

11th **ANNUAL
REPORT**
2017-18

News Broadcasters Association Board of Directors



Rajat Sharma
President



M.V. Shreyams Kumar
Vice President



Anuradha Prasad
Honorary Treasurer



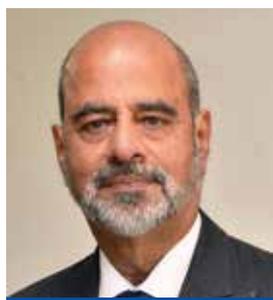
M.K. Anand



Rahul Joshi



Avinash Pandey



I. Venkat



Kalli Purie Bhandal



Sonia Singh



Ashok Venkatramani

News Broadcasters Association

Board of Directors

Mr. Rajat Sharma

President
Independent News Service Pvt. Ltd.

Mr. M.V. Shreyams Kumar

Vice President
Mathrubhumi Printing & Publishing Co. Ltd.

Mrs. Anuradha Prasad

Honorary Treasurer
News24 Broadcast India Ltd.

Mr. M.K. Anand

Bennett, Coleman & Co. Ltd.

Mr. Rahul Joshi

TV18 Broadcast Ltd.

Mr. Avinash Pandey

ABP News Network Pvt. Ltd.

Mr. I. Venkat

Eenadu Television Pvt. Ltd.

Ms. Kalli Purie Bhandal

TV Today Network Ltd.

Ms. Sonia Singh

New Delhi Television Ltd.

Mr. Ashok Venkatramani

Zee Media Corporation Ltd.

Secretary General

Mrs. Annie Joseph

Auditors

S.S. Kothari Mehta & Co

Chartered Accountants

Bankers

Bank of India

Bank of Baroda

Registered Office

Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar, New Delhi – 110087

Corporate Office

Mantec House, 2nd Floor, C- 56/5 Sector 62, Noida – 201301

CIN: U22211DL2007NPL165480

Message from President, NBA August 30, 2018



It is my privilege to present the Eleventh Annual Report of the News Broadcasters Association. During the year there have been several consultations on industry issues from different government agencies. NBA has responded and submitted its views on critical issues of concern to the news broadcasters. The Management Report gives the details on all the issues and the activities that we have undertaken during the year. I am not delving into those issues.

It is with a deep sadness that I write of the loss during the year of our colleague and friend of the industry, Mr. K. V. L. Narayan Rao, on 20.11.2017, after a prolonged illness. He was a founder Member, Director and President of NBA from 21.12.2010 to 24.9.2014, the formative and critical years of NBA. His unstinted support and guidance in steering NBA on various industry issues was remarkable. His ability to make time to address the concerns of the industry and to be available on all occasions for NBA will always be cherished. He would support industry issues even if it went against the interest of his Company because he believed that the larger interest mattered more. He was an exceptional leader with impeccable integrity and a human touch. We all miss him immensely. May his soul rest in peace.

The News Broadcasting Standards Authority (NBSA) will be completing ten years on October 2nd 2018. When we look back at these ten years, more than anything, it is the commitment of the news broadcasters to the “self-regulatory system” and not to impose upon itself government regulations, that made it such an excellent model. The commitment by members to accept an entirely voluntary system has enabled the NBSA to deal effectively with all content related issues. It has ensured that the system works. At the end of the tenth year, we must reflect on how NBSA has become a known entity. NBSA has handled over 2777 complaints and rendered several decisions/ orders, all of which are available on the website of NBA. Self-regulatory bodies often are an easy target by cynics. However, we know that the NBSA can firmly proclaim that it has fulfilled its obligations to its members and to the public. The success of this initiative has been due to the untiring efforts put in by late Justice (Retd) J. S. Verma, the first Chairperson of NBSA and the present Chairperson Justice (Retd) R.V. Raveendran. Both these eminent jurists have during the last decade, along with the independent members and the editor members ensured that violations are effectively dealt with, while upholding the freedom of expression of the media. I hope the Government would now after seeing how effectively self-regulation has worked in the last decade accept the long standing demand of NBA to recognize the Code of Ethics and the Redressal Regulations of NBA and make it part of the Programme Code under the Cable TV Rules.

In an industry such as broadcasting, which is facing tremendous changes, a strong and effective voice is critical. Being a unified voice of the news broadcasters, NBA is heard at the highest levels in the Government

on issues concerning the news genre. Submissions/ views given by NBA are given due consideration while formulating policies /recommendations by the Government, TRAI and other bodies. I would like to mention the unstinting support we have received during the year from the PMO in finding solutions to critical industry issues. The intervention by the PMO has been invaluable.

It is unfortunate that for more than a year the news broadcasters have stopped accepting DAVP advertisements as the rates offered are unviable. In view of the huge viewership/ reach that the news genre commands, the Ministry of Information and Broadcasting should address this issue urgently to facilitate the widest possible coverage for the advertisements relating to the achievements and policies of the Government.

Digitisation of cable TV services, which began from 2012, has been completed as on 31.3.2017. The benefits of digitisation is yet to be seen by the news broadcasters. We continue to be burdened with huge carriage fees, placement fees and other fees, which is impacting our finances and survival. Implementation of the regulations is key to the success of digitisation. We hope that the TRAI would do what is necessary in this regard.

Another issue of concern is the unwillingness of news broadcasters particularly the regional broadcasters from becoming members of NBA. It is disheartening to report that despite our best efforts, we have not succeeded much in strengthening our membership. It has only had a trickle effect. We have 29 broadcasters representing 71 channels in the membership of NBA. We hope broadcasters will see value in being members of NBA and we look forward to welcoming them. Every news broadcaster should voluntarily join the NBA to make it a unified voice of the news genre. NBA Board during the year under report decided to grant Associate membership to digital broadcasters and we hope digital broadcasters in the news genre will join the NBA.

On behalf of the Board and Members of the NBA, our sincere gratitude to the Chairperson and Independent and Editor Members of the NBSA for their support and invaluable time.

I am deeply grateful to the Board and Members of the NBA for their constant support. Their steadfast contribution has helped consolidate and strengthen the NBA.

Finally, I would like to thank Mrs Annie Joseph, Secretary General, NBA for working tirelessly towards achieving the goals of NBA. I am sure she will continue to contribute wholeheartedly for the betterment of NBA. I would like to thank the staff of the NBA Secretariat, Conveners of various Sub Committees, Legal Counsel, Financial and Corporate Consultants as well as the Auditors of NBA and Bankers for their time and cooperation.

Best wishes,



Rajat Sharma

Notice

NOTICE is hereby given that the 11th Annual General Meeting of the Members of News Broadcasters Association will be held on Thursday, the 20th September, 2018 at 12.00 noon at Multipurpose Hall, Kamaladevi 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, 2018 together with Auditor's Report and Director's 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, 2018, together with Auditor's Report and Director's Report thereon, be and are hereby considered and adopted.”

■ Special Business

2. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:
“**RESOLVED THAT** Ms. Kalli Purie Bhandal who was appointed as a Permanent Director of the Association by the Board of Directors on January 5, 2018 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 her 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.”
3. To consider and if thought fit, to pass with or without modification(s) the following resolution as an Ordinary Resolution:
“**RESOLVED THAT** Ms. Sonia Singh who was appointed as a Permanent Director of the Association by the Board of Directors on January 5, 2018 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 her 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 Mrs. Anuradha Prasad who 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 and 22 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 Mr. M.V. Shreyams Kumar who 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 and 22 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 Mr. I. Venkat who was appointed as an Additional Director on February 17, 2017 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 and 22 of the Articles of Association.”

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

“RESOLVED THAT pursuant to provisions of Section 4 and 13 and other applicable provisions of the Companies Act, 2013 (the “Act”) read with the applicable Rules and Regulations made thereunder (including any statutory modification(s) or re-enactment thereof for the time being in force) and subject to the approval of Registrar of Companies, Central Government and subject to such other approvals, permission and consents as may be required, the Title Words, Headings/Sub-headings of Clauses/ Clauses of Memorandum of Association (MOA) of the Company be and are hereby altered as under:

- a. In main heading of MOA the words “The Companies Act, 1956” be altered by substituting the following:

“The Companies Act, 2013”



- b. In MOA, for the words “(A Company Limited by Guarantee not having share capital, not for profit under Section 25 of the Companies Act, 1956) be altered by substituting the following:

(A Company Limited by Guarantee not having share capital, not for profit under Section 8 of the Companies Act, 2013 (registered under Section 25 of the previous Companies Act, 1956)

- c. Following heading of Clause No. III (A) of the Memorandum of Association: “III (A) The Main objects to be pursued by the Company on its incorporation are:” be altered by substituting the following:

“III (A) The objects to be pursued by the Company on its incorporation are:-”

- d. Following heading of Clause III (B) of the Memorandum of Association:

“III (B) The objects incidental or ancillary to the attainment of main objects are:” be and hereby altered by substituting the following:

“III (B) Matters which are necessary for furtherance of the objects specified in Clause III (A) are:-”

- e. Following Clause No. III (B) (7) of Memorandum of Association:

“To subscribe to, become a member of, corporate or collaborate with any other association registered under Section 25 of the Act whose objects are together or in part similar to those of the Company and to procure from or communicate with any such body or association any useful information as is likely to further the objects of the company.” be and hereby altered as following:

“To subscribe to, become a member of, corporate or collaborate with any other association registered under Section 25 of the Companies Act, 1956 or under Section 8 of the Act whose objects are together or in part similar to those of the Company and to procure from or communicate with any such body or association any useful information as is likely to further the objects of the Company.”

- f. Following Clause No. III (C) of the Memorandum of Association be and hereby deleted: **“The Other Objects are NIL”**

- g. Following Clause No. VI of Memorandum of Association:

“No alteration shall be made to the Objects Clause of the Memorandum of Association of the Company which are for the time being in force, without the prior approval of Central Government when required under the provisions of the Companies Act, 1956” be and hereby altered by substituting the following:

“No alteration shall be made to the Objects Clause of the Memorandum of Association of the Company which are for the time being in force, without the prior approval of Central Government when required under the provisions of the Companies Act, 2013”

“RESOLVED FURTHER THAT the Board be and is hereby authorized to accept any addition/alteration in resolution(s) mentioned above, as may be required by the authorities concerned at the time of their approval and as agreed to by the Board.”

“**RESOLVED FURTHER THAT** the Board be and is hereby authorized to take such steps as may be necessary for obtaining any approvals in relation to the above and to settle all matters arising out of and incidental thereto and sign and execute all deeds, applications, documents and writings that may be required, on behalf of the Company and generally to do all acts, deeds and things that may be necessary, proper, expedient or incidental for the purpose of giving effect to the aforesaid Resolution.”

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

“**RESOLVED THAT** pursuant to provisions of Section 5, 14 and other applicable provisions of the Companies Act, 2013 (the “Act”) read with the applicable Rules and Regulations made thereunder (including any statutory modification(s) or re-enactment thereof for the time being in force) and subject to the approval of the Registrar of Companies, Central Government and subject to such other approvals, permission and consents as may be required, the Title words, Headings, definitions given in Articles of Association (AOA) of the Company be and are hereby altered as under:

- a. In main Heading of Articles of Association, the words “The Companies Act, 1956” be and hereby altered by substituting the following: **‘The Companies Act, 2013’**
- b. The words in AOA “(A Company Limited by Guarantee not having a Share Capital, not for Profit under Section 25 of the Companies Act, 1956) be altered by substituting the following:

(A Company Limited by Guarantee not having a Share Capital, not for Profit under Section 8 of the Companies Act, 2013 (registered under Section 25 of the Companies Act, 1956)

- c. In ‘Definition’ following be altered as:

- (i) The words “ACT” means the Companies Act, 1956 be altered by substituting the words as “ACT” means the **Companies Act, 2013**.
- (ii) The words “ASSOCIATION” means “NEWS BROADCASTERS ASSOCIATION” registered under Companies Act, 1956 be altered by substituting the words as: **“ASSOCIATION” means “NEWS BROADCASTERS ASSOCIATION” registered under Companies Act, 1956 (now Companies Act, 2013).**
- (iii) The words “Save as provided herein, the Regulations contained in Table-“C” Schedule I of the Companies Act, 1956 shall apply to the Association /Company” be altered by substituting the following:

“Save as provided herein, the Regulations contained in Table-“B” Schedule I of the Companies Act, 2013 shall apply to the Association/Company”

“**RESOLVED FURTHER THAT** the Board be and is hereby authorized to accept any addition/ alteration in resolution(s) mentioned above, as may be required by the authorities concerned at the time of their approval and as agreed to by the Board.”

“**RESOLVED FURTHER THAT** the Board be and is hereby authorized to take such steps as may be necessary for obtaining any approvals in relation to the above and to settle all matters arising out of and incidental thereto and sign and execute all deeds, applications, documents and writings that may be required, on behalf of the Company and generally to do all acts, deeds and

things that may be necessary, proper, expedient or incidental for the purpose of giving effect to the aforesaid Resolution.”

9. To consider and if thought fit, to pass with or without modification(s) the following resolution as a Special Resolution:

“**RESOLVED THAT** pursuant to provisions of Section 5, 14 and other applicable provisions of the Companies Act, 2013 (the “Act”) read with the applicable Rules and Regulations made thereunder (including any statutory modification(s) or re-enactment thereof for the time being in force) and subject to the approval of , Registrar of Companies, Central Government and subject to such other approvals, permission and consents as may be required, the Article 2 (ii) of Articles of Association (AOA) of the Company, which is as follows:

2. Eligibility for Membership

ii. Eligibility to become “Associate Member”

- a. The Board may, in its absolute discretion, grant Associate Membership to a corporate entity not being qualified to be Member but being owner of one or more TV channel/s broadcasting news and/or current affairs capsules at least as part of its programme content and holding permission from the Government of India to uplink and/or downlink such TV channel/s from Indian territory and being engaged in such business in the ordinary course as a consequence of such permission, provided it has been on air for a minimum period of one year.
- b. A body corporate or trust or a society or an association which is engaged in the business of television software production, broadcasting, marketing and sale of content for news and current affairs channels or other broadcast-linked organizations, including but not limited to signal distributors, news agencies, regulators, trainers, airtime sellers, shall be eligible for admission as Associate Members and such membership shall be granted only if it has been in such business for a minimum period of one year.

Provided however that nothing shall be deemed to prohibit the Board from enrolling as Associate Member any corporate entity which is a foreign body corporate or a foreign association or institution based overseas, subject however to such corporate entity obtaining such permission/approval/sanction, if any, as may be required to be obtained from the competent authorities for such purpose.

be and are hereby altered by substituting the following:

Article 2 (ii):

ii.) Eligibility to become “Associate Member”

- a. The Board may, in its absolute discretion, grant Associate Membership to a corporate entity not being qualified to be Member but being owner of one or more TV channel/s broadcasting news and/or current affairs capsules at least as part of its programme content and holding permission from the Government of India to uplink and/or downlink such TV channel/s from Indian territory and being engaged in such business in the ordinary course as a consequence of such permission, provided it has been on air for a minimum period of one year.

OR

- b. The Board may, in its absolute discretion, grant Associate Membership to any person including a corporate entity, body corporate or trust or a society or an association or otherwise, which is engaged in the business of software production, broadcasting, marketing and sale of content for news and current affairs channels or other broadcasting medium or other broadcast-linked organizations, including but not limited to signal distributors, news agencies, trainers, airtime sellers, mobile apps, Over-the-Top Content (OTT), Video on Demand (VOD), digital news platforms, direct broadcasting satellite, computer network and other intermediaries shall be eligible for admission as Associate Member and such membership shall be granted only if it has been in such business for a minimum period of one year.

Provided, however that nothing shall be deemed to prohibit the Board from enrolling as Associate Member any corporate entity which is a foreign body corporate or a foreign association or institution based overseas, subject however to such corporate entity obtaining such permission/approval/sanction, if any, as may be required to be obtained from the competent authorities for such purpose.

“**RESOLVED FURTHER THAT** the Board be and is hereby authorized to accept any addition/alteration in resolution(s) mentioned above, as may be required by the authorities concerned at the time of their approval and as agreed to by the Board.”

“**RESOLVED FURTHER THAT** the Board be and is hereby authorized to take such steps as may be necessary for obtaining any approvals in relation to the above and to settle all matters arising out of and incidental thereto and sign and execute all deeds, applications, documents and writings that may be required, on behalf of the Company and generally to do all acts, deeds and things that may be necessary, proper, expedient or incidental for the purpose of giving effect to the aforesaid Resolution.”

10. To consider and if thought fit, to pass with or without modification(s) the following resolution as a Special Resolution:

RESOLVED THAT pursuant to provisions of Section 5, 14 and other applicable provisions of the Companies Act, 2013 (the “Act”) read with the applicable Rules and Regulations made thereunder (including any statutory modification(s) or re-enactment thereof for the time being in force) and subject to the approval of the Registrar of Companies, Central Government and subject to such other approvals, permission and consents as may be required, the Article 20 of Articles of Association (AOA) of the Company, which is as follows:

“A Member of the board shall be deemed to have vacated his office if he absents himself from three consecutive meetings of the Board or from all meetings of the Board for a continued period of three months, whichever is longer, without obtaining leave of absence from the Board and also if he ceases to represent the member whom he represented before and/or at the time of election, and he shall be notified by the Secretary general of such cessation”

be and are hereby altered as under by substituting the following as:



“Article 20: Vacation of Office

A Member of the board shall be deemed to have vacated his office if he absents himself from all the meetings of the Board of Directors held during a period of twelve months with or without seeking leave of absence of the Board or if he ceases to represent the member whom he represented before and/or at the time of election. Such cessation shall be notified by the Secretary General to such member.”

“RESOLVED FURTHER THAT the Board be and is hereby authorized to accept any addition/alteration in resolution(s) mentioned above, as may be required by the authorities concerned at the time of their approval and as agreed to by the Board.”

“RESOLVED FURTHER THAT the Board be and is hereby authorized to take such steps as may be necessary for obtaining any approvals in relation to the above and to settle all matters arising out of and incidental thereto and sign and execute all deeds, applications, documents and writings that may be required, on behalf of the Company and generally to do all acts, deeds and things that may be necessary, proper, expedient or incidental for the purpose of giving effect to the aforesaid Resolution.”

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

“RESOLVED THAT when required all Members and Associate Members of NBA will contribute towards meeting legal expenses of Senior Counsel (s) which includes the cost of retainership, legal advice and representation of the NBA before the Courts.

“FURTHER RESOLVED THAT Secretary General, NBA be and is hereby authorised to sign and to do all or any of the acts, deeds, matters, and things as may be considered expedient and necessary for implementing the said resolution on behalf of the Association”.

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

“RESOLVED THAT Mr. Ashok Venkatramani who was appointed as a Permanent Director of the Association by the Board of Directors on 10.8.2018 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.”

**By Order of the Board of Directors of
News Broadcasters Association**

Annie Joseph
Secretary General

Place: New Delhi
Date: August 30, 2018

Explanatory Statement Pursuant to Section 102 of the Companies Act, 2013

■ Item No. 2

The Board of Directors of the Association appointed Ms. Kalli Purie Bhandal as a Permanent Director on January 5, 2018 subject to approval of General Body meeting on the Board of NBA. 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, 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 Ms. Kalli Purie Bhandal in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 2 of this Notice.

■ Item No. 3

The Board of Directors of the Association appointed Ms. Sonia Singh as a Permanent Director on January 5, 2018 subject to approval of General Body meeting on the Board of NBA. 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, 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 Ms. Sonia Singh 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

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 are 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. 4 of this Notice.

■ **Item No. 5**

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. 5 of this Notice.

■ **Item No. 6**

Mr. I. Venkat was appointed as an Additional Director on February 17, 2017 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. I. Venkat 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**

Some Title Words, Headings/Sub-Headings of Clauses/Clauses of Memorandum of Association requires changes as per the provisions of Companies Act, 2013. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as a Special Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, 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

Some Title Words and Definitions given in the Articles of Association requires changes as per the provisions of new Companies Act, 2013. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as a Special Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, 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.

■ Item No. 9

With a view to broaden the membership of the Association , it is proposed to amend Article ii (b) of the Articles of Association of NBA with the consent of membership in general meeting to modify the existing category – Associate Membership to cover all type of entities in the dissemination of news and current affairs, which is engaged in the business of software production, broadcasting, marketing and sale of content for news and current affairs channels or other broadcasting medium or other broadcast-linked organizations, including but not limited to signal distributors, news agencies, trainers, airtime sellers, mobile apps, Over-the-Top Content (OTT), Video on Demand (VOD), digital news platforms, Direct broadcasting satellite, computer network and other intermediaries shall be eligible for admission as Associate Members and such membership shall be granted only if it has been in such business for a minimum period of one year. The amendment is for the purpose of granting Associate membership to entities which are directly or indirectly related to dissemination of news through any other medium. Granting membership to these entities which are primarily involved in the dissemination of news and current affairs would help first and foremost in self regulation not limited only to satellite broadcasters but across digital platforms. NBA with its membership of satellite news and current affairs broadcasters and other entities as mentioned above would become the unified voice for guarding freedom of speech and expression as guaranteed in the constitution.

The Board of Directors, therefore, recommends the Resolution to be passed by the Members as a Special Resolution. Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 9 of this Notice.

■ Item No. 10

Article 20 of Articles of Association is changed under the provisions of Section 167 of Companies Act, 2013. The Board of Directors, therefore, recommends the Resolution to be passed by the Members as a Special Resolution.

Relevant documents relating to said item is available for inspection by Members at the Registered Office of the Company. None of the Directors, in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 10 of this Notice.

■ Item No. 11

The issue for consideration before the Board is that towards meeting expenses of engaging senior counsel in the present or in the future, with the limited financial resources, NBA would not be able to meet such expenses. As decided by the Board, this expense would have to be borne/honored by the Members/Associate Members of NBA and would be equitably shared pursuant to Sub clause 15 and 16 of Clause III (B) of the Memorandum of Association.

There are matters presently pending before the Supreme Court and High Courts, in which NBA has intervened or filed writ petitions. It could be possible, in the future critical industry matters may come up in courts, which would need NBA intervention. Routine legal matters are handled by the NBA Counsel. 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, in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 11 of this Notice.

■ Item No. 12

The Board of Directors of the Association appointed Mr. Ashok Venkatramani as a Permanent Director on 10.8.2018 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. Ashok Venkatramani in respect of whom the Resolution is being moved, is concerned or interested, financially or otherwise, in the Resolution set out at Item No. 12 of this Notice.

**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

Place: New Delhi
Date: August 30, 2018

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.
10. The requirement to place the matter relating to appointment of Auditors for ratification by Members at every Annual General Meeting is done away with vide notification dated May 7, 2018 issued by the Ministry of Corporate Affairs, New Delhi. Accordingly, no resolution is proposed for ratification of appointment of Auditors, who were appointed in the Annual General Meeting held on September 21, 2016.

Directors' Report to the Members

The Directors have pleasure in presenting the 11th Annual Report of your Association together with Audited Accounts for the period from April 1, 2017 to March 31, 2018.

Financial Review

	31.03.2018 (Amount in Rs.)	31.03.2017 (Amount in Rs.)
Income from Subscription	1,12,75,000	1,07,25,000
Other Income	27,90,651	30,77,776
Depreciation and amortization expense	11,51,096	10,53,777
Total Expenditure	1,40,87,695	1,33,86,316
Surplus/(Deficit) after depreciation and tax carried to General Reserve	(22,044)	4,16,460

Of the income and expenditure account a sum of Rs.51,20,250 (previous year Rs. 23,58,336) has been transferred to special reserve.

Change in Nature of Services

There is no change in nature of services provided by the Association.

Directors

Mrs. Anuradha Prasad, Mr. M.V. Shreyams Kumar and Mr. I. Venkat were appointed as Additional Directors on February 1, 2012, March 29, 2014 and February 17, 2017 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. Ms. Kalli Purie Bhandal and Ms. Sonia Singh have been appointed as Directors on 5.1.2018 by the Board of Directors in terms of Article 17 of the Articles of Association, not liable to retire by rotation. Mr. K.V.L. Narayan Rao ceased from Directorship of the Company due to sudden demise during the period under report.

Membership of Association

The number of Members/Associate Members of the Association are 27 broadcasters representing 69 channels.

■ Auditors & Auditors' Report

M/s S.S. Kothari Mehta & Co., Chartered Accountants, were appointed as the Statutory Auditors of the Association, to hold office from the conclusion of 9th AGM held on 21st September, 2016 until the conclusion of the 14th AGM of the company to be held in year 2021.

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, 2018 is self explanatory and do not require further comments in the Directors' report. The Audit Report does not contain any qualification, reservation or adverse remark.

Report on Conservation of Energy, Technology Absorption, Foreign Exchange Earnings and Outgo etc. Information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with The Companies (Accounts) Rules, 2014 is given hereunder:

Energy conservation measures taken by the Association include: (1) use of LED/CFL lighting in the entire office area; (2) improved insulation using ceramic fibre in the heat treatment furnaces; (3) installation of heat reflecting film on windows of air-conditioned areas etc. At present, Association has not taken any steps for utilisation of alternate source of energy and no capital investment has been made on energy conservation equipment.

And other information in accordance with the provisions of Section 134 (m) of the Companies Act, 2013 read with the Companies (Accounting) Rules, 2013 regarding technology absorption is not applicable to the Association being involved in welfare services to its Members.

Association has no foreign exchange earnings and outgo during the period.

■ Directors' Responsibility Statement

Pursuant to Section 134(5) of the Companies Act, 2013, it is hereby confirmed:

- i. that in the preparation of the annual accounts, the applicable accounting standards had been followed along with proper explanation relating to material departures, if any;
- 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;
- v. the Directors had devised proper systems to ensure compliance with the provisions of all applicable laws and that such systems were adequate and operating effectively.

■ Extract of Annual Report

An extract of the Annual Return in Form No. MGT – 9 as provided under Sub-Section (3) of Section 92 which shall form part of the Board's report is attached as Annexure A.

■ Meetings of the Board

Six meetings of the Board of Directors were held on 9.5.2017, 2.8.2017, 19.9.2017, 19.9.2017, 14.12.2017 and 27.3.2018 during the financial year.

Particulars of loans, guarantees or investments under Section 186 of Companies Act, 2013:

Company has not given any loan or provided any guarantees or made investment to any person under Section 186 of Companies Act, 2013.

Particulars of contracts or arrangements with related parties referred to in Sub-Section (1) of Section 188 in the prescribed form:

Company does not have any related party transaction with any person in any form as asked in Form AOC_2 under Rule 8 of The Companies (Account) Rules, 2014.

■ Management Report

Management Report containing a brief review of the activities of the Association and the state of the Company's affairs during the year under review is attached with this Report.

Material changes and commitments, if any, affecting the financial position of the Company which have occurred between the end of the financial year of the Company to which the financial statements relate and the date of the report:

Material changes occurred subsequent to the close of the financial year of the Company to which the balance sheet relates are: **None.**

A statement indicating development and implementation of a risk management policy for the Company including identification therein of elements of risk, if any, which in the opinion of the Board may threaten the existence of the Company:

Association is generating receipts through subscription from Members and provide them welfare services. At present, Company has not developed and implemented any such policy and system which nullify any type of risk on its existence.

Details of material and significant orders passed by the Regulators or Courts or Tribunal impacting the going concern status and Company's operations in future:

No such order is passed by any such Regulators or Courts or Tribunal which impacts the going concern status and Company's operations in future.

Details in respect of adequacy of internal financial controls with reference to financial statements:

The Company has in place adequate internal financial controls with reference to financial statements.

■ 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

Place: New Delhi
Dated: July 18, 2018

Sd/-
Rajat Sharma
President

Sd/-
M.V. Shreyams Kumar
Vice President

Sd/-
Anuradha Prasad
Honorary Treasurer

Annexure - A

Form No. MGT-9

EXTRACT OF ANNUAL RETURN

as on the financial year ended on 31st March, 2018

[Pursuant to Section 92(3) of the Companies Act, 2013 and Rule 12(1) of the Companies (Management and Administration) Rules, 2014]

I. Registration and other details:

- i. CIN: **U22211DL2007NPL165480**
- ii. Registration Date: **03/07/2007**
- iii. Name of the Company: **News Broadcasters Association**
- iv. Category/ Sub-Category of the Company: **Company Limited by Guarantee/Indian Non-Government Company**
- v. Address of the Registered office and contact details: **Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar, New Delhi-110087**
- vi. Whether listed company: **No**
- vii. Name, Address and Contact details of Registrar and Transfer Agent, if any: **NA**

II. Principal business activities of the company

All the business activities contributing 10 % or more of the total turnover of the Company shall be stated:

Sl. No.	Name and Description of main products / services	NIC Code of the Product/ service	% to total turnover of the Company
1	Subscription from Members and welfare services	99959989	100%
2			
3			

III. Particulars of Holding, Subsidiary and Associate Companies -

S. No.	Name and address of the Company	CIN/GLN	Holding/ Subsidiary/ Associate	%of shares held	Applicable Section
1.	NA	NA	NA	NA	NA
2.					

IV. Shareholding pattern (Equity Share Capital Breakup as percentage of Total Equity)

i. Category-wise Share Holding

Not applicable as the Company is a Section 8 Company (Guarantee Company)

Company does not have any shareholding

Category of Shareholders	No. of Shares held at the beginning of the year				No. of Shares held at the end of the year				% Change during the year
	Demat	Physical	Total	% of Total Shares	Demat	Physical	Total	% of Total Shares	
Promoters (1) Indian a. Individual/HUF b. Central Govt c. State Govt (s) d. Bodies Corp. e. Banks / FI f. Any Other.... Sub-total (A) (1):-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
(2) Foreign a. NRIs - Individuals b. Other –Individuals c. Bodies Corp. d. Banks / FI e. Any Other.... Sub-total (A) (2):- Total shareholding of Promoter (A) = (A) (1)+(A)(2)		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

B. Public Shareholding 1. Institutions a. Mutual Funds b. Banks / FI c. Central Govt d. State Govt(s) e. Venture Capital Funds f. Insurance Companies g. FIIs h. Foreign Venture Capital Funds i) Others (specify) Sub-total	N/A								
(B)(1):- 2. Non- Institutions a. Bodies Corp. i) Indian ii) Overseas b. Individuals i) Individual shareholders holding nominal share capital upto Rs. 1 lakh ii) Individual shareholders holding nominal share capital in excess of Rs 1 lakh c. Others (specify) Sub-total	N/A								
(B)(2):- Total Public Shareholding (B)=(B)(1)+ (B)(2)									
C. Shares held by Custodian for GDRs & ADRs									
Grand Total (A+B+C)									

ii. Shareholding of Promoters

Not applicable as the Company is a Section 8 Company (Guarantee Company)

S. No.	Shareholder's Name	Shareholding at the beginning of the year			Share holding at the end of the year			% change in share holding during the year
		No. of Shares	% of total Shares of the Company	% of Shares Pledged/ encumbered to total shares	No. of Shares	% of total Shares of the Company	% of Shares Pledged/ encumbered to total shares	
1								
2								
3								
	Total							

iii. Change in Promoters' Shareholding (please specify, if there is no change)

Not applicable as the Company is a Section 8 Company (Guarantee Company)

Sl. No.		Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Promoters Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus/ sweat equity etc):				
	At the end of the year				

iv. Shareholding Pattern of top ten Shareholders (other than Directors, Promoters and Holders of GDRs and ADRs):

Not applicable as the Company is a Section 8 Company (Guarantee Company)

Sl. No.	For Each of the Top 10 Shareholders	Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus / sweat equity etc):				
	At the end of the year (or on the date of separation, if separated during the year)				

**v. Shareholding of Directors and Key Managerial Personnel:
Not applicable as the Company is a Section 8 Company (Guarantee Company)**

Sl. No.	For Each of the Directors and KMP	Shareholding at the beginning of the year		Cumulative Shareholding during the year	
		No. of shares	% of total shares of the Company	No. of shares	% of total shares of the Company
	At the beginning of the year				
	Date wise increase / decrease in Shareholding during the year specifying the reasons for increase / decrease (e.g. allotment / transfer / bonus/ sweat equity etc):				
	At the end of the year				

V. INDEBTEDNESS

Indebtedness of the Company including interest outstanding/accrued but not due for payment

	Secured Loans excluding deposits	Unsecured Loans	Deposits	Total Indebtedness
Indebtedness at the beginning of the financial year	NIL	NIL	NIL	NIL
i) Principal Amount				
ii) Interest due but not paid				
iii) Interest accrued but not due				
Total (i+ii+iii)				
Change in Indebtedness during the financial year	NIL	NIL	NIL	NIL
·Addition				
·Reduction				
Net Change	NIL	NIL	NIL	NIL
Indebtedness at the end of the financial year	NIL	NIL	NIL	NIL
i) Principal Amount				
ii) Interest due but not paid				
iii) Interest accrued but not due				
Total (i+ii+iii)	NIL	NIL	NIL	NIL

VI. Remuneration of Directors and Key Managerial Personnel

Company does not pay any remuneration to Directors of the Company.

Company does not have any Key Managerial Personnel.

A. Remuneration to Managing Director, Whole-time Directors and/or Manager:

Sl. no.	Particulars of Remuneration	Name of MD/WTD/ Manager				Total Amount
		----	---	---	----	
1.	Gross salary a. Salary as per provisions contained in Section 17(1) of the Income Tax Act, 1961 b. Value of perquisites u/s 17(2) Income Tax Act, 1961 c. Profits in lieu of salary under Section 17(3) Income Tax Act, 1961					
2.	Stock Option					
3.	Sweat Equity					
4.	Commission • as % of profit • others, specify					
5.	Others, please specify					
	Total (A)					
	Ceiling as per the Act					

B. Remuneration to other Directors:

Sl. no.	Particulars of Remuneration	Name of Directors				Total Amount
		----	---	---	---	
	3. Independent Directors • Fee for attending Board Committee meetings • Commission • Others, please specify					
	Total (1)					
	4. Other Non-Executive Directors • Fee for attending Board Committee meetings • Commission • Others, please specify					
	Total (2)					
	Total (B)=(1+2)					
	Total Managerial Remuneration					
	Overall ceiling as per the Act					

C. Remuneration to key managerial personnel other than MD/MANAGER/WTD
Not applicable as the Company is a Section 8 Company (Guarantee Company)

Sl. no.	Particulars of Remuneration	Key Managerial Personnel			
		CEO	Company Secretary	CFO	Total
1.	Gross salary a. Salary as per provisions contained in Section 17(1) of the Income Tax Act, 1961 b. Value of perquisites u/s 17(2) Income Tax Act, 1961 c. Profits in lieu of salary under Section 17(3) Income Tax Act, 1961				
2.	Stock Option				
3.	Sweat Equity				
4.	Commission • as % of profit • others, specify				
5.	Others, please specify				
	Total				

VII. Penalties / Punishment/ Compounding of offences:

There is no penalty/ punishment on the Company or its Directors or other officers.

Type	Section of the Companies Act	Brief Description	Details of Penalty/ Punishment/ Compounding fees imposed	Authority [RD/ NCLT/ COURT]	Appeal made, if any (give Details)
A. Company					
Penalty					
Punishment					
Compounding					
B. Directors					
Penalty					
Punishment					
Compounding					
C. Other officers in default					
Penalty					
Punishment					
Compounding					

Sd/-

Rajat Sharma
President

Sd/-

M.V. Shreyams Kumar
Vice President

Sd/-

Anuradha Prasad
Honorary Treasurer

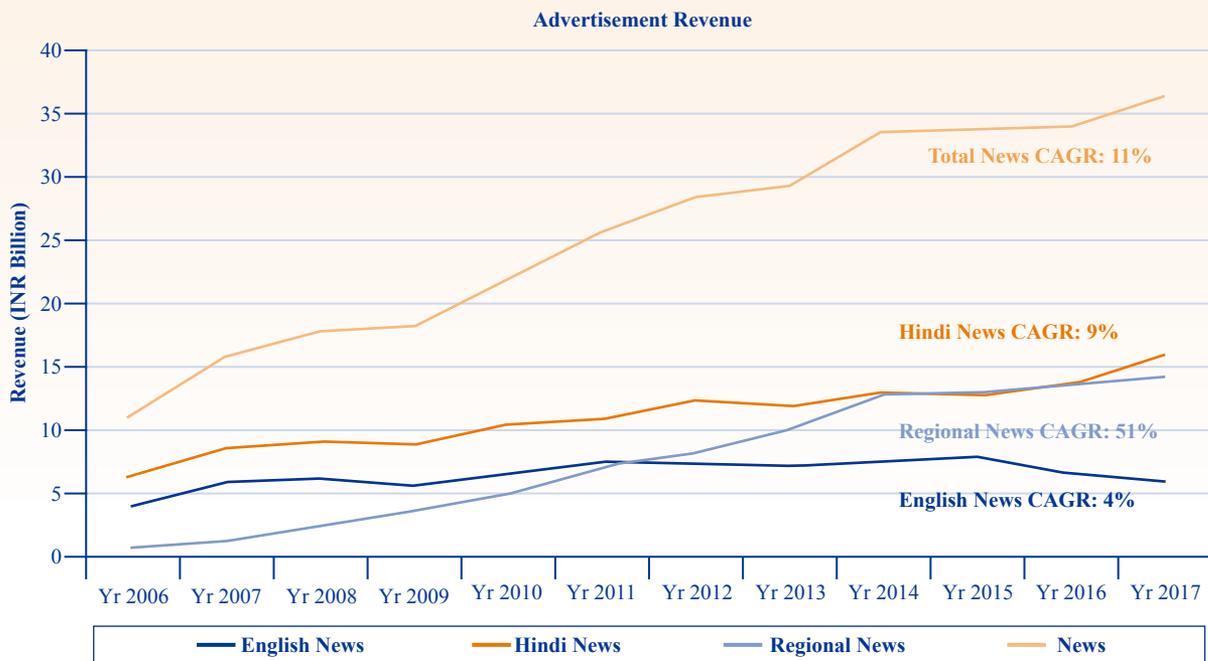
Section I

Management Report for the Year 2017-18

■ Industry Overview

According to the E&Y Indian Media & Entertainment Industry Report 2018, India’s media and entertainment industry stood at INR 1,473 billion in 2017, a growth of 13% over the previous year. The television industry is at INR 660 billion which is a growth of 11.1% over the previous year.

The chart below indicate the growth in advertising of the news & current affairs genre during the years 2006-2017.



Source: 2017: EYM&E Industry Report 2018, TAM Index
 2006-2016: FICCI KPMG M&E Industry report, TAM Index

During the years 2006 – 2017, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 11% where English news channels grew by 4%, Hindi news channels by 9% and Regional news channels by 31%. If one looks at the change with respect to previous year, news channels revenue in 2017 has remained stable.

The table below indicate the growth in viewership of the news & current affairs genre during 2015-2017.

Channel Groups	2015	2016	2017	% Change
English News	1.49	1.48	2.31	57%
Hindi News	107.0	126.6	153.4	21%
Regional News	108.9	188.8	179.1	-5%
News	217	317	335	6%

Source: BARC | Average Weekly GRPs | All India Urban | 15+ | All Days | All Dayparts | Wk 21 2015 to Wk 52 2017

According to BARC, overall news genre grew by 6% from 317 GRPs in year 2016 to 335 GRPs in year 2017. The viewership for Regional news dropped by 5% while Hindi news grew by 21% and English news by 57% as compared to last year.

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. President NBA and the Board Members of NBA called on the following officials:

1. Ms. Smriti Irani, former Minister for Information and Broadcasting
2. Mr. Raghavendra Rathore, Minister of State (IC) for Information and Broadcasting
3. Mr. Nripendra Mishra, Principal Secretary to PM
4. Mr. S. Sivam, Secretary Space & Chairman ISRO
5. Ms. Jayashree Mukherjee, Additional Secretary, MoI&B
6. Mr. R. S. Sharma, Chairperson, TRAI

■ Industry Issues

Migration by Broadcasters to Indian Satellites

NBA drew the attention of Dr Jitendra Singh, Minister of State, Dept. of Space that in view of permissions being denied to the channels for operating on pre-approved teleports and pre-approved contracted foreign satellite capacities by the Ministry of Information and Broadcasting together with the Dept. of Space (DoS), various activities relating to the operations of the television channels viz. operationalization of the new channels despite valid permissions, change of name/logo, change of teleport and/or permissions for launch of new channels, remittances, permissions in respect of the transponder fee to the foreign satellites under existing pre-approved contracts etc. had come to a complete halt across the entire broadcasting sector. This was causing not only great hardship to the stakeholders in the broadcasting sector but went against the very spirit of “ease of doing business”. NBA sought immediate intervention as all permissions being sought on existing teleports on foreign satellites with existing pre-approved and valid contracts were being denied (including name changes on existing channels). There was complete standstill in the industry. The Minister was informed that if the present situation continued for a while without any resolution, many channels may move overseas to continue with their existing satellites. Denial of clearance to simple operational requirements such as name change, mid-course termination of on-going contract entered by broadcasters has led to a lot of stress, immense difficulty and loss of business to NBA members and the situation needed critical and urgent action.

NBA accordingly sought the following relief:

1. All teleports and broadcasters who have contracted capacities which have been approved earlier should be allowed to operate on these satellites and teleports. These should *inter alia* include adding new channels on the same capacities and/or to change names of any existing channels, conversion of the channels to HD etc.
2. ISRO should give a roadmap of all commercial transponder capacities it is planning to make available (including C band capacity which is typically used by Indian broadcasters), how much of the capacity is contiguous, footprint of the satellites, receive antenna look angle and its feasibility for Indian market, on ground power, etc. ISRO should also place on its website all exiting requests for INSAT capacity which are pending, the plan for back up of a satellite in case of a failure, the particulars of proposals/ requests it has received which have been pending for satellites such as INSAT 4A on its website, etc.
3. Currently 80% of all Indian broadcasters are operating on foreign satellites (out of total 724 active channels, only 156 are on Indian Satellites) and Indian broadcasters have signed long term contracts with the satellite providers for a period of at least 3 years. When the existing satellite contracts expire, the roadmap provided by ISRO will enable the Indian broadcasters uplinking from India to take an informed decision whether to move to an Indian satellite based on whether its requirements are catered by Indian satellites that may be made available by ISRO. Insofar as Indian broadcasters uplinking from abroad, they have signed longer term contracts, usually 5-10 years, and also established uplinking infrastructure abroad including play out facilities at a substantial cost. Hence, it would neither be feasible nor practical for such broadcasters to translocate their uplinking facilities to India.
4. Future ISRO INSAT/GSAT satellites should have a wider footprint in order to successfully migrate channels which have international distribution on the SEA, ME, Africa and Europe. ISRO should plan and provide capacities with similar footprint so that the channel operations to these countries/regions which are of vital and strategic importance are not disturbed.

Since there was no resolution to the problems highlighted by the broadcasters and business of broadcasters had come to a standstill, NBA approached Mr. Nripendra Mishra, Principal Secretary to PM for his urgent intervention. The NBA Board met Principal Secretary to PM on 7.4.2018 and apprised him of the issues being confronted by the broadcasters. He was informed that if the PMO did not intervene there would be serious business implications to the broadcasters and the business would come to a halt. It is pleasing to report that the Principal Secretary, PMO facilitated discussions between NBA, the Department of Space, Ministry of MoI&B and other Departments of the Government for speedy resolution.

To address the specific issues raised by the broadcasters, discussions were held between ISRO and broadcasters on 2.5.2018 at ISRO HQ, Bangalore. The meeting was chaired by Secretary, DOS/Chairman, ISRO, which was attended by NBA along with other stake holders. Secretary, DOS/Chairman, ISRO informed that an ISRO level Standing Committee was already formed to identify the requirements of satellite transponders resource and technical features needed so that future satellites can be built to match the user requirements in terms of performance and time. Such mechanism is planned for communication, navigation, earth observation and space science sectors. Chairman, ISRO stated that said Committee would invite NBA representatives and would take stakeholders/end users inputs and factor them appropriately before finalising its recommendations.

The following issues were raised by NBA and other stakeholders at the meeting on 2.5.2018:

1. All on-going foreign satellite transponders lease contracts entered by the broadcasters in compliance with MoI&B licensing conditions should be allowed to continue till the approved contract period so that there is no financial loss to the broadcasters.

DOS agreed that such an approach is acceptable. However, if a matching capacity is available on indigenous satellites, broadcaster may explore the possibility of migrating to Indian satellites. All earlier communications sent to MoI&B shall be re-examined and appropriate communication would be sent to MoI&B expeditiously. Since MoI&B is also involved in the contract finalisation, a final decision shall be taken in consultation with MoI&B.

2. NBA submitted that broadcasters have entered into long term subsisting agreements for 3-5 years or more with foreign satellite operators which have been pre-approved by ISRO, MoI&B, WPC etc. With regard to Indian satellite, broadcasters were looking for matching location, footprints etc. and are of the considered view that post expiry of their existing contract, when the renewals are due, the migration can be considered. It was also observed by NBA that the proposal of Indian satellite was based on the spirit of indigenisation at all fronts which is in-principle acceptable to all. However, the adoption and migration would be in a phased manner under the following guidelines:-

- a. channels that are in operation and new channels proposed to be operational on satellite bandwidth of existing valid contracts will continue to be permitted till the end of contract and
- b. use and migration of channel operations to available C band transponder space will be driven by suitability of business with respect to footprints and neighborhood. However, at the time of extension of foreign satellite capacity contracts, it will be transparently examined, and if matching Indian satellite, with matching capacity and footprint requirements and matching satellite signal parameters are not available, the contract will be allowed to be renewed.

3. It was informed that there are foreign contracts ending in early 2019 onwards to switch over from foreign satellite to Indian satellite. In such cases an early decision about renewals are to be taken-up by the respective broadcasters and hence advance information is needed from DOS/ISRO addressing issues like coverage of offered satellite, satellite technical details etc.

DOS/ISRO requested NBA to provide the consolidated list of such contract along with requirements like wide coverage /national coverage etc. DOS will provide a quick response to all the cases provided so that suitable action can be taken by broadcasters.

NBA was of the view that ISRO should provide all capacities available transparently, along with detailed footprints and complete satellite parameters which ISRO would be able to make available for use by non-government broadcasters.

4. The teleport uplink licences should be made flexible enough to operate on multiple satellites so that migration of one satellite to other satellite is faster and time-taken to obtain the regulatory clearance is reduced.

DOS/ISRO stated that this issue is under the purview of regulatory agencies like WPC & NOCC, DOT and MoI&B and discussed among these agencies. At single orbital location there can be single teleport

license, irrespective of satellite such as GSAT-10/GSAT-4A(83E) which may change over period of time to a new launched version.

5. Continuity of services on Indian satellite is to be ensured and experience like INSAT-2E shall be avoided. All replacement capacities are to be in the same orbital slot in order to avoid the re-orientation at the cable head-end.

DOS/ISRO agreed to the approach. A transparent system of communication wherein users are aware about satellite launches and the roadmap was requested which was in principle accepted by ISRO.

6. All applications seeking changes in logo, channel name etc. shall not be referred to DOS/ISRO.

DOS/ISRO agreed to re-iterate to MoI&B that non-satellite related items need not be referred to DOS/ISRO. DOS/ISRO was requested by NBA to advise MoI&B not to withhold approvals to broadcasters who have long term subsisting agreements with foreign satellite operators with regard to change of name/logo or any other applications. It has to be reiterated by ISRO that this issue has no link with the satellite issue as all broadcasters are operating on satellite with which the broadcasters have valid contracts.

7. Road-map of future satellite of ISRO where migration is likely to happen is to be informed to the broadcasters well in advance for planning purposes.

DOS /ISRO stated that it is proposed to take up this subject matter in the interactions with broadcasters and discuss the aspects in-depth and factor it in the road-map. It is expected that in 3 months' time the topic shall be addressed.

8. In cases where broadcasters have unused capacity under the existing lease contract on foreign satellite (for which regulatory charges are being paid to WPC, DOT and NOCC), there should be a provision to start new channels and migration to Indian satellite should not be insisted. Such a provision will avoid additional financial burden of setting up teleport by broadcaster in a newer satellite. It also needs to be understood that most broadcasters operate multiple channels and hence contiguous capacity have to be made available so that they can use the contracted capacity efficiently using various technology such as MCPC (Multi Channel Per Carrier). It would not be possible to uplink on multiple frequencies on the same transponder, hence contiguous capacity should be available on the Indian satellite apart from matching capacity and footprint.

DOS//ISRO agreed to the broadcasters' view. However, if a matching capacity is available on indigenous satellites, broadcaster may explore the possibilities to migrate. This aspect may be discussed with MoI&B before finalising.

9. NBA stated that in cases where the unused capacity is already available on existing contracted satellite, ISRO should not insist upon use of Indian satellite(s) and will have no objection for the broadcasters to use such available spare capacity as per their existing contract with the contracted satellite service provider.

10. Operational constraints of 48°E orbital location for DSNG operations from some states in India are brought up for consideration by ISRO. NBA raised this point with a request that such decisions should

have been taken with due considerations. The new satellite adoption has resulted into upfront cost implications to all Operators (as Ku band is changed) and that certain regions cannot have DSNG operations.

DOS/ISRO will examine this constraint and find a suitable solution. ISRO will respond in 3 months' time.

11. DOS/ISRO is charging the transponder lease charges from the date of transponder allotment. After such allotment, broadcasters have to obtain all the regulatory clearances from MoI&B, WPC and DOT which takes time. During the period, the transponders are not used by broadcasters; there should not be any transponder charges. It is necessary to address this issue so that no financial loss occurs to broadcasters. DOS stated that since satellite has limited in-orbit life, efforts should be made by all stakeholders and government agencies to effectively utilise the satellite resource. In order to find a suitable solution to the reported issue, approval process involving MoI&B, DOT and DOS may be revised to meet the requirements. ISRO will respond in 3 months' time.

NBA stated that the fees for the use of the satellite capacity should be charged by ISRO from the date all regulatory approvals for the teleport is received and the transponder put to use by the broadcaster.

The following additional issues were also raised by NBA at the meeting:

- a. The satellite space contract lease with ISRO/Antrix to be of longer duration with visibility of cost implications as against the current yearly contract practice with rate revisions mid-way.
- b. Requirement of disaster recovery satellite was put forth to ISRO so as to ensure services in the case of eventuality. Few foreign satellite operators already have the same and is a critical point for adoption of Indian satellites. NBA also requested ISRO to improve their response time when there is an emergency like situation.
- c. As per the data available and considering future satellite capacity requirements, at least a minimum of 50 transponders may be required to cater to the commercial channel requirements, which do not include government owned channels and other such end users.
- d. In case of default by some service provider like NSTPL and/or suspension of BW service, the broadcasters (even after having paid their charges to the service providers) are unable to even migrate to other service providers for want of permissions. This encourages defaulting service providers not to settle the due payments. ISRO should not hold back the permissions to such broadcasters who are actually not at fault and should allow them to migrate to another teleport service provider.
- e. If an existing satellite is being replaced by a new satellite by virtue of end of life of existing satellite and before the end of the existing contract, then ISRO/DOS should have no objection to allow the broadcaster to go ahead with the change of satellite. This also means that the teleport license should also be approved for the new replacement satellite by a simple notification by the broadcaster to the MoI&B, ISRO/DOS, WPC etc.

The NBA and stake holders were invited thereafter for a meeting on 16.6.2018 by ISRO to understand the present and future requirements in regard to satellite communication usage. The meeting was chaired by Dr. P.S. Goel, Sr. Advisor, DOS/ISRO. The following major issues were brought to notice of ISRO:

1. The solutions to be given by ISRO should be cost effective.
2. The new satellites which ISRO is planning to launch should be on same orbital locations on which satellites are currently operating in the space so that cable operators do not have to put multiple antennas for downlinking of TV channels.
3. ISRO should do away with the policies where they can increase the price retrospectively. In the past ISRO has increased space segment charges for INSAT 4A retrospectively.
4. Fixed plan on replacement of INSAT 4A.
5. New satellites should have better footprint covering larger part of earth and these satellites should be able to provide all facilities which foreign satellite operators provide.
6. There should be a backup satellite or transponders which can be activated at the time of disaster.
7. Broadcasters should be allowed to renew the agreement with foreign satellite operators which are going to expire in the next 1-2 years.
8. Regulations for channels which are getting only uplinked from India should be relaxed to promote India as teleport hub.
9. Uplinking on Indian satellite should be allowed from outside India.
10. Customer support service of ISRO should be more efficient during non-office hours as customers face problem also during non- working hours.

ISRO representatives stated that:

1. The purpose of the interaction with all the stakeholders was to understand the requirements of the broadcasting sector which would help ISRO to do planning for next five to ten years.
2. ISRO may not be able to cater the requirements in next six months to one year but in next three – four years they will be able to fulfil all requirements of the broadcasting sector.
3. In future ISRO will not increase the price retrospectively.
4. Broadcasters will be allowed to renew the agreements with foreign satellite operators which are going to expire in coming one – two years provided the period of agreements should not be long.
5. Replacement of INSAT 4A would be up by September 2019.
6. ISRO will plan to work on developing satellite which has large foot print.
7. Uplinking on Indian satellite from outside India will not be possible due to national security concerns.
8. ISRO will conduct meetings with MoI&B and DOT to understand the regulatory process and will try their best to get it relaxed wherever it is possible. Discussions are on with the representatives of ISRO and it is expected that there would be long term resolution to the issue of the broadcasting sector.

White Paper of the Committee of Experts on a Data Protection Framework for India - Ministry of Electronics and Information Technology

The Government of India, Ministry for Electronics & Information and Technology constituted a Committee of Experts under the Chairmanship of Justice B N Srikrishna, former Judge, Supreme Court of India, to identify key data protection issues in India and recommend methods of addressing them. The Committee of experts was to study various issues relating to data protection in India and make specific suggestions on principles to be considered for data protection in India and suggest a draft Data Protection Bill. A White Paper on Data Protection Framework for India was circulated for comments.

Among other issues, certain questions /queries were raised by the Committee in respect of the scope of granting exemptions to “journalistic purpose”. NBA submitted that including journalistic purpose as an exemption to the Data Protection Law is extremely important for it is necessary that constitutional fundamental right of freedom of speech and expression under Article 19 (1) (a) of the Constitution of India be protected. The restrictions that can be imposed on right of freedom of speech and expression have already been clearly defined in Article 19 (2) and no restriction beyond what is prescribed under the said Article is permitted. Admittedly it is also necessary to balance the rights and interests of the individual and the state and a need to balance an individual’s right to privacy under Article 21 of the Constitution and fundamental right of freedom of speech and expression under Article 19 (1) (a).

NBA submitted that since “journalistic purpose” must be included as an exemption to the Data Protection Law, such exemption has to be granted as wide as possible as the press /media is the fourth pillar of democracy and in order for any democracy to work effectively and in the interest of the public, it is necessary to have press/media which has an independent voice. As far as the scope of the exemption was concerned the factors to be kept in mind by a journalist while processing personal data /or any other newsworthy data for publication was that the data collected and used should be in accordance with the principles listed below:

- i. in public interest;
- ii. for the purpose of journalism and publication;
- iii. obtained in a legitimate and lawful manner;
- iv. however covert methods of obtaining data should only be used only if the said data collected and published is in public interest;
- v. facts that are published should be accurate, fair, neutral, objective, relevant and impartial;
- vi. data processed in respect of personal information should be published after taking into consideration the person’s right to privacy;
- vii. there should be no speculation and a clear difference should be established between facts and opinions;
- viii. publication should be in accordance with journalistic ethics ;
- ix. publication should be for dissemination of information, opinions and ideas to the public;
- x. all steps should be taken to keep the data secure;
- xi. individual sources should not to be disclosed.

NBA in its submissions also stated that occupation /profession of journalism needs to be understood before defining “journalist” or “journalistic purpose”. Therefore, a journalist may be defined as a person whose is engaged in the profession of journalism and who writes newsworthy information or articles for publication by the print or broadcast/electronic media or all other platforms such as on internet/websites, Over the Top (OTT) platforms. Journalistic purpose would include any data, whether personal data or not, collected, used /disseminated and published for public interest in the form of news or currents affairs via print or electronic medium or through any other available platforms such as on internet/websites, Over the Top (OTT) platforms .

NBA submitted that sufficient statutory laws and legislations already exist which govern and regulate the media-print and electronic. Apart from statutory provisions that govern the press/media, there are the concerned authorities under the statutory provisions that regulate the media like the Press Council of India, Telecom Regulatory Authority of India, Ministry of Information and Broadcasting (MoI&B) etc. NBA stated that there is no requirement for establishing any other authority/ regulatory bodies to regulate the media including in respect of the data protection law. The only exception to the submissions is if a journalist obtains data from the data controller and uses such data for ‘non- journalistic purposes’ or the data is leaked to third parties or the journalist obtains such data unlawfully by hacking into the data base of the data controller, only in such incidents could the data controller be given authority to investigate the media organisations or the journalist as the case may be. In all other cases where the data / information, whether personal data or otherwise, has been obtained from other sources, other than the data controller, there are sufficient statutory legislations and regulators in place to deal with violations of all or any rights. In such cases the data controller or any authority established under the Data Protection Law cannot have any authority to investigate or to enforce the law or to take penal action on the journalist or the media companies.

The Data Protection Report has been submitted to the Government. Press-freedom stands protected under Srikrishna Panels Data Protection Bill. The draft Personal Data Protection Bill has put data gathered for ‘journalistic purposes’ in the exempt list. This means the provisions of the proposed Bill will not apply to journalists. However, journalists will have to adhere to the code of ethics prescribed by the Press Council of India (PCI) or any media self-regulatory organisation.

National Digital Communications Policy dated 1.5.2018 (NDCP-2018)

The Department of Telecommunications, (DoT) invited public comments/ feedback from the key stakeholders being the Centre, the States, Local Governments, Telecom Service Providers, Internet Service Providers, handset and equipment manufacturers, the academic community, the innovators and start-ups on the NDCP-2018.

NBA submitted its comments on the Policy document, that in restructuring of the legal, licensing and regulatory frameworks for reaping the benefits of convergence, a single converged regulator for Information and Communication Technology (ICT), telecom and broadcasting is not desirable. While the TRAI should continue to regulate tariff, interconnection and QoS for broadcasting services and cable services only, as stated in the Telecom Regulatory Authority of India Act, 1997, the Ministry of Information & Broadcasting (MoI&B) should continue to act as policy maker, licensor and content regulator under the Cable Television and Networks (Regulation) Act, 1995 and the Cable Television and Networks Rules, 1994.

NBA submitted that in restructuring legal, licensing and regulatory frameworks, a converged regulator for ICT, telecom and broadcasting sectors would lead to several problems vis-à-vis content and carriage. The present jurisdiction of TRAI and MoI&B must not be modified and must be retained as any amendment in the same would affect the broadcasting sector adversely. While the infrastructure convergence of ICT, telecom and broadcasting services may increase the opportunity for content producers/right holders to maximise monetisation opportunities, however, establishing unified policy framework and restructuring of the legal and regulatory framework for broadcast and broadband technologies would imply and result in equivalent treatment of the telecom and broadcasting sectors which, in NBA's view must be given separate treatment from a regulatory perspective. While convergence may be desirable, originally it was because of spectrum scarcity and content concerns that broadcasting became a subject of regulation. Any change in legislation/statutes and regulatory procedures must take into account the economic, social, regulatory, and technological circumstances/development in the country. The ICT, telecom and broadcasting sector cannot have a converged regulator since the business dynamics of these industries vary in several ways.

The jurisdictions of the various authorities should not be merged as the issues relating to the broadcasting industry are very complex. To have the same regulator for the broadcasting industry, the ICT and telecom would be detrimental to the broadcasting industry as content related issues in respect of the broadcasting industry is within the ambit of the MoI&B under the Cable Television and Networks (Regulation) Act, 1995 and the Cable Television and Networks Rules, 1994, while the Authority to deal with the technical issues, tariffs, interconnect agreements, regulating and operational coordination of broadcasting spectrum, granting licenses lies within the jurisdiction of other authorities. The sphere of content related issues is completely distinct and distinguishable from the sphere of issues such as tariff, spectrum, licenses, QoS etc. and the content provisions come within the purview of the fundamental right of freedom of speech and expression which cannot be limited or regulated by legislation etc. for reasons other than those set out in Article 19(2) of the Constitution of India. Content related issues cannot be combined/equated with ICT /telecom matters as this issue is extremely complicated and needs an authority/regulator with a different skill set to deal with issues arising from it. Content and information and communication technology are completely different in a multi-sector regulator and an ICT regulator. NBA submitted that the expertise of an ICT /telecom authority/regulator may not be sufficient to deal with the broadcasting sector as the regulator may not have expertise in diverse fields as is required in the broadcasting sector.

NBA submitted that there are several legislations which govern the rights of the news broadcasters such as the Cable Television and Networks (Regulation) Act, 1995 and the Cable Television and Networks Rules, 1994, Telecom Regulatory Authority of India Act, 1997, Indian Copyright Act, 1957 etc, equally there are separate authorities under these legislations which deal with a range of tricky issues. Creating a converged regulator for ICT/telecom and the broadcasting industry would be a challenge and unacceptable as it would be extremely difficult to determine regulations, cultures, objectives/goals of these industries and any merger of these regulations would be financially detrimental to the broadcasting industry. The Parliamentary Standing Committee on Information Technology (2017-18) in its 44th Report clearly stated that "In view of the tremendous growth in the broadcasting sector and ever -increasing number of satellite TV channels, the Government may undertake evaluation of the need to have a separate regulator for the broadcasting sector."

NBA submitted that the broadcasting industry must be treated differently from the ICT/telecom and the statutes, legislations and regulators for both must be separate. The government may focus solely on convergence of the infrastructural aspects between ICT, telecom and broadcasting sectors but not on the content. The broadcasting redressal processes and systems should be excluded from the purview of the telecom ombudsman and the proposed centralised web-based complaint redressal system. The telecom and broadcasting sectors have different end users from a content perspective and hence the broadcasting sector should not fall within the ambit of the telecom ombudsman. The efficient utilisation and management of spectrum should not be limited only to mobile telephony and other telecommunication spectrum in fact it should also extend to broadcast satellite spectrum, where carriage of multiple linear TV channels over the same frequencies using innovative technologies, albeit with security safeguards should be permitted.

The need to evolve India's archaic SATCOM policy construct in consultation with the DoS is well recognized in the draft NDCP-2018. NBA suggested that in the draft NDCP-2018 a provision be introduced which provides for a definite timeline for removing the flawed and time-consuming system of "windowing" presently administered by WPC.

NBA suggested that there should be an open sky policy, particularly in the Ku band as it will help broadcasters get bandwidth at affordable rates and, also enhance efficiency. The broadcasters can directly coordinate with satellite operators whenever any issues arise related to Ku band satellite. In the current scenario for requirements on Ku band, broadcasters/users get bandwidth only through the Indian Space Research Organisation (ISRO) which makes the entire process time consuming and cumbersome. For minor issues also, a broadcaster has to route the issues through Antrix Corp., which during live operations becomes problematic. NBA also suggested that the "Spectrum Advisory Team" (SAT) which comprises of experts, industry and academia should also include representatives from broadcasters, channel re-distributors and operators of digital content services / applications in order to enable the SAT to take a holistic view of the issues stated in the draft NDCP-2018.

NBA submitted that the approach adopted by the DoT in terms of classifying all connectivity and access infrastructure as "public utility" and "essential connectivity infrastructure" would help enable convergence of all types of infrastructure including telecom, ICT and broadcast to achieve the goals set by the DoT. However, it was suggested that DoT should also classify broadcast distribution infrastructure, films infrastructure (screens and digital infrastructure for communication of films in theatres) as well as building of broadband and screens with digital capabilities as essential infrastructure as well. This step would help in speeding up the creation of communications infrastructure, generate jobs, increase revenue and improve the profitability of three industries/sectors film, television and telecom. NBA would welcome reforms that simplify, streamline and facilitate licensing and compliance obligations. Applications, infrastructure and carriage related policy framework should also have non-discriminatory access for content providers through clearly defined policy framework.

With regard to fostering an intellectual property rights regime that promotes innovation, the key objectives listed in the National IPR Policy is to focus on measures to check piracy, both offline and online and therefore the National IPR Policy should also discuss introduction of appropriate technology-based solutions to curb digital piracy. While there are great advantages of digital communication technologies, recent times have

also shown that there are serious risks as well which need to be mitigated. Piracy is one such issue. It is thus critical that the draft NDCP-2018 Policy also mention the importance of anti-piracy measures both on internet and cable and the said Policy should also discuss both (i) technology-based solutions; and (ii) take down/blocking mechanisms/measures.

NBA submitted that it is critical that legislations like the Information Technology Act, 2000 and Copyright Act, 1957 have takedown mechanisms which aid and supplement the enforcement authorities in removing/taking down infringing content. It is also critical that clear responsibilities are built in the license agreement for Unified License Services for take-downs and blocking of infringing content as well. Although the general public benefits from the advancement in technology and by deployment and adopting of new emerging technologies, NBA submitted that the same should be balanced with the rights to protect and enforce of the content owners and broadcasters especially in the digital space. The protection and enforcement of Indian IPR should be given equal importance in the National IPR Policy as this would enable the broadcasting sector to protect and enforce its IPR especially on the digital space and platforms. With regard to promoting innovation in creation of communication services and network infrastructure by developing a policy framework for 'Over the Top' (OTT) services, any attempt by the government to introduce any policy in this respect would stifle innovation and creativity among individuals and companies to develop innovative services. The OTT space because of its very nature is extremely dynamic and innovative. The enforcement of any policy framework for OTT services would always be a challenge in view of transnational nature of OTT services.

NBA submitted that it is important for India to have a reasonable data protection regime and it is appreciated that DoT addresses issues relating to data protection and privacy in digital communications space by ensuring that core data protection principles are applied and enforced and by amending the existing various license terms and conditions. However, it was suggested that due consideration should be given to exclusion of privacy vis-à-vis news broadcasting services. Such a regime may also consider balancing the interests of corporates / businesses and the consumer/individual in respect of data. It is critical that the right balance between individual interests and interests of the collective as well as interests of the business community be achieved. Since privacy, autonomy and choice of any individual is important, the legal framework which is evolved must protect the private data of an individual and ensure security in this regard keeping in mind the exception of news broadcasting services. The non-discriminatory treatment principle should be common and adopted across all license regimes for Internet Service Providers' (ISP), VNOs' and UASL and CMTS service providers as spelt out in the TRAI recommendations for net neutrality. DoT should strictly prohibit an ISP by amending the license regulations from treating content, websites, applications and data in a discriminatory manner. This will prevent the network operators from influencing the user choice and affecting the digital ecosystem and provide a level playing field for content providers and broadcasters. All TSPs/ISPs should facilitate equal accessibility to all data, content and websites and there should not be preferential treatment to one content provider or broadcaster over another. The cost of accessing and providing data, content and websites ought to be the same for all stakeholders. TSPs or ISPs should be prevented from entering into 'zero rating' practices and preferential commercial arrangements with any content provider or service provider.

The policy is yet to be announced by the Department of Telecommunications.

■ Telecom Regulatory Authority of India (TRAI)

Consultation Paper dated 19.12.2017 on Issues relating to Uplinking and Downlinking of Television Channels in India

Ministry for Information and Broadcasting (MoI&B) through its letter dated 21.08.2017 requested the Telecom Regulatory Authority of India (TRAI) to suggest guidelines for Uplinking Television Channels from India and for Downlinking Television Channels in India. The MoI&B stated that the reason that these guidelines needed amendment/review was that the Uplinking and Downlinking Guidelines had been drafted on 5th December, 2011 and in view of the technological advances and change in the markets scenario it had become necessary to review and amend the provisions of these guidelines in order that there is healthy growth of the broadcasting sector. Therefore, the MoI&B sought inputs from the TRAI on various issues relating to the permissions for uplinking and downlinking of satellite television channels in India and setting up of teleports.

TRAI circulated a Consultation Paper relating to the Uplinking and Downlinking of Television Channels in India dated 19th December, 2017 and sought the views and inputs of various stakeholders on the several issues involved. Based on the inputs received from the members NBA submitted its views on the Consultation Paper. TRAI issued its recommendations on 25.6.2018. It is now understood that the MoI&B has sought recommendations of TRAI on certain additional issues relating the Policy Guidelines for Uplinking and Downlinking of Channels in India. NBA and other stakeholders were invited for a meeting on 1.8.2018 to discuss these issues.

Consultation Paper dated 20.12.2017 on Making ICT Accessible for Persons with Disabilities

TRAI had suo-moto initiated the Consultation Paper 20.12.2017 relating to “Making ICT accessible to Persons with Disabilities”. The Consultation Paper was circulated for identifying the key policy areas where intervention is needed to understand the barriers being faced by Persons with Disabilities (PwDs) in accessing the broadcasting and telecommunication services in order that affirmative action may be taken at the policy level to formulate an advisory or regulate the equipment and/or service providers. Based on the inputs received from members, NBA submitted a response to the TRAI vide letter dated 14.2.2018. TRAI released its recommendations on 9.7.2018.

Consultation Paper dated 3.1.2018 on “Inputs for Formulation of National Telecom Policy-2018”

Department of Telecommunications, through its letter dated 21.08.2017, requested Telecom Regulatory Authority of India (TRAI) to suggest its policy inputs for formulation of National Telecom Policy – 2018 (NTP-2018). TRAI circulated Consultation Paper on “Inputs for Formulation of National Telecom Policy-2018” dated 3.1.2018 seeking the views of all stakeholders. NBA submitted its response related to the following issues:

1. Telecom infrastructure companies should not be permitted to create their own content properties or their own Over the Top (OTT) portals as this would result in giving undue preference to their own product and enable them to promote their own content platform for free thus putting the content companies at a disadvantage.

2. The Information and Technology Act, 2000 and all other related statutory legislations should be amended/ modified to be able to deal with the changed technological environment.
3. In restructuring of TRAI as converged regulator for ICT and broadcasting, the TRAI should continue to regulate tariff, interconnection and QoS for broadcasting services and cable services only as stated in the Telecom Regulatory Authority of India Act, 1997 while the MoI&B should continue to act as policy maker, licensor and content regulator under the Cable Television and Networks (Regulation) Act, 1995 and the Cable Television and Networks Rules, 1994. In restructuring TRAI as a converged regulator for ICT and broadcasting and in order to achieve an integrated regulation of ICT and broadcasting sector, the present jurisdiction of TRAI and MoI&B must not be modified and must be retained as any amendment will affect the broadcasting sector adversely and it will have a huge impact on the freedom of speech and expression under Article 19 (1) (a) of the Constitution. The authority dealing with content issues must be different from the authority dealing with other issues in the broadcasting sector.
4. Net Neutrality policy/laws should be stringent and enforced /implemented in order that no telecom operator is able to give preference to specific content provider.
5. The “journalistic purpose” must be an exemption under the data privacy, protection, and security laws.

Restructuring of the, legal, licensing and regulatory frameworks for reaping the benefits of convergence is desirable, the legislations and policies affecting the broadcasting sector should be carefully understood and considered so that it does not impact Article 19 (1) (a) of the constitution and any content issues thereby. Though convergence is desirable, the legislations and policies affecting the broadcasting sector should be carefully understood and considered. The TRAI released its inputs for formulation of National Telecom Policy- 2018 on 2.2.2018.

TRAI’s Regulatory framework for Broadcasting and Cable TV sector

The Hon’ble High Court of Madras, upheld the validity of The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and The Telecommunication (Broadcasting and Cable) Interconnection (Addressable Systems) Regulations, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017. Accordingly, the TRAI prescribed all the timelines in the Interconnection Regulation 2017, the QoS Regulation 2017 and the Tariff Order 2017, which would commence from 3rd July 2018. All the service providers are required to comply with all the provisions of the regulations and tariff order afresh.

Consultation Paper dated 22.12.2017 on Empanelment of Auditors for Digital Addressable Systems.

The Consultation Paper sought to seek views of stakeholders on various audit empanelment related issues such as scope of audit, eligibility criteria and experience, length of empanelment, audit fee and payment terms, time period for completion of audit work, de-empanelment, reporting requirements of auditors. TRAI noted that there is a need to develop a comprehensive audit manual for auditors to audit digital addressable system. Such comprehensive audit manual can be a good reference document for auditors. TRAI decided to form a Group /Committee consisting representatives of various stakeholders. NBA nominated Mr. Kishan Singh Rawat, ABP News on the said Committee. The Committee has had several meetings. The manual is yet to be submitted to the TRAI.

Consultation Paper dated 31.7.2017 on Ease of Doing Business in Broadcasting Sector

TRAI suo motu issued a Pre-Consultation Paper on the subject on 19.4.2017 to identify relevant issues for ease of doing business in the broadcasting sector. Thereafter, a Consultation Paper was issued on 31.7.2017, for seeking suggestions on possible improvements in various processes for creating business friendly environment in the sector. TRAI finalized the recommendations on 26.2.2018.

Consultation Paper dated 3.4.2018 on issues related to Placing of Television Channel on Landing Page and TRAI's Direction 25.4.2018 relating to display of television channels on Landing LCN [repealing the Direction dated 8.11.2017]

TRAI issued Directions on 8.11.2017 that all the broadcasters and distributors of television channels, to restrain from placing any registered satellite television channels whose TV rating is released by TV rating agency, on the landing LCN or landing channel or boot up screen within fifteen days from the date of the issuance of the Direction. The Directions were challenged by some service providers before the TDSAT and the Hon'ble Tribunal vide its Order dated 22.11.2017 directed that "the impugned Direction shall not be given effect to". Thereafter, TRAI, issued a Consultation Paper on "Issues related to placing of television channel on landing page" on 3.4.2018, seeking comments/suggestions of all stakeholders. Accordingly, after informing the TDSAT that they have issued a fresh consultation, withdrew the impugned Directions dated 8.11.2017, which the Hon'ble Tribunal permitted vide its Order dated 18.4.2018, which was confirmed by TRAI vide their Direction dated 25.4.2018. The Recommendations have not yet been finalized by the TRAI.

Reconstituting the Group/ Committee of representatives of stakeholders for developing a centralized online Interconnection Management System (IMS) for broadcasting and cable sector

TRAI decided that a new working group consisting of representatives of NBA, IBF, AIDCF, DTH operators for the development of technical solutions using ICT for Interconnection Management System (IMS) and other related activities for broadcasting and cable sector be constituted. The objective of development of ICT based centralized online Interconnection Management System (IMS) for broadcasting and cable sector is aimed to facilitate the ease of doing business and growth of the sector. Mr. Rajat Nigam, TV18 Broadcast Ltd and Mr. K. Y. Iyer, Bennett, Coleman & Co. Ltd have been nominated on the Committee. The first meeting of the Working Group was held on 3.8.2018.

■ Election Commission of India

Review of the Provision of Section 126 of the Representation of the People Act 1951

By its Order dated 17.12.2017 the Election Commission of India constituted a Committee comprising representatives from the Election Commission of India (ECI), Ministry of Information & Broadcasting (MoI&B), Ministry of Law & Justice, Ministry of Electronics & Information Technology, Press Council of India (PCI) as also the News Broadcasters Association (NBA) with the view to re-visiting the prohibitory provisions applicable to the last 48 hours before completion of polls as contained in Section 126 of the Representation of Peoples Act 1951.

The essential points of discussion as set-out in the ECI Order dated 17th December 2017 are the following:

- a. Section 126 of the said Act, in particular the scope and ambit of what is “election matter” under that Section does not take into account the communication revolution that has taken place in the recent years and the challenges unleashed by fast changing technologies, including social media platforms, especially in the context of multiphase polls.
- b. By an earlier Order dated 11.10.2015 issued by the Election Commission, the prohibition contained in Section 126 has already been restricted only to the polling area where the poll is to be held or is being held and the prohibition does not extend to areas outside the polling area/ constituency concerned; and further that the prohibition applies only with direct reference to a given constituency where poll is to be held or is being held and in relation to the candidates in such constituencies.
- c. The Election Commission’s experience in relation to the recent polls conducted in Gujarat and Himachal Pradesh indicates that if the provisions of Section 126 have to be enforced in accordance with the existing understanding and interpretation thereof, then there may have been a very large number of cases of violation of these provisions by media houses, political parties and candidates, which may need a universal scrutiny of a plethora of TV channels, social media platforms etc. and would lead to criminalizing a large number of stakeholders in the process.

The suggestions of NBA on the issues raised by the ECI are as follows:

- a. Section 126 (1) (b) be amended to include within its ambit print, social media, electronic and digital media, OTT platforms and all other platforms that could be used to influence “election matter” in order that there is no discrimination in the application of the said provision between the various platforms.
- b. “Social media” should be defined to include popularly available /used social media platforms like Facebook, Whatsapp, Twitter, Instagram, Snap Chat etc. and all such forms of existing / future platforms.
- c. “Electronic and Digital Media” be defined to include websites, blogs, web channels, You tube and all such forms of existing / future electronic, digital, OTT platforms.
- d. Any amendments to the said provision should be uniformly applicable for all concerned parties i.e. individuals, political candidates, political parties, media houses, institutions’ and organizations using print, electronic, digital and /or social media platforms.
- e. The social media platforms should be directed to suggest solutions as to how they can comply with the said provision of the said Act relating to elections as these platforms have a greater potential of violating the said provision and doing greater damage to public interest than the electronic or print media.
- f. Any proposed restrictions/prohibitions should be uniform and applicable to all concerned parties/ medium/platforms. No exception(s) should be provided for.
- g. There is an ambiguity as to whether the restrictions of the said provision apply to Multi System Operators (MSOs) and Local Cable Operators (LCOs). The MSOs and LCOs have been violating the said provision by broadcasting programmes on their channels, with a clear intention of influencing election matter. Therefore, the operations of the MSOs and LCOs should be brought within the ambit of said provision.
- h. Elections should preferably be held in one phase.
- i. In case it is essential to have multi-phase elections, then all electoral communications through print, electronic, digital, OTT platforms and social media, including bulk SMSs must be blocked during the

48 hours in the polling area. This measure, if implemented would help in strictly adhering to the 48-hour restriction. The said provision barring campaigning and display of ‘election matter’ through any of the aforementioned platforms during 48 hours prior to polling should be implemented and enforced stringently for all without exclusions.

- j. If the infrastructure and resources of the government does not permit blocking of digital/social media for any reason whatsoever, technical or otherwise, then no purpose will be served by barring or prohibiting electronic/broadcast media from telecasting as it would not only be a violation of the rights of the electronic media but the whole objective of the said provision would be rendered redundant. In fact, even “door to door campaigning” and such other similar campaigning should be prohibited 48 hours prior to polling.
- k. Balanced debates, discussions and programmes that focus on the key issues that the electorate need to be aware of, while always maintaining high standards of journalistic standards in news reporting should be permitted to be telecast.
- l. Reviews of manifestos of political parties and performances of parties ruling in the past cannot be brought under the purview of the said provision as the reviews are not intended or calculated to influence or affect election matter. These are matters of public interest.
- m. Broadcasting an election roundup or reviewing of policies of the government relating to social welfare schemes cannot be seen to be a matter intended or calculated to influence or affect election matter and therefore cannot be seen to be falling foul of the said provision. In fact, it would be misinterpreting the said provision if the media was prosecuted for the same.
- n. The editorial discretion of the media is of utmost importance and the manner in which a program is to be structured is the prerogative of the editorial team which discretion cannot be restricted or interfered with. Content related issues are also the discretion of the editorial team. This would be subject only to the fact that the program does not violate the said provision. Subject to the submissions above, any restriction on the editorial discretion would impinge on the freedom of the media under Article 19 of the Constitution.
- o. Self-regulation by the electronic media has worked in the past and therefore it must be encouraged during election coverage. To address the issues of electronic media, the ECI should incorporate the “NBSA Guidelines for Election Broadcasts” dated 3.3.2014 and to adopt it as a standard operating procedure during the electoral period. Any violation of the said Guidelines for election broadcasts should be referred to The News Broadcasting Standards Authority (NBSA), irrespective of whether the alleged electronic media is a member of NBA or not. The ECI should direct the non-member broadcasters to submit themselves to the jurisdiction of the NBSA. The NBSA as a self-regulating body is well equipped to handle any complaints and act thereon based on the guidelines.
- p. Since there exists a well-established mechanism, statutory and self-regulatory, to redress issues arising out of reporting by the print and electronic media, a similar mechanism is required to be established for digital and social media.
- q. The 48 hours prior to polling, during which campaigning and display of ‘election matter’ is barred is the silence period which period of silence should be adhered to strictly by all concerned, individuals, political candidates, political parties, media houses, institutions and organisations using print, electronic and digital and social media and all other similar platforms.

- r. The penalty for violating the said provision should not be enhanced and is adequate. The legislations should be strictly implemented and violators punished.

The deliberations of the Committee have not concluded.

■ **Ministry of Information & Broadcasting:**

Constitution of Committee of experts and stakeholders to formulate accessibility standards for persons with disabilities keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016)

Ministry of Information & Broadcasting (MoI&B) constituted a Sub-Group under the Chairpersonship of DG, Doordarshan for formulation of Accessibility Standards to facilitate accessibility for persons with hearing impairment to television programmes keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016.

Meetings of this Sub-Group were held on several occasions and post discussions in the sub-group a basic draft of the standards was discussed. A draft policy was circulated by Doordarshan amongst all the members of the sub-group. NBA submitted its comments on the basic draft. Thereafter, the “Television Programmes Accessibility Policy” was prepared by the Directorate General, Doordarshan. NBA submitted its comments on the draft as follows:-

Bureau of International Standards (BIS) / Telecommunication Engineering Centre (TEC) or other relevant bodies as well as representatives of the Distribution Service Providers be present in the meetings as they would need to implement the same on the ground with respect to their head ends and consumer premise equipment. MoI&B should instruct that a thorough research be carried out of the distribution infrastructure of the country including the type of equipment headend equipment and consumer premise equipment (set-top-boxes) used by the distributors and the capabilities of such equipment including the format of closed captioning, the compatibility of languages etc. Thereafter, considering the outcome of the research, the Policy should be implemented with details of the technology / standards / formats of closed captioning, languages for which the Policy is being formulated. NBA emphasized that the above research is critical as the entire distribution chain, including news broadcasters, digital service providers etc. have invested substantially over the last few years in the digitization process.

Inclusion of sign language in the modern news programming would not be a realistic or an implementable policy as it would affect the visual experience of persons without hearing disabilities in an adverse way. News programming today, unlike news content that was broadcast earlier, is not a mere narration of a news story but includes multiple speakers (including phone calls/audios from reporters and general viewers, video streams from on-location correspondents), videos, pictures etc. which no sign language expert could interpret either correctly or do complete justice to. A modern news channel includes multiple content on the screen, including scrolls, windows of videos and pictures which help news channels effectively convey the news stories/content, and as such inclusion of sign language in the same frame would obstruct some of the news content. NBA submitted that consideration should also be accorded to the vast number of channels and the voluminous experts which will be required for enacting the sign language. Thus, mandatory implementation of sign language for all the content will be impossible and should be avoided.

“Subtitles” would also not provide any benefit to persons with hearing disabilities and accordingly, the necessity of subtitling should not be made mandatory. It was reiterated that Open Captioning should be avoided as it affects the viewing experience of persons without disabilities and blocks the scrolls, other news stories and information on news channels which are critical for all persons with/without disabilities who are viewing a news channel. The feasibility of content delivered in the various Indian/foreign languages being subject to the Policy of close captioning/sign language must be tested and analysed before implementation.

Closed captioning and sub-titles are issues that will impact the quality of content aired by news broadcasters, hence, the choice of language and other issues surrounding these must rest entirely with broadcasters. Sub titles, closed captions and any and all accessibility measures should be left to market forces to decide. If any broadcaster sees value in addressing this market, of course they will attract the target audience and others will follow. Accessibility can be a broadcaster’s USP. There is no point in mandating accessibility, where the Government is not funding such policy/activities in respect of the private news broadcasters. Presently close-captioning technology is not available with TV broadcasting. An entire infrastructure needs to be created including human resources to implement this technology. Furthermore, the user end equipment’s like TV and STBs should be compatible. Therefore, as suggested above sufficient funding and time needs to be provided for implementation of the Policy.

The Ministry of Information & Broadcasting can mandate the accessibility measures on broadcasting service providers through a separate code of good practice, and other relevant measures.

“Promotional Campaigns and other Activities”; it was very important to create awareness about the accessibility of television programmes. The awareness and customer service campaigns should be carried out through a collaborative effort between the government, public broadcaster and NGOs/ organizations dealing with these issues. This activity should be undertaken by the government and/or public broadcaster in public interest. This would ensure consistency and efficiency in implementation of the Policy. The responsibility of implementing the Policy and bringing about awareness amongst the public should lie with the public broadcaster and the government. The public broadcaster must implement Access Service guidelines of the Policy as a pilot project to measure economic viability and sustainability for the broadcasters for a period of 5 years and depending on the findings and learning, a revised policy could be implemented vis a vis the private news broadcasters. Ideally the Policy must not be mandatory for private news broadcasters.

A joint task force with industry stakeholders for implementation of the Policy should be set up. This joint task-force can also maintain a complaint redressal procedure.

The government gives incentives to the news broadcasters such as tax rebates as implementing the Policy involves huge costs and affects the business model of the broadcaster or be covered under CSR expenditure. If modifications are to be made to the Electronic Program Guide (EPG), then the investments to be made by the Multisystem Operator (MSO) and/or the Direct to Home Operators (DTH) have to be evaluated.

Linear channels with an average audience share of all households over a calendar year of less than 5% are excluded from providing the accessible services set out in the Policy. The government would expect such broadcasting service providers to use the Policy as guidance and comply on a voluntary basis.

Access Service should be first implemented by the public broadcaster Doordarshan as the government will be funding the same. The public broadcaster will abide by the same at a faster pace.

Broadcasting service providers providing news may start providing closed captioning for pre-recorded news from the effective date. To facilitate this, Doordarshan will provide its sign language news bulletin free of cost to the private broadcasters only on request of any such news broadcasters.

While setting out the roll-out / implementation strategy of the Policy, multiple factors be considered including necessary capacity building that is required for equipment manufacturers, distributors as well as broadcasters.

Thorough research should be conducted with respect to the technology and hardware used in the distribution chain to decide on the format/technology of accessibility / closed captioning. Hence, the broadcasters should be required to start including accessibility features such as closed captioning only after the distributors have implemented relevant changes in the distribution chain.

India does not have many service providers assisting in accessibility / closed captioning and there would be a need for capacity building and support from the government through incentives in this regard. There is a dearth of service providers assisting in accessibility / closed captioning in vernacular languages as well. Once there is sufficient capacity in respect of the above, only then can the question of implementation or phased roll out of the Policy begin.

The language of the closed captioning or subtitles shall be in the language of the content. Choice should be left to the discretion of the news broadcasters as their channels may be in more than one language and depending on the market, the news broadcaster should be allowed to choose the language.

NBA submitted that archival footage and documentaries should also be granted exemption from following the Access Service guidelines. Certain content and genre may be exempted from complying with Access Service due to the very nature of the content viz.

- Live and deferred live content/events such as sports.
- News, events like live music shows, award shows, live reality shows etc.
- Content like music shows, debates and panel discussions with multiple speakers, scripted/ unscripted reality shows, etc.
- Advertisements/teleshopping content.
- Live/Breaking news and Repetition of live news/breaking news within 12 hours of first reporting should also be excluded.
- Archival content telecast prior to the implementation of the Policy Framework should be exempted. Private broadcasters have voluminous hours of old content and quite often these contents are repeated and it will be practically impossible to Closed Caption / subtitle these voluminous content.

NBA welcomed the exemption granted to the news genre from complying with the Access Service policies/ guidelines.

The Policy is yet to be finalized.

Order dated 4.4.2018 regarding Constitution of Committee for framing Regulations for Online Media /News Portals and online content

The Ministry of Information and Broadcasting on 2.4.2018 issued a Press Release regarding Guidelines for Accreditation of Journalists Amended to Regulate Fake News. The main issue related to cancellation of accreditation of accredited journalists, which was subsequently withdrawn on 3.4.2018. NBA welcomed the decision of the Prime Minister's Office to withdraw the said Press Release. NBA also welcomed the decision to let industry bodies i.e. NBA and PCI to decide all issues relating to fake news. Thereafter, NBA received Order dated 4.4.2018, regarding "Constitution of Committee for framing regulations for online media/news portals and online content" from Ministry of Information & Broadcasting. The MoI&B vide letter dated 19.7.2018 has now informed NBA that since the TOR of the above committee with another Committee i.e "Investment in critical National Infrastructure, Digital Broadcasting and related issues" were common, the TOR of the instant Committee would get dovetailed with that of the Committee already constituted on "Investment in critical National Infrastructure , Digital Broadcasting and related issues".

DD Free Dish e-Auction

President, NBA brought to the notice of the then Minister for Information & Broadcasting the serious problems broadcasters would face in view of the Notice that the 37th Online e-Auction for filling-up vacant non-news & current affairs category on DD Free Dish was being kept in abeyance due to administrative reasons. It was brought to the notice of the Minister, the e -Auction of slots on Prasar Bharti/Doordarshan happened at different points of time for the news channels/non-news & current affairs TV channels. Therefore, the term of about ten/twelve successful bidders (private news broadcasters) available on DD Free Dish will come to an end, while some of the other news channels who won the bid later and whose contracts are still valid will continue to be available on DD Free Dish. It was suggested that to create a level playing field for all the broadcasters until such time Prasar Bharti/Doordarshan came out with a new policy or decided to resume e-auction of vacant slots, it should consider renewal of contracts of these channels upto the date of expiry of the contract of the other channels. This would facilitate exit of all broadcasters from DD Free Dish at one go.

Since there was no redressal, some broadcasters (news & non news) approached the TDSAT. After hearing all the parties, the Tribunal passed interim directions on 27.10.2017. under which channels whose contract had ended or others similarly situated as them should be allowed continuity on pro-rata basis if they need continuity because of non-holding of the e-auction and have applied or applied for the same. It had also stated that the Prasar Bharti /Doordarshan will be entitled to charge on pro-rata basis either on the basis of the highest bid amount or the reserved price whichever is higher. The arrangement would come to end as soon as the Central Government declares its new general policy and take steps to fill up the slots in accordance with such policy.

DG, Doordarshan has held discussions with broadcasters who are on DD Free Dish to find an amicable solution to begin the e-auction. DD has not yet announced the Policy in this regard.

Meeting on Copyright and Related Rights - Department of Industrial Policy and Promotion (DIPP)

Joint Secretary, DIPP, has held meetings with various stakeholders on issues relating to Copyright and related rights as per the provisions mentioned in the Copyright Act 1957. The main issues discussed in these

meetings related to: Constitution of the Copyright Board; IPR Enforcement tool Kit; Online Piracy; Section 31 D of the Copyright Act (Compulsory Licensing vs Statutory Licensing); Primary mode of exploitation and protection of their signals against piracy and unauthorized distribution through various medium and on issues relating to discussions in WIPO SCCR for Protection of Broadcasting Organizations.

Media Reporting in Courts - Balancing Free Press, Free Trial and Integrity of Judicial Proceedings--- Delhi High Court

As already reported in the last Management Report, the Hon'ble Acting Chief Justice of the Delhi High Court had constituted a Committee to examine and make recommendations with regard to how court proceedings ought to be covered in the media, NBA on 13.10.2017 participated in an interactive session with the Committee chaired by Justice Ms. Ruma Pal former Judge of the Supreme Court of India.

NBA in its written submissions reiterated its concerns raised during the interaction:

1. The questionnaire relating to “Accreditation of Media Personnel – Questionnaire” tends to dwell into issues of content, which impinges on the freedom of the media to report as enshrined in Article 19 (1) (a) of the Constitution of India. Freedom of press / media is the corner stone of our democracy and is a fundamental right, which, NBA submitted cannot be curtailed through accreditation measures, which measures if enforced are likely to impinge on the free speech and expression of the press/media. Accreditation guidelines should not in-effect deny ‘access’ to journalists to Courts, which would be anathema to the very concept of Open Court, which we follow.
2. Reporting by media does not per se affect free trial. Sub- judice matters can be reported on by the media. However, the reporting should be objective, accurate, neutral and not false.
3. That most lacunaes in reporting occurs largely due to the inefficiency, inadequacy and incorrect information given by the investigating agencies and this leads to the media probing/ investigating while reporting cases;

It was submitted that in certain cases it is widely believed that the media played a pivotal role in assisting the justice system in giving justice to the victims in cases like e.g. Jessica Lal, Priyadarshani Matoo, Nitish Katara etc.

4. The Hon'ble Supreme Court of India in the Sahara India Real Estate Corp. Ltd. & Ors. Vs Securities & Exchange Board of India & anr. judgement dated 11.9.2012 has stated that “...*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.....; ...that guidelines to be framed by the Court, therefore, should be self-regulatory or at the most advisory.... Hence, guidelines on reporting cannot be framed across the Board*”.

5. Hon'ble Supreme Court in K.L.N.V. Veeranjanyulu vs Union of India & Ors. relating to ban the book 'Samajika Smugglurlu Komatollu' written by Professor Kancha Ilaiah in its order dated 13.10.2017 has observed that ".....*Curtailment of an individual writer/author's right to freedom of speech and expression should never be lightly viewed. Keeping in view the sanctity of the said right and also bearing in mind that the same has been put on the highest pedestal by this Court*". A journalist is equally an author, entitled to publish his/her views on a matter and this freedom ought not to be curtailed through accreditation/access guidelines.
6. Bearing in mind the above observations of the Hon'ble Supreme Court, in the various cases NBA submitted that the Committee might consider directing NBSA to bring the existing NBSA guidelines at par with the law and suggest the modifications that are needed to be made as this method would be in the spirit of "self-regulation".
7. That any guideline framed by the Committee on media reporting can in the future become part of a judicial order, which will become binding and would have far reaching consequences in respect of the fundamental rights of the media to report.
8. To ensure accurate reporting of court proceedings and to be in sync with international practice, that the Court proceedings be made "live" which may be recommended by the Committee.
9. Training reporters / journalists in reporting the court proceedings is an important element to enhance the skills of media persons and NBA would like to assist or partner with any organisation that the Committee suggests to improve the reporting skills of its reporters/ journalists.
10. Committee not to dwell into issues of content as it would impinge on the freedom of speech and expression of the press/media and to permit the self-regulatory bodies to deal with content related issues.

There have been no further deliberations by the Committee on this matter.

Selection of Subject by the Standing Committee on Information and Technology for the year 2017-18 - "Ethical Standards in media Coverage"

MoI&B vide Office Memorandum dated 3.11.2017 informed NBA that it has appointed Secretary Press Council of India and Mr Amit Katoch, Director (BC) MoI&B (Internal Expert), and Secretary General, NBA (External Expert) and they would be called by the Standing Committee on Information and Technology for the year 2017-18 if required.

■ NBA Matters

1. Pre-Budget Memorandum

NBA vide letter dated 26.10.2017 submitted its Pre Budget Memorandum to the Ministry of Finance relating to Direct Taxes - Procedural recommendations; Direct Taxes – TDS clarifications and recommendations; and to grant infrastructure status to the broadcast industry. The broadcast industry did not get any specific relief in the budget proposals.

Corporate Matters:

1. Office Bearers of NBA 2017-18

In terms of Article 26 of the Articles of Association, the following Directors were elected Office Bearers of the Association for the year 2017-18:

President – Mr. Rajat Sharma (Independent News Service Pvt. Ltd.)

Vice President – Mr. M.V. Shreyams Kumar (Mathrubhumi Printing & Publishing Co. Ltd.)

Honorary Treasurer – Mrs. Anuradha Prasad (News24 Broadcast India Ltd.)

2. Membership

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

3. Sub Committees of NBA

During the year under report the following Sub Committees were constituted:

1. Sub Committee for framing Regulations for Online Media/News Portals and online content : Ms. Kalli Purie Bhandal, TVTN (Convener)
2. Editorial Sub Committee: Mr. Supriya Prasad, Aajtak (Convener)
3. Legal Sub Committee: Ms. Kshipra Jatana, TV 18 (Convener)
4. Sales Sub Committee: Mr. Avinash Pandey, ABP News (Convener)
5. Distribution Sub Committee: Mr. Rajmohan Nair, India TV (Convener)
6. Audience Measurement Sub Committee: Mr. I. Venkat, Eenadu TV (Convener)

During the year under report two meetings of Sales Sub Committee and Digital Sales & Marketing Heads were held. The meetings were chaired by Mr. Avinash Pandey, Convener, Sales Sub Committee.

4. Registration of NBA Logo with Trade Mark Authority

In view of the objections raised by NBA, USA, the Registration of NBA Logo is still pending before the Trade Mark Authority .

5. Workshop conducted by Public Media Alliance (PMA), UK, in Chennai

Under the aegis of the Public Media Alliance (PMA), UK , Secretary General NBA along with Mr. Ajay Kumar, News Nation and Mr. Zakka Jacob, CNN NEWS 18 participated in a preparatory workshop to consider the role of the media in “Hate Speech and Terrorism” in the region and to consider a framework for Guidelines to be developed and produced at a future workshop.

6. Sharing of election data for Assembly elections – A.C. Nielsen

NBA negotiated with A.C. Nielsen for the counting day election data for the Assembly elections held during the year in Himachal Pradesh, Gujarat and Karnataka. Several members and non-member broadcasters subscribed to the data.

7. Media & Entertainment Committee of CII

Mr. Rajat Sharma, President, NBA, and Chairman & Editor-in-Chief of India TV has been nominated in place of late Mr. Narayan Rao on the above committee.

8. Press Releases issued by NBA

The following press releases were issued:

NBA condemns attack on journalists in Panchkula

NBA welcomes the decision of the Prime Minister's Office to withdraw the Press Release titled "Guidelines for Accreditation of Journalists amended to regulate Fake News" dated 2.4.2018 issued by MoI&B

FIR filed against Deputy Editor & News Anchor of Mathrubhumi News

9. NBSA Matters:

i. Appointment of Editor Members of NBSA

During the year under report Mr. Ajay Kumar (News Nation) and Mr. Amrendra Pratap Singh (India TV) were appointed as editor members for a period of three years.

ii. Amendments to Regulation 8.10 of News Broadcasting Standards Regulations

NBSA at its meeting held on 3.10.2017 decided that it would be incumbent on all channel/s to submit the translation of the script and the onus cannot be put on the complainant. NBSA decided that the requirement regarding the obligation of broadcasters to furnish translations be included in the compliance by members.

Accordingly, the requirement regarding translations approved by NBA Board has been included in Regulation 8.10 of the News Broadcasting Standards Regulations as under:

"Where the broadcaster produces (or where NBSA requires the broadcaster to produce) the transcript of any broadcast or other document, the broadcaster shall also produce an English translation thereof, if such transcript or document is in a language other than English or Hindi."

iii. Round Table Meeting with Editors of NBA

A luncheon round table meeting with Editors was held on 15.2.2018. Apart from the Chairperson and Members of NBSA (eminent and editors), the meeting was attended by the President, NBA, and 19 editors of various member broadcasters.

The following issues were discussed in the meeting:

1. Steps to prevent and control use of defamatory, scurrilous, abusive and outrageous remarks by guests/panelists in live debate shows, which hurt the sentiments (religious or otherwise) of various sections of society and creating divisions among the people.
 - a. Briefing panellists /guests (either by e-mail or personally) before participation in the programme.
 - b. Displaying prominent disclaimers before the commencement of the programme.
 - c. Editorialising of programmes aired by channels.

2. Negligence and want of care in reporting news stories.
 - a. Reporting without verification of facts.
 - b. One-sided reporting, without giving opportunity to the other side.
 - c. Use of religion-linked adjectives while reporting.
 - d. Sustained and relentless character assassination/attacks on the basis of religion, political affiliations, prejudices.
3. Protecting and respecting privacy and dignity of individuals (alive and dead)
 - a. airing of gory visuals, scenes of violence, dead bodies, continuously in a loop;
 - b. portraying death of our valiant soldiers;
 - c. invasion of privacy of mourning family members and relatives of deceased;
 - d. glorifying strikes/bundhs/terrorist attacks and
 - e. airing hospital visuals.
4. Interference with the functioning of the judiciary.
 - a. Media trial on *sub judice* matters.
 - b. Reporting out of context, the comments and remarks made by judges or lawyers during hearings.
 - c. Scandalising the courts/judges.
5. Violations of ethical standards regarding reporting.
 - a. Using the tag 'Live' for non-live programmes resulting in same person/s being shown in different 'live' programmes.
 - b. Using the tag 'Breaking News' indiscriminately and incorrectly and claiming to be the 'First' to report.
 - c. Paid news.
 - d. Improper stock market reporting, having an effect on stock prices
 - e. Telecast of incorrect map of India and use of National Emblem.
6. Training & Development

The deliberations were fruitful. It was decided that more such interactions would be held with editors and the NBSA.

Matters Pending in the Supreme Court of India and High Courts

Supreme Court: People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors.: Criminal Appeal No. 1255 of 1999 pending before the Supreme Court of India arises from an Order passed by the Bombay High Court in Criminal Writ Petition No. 1146 of 1997 in relation to alleged fake encounter killings. The Hon'ble Court delivered its judgement dated 23.9.2014 in the matter titled "People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors." relating to the guidelines to be framed in cases of encounter killings which aspect of the matter does not concern the media or NBA. On the question of media briefing by the police, the Court heard the submissions made by the amicus curiae, NBA, NHRC

& Dr Surat Singh. On behalf of NBA a compilation comprising the draft/suggested guidelines of police briefing of the media that had originally been drawn up in the ANHAD matter along with guidelines in vogue in England and New South Wales were presented to Court. After hearing the submissions, the Court directed the amicus curiae, to circulate a questionnaire to all the parties to which NBA has responded. The matter has not yet come up for hearing.

Dr. Surat Singh vs. Union of India and Ors.: Civil Writ Petition No. 316 of 2008 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; By interim Order dated 22.7.2008, which is continuing in the matter, the media has been directed by the Supreme Court to exercise restraint in reporting on the Aarushi case. 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 organisation, they may file an application before the NBSA. NBSA had assured the Court that such application (complaint) would be dealt with as per NBSA's regulations. The matter is to be heard along with Criminal Appeal No. 1255 of 1999 titled "People's Union for Civil Liberties and Anr. vs. The State of Maharashtra and Ors." The matters have not yet come up for hearing.

Act Now for Harmony and Democracy (ANHAD) and Anr. vs. Union of India and 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. The Court allowed NBA to intervene in the case. NBA had filed draft/suggested Guidelines for Media Briefing by Police, which were to be considered by the Court along with the guidelines suggested by the Petitioner. However, in the meantime, NBA's application filed in Dr. Surat Singh matter pending before the Supreme Court (seeking transfer of this writ petition to be heard in the Supreme Court along with the Dr. Surat Singh matter) was allowed; and this matter is to be heard along with the Dr. Surat Singh matter. The matters have not yet come up for hearing.

M/s News Broadcasters Association and Anr. vs. Telecom Regulatory Authority of India and Ors.: Civil Appeal No. 1525 of 2013

IndusInd Media and Communications Limited and Anr. vs. Telecom Regulatory Authority of India and Ors. (TRAI): Civil Appeal No. D3009 of 2013

The above appeals are 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 and Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled "IndusInd Media Communication Ltd. vs. TRAI and Anr." NBA was granted leave to file additional grounds and substantial questions of law, NBA has filed its counter affidavit. The appeal of NBA 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 Regulatory Authority of India and 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 appeal came up for hearing on 12.7.2018. It was pointed out

that TDSAT did not have the jurisdiction to review the regulations issued by the TRAI under the TRAI Act in view of the judgment of the Hon'ble Supreme Court in BSNL Vs. TRAI (2014) 3 SCC 222. The counsel appearing for TRAI pointed out that review of the BSNL judgment is pending before the Hon'ble Supreme Court in Review Petition Nos. 1409-1410/2014. In view of the same, the Hon'ble Court tagged all the pending appeals with Review Petition No. 1409-1410/2014. The matter has not come up thereafter.

Delhi High Court

M/s News Broadcasters Association and Ors. vs. Telecom Regulatory Authority of India: Writ Petition (Civil) No. 7989 of 2013 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. 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 aforementioned matter is being heard by the Division Bench since 5.4.2018. The Petitioners have completed their arguments and will proceed with rejoinder arguments once TRAI (Respondent) concludes its arguments. Interim Orders will continue till the arguments of all parties are concluded and judgement delivered.

Karnataka High Court

Peoples Movement Against Sexual Assault (PMASA) Vs Department of Women and Child Department, State of Karnataka & Ors. Writ Petition No. 6301 of 2017 pending before the High Court of Karnataka at Bangalore: This writ petition filed by PMASA, under Article 226 and 227 of the Constitution of India seeks that the Hon'ble Court issue a Writ of Mandamus inter alia to Respondent No. 11, NBSA, (i) to strictly enforce the laws and self-regulatory norms formulated to preserve the confidentiality of the identity of the victims of sexual assault; (ii) to strictly enforce the laws and self-regulatory norms formulated for sensitive and non-sensational reportage of incidents of sexual assault; (iii) to formulate effective and accessible grievance redressal mechanisms against objectionable or offensive content in local languages. NBSA has filed an application under Order 1 Rule 10 read with Section 151 for deletion from the array of parties inter alia on the ground that it is an independent self regulatory body/grievance redressal mechanism in respect of the members of NBA. All respondents were directed to file their objections/ statements, if any. NBSA's application under Order 1 Rule 10 read with Section 151 for deletion from the array of parties inter alia on the ground that it is an independent self-regulatory body/grievance redressal mechanism in respect of the members of NBA has been disallowed. NBA/NBSA has filed its statement of objections in the matter.

Shakeel Ahmed and Ors. vs. Suwarna News 24 x 7 and Ors.: Writ Petition No. 13677 of 2012 pending before the High Court of Karnataka at Bangalore: This writ petition filed by Shri Shakeel Ahmed, Advocate, under Article 226 and 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 on 12.1.2017 on which date the Hon'ble Court was informed that as per the Order passed by the Hon'ble Supreme Court, Monitoring Committee is to be constituted by the Government of Karnataka. The matter has not come up thereafter.

B. S. Yeddyurappa vs. State of Karnataka and Ors (Writ Petition No. 9208/ 2018) - This matter is arising out of an interim order passed by the City Civil Court in O.S. No. 1272/ 2018, has become infructuous as the Suit (O. S. No. 1272/ 2018) filed by Sri. Yeddyurappa has been withdrawn by him post conduct of elections. In view of his withdrawal of the suit, the present writ petition which is filed challenging an interim order in that suit, does not survive of consideration. NBA will be filing the order of withdrawal of suit, before the High Court and seek closure of the case when the matter gets next listed.

Lucknow Bench of Allahabad High Court

Dr. Nutan Thakur vs Union of India Writ Petition No. 9976 of 2013 (M/B) before the Lucknow Bench. 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 is 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 Dr. Nutan Thakur. The matter was posted before Court last on 19.5.2014. The matter has not got listed for hearing thereafter.

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.

**By Order of the Board of Directors of
News Broadcasters Association**



**Rajat Sharma
President**

Place: New Delhi
July 18, 2018

Annexure – 1

Members of News Broadcasters Association

Members

S. No.	Name of Member	Channel(s)
1	ABP News Network Pvt. Ltd.	ABP News, ABP Majha, ABP Anando, ABP Asmita
2	ARG Outlier Media Asianet News Pvt. Ltd.	Republic TV
3	Asianet News Network Pvt. Ltd.	Asianet News, Suvarna News
4	Bennett, Coleman & Co. Ltd.	Times Now, ET Now, Mirror Now
5	Business Broadcast News Pvt. Ltd.	BTVI
6	Direct News Pvt. Ltd.	News X
7	Eenadu Television Pvt. Ltd.	ETV-Andhrapradesh, ETV-Telangana
8	Independent News Services Pvt. Ltd.	India TV
9	Malayalam Communications Ltd.	Kairali, People
10	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
11	MM TV Ltd.	Manorama News Central
12	New Delhi Television Ltd.	NDTV24x7, NDTV India, NDTV Profit
13	New Generation Media Corporation Pvt. Ltd.	Puthiya Thalaimurai
14	New24 Broadcast India Ltd.	News 24
15	News Nation Network Pvt. Ltd.	News Nation, News State Uttarakhand/Uttar Pradesh
16	Panorama Television Pvt. Ltd.	News18 Uttar Pradesh/Uttarakhand, News18 Rajasthan, News18 Madhya Pradesh/Chhattisgarh, News18 Bihar/Jharkhand, News18 Urdu, News18 Bangla, News18 Kannada, News 18 Punjab/Haryana/Himachal Pradesh, News18 Gujarati, News18 Odia
17	Sobhagaya Media Pvt. Ltd.	APN
18	SUN TV Network Ltd.	Sun News
19	TV Today Network Ltd.	Aajtak, India Today, Dilli Aajtak, Tez

S. No.	Name of Member	Channel(s)
20	TV18 Broadcast Ltd.	CNN NEWS18, News18 India, CNBC Bazaar, CNBC TV18, CNBC Awaaz, News18 Assam/North East, News18 Tamil Nadu, News18 Kerala
21	Zee Media Corporation Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee Hindustan, Zee Kalinga News, Zee Madhya Pradesh Chattisgarh, Zee Punjab Haryana Himachal, Zee Rajasthan News, WION, Zee Salaam, Zee 24 Kalak, Zee Uttar Pradesh Uttarakhand

Associate Members

S. No.	Name of Member	Channel(s)
1	Cloudburst Mediaworks Pvt. Ltd.	GoNews
2	Hyderabad Media House Ltd.	HMTV
3	IBN Lokmat News Pvt. Ltd.	News18 Lokmat
4	Indira Television Ltd.	Sakshi
5	Odisha Television Ltd.	OTV
6	Quintillion Business Media Pvt. Ltd.	Bloomberg Quint
7	Rajasthan Patrika Pvt. Ltd.	Patrika TV Rajasthan
8	Total Telefilms Pvt. Ltd.	Total TV, Total Haryana

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 2018 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

The Company Board of Directors is responsible for the matters stated in Section 134(5) of the Companies Act, 2013 ("Act") with respect to the preparation of these financial statements that give a true and fair view of financial positions, financial performance in accordance with the accounting principles generally accepted in India, including the Accounting Standard specified under Section 133 of the Act, read with Rule 7 of the Companies (Accounts) Rules, 2014. The responsibility also includes maintenance of adequate accounting records in accordance with the provision of this act for safeguarding the assets of the Company and for preventing and detecting frauds and other irregularities; selection and application of adequate accounting policies; making judgement and estimates that are reasonable and prudent; the design implementation and maintenance of internal controls that were operating effectively for ensuring the accuracy and completeness of accounting records, relevant to the preparation and presentation of the financial statements that 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 have taken into account the provision of this Act, the accounting and auditing standards and matters which are required to be included in the audit report under the provision of the Act and rules made thereunder.

We conducted our audit in accordance with the Standards on Auditing specified under Section 143(10) of the Act. 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 Directors, 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, 2018; and
- b. In the case of the Income & Expenditure account, of the deficit 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 3 & 4 of the Companies (Auditor's Report) Order, 2015 issued by the Central Government in terms of Section 143 (11) of the Companies Act, 2013, 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 143(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 specified under Section 133 of the Act, read with Rule 7 of the Companies (Accounts) Rules, 2014.
- e. On the basis of written representations received from the Directors as on March 31, 2018, and taken on record by the Board of Directors, none of the Directors is disqualified as on March 31, 2016, from being appointed as a Director in terms of Section 164(2) of the Companies Act, 2013.
- f. The Company has adequate internal financial control systems in place and it is operating effectively.
- g. With respect to the other matters to be included in the Auditors Report in accordance with the Rule 11 of the Companies (Audit and Auditors) Rules, 2014, in our opinion and best to our information and according to the explanation given to us:



1. There are no pending litigations impacting financial position of the Company as on 31st March, 2018.
2. The Company did not have any long term contracts including derivative contracts for which there were any material foreseeable losses.
3. There were no amounts which were required to be transferred to the Investor Education and Protection Fund by the Company.

For S. S. Kothari Mehta & Co.

Chartered Accountants

Firm Regn. No. 000756N

Sd/-

Naveen Aggarwal

Partner

(Membership No. 094380)

Place: New Delhi

Date: July 18, 2018

NEWS BROADCASTERS ASSOCIATION**Balance Sheet as at 31st March, 2018**

(Figures in Rs)

		Particulars	Note No.	As at 31st March, 2018	As at 31st March, 2017
I.		Equity and liabilities			
	(1)	Members' Funds			
		(a) Entrance Fees	1	1,800,000	1,700,000
		(b) Reserves and Surplus	2	32,619,061	32,641,105
	(2)	Non- Current Liabilities			
		(a) Long Term Provisions	3	2,004,205	1,650,158
	(3)	Current Liabilities			
		(a) Short Term Provisions	4	2,895,452	136,839
		(b) Other Current Liabilities	5	1,446,201	4,000,000
		Total		40,764,919	40,128,102
II.		Assets			
	(1)	Non-Current Assets			
		(a) Fixed Assets			
		(i) Tangible Assets	6	1,697,235	2,805,931
		(b) Other Non-Current Assets	7	189,000	189,000
	(2)	Current Assets			
		a. Cash and Cash Equivalents	8	36,839,423	36,243,985
		b. Short-Term Loans and Advance	9	704,808	490,320
		c. Other Current Assets	10	1,334,453	398,866
		Total		40,764,919	40,128,102

Significant accounting policies and other Notes to Accounts 16-25.

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	Rajat Sharma	M.V. Shreyams Kumar	Anuradha Prasad	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi

Date: July 18, 2018

NEWS BROADCASTERS ASSOCIATION

Income & Expenditure Account for the year ended March 31st, 2018

(Figures in Rs)

	Particulars	Note No.	Year Ended 31st March, 2018	Year Ended 31st March, 2017
	Income			
I.	Subscription	11	11,275,000	10,725,000
II.	Other Income	12	2,790,651	3,077,776
III.	Total Income (I + II)		14,065,651	13,802,776
IV.	Expenditure			
	Employee Benefit Expenses	13	7,738,542	7,064,369
	Depreciation and Amortization Expense	6	1,151,096	1,053,777
	Administrative & Other Expenses	14	5,198,057	5,267,970
	Finance Cost	15	-	200
	Total Expenditure		14,087,695	13,386,316
V.	Surplus before Tax (III - IV)		(22,044)	416,460
VI.	Tax Expense:			
	(1) Current Tax		-	-
	(2) Deferred Tax		-	-
VII.	Surplus/ (Deficit) for the Year (V - VI)		(22,044)	416,460

Significant accounting policies and other Notes to Accounts 16-25.

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	Rajat Sharma	M.V. Shreyams Kumar	Anuradha Prasad	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi

Date: July 18, 2018

NEWS BROADCASTERS ASSOCIATION**Notes Forming Part of Balance Sheet****NOTE # 1**

Members Funds

(Figures in Rs)

Particulars	As at 31st March, 2018	As at 31st March, 2017
Entrance Fees		
Entrance fees as per last Balance Sheet	1,700,000	1,700,000
Addition during the year	100,000	-
	1,800,000	1,700,000

NOTE # 2**Reserve & Surplus**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Reserve and Surplus		
(a) Capital Reserve		
As per last Balance Sheet	50,000	50,000
	50,000	50,000
(b) Special Reserve		
As per last Balance Sheet	15,865,753	16,534,823
Addition/(Transfer) during the year (Refer Note 22)	(584,147)	(669,070)
	15,281,606	15,865,753
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	5,225,352	5,639,822
Addition during the year	(22,044)	416,460
Less: Amount transferred to Corpus Fund	(2,500,000)	(1,500,000)
Less: (Appropriations)/transfer to/from special reserve	584,147	669,070
	3,287,455	5,225,352

(d) Corpus Fund (Refer Note 24)		
As per last Balance Sheet	11,500,000	10,000,000
Addition Amount transferred from Income & Expenditure A/c	2,500,000	1,500,000
	14,000,000	11,500,000
	32,619,061	32,641,105

NOTE # 3**Long Term Provisions**

Particulars	As at 31st March, 2018	As at 31st March, 2017
-Provision for Gratuity (Refer Note 23)	2,004,205	1,650,158
	2,004,205	1,650,158

NOTE # 4**Short Term Provisions**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Other Provisions		
-Provision for Expenses	2,895,452	136,839
	2,895,452	136,839

NOTE # 5**Other Current Liabilities**

(Figures in Rs)

Particulars	As at 31st March, 2018	As at 31st March, 2017
Bank Overdraft	551,201	-
Others	895,000	4,000,000
	1,446,201	4,000,000

Note # 6 Tangible Assets

(Figures in Rs)

Particulars	Gross Block				Depreciation				Net Block	
	April 1,2017	Addition	Disposal/ Adjustments	March 31,2018	April 1,2017	Addition during the year	Sale/ Adjustment	March 31,2018	March 31,2018	March 31,2017
Computer	851,314	-	-	851,314	476,527	113,267	-	589,794	261,520	374,787
					-			-		
Office Equipment	806,560	42,400	-	848,960	444,243	120,716	-	564,959	284,001	362,317
					-			-		
Furniture & Fixtures	23,663	-	-	23,663	7,684	2,481	-	10,165	13,498	15,979
					-			-		
Leasehold Improvement	4,301,401	-	-	4,301,401	2,248,553	914,632	-	3,163,185	1,138,216	2,052,848
Total	5,982,938	42,400	-	6,025,338	3,177,007	1,151,096	-	4,328,103	1,697,235	2,805,931
Previous Year	5,607,814	375,124	-	5,982,938	2,123,230	1,053,777	-	3,177,007	2,805,931	3,484,584

NOTE # 7**Other Non-Current Assets**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Security Deposit	189,000	189,000
	189,000	189,000

NOTE # 8**Cash and Cash Equivalents**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Cash in Hand	4,128	6,946
	4,128	6,946
Balance with Banks:		
In Current account	85,379	312,392
Fixed Deposits with Bank*	36,749,916	35,924,647
	36,839,423	36,243,985

*Includes amount under lien with Bank for credit facilities Rs. 8,748,944

NOTE # 8.1**Fixed Deposits with Bank**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Fixed Deposits with Bank		
• Upto 12 months maturity from date of acquisition	36,749,916	35,924,647
• Maturity more than 12 months but within one year from the reporting date		-
Shown as Current Assets	36,749,916	35,924,647

NOTE # 9**Short Term Loans and Advances**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Unsecured considered good		
• Advances recoverable in cash or kind or value to be received	704,808	490,320
TDS Receivable	-	-
	704,808	490,320

NOTE # 10**Other Current Assets**

Particulars	As at 31st March, 2018	As at 31st March, 2017
Interest accrued on Fixed Deposits	1,334,453	398,866
	1,334,453	398,866

NOTE # 11**Revenue From Operations**

(Figures in Rs)

Particulars	Year Ended 31st March, 2018	Year Ended 31st March, 2017
Subscription	11,275,000	10,725,000
	11,275,000	10,725,000

NOTE # 12**Other Income**

Particulars	Year Ended 31st March, 2018	Year Ended 31st March, 2017
Interest Income	2,789,451	2,871,130
Miscellaneous income	1,200	206,646
	2,790,651	3,077,776

NOTE # 13**Employee Benefit Expenses**

Particulars	Year Ended 31st March, 2018	Year Ended 31st March, 2017
Salaries and Wages	6,791,141	6,207,759
Contribution to Provident Fund	577,703	531,789
Gratuity Expense	354,047	306,233
Staff Welfare Expenses	15,651	18,588
	7,738,542	7,064,369

NOTE # 14**Administrative & Other Expenses**

Particulars	Year Ended 31st March, 2018	Year Ended 31st March, 2017
Printing & Stationary	73,216	137,792
Legal & Professional Charges	1,566,743	1,773,923
Meeting Expenses	744,495	548,775
Newspapers, Books & Periodicals	24,644	22,350
Communication Expenses	101,168	99,536
Travelling & Conveyance Expenses	1,178,324	1,089,990
Rent & Electricity	1,240,698	1,152,947
Website Maintenance Expenses	53,600	263,465
Repairs & Maintenance-Computer	-	20,839
Repairs & Maintenance- Building	87,431	47,886
Repairs & Maintenance- Equipment	-	7,665
Office Insurance-Noida	9,491	9,012

Miscellaneous Expenses	30,309	9,033
Amount Written Off	24,437	
Rates & Taxes	-	13,957
Auditor Remuneration:		
Audit Fee	52,701	67,299
Tax Matters	7,500	3,501
Out of Pocket Expenses	3,300	
	5,198,057	5,267,970

NOTE # 15

Finance Cost

Particulars	Year Ended 31st March, 2018	Year Ended 31st March, 2017
Interest on late payment of TDS	-	200
	-	200

16. Brief information of the Company

News Broadcasters Association is a Company Limited by Guarantee not having a Share Capital, not for Profit registered under Section 8 of the Companies Act, 2013 (Section 25 of the erstwhile 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 in accordance with generally accepted accounting principles in India, accounting standard specified under Section 133 of Companies Act 2013, read with Rule 7 of Companies (Accounts) Rules 2014, the Companies Act 2013 (to the extent applicable) as a going concern.

- 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 less accumulated depreciation.
- ii. Depreciation on Tangible assets is provided in accordance with Schedule II of the Companies Act, 2013 based on Straight Line Method pro-rata over the remaining useful life of the assets. The useful life of asset taken for the aforesaid depreciation is as under:

Assets	Useful Life
Computers Hardware	3 Years
Office Equipment	5 Years
Furniture & Fixture	10 & 8 Years

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. EMPLOYEE BENEFITS

Gratuity Liability is provided on actual basis pro-rata to the number of years served based on the principles stated under the Payment of Gratuity Act, 1972.

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 specified under Section 133 of The Companies Act, 2013 read with Rule 7 of Companies (Account) Rules 2014 notified under the Companies Act, 2013. 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 2018. 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 8 of the Companies Act, 2013 (Section 25 of the erstwhile 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.
However, during the year, Company has incurred expenditure of Rs. 57,04,398/- (Previous Year Rs. 30,27,406/-) from special reserve created under Section 11 of the Income Tax Act, 1961, towards the objectives as stated above.
23. 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. During the year Board of Directors, decided to set aside some portion of the surplus of the association as corpus fund for the purpose of long term association requirement. Accordingly, disclosure has been made in the Note 2 relating to reserves and surplus.
25. 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

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
Naveen Aggarwal	Rajat Sharma	M.V. Shreyams Kumar	Anuradha Prasad	Annie Joseph
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place: New Delhi

Date: July 18, 2018

Section II

News Broadcasting Standards Authority

During the year under report, NBSA met regularly under the Chairmanship of Justice R.V. Raveendran, former Judge of the Supreme Court of India and took actions so as to ensure that the broadcasters adhered to the NBA/NBSA regulations, which would help in improving broadcasting standards.

NBSA has had seven meetings during the year under report and all the meetings were held in New Delhi. NBSA in these meetings considered, reviewed and decided 515 complaints (68th-74th meetings), which includes complaints received directly by broadcasters and settled at the first level, complaints considered at the second level i.e. NBSA, the Ministry of Information and Broadcasting and the Electronic Media Monitoring Centre (EMMC). The MoI&B has been sending the complaints/petitions they receive with regard to the Members of NBA to the NBSA for its consideration. NBSA after considering the complaints and hearing the parties or otherwise took decisions and where necessary after hearing the broadcasters and complainants issued necessary Orders.

■ Complaints forwarded by MoI&B and Electronic Media Monitoring Centre (EMMC)

Complaints against Mathrubhumi News regarding telecasting programmes on Uri attack on 19.10.2016

The two complaints are that the channel carried a debate on Uri attack in Kashmir and the channel questioned the authenticity of statements of army and government on Uri attack and tried to create a doubt that the attack was planned by India itself to divert attention away from Kashmir; and that throughout the debate, the anchor asked questions to prove that Indian claims about Uri attack are false and makes disturbing statements which may mislead the viewers.

Decision

NBSA considered the complaint, response from the broadcaster, the translated script and also viewed the CD of the alleged broadcast and noted that the broadcaster had given equal opportunity to all the parties in the programme and *prima facie* appeared to be a balanced reporting. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Dr. Rajiv Singh, regarding a programme aired on Aaj Tak channel on 23.3.2017

The complaint pertains to a programme aired on Aajtak channel at 10 pm on 23.3.2017 regarding the closure of illegal slaughter houses in Uttar Pradesh. In the programme they highlighted how the business of a famous eatery “Tunde Kabab” in Lucknow was affected by the closure of slaughter houses as it affected their supplies. The complainant alleged that the channel showed the programme by giving a communal colour to the legally and constitutionally tenable measures of the state government. Broadcaster denied the allegation and clarified that the only motive following the telecast was to show how the business of the eatery was affected by the ban of the illegal slaughter houses.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Danendra Jain regarding a programme aired on India TV

The complainant alleged that in a programme titled ‘Aap Ki Adalat’ aired on India TV, Mr. Rajat Sharma posed controversial and objectionable questions to renowned Jain Muni Sri Sri 108 Tarun Sagar ji Maharaj thereby ridiculing the Jain religion and its ethics. In the said programme, according to the complainant, the Jain Muni was asked irrelevant and meaningless questions, but also humiliated the entire Jain community. The broadcaster stated that the questions which are posed to their guests are prepared after extensive research; that Shri Jain Muni Tarun Maharaj was invited as a guest on their show and he accepted the invitation, and he knew about the format of the programme before appearing on the show; that he willingly appeared on the show, and replied all the questions.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Neeraj Kejriwal regarding a programme aired on Aaj Tak channel on 8.3.2017

The complainant alleged that Aaj Tak on 8.3.2017 while reporting on the judgement on Ajmer Shariff blast, used the word “bhagawa atankwad”, which according to the complainant gives a religious angle to the reporting. The broadcaster in its reply stated that the object of using the word was not to show disrespect to any religion or anybody’s faith or belief, but only to use the word as it is used in common dialect.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged programme. NBSA felt that the problem lay in the use of “adjectives” while reporting such matters and should be avoided. NBSA was of the view that the broadcasters should make a conscious effort not to attribute any religious colour to

any untoward incident/s while reporting. For example, the use of the adjective ‘Saffron’ or ‘Islamic’ before the word ‘terror’ should be avoided. NBSA decided that the “Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents” dated 13.12.2012 and the “Advisory on Use of Adjectives & Hyperbole” dated 8.5.2012 be re-circulated to members and editors for their information and compliance. With these observations, the NBSA decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Amitava Mondal regarding a programme aired on CNBC on 21.2.2017

The complaint was that on 21.2.2017 CNBC announced and published news item on their website www.moneycontrol.com, stating that Kotak Bank has approached Government for merger with Axis Bank and other private bankers have also been approached; that as a consequence, Axis Bank script jumped by 5% in no time and Nifty also went up by 30 points; that some traders got information before hand and made huge profits; and that this happened in spite of Axis Bank repeatedly denying such information.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. A perusal of the broadcast on the channel clearly shows that the news reader refers to the story relating to the merger of Axis Bank and Kotak Mahindra Bank had already been doing the rounds in the market for several days. It therefore cannot be said that the channel had perpetrated or initiated this story. The news reader had stated that there was an independent verification carried out by the channel that Kotak Mahindra Bank had reached out to Axis Bank. Therefore, it was clear that the channel made the required disclosure that the said news item was based on sources that had independently confirmed that Kotak Bank had approached the government informally regarding the merger with Axis Bank. Therefore, the allegation that the channel was solely responsible for the price fluctuation of the Axis Bank stock may not be correct. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

EMMC reports on violations by various channels

EMMC forwarded cases which relates to airing of disturbing visuals on 15/19.2.2017 on Aaj Tak, ABP News, India TV, Manorama News, News18 India, Times Now and Zee News of the murder of Congress leader, in Bhiwandi, Maharashtra. It was pointed out that the channels had telecast the news report based on CCTV footage and that during the telecast, the channels had shown the visuals of the man who was shot at and then being beaten up badly by two men without any editing/ blurring. These visuals according to the EMMC are disturbing and against good taste and not suitable for unrestricted public exhibition.

Decision

NBSA considered the complaints, response from each of the broadcasters and also viewed the alleged broadcasts. NBSA noted that the broadcasters should avoid airing gory visuals continuously in a loop, while reporting such incidents. NBSA decided to close the complaints with the observation that the broadcasters should be careful while airing such visuals and inform the MoI&B accordingly.

Complaint from Mr. Rabindra Dwivedi, against telecast of alleged objectionable programme ‘Halla Bol’ by Aaj Tak channel on 10.11.2016

The complaint was that in the ‘Halla Bol’ programme telecast on 10.11.2016, the anchor defamed the Congress Spokesperson and the entire party; that the anchor chose to bolster the morale of the BJP and also repeatedly showed the statement of the Finance Minister; and that this was done only to mislead the people of India, who are facing lots of problems because of the BJP in the wake of demonetization of high currency notes. The broadcaster stated that the news item was telecast keeping in view the public sentiment to be ready to take the inconvenience caused by the decision of demonetization in their stride as the public realized that the larger intent was to remove black money from the country. It was pointed out that the broadcast also touched upon the inconvenience caused due to demonetization to the general public.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Akash Agarwal regarding contents carried by private news channels

The complaint is of a general nature against ‘misuse of power of electronic media’ and the need to curb their power.

Decision

NBSA noted that in the absence of details of any specific broadcast, no action can be taken on such broad allegations. NBSA decided to close the matter and inform the MoI&B accordingly.

Petition from Mr. Anshoo Saini

The complainant alleged that the anchor while covering the protest of Tamilnadu farmers was asking the group to firm their resolve to commit mass suicide in case all of their demands are not met; and that the anchor incited the leader of the group by reminding him that his followers are dwindling by the time and by asking leading questions. Broadcaster in their reply denied the allegation/imputation.

Decision:

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Acharya Azad Singh Arya

The complainant stated that in the programme, Khabardar, on Aaj Tak channel, the channel purported to show those indulging in fracas and violence as activists of Go Raksha Dal but those shown by the channel were not activists of Go Raksha Dal. It is alleged that the news channels never show news of incidents in which cow smugglers have attacked cow protectors and four of them have even lost their lives or incidents

where cow protectors were injured in firing and other violent attacks by the cow smugglers, despite the availability of sufficient proof for the same. The broadcaster stated that the object of the broadcast was to bring out the actions of the people who were hooligans in the name of Goraksha; and that the impugned news item was aired in public interest to spread information of those who claim to be the protector of cows in India. It was contended that at no point the channel had either criticized or defamed Hinduism and showed disrespect to any religion, or anybody's faith or belief.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. N.K. Vohra against News18 India and News Nation

The complainant alleged that News18 India on a regular basis, telecasts TV debate shows with speakers from Pakistan also who venomously abuse top constitutional post holders of India and Army Chiefs. The complainant alleged that News Nation in a debate telecast on 2.4.2017 between 9 PM to 10 PM was putting the very unity in peril. News18 India in their reply stated that the complainant has not raised any objections/concerns against any specific programme aired by the channel i.e. News18 India. In the absence of any specific allegations against any particular programme aired on the channel, they will not be able to address the concerns of the complainant.

Decision

News 18 India

NBSA decided that since no specifics were given against News18 India, the complaint be closed and MoI&B and the broadcaster be informed accordingly.

News Nation

NBSA considered the complaint, the response given by the broadcaster and also viewed the CD submitted by them. It did not find any violation of NBSA Regulations or Guidelines. It also found that the format of the discussion/debate and selection of participants/panellists is a matter of editorial discretion. NBSA decided to note the grievance made out by the complainant and close the complaint and inform the MoI&B accordingly.

EMMC report regarding programme “Jali Kati Parampara” on Aaj Tak channel on 19.1.2017

EMMC report is that the channel in a programme ‘Jali Kati Parampara’ showed the obnoxious and illogical customs prevalent throughout the country. This programme showed how people dug holes and bury their children from the neck downward in the hope of curing them of their illnesses while in some other parts of the country children are flung down from a height of 50 feet in order to get blessings of religious leaders (Baba). The broadcaster stated that the story was made with the motive to throw light on the topic of superstitious beliefs that still persist in India. They wanted to enlighten public of the heinous practices that are still followed and children particularly are made to suffer because of the atrocious viewpoint of the elderly in order to gain wealth and prosperity.

Decision

NBSA found that the broadcast was in public interest and did not violate any Standards or Guidelines. NBSA decided that no action was called for on the complaint. NBSA therefore decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. Rabindra Dwivedi, regarding telecast of a Holi programme on 13.3.2017 on Aaj Tak

The complainant alleged that the broadcaster showed a programme on the festival of Holi only to defame the Congress and the Samajwadi Party.

Decision

NBSA considered the complaint, the response of the broadcaster and also viewed the CD of the alleged broadcast. The broadcaster stated that the views and opinions expressed in the show were those of the guests and do not reflect the scrutiny of the channel. The broadcaster does not take sides in favoring any particular group or a party. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA decided to inform the MoI&B and the broadcaster accordingly.

Complaints/concerns over telecast of content on TV Channels

MoI&B forwarded two letters from Dr. Mahesh Chandra Gupt, and Mr. Kundan Kashmiri, in which complaints/concerns have been raised on the issues of inviting hardcore Pak generals and discarded/discredited entities from the Kashmir valley in the debates on TV channels and also the telecast of information related to internal and external security of the country.

Decision

NBSA considered the above and noted that the content of a 'report' or 'story' is an editorial discretion and an individual's view or perception of an issue cannot be a ground to take action against a channel, in the absence of violation of the Guidelines. NBSA therefore decided to close the matter and inform MoI&B accordingly.

Suggestion from Mr. Pevinder Sofat regarding usage of the word 'martyred' instead of 'killed' for brave soldiers by TV channels

The petitioner has suggested that TV channels should use word 'martyred' instead of 'killed' in respect of our brave soldiers who get killed while in action.

Decision

NBSA noted that the contents were expression of a general opinion of a viewer and not a specific complaint against any particular channel or any particular programme. Further use of words is a matter of editorial discretion. NBSA therefore decided to close the matter and inform the MoI&B accordingly.

Complaint from Mr. Pranav Rishi against alleged violation of displaying real-time scores of live cricket matches by NDTV channel

The complaint is regarding live updates of scores with regard to the Indian Premier League (IPL) matches aired on NDTV channel in the form of score cubes at the bottom of the screen.

Decision

Since this matter did not relate to content, but raised commercial issues, NBSA decided that it would not be possible to consider the complaint. There has been no violation of any NBSA Guidelines. NBSA therefore decided to close the matter, place it before NBA and inform the MoI&B and complainant accordingly.

Petition from Mr. Mustafa Hussain regarding a programme aired on News18 Assam NE channel on 14.3.2017

The complainant had alleged that on March 14, 2017 “News18 Assam NE” had telecast a news which stated that “46 Muslim clerics from the state have issued a fatwa against singer Nahid Afrin, asking her to stop performing in public”. According to the complainant, the news channel was spreading wrong message in the society/misleading the society by spreading fake/imaginary news. Broadcaster stated in their reply that they had broadcast the news only after obtaining necessary information and documents including but not limited to the pamphlets that were distributed in the area where the show was being organized.

Decision

NBSA on going through the contents noted that it was not a “Fatwa” as broadcast by the channel but an “appeal” issued by 46 Muslim clerics not to have the programme as it was against the tenants of Islam. NBSA noted that a “Fatwa” has a legal connotation and can be issued only by a Mufti, which was loosely used in the broadcast. NBSA was of the view that the broadcaster had not reported accurately the contents of the pamphlet, and that there was no proper verification done by the broadcaster prior to broadcast. NBSA decided that the broadcaster be warned and also be informed that they must be more careful in future and proper verification be done before reporting such matters. NBSA decided to close the matter and inform the broadcaster and MoI&B accordingly.

Zero Hour matter raised in the Rajya Sabha by Dr. Vikas Mahatre, MP and others regarding spread of false news on reservation for ‘Dhangars’ by electronic media

MoI&B forwarded a copy of the Ministry of Parliamentary Affairs’ OM No. 19(1)/2017-V.II dated 7.4.2017 regarding Zero Hour matter raised in the Rajya Sabha by Dr. Vikas Mahatre, Member of Parliament and others on spread of false news on reservation for ‘Dhangars’ by electronic media. MoI&B also stated that EMMC has informed that they had scanned the channels for the report on reservation for ‘Dhangars’ by various news channels and the same was found in the broadcast on IBN Lokmat channel. The channel had telecast a bulletin called ‘GawakadchyaBatamya’ on 1.4.2017 around 6 pm wherein the news was carried relating to protest demonstration by Dhangar community for reservation. Broadcaster stated that it is a matter of fact that such a protest took place and that the effigies were burnt; and this is all that the channel has reported; The channel has merely reported facts which are true and correct and has, in fact, corroborated them with an interview with one of the protestors in which he has reaffirmed what has been reported.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

EMMC report regarding alleged violation of the content by Manorama News on 20.3.2017

EMMC report stated that the channel had reported a horrific crime in which a lady named Seerat Kaur was murdered by her own husband Ekam Singh Dhillon in Mohali, Punjab. According to channel, she had shot her husband point blank, folded his dead body and stuffed it inside a suitcase which barely fit his entire body. While telecasting the news, Manorama News had shown still images of the dead body without blurring or editing, inside the suitcase including the moments when his dead body is laid out on a cloth by the police.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster had shown still images of the dead body without blurring or editing, inside the suitcase including the moments when the dead body was laid out on a cloth by the police. The broadcaster had breached the NBSA Specific Guidelines Covering Reportage 3.1 which states that “*The dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown*”. NBSA also noted that broadcaster had also in the past given similar assurances of giving instructions to the producers to be more careful but such instructions were in breach. NBSA decided that a warning be given to the broadcaster that any future violations would be viewed seriously and action would be taken against the broadcaster. NBSA decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. Veer Bahadur Singh against Aaj Tak

NBSA noted that the subject of the debate was misbehavior with an Imam of a mosque by some “nationalists” people in Hisar town of Haryana. It is alleged that the anchor had stated that whether one chants “Bharat Mata Ki Jai” or do not chant this slogan, it is his or her personal matter and it is not against law. Broadcaster stated that intention following the broadcast was to highlight the hooliganism being practiced and spread by people in the name nationalism. The impugned news item was aired in public interest in order to show that members of other religion are being beaten up and humiliated under the pretext of patriotism.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. Shreesh Shukla against Aaj Tak

The complainant alleged that Aajtak channel was delivering confidential news that our army is not able to face the war due to shortage of weapons and bombs. Since such news is watched across the border, it can be

detrimental to our interests. The complainant referred to the reporting of the Mumbai terror attack and the reporting of the Chinese incursions recently on our border. Broadcaster stated that the impugned news was telecast keeping in view of the CAG report as was highlighted in the Parliament. Such reports are available in public domain once it is presented to the Government. As a news channel it is their duty to put forth such reports in public interest. The channel had looped in the version of experts/government officials in the telecast over their concerns on the CAG report.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Santosh against Mirror Now

The complainant alleged that Mirror Now did false propaganda that there is an epidemic of depression among children in India (5 crore Indians), which according to the complainant is incorrect. The complainant alleged that it is a sponsored foul propaganda by the pharma lobby; the truth is that India has the least depressed people and suicides. The broadcaster stated that they covered the topic of depression and its impact on mental health. As part of this overall discussion, the topic of how depression influences suicides were also touched upon. The programme discussed the mental health scenario in the country and concerns were put out as to how mental health was not being given the priority or prominence in our policy decisions and its implementation.

Decision

NBSA considered the complaint, the response given by the broadcaster and also viewed the CD. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Petition from Mr. Abhishek Shukla against India TV

The complainant alleged that India TV showed the training of CRPF's special unit COBRA. While showing the training, the channel violated Official Secrets Act 1923 and National Security Act 1980 many times and the channel even revealed many official secrets like the location of the training camp, types of arms and ammunitions used by commandos, strategies like how commandos are learning the language used by Naxalites, how they hide themselves under dry leaves, information like commandos keep IEDs with them and where they hide themselves under the tunnels and bunkers.

The broadcaster in their response stated that the entire shoot was conducted in the presence of senior CRPF officials who authorised their reporters to access the training site of the Cobra commandos. After the shoot was completed, the entire video was checked by the CRPF senior officials and it was only after they approved the content was the same telecast on their channel. Only such information which was approved by the officials formed part of the content of their program.

Decision

NBSA considered the complaint, response and viewed the CD. NBSA noted that the reporting was done with the consent of the CRPF. NBSA also found no violation of any Standards or Guidelines and decided that no action was called for on the complaint. NBSA, therefore, decided to close the matter and inform the MoI&B, complainant and the broadcaster accordingly.

Complaint from Ms. Jhanvi Behal

The complainant stated that a number of so called babas of deras and other institutions are promoting themselves through various TV channels where they make a fool of their followers, collect a huge amount from their followers and pay such amount to media group so they can advertise these baba through their channels; how these types of preachers play with the sentiments of innocent followers and how they have lost their lives by following them, which is due to false promotions of such persons in the name of various deras and institutions; that such programmes are for self-benefit and business purpose and not for providing benefits to any person.

Decision

NBSA considered the above complaint and noted that the contents of the complaint were expression of a general opinion of a viewer and not a specific complaint against any particular channel or any particular programme. The complaint does not disclose any violation of the NBA/NBSA Regulations/Guidelines. NBSA therefore decided to close the matter and inform the MoI&B and complainant accordingly.

EMMC report on apparent violation of a programme telecast on Asianet News on 14.5.2017

EMMC report was that Asianet news channel had telecast a news report of a mob lynching case related to cow vigilantism in Ujjain, Madhya Pradesh. While reporting, the channel had shown a group of men beating up a youth mercilessly alleging that he had cut a cow's tail; the video was aired and stretched for an unusually long period by the channel without proper blurring and editing wherein the group of men could be clearly seen thrashing the youth with belts, bashing him with their fists and kicking him over and over; the visuals were disturbing and are not suitable for unrestricted public exhibition.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was certainly in public interest and it was the duty of the media to highlight, report and expose such brutality being meted out, and should not be suppressed. Reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such gruesome acts. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

EMMC report on apparent violation of a programme telecast on News18 Kerala on 4.5.2017

EMMC report was that News 18 Kerala, in its segment named "Crime Focus" carried video footage of cruel treatment meted out against an old man by a woman in his own home. The channel had telecast a news story

on a video that went viral on social media wherein a woman can be seen beating up an old man; through the depiction of the video, channel also expressed their reactions and reminded the viewers how the elderly people are being mistreated; the channel has shown some unedited videos wherein the woman is pushing, shoving and beating the old man with a stick as he lays helpless on the ground, a pitiable sight to look at; by carrying this video for prolonged period, the channel's apparent crusade against cruelty on the elderly falls short as it rather seems like sensationalism in order to grab viewer's attention. Such perturbing videos aired without editing for extended period of time offends good taste and is unsuitable for viewers.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was certainly in public interest and it was the duty of the media to highlight such brutality being meted out to the elderly in his own home and should be reported and not suppressed. It would facilitate the State machinery to take strict action against the persons resorting to such inhuman treatment on elderly persons. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

EMMC report on apparent violation of a programme telecast on OTV on 5.8.2017

EMMC report was that OTV carried a viral video of a home guard in civil dress beating up a man suspected to be a thief; in the said video, the alleged thief's hands were tied from behind and he was being thrashed in a barbaric manner in full public view somewhere in Mayurbhanj District, Odisha.

The broadcaster confirmed that a home guard in civil dress beating up a man suspecting to be a thief was telecast on the channel; the home guard even did not stop beating even on the request of the public; the prime objective was to create awareness among the masses about the excesses meted out to the general public by law keepers.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was certainly in public interest and it was the duty of the media to highlight the brutality being meted out by a home guard and such news should not be suppressed, and should be reported. NBSA noted that the reporting by the channel led to action by the IG, Home Guards and suspension of the home guard. NBSA was of the view that the broadcaster had done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

EMMC report on apparent violation of a programme telecast on ETV News Odia on 5.8.2017

EMMC report was that ETV News Odia had carried a viral video of a home guard in civil dress beating up a man suspected to be a thief. In the said video, the alleged thief's hands were tied from behind and he was thrashed in a barbaric manner in full public view somewhere in Mayurbhanj District, Odisha.

Decision

NBSA considered the complaint, response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcast was certainly in public interest and it was the duty of the media to highlight the brutality being meted out to by a home guard and such news should not be suppressed, and should be reported. NBSA noted that the reporting by the channel led to action by the IG, Home and suspension of the home guard. NBSA was of the view that the broadcaster had done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Gujarat State RTI Activist Organization regarding telecast of a news item by ABP News channel on 3.8.2017

NBSA noted that the complaint was that the channel had stated in the programme that toy guns can be brought to any part of India along the Indo-Nepal border without proper checks; showing such news reports, the complainant alleged enables the external enemies of the country to know the places from where they can enter into India.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD. NBSA found no violation of any broadcasting standards or guidelines in the broadcasts and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Notice of question of privilege dated 21.8.2017 by Ms. Ranjeet Ranjan, MP, LS, against telecast of news by ETV Bihar-Jharkhand (Member NBA), Zee Purvaiya (non-member) and other TV Channels

NBSA noted that the MoI&B had forwarded the Notice of question of privilege dated 21.8.2017 given by Ms. Ranjeet Ranjan, MP, LS, to Speaker and Secretary General, Lok Sabha. It is alleged that on the night of 20th August 2017 while she was engaged in rendering service to the flood-affected people, she was informed by her workers that news channels Zee Purvaiya, ETV Bihar-Jharkhand and some other channels had been running a false news that her car had crushed three people. She alleged that at the time of the accident, she was 12 kms away from the accident spot helping the flood-affected people and therefore, her car could not have been caused the accident; that her information was that no person was injured in the accident; that the channels had broadcast the false news in an irresponsible manner, without any proper investigation, verification or proof; that the channels had tried to malign her image causing her deep pain and anguish.

Decision

NBSA considered the complaint, response from the broadcaster (ETV Bihar- Jharkhand) and also viewed the CD of the broadcast. NBSA noted that the broadcaster had reported an accident and merely stated that one of the cars in Ms. Ranjeet Ranjan's cavalcade was involved in an accident injuring three persons. There was no reference of the MP's car being involved in the accident. NBSA found no violation of any

broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform MoI&B accordingly.

Complaint from Mr. Anand Mohan Mathur against Times Now

MoI&B forwarded the Legal Notice dated 22.9.2017 issued by Mr. A.M. Mathur on behalf of (1) Shri Sayyed Wasim Ali (2) Shri Azhar Khan (3) Shri Aaqib Khan (4) Shri Amir Ansari (5) Shri Arbaz Ansari (6) Shri Shoaib Khan and (7) Shri Wasim Khan of Indore, complaining that on 30.8.2017 Times Now channel aired a live debate with anchor Shri Rahul Shiv Shankar; that the topic of debate was “Secret NIA Report (Hindu Girls Hunted)”. The complainants alleged that the NIA Reports are secret and they should not be debated in public; that the topic chosen “Hindu Girls Hunted” is again a subject which can give rise to communal riots; that the utterances of Colonel RSN Singh are deliberate and to denigrate the holy prophet Muhammad, whom the muslims all over the world respect and revere; that it was duty of the channel to publish an apology to the muslim community for allowing Colonel RSN Singh to make such irresponsible statements; and that Times Now should tender a public apology in that behalf.

Decision

NBSA considered the complaint, response of the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the view that the broadcaster cannot absolve the responsibility for what is aired on the channel; that such utterances can flame communal tensions or may create intolerance or disharmony; that the broadcasters have to brief the panelists in advance (either in a pre-show meeting or by e-mail), so as to make them aware of their obligations as participants in a live debate and of the relevant Guidelines and Regulations relating to the subject matter of the panel discussion. NBSA was of the view that the contents of the broadcast (even if they were utterances or views expressed by a participant in a live programme) violated the Specific Guideline No 9 “Racial & Religious Harmony (9.2) *“caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create intolerance or disharmony”*. NBSA was of the view that broadcasters cannot avoid responsibility for the content of structured programmes on sensitive subjects, which violate NBSA Guidelines and Regulations, by stating that they are not responsible for the views of the participants. NBSA therefore decided to warn the broadcaster and to be careful in future and to ensure that there were no violations of the NBSA Regulations and Guideline. NBSA decided to close the complaint and to inform the MoI&B and the broadcaster accordingly.

Complaints against the ‘Times Now’ channel and certain online news portals for allegedly having carried out misleading and defamatory news item

MoI&B forwarded letter dated 27.11.2017, addressed to the Speaker Lok Sabha by Hon’ble MPs Prof. K.V. Thomas, Dr. A. Sampath, Smt. P.K. Sreemathi Teacher, Shri M.B. Rajesh and Shri K.C. Venugopal, alleging that Times Now channel and certain online news portals had carried out misleading and defamatory news item against them. They drew the attention to the news telecast on ‘Times Now’ on 7.10.2017 from 21.40 to 21.48 hrs. under the tagline “*Exposed : #SelfNotDeshSeva*” and subsequently carried by some online news portals. The complainants alleged that the news report which the channel claims to be on the basis of a RTI reply, stated that the complainants caused huge losses to the national exchequer in terms of TA and DA; that in the debate based on this news report, many panelists and the anchor gave distorted facts about

MPs flying in business class; that the news report concealed the fact that the claims of TA and DA are in accordance with the provisions of the Act governing the salary and allowances and pensions of Members of Parliament; that due to longer distance from Delhi and comparatively higher fares in the Delhi -Kerala sector, MPs from Kerala are entitled to higher TA and DA and that is not a new phenomenon; that around 90% of the total amount they claim as TA and DA is towards flight tickets; that the distorted story creates an impression that they have committed some grave irregularity in claiming TA and DA and made undue financial gains; that the news report portrayed them as looters and caused irreparable damage not only to them individually but tarnished the image of the Parliament itself; they also stated that airing such news reports deliberately giving false and incorrect information to the public about emoluments of MPs would amount to a breach of privilege.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the broadcast. The broadcaster stated that the channel had accessed information on the subject broadcast from the RTI report received pursuant to an RTI application made by activist and advocate Mr. Dinesh Chaddha, which revealed information not only on MPs of the Lok Sabha but also certain Rajya Sabha MPs; the pertinent questions were on why MPs could not plan and book their travel tickets in advance and at reasonable prices when many of their parliamentary meetings and engagements, specifically in New Delhi are known to be fixed much in advance. The news debate raised very pertinent public interest questions on the information contained in the RTI report. The channel had made efforts to seek reactions from several of the MPs named in the RTI report and the same was carried on the channel without any distortion or modification, thereby allowing them to deny and also clarify their position and facts on the allegations raised; the channel has clearly applied the principle of balanced reporting and has upheld journalistic principles of bringing forth as much diverse views and opinions on the subject matter of the debate; the said news story carried on the channel was based on facts as contained in the RTI report and only highlighted a topic of public interest to which several factions responded with their views. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaints. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. J.C. Divakar Reddy, MP, against TV channels and newspapers

MoI&B forwarded complaint dated 26.7.2017 of Mr. J.C. Divakar Reddy, MP, addressed to the Speaker, Lok Sabha, against TV channels and newspapers alleging use of derogatory language against him in connection with an incident at Visakhapatnam Airport. He claimed that he was humiliated due to the repeated publication and broadcasting of the said incident on national news channels by Times Now and Republic TV channels and in print media - The Times of India & Sakshi (Telugu).

Decision

NBSA noted that no action was initiated against Republic TV in regard to the complaint, as it was not a member of NBA at the relevant time. The MoI&B was also informed accordingly. NBSA considered the complaint against Times Now and the response of the broadcaster. NBSA noted that the broadcast was in public interest and it was the duty of the media to publish such news relating to a public representative.

NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. Kannan Nattanmai SA regarding a programme telecast on Republic TV on 7.9.2017.

MoI&B forwarded complaint dated 11.9.2017 that Republic TV on 7.9.2017 was broadcasting news item about Tehelka Rape Trial – rather than the news regarding the collapse of a concrete roof of a bus shelter in Coimbatore, which killed 5 people.

Decision

NBSA considered the complaint and the response of the broadcaster also viewed the CD of the alleged broadcast. NBSA noted that the content of a ‘report’, the choice of news, relative emphasis placed on different news, and the presentation thereof, are all matters within editorial discretion and an individual’s view or perception of what is an important issue cannot be a ground to initiate action on a complaint, in the absence of violation of the Guidelines. NBSA therefore decided to close the matter and inform MoI&B and the broadcaster accordingly.

Complaint from Mr. Shashindren Pulincholi regarding a programme telecast on Manorama News on 22.10.2017.

MoI&B forwarded complaint dated 22.10.2017 of Mr. Shashindren Pulincholi alleging that Manorama TV insulted the Indian Army and Prime Minister in a broadcast on 22.10.2017, by showing the Prime Minister attending Diwali function with Indian Army; and the report gave an impression that the Prime Minister had no work so he spending ‘time pass’ with Indian Army.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD. NBSA noted that the contents of a report or a programme is a matter of editorial discretion and an individual’s view or perception of an issue cannot be a ground to initiate action against a channel, in the absence of violation of the Guidelines. NBSA therefore decided to close the matter and inform MoI&B and the broadcaster accordingly.

Misleading report by Mirror Now on 14.12.2017

MoI&B informed NBSA that EMMC, which was monitoring Gujarat Elections, had reported that Mirror Now Channel, at around 12.15 pm on 14.12 .2017 reported that: “Back to election related news and this is now an instruction here coming from the I&B Ministry which has now ordered a Gujarat-based channel to go off air for one day, on the 16th December 2017. This is as a penalty for allegedly violating the Program Code under the Cable Television Network Act of 1995. This particular private channel in Gujarat had played out a detailed interview of the Congress President Rahul Gandhi. Members of the Congress all along been saying that this complain that was put into EC was politically motivated had several counterpoints to argue, but instead taking note of that complaint that is being made, the I&B Ministry stepped in and has decided to penalise the given channel for it to remain off-air on the 16th of December. Such reporting by

the channel is incorrect and misleading more so since it has been broadcast on the day of polling in Gujarat i.e. on 14.12.2017. By telecasting such misleading news, the channel has exhibited an instance of grave misconduct. Since, Mirror Now Channel is a member channel, NBA is requested to take appropriate action in the matter.” MoI&B also forwarded the said complaint to Election Commission of India, which in turn forwarded the complaint to NBSA on 21.12.2017, for appropriate action.

Decision

NBSA considered the complaint, response of the broadcaster and also viewed the CD of the alleged broadcast received from MoI&B. NBSA noted that in view of the broadcaster having explained the circumstances in which the telecast went on air and the corrective steps taken by the broadcaster to stop the wrong news report and air the correct script, as also the action taken to reprimand and counsel the anchor, no further action needs to be taken in the matter. NBSA decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. Avinash Kumar Singh regarding a programme aired on ABP News on 14.11.2017

MoI&B forwarded the complaint dated 14.11.2017 alleging that the channel under the pretext of breaking news had telecast an alleged MMS clip of Mr Hardik Patel, with pornographic content.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD. It was clarified that no sex/nudity related clips were shown and all the images were blurred as per norms. NBSA noted that the content of a ‘report’ or ‘story’ is an editorial discretion and an individual’s view or perception of an issue cannot be a ground to take action against a channel, in the absence of violation of the Guidelines. NBSA decided to close the complaint and inform the MoI&B and the broadcaster accordingly.

Complaint from Mr. N.K. Vohra against News18 India

NBSA noted that the complainant wanted a direction to all TV channels not to telecast any debates touching Hindus, Muslims, Kashmir, etc. and not to permit certain named persons to participate in the TV debates. The complainant has also made specific references to three programmes (TV debates) on 13.9.2017, 14.9.2017 and 17.9.2017 on News18 India where, according to him, the image of India is tarnished in matters relating to Kashmir and which express anti-Hindu sentiments.

Decision

NBSA considered the letter, response from the broadcaster and also viewed the CD of the alleged broadcasts. It was stated that the programmes complained of related to broadcasts on 13.9.2017 and 14.9.2017 which were debate shows; and the programme broadcast on 17.9.2017 was a week-end special political satire. NBSA noted that the content of reports and debates as also the persons invited for panel discussions are within the editorial discretion; and an individual’s views or perceptions on issues debated or subjects reported upon cannot be grounds to take action against a channel, in the absence of violation of the Guidelines. NBSA decided to close the matter and inform the MoI&B accordingly.

Letter from Mr. Nugehalli Jayasimha for a protocol to report human-wildlife conflict by the media

NBSA noted that the Humane Society International, India, an organization working for protection of animals, has alleged that various news reports by the media, including TV channels, often present animals involved in conflict with humans as a threat or nuisance to human life or property, and also invariably criminalize the animals involved in the conflict (like elephants and leopards entering human-dominated landscapes) leading to a widespread outrage against the animals in specific conflicts with humans, as also the entire species, resulting in senseless retaliatory killing of several animals.

Decision

NBSA noted that the news broadcasts with regard to content aired follow the NBA/NBSA Guidelines including the Programme Code of the Cable Rules. In the absence of any violations of the NBA/NBSA Guidelines and Regulations, no action can be taken. NBSA decided to inform MoI&B accordingly.

Complaints dated 25.11.2017 from Mr. Mirza Ali and Mr. Tanveer Rizvi regarding use of derogatory words by the anchor of Aaj Tak

The complaints were that in Aaj Tak channel anchor Rohit Sardana had insulted the holy Mothers of Islam and Christianity, by using derogatory words.

Decision

NBSA considered the complaints and response of the broadcaster. NBSA noted that the alleged content was not aired on the news channel Aaj Tak. The complaint was about a live streaming on their YouTube channel “News Tak” which is not a member of NBA. NBSA noted that since it had no jurisdiction to entertain or receive complaints against non-members or in respect of any non-television reporting/content, it will not be able to consider the complaint under its regulations, NBSA decided to close the complaint and inform MoI&B and the broadcaster accordingly.

EMMC reports regarding violations on various channels

i. Apparent violation on OTV

It was alleged that “OTV” channel, while carrying the news of a young football player who unfortunately died while playing a match in Odisha’s Mayurbhanj District, had shown a close-up shot of dead body for 30 seconds without blurring it, which was disturbing and not in good taste.

Decision

NBSA considered the complaint and the response and also viewed the CD. In view of the broadcaster having accepted the mistake and had taken steps internally to ensure that such mistakes do not happen in future, NBSA decided to close the complaint with a warning to the broadcaster to be careful and that any future violations would be viewed seriously.

ii. Apparent violations on NDTV 24x7, News18 India, Times Now, Zee News, India Today, Aaj Tak, ABP News and Republic TV

The above-mentioned channels had telecast on 9/10.10.2017 a news story on an African national being beaten up by neighbors in Savitri Nagar, in South Delhi. The channels had reported that a mob had accused

him of theft and beat him up, before the Delhi Police could arrest him; and while reporting this news, the channels carried a video showing the African national being tied to a pole and beaten up brutally by some men. The particular clip was repeatedly shown, sometimes blurring the victim and sometimes without any blurring. The said visual was disturbing and unsuitable for unrestricted public exhibition. It is alleged that the channels linked the subject to rising racism in the country by citing incidents caught on camera in Delhi and NCR, adding that racial attack seems to be trending sadly with even politicians indulging in such acts.

Decision

NBSA considered the complaints and the response given by each of the broadcasters and also viewed the CDs of the alleged broadcasts. NBSA was of the view that the broadcast was in public interest and it was the duty of the media to highlight the brutality towards a foreign (African) national by vigilantes; and that such news should not be suppressed, but should be reported, as a part of responsible news reporting. NBSA found that the broadcasters had merely discharged their duty by reporting the incident and that there was no violation of any broadcasting standards or guidelines. It was therefore decided that no action was called for on the complaints and to close the matter.

iii. Republic TV

The complaint was that Republic TV had carried a news story regarding a viral video showing a dangerous and risky annual event where infants and toddlers are laid on burning coal and then taken back during a traditional religious practice in a local dargah in rural Dharwad, Karnataka.

Decision

NBSA considered the complaint, response of the broadcaster and also viewed the CD. NBSA found that such superstitious practices of putting children to risk, danger and trauma required to be exposed by the media; that by bringing to light such harmful superstitious and objectionable practice, the broadcaster was discharging a public duty; and that though the visuals were disturbing, it was necessary to bring to the notice of the society, the risks and dangers attached to the superstitious custom, so as to generate a public debate and public outcry, to catalyse the authorities to take some action. NBSA found that the broadcast was in public interest and did not violate any Standards or Guidelines. NBSA decided that no action was called for on the complaint. NBSA therefore decided to close the complaint. NBSA also decided to forward the complaint along with footage on compact disc (CD) with a copy of its decision, to the Chief Secretary of Karnataka, Department of Women and Child Development, Karnataka, DG Police, Karnataka and the Chairperson, National Commission for Protection of Child Rights (NCPCR) for initiating suitable action to put an end to such dangerous and obnoxious practice. NBSA decided to close all the complaints and inform EMMC and the broadcasters accordingly.

Reference from Govt. of J&K regarding negative campaign by some private TV channels in Jammu & Kashmir

MoI&B stated that they had received a reference from the Govt. of Jammu & Kashmir in which concerns have been raised about negative campaign by some private TV channels in J&K; that some news channels give negative publicity regarding Jammu and Kashmir which is badly affecting the tourist influx into Jammu & Kashmir. Such negative campaign is often seen when tourist season begins in the State; there is an urgent need to advise such channels to stop negative publicity as the State is by and large peaceful barring some

unfortunate incidents at some places; this negative publicity is badly affecting economic scenario of J&K; and the coverage should therefore be more balanced and not be alarmist and take factual inputs from the State Government invariably.

Decision

NBSA considered the letter and found that the contents of the letter is general in nature and without any details of the alleged offending broadcasts, or violation of the provisions of NBSA Code of Ethics and Guidelines. NBSA decided that some news reports being seen as “negative” in character, cannot be a ground for initiating action against the channels as different persons view a matter from different perspectives. In the absence of violation of its Regulations and Guidelines, NBSA decided to close the matter and inform MoI&B accordingly.

Petition from Mr. Amit Taksali against Zee News

MoI&B forwarded letter dated 23.5.2017 of the complainant which stated that a news regarding action taken by the Indian Army was telecast on 2.5.2017 by Zee News based on certain information received from the sources. Broadcaster stated that the said news was also verified from few other sources and that this information/news was in fact available with all news channels, broadcasters, newspaper and websites which had also aired the story, thus it shall be correct to state that the news aired cannot be incorrect. Furthermore, the accuracy of the said news story is beyond any doubt as neither Defence officials nor Army officials have denied the said media reports as yet. The matter is of strategic importance and hence sometimes Army officials avoid speaking to the media.

Decision

NBSA decided that the same issue was being considered in a hearing on a complaint filed by Dr. Jagdeep Chhokar, against Aaj Tak, India Today, Zee News, ABP News, and India TV (Order No. 46(2018) dated 23.3.2018).

Petition from Col. Gurcharan Singh Riar (Retd) regarding “Debates on television on national issues”

The complainant alleged about the low standard of debates, particularly on important national topics and suggested terms and conditions for the anchors.

Decision

NBSA found that the contents of the email were general in nature and without any details of the alleged offending broadcasts. NBSA was of the view that there is no violation of the provisions of NBSA Code of Ethics and Guidelines. NBSA decided to inform MoI&B accordingly.

Complaint from Mr. Harinarayan Rajbhar, MP (LS), against ETV UP/Uttarakhand

NBSA noted that the complaint was that ETV channel on 27.10.2017 had telecast an incorrect and false report that the complainant had used indecent words against Hon’ble Chief Minister Yogi Adityanath. The complainant also alleged that a TV reporter of ETV channel in Mau District (Ved Mishra) has been repeatedly making efforts to tarnish his image and destroy his reputation by providing misleading information for

being aired on the channel. The complainant alleged that the reporter was doing so, as he (Mr. Rajbhar) was exposing the misdeeds of the reporter. NBSA noted that the broadcaster had denied the allegations made against their channel and stated that the said news was based on the video footage received by their channel; that the aforementioned news program/item was made in good faith to keep the viewers informed about issues affecting the public at large; and that as a gesture of goodwill, they will not broadcast the said news story in future.

Decision

NBSA considered the response from the broadcaster and also viewed the unedited raw footage of the alleged broadcast. NBSA noted that the BJP MP was using abusive language against the Chief Minister of UP and the Police. NBSA found no inaccuracy in the broadcast. NBSA found that the broadcaster had merely discharged its duty by reporting the incident and that there was no violation of any broadcasting standards or guidelines. It was therefore decided that no action was called for on the complaint and to close the matter. MoI&B and broadcaster may be informed accordingly.

Complaint from Dr. Neha Singh regarding programme “Dangal” on Aaj Tak

The complaint was received from the MoI&B which stated that some wrong information was conveyed by the channel in its program ‘Dangal’ on 27.1.2018 relating to Kasganj (U.P.) violence and the unauthorized rally. The anchor had no concrete information and the manner in which he questioned the police authorities indicated that he was trying to target a particular community and provoke people to indulge in violence; and that in spite of ADG Law and Order (Mr. Anand Kumar), who appeared live on the programme for some time, clearly informing the anchor that the police did not have full information and refused to comment on the incident, the anchor persisted with his agenda which clearly appeared to be communal in nature.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD of the broadcast. It was stated that the programme did not show any bias or intention on the part of the anchor to incite a feeling of hatred, communal tension and violence; and that the telecast was in the larger public interest and to show the lackadaisical attitude of Uttar Pradesh administration and to impress upon the Government about the serious state of affairs. NBSA noted that one of the participants in the debate was, ADG (Law and Order), Uttar Pradesh and the anchor, through his questions, was trying to elicit details from the ADG in regard to the violence that took place in Kasganj, the number of persons arrested and the current situation, etc. NBSA found that the ADG had adopted a very balanced approach in his answers, clearly intended to bring peace and harmony. On the other hand, NBSA found the “ Title” of the programme, the taglines used and the questions posed by the anchor to be provocative. NBSA noted that while media has a duty to elicit information in public interest, it also owes a responsibility, and in fact a duty, to exercise restraint and avoid provocative comments and use of communally charged taglines, so that in a troubled situation, confidence and harmony can be created between the communities. NBSA was of the view that the anchor could have avoided such provocative/leading questions. NBSA decided to issue a warning to the broadcaster to be careful in future while reporting on such communally sensitive incidents and close the matter. NBSA decided to inform the MoI&B and the broadcaster accordingly.

Complaints from Mr. Pawan Kapoor, Mr. Hrishikesh Kumar Chaudhary and Ms. Priyadarshi India against ABP News

The complainants alleged that ABP News channel on 12.2.2018 had reported a statement made by Shri Mohanrao Bhagwat during his trip to Bihar, in a distorted manner, thereby bringing disrepute for RSS. According to the complainants, Shri Bhagwat only compared the general public with Swyamsevaks and not the Army with the Swyamsevaks and had stated that if the need ever arose, it would take mere three days to prepare Swyamsevaks of the Sangh for offering their services to the Army; and on the other hand, if members of the public are to be prepared for defence services, it would take a time of more than six months. The complainants alleged that while making Mr. Bhagwat's statement a topic of discussion in a programme aired by the channel, objectionable statements were made against Shri Bhagwat. The complainants contended that when there was not even a trace of any insult to the Army in the statement of Shri Bhagwat, an attempt was made to bring RSS into disrepute by attributing a wrong statement to Shri Bhagwat.

Decision

NBSA considered the complaints, response from the broadcaster which stated that the channel ran the bytes of Shri Mohan Bhagwatji the way he had stated and had not in any way tampered with it. The channel had given due opportunity to all participants to articulate their viewpoints and had also telecast the viewpoint of the representative of Rashtriya Swyamsevak Sangh and also viewed the contents of the alleged broadcast. NBSA noted that the broadcast was a factual reporting and there was no violation of the Regulations or Guidelines of NBA or NBSA. NBSA also noted that the content of a 'report' or 'story' fell within the editorial discretion and an individual's (complainant's) view or perception of an issue cannot be a ground to take action against a channel, unless there was a violation of the Guidelines. NBSA therefore decided to close the matter and inform MoI&B and broadcaster accordingly.

EMMC report regarding violations by Zee Rajasthan News and ETV Telangana

Zee Rajasthan News

EMMC report related to a news from Dev Nagar in Rajsamand District of Rajasthan which showed a person killing another in connection with the issue of love jihad and patriotism. The channel has shown a video related with this news without blurring the visuals of the said incident. The video showed a killing by a person attacking another with an axe and burning him alive. The channel ran the video recording of the incidence for more than 14 minutes. In the later broadcasts, the images were dimmed. The visuals that were shown in the broadcast were terrifying, repulsive, shocking, wrenching the viewers' hearts and triggering revulsion. It was stated that broadcast of such visuals should be avoided.

Decision

NBSA considered the report of the EMMC, response of the broadcaster which stated that the initial part of video could not be blurred due to the fact that broadcaster encountered major technical snag and also viewed the contents of the alleged broadcast. NBSA found that the submission made by the broadcaster that they had encountered a technical glitch was not acceptable. It was of the view that the broadcaster owed a duty to take all steps necessary to scrutinize a third-party video before airing it on their channel, that too for more than 14 minutes. NBSA noted that most of the broadcast showed the gruesome killing of a man by attacking him with an axe and later burning him alive. NBSA noted that reporting of such gruesome

acts by the channel could certainly become a source for communal violence and would create undue fear in the minds of the people and communities. The media owed a responsibility to ensure that its reporting and airing the visuals did not incite communal violence/disturbances. NBSA was concerned with the frequent airing of gory violence which may have the effect of disturbing communal harmony. NBSA therefore decided to warn the broadcaster to be more careful in future while reporting about sensitive issues. NBSA decided to inform the EMMC, MoI&B and the broadcaster accordingly and close the matter.

ETV Telangana

EMMC report related to the news aired on ETV Telangana regarding the physical abuse of a 4-year-old girl by her mother at the behest of her alleged lover. The child received severe burn injuries on her buttocks and feet after her mother forced her to sit on a hot pan. While reporting this story, the channel had shown the disturbing visuals of the burn injuries inflicted on the child without any editing or blurring. The EMMC Report stated that the said visual is against good taste and should not have been carried.

Decision

NBSA considered the complaint, response from the broadcaster which stated that the blurring or masking would not depict the gravity of the heinous crime; and if the image had been blurred, the report might have been taken lightly by the viewers as a trivial issue of a mother chiding her daughter and also viewed the contents of the alleged broadcast. NBSA was of the view that this was one of the well recognized exceptions to the rule that such gory and barbaric incidents should not be shown without blurring, and that the broadcast was in public interest; and that it was the duty of the media to highlight, report and expose such brutality, to prevent such inhuman conduct being repeated by others. Reporting such incidents also facilitate the law enforcement agencies to take strict action against the perpetrators of such gruesome acts. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the EMMC, MoI&B and the broadcaster accordingly.

Complaint from Mr. G. Narayanan, against telecast of a programme ‘Truth Vs Hype’ on NDTV 24x7 on 31.3.2018

The complaint was received from MoI&B. The complainant alleged that in the programme titled ‘Truth Vs Hype’ on NDTV 24x7 would incite communal violence by showing the attack on a mosque again and again.

Decision

NBSA considered the complaint, response from the broadcaster which stated that that the programme emphasized on the fact that how political parties, specially the local leaders, escalated an issue belatedly which resulted in violence and eventually attack on the mosque and also viewed the contents of the broadcast. NBSA noted that the news report did not violate any NBA/NBSA Standards or Guidelines and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the MoI&B and the broadcaster accordingly.

■ **Complaints received from the Office of the Chief Electoral Officer, Karnataka (ECI)**

1. Complaint dated 5.4.2018 of Mr. H.K. Patil against TV 5 Kannada

The complaint is about telecast of an episode in TV 5 Kannada channel titled “Rajaneeti” alleging irregularities by Minister H.K. Patil, Hulkoti, Gadag District.

2. Complaint dated 9.4.2018 of Mr. C.B. Suresh Babu, MLA, against BTV

The complaint is about demand for ransom by a journalist posing to be from BTV on 12.3.2018. Since the complainant did not agree for ransom, BTV channel telecasted an episode titled “Report Card”, in which the complainant has been projected negatively with false allegations without any substantiating facts and figures.

Decision

NBSA noted that the Chief Electoral Officer, Karnataka, was informed that TV5 Kannada and BTV channels are not members of NBA and hence no action can be taken on the complaints and they may write to MoI&B in this regard.

■ **Complaints considered by NBSA [2nd level of redressal]**

Complaint from Mr. Shariq Khan against India TV

The complainant not being satisfied with the response given by the broadcaster escalated the complaint to the second level which is the NBSA. The complaint relates to the programme ‘Ayodhya’ Ram Mandir Ke das Saboot’ aired on India TV. The complainant alleges that the matter of Babri Mosque and Ram Mandir is in court and channel was clearly showing offensive languages against muslim community about destruction of mandir and trying to influence the viewer’s thinking by showing muslims in negative light; and that the channel was showing contents that was hurting a particular community.

Decision

NBSA considered the complaint and the response of the broadcaster. As the matter is sub judice, NBSA decided to close the matter and inform the complainant and the broadcaster accordingly.

Complaint from Mr. R. L. Kain against Aaj Tak

Not being satisfied with the redressal at the broadcaster level , the complainant escalated it to the second level i.e. the NBSA. The complainant alleged that Aaj Tak on 9.8.2017, the anchor made repeated comments that originally job reservation was made for SC/ST people for 10 years only which is being extended from time to time. This was a misconception as there is no provision under the Constitution of India for extension of time limit for job reservation in services for Scheduled Castes and Scheduled Tribes. Job reservation will be continued till this constitution is in operation.

Decision

NBSA noted that the broadcaster in its response had stated that quotes in question were broadcast keeping in view the interpretations made by the government on the subject matter of reservation from time to time

and also clarified that the broadcast did not give a legal interpretation of the constitutional provisions. NBSA decided to close the matter.

Complaints from Mr. Rohit Sharma, Mr. Deepak Kumar Jha and Mr. Rahul Verma against ABP News

The complainants alleged that ABP News on 10.7.2017, while reporting arrest of a militant by J&K Police, used the word “Hindu Aatankwadi”, which according to the complainants gave a religious angle to the reporting.

Decision

NBSA felt that the problem lay in the use of “adjectives” while reporting such matters and should be avoided. NBSA was of the view that the broadcaster should make a conscious effort not to attribute any religious colour to any untoward incident/s while reporting. For example, the use of the adjective ‘Hindu’ or ‘Islamic’ before the word ‘terror’ should be avoided. *Prima facie* the broadcaster had violated the “Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents” dated 13.12.2012 and the “Advisory on Use of Adjectives & Hyperbole”. NBSA noted that it be reiterated to the broadcaster that as stipulated in the above guidelines they should avoid use of “adjectives” in their broadcast/s. NBSA warned the channel to be careful and informed that any future transgressions would be viewed seriously. NBSA decided to close the matter and inform the broadcaster and the complainants accordingly.

Complaints from Ms. Fatima Nafees regarding news on Dilli Aaj Tak and Times Now

The complaint relates to the programme aired on Times Now channel titled “Laptop hard disk analysis shocks - Najeeb Ahmed ISIS sympathizer?” on 21.3.2017 at 8:00 am and again at 9:00 am; it is alleged that in the course of the telecast of this report, a photograph of Mr. Najeeb Ahmed’s face was continuously shown, while in big bold letters the text on the top flashed, “Najeeb Ahmed ISIS sympathiser?”; the oral commentary of the programme, as well as the flashes of text in the ticker at the bottom and on top of the screen, made use of provocative and sensational words, without having any substance or authenticity. The complainant alleged that on 21.3.2017 at 11:20 am, Dilli Aajtak had also telecast a programme about Mr. Najeeb Ahmed claiming that a new lead has emerged in the investigation according to police sources. The news anchor stated that according to police sources, Mr. Najeeb Ahmed’s internet browsing history revealed that he used to frequent communal websites full of inflammatory material.

Decision

NBSA considered the complaints and noted that the matter was sub judice in the Hon’ble High Court of Delhi. NBSA under its regulations was unable to entertain the complaint at this stage. However, they were at liberty to revive the complaint before NBSA, if so advised and found necessary, upon conclusion of proceedings pending.

Complaint from Mr. Owais Nabi Matto regarding programme “AR PAAR” on News 18 India

NBSA noted that the topic of discussion of the programme on News18 India on 30.3.2017 was decided based on the news that had emerged from Meerut where the Mayor of the Municipal Corporation made it compulsory to sing “Vande Mataram” to attend civic body’s meeting. The complainant alleged that the content discussed by the participants was quite alarming as it not only divides the two communities but

also creates a negative atmosphere; religion is a matter of faith and there has to be a barrier within which things should be discussed which was missing in the programme. These debate tactics were to increase the channel's TRP.

Decision

NBSA considered the complaint, the response and also viewed the CD of the alleged broadcast. NBSA noted that the broadcaster had violated the Specific Guidelines Covering Reportage, Fundamental Standards B which states that "*Reporting should not sensationalise or create panic, distress or undue fear among viewers*" and Guideline 9.2, which states that "*Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony*". NBSA also observed the coarse manner in which the anchor was anchoring and that sobriety was missing in the anchoring of the programme. The programme was sensationalizing and provocative. NBSA decided to close the matter with a warning to the broadcaster and that any future violations would be viewed seriously and action would be taken against the broadcaster. It also observed that the anchor of the channel be also given some guidance of the NBSA regulations.

Complaint from Mr. Jayachandran Nair against Manorama News

The complainant was that the anchor of Manorama News in their weekly programme "Parayathe Vayya" telecast on 1.7.2017, tried to create panic and division between different religions and posed some questions to the channels and sought evidence in support of his questions. According to the complainant the content of the programme, was false and misleading and a purposeful attempt to malign the PM, his party along with the Sangh Parivar.

Decision

NBSA considered the complaint, response of the broadcaster which stated that programme was an editorial programme intended to be an eye opener for the bureaucrats / politicians of the nation. The program was never intended to be giving any propaganda against any party, religion, or creed, which was just an opinion of the reader on an editorial programme. NBSA noted that the content of a 'report' or 'story' is an editorial discretion and an individual's view or perception of an issue cannot be a ground to take action against a channel, in the absence of violations of the Guidelines. NBSA therefore decided to close the complaint and inform the broadcaster and the complainant accordingly.

Complaint from Prof. Ashok Arora against NDTV India

NBSA noted that the complaint was that the anchor in the programme on NDTV India on 28.8.2017 made an objectionable comment on software engineers while talking to the actress, Kangana on the show. The anchor stated. "...शादी में जाना हैं और उस तरह एक बक्से के साथ विदा हो जाना हैं जिसमे एक फ्रिज भी होगा, टीवी भी होगा, बेवकूफ सा एक लड़का होगा लेकिन वो सॉफ्टवेयर में इंजीनियर होगा...हैं ना...", which according to the complainant was objectionable against software engineers on a national TV channel telecast worldwide through electronic media and social media networks.

Decision

NBSA considered the complaint, response from the broadcaster and also viewed the CD. It was stated that dowry is a big social problem in our country and is a sad reality of our times. The anchor's comments

need to be viewed in context and not in an isolated or stand-alone manner. NBSA found no violation of any Broadcasting Standards or Guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the complainant and the broadcasters accordingly.

Complaint from Ms. Lakshmi Malladi against Zee News

NBSA considered the submissions made by the complainant and the broadcaster regarding programme titled “Guru Ghantaal” broadcast on 5.9.2017. NBSA was of the view that as per Regulations 7.2 second proviso read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate for the NBSA to proceed into the complaint as the facts constituting the cause of action for the complaint, are also the facts of the complaint pending enquiry in a court of law. Any action/decision by NBSA into any issue or factual question resulting in a finding of NBSA lead to a situation of conflict / divergence with any future findings by a Court or other Authority in the pending proceedings resulting in prejudice either to the complainant or to the broadcasters. NBSA therefore decided that it will not be able to entertain and decide the complaint and treated the matter as closed for the present, reserving liberty to revive the complaint before the NBSA if necessary, on conclusion of the Court and other proceedings.

Complaint from Mr. Jayachandran Nair against Asianet News

The complainant alleged that there was a deliberate attempt made by the anchor of the program “Cover Story” on 27.5.2017, to create panic in public in respect of the notification on the cattle slaughtering by the Government of India; the anchor also tried to spread misinformation to the viewers that BJP via its government was trying to change Gandhi Jayanti and going to celebrate Godse’s birthday and also the anchor said in the program that the Central Government was in the process of making Bhagavat Geeta as the book of the nation; there was a clear attempt to abuse Mr. K. Surendran in the program.

Decision

NBSA considered the complaint, response and the transcript of the entire broadcast submitted by the broadcaster. NBSA found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for. NBSA therefore decided to close the matter and inform the complainant and the broadcaster accordingly.

Letter from Mr. Shashank Anand, IPS, Superintendent of Police, Jind, Haryana

NBSA considered the letter dated 30.6.2017 relating to election-related analysis on news channels regarding voting patterns based on castes and religions and noted that the contents on a news broadcast being matters of editorial discretion, no action can be taken on the basis of the views or perceptions of any individual or group of individuals on such issues. In the absence of any violation of guidelines, NBSA decided that the matter be closed by conveying its observations to the complainant.

Complaint from Mr. Jaydeep Arvind Tanna against ABP Majha

NBSA considered the complaint which related to a pregnant woman having been assaulted by the commuters in the local compartment for the disabled, which was telecast on ABP Majha news channel.

NBSA also considered the response of the broadcaster that the story was to highlight the plight of commuters on the Mumbai local train. They had merely reported the case which informs about a pregnant woman having been assaulted by the commuters in the said compartment. The program was not to defame the disabled commuters but to highlight one of the many challenges commuters face on the Mumbai local train.

Decision

NBSA noted that the broadcast was certainly in public interest. Reporting such incidents would facilitate the law and order machinery of the State to take strict action against the perpetrators of such acts. NBSA was of the view that the broadcaster has done its duty by reporting the incident and found no violation of any broadcasting standards or guidelines in the broadcast and therefore decided that no action was called for on the complaint. NBSA therefore decided to close the matter and inform the complainant and the broadcaster accordingly.

Complaints from Mr. C.P. Bhardwaj and Ms. Brijlata Rani regarding programme on NDTV India

The complainants alleged that the channel was continuously broadcasting news reports favouring separatists while reporting about Jammu and Kashmir, and that it appeared that the channel was under the influence of separatists and extremists; that in the said programme titled “Bandook Chodo Lot Aao” (relating to the return of Majid Khan to the mainstream after breaking ties with the LeT extremist group), the reporter seems to be working on an agenda to portray the separatists as revolutionaries, to brainwash the youth of Jammu and Kashmir into adopting separatist ideology; that the broadcast was a carefully crafted piece of journalism, facilitating publicity for terrorist outfits and their ideology, and promoting enmity towards the government; that such news reports portraying young boys pelting stones as revolutionaries tended to evoke sympathy for the perpetrators of terrorist act and glamorize them.

Decision

NBSA upon considering the complaints, response from the broadcaster which stated that NDTV India had done a series of stories in November, 2017 on how educated Kashmiri boys are turning into militants and having viewed the CD containing the broadcast did not find any violation of the relevant Regulations and Guidelines. NBSA was of the view that the content of a ‘news report’ or ‘news story’ is a matter of editorial discretion; and that in the absence of violation of the Guidelines, an individual’s view or perception of an issue cannot be a ground to take action against a channel. NBSA, therefore, decided to close the matter and inform the complainants and the broadcaster accordingly.

Complaint from Mr. Vijay Goel, Minister of State for Statistics & Programme Implementation and Parliamentary Affairs against Times Now

The complainant alleged that the channel on 7.10.2017 against falsely imputed that while travelling from New Delhi to Jaipur by Indigo flight on 3.10.2017, he refused to share a coach with other passengers and insisted that the airlines should provide a special personal coach to travel from the boarding gate to the aircraft at New Delhi airport; and that as per the Times Now sources, the Minister waited at the boarding gate for about 45 minutes till the staff arranged a separate coach.

Decision

NBSA noted that the broadcaster had stated that the information carried as part of the said news report was made available to them by the concerned airport and airline sources who were speaking off record and therefore, no further verification was possible. NBSA also noted that IndiGo Airlines vide its email dated 12.10.2017 denied the news report on the channel and stated that neither the Minister nor his staff had requested IndiGo for a separate bus to transport the Minister from the terminal building of the Indira Gandhi International Airport to Indigo aircraft and there was no engagement or discussion in this regard during the departure process. NBSA was of the view that sufficient care was not taken by the broadcaster to verify the accuracy of the report and thus violated the Guidelines relating to accuracy, which requires that “information should be gathered first hand from more than one source, if possible”. NBSA decided to close the complaint with a warning to the broadcaster to be careful and that any future violations would be viewed seriously. NBSA decided to inform the broadcaster and the complainant accordingly.

Telecast of dead body of late Ms. Sunanda Pushkar on Republic TV

NBSA viewed the programme where close-ups of the dead body of Ms. Sunanda Pushkar and body parts were repeatedly shown by Republic TV on 10.10.2017. NBSA decided to take suo motu action under its regulations as the broadcaster had violated the Specific Guidelines Covering Reportage dated 10.2.2009 which states “The dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown ...”. NBSA decided to issue notice to the broadcaster as to why it should not take action under its Regulations for violation of the above Guidelines.

Decision

NBSA found that while the broadcaster was well within its right to report the news relating to the case, it was not justified in using offensive visuals which were not relevant to the news report. It was of the view that in a report relating to the opening of the room of the hotel as per a Court Order in which the dead body of the deceased was found, repeated showing of the dead body was not called for. NBSA noted that the broadcast violated Clause 3.6 of the Specific Guidelines Covering Reportage dated 10.2.2009 which states “*The dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown*”. NBSA decided to close the matter with a warning to the broadcaster and that any future violations would be viewed seriously and action would be taken against the broadcaster. NBSA decided to inform the broadcaster accordingly.

Killing of a man in Rajasmand District of Rajasthan

NBSA, considered the complaint regarding showing gory visuals of a Muslim man being attacked and burnt in an incident in Rajasthan. NBSA was concerned about the adverse impact of repeatedly showing gory visuals of commission of violent crimes by news channels. It was of the view that repeated viewing of such violent acts will make people insensitive to such horrendous acts. It would also be a traumatizing experience, for the families of the victims. NBSA therefore decided to call for the CD’s from all the broadcasters with regard to the above broadcast.

Decision

NBSA viewed the CDs received from the members and noted that an innocent man killed by a fanatic, being telecast on news channels served no public purpose other than showing gruesome violence on an individual

of a particular community. NBSA was of the view that the channels should have just reported the incident without showing the gruesome video at length. NBSA also noted that the blurring was inadequate as the gruesome act was clearly visible in some of the videos. NBSA noted that reporting of such gruesome acts by the channels could become a catalyst for communal violence and would create undue fear in the minds of the people and communities. NBSA was of the view that the media should play a responsible role of bringing peace and harmony among communities.

Complaints filed by Mr. Sarbajit Roy regarding broadcasts on NDTV 24x7 & NDTV India

Complainant filed several complaints about SSC paper leak and the remarks made by Dr. Rajith Kumar while addressing a public gathering in the broadcast of the programme titled “Women who dress like men give birth to transgenders: Kerala Professor”.

Decision

In view of various allegations of conflict of interest levelled by the complainant against the Chairperson and all the Members of NBSA (set out in the agenda note), NBSA decided that it will not be proper to consider the complaints. The complainant has the liberty to approach any other forum for redressal.

■ Hearings of Complaints: (Summary of Orders/Decisions passed by NBSA)

Complaint from Dr. M.K. Bimal, Airport Director, Juhu Airport [Airports Authority of India] against News 18 India [Decision dated 18.7.2017]

Complaint:

The complaint was that distorted footage of cultural events of children and parents of Airports Authority of India (AAI) during sports events and prize distribution on the eve of celebration of Republic Day (26th January, 2017) at Juhu Airport had been telecast on 27.1.2017 with negative comments thereby defaming the image of prestigious organization AAI. It was alleged that the footage had been telecasted in a manipulative way without stating that it was a children’s program, sports event and prize distribution etc., and that indicated that the footage had been telecasted without confirming its authenticity and with some ulterior motives.

NBSA at the meeting held 24.4.2017 had considered the complaint, response and also viewed the CD. NBSA noted that the telecast was one sided and there was no opportunity to AAI (or its representatives) which was being reported upon to give its version. Hence it was not a balanced reporting. The broadcaster had violated the principles relating to impartiality/ objectivity and neutrality while reporting the event of the AAI. NBSA was therefore of the view that the broadcaster should contact the complainant, take the version of the complainant and air it on their channel. It was decided that if the version of the complainant was not carried by the channel within ten days of receipt of the letter, both parties should be called for a hearing at the next meeting of NBSA. The above decision was conveyed to both the broadcaster and the complainant on 30.5.2017.

NBSA noted that the complainant on receipt of the letter vide letter dated 1.6.2017 stated that they desired to know how the video was taken as no person is allowed to enter the airport premises without a pass as

it is a high security area and media was not invited to cover the function of the cultural events of children and parents on 27.1.2017. In view of the above stand taken by the complainant, the broadcaster could not proceed to record the complainant's version and broadcast the same within the ten days given by NBSA. Therefore, both parties were called for a hearing on 18.7.2017.

During the hearing, it was agreed that the clip of the programme would be given by the NBSA to the complainant. The broadcaster would contact the complainant, take the version of the complainant and air it on their channel for two minutes at 10 pm. The date of the broadcast would be given by NBSA. Prior to airing the version of the complainant, the broadcaster must mention by giving a brief background as to why it necessitated carrying the version of the AAI on the channel. Recording the said arrangement, the matter was closed.

Alleged violations by 10 news channels on 20.12.2016 on News 24, India 24x7, News Nation, ABP News, Aaj Tak, India Today, CNN News 18, News18 India, ETV Rajasthan, India TV [Decision dated 18.7.2017]

EMMC report stated that the above news channels had broadcast on 20.12.2016 a news item on a woman badly beating her one and half year old child in Delhi's Geeta Colony. The news report was that after an altercation in the family, she got so angry that she thrashed her child inhumanly, using her legs, hands, and chappals, slapping and punching her child. Visuals of this incident were captured from the CCTV installed in the house. EMMC report stated that though the news broadcast was with the object of protesting against the mother's act, the channels ought to have stopped with showing the video clip once or twice to substantiate the news; and that it was inappropriate to show the video clip of brutality with the child again and again and can disturb the mind. It was heart rending. The channels should have blurred the video before broadcasting it.

NBSA at its meeting held on 24.4.2017 considered the report of the EMMC, responses given by all the broadcasters justifying the broadcast with or without disclaimer and viewed the CD's. NBSA was of the view that showing the visuals of an infant being beaten up without morphing and repeatedly was not in good taste. NBSA was of the view that the broadcasters had violated the NBSA Specific Guideline 3.7 which states that "Violence must not be depicted solely for its own sake, or for its gratuitous exploitation or to pander to sadistic or other perverted tastes. Scenes with excessive violence or suffering such as close-up shots of persons being subject to brutality, torture or being killed and visual depiction of such matter should be avoided". NBSA decided that in view of the above violation all the broadcasters be requested to appear for a hearing. The broadcasters were called for a hearing on 18.7.2017. All the broadcasters present at the hearing submitted that airing the CCTV footage was in public interest. It was stated that by airing the video, action was taken by the police and other authorities to end the brutality being meted out to an eighteen-month infant presumably by a mentally disturbed mother. However, they all agreed that repeatedly showing the visuals of an infant being beaten up without morphing was not in good taste; that the constant looping of the disturbing visuals could have been avoided. In view of the assurance given by the broadcasters that they would be more careful in future, NBSA warned the channels to be careful and informed that any future transgressions would be viewed seriously. NBSA decided to close the matter and inform the broadcasters and EMMC accordingly.

EMMC report on violation by Zee News *Vũ dh Nr ij LV\ckt ^3.12.2016 [Decision dated 18.7.2017]

NBSA noted that the EMMC report stated that Zee News channel had telecast a special report titled “Train Ki Chhat Par Stuntbaaz” on 3.12.2016. During the broadcast of the report showed various stuntmen doing stunts on moving trains, either hanging from the train door or standing on the roof of the train. The complaint is that though the voice over referred to the risk from poles and light posts near to the track to such passengers who travelled on the roof or hanging to the door, even if there is space inside the train and warned the viewers not try such stunts as these may be fatal and requested anyone witnessing such stunts to stop them, the channel still showed different videos of youth performing stunts. According to the complaint, youngsters are likely to be tempted to repeat such stunts after watching them on the channel.

NBSA at its meeting held on 24.4.2017 among other EMMC reports on violation of Programme Code by various channels had also considered the above report of EMMC, response and also viewed the broadcast on Zee News and noted that what was broadcast on the channel was not “news”; that the programme showed the stunts in great detail virtually eulogizing the stuntmen; that the avowed object could have been achieved by showing the visuals of the stunt once or twice, instead of repeatedly showing the stunts in a loop throughout the broadcast; and that certainly sensationalized the stunts and could lead to youngsters trying to imitate the stunts thereby putting their lives to risk. NBSA was of the view that the broadcast was done without due diligence and did not serve the purpose stated by the broadcaster in its reply.

NBSA therefore decided that the broadcaster be requested to inform NBSA of the source of the video and that if it was a third party video, what due diligence and pre verification steps were taken prior to broadcast. NBSA also decided to seek a clarification whether it was editorially justified and approved for broadcast. NBSA decided that the broadcaster be requested to appear for a hearing at the next meeting of the NBSA. The broadcaster stated that the video was received from a stringer, who had videographed the menace which was rampant on this Section and the broadcast was in public interest. The railway authorities were fully aware of the problem but were not taking action to stop it. They stated that throughout the programme there was a continuous disclaimer that the viewers should not try the stunts. They stated that by showing the programme, the incident of stunts being shown on the train roofs has stopped substantially.

NBSA noted that the purpose sought to be achieved, could have been achieved by showing the visuals of the stunt once or twice, instead of repeatedly showing the stunts in a loop throughout the broadcast; which sensationalized the stunts; and that the stated purpose got vitiated by looping. NBSA decided that the broadcaster be warned and that any future transgressions would be viewed seriously. NBSA decided to close the matter and inform the broadcaster and MoI&B accordingly.

EMMC report on violation by Mathrubhumi News channel on 2.12.2016 [Decision dated 18.7.2017]

NBSA at its meeting held on 24.4.2017 among other EMMC reports on violation of Programme Code by various channels had considered the EMMC report which stated that the telecast of news report in Mathrubhumi News on 2.12.2016 showed a youth who died during a scuffle after a football match at Bovikanam in Karagode district of Kerala and that close ups of the blood stained visuals of the deceased

named Abdul Khadar lying on the hospital bed were shown and the second news report on 2.12.2016 relating to a child's death allegedly due to hospital negligence in Thiruvananthapuram District of Kerala, also showed repeatedly the close-ups of the lifeless body of the deceased boy Jaffarudeen from Azhakiyamandapam lying on the hospital bed.

NBSA considered the report of the EMMC, response from the broadcaster and also viewed the CDs. NBSA noted that the broadcaster in their response stated that the telecast of news about the death of a young man in Bovikanam and about the death of an infant due to medical negligence, there was nothing disturbing or against good taste or not suitable for unrestricted public exhibition. Both were important news items aired in good faith and in the interest of general public. NBSA noted that the repeated showing of un-blurred visuals were found to be unwarranted. NBSA was of the view that the broadcaster had violated the NBSA Specific Guideline 3.6 which states that *"the dead must be treated with respect. Close-ups of dead or mutilated bodies should not be shown"*. NBSA therefore decided that the broadcaster be requested to appear for a hearing .

The Counsel submitted that without the two visuals, a mere narrative of the news, regarding the death of a boy, and the death of a footballer, will not focus the attention of the viewer to the poignant tragedy in both cases. Mere obituaries will be prosaic and is likely to be ignored by the viewers. The two items of news with the corresponding visuals, are justifiable on the ground of public interest, and is part of the journalistic objective of highlighting before the public conscience, instances of condemnable conduct and actions, affecting the public life in current society. He also relied upon the decision of the Hon'ble Supreme Court in the matter relating to Phoolan Devi – 1996 [4] SCC 1. In view of the above submissions, the broadcaster stated that this suo motu action against the Mathrubhumi TV channel be dropped.

NBSA considered the submissions made by the Counsel and decided that while it is the duty of the news channel to report news, which may be in public interest and the persons being reported upon may get justice from such media reports, it is equally important to present the news in a manner that the dead must not be subjected to unnecessary media glare. In this case the repeated close-ups were not warranted. NBSA decided that the broadcaster be warned to be more careful in future while reporting such matters. NBSA decided to close the matter and inform the broadcaster and MoI&B accordingly.

Complaints filed by Prof. Gauhar Raza and Joint complaint filed by Mr. Ashok Vajpeyi, Poet, Ms. Shubha Mudgal, Singer, Ms. Sharmila Tagore, Actor and Dr. Syeda Hameed, Writer against Zee News for telecasting programme "Afzal Premi Gang ka Mushaira" [Order No. 44 (2017) Dated 31.8.2017]

The complainant stated that on 9.3.2016, Zee News channel had aired a programme titled, *"Afzal Premi Gang ka Mushaira"*. The said programme and another version of it with the title *"Poetry Night On The Love For Afzal Guru Gang"* were aired by Zee News repeatedly on 9.3.2016, 10.3.2016, 11.3.2016 and 12.3.2016; that in the said programmes, the Zee News reporters, programme producers and editors made false, motivated, defamatory, derogatory allegations against him and the persons assembled at the function, in breach of the code and ethics of journalism; that the said programmes were structured in an aggressive, intimidating, and browbeating style, and were telecast with commentary and taglines labelling the complainant as *"Afzal Guru Gang"* and *"Afzal Premi Gang"* and *"Desh Virodhi Shayar"*; that the

broadcasts were incendiary, with the obvious motive of inciting hatred and ill-will against him and endanger him and his family. He was deeply aggrieved by the allegations that he is part of a gang that is standing with those who support the break up of India into many parts : *“Yeh aisa gang hai jo Bharat ke tukde karnewali soch ke saath khada dikh raha hai.”* He stated that these and similar highly defamatory and derogatory statements made throughout the Zee News programmes which were, completely unfounded and baseless. The programme telecast by the channel violated several guidelines and standards laid down by the NBA/NBSA which Zee News as a Member of the NBA is obliged to respect and follow. He therefore desired that the complaint may be considered under the NBSA Regulations and appropriate action be taken against the broadcaster.

Another complaint dated 4.4.2016 (addressed to NBSA) from Mr. Ashok Vajpeyi, Ms. Shubha Mudgal, Ms. Sharmila Tagore and Dr. Syeda Hameed in their joint complaint dated 16.3.2016 (addressed to broadcaster) stated that in the Zee News programmes, Prof. Raza’s recitation of his poems recorded at the Shankar Shad Mushaira were interspersed with video clips allegedly of slogans raised at JNU on 9th February 2016 and visuals of posters of Afzal Guru and Kashmir; that the video clips which Zee News anchor has claimed are of slogan shouting at JNU, were already shown to be doctored through forensic analysis pursuant to an enquiry initiated by Delhi Government; that Zee news has however intentionally and willfully broadcast those doctored videos, without exercising due diligence and caution; that the anchor, the commentary and the subtitles in the programmes repeatedly refer to Prof. Raza as a member of the “Afzal Guru Premi Gang” and “Desh Virodhi Shayar” and describe him as a part of a gang that is standing with those who support the break up of India into many parts, *“Yeh aisa gang hai jo Bharat ke tukde karnewali soch ke saath khada dikh raha hai”*; and that other similar highly inflammatory, derogatory, completely unfounded and baseless statements were made throughout the Zee News programmes. The complainants stated that Zee News programme violated the principles of impartiality, objectivity and neutrality, prescribed by NBA; that the programme has cast serious allegations on the character and integrity of Prof. Gauhar Raza and caused harm to his personal and professional reputation; that the programme was intended to lower his moral and intellectual character in their estimation and others in society; that the programme manipulated and distorted facts and circumstances and indulged in malicious propaganda to incite hatred against Prof. Raza, and project him as disgraceful and loathsome to the viewers; that through the multiple telecast of the Zee News Programmes, branding Prof. Raza as an “anti-national” poet in an extremely surcharged atmosphere in the society, has placed his personal security at risk and jeopardised his professional work; and that this was evident from the hateful, intimidating, threatening and abusive messages and comments that have been directed at Prof. Raza through social media and email, pursuant to the telecast of the Zee News Programme. Therefore, they sought action against the broadcaster, similar to what was requested by Prof. Raza.

The broadcaster in their response vide letter dated 22.3.2016 to the complainants stated that the video footage of the events that took place at Jawaharlal Nehru University (JNU) on 9.2.2016 which was broadcast on Zee News was absolutely authentic and was not doctored in any manner whatsoever; and the news report about JNU events was not only based on the raw footage but also on what the reporter of ZMCL who was present on ground zero and had seen and experienced the entire series of unfortunate events that took place in the campus; that the correctness of its report of JNU events was supported by the judgement of the Hon’ble Delhi High Court dated 2.3.2016 in Writ Petition (Crl) No. 558/2016 wherein the Court has acted upon the

video footage of Zee News without doubting its veracity; and that the Hon'ble High Court has recorded a finding that there were certain slogans raised during the protest on 9.2.2016 and it was clearly evident from various placards/posters held by the participants in the protest that they were indeed anti-national. The broadcaster stated that the intention of the programmes relating to Prof. Raza was to present to their viewers the varied group of poets, and the views that were presented at the 51st Annual Shankar Shad Mushaira event held at New Delhi; that if Prof. Raza had merely recited poetry, without making any references to JNU, their report would have been completely different and about the recitation; and that for showing the viewers what Prof. Raza was supporting, the video clips from JNU were also shown alongside excerpts from his recitation. The broadcaster denied that Prof. Raza was called an anti-national poet even once during the entire broadcast. It also stated that no false statements were made in the impugned programme. Since the report by Zee News clearly showed that anti-national slogans were raised at JNU, the impugned news programme was true and factually correct; and it would be unfair and unreasonable to expect Zee News to apologize or be penalized in any manner for speaking the truth. Zee News as a news channel also has the freedom of speech and expression in addition to its editorial discretion enjoyed as a news channel and the programme can only be termed as a fair comment and nothing more. Insofar as the alleged violations of the guidelines and standards of the News Broadcasters Association is concerned, they deny that any violation, as alleged or otherwise has been committed by Zee News while reporting the impugned news programme. The broadcaster stated that it was high time the people who have been caught on camera making anti-national statements are brought to justice, and that knowledgeable people like Prof. Raza should abstain from supporting anti-national activities.

NBSA at the meeting held on 6.4.2016 considered both the complaints, the response of the broadcaster and also viewed the CD. Being of the *prima facie* view that the broadcaster had breached the guidelines relating to accuracy impartiality, neutrality, fairness, objectivity & privacy, as also the "*Guidelines on broadcast of potentially defamatory content*" and the broadcaster had failed to give an opportunity to Prof Gauhar Raza, who was being reported upon, to give his version/views, NBSA decided to issue a show cause notice to the broadcaster seeking an explanation in that behalf. NBSA also decided that the complainants and the broadcaster be directed to appear before it for a hearing on a date and time indicated by it.

NBSA at the meeting held on 12.7.2016 noted that response to the show cause notice was received vide letter dated 31.5.2016, raising various issues, including the jurisdiction of the NBSA to consider the complaint. From the response, the reasons for naming the 51st Annual Shankar Shad Mushaira as "Afzal Premi Gang Ka Mushaira" in the programme appeared to be: (i) Prof. Gauhar Raza had referred to Kanhaiya Kumar & JNU while reciting his poem; (ii) that Kanhaiya Kumar had attended an 'anti-national' meeting held at JNU; and (iii) the said JNU meeting was to purportedly support Afzal Guru, where posters of Afzal Guru were displayed. The broadcaster reiterated that its video footages of events that took place at JNU on 9.2.2016 broadcast by its channel were genuine and unfabricated and the Delhi High Court had relied on it in order (on the bail pleas of Kanhaiya Kumar). The broadcaster also referred to the freedom of the media and duty of media to bring to light 'anti-national' statements.

On a perusal of the complaints and response dated 31.5.2016 of the broadcaster; and after viewing the CD which contained the poetry recited by Prof. Gauhar Raza on 5.3.2016 at the 51st Annual Shankar Shad Mushaira, and again viewing the CD containing the telecast on Zee News channel, NBSA was of the

view that the limited issue before the NBSA was whether the broadcast violated NBA/NBSA Regulations/Guidelines; and that it was not necessary to consider the other issues raised by the broadcaster in their response, as they had no bearing on the complaint which related to recital of poetry by Prof Gauhar Raza in the 51st Annual Shankar Shad Mushaira. NBSA therefore decided to call the broadcaster and the complainants to appear for a hearing at the next meeting of NBSA. Accordingly, the parties were called for a hearing on 1.9.2016. Arguments of both sides were heard and carefully considered. On request, parties were also permitted to file written submissions.

NBSA at the meeting held on 10.1.2017 after viewing the CD, considering the submissions and examining the matter, was of the view that the broadcaster had breached the guidelines relating to accuracy, impartiality, neutrality, which required “TV news channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view” and “news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt”, fairness, objectivity and privacy as also the “*Guidelines on broadcast of potentially defamatory content*”; that the broadcaster had failed to give an opportunity to Prof Gauhar Raza, who was being reported upon, to give his version/views; that broadcasting a programme using the footage of the JNU incidents with the poetry recital of Prof Raza and giving title to the programme as “Afzal Premi Gang ka Mushaira” was highly inappropriate and derogatory as mere reference by Prof Gauhar Raza while reciting his poetry to “Kanhaiya”, “Nehru University” & “Rohit Vemula”, could not be a ground to brand the poet, the organisers of the Mushaira and the audience as “Afzal Premi Gang”; and that branding all the participants/audience who attended the Mushaira as belonging to a “gang” who admired Afzal Guru, when Mr. Gauhar Raza in his poetry recital did not even mention or refer to Afzal Guru, was unwarranted.

Members present were unanimous in their view that the entire programme was intended to sensationalize the issue in a biased manner and facts were distorted and manipulated to masquerade as news.

NBSA decided to direct the broadcaster to air an apology on the channel, the text, date and time of which would be given by NBSA but also to impose a fine of Rupees one lakh on the channel and the video of the said programme, if hosted, on the website of Zee News or any other links should be removed immediately and confirmed to NBSA.

Complaint of Mr. Mohd. Shafeeq and others regarding telecast of a programme titled ‘Operation Halala’ on India TV [Order No. 45 (2018) Dated 23.3.2018]

The Ministry of Information and Broadcasting (MoI&B) vide letter dated 6.6.2017 had forwarded the above complaint to the NBSA for its consideration.

Complaint:

The complainants alleged that India TV on 15.4.2017 had telecast a malicious, defamatory and non-existing episode, under the name and style “Operation Halala” and alleged that the Managing Committee, Jama Masjid and Madarsa, Purani Seemapuri, Delhi – 110095 is running a Halala Centre in Jama Masjid and Madarsa, Purani Seemapuri and Maulana Sufi Taslim preforms Halala on Muslim women victims of triple talaq for a sum Rs.1,00,000/-. The complainants allege that there is neither any person by name of Maulana Sufi Taslim nor any “Halala Centre”, in Jama Masjid and Madarsa, Purani Seemapuri, as fraudulently

propagated by India TV; and that the photographs of women shown as victims of triple talaq and Halala, discussing the issue, are not such victims nor belong to Islamic faith.

NBSA at the meeting held on 18.7.2017 considered the complaint, response of the broadcaster and also viewed the CD. NBSA decided that both parties be called for a hearing.

Complainants reiterated their allegations and contentions in their complaint. They stated that the report was biased and one-sided and they (Managing Committee of the Madarsa in question) were not contacted by the reporter to ascertain their version or the true facts; that the interview of Maulana Sufi Taslim was not inside the Madarsa but in the Masjid portion which was open to public; that the broadcaster had failed to carry out any verification about the credentials of the Maulana and significantly, the broadcaster was not even in a position to give the address and contact details of the said Maulana; and that in the absence of any particulars, the complainants were not even in a position to verify as to the person who claimed to be Maulana at the Madarsa. The complainants stated that the unverified one-sided broadcast had done irreparable damage to the image of the Madarsa and has also resulted in several parents withdrawing their children from the Madarsa. The complainants therefore desired action against the broadcaster.

The broadcaster reiterated what they had stated in their response to the complaint. It was submitted that the programme “Operation Halala”, was based entirely on genuine ‘sting operation’ footage taken by the reporters of India TV; that the programme strived to show that certain unscrupulous ‘Maulvis’ and ‘Maulanas’ are misinterpreting the religion of Islam and misusing the practice of ‘Halala’ to exploit divorced Muslim women and also to make money; that the recording shown in the programme took place at Jama Masjid and Madarsa, Purani Seemapuri, Delhi and the reporter of India TV personally went to the said location to meet and make recordings of Maulana Sufi Tasleem in a sting operation by using a hidden camera; and that Maulana Sufi Tasleem had always met the reporter of India TV in the Madrasa, Purani Seemapuri, and therefore the allegation that there was no such person at the Madarsa at Purani Seemapuri is false and incorrect. The broadcaster on a query from NBSA confirmed that they do not have any details of the Maulana Sufi Tasleem and neither were they available with the reporter of India TV. To justify that the sting operation was conducted in the Madarsa, the broadcaster showed the raw footage during the hearing. On such viewing the complainants pointed out that area where the alleged Maulana was sitting during the sting operation was the Mosque portion (which was open to the public) and not the Madarsa portion.

NBSA after hearing both the parties was of the view that the broadcast was one sided and no opportunity was given to the Madarsa or its Managing Committee to give their views; and thus, there was a violation of the principles of self-regulation relating to “impartiality & objectivity in reporting and ensuring neutrality” and the channel required to be cautioned to bear in mind that “news media have no claim to any special privilege or licence to malign any person or organisation”.

The broadcaster agreed to provide due opportunity to the complainants, to give their version on the allegations about the Jama Masjid and Madarsa, Purani Seemapuri, in the telecast on 15.4.2017 on India TV channel for a period of three minutes. The complainants agreed for the same. The complainants also confirmed and agreed that the said relief will be in full and final settlement of the matter and satisfaction of their grievance, and that the complaint may be disposed of recording the same.

Complaint by Dr. Jagdeep S. Chhokar, regarding possible wrong reporting by Aaj Tak, India Today, Zee News, ABP News, and India TV [Order No. 46 (2018) Dated 23.3.2018]

The complainant drew the attention of the NBSA with regard to a video titled “Jan Gan Man Ki Baat Episode 46: Bodily Integrity and Fake News” on the wire.in, an online news portal. The complainant alleged that the footage in the said video showed that some TV channels (Aaj Tak, Zee News, India Today, ABP News, and India TV) reported about some action purported to have been taken by the Indian Army, which, in fact, never happened. This according to the complainant, amounts to telecasting unverified information on a very sensitive issue relating to Kashmir, having serious implications on national security. He therefore requested that appropriate action be taken against the TV channels who seem to have flouted the standards set by the NBA.

NBSA at its meeting held on 18.7.2017 considered the complaint, the responses and further comments from the complainant and also viewed the CD of the alleged broadcast. Not being satisfied with the replies received from the broadcasters, NBSA decided that the broadcasters and the complainant be called for a hearing on 15.2.2018. The complainant and the broadcasters reiterated their respective stands, in their arguments. They contended that the channels evaluated their sources before accepting the information given by them; that there could be a human error on the part of the source giving the information on the incident; and that if there was any error in broadcasting such news, it was unintended and was not malafide. It was pointed out that the print media had also reported on the incident. Some channels had also rectified the news when they heard that it was based on unverified information.

The complainant stated that the broadcast by the channels violated the Code of Ethics and Guidelines regarding reporting news accurately. The complainant also stated that the electronic/print media, as the fourth estate was expected to work in public interest; and that this particular report was shoddy and not in public interest, but and apparently for TRP’s. He again pointed out that before broadcasting the said news, the channels should have verified the information from the Ministry of Defence, rather than relying upon the statements of Spokesperson of the ruling party.

Upon hearing both parties, NBSA was of the view that the reporting on the incident by the news channels was not for any ulterior motives or for ‘TRP’s’; that it was evident that the channels had got the information from PTI and army sources; and that it is difficult to verify directly information about such actions/incidents occurring at the border. However, NBSA agreed with the complainant that the news channels ought to have exercised greater care and caution while reporting on such sensitive matters which can have serious impact on national security and relations with neighbouring countries. It took note of the submission of the channels that they would be more careful in future while reporting such incidents. NBSA decided to close the complaints with a warning to the broadcasters to exercise more care and caution in regard to such reports. NBSA also directed the broadcasters that the video of the said broadcast, if hosted, on the websites of the broadcasters or any other links should be removed immediately .

Complaint of Dr. I.C. Mittal, against telecast of a wrong news on Zee Rajasthan News [Order No. 47 (2018) Dated 23.3.2018]

The complaint was received by NBSA as also from MoI&B vide letter dated 28.8.2017. The complainant alleged that Zee Rajasthan News on 13.8.2017 in the afternoon had carried an absolutely wrong, false, baseless made up news item with the title “*kafi sankhya me mile bhrun*” mentioning the name of his hospital;

and that the report against complainant's hospital was contradicted and proven false by the news report by Zee Rajasthan News channel which had telecast the news under the title "*jhooti khabar se hadkamp*". The complainant also alleged that the broadcaster had failed to respond in spite of all his efforts to reach the channel.

The broadcaster in their response dated 18.10.2017 stated that on 13.8.2017, the officials of Pre-Conception Pre-Natal Diagnostic Technique ("PCPNDT") team from Jaipur had conducted a raid in the hospital owned by the complainant; that during the raid, Zee Rajasthan News received a shocking news from its sources that a large number of foetuses were found in the said hospital; that in view of the seriousness of the issue, the report was telecast by it as flash news on 13.8.2017 at 3.51 PM in public interest without any malafides; that after a few days, the broadcaster was made aware that news of finding foetuses in complainant's hospital was not correct; that on receiving such information, as a responsible media channel, it took corrective steps and aired a corrigendum on 13.9.2017 without any delay; and that therefore nothing remains to be done.

NBSA at the meeting held on 20.1.2018 again considered the complaint, response of the broadcaster and also viewed the CD. NBSA decided that both parties be called for a hearing on 15.2.2018.

The complainant, vide its email/letter dated 8.2.2018, regretted his inability to attend the hearing as he is a heart patient and not fit to travel or fight against a media mogul. He however pointed out that the corrigendum was broadcast more than a month after the date of the broadcast of the false news only after a series of follow ups via email, phone and letters; that by then, his (as well as hospital's) reputation, integrity, income was irreparably harmed; that the corrigendum, released only after he raised the complaint with NBSA, was broadcast in the form of a small strip (as against the damaging broadcast which ran for 3.31 minutes), which obviously could not even be noticed by the people who had seen the false news broadcast a month earlier; that the false news was broadcast without verification and without realizing the impact of falsely accusing the hospital of "Bhrun Hatya". The complainant stated that he is an ordinary man with a small hospital in a rural area trying to serve the society and do some good; that enough harm was already caused due to the broadcast; that he made the complaint only when Zee Rajasthan News did not respond to his queries and communication; that his physical and financial capacity did not permit him to fight a battle against a big broadcasting news giant; that his mind is filled with fear that the channel might again broadcast something, ruining whatever is left of him. He pointed out that it was strange that the channel, having admitted that the news published against him and his hospital was incorrect and false, and knowing that the broadcast has ruined his reputation, did not even show any remorse nor willing to give an apology. He further stated that Zee Rajasthan News even now did not have their facts right; that there was no raid on the hospital; and that there was no effort to verify the facts by the channel either with PCPNDT Team or the hospital, even though the channel's local correspondent was present in hospital at the time the PCPNDT team visited the hospital.

During the hearing, it was submitted on behalf of the broadcaster that the channel was not attempting to defend the broadcast; and that, when the channel came to know that its information leading to the news report was incorrect, it had itself ran a ticker stating so. The broadcaster also admitted that the ticker was run a month after the initial broadcast. At the end of her submissions, the learned counsel for the broadcaster, submitted that the channel was agreeable to air an apology.

NBSA after hearing the broadcaster and after considering the written submissions of Dr. I.C. Mittal, was of the view that the broadcast was made without any verification; that no opportunity was given to Dr. I. C. Mittal (hospital) to give his version on the subject matter of the news report, before or after the broadcast; and that thus, there was a violation of the principles of self-regulation relating to “impartiality & objectivity in reporting, ensuring neutrality and privacy”. NBSA was also of the view that the channel should bear in mind that “news media have no claim to any special privilege or licence to malign any person or organisation”. However, in view of the channel’s offer to air an apology, no further punishment was called for.

NBSA directed the broadcaster to air a regret as per the text to be furnished by NBSA on the date and time indicated by NBSA. The broadcaster shall also give written and signed version of the expression of regret to the complainant by email and registered/speed post with copy to NBSA. The video of the said broadcast, if hosted, on the website of Zee Rajasthan News or any other links should be removed immediately.

Complaints against telecast of programme titled “Fateh Ka Fatwa” aired on Zee News [Order No. 48 (2018) Dated 23.3.2018]

MoI&B had forwarded eight complaints and the EMMC Report with CD in regard to broadcast of the programme under the title “*Fateh ka Fatwa*” on 7.1.2017, 14.1.2017, 21.1.2017, 28.1.2017 and 4.2.2017 on Zee News. The complaint was that the programme related to Islam and hurt the religious sentiments of the Muslim community. As the Ministry had mentioned that the said programmes were also the subject matter of W.P. (C) No. 1556/2017 pending before the Delhi High Court, NBSA informed MoI&B that it will not be able to entertain a sub judice matter. Subsequently, the Under Secretary, MoI&B, vide letter dated 20.10.2017 forwarded a copy of Order dated 22.9.2017 of the Delhi High Court, in W.P. (C) 1556/2017 *Hifzur Rehman Khan vs UOI* which stated that the writ petition was disposed of.

In view of the said Order, NBSA at its meeting held on 14.11.2017 decided to consider the complaints earlier received through MoI&B. On such consideration, NBSA decided to write to the complainants to provide specific dates, time and the details of the objectionable allegations/statements made in the programme “*Fateh ka Fatwa*” which violated the NBSA guidelines. NBSA also decided to forward the EMMC report and CD with regard to the alleged broadcasts on 7.1.2017, 14.1.2017, 21.1.2017, 28.1.2017 and 4.2.2017 received from the MoI&B to the broadcaster (Zee News) and to send a letter to MoI&B to preserve the CD’s of the programme “*Fatah ka Fatwa*” which were the subject matter of the complaints, till a decision was taken. Only one of the complainants, namely Mr. Md. Aziz, responded by reply dated 7.12.2017.

NBSA at its meeting held on 20.1.2018 considered the complaints and the further response dated 7.12.2017 received from one of the complainants to NBSA’s request for particulars as also the response of the broadcaster to the complaints and to the EMMC report.

The broadcaster stated that the complaints have to be dismissed in view of the specific and categorical disclaimer run by it at the beginning of the programme mentioning that the object of the programme was to bring social awareness and that the views, comments, statements expressed in the programme were exclusively of the host, guests, speakers and participants, and the channel does not take any responsibility in regard to the statements made during the programme nor does it verify any of the facts presented in the programme.

NBSA was of the view that in the absence of the complaints specifying the objectionable/offending portions, the channel will not be in a position to respond to the complaint, nor can NBSA deal with them. However, NBSA was more concerned about the disclaimers aired by the broadcaster prior to the broadcast. NBSA was of the *prima facie* view that neither the disclaimer by the channel, nor the fact the show was hosted by a person not connected with the channel would absolve the broadcaster, in the event of violation of the Broadcasting Standards. NBSA was also of the *prima facie* view that broadcaster should take the overall responsibility for all content aired on the channel. Therefore, NBSA decided to call upon the broadcaster to be present at a hearing to explain why it should not be held responsible for all the content aired on its channel.

The broadcaster appeared for a hearing on 15.2.2018. It was submitted on behalf of the broadcaster that the programme anchored by Mr. Tarek Fatah, a Pakistani and a Canadian citizen, was aired from 7.1.2017 to 6.5.2017 to put forward issues for discussion on terrorism, hijab & Islam, triple talaq etc. that are not openly debated; and that the channel relied on his expertise for a balanced presentation and the object was not to offend or criticize Islam or the Muslim community. It was fairly conceded that the disclaimer aired prior to the broadcasts would not absolve the broadcaster if any objectionable content was aired during the programme. NBSA decided to close the complaints with an observation that the broadcaster should exercise care and caution in regard to such broadcasts.

NBSA decided that an advisory be issued to all Editors of NBA that broadcasters would be responsible for violations of Broadcasting Standards and Guidelines in regard to the content of any programme aired on the channel; that neither any “disclaimers” before any programme nor the fact that offending statements/views were expressed by independent anchors, invited guests or other participants, would relieve them from the liability/responsibility for violation of the Standards/Guidelines.

Complaint from National Heart Institute, New Delhi, against News Nation TV channel [Order No.49 (2018) Dated 30.5.2018]

NBSA considered the complaint dated 4.12.2017 alleging that the channel had broadcast false content on 27.11.2017 regarding treatment of patient by the Institute, response of the broadcaster and also viewed the CD. Not being satisfied with the explanation, NBSA decided that both parties be called for a hearing.

The complainant (the hospital) reiterated the submissions made in the complaint and wondered why the broadcaster had aired a one-sided report without verification of facts, that to 14 months after the treatment of the patient (Mrs. Raj Rani was admitted to the hospital on 11.9.2016 and died on 21.9.2016) alleging that the hospital had raised false and inflated bills and collected the bill amounts from the relative of the patient. The complainant reiterated that as the patient was covered under CGHS scheme and charges for treatment of such patients are fixed by the government, the hospital could not charge any exorbitant amount to the patient as alleged in the news report; and that it had not charged Rs 15 lakhs in regard to the treatment of Mrs. Raj Rani, as alleged by the broadcaster in the news report. The complainant made available for the inspection of NBSA and the broadcaster’s representative, the original bill showing the amount charged and the register showing the completion of formalities by the son of the deceased for receiving the dead body. The complainant further pointed out that no issue was raised regarding billing by the son of the deceased when taking the body from the hospital. The complainant submitted that the object of the broadcast was to malign the reputation of the National Heart Institute, New Delhi.

Broadcaster reiterated what was stated in their response. On being questioned as to what prompted the broadcaster to air a news item on an issue of overbilling of the deceased patient after a lapse of 14 months, it was stated that around that time, there was news in the media regarding overcharging by private hospitals and that therefore, they decided to air the story as the son of the deceased had approached the video journalist alleging overbilling when his mother was admitted to the hospital.

On considering contentions of the parties and the contents of the news report aired by the broadcaster, NBSA was of the view that the story was broadcast without proper or adequate verification of facts; that the contents of the news report were wrong and without basis; and that it was apparent that the news report attempted to sensationalise a baseless allegation of exorbitant billing by the hospital without proper verification, as, at that time, there were reports of overcharging by some other private hospitals.

At the end of hearing both sides were informed that if a settlement was not reached, NBSA would proceed to render its decision. As no settlement was reported, NBSA decided to proceed to formulate its decision. NBSA decided that the broadcaster be directed to air a regret as per the text to be furnished by NBSA on the date and time indicated by NBSA. The broadcaster shall also give written and signed version of the expression of regret on its letter head to the complainant by email and registered/speed post with copy to NBSA. The video of the said broadcast, if hosted on the website of News Nation, or YouTube, or any other links, should be removed.

Complaint from Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India, against Republic TV [Order No. 50 (2018) Dated 30.5.2018]

The complainant escalated the complaint to NBSA since he did not receive any response to his complaint dated 14/15.1.2018. Complainant alleged that on 10.1.2018, in a debate anchored by Mr. Arnab Goswami, the channel showed a hash tag as “#BanPFIDemand”. Simultaneously, channel also conducted a voting on Twitter on live under the topic as “#BanPFI: Should terror linked PFI be banned now?” The anchor said “The terror link is exposed tonight”. The telecast also scrolled the following: “Terror proof emerges against PFI”. “PFI-SDPI-SIMI link comes under lens”. Complainant stated that the telecast amounted to a media trial with the object of misleading the viewers and bring disrepute to Popular Front of India (“PFI” for short) of which he was the General Secretary, by making false allegations; that the channel portrayed allegations as facts and conveyed the impression that the charges against PFI were findings of guilt, which was unfair and violative of the Code of Ethics and Guidelines and also against the principle of natural justice.

The broadcaster stated that the claims and contentions in the complaint were false, baseless, vague and unsubstantiated. The broadcaster contended that the news debate was aired based on material relating to four cases shared by the National Investigation Agency (“NIA”) with the Ministry of Home Affairs (“MHA”) wherein members of PFI and its affiliated political organization namely, Social Democratic Party of India (“SDPI”), had been charge-sheeted under the Unlawful Activities (Prevention) Act, 1967; that one of the four cases, the details of which had been shared by NIA with the MHA, pertained to the charge-sheet filed in relation to the murder of a Rashtriya Swayam Sevak Sangh worker, Rudresh (“RSS Worker”) in Bengaluru. The broadcaster contended that it did not violate the NBA/NBSA Regulations and Guidelines and therefore, no action was warranted against it.

NBSA considered the complaint and the response by the broadcaster and decided to call both the parties for a hearing. The complainant and the broadcaster reiterated the averments made in the complaint and their response. After hearing both sides, NBSA was of the view that the broadcaster should be required to submit to NBSA the material on which it had based its news reports, including the NIA report. NBSA also noted on viewing the program that the broadcaster had telecast PFI's version also during the debate. NBSA decided to consider the matter after receiving the said material.

NBSA at its meeting held on 24.5.2018 considered the submissions and contentions of the complainant and in particular, the Hashtags aired, that is “#Ban PFI Demand”, simultaneous voting on Twitter under the topic “#Ban PFI: Should terror linked PFI be banned now?”, the observation of anchor “The terror link is exposed tonight” and the telecast scroll “Terror proof emerges against PFI”.

NBSA noted that there is only a charge sheet and no finding by any court or tribunal that PFI is a terror linked organisation, nor had the government declared PFI as a terror organisation or an organisation indulging in unlawful activities. The use of the hash tags and conducting a voting under the topic “#Ban PFI: Should terror linked PFI be banned now”, the statement “The terror link is exposed tonight” and the telecast scroll “Terror proof emerges against PFI” would amount to a trial and judgment by media on unverified hearsay material. NBSA was therefore of the view that the broadcaster had violated the Regulations and Guidelines of NBA/NBSA relating to the need to maintain neutrality, impartiality and fairness and reporting of matters which are sub-judice or under investigation.

NBSA was of the view that while investigative journalism and media activism may be a catalyst for ensuring proper investigation by investigating agencies, a very thin line separates it from reportage bordering on media pressure/media trial, interfering with due process of investigation. The tendency of the media to hold parallel investigation or to telecast unverified views, opinions, rumours & allegations, as factual findings, apart from putting tremendous pressure on investigating agencies in high profile or sensitive cases, may adversely mould public opinion about the guilt or otherwise of persons/ institutions, thereby destroying their reputations and credibility and interfering/prejudicing pending trials in courts of law.

While investigative journalism to uncover wrongdoings and crimes is a meaningful crusade for the media, there is a corresponding responsibility upon the media to act within the well-defined and well-recognised limits. Media, howsoever bona fide its intentions are, cannot act as the Judge, Jury, Prosecutor and Investigator, in regard to any matter pending before a court or under investigation. In the minds of the public, the impact of the media accusation and media trial findings against any person or institution is strong and long lasting and any ingrained prejudice caused by the earlier media trial may have an adverse impact on the court trial. While the media should expose crime and wrongdoing, it can neither act nor be seen as acting as a vigilante.

NBSA found that the telecast violated Sections (1) (2) and (3) of the Code of Ethics & Broadcasting Standards and Guidelines (1), (2) and (3) of Specific Guidelines Covering Reportage and Guidelines (4) and (6) of Specific Guidelines for Reporting Court Proceedings.

NBSA therefore decided to impose the following sanctions upon the broadcaster and close the complaint: (a) broadcaster is hereby warned to exercise more care and caution while reporting about matters pending trial/

investigation or in using objectionable hashtags in regard to such reports which may give an impression that the broadcaster is indulging in a media trial / prejudice against the person/ institution being reported upon. (b) NBSA also directed the broadcaster that the video of the said programme, if hosted, on Republic TV website, YouTube or any website or any other links should be removed immediately and confirmed to NBSA.

Complaint from Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India, against Times Now [Order No. 51 (2018) Dated 30.5.2018]

The complaint relates to a news telecast on 7.10.2017 (4.00 pm and 9.00 pm), on 5.11.2017 (4.00 pm) by Times Now, about the Grand Conference conducted by Popular Front of India (for short “PFI”) at Kerala. The complainant alleged that in the said news report on 7.10.2017, the channel showed the hash tags: “Incubator of Hate Parades”, “Muslim hate group given free run?”; that on 5.11.2017 (4 pm), the news channel used the hash tags: “#BanPFI” and “When will Centre #BANPFI?”; that the channel had telecast false news item against his organization Popular Front of India with false allegations; that the channel portrayed mere allegations as facts and conducted a media trial by equating the charges against PFI/its members as proved offences/acts of guilt, which was unfair and against principles of natural justice; that the reputation and dignity of his organisation was damaged through political vendetta by spreading false propagandas against PFI; and that attempts were made to create religious hatred among the public. The complainant demanded unconditional apology to be aired and withdrawal of the false allegations.

The broadcaster denied that its news reports contained any false allegations against PFI and further denied allegation that it had conducted a media trial. The broadcaster stated that the matter covered by the said news reports was of significant national interest and the same was carried in public interest by placing pertinent issues surrounding the allegations before the public; and the channel carried an objective coverage and discussion on the issue based on reports available with representatives of all possible factions being given due opportunity to react to the said news reports.

NBSA at its meeting held on 20.1.2018 considered the complaint against Times Now, and also viewed the CD. NBSA decided to call the parties for a hearing.

The complainant and the broadcaster reiterated the submissions. Not being satisfied with the explanation/stand of the broadcaster, NBSA required the channel to submit the material on which it had based its news reports. NBSA decided to take a decision after considering the documents submitted by the broadcaster. NBSA at its meeting held on 24.5.2018 considered the submissions and contentions of the complainants and in particular the Hash Tags aired, that is “Incubator of Hate Parades”, “Muslim hate group given free run?” shown during the telecast on 7.10.2017; and the hash tags: “#BanPFI” and “When will Centre #BANPFI?” shown during the telecast on 5.11.2017; and the hash tags: #PFI Crackdown, Times Now Investigation Impact, ‘PFI Organisation Banned’, “first on Times Now” shown during the telecast on 21.2.2018.

NBSA noted that there is only a charge sheet and no finding by any court of tribunal that PFI is an incubator of hate or is a “Hate Group”, nor had the government declared PFI as a terror organisation or an organisation indulging in unlawful activities. The use of the hash tags on the assumption that PFI is a hate group which required to be banned would amount to a trial and judgment by media on unverified hearsay material. NBSA was therefore of the view that the broadcaster had violated the Regulations and Guidelines of NBA/ NBSA relating to the need to maintain neutrality, impartiality and fairness and reporting of matters which are sub-judice or under investigation.

NBSA was of the view that while investigative journalism and media activism may be a catalyst for ensuring proper investigation by Investigating Agencies, a very thin line separates it from reportage bordering on media pressure/media trial, interfering with due process of investigation. The tendency of the media to hold parallel investigation or to telecast unverified views, opinions, rumours & allegations, as factual findings, apart from putting tremendous pressure on investigating agencies in high profile or sensitive cases, may adversely mould public opinion about the guilt or otherwise of persons/ institutions, thereby destroying their reputations and credibility and interfering/prejudicing pending trials in courts of law. While investigative journalism to uncover wrongdoings and crimes is a meaningful crusade for the media, there is a corresponding responsibility upon the media to act within the well-defined and well-recognised limits. Media, howsoever bona fide its intentions are, cannot act as the Judge, Jury, Prosecutor and Investigator, in regard to any matter pending before a court or under investigation. In the minds of the public, the impact of the media accusation and media trial findings against any person or institution is strong and long lasting and any ingrained prejudice caused by the earlier media trial may have an adverse impact on the court trial. While the media should expose crime and wrongdoing, it can neither act nor be seen as acting as a vigilante. In view of the above, NBSA finds that the telecast violated Sections (1) (2) and (3) of the Code of Ethics & Broadcasting Standards and Guidelines (1), (2) and (3) of Specific Guidelines Covering Reportage and Guidelines (4) and (6) of Specific Guidelines for Reporting Court Proceedings. NBSA therefore decided to impose the following sanctions upon the broadcaster and close the complaint:

- a. broadcaster is hereby warned to exercise more care and caution while reporting about matters pending trial/investigation or in using objectionable hashtags in regard to such reports which may give an impression that the broadcaster is indulging in a media trial / prejudice against the person/ institution being reported upon.
- b. NBSA also directs the broadcaster that the video of the said programme, if hosted, on Times Now Website, YouTube or any website or any other links should be removed immediately and confirmed to NBSA.

- 1. Complaint from Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India, against Aaj Tak.**
 - 2. Complaint from Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India, against India Today.**
 - 3. Complaint from Ms. A.S. Sainaba, President, National Women’s Front (NWF) and Member All India Muslim Personal Law Board, against Aaj Tak.**
 - 4. Complaint from Ms. A.S. Sainaba, President, National Women’s Front (NWF) and Member All India Muslim Personal Law Board, against India Today.**
- [Common Order No. 52 (2018) Dated 30.5.2018]**

As the above complaints filed by Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India (“PFI” for short) and Ms. A.S. Sainaba, President, National Women’s Front (“NWF” for short) and Member All India Muslim Personal Law Board, against the channels, Aaj Tak and India Today, have common issues, they are considered and decided by this common order. They relate to a sting operation and investigative report relating to PFI.

NBSA considered the complaints, responses given by the broadcaster and also viewed the CD of the broadcasts. NBSA decided that the broadcasters and the complainant be called for a hearing. The complainants reiterated the averments made in the complaints and stated that the various broadcasts made by Aaj Tak and India Today on 1.11.2017 and 2.11.2017 had violated the Code of Ethics of the NBSA and in particular the Guidelines relating to Impartiality, Neutrality and Accuracy. The complainant stated that the Sting Operation was doctored/edited and Mr. Ahmed Shareef, who was caught on camera in the sting operation by the broadcaster was not a member of PFI, nor was he a founder member. The visuals of the sting operation were deliberately altered, edited and misrepresented. The complainants stated that the documents submitted by the broadcaster in relation to one Mr. Ahmed Shareef were forged and that PFI was neither a terrorist organization nor was Satya Sarani an organization preaching “Love Jihad”. Satya Sarani was not connected to PFI and PFI did not subscribe to the concept of “Love Jihad” either. The complainants stated that the programs had been telecast without verification with malafide intentions; and that the broadcaster did not give them any opportunity to give their version.

The broadcasters reiterated the averments made in their response to the complaint and stated that the story based on the sting operation was telecast as recorded; that the material/footage was not doctored to present a particular point of view; that the broadcaster was willing to submit the entire raw footage taken by it to support its view that the sting operation was not doctored; that the story on Sathya Sarani was supported by and was based on the confidential reports and dossiers of the NIA and Police that mentions that Popular Front of India (PFI) uses sister outfits like Sathya Sarani to carry out ‘forceful conversions’. The broadcasters further stated that the allegations with regard to Mr. Shareef was also supported by documents which clearly showed that he was a member of PFI; and that these documents filed by the broadcasters were neither fake nor forged. The broadcaster submitted that in all three sting operations had been conducted.

After hearing both sides (in the four complaints), NBSA was of the view that the broadcasters should submit to NBSA the material on which they had based their news reports on including the NIA report, as the said documents had not been submitted earlier. NBSA also directed that the raw footage of the sting operation be submitted to the NBSA within 10 days. The complainants were also directed to submit documents in its possession which disprove the broadcaster’s statements in the broadcasts. NBSA decided to consider the documents submitted by the broadcasters (and by PFI, if any) at its next meeting.

The documents submitted by the broadcasters and the complainants, in response to the said direction were considered by NBSA at the meeting held on 24.5.2018. After considering the complaints, responses and the documents produced by the parties and viewing the CDs, NBSA was of the view that the scope of its enquiry being restricted to examining whether there was any violation of the NBA/NBSA Regulations and Guidelines, it would not be able to decide whether the documents relied upon by the broadcasters were bogus or fake, as alleged by the complainants. For that purpose, the complainants may have to approach the appropriate forum. NBSA was of the view that even taking note of the sting operation and the material produced, the channels ought to have shown more restraint in using terms like “DeshDrohi”, “Love Jihad ka Zaaher”, etc. In the absence of any finding or declaration by a court or other competent authority, such descriptions may be considered to be objectionable bordering on violation of the NBA/NBSA Code of Ethics, Regulations and the Guidelines relating to neutrality and objectivity. NBSA therefore decided to close the complaints with a warning to the broadcasters to be more careful in describing persons/institutions with objectionable taglines.

Note: Full text of all the above Decisions/Orders are available on www.nbanewdelhi.com



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 **11th Annual General Meeting of the Association to be held on Thursday, the 20th September, 2018, at 12.00 noon at Multipurpose Hall, Kamaladevi 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 appoint Ms. Kalli Purie Bhandal 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.
3. To appoint Ms. Sonia Singh 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 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.
5. 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.
6. To appoint Mr. I. Venkat 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. Alteration of some Title Words, Headings/Sub-Headings of Clauses/Clauses of Memorandum of Association requires changes as per the provisions of Companies Act, 2013.
8. Alteration of some Title Words and Definitions given in Articles of Association requires changes as per the provisions of new Companies Act, 2013.
9. Alteration of Article 2 (ii) of Articles of Association (AOA) of the Company.
10. Alteration of Article 20 of Articles of Association (AOA) of the Company.
11. Contribution by Members of NBA towards meeting legal expenses of Senior Counsel (s).
12. To appoint Mr. Ashok Venkatramani 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.

Signed this _____ day of _____ 2018



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 – 110087

(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 **11th Annual General Meeting of the News Broadcasters Association held on Thursday, the 20th September, 2018, at 12.00 noon at Multipurpose Hall, Kamaladevi Complex, India International Centre, 40, Max Mueller Marg, New Delhi – 110003.**

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

Independent Members



Nitin Desai



Dr. S.Y. Quraishi



Leela K. Ponappa



Vijayalaxmi Chhabra

Editor Members



Manika Raikwar Ahirwal



Navika Kumar



Ajay Kumar



Amrendra Pratap Singh

NewsBroadcastersAssociation



News Broadcasters Association

Registered Office:

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

Corporate Office:

Mantec House, 2nd Floor, C- 56/5 Sector 62,
Noida – 201 301, Tele/Fax : 0120-4129712

Email: nba@nbanewdelhi.com

Website: www.nbanewdelhi.com