporting the above incidents. NBSA decided to warn all the three broadcasters that any future transgressions would be viewed seriously and thereafter closed the complaints. The broadcasters were informed of the decision.

4. Telecast of hospital visuals while covering terrorist incursion in Keran area of Kashmir programme on CNNIBN on 7.10.2013 & on NDTV 24x7 on 8.10.13 and on News First at 10 on NDTV 24x7 on 8.10.13

NBSA viewed the CD containing the visuals of the injured jawans in Keran area of Kashmir in the above programmes telecast on CNNIBN & NDTV. Editors present at the NBSA meeting stated that the Army had invited journalists and it was with their explicit permission that anchor(s) had entered the army hospital. Several channels had carried the footage. NBSA noted that the reporting was certainly in public interest. NBSA however noted that the NDTV anchor could have reported from outside the ward while reporting from the Army hospital.

NBSA also noted that the hospital visuals shown in the programme News First at 10 on NDTV 24x7 of new born premature infants not having the facility of incubators in King George Hospital, Vishakapatnam due to power shut down in view of the strike of electricity employees demanding Seemandhra was certainly in public interest. With these observations these matters were closed. The decision of NBSA was conveyed to the broadcaster.

5. Telecast of hospital visuals of injured in Patna serial blasts being treated in Patna Medical College on 27.10.2013 by NDTV 24X7

Complaint:

In the above programme, the broadcaster had shown the visuals of the injured being treated in Patna Medical College. Accordingly, NBSA took suo motu cognizance of the aforesaid breach on their part and called upon them to respond in 7 days as to why action should not be taken against them under the NBSA Regulation as it had not only committed breach of the aforesaid Guidelines but also the Principles of Self Regulation relating to “ Impartiality & objectivity in reporting; Ensuring neutrality & Privacy”, as contained in the “Code of Ethics and Broadcasting Standards dated 1.4.2008 and Specific Guidelines Covering Reportage dated 10.2.09”.

Decision:

NBSA considered the response and viewed the CD containing the above visuals and noted that the reporter had violated the Principles of self regulation relating to “impartiality & objectivity in reporting’; Ensuring neutrality & privacy & “Specific Guidelines for reporting the Injured & the Ill”. NBSA also noted that the broadcaster should not have taken close up visuals of injured persons and should have avoided telecast of persons in distress and pain. NBSA decided to advise the broadcaster accordingly and close the matter. The decision of NBSA was conveyed to the broadcaster.



Complaints regarding use of the caption “Live” even in “Recorded” programmes

1. Complaint dated 12.5.13, from Mr. Arun Gupta related to live chat shown on Aaj Tak and ABP News

On 12.5.2013 at 6:00 PM, two news channels Aaj Tak and ABP News were showing live chat. On both panels Mr. Sanjay Jha was present as “Live”. It was not possible for one person to be present at two places at the same time and therefore obviously one channel was showing recorded text. The complainant desired this issue be addressed so that the viewer knew which programme is “live” and which one is “recorded”.

2. Complaint dated 26.2.13, by Mr. Brij Raj Sahani regarding programme aired on 26.2.13 on Times Now, NDTV & Headlines Today relating to Railway Budget debate between 9.15 pm and 9.30 pm

How can BJP Spokesperson Mr. Piyush Goyal be “live” on three channels in a budget debate on 26.2.2013 between 9.15 - 9.30 pm on Times Now, NDTV and Headlines today. This was completely unethical and against the integrity of news broadcasting. These channels were misleading the people and creating a false perception. It is an extremely dangerous precedent as it hits the credibility of the news channel.

3. Programme aired on 11.4.13, on NDTV 24x7 & CNN IBN comprising of an interview of Mr. Jagdish Tytler between 8 pm to 9 pm

On viewing the CD containing the above programme NBSA noted that Mr. Jagdish Tytler was on air at the same time on both the channels.

4. 9 pm news on 4.11.13 on CNN IBN anchored by Mr. Rajdeep Sardesai and NDTV 24x7 programme titled “Buck Stops Here” anchored by Ms. Maya Mirchandani on 4.11.13.

In both the above programmes the common panelist was Mr. Yogendra Yadav. He was on air at the same time on both the channels.

5. 9 pm news on 4.11.13 on NDTV 24x7 programme titled Buck Stops Here anchored by Ms. Maya Mirchandani on 4.11.13 and Times Now (News Hour) anchored by Mr. Arnab Goswami.

In both the above programmes the common panelist was Mr. Naresh Gujral, Akali Dal MP and he was on air at the same time on both the channels.

6. 9 pm news on 27.9.13 on CNN IBN anchored by Mr. Rajdeep Sardesai and NDTV anchored by Ms. Maya Mirchandani on the terror attacks in Kashmir

In both the above programmes the common panelist was Mr. Shashi Tharoor, Minister for HRD and was on air at the same time on both the channels.

Decision:

NBSA viewed all the CD’s containing the above programmes and noted that mixing “live” and “pre-recorded” feed was likely to be deceptive to the viewers. NBSA was of the view that when “recorded” programmes are mixed or included in a “live” programme there should be an indication that it is “pre-recorded”. NBSA also noted that for the benefit of the broadcasters and to avoid confusion the Advisory dated 16.11.2013 on the use of caption “live” needs to be further clarified. Accordingly, a revised Advisory dated 10.1.2014 was issued to all Members & Editors of NBA on the use of caption “Live”.

Complaints received directly by NBSA:

1. Footage of reporters inside Kedarnath shrine complaints dated 21.6.13 received from viewers

Complaints were received from viewers for suo motu intervention by the NBSA as various member channels of NBA were showing footage inside the Holy Kedarnath Shrine where their reporters were present.

Decision:

NBSA considered the complaints received from individuals alleging that various channels had showed the inside footage of the holy Kedarnath shrine, after the shrine had been devastated by floods and the rituals in the temple had stopped. NBSA also viewed the footage. NBSA noted that while the reporting was being done in public interest and in the most challenging circumstances, the conduct of the reporters/journalists was respectful. NBSA decided that the broadcasters be advised to follow Guideline 9.2 of the Specific Guidelines Covering Reportage dated 10.9.2009, which states that “caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious groups or that may create religious intolerance or disharmony”. The decision of the NBSA was conveyed to both complainants and the broadcasters and the complaints were closed.

2. Complaints received from various individuals regarding telecast of programmes relating to Asaram Bapu

NBSA received approximately over 800 number of complaints from various viewers or persons concerned wherein they alleged that the reportage of the recent arrest of Asaram Bapu was one sided, derogatory and factually incorrect which was hurting their sentiments. The complainants alleged that the telecasts of such programmes by various news channels tantamounts to character assassination of a religious leader. The complainants highlighted that it was “trial by media” and “pre-determining” the actions to be taken by the law enforcement agencies.

While considering these complaints the NBSA also noted that vide Order dated 21.10.2013, the Hon’ble Supreme Court of India in WP (C) No. (s) 900 of 2013 Saint Shri Asaram Bapu, Petitioner versus UOI & Ors., Respondents, had stated that there was no need to entertain the writ petition for the present. In view of the various directions/decisions of the Supreme Court referred to in the said Order, the Hon’ble Court had opined that “...we hope and trust that the media, both print and electronic would follow those Guidelines...”

Decision:

NBSA decided to issue a common response for all the complaints received and instead of individually communicating the decision, NBSA should host the decision on the NBA website along with a copy of the complaint, apart from releasing the decision to the media. It was also decided that a circular be issued to all members/editors of NBA drawing their attention to the principles laid down in various decisions of the Supreme Court regarding media reporting (which have been referred in the aforementioned Order of the Supreme Court) in regard to coverage of sub judice matters and also to the NBSA Guidelines relating to “Broadcast of Potentially Defamatory Content”.

NBA took action to host the complaint & decision on the NBA website & also circulated to all Members & Editors of NBA various decisions of the Hon’ble Supreme Court relating to media reporting vide circular dated 10.1.2014.

With the aforementioned actions the matter was closed.

3. Release of completely fabricated and defamatory CD in order to malign the image of Aam Aadmi Party by Media Sarkar and subsequent circulation by some of the TV channels namely, Times Now, India TV and India News in breach of the Guidelines of the NBA

Mr. Pankaj Gupta, National Secretary (Complainant) AAP vide complaint dated 25.11.13, requested the NBA to take appropriate action against the channels who had carried the so-called sting operation without prior verification just to sensationalize the matter with the intent to cause potential harm to the complainant party. Circulation and publication of the false news matter has caused irreparable loss/injury to the complainant



party. The complainant alleged that the CD released projects AAP as a corrupt political party whose candidates are ready to accept donations in cash without giving receipts, accept black money for the purpose of their campaign, get all sorts of work like staging protests for doing illegal acts in lieu of money, recover property and cash entangled in dispute without going through the proper legal recourse. The complainant stated that the broadcasters had violated Paras 5, 8 and 9 of the Guidelines on Broadcast of Potentially Defamatory Content and Clause 9 of Code of Ethics and Broadcasting Standards relating to the sting operations. The Election Commission of India also forwarded the same complaints to NBSA.

The complainant was informed that India News was not a member of NBA and hence the complaint be sent to the Ministry of Information and Broadcasting. With regard to the complaint relating to broadcast of the sting operation on Times Now and India TV, both members of NBA, the complainant was informed that NBSA regulations contemplate a “two tier“ procedure for redressing grievances whereby any person aggrieved by the content of any broadcast is required to first make a complaint to the concerned broadcaster; and if such complaint is not addressed or the complainant is not satisfied by the redress offered by the concerned broadcaster, the complainant may then prefer a complaint before the NBSA. Accordingly, the complainant was advised to send the complaints to Times Now and India TV. The copy of the letter was also sent to broadcasters for information. ECI was also been informed vide letter dated 9.12.2013 of the above position.

On receipt of the letter Times Now in its reply stated that as a responsible news channel they had carried all possible sides of the story and had enabled the discussions on the controversy to be placed before the viewer. AAP was invited to appear on the channel on this subject and had been given a platform to refute and clarify the allegations which clearly establishes their unbiased intent in covering the story. They had stated that if AAP wishes to put forth any additional information or views on the subject matter of the letter to be brought to the attention of their esteemed viewers, they would be happy to telecast the same subject to their editorial standards and guidelines.

NBSA had also received about 33 complaints from various individuals wherein they had stated that without verification of facts and without taking the version of AAP the channels have telecast the sting operation.

Decision:

NBSA noted that on receipt of the above complaint, the complainant was informed that NBSA regulations contemplate a “two tier” procedure for redressing grievances, whereby any person aggrieved by the content of any broadcast is required to first make a complaint to the concerned broadcaster; and if such complaint is not addressed or the complainant is not satisfied by the redress offered by the concerned broadcaster, the complainant may then prefer a complaint before the NBSA. NBSA noted that the complainant was advised to send the complaints against Times Now and India TV to the concerned broadcasters for a response, which is the first level of redressal as per NBSA Regulations. NBSA noted that Times Now vide letter dated 10.12.2013 had given a response clarifying their stand relating to the broadcast. NBSA noted that no action was called for as the complainant did not approach the NBSA thereafter.

Complaints forwarded by Election Commission of India

1. Complaints regarding manipulation of poll results sting operation conducted by News Express channel --- Letter dated 3.3.2014 from Mr. Arvind Kejriwal, Convenor, and AAP

Mr. Arvind Kejriwal, Convenor, AAP drew the attention of Chairperson, NBSA of the news reports about the alleged attempts to manipulate pre-poll survey results, revealed by a sting Operation carried out by a news channel “News Express” and requested the Chairperson to get veracity of the sting checked and conduct an enquiry into the roles of news channels in broadcasting manipulated polls.

2. Letter dated 28.2.2014 from Principal Secretary, Election Commission of India to PCI and NBA

Complaint dated 26.2.2014 from Mr. K.C. Mittal, Secretary, Legal and Human Rights Department, AICC, was forwarded to NBA by the ECI on a sting conducted on some of the organizations engaged in conducting opinion polls in connection with elections.

NBSA informed both the complainants that News Express channel which is said to have conducted and aired the sting operation was not a member of the NBA. NBSA had therefore no jurisdiction to conduct any inquiry in respect of 'News Express' channel, under its regulations. This was also intimated to Secretary, MIB, who could have the matter verified. Attention was also drawn to the guidelines issued by NBA/ NBSA i.e. "Guidelines for Election Broadcasts" dated 3.3.2014 and the "Norms & Guidelines on Paid News" dated 24.11.2011, which the members of the NBA are to adhere.

NBSA noted that both the letters raised serious issues – about probability of manipulation of opinion poll results and about the conduct of agencies organizing Opinion Polls. To protect and preserve the credibility and integrity of electronic media, in addition to Guideline 11 of Guidelines relating to Election Broadcasts dated 3.3.2014, NBSA decided to issue a further Advisory to news broadcasters requiring them to effect (i) due diligence check in regard to the organizations/agencies engaged or commissioned for conducting any opinion poll or other survey relating to elections, and (ii) random sample checks, by obtaining raw data pertaining to any opinion poll or other survey relating to elections, in order to verify the authenticity of poll/survey so conducted.

Accordingly, Advisory dated 24.3.2014 was drawn and circulated to all Editors and Members.

3. Letters dated 25.6.2013 & 27.6.2013 received from Election Commission of India relating to Paid News

NBSA found that no action could be taken on the letters received from the ECI as the complaints so far received were not relating to members of NBA. The alleged violators were not subject to the jurisdiction of NBSA and the NBA Code of Ethics & Broadcasting Standards and the regulations were not applicable to them. However, in line with the practice followed by NBSA in relation to complaints against non-members received from the Ministry of Information & Broadcasting, both ECI & MIB were informed that the NBSA would be willing to consider and decide such complaints if the Election Commission / Ministry of Information & Broadcasting secured cooperation and consent in writing from the concerned non-member broadcasters, to submit to the discipline/jurisdiction of the NBSA and to abide by the NBSA decision. NBSA also noted that many of the other broadcasters /channels were not even satellite channels, but seemed to be locality specific cable operator run channels, who were not subject to the rules, regulations, criteria and conditions that apply to satellite news channels.

NBSA noted that it was ready and willing to assist the ECI in curbing the menace of paid news of electronic media, provided they secured cooperation from the broadcasters - whether satellite or cable operator run channels, by subjecting themselves to the jurisdiction of the NBSA. NBSA noted that there was no response from either the ECI or MIB.

4. Complaint of alleged media violation against CNN IBN

NBSA considered four complaints forwarded to NBA by the ECI relating to the episode/s "Has Narendra Modi reinvented himself? / Can Vadodara look beyond 2002?" on the programme "IBN Open Mike," wherein the complainants alleged that such programmes are likely to incite communal feelings.



Decision:

NBSA considered the responses given by the broadcaster to the said four complaints stating that the programme 'IBN Open Mike' debated several important issues, and that was done to reflect the extraordinary engagement of citizens with polling process; that the views of both communities were aired; and that there were no adverse effects or tensions as a consequence of this show.

On consideration, NBSA found that the programme 'IBN Open Mike' did not violate any of the "Guidelines for Election Broadcasts" dated 3.3.2014 issued by NBSA. Therefore, NBSA decided to close the complaint and inform the ECI.

5. Complaints dated 3.4.2014, 8.4.2014 & 8.4.2014 to Election Commission of India by Vikas Maitri, an NGO at Vaishali, Ghaziabad against Zee Media Corporation.

NBSA considered the three complaints (the first dated 3.4.2014 and the next two dated 8.4.2014) of Vikas Maitri, forwarded by the Election Commission of India, alleging violations of the ECI order dated 15.4.2004 and violation of Model Code of Conduct, by Zee Media Corporation as also its Chairman, who allegedly campaigned for Mr. Balbir Saini (Lok Dal candidate), Mr. R.K. Saini (BJP candidate) and Ms. Kanta Adalia (IBPS candidate), with the object of defeating Mr. Naveen Jindal (Congress candidate), in the Kurukshetra Parliamentary Constituency election.

Decision:

NBSA was of the view that the complaints pertained to election-related matters falling within the jurisdiction of the Election Commission of India and therefore decided to refer back these complaints to ECI and close the matters.

6. Complaint dated 18.3.2014 addressed to ECI by Mr. Vikramaditya Rao against Aaj Tak news channel

The anchor Mrs. Anjana Kashyap of Aaj Tak was seen openly asking for spokespersons of Samajwadi party and Bahujan Samaj party to support Arvind Kejriwal candidature against Narendra Modi at Varanasi. The anchor and the channel were more or less appearing to be a representative of AAM Aadmi party. Is it not violation of code of conduct by the news channel where the anchor is imposing his/her ideology on a political party?

Decision:

NBSA considered the response given by the channel, denying the allegation and explaining that the broadcast was a part of the discussion in the news bulletin titled "Benarus Ke Kejriwal vs. Modi" and questions posed by anchor, was for eliciting responses and for securing news breakthroughs. NBSA found no violation and decided that no further action needs to be taken and that the matter be closed and ECI be informed accordingly.

7. Complaint of alleged electronic media related violations – Email dated 12.3.2014 addressed to Election Commissioners by Mr. Ashis Ray

Election Commission of India forwarded email dated 12.3.2014 from Mr. Ashis Ray addressed to the three Election Commissioners regarding coverage of public rallies of the BJP and Congress Party, by using live, unedited feed generated and furnished by such political parties, with the tag "Courtesy BJP" or "Courtesy Congress" and regarding pooling of resources.

Decision:

NBSA noted that while the issue relating to the need to maintain independence of media, raised by Mr Ray was a matter of concern, the use of live feed made available by political parties, by itself, did not violate any NBA/NBSA Guidelines/ Regulations as it was not “paid” content. Having regard to the importance of the issue raised by Mr Ray in his letter regarding the “independence of the media” and his suggestion for independent coverage of public meetings and political rallies by pooling of resources by channels, NBSA decided that the letter requires to be considered by the NBA. Therefore NBSA decided to forward the letter of Mr. Ashis Ray to NBA for its consideration, and inform Mr. Ray accordingly.

Advisory dated 21.10.2013 issued by Director – DAS, MIB to all news and current affairs TV channels, regarding broadcast of Independence Day speech of the Hon’ble Prime Minister on 15.8.2013

MIB had issued an Advisory on the assumption that the solemnity of the occasion requires TV channels to desist from making a comparative evaluation of the speech of the Prime Minister with that of any other political leader, as any such comparison may denigrate the office of the Prime Minister.

NBSA called for CDs from its member broadcasters with regard to the above broadcast and viewed the CDs. NBSA was of the view that the broadcasters had editorial discretion to structure their programmes and there was nothing in the broadcasts to evoke such an Advisory. The broadcasts did not warrant any action by NBSA. NBA and its members may respond by such action as they deem fit.

Matters referred by the Hon’ble High Courts of Karnataka and Delhi to NBSA:

1. Enquiry in pursuance of direction in Writ Petition No. 8619 of 2011 (GM-RES) on the file of the High Court of Karnataka at Bangalore – Smt. Ranjitha Menon Vs. State of Karnataka & Others.

In pursuance of Order dated 14.3.12, made by the Hon’ble High Court of Karnataka, in a Writ Petition No. 8619 of 2011 (GM-RES) the petitioner & respondents as mentioned in the aforesaid Writ Petition were given time for hearing on 19.2.13. NBSA heard Ms. Ranjitha Menon the complainant at length. By reason of what transpired at the hearing, Ms Ranjitha Menon was informed that since there are 12 respondent channels in the matter, she would have to be specific about her allegations against each broadcaster for the NBSA to be able to consider her grievance vis-a-vis each broadcaster and orders/directions could not be passed against all channels in a general or vague manner. Furthermore, it transpired during the hearing that Ms. Ranjitha Menon had a serious grievance against Sun TV, which channel according to her was the first/main offender; which channel was however not a party before the Karnataka High Court and therefore the NBSA could not make Sun TV a party in the complaint before itself. In view of this, the complainant sought adjournment of 4 weeks to take steps to implead Sun TV in the writ petition before the Karnataka High Court, to enable the NBSA to proceed against Sun TV, as well as also to prepare a summary of her specific allegations against each channel.

The complainant had not produced the material sought by NBSA, nor informed NBSA about the action proposed against Sun TV, it was apparent that the complainant was no longer interested in pursuing the matter before the NBSA. In that view of the matter it was decided to close the matter and to inform the Registrar General, High Court of Karnataka and the complainant of the closure of the complaint by the NBSA, which closure has been conveyed.

2. In relation to Order dated 22.8.2012, made by the Hon’ble Delhi High Court in Writ Petition (C) 3837/2012 titled “Gaurav Kumar Bansal v/s Union of India & Ors”

NBSA at the meeting held on 19.2.2013 had considered the email dated 25.1.2013 received from Mr. Gaurav Kumar Bansal wherein he had sought further time to collect data and specifics in relation to the subject matter



of his grievance, which was referred to the NBSA vide Order dated 22.8.12, by the Hon'ble Delhi High Court. NBSA after deliberation decided that it cannot keep the matter pending before itself inordinately, when the material produced so far was inadequate for it to proceed further. However, considering his request, NBSA had then decided to grant time until March 30, 2013, to place before the NBSA whatever specific material/data he may wish to bring to its attention as a final opportunity, failing compliance of the direction, the NBSA would be constrained to close this matter and to intimate the Hon'ble Delhi High Court accordingly.

The complainant had not produced further material sought by NBSA. NBSA therefore decided to close the matter and inform the Hon'ble Delhi High Court. The Registrar General of the Delhi High Court has been informed of the decision of the NBSA.

Actions proposed by NBSA to improve broadcasting standards

To improve broadcasting standards the NBSA has decided to take the following actions:

1. To implement the Report submitted by Mr. Phil Harding for improving broadcasting standards, by conducting regular sensitization programmes/workshops for the editorial staff of broadcasters.
2. To conduct election related programmes by involving ECI.
3. To instruct the broadcasters to appoint a "Compliance officer" from the news room who would ensure compliance of the NBA/ NBSA guidelines by the editorial and prompt correction of any violation.
4. To develop a mobile appliance of all the important NBA/ NBSA guidelines required for day to day reporting and make it available to all the editorial staff.

Meetings of the Authority

The Authority met 9 times during the year and all the meetings were held in New Delhi.

Issuance of Guidelines / Advisories by NBSA

Apart from its role of deciding complaints, a very important role of the NBSA is to lay down principles and norms for improving broadcasting standards to provide guidance to Member broadcasters. During the year, the following Advisories/Guidelines were issued to both the Members and Editors for compliance:

1. Advisory dated 9.11.2013 on footage of reporters inside Kedarnath Shrine.
2. Advisory dated 27.11.2013 on Coverage of Court proceeding in Tehalka.
3. Revised advisory dated 10.1.2014 on use of caption "LIVE".
4. Advisory dated 10.1.2014 on Telecast of programmes relating to Asaram Bapu.
5. Advisory dated 21.1.2014 regarding Coverage of Protest at Rail Bhawan, New Delhi by Aam Aadmi Party.
6. Guidelines dated 3.3.2014 for Election Broadcasts.
7. Advisory dated 24.3.2014 Regarding Programmes relating to Opinion Polls or other surveys relating to elections.
8. Advisory dated 28.3.2014 regarding content aired by electronic media channels in violation of the provisions of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

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

November 9, 2013

Members of NBA

**Re: Footage of reporters Inside Kedarnath shrine --
Complaints dated 21.6.13 received from viewers**

NBSA had received complaints from some viewers alleging that various channels were showing the inside footage of the holy Kedarnath shrine, after the shrine had been devastated by floods and the rituals in the temple had stopped.

NBSA at its meeting held on 18.9.2013 viewed the footage and noted that the reporting was being done in public interest and in the most challenging circumstances, the conduct of the reporters/journalists was respectful.

NBSA decided that the broadcasters be advised to follow Guideline 9.2 of the Specific Guidelines Covering Reportage dated 10.2.2009, which states that “caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious groups or that may create religious intolerance or disharmony”.

This is for your kind information.

Sd/-

Annie Joseph
For & on behalf of NBSA

CC: Editors and Legal Heads of NBA

November 27, 2013

All Members & Editors of NBA

Re: Coverage of Court proceeding in Tehalka

We are forwarding a mail received from Dr O P Mishra, IPS, DIG/ Crime, Goa, on the subject, which is self-explanatory.

While covering the above matter you are requested to kindly bear in mind Specific Guidelines for Reporting Court Proceedings, dated 15.9.10 and Code of Ethics and Broadcasting Standards, Principles of Self-Regulation Clause 4 Depiction of Violence or intimidation against women and children, Clause 6 relating to Privacy and Specific Guidelines Covering Reportage dated 10.2.09 relating to Law & Order, Crime & Violence, Privacy.

Copies of the above are attached* for your ready reference.

Sd/-

Annie Joseph

For & on behalf of NBSA

CC: Legal Heads

* Not attached - available on the website of NBA

-----Original Message-----

From: "Dy. Inspector General of Police, Goa" <digpgoa@goapolice.gov.in>

Sent: Wednesday, 27 November, 2013 4:52pm

To: authority@nbanewdelhi.com

Subject: coverage of Court proceeding in Tehelk

Dear Sir

As you are aware Crime Branch of Goa Police is investigating the alleged sexual assault case of an ex female employee of Tehelka Magazine by shri Tarun Tejpal. The investigation of the case is at a critical stage. The investigating agency is already in touch with the victim and formalities related to recording her formal statement is underway at a local court in Goa. some reporters have gathered near the court May I humbly request you to issue directions to reporters of print and electronic media covering this case to exercise restraint in covering the process of recording of the statement of the victim in the larger interest of the privacy, identity and dignity of the survivor. It is also important to mention that such act attracts the penal provisions as per the latest amendment in the criminal law.

Thanking you for your cooperation in protecting the dignity and privacy of the victim.

With Sincere regards

Dr O P Mishra, IPS

DIG/ Crime, Goa

January 10, 2014

All Members & Editors of NBA

Revised Advisory on use of caption “LIVE”

It has come to the notice of the News Broadcasting Standards Authority (“NBSA”) that member news channels are using the caption “LIVE” in the course of their broadcasts in a manner that is misleading and mixing “LIVE” and “RECORDED” feed is deceptive to the viewers.

Member broadcasters are therefore advised to make use of the caption “LIVE” only when the content broadcast is “LIVE”. To avoid any misrepresentation to the viewers, when “RECORDED” programmes are mixed or included in a “LIVE ” programme, segments of the programmes that are “RECORDED” should be marked “RECORDED” and segments of the programme which are “live” should be marked “LIVE”.

Sd/

Annie Joseph

For & on behalf of the

News Broadcasting Standards Authority

CC: Legal Heads of NBA

PS: This supersedes Advisory dated September 16, 2011



January 10, 2014

Members and Editors of NBA

Re: Telecast of programmes relating to Asaram Bapu

In August, September and October 2013, NBSA received about 800 complaints from various individuals, some through emails and some forwarded by the Ministry of Information & Broadcasting regarding the reportage of the Asaram Bapu matter by various news channels of the NBA which tantamount to trial by media. The text of the complaints was identical.

NBSA considered the complaints at its meeting held on 25.10.2013 and decided that it will not be practical to send individual responses to the complainants; and that a single response will be drawn up and hosted along with the complaint on the NBA website, apart from being released to the media.

NBSA noted that the issues raised in the complaints were similar to what had been raised in WP (C) No(s) 900 of 2013 (Saint Shri Asharam Bapu versus UOI & Ors.), before the Supreme Court of India; that while disposing of the Writ Petition, vide Order dated 21.10.2013 (attached), the Hon'ble Supreme Court stated that there was no need to entertain the Writ Petition for the present. Having referred to several of its earlier decisions in the said Order, the Hon'ble Court observed "...we hope and trust that the media, both print and electronic would follow those Guidelines....".

Accordingly, NBSA decided that an advisory be issued to all Members and Editors of NBA drawing their attention to the principles laid down in the various decisions of the Supreme Court regarding media reporting relating to coverage of sub judice matters and also the NBSA Guidelines relating to "Specific Guidelines for Reporting Court Proceedings" and "Broadcast of Potentially Defamatory Content", which are to be also circulated along with the directions/decisions enumerated by the Supreme Court (attached).

Members are therefore requested to kindly bear in mind the various directions/decisions of the Hon'ble Supreme Court and also the NBSA Guidelines regarding reporting of sub judice matters.

Sd/-

Annie Joseph

For & on behalf of the

News Broadcasting Standards Authority

CC: Legal Heads of NBA

Encl: As above

OUT TODAY

ITEM NO.51

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 900 OF 2013

SAINT SHRI ASHARAM BAPU

Petitioner(s)

VERSUS

U.O.I & ORS

Respondent(s)

(With appln(s) for exemption from filing O.T., directions and office report)

Date: 21/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Anjani K. Singh, Adv.
Mr. Chandra Prakash, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The petitioner has approached this Court by way of the writ petition under Article 32 of the Constitution of India praying for writ of mandamus or appropriate writ, order, direction, restraining the respondents as well as media in general from publishing any news report/article in any manner whatsoever, adversely prejudicing the petitioner's right to fair trial and presumption of being innocent until proved guilty before the competent Court of law or in alternative the petitioner has prayed issue writ of mandamus or appropriate writ(s), direction(s) directing postponement of publication of any news report/article in any manner whatsoever, adversely prejudicing the petitioner's right to fair trial and presumption of being innocent until proved guilty before the competent Court of law at least till conclusion of the trial.

...2/-



-2-

We have heard Mr. Vikas Singh, learned senior counsel appearing for the petitioner at length. After taking us through the publication made in certain dailies as well as coverage of electronic media, Mr. Vikas Singh has also relied on various earlier decisions of this Court viz. 1997 (8) SCC 386 para 37 - *State of Maharashtra Vs. Rajendra Jawanmal Gandhi* ; 2005 (2) SCC 686 para 10 - *M.P. Lohia Vs. State of W.B. and Another* ; 2010 (6) SCC 1 para 297, 298, 299, 301, 302, 303 - *Sidhartha Vashisht @ Manu Sharma Vs. State (NCT of Delhi)* and 2012 (10) SCC 603 para 12, 47, 50 - *Sahara India Real Estate Corporation Limited and Others Vs. Securities and Exchange Board of India and Another*.

After hearing the argument of the learned senior counsel appearing for the petitioner as well as the publication and news coverage which are enclosed with the present writ petition as well as the ratio laid down in various decisions, we are of the view that for the present there is no need to entertain the writ petition. In view of various directions in the above referred cases, we hope and trust that the media both print and electronic would follow those guidelines.

With the above observation, the writ petition is disposed of. Petitioner is free to approach this Court if the ratio laid down by this Court is not adhered to by the reporting agencies.

[Madhu Bala]
Court Master

[Savita Sainani]
Court Master

RELEVANT EXTRACTS FROM THE FOLLOWING JUDGEMENTS OF THE HON'BLE SUPREME COURT REFERRED TO IN WRIT PETITION (CIVIL) NO(s) 900 OF 2013 SAINT SHRI ASHARAM BAPU VERSUS U.O.I. & ORS. – ORDER DATED 21.10.2013

1. **STATE OF MAHARASHTRA Vs. RESPONDENT: RAJENDRA JAWNMAL GANDHI (CRIMINAL APPEAL NOS. 840 & 839 OF 1997 (Arising out of SLP (Crl.) Nos. 2510 /97 Crl. M.P. No.839/97) and SLP (Crl.) No.1773/96) DATE OF JUDGMENT: 11. 9.1997**
37. We agree with the High Court that a great harm had been caused to the girl by unnecessary publicity and taking our morcha by the public. Even the case had to be transferred from Kohlapur to Satara under the orders of this Court. There is procedure established by law governing the conduct of trial of a person accused of an offence. A trial by press, electronic media or public agitation is very antithesis of rule of law. It can well lead to miscarriage of justice. A judge has to guard himself against any such pressure and he is to be guided strictly by rules of law. If he finds the person guilty of an offence he is then to address himself to the question of sentence to be awarded to him in accordance with the provisions of law. While imposing the sentence of fine and directing payment of whole or certain portion of it to the person aggrieved, the court has also to go into the question of damage caused to the victim and even to her family. As a matter of fact the crime is not only against the victim it is against the whole society as well. Since late, there has been spurt in crimes relating to sexual offences.
2. **M.P.Lohia vs State of West Bengal & Anr. (Arising out of SLP(Crl.)No.991 of 2004) (With Crl.A.Nos 220/05 @ SLP(Crl.) No.1302/04, & Crl.A.No 221/05 @ SLP(Crl.)No.1829/04) DATE OF JUDGMENT: 4.2.2005**
10. Having gone through the records, we find one disturbing factor which we feel is necessary to comment upon in the interest of justice. The death of Chandni took place on 28.10.2003 and the complaint in this regard was registered and the investigation was in progress. The application for grant of anticipatory bail was disposed of by the High Court of Calcutta on 13.2.2004 and special leave petition was pending before this Court. Even then an article has appeared in a magazine called 'Saga' titled "Doomed by Dowry" written by one Kakoli Poddar based on her interview of the family of the deceased, giving version of the tragedy and extensively quoting the father of the deceased as to his version of the case. The facts narrated therein are all materials that may be used in the forthcoming trial in this case and we have no hesitation that these type of articles appearing in the media would certainly interfere with the administration of justice. We deprecate this practice and caution the publisher, editor and the journalist who were responsible for the said article against indulging in such trial by media when the issue is subjudice. However, to prevent any further issue being raised in this regard, we treat this matter as closed and hope that the others concerned in journalism would take note of this displeasure expressed by us for interfering with the administration of justice.
3. **Sidhartha Vashisht @ Manu Sharma Versus State (NCT of Delhi) Respondent(s) CRIMINAL APPEAL NO. 157 OF 2007 AND CRIMINAL APPEAL NO. 224 OF 2007 DATE OF JUDGMENT: 19. 4.2010**
297. There is danger of serious risk of prejudice if the media exercises an unrestricted and unregulated freedom such that it publishes photographs of the suspects or the accused before the identification parades are constituted or if the media publishes statements which outrightly hold the suspect or the accused guilty even before such an order has been passed by the court.
298. Despite the significance of the print and electronic media in the present day, it is not only desirable but the least that is expected of the persons at the helm of affairs in the field, to ensure that trial by media



does not hamper fair investigation by the investigating agency and more importantly does not prejudice the right of defence of the accused in any manner whatsoever. It will amount to travesty of justice if either of this causes impediments in the accepted judicious and fair investigation and trial.

299. In the present case, certain articles and news items appearing in the newspapers immediately after the date of occurrence, did cause certain confusion in the mind of public as to the description and number of the actual assailants/suspects. It is unfortunate that trial by media did, though to a very limited extent, affect the accused, but not tantamount to a prejudice which should weigh with the court in taking any different view. The freedom of speech protected under Article 19(1)(a) of the Constitution has to be carefully and cautiously used, so as to avoid interference with the administration of justice and leading to undesirable results in the matters sub judice before the courts.
301. Presumption of innocence of an accused is a legal presumption and should not be destroyed at the very threshold through the process of media trial and that too when the investigation is pending. In that event, it will be opposed to the very basic rule of law and would impinge upon the protection granted to an accused under Article 21 of the Constitution. [Anukul Chandra Pradhan v. Union of India⁸⁷.] It is essential for the maintenance of dignity of the courts and is one of the cardinal principles of the rule of law in a free democratic country, that the criticism or even the reporting particularly, in sub judice matters must be subjected to check and balances so as not to interfere with the administration of justice.
302. In the present case, various articles in the print media had appeared even during the pendency of the matter before the High Court which again gave rise to unnecessary controversies and apparently, had an effect of interfering with the administration of criminal justice. We would certainly caution all modes of media to extend their cooperation to ensure fair investigation, trial, defence of the accused and non-interference with the administration of justice in matters sub judice.

303. Summary of our conclusions:

... (11) Every effort should be made by the print and electronic media to ensure that the distinction between trial by media and informative media should always be maintained. Trial by media should be avoided particularly, at a stage when the suspect is entitled to the constitutional protections. Invasion of his rights is bound to be held as impermissible.

4 Sahara India Real Estate Corp. Ltd. & Ors. Vs Securities & Exchange Board of India & anr. ... Respondents with I.A. Nos. 14 and 17 in C.A. No. 733 of 2012

I.A. Nos. 4-5, 10, 11, 12-13, 16-17, 18, 19, 20-21, 22-23, 24- 25, 26-27, 30-31, 32-33, 34, 35-36, 37-38, 39-40, 41-42, 43- 44, 45-46, 47-48, 49-50, 55-56, 57, 58, 59, 61 and 62 in C.A. No. 9813 of 2011 and C.A. No. 9833 of 2011 with I.A. Nos. 14 and 17 in C.A. No. 733 of 2012 DATE OF JUDGMENT: 11. 9.2012

12. Accordingly, vide IAs Nos. 4 and 5, Sahara made the following prayers:

- “(b) Appropriate guidelines be framed with regard to reporting (in the electronic and print media) of matters which are sub judice in a court including public disclosure of documents forming part of court proceedings.
- (c) Appropriate directions be issued as to the manner and extent of publicity to be given by the print/ electronic media of pleadings/documents filed in a proceeding in court which is pending and not yet adjudicated upon.”

47. One more aspect needs to be mentioned. Excessive prejudicial publicity leading to usurpation of functions

of the Court not only interferes with administration of justice which is sought to be protected under Article 19(2), it also prejudices or interferes with a particular legal proceedings. In such case, Courts are duty bound under inherent jurisdiction, subject to above parameters, to protect the presumption of innocence which is now recognised by this Court as a human right under Article 21, subject to the applicant proving displacement of such a presumption in appropriate proceedings.

50. In the light of the law enunciated hereinabove, anyone, be he an accused or an aggrieved person, who genuinely apprehends on the basis of the content of the publication and its effect, an infringement of his/ her rights under Article 21 to a fair trial and all that it comprehends, would be entitled to approach an appropriate writ court and seek an order of postponement of the offending publication/ broadcast or postponement of reporting of certain phases of the trial (including identity of the victim or the witness or the complainant), and that the court may grant such preventive relief, on a balancing of the right to a fair trial and Article 19(1)(a) rights, bearing in mind the abovementioned principles of necessity and proportionality and keeping in mind that such orders of postponement should be for short duration and should be applied only in cases of real and substantial risk of prejudice to the proper administration of justice or to the fairness of trial. Such neutralizing device (balancing test) would not be an unreasonable restriction and on the contrary would fall within the proper constitutional framework.

News Broadcasters Association

Specific Guidelines for Reporting Court Proceedings

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

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

Provided however, that no news channel shall broadcast anything:

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



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

Place: New Delhi

Dated: September 15, 2010

Guidelines on Broadcast of Potentially Defamatory Content

Overview:

1. Broadcasters must always be conscious of the power and impact of the audio-visual medium and the phenomenal reach of their news channels, which can cause incalculable harm if not accurate and objective.
2. Broadcasters must remain aware of the risk of being culpable in accordance with law for any defamatory matter that may be carried in their news/programmes, even if the offending matter is a repetition by them of a statement made by someone else.

3. Any sensitive matter that is broadcast in any form by the broadcaster should be strictly vetted and edited.
4. The above position makes it imperative for broadcasters to observe certain norms and caution to minimize the risk of liability in such matters.

Basic Guidelines:

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

Place: New Delhi

Dated: December 13, 2012



January 21, 2014

All Members & Editors of NBA

**Re: Advisory regarding Coverage of Protest at Rail Bhawan,
New Delhi by Aam Aadmi Party**

As you are aware, Mr Arvind Kejriwal, Chief Minister of Delhi and members of the Aam Aadmi Party are protesting since yesterday in front of Rail Bhawan, New Delhi, demanding action against policemen who refused to carry out a raid on an alleged drug & sex racket and demanding executive control of the Delhi police and transfer of certain police officials.

Needless, to say that these events have the potential of creating serious unrest in society if not properly reported.

As always therefore, Members and Editors of NBA are requested to exercise due care, caution, discretion and restraint to report events objectively, always with due verification and required sobriety.

Sd/-

Annie Joseph
Secretary General, NBA

Guidelines for Election Broadcasts

Availability of accurate, objective and complete information to enable citizens to exercise their franchise based upon a well informed choice, is the basic requirement of free and fair elections. The purpose of the following guidelines is to ensure that broadcast of news and current affairs programmes and all other content on a news channel pertaining to elections and election related matters is fair and balanced, that is being objective, accurate and duly verified:

1. News broadcasters should endeavour to inform the public in an objective manner, about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of People Act 1951 and by the Election Commission of India.
2. News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.
3. News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.
4. News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.
5. News broadcasters should maintain a clear distinction between editorial and expert opinion carried on their news channels.
6. News broadcasters that use video feed from political parties should disclose it and appropriately tagged.
7. Special care must be taken to ensure that every element of a news/programmes dealing with elections and election related matters is accurate on all facts relating to events, dates, places and quotes. If by mistake or inadvertence any inaccurate information is broadcast, the broadcaster must correct it as soon as it comes to the broadcaster's notice with the same prominence as was given to the original broadcast.
8. News broadcasters, their journalists and officials must not accept any money, or valuable gifts, or any favour that could influence or appear to influence, create a conflict of interest or damage the credibility of the broadcaster or their personnel.
9. News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.
10. News broadcasters are required to scrupulously maintain a distinction between news and paid content. All paid content should be clearly marked as "Paid Advertisement" or "Paid Content"; and paid content must be carried in compliance with the "Norms & Guidelines on Paid News" dated 24.11.2011.
11. Special care must be taken to report opinion polls accurately and fairly, by disclosing to viewers as to who commissioned, conducted and paid for the conduct of the opinion polls and the broadcast. If a news broadcaster carries the results of an opinion poll or other election projection, it must also explain



the context, and the scope and limits of such polls with their limitations. Broadcast of opinion polls should be accompanied by information to assist viewers to understand the poll's significance, such as the methodology used, the sample size, the margin of error, the fieldwork dates, and data used. Broadcasters should also disclose how vote shares are converted to seat shares.

12. The broadcasters shall not broadcast any “election matter” i.e. any matter intended or calculated to influence or affect the result of an election, during the 48 hours ending with the hours fixed for the conclusion of poll in violation of Section 126(1)(b) of The Representation of People Act 1951.
13. The Election Commission of India (ECI) will monitor the broadcasts made by news broadcasters from the time elections are announced until the conclusion and announcement of election results. Any violation by member broadcasters reported to the News Broadcasting Standards Authority (NBSA) by the Election Commission will be dealt with by the NBSA under its regulations.
14. Broadcasters should, to the extent possible, carry voter education programmes to effectively inform voters about the voting process, the importance of voting, including how, when and where to vote, to register to vote and the secrecy of the ballot.
15. News broadcasters must not air any final, formal and definite results until such results are formally announced by the Election Commission of India, unless such results are carried with clear disclaimer that they are unofficial or incomplete or partial results or projections which should not be taken as final results.
16. These guidelines will apply to all National, Assembly, Municipal and Local Elections held in India.

Place: New Delhi

Dated: March 3, 2014

March 24, 2014

Members of NBA

Re: Advisory Regarding Programmes relating to Opinion Polls or other surveys relating to elections

Further to Guidelines for Election Broadcasts dated 3.3.2014 (copy attached) and in view of recent disclosures in regard to the conduct of Opinion Polls, and in order to protect and preserve the credibility and integrity of Electronic Media, the NBSA advises the news broadcasters to adhere to the following aspects before broadcasting the program relating to Opinion Polls (in addition to Guideline 11 of the said Guidelines):

1. News broadcasters must conduct a proper due-diligence check in regard to the organizations/agencies engaged or commissioned for conducting any opinion poll or other survey relating to elections;
2. News broadcasters must obtain and retain raw data pertaining to any opinion poll or other survey relating to elections from the organizations/agencies engaged or commissioned for conducting such polls;
3. News broadcasters must conduct random or sample checks on the raw data pertaining to any opinion poll or other survey relating to elections in order to verify the authenticity of poll/survey so conducted.

Sd/-

Annie Joseph

For and on behalf of the

News Broadcasting Standards Authority

CC: Editors and Legal Heads of NBA

Encl: As above



Guidelines for Election Broadcasts

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2. News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.
3. News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.
4. News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.
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7. Special care must be taken to ensure that every element of a news/programmes dealing with elections and election related matters is accurate on all facts relating to events, dates, places and quotes. If by mistake or inadvertence any inaccurate information is broadcast, the broadcaster must correct it as soon as it comes to the broadcaster's notice with the same prominence as was given to the original broadcast.
8. News broadcasters, their journalists and officials must not accept any money, or valuable gifts, or any favour that could influence or appear to influence, create a conflict of interest or damage the credibility of the broadcaster or their personnel.
9. News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.
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13. The Election Commission of India (ECI) will monitor the broadcasts made by news broadcasters from the time elections are announced until the conclusion and announcement of election results. Any violation by member broadcasters reported to the News Broadcasting Standards Authority (NBSA) by the Election Commission will be dealt with by the NBSA under its regulations.
14. Broadcasters should, to the extent possible, carry voter education programmes to effectively inform voters about the voting process, the importance of voting, including how, when and where to vote, to register to vote and the secrecy of the ballot.
15. News broadcasters must not air any final, formal and definite results until such results are formally announced by the Election Commission of India, unless such results are carried with clear disclaimer that they are unofficial or incomplete or partial results or projections which should not be taken as final results.
16. These guidelines will apply to all National, Assembly, Municipal and Local Elections held in India.

Place: New Delhi

Dated: March 3, 2014



March 28, 2014

Members of NBA

NBSA, at its meeting held on 21.3.2014, considered a petition forwarded by the Ministry of Information & Broadcasting requesting the prohibition of programmes/ advertisements on national television channels which promote the use of “magic remedies” being sold to innocent citizens guaranteeing them the cure of various diseases thereby endangering their lives. NBSA resolved to issue the following advisory:

Advisory regarding content aired by electronic media channels in violation of the of the provisions of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

While airing any content advising or promoting the use of any magic remedy to cure any disease or illness, the broadcasters should bear in mind the provisions of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. Sections 3 and 5 of the Act, prohibit the advertisement of certain drugs and magic remedies for treatment of certain diseases and disorders. Such prohibition includes any person from taking any part in the publication (which includes broadcast) of any advertisement referring to any “drug” or any “magic remedy” suggesting or calculated to lead to the use thereof for offering the diagnoses, cure, mitigation, treatment or prevention of any disease, disorder or condition specified in the Schedule or the Rules made thereunder. Section 7 read with 9(A) of the said Act makes any contravention of the provisions of the Act, a cognisable offence punishable with imprisonment.

Even without reference to the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 the “NBA Code of Ethics dated 1.4.2008, Specific Guidelines Covering Reportage dated 10.2.2009 and Advisory regarding reportage spreading superstition, occultism and blind belief dated 16.9.2011”*, expressly proscribe the broadcast of any program that encourages superstition, occultism or blind belief.

Therefore telecasting of any programme or advertisement containing any advice or suggestion that may mislead viewers to do or omit to do an act (such as seek proper medical remedy for diseases or disorders), which is likely to result in serious harm, would clearly be opposed to Broadcasting Standards or Ethics.

The broadcast of such programs if it is “paid content” must expressly state so as “paid content” or “advertisement” which should remain static as a “Bug/ Tagline” on the screen throughout the duration of the programme/s. Non compliance is a contravention of the “Norms and Guidelines on Paid News dated 24.11.2011”*.

Sd/-

Annie Joseph

For and on behalf of the

News Broadcasting Standards Authority

CC: Editors and Legal Heads of NBA

* Available on the website of NBA



CIN: U22211DL2007NPL165480

Proxy Form

[Pursuant to Section 105(6) of the Companies Act, 2013 and Rule 19(3) of the Companies (Management and Administration) Rules, 2014]

Name of the Company: News Broadcasters Association

**Regd. Off: Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar,
New Delhi – 110 087**

Name of the Member:

Registered address:

E-mail Id:

I _____, authorised representative of the above named Member Entity of NBA, do hereby appoint :

1) Mr./Ms _____ R/o _____

_____ having email id _____ or failing him/her

2) Mr./Ms _____ R/o _____

_____ having email id _____ or failing him/her

3) Mr./Ms _____ R/o _____

_____ having email id _____ or failing him/her

and whose signature(s) are appended below as my/our proxy to attend and vote (on a poll) on behalf of member entity at the 7th Annual General Meeting of the Association to be held on Wednesday, the 24th September, 2014, at 12.00 noon at Multipurpose Hall, Kamla Devi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003, and at any adjournment thereof in respect of such resolutions as are indicated below:

Resolution No:

1. To receive, consider and adopt Audited Financial Statement, Reports of Board of Directors and Auditors.
2. To re-appoint M/s S.S.Kothari Mehta & Co., Chartered Accountants, as Statutory Auditors of the Association and fix their remuneration.
3. To appoint Mr. Ashish Bagga 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 appoint Mr. M.K. Anand 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.
5. To appoint Dr. Bhaskar Das 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.
6. To appoint Mrs. Anuradha Prasad as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
7. To appoint Mrs. Jagi Mangat Panda as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.
8. To appoint Mr. M.V. Shreyams Kumar as a Director of the Association, liable to retire at the next Ordinary General Body Meeting, in terms of the provisions of Articles 16 & 22 of the Articles of Association.

Signed this _____ day of _____ 2014

₹1/-
revenue
stamp

Signature of Member's Representative _____

Signature of Proxy holder(s) _____

Note : This form of proxy in order to be effective should be duly completed and deposited at the Registered Office of the Association, not less than 48 hours before the commencement of the Meeting.



CIN: U22211DL2007NPL165480

Attendance Slip

News Broadcasters Association
Regd. Off: Juris House, Ground Floor,
22, Inder Enclave, Paschim Vihar,
New Delhi – 110 087

(To be filled in BLOCK LETTERS)

Name and Address of the Member Entity: _____

Name of the Authorised Representative of Member Entity _____

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 7th Annual General Meeting of the News Broadcasters Association held on Wednesday, the 24th September, 2014, at 12.00 noon at Multipurpose Hall, Kamla Devi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110 003.

 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 R.V. Raveendran
[Former Judge of Supreme Court of India]
Chairperson

Members Representing Eminent Persons



Nitin Desai



S.Y. Quraishi



G. Mohan Gopal



Leela K. Ponappa

Members Representing Editors



Vivek Law



Manika Raikwar Ahirwal



Hemant Sharma



Rajiv Khandekar



News Broadcasters Association

Registered Office:

Juris House, Ground Floor
22, Inder Enclave, Paschim Vihar
New Delhi - 110 087

Corporate Office:

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Noida - 201 307
Tele/Fax : 0120-4129712
Email: nba@nbanewdelhi.com
Website: www.nbanewdelhi.com