

TEXT OF COMPLAINT RECEIVED BY NBSA FROM VARIOUS INDIVIDUALS

सेवा में

श्रीमान अध्यक्ष महोदय,
न्यूज ब्राडकास्टिंग स्टैंडर्स ऑथरिटी, नई दिल्ली।

विषय:—भारतीय मीडिया द्वारा पूज्य संत श्रीआशाराम बापूजी के विरुद्ध मनगढ़ंत व काल्पनिक कार्यक्रम दिखाकर उनका चरित्र हनन करने एवं प्रार्थी की धार्मिक भावनाओं को ठेस पहुँचाने के संदर्भ में।

मान्यवर!

मैं भारतीय संविधान, कानून एवं न्यायव्यवस्था में पूर्ण निष्ठा रखने वाला/वाली एक आम नागरिक हूँ, विश्व की सबसे प्राचीन संस्कृति सनातनधर्म में मैंने जन्म लिया है, जिसमें गुरु—शिष्य की परम्परा अनादि काल से चली आ रही है, अपने प्राचीन धर्मानुसार मैंने भी पूज्य संत श्री आशारामजी बापू से दीक्षा प्राप्त कर उनका/उनकी शिष्य कहलाने का सौभाग्य प्राप्त किया है, एक शिष्य के लिए उसका गुरु ब्रह्मा, विष्णु और भगवान शिव से भी बढ़कर होता है, इसलिए एक शिष्य होने के नाते मेरे गुरु का स्थान मेरे लिए भगवान से भी बढ़कर है, लेकिन सामाजिक दृष्टि से वह एक मनुष्य भी हैं, और मनुष्य से जाने—अनजाने गलतियां होती रहती हैं, बड़ी गलतियां अपराध की श्रेणी में आती है जिसकी जांच—पड़ताल हमारा पुलिस प्रशासन करता है तथा उसी जांच—पड़ताल के आधार पर माननीय न्यायपालिका सजा सुनाती या उसे निर्दोष घोषित करती है, इसी कानून व्यवस्था को आम आदमी जानता व समझता है। लेकिन हमारे देश में इस कानून व्यवस्था के उलट एक और व्यवस्था चल रही है जिसे हमारे देश की कानून व्यवस्था का शायद आभास ही नहीं है, वह तो स्वयं ही आरोप—प्रत्यारोप लगाती है, अपने आप जांच—पड़ताल करने का दावा करती है और आरोपी को पहले ही दोषी साबित करके उस पर अपनी ही अदालत में मुकदमा चलाती है और आरोपी के साथ—2 उससे सम्बन्ध रखने वाले हर व्यक्ति को इतनी बड़ी सजा देती है कि उसके सामने माननीय न्यायालय की सजा भी कम पड़ जाती है। जिसे देखकर उसकी निष्पक्षता पर सबाल उठता है, और ऐसा प्रतीत होता है कि वह किसी एक विशेष वर्ग के लिए कार्य कर रही है, उस व्यवस्था का नाम है मीडिया। सशक्त मीडिया एक मजबूत लोकतंत्र की पहचान होती है, लेकिन इतनी भी सशक्त नहीं होनी चाहिए कि जिसके आगे अन्य सभी व्यवस्थाएं (कार्यपालिका, विधान पालिका एवं न्यायपालिका) गौड़ हो जाएं। श्रीमानजी ऐसा हमारे यहां हो रहा है जिसके विषय में छोटा सा वर्णन निम्न प्रकार है:

लगभग पिछले पांच वर्षों से पूज्य बापूजी पर षंडयंत्र पूर्वक आरोप पर आरोप लगाए जा रहे हैं, जिनकी जांच—पड़ताल पुलिस प्रशासन कर रहा है, जिनमें कुछ मामलों की न्यायालय में कार्यवाही चल रही है और कुछ में तो पूज्य बापूजी आरोप मुक्त होकर निर्दोष साबित हुए हैं लेकिन इन सबको दरकिनार कर हमारी मीडिया के न्यूज चैनल पूज्य बापूजी को एक आतंकवादी से भी बड़ा मुजरिम बनाकर उन पर तरह—2 के मनगढ़न्त कार्यक्रम बनाकर अपने न्यूज चैनलों पर प्रसारित कर रहे हैं और पूरे मानव समाज को गुमराह कर रहे हैं, एवं पूज्य बापूजी का चरित्र हनन कर उनकी बढ़ती हुई लोकप्रियता को समाप्त करने की कोशिश कर रहे हैं। इन न्यूज चैनलों के कार्यक्रमों में एक प्रतिशत भी सच्चाई नहीं दिखाई जाती है सारी बातें ये अपनी कोरी कल्पना के आधार पर ही प्रसारित करते हैं। अभी हाल ही में पूज्य बापूजी के ऊपर सोंची समझी साजिश के तहत दुष्कर्म का आरोप लगाकर उनके खिलाफ केस दर्ज कराया जाता है, आरोप की सत्यता की प्रशासन की तरफ से पुष्टि भी नहीं हुई लेकिन भारतीय मीडिया के चैनलों ने उन्हें मुजरिम घोषित कर उनके ऊपर तरह—2 के कार्यक्रम दिखा कर उनका चरित्र हनन करना शुरू कर दिया और देश की जनता को गुमराह कर पूज्य बापूजी के मेरे जैसे करोड़ों—2 साधकों की धार्मिक भावना और आस्था के साथ खिलबाड़ करना शुरू कर दिया। अभी प्रशासन की तरफ से कोई जांच तक नहीं हो पायी है लेकिन मीडिया ने पहले ही अपना फरमान सुना दिया कि बापूजी वास्तव में अपराधी हैं और उनके साथ—2 मेरे जैसे करोड़ों साधकों को इसकी सजा दे रहें हैं, क्योंकि हमारा पूरा मानव समाज जो इन चैनलों पर कार्यक्रम देखता है, उन्हें ही सच मान लेता है, इसलिए इन मीडिया चैनलों के कारण हम साधकों को

समाज में आज हीनता की नजरों से देखा जा रहा है, और ऐसा लग रहा है कि हम समाज के अन्य वर्गों से कट गये हैं, हम लोगों को समझाने का प्रयास भी करते हैं कि अभी तो जांच तक नहीं हो पायी है तो बापूजी दोषी कैसे हो गये? तो इस पर उनका यही जबाब होता है कि जो न्यूज चैनल दिखा रहे हैं वही सच है। श्रीमानजी पूज्य बापूजी दोषी हैं या नहीं यह तो जांच-पड़ताल के बाद ही सामने आएगा और यदि दोषी हुए तो हमारे देश का कानून उन्हें सजा भी देगा। और मैं इस बात से पूरी तरह सहमत हूँ कि यदि पूज्य बापूजी दोषी पाए जाएं तो कानून उन्हें कड़ी से कड़ी सजा दे, लेकिन आज मुझे व मेरे जैसे अन्य गुरु भाइयों को जो सजा इस मीडिया के द्वारा दी जा रही है इसके बराबर दुनिया का कोई कानून नहीं दे पाएगा।

श्रीमानजी यदि मीडिया जो दिखा रही है वही सच है तो फिर हमारे देश में अन्य जांच एजेंसियों की आवश्यकता ही क्या है? मीडिया की रिपोर्ट के आधार पर ही आरोपी को सजा हो जानी चाहिए! यदि लगाए गये आरोप माननीय न्यायालय में खारिज हो गये और पूज्य बापूजी निर्दोष साबित हुए तो न्यूज चैनलों के द्वारा आज जो पूज्य बापूजी व मेरे जैसे साधकों की मान-हानि हो रही है उसकी भरपाई कौन तथा कैसे करेगा? क्योंकि इससे पहले भी जो आरोप पूज्य बापूजी पर लगे थे उनमें मीडिया ने खूब दुष्प्रचार किया और कई मामलों में जब पूज्य बापूजी को माननीय न्यायालय ने दोषमुक्त कर दिया तो भी मीडिया कोई खेद जताने के बजाए उल्टे उन आरोपों को आज भी उठा रही है जिनमें उन्हें निर्दोष साबित किया जा चुका है। इसलिए इस मीडिया से ऐसी उम्मीद करना बेमानी होगा।

श्रीमानजी यदि यह न्यूज चैनल यह समझते हैं कि इनके कल्पित कार्यक्रम मेरी श्रद्धा और विश्वास को डिगा देंगे और मैं अपने गुरु पूज्य बापूजी को छोड़ दूंगा/दूंगी तो इनकी बहुत बड़ी गलती है, क्योंकि मैंने जो सत्य, प्रेम, भक्ति, अहिंसा, और मुक्ति का मार्ग पूज्य बापूजी से पाया है उसका ऋण मैं करोड़ों-2 जन्म लेकर भी नहीं चुका पाउंगा/पाउंगी, इसलिए पूज्य बापूजी के प्रति श्रद्धा टूटने से पहले मैं अपना जीवन त्याग दूंगा/दूंगी और मेरी ऐसी स्थिति इन न्यूज चैनलों ने कर दी है क्योंकि इनके मनगढ़ंत कार्यक्रमों से मेरी भावनाओं को गहरा आघात पहुँचा है तथा मैं बुरी तरह से आहत हूँ और यदि मैंने भविष्य में ऐसा कोई कदम उठा लिया जो मेरी जीवन मृत्यु का कारण बना तो उसके लिए ये सभी न्यूज चैनल (इंडिया न्यूज, इंडिया टीवी, एबीपी न्यूज, आज तक, जी न्यूज, न्यूज एक्सप्रेस, आईबीएन 7, एन.डी.टीवी इंडिया, न्यूज 24, पी 7 न्यूज, सहारा समय लाईव इंडिया आदि) जिम्मेदार व जवाबदेह होंगे।

अतः श्रीमानजी से अनुरोध है कि श्रीमानजी इन न्यूज चैनलों पर उचित कार्यवाही करें जिससे इन न्यूज चैनलों पर जो कपोल-कल्पित कार्यक्रम दिखाए जा रहे हैं जो सच्चाई से परे हैं, उनपर तुरन्त रोक लगाई जाए। न्यूज चैनल वही न्यूज दिखाएं जिसमें सच्चाई हो उसमें अपनी तरफ से काल्पनिक विषयों को जोड़कर न दिखाएं। और अब तक इन चैनलों ने पूज्य बापूजी का जिस प्रकार से अपने कल्पित कार्यक्रम दिखा-दिखाकर जो चरित्र हनन किया है और मेरी व अन्य साधकों की भावनाओं के साथ खिलवाड़ किया है, उसी प्रकार से अपने चैनलों के माध्यम से कार्यक्रम दिखा कर देश के सामने सार्वजनिक रूप से क्षमा मांगें।

अतः श्रीमान जी से हाथ जोड़कर अनुरोध है कि श्रीमानजी इस मामले में शीघ्र से शीघ्र उचित कार्यवाही करें तथा मुझे न्याय दिलाएं।

धन्यवाद।

प्रतिलिपि:

1. सूचना एवं प्रसारण मंत्री, भारत सरकार।
2. मुख्य न्यायाधीश, सर्वोच्च न्यायालय, भारत।

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.



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/-

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 ¹¹²caution 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