



**New Delhi: November 3, 2011**.....Reproduced below is letter dated 2.11.11, addressed to Dr. Manmohan Singh, Hon'ble Prime Minister of India, by the News Broadcasters Association (NBA), regarding views expressed by Justice (Retd.) M. Katju, Chairman, Press Council of India, on various matters relating to the media.

**Annie Joseph**  
**Secretary General, NBA**

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Hon'ble Mr. Justice (Retd.) M. Katju has been recently appointed as Chairman of the Press Council of India (PCI). After taking over as the Chairman, he has been interacting with the media and has given his views on various matters relating to the media; his emphasis is on how the media should be reined-in and in particular the electronic media, even though the electronic media is statutorily beyond the remit of the PCI .

We also understand from statements made by Justice (Retd.) Katju that he has written to you on the subject of the formation of a "Media Council", which suggestion you are considering.

Justice (Retd.) Katju has vociferously aired his sweeping and generic views on diverse matters like reporting news, what, when & how news should be reported, what should and what should not be reported, the time given for reporting news and the intellectual caliber of journalists.

A news channel's endeavour is to cover as much news worthy events across all segments and genres and to present news to viewers which is current and relevant in a given context whether it is informing viewers that "Lady Gaga has come" or "Kareena Kapoor has seen her Madam Tussads statue and she says she loves it".

It is with distress that we are compelled to bring to your notice the unwarranted comments of Justice (Retd) Katju in his recent interview with Mr. Karan Thapar on CNN IBN that the attempt of the News Broadcasters Association (NBA) to adopt self-regulation under the Chairmanship of Justice (Retd.) J.S. Verma, former Chief Justice of India "simply isn't working"; and that the reason it is not working at all is that "there must be some fear in the media" which can only happen with a "danda", which he is magnanimous to say will only be used when required.

We are unable to understand how Justice (Retd.) Katju has come to this conclusion that the self-regulatory mechanism adopted by NBA by setting up the News Broadcasting Standards Authority (NBSA) has failed. It is important to note that the News Broadcasting Standards Authority was established in October, 2008 whereas the statutorily set up Press Council of India has been in existence since 1978.



The NBSA as you are aware other than Justice (Retd) J. S. Verma, former Chief Justice of India has eminent members which include Mr Kiran Karnik, former President, NASSCOM, Mr. Nitin Desai, eminent economist and former Under Secretary General of UN, Mrs. Chokila Iyer, former Foreign Secretary of India and Mr. Dipankar Gupta, eminent Sociologist and former Professor of Jawahar Lal Nehru University.

We would however like to draw your kind attention to the following:

1. The NBSA in the last three years has been consciously making all efforts to ensure that broadcasting standards of news channels improve. With this in view the NBA drew up its Code of Ethics & Broadcasting Standards and has further issued various specific guidelines and advisories for covering specific situations and events, including for instance reporting on emergency situations, for covering the Ayodhya Judgment of the Allahabad High Court, the Telangana issue & reporting court proceedings etc. It is a matter of great satisfaction that the Guidelines issued by the NBA for covering the Ayodhya Judgment were quoted verbatim and made part of the judicial order by the Allahabad High Court. It observed while passing the Order that the Hon'ble Court observed that ***"....So far as the prayer to issue direction to the Press, in the first instance, they are not party before us. Secondly, the freedom of the press is the bedrock of our democracy. Freedom of speech would mean the right of every citizens to articulate their views, and the right of the public at large to hear such views and expression through the Press and T.V. media. The Press and T.V. to that extent, acts as a medium through which this view can be articulated. Democracy survives if people are given the right to express their views. At the same time, we are aware, that the news, if not properly disseminated or improperly made on sensitive issues, is likely to impair the integrity and unity of this nation. Before us, on behalf of Union of India, learned counsel has produced an unauthenticated copy of the resolution dated 16.09.2010 passed by the National Broadcasting Association containing certain guidelines to be observed in the wake of the judgement to be delivered on 24<sup>th</sup> September, 2010..."***. ***"...Considering the resolution passed by the National Broadcasting Association we expect that all the broadcasters will follow the said resolution. This Court will not take any steps to muzzle the freedom of the press or T.V. Channels; but is assured in view of their self imposed restraint that they will abide by the resolution and also comply with the directions issued by the High Court on the administrative side..."***

2. It is also pertinent to point out the observations of the Hon'ble Court in the said Order regarding control and to regulate the media from outside. ***"It is not our intent here to lay down any reformist agenda for the media. Any attempt to control and regulate the media from outside is likely to cause more harm than good. The norms to regulate the media and to raise its professional standards must come from inside"***.

3. The NBSA since its inception in 2008 has considered and reviewed 198 complaints received by member broadcasters/Authority. In the year 2010-11 the Authority considered and reviewed 152 complaints ; suo motu action has also been initiated in appropriate cases ; and orders have been passed against 9 broadcasters so far, wherein the errant news channels have been reprimanded, censured and even fine of Rs.1.00 lakh has been imposed. The NBA



Regulations also allows the Authority “...to recommend to the concerned authority for suspension/revocation of license of such broadcaster...”.

4. The Ministry of Information & Broadcasting has recognized NBA’s self-regulation initiative and has started forwarding complaints against even non-members for consideration of the NBSA. If the Ministry at all believed that self-regulation had failed, evidently it would not have taken such a pro-active step. The Ministry of Information & Broadcasting in the last few months has forwarded 25 complaints which have been considered or are under consideration of the Authority.

5. In fact on seeing the effectiveness of the NBA self-regulation mechanism, a similar body called the Broadcasting Content Complaints Council (BCCC) for the general entertainment channels has been set up which is headed by Justice (Retd.) A.P. Shah, former Chief Justice of the Delhi High Court.

From his interview we are also understand that the Chairman of the Press Council of India is drawing consensus from the two leading political parties of the country to bring the electronic media within the ambit of the PCI and christening it as a “Media Council of India”. In this regard, we are given to understand, Justice (Retd) Katju has written to you and also met Mrs Sushma Swaraj, Leader of the Opposition in the Lok Sabha. We strongly oppose this move by the Chairman PCI.

In fact, we urge you to further strengthen the self-regulation initiative adopted by the NBA by persuading the Ministry of Information & Broadcasting to include the NBA Code of Ethics and the Redressal Regulations and various specific guidelines as part of the Programme Code under the Cable TV Rules.

We are sure that it has been brought to your attention that even the Editors Guild and Broadcast Editors’ Association (BEA) have taken serious objections to the views expressed by Justice (Retd.) Katju.

We earnestly request you to intervene and request the Chairman, Press Council of India to engage himself constructively with print media matters, which is the mandate he has under the Press Council Act and not to exceed his remit and to exercise restraint on commenting upon areas which are outside his jurisdiction.

We are sure under your leadership no unilateral steps will be taken to regulate the electronic media as we are consciously trying to regulate with the sole endeavour to improve broadcasting standards, which are consistent with the tenets of the freedom of speech articulated in our constitution.