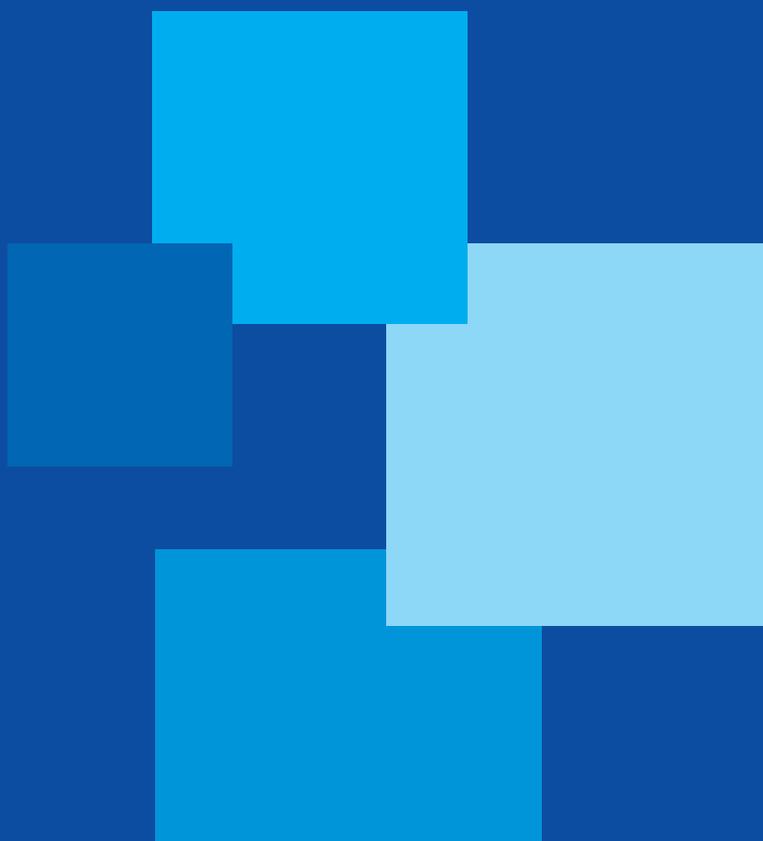


NewsBroadcastersAssociation



**6th** Annual Report  
2012-13



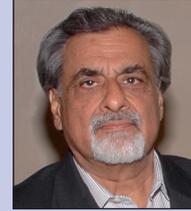
## News Broadcasters Association Board of Directors



**K.V.L. Narayan Rao**  
President



**Ashok Venkatramani**  
Vice President



**Anil Mehra**  
Honorary Treasurer



**Rajat Sharma**



**Sunil Lulla**



**B. Saikumar**



**Alok Agrawal**



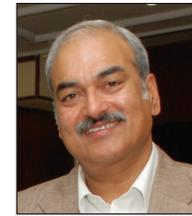
**Anuradha Prasad**

## News Broadcasters Association

<b>Board of Directors</b>	Mr. K.V.L. Narayan Rao New Delhi Television Ltd.	President
	Mr. Ashok Venkatramani Media Content & Communications Services (India) Pvt. Ltd.	Vice President
	Mr. Anil Mehra TV Today Network Ltd.	Honorary Treasurer
	Mr. Rajat Sharma Independent News Service Pvt. Ltd.	
	Mr. Sunil Lulla Times Global Broadcasting Company Ltd.	
	Mr. B. Saikumar ibn18 Broadcast Ltd.	
	Mr. Alok Agrawal Zee News Ltd.	
	Mrs. Anuradha Prasad News24 Broadcast India Ltd.	
<b>Secretary General</b>	Mrs. Annie Joseph	
<b>Auditors</b>	S.S. Kothari Mehta & Co Chartered Accountants	
<b>Bankers</b>	Bank of India	
<b>Registered Office</b>	Juris House, Ground Floor, 22, Inder Enclave, Paschim Vihar, New Delhi – 110 087	

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**K.V.L. Narayan Rao**  
President

Message from President, NBA  
August 31, 2013

Dear Members,

It is my privilege to present the sixth Annual Report of the News Broadcasters Association and present the initiatives and achievements of the past year. The Management Report details all the issues undertaken by the NBA during the year. I would therefore not get into details but reflect on issues which are of immense concern for the broadcasters -- issues which threaten our very survival.

Before, I dwell on industry issues, on behalf of the entire membership of the NBA, I would like to pay homage to Justice Verma, (former Chief Justice of India & former Chairperson of the National Human Rights Commission), the first Chairperson of the NBSA from 2.10 2008, who left us suddenly after a brief illness on 22.4.2013. With the passing of Justice Verma we have lost a true friend and mentor of the media. The NBSA was very fortunate to have him as its first Chairperson. Justice Verma wanted news broadcasters to be meticulous in observing standards of due diligence, accuracy, privacy, giving individuals being reported upon, a fair chance to respond, and the accused a fair trial. Justice Verma recognized the need for standards and under his guidance, NBSA formulated several guidelines which the members of NBA observe. The guidelines/ advisories of the NBSA have sometimes been referred to by law courts. The guidelines issued for coverage of the Ayodhya judgement was made part of a judicial Order by the Hon'ble High Court of Allahabad.

I am glad to inform the members that as a tribute to Justice Verma, the NBA Board has decided to institute a yearly memorial lecture on the theme "Freedom & Responsibility of Media", the modalities for which are being worked out.

I am also glad to inform members that Justice R. V. Raveendran, former Judge of the Supreme Court of India has accepted the invitation of the NBA to take on the responsibility of the Chairperson of NBSA for a period of two years from 25.5.2013. The NBSA has been reconstituted thereafter and details are available in the Annual Report. Justice Raveendran, like Justice Verma has declined to accept any honorarium for this responsibility. I am sure Justice Raveendran would take all necessary steps to strengthen self regulation and improve broadcasting standards.

Now I move back to the state of news broadcasting, which is perhaps at its lowest ebb today. The cost of running news organisations has increased manifold, with no corresponding increase in revenues, either from advertising or subscription. Carriage fees continue to be burdensome. In the midst of such a financially fragile environment, the notification by TRAI that no broadcaster shall, in its broadcast of a programme, carry advertisements exceeding twelve minutes in a clock hour w.e.f. 1.10 2013 has made the situation even bleaker. We have been in active discussions with the Minister for Information & Broadcasting and TRAI to keep the regulation under abeyance till April 2015 by which time the entire country would be digitized. The news broadcasters would by then see some benefits of digitization and may have an additional source of revenue by way of



subscription fee. However, at this moment, news broadcasters are reeling under a severe financial crunch due to poor market conditions with advertising spends being abysmally low. If this environment continues, many news channels will be fighting for survival. The severe lack of funds for innovative programming and quality content is denying the viewer programming of the highest standards. We urge TRAI and Government to keep the move to cap advertising in abeyance till digitisation is completed across the country and low or no carriage fees and healthy subscription revenues become a reality for news broadcasters. The belief that digitisation would be an immediate game changer for the broadcasters has remained unrealised despite four metros and 38 cities having been digitalized in Phase 1 & 2. We continue to be denied our fair share of subscription revenues while carriage fees remain high.

Despite a four year engagement with the Ministry to get a “fair pricing“ for government advertisements released through the DAVP, our rates remain very low. Initially, our Members decided not to carry DAVP advertisements. With the intervention of the Minister of I&B and after several rounds of meetings with the Additional Secretary, I&B, an interim arrangement was agreed to carry DAVP advertisements. However, this agreement stemmed from the explicit understanding that the I&B gave that it would set up a High Powered Committee to look into the issue of fair pricing for DAVP rates, which has not been constituted till date. This is something that the government needs to do urgently.

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

Our self-regulation initiative since 2008 has been a source of pride for us. We hope the government will consider our suggestion to make the Code of Ethics and Redressal Regulations and guidelines a part of the Programme Code under the Cable Television Networks Rules, which would further strengthen self regulation and give it a statutory status. On behalf of the NBA Board and on my own behalf I would like to place on record our sincere gratitude and thanks to the Chairperson and Members of the NBSA for their wholehearted support, time and guidance.

I would also like to express my sincere gratitude to the Board and Members of the NBA for their constant support and we have been able to benefit hugely from that. During the year Mr. Alok Agrawal joined us on the Board. His contributions have been invaluable. I would also like to thank Mr. Barun Das, Board member who stepped down during the year. His contributions have been of immense value to the Association.

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

Best wishes,

K.V.L. Narayan Rao

## Notice

NOTICE is hereby given that the 6th Annual General Meeting of the Members of News Broadcasters Association will be held on Friday, the 20th September, 2013, at 12.00 noon at Yamuna, Vyas & Tapti, Shangri-La's – Eros Hotel, 19, Ashoka Road, New Delhi – 110001, to transact the following business:-

### Ordinary Business:

1. To receive, consider and adopt the Audited Balance Sheet as at March 31, 2013 and the Income and Expenditure Account for the period ended on that date together with Auditor's Report and Directors Report thereon and for the purpose, to pass with or without modification(s) the following resolution as an Ordinary Resolution:

“**RESOLVED THAT** the Balance Sheet as at March 31, 2013, and Income and Expenditure Account for the period ended on that date, together with Auditor's Report and Directors Report thereon, be and are hereby approved and adopted.”

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

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

### Special Business:

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

“**RESOLVED THAT** Mr. Alok Agrawal who was appointed as a Permanent Director of the Association by the Board of Directors on November 19, 2012 subject to approval of General Body Meeting and who holds office up to the date of this Annual General Meeting and in respect of whom the Association has received a notice in writing from a Member proposing his candidature for the office of Directorship duly seconded by another Member, be and is hereby appointed as a Permanent Director of the Association, not liable to retire by rotation, in terms of the provisions of Article 17 of the Articles of Association.”

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

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



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

**“RESOLVED THAT** the consent of the Members be and is hereby granted to enhance the allowances and or sitting fee of Members in “Eminent Persons” category for attending the meetings of the NBSA from Rs.5,000/- to Rs.10,000/- w.e.f. 1.4.2013 and other facilities granted to members in “Eminent Persons” category will remain the same”.

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

**“RESOLVED THAT** in terms of sub-clause 15 and 16 of Clause III (B) of the Memorandum of Association of NBA for the furtherance of its objectives or in the interest of the Association or its Members and Associate Members, unless otherwise decided by the Board, an amount upto Rs 25.00 lakhs may be demanded from both Members & Associate Members over and above the budgeted amount towards meeting legal expenses of Senior Counsel (s) which includes the cost of retainership, legal advice and representation of the NBA before the Courts would be equitably shared/reimbursed by all the Members and Associate Members of NBA for the current financial year 2013-2014 ”.

**“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”.

Place: New Delhi  
Date: August 31, 2013

By Order of the Board of Directors of  
News Broadcasters Association

Annie Joseph  
Secretary General

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

### **Item No. 3**

The Board of Directors of the Association appointed Mr. Alok Agrawal as a Permanent Director on November 19, 2012 subject to approval of General Body meeting on the Board of NBA. The office of his Directorship expires on the date of this Annual General Meeting. The Association has received a notice in writing from one Member proposing his candidature, which has been duly seconded by another Member, for his appointment as Director, who will be Permanent Director and not liable to retire by rotation under Article 17 of the Articles of Association of NBA.

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

None of the Directors except Mr. Alok Agrawal in respect of whom the Resolution is being moved is concerned or interested in this Resolution.

### **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.

None of the Directors except Mrs. Anuradha Prasad in respect of whom the Resolution is being moved is concerned or interested in this Resolution.

### **Item No. 5**

In terms of the News Broadcasting Standards Regulations, the Board of Directors of the Association had constituted the News Broadcasting Standards Authority at the Board Meeting held on June 16, 2008 and the composition of NBSA was finalised at the Board Meeting held on August 8, 2008. The Authority comprises a Chairperson being an eminent jurist, four eminent persons and four editors. As per Clause 3 of the News Broadcasting Standards Regulations, the Chairperson and Members of the Authority shall hold office for a period of 2 years.

News Broadcasting Standards Regulations provides for payment of an honorarium to the Chairperson and eminent members shall receive such allowances and/or fees for attending the meetings of the Authority, as may be approved by the General Body of the Association.

Justice (Retd.) R.V. Raveendran, the present Chairperson of NBSA has declined to accept any honorarium. The NBA wishes to place on record its appreciation for this gracious gesture of the Hon'ble Chairperson. In deference to the Hon'ble Chairperson's wishes, no honorarium will be payable to him during his tenure of two years



beginning 25.5.13. Justice Raveendran would be provided business class air fare and suitable accommodation for all NBSA related travel, as per arrangements made by NBA and shall reimburse all incidental expenses incurred for attending the meetings and any work relating to NBSA.

With regard to members in Eminent Persons category, the NBA Board at its meeting held on 8.8.13 decided that the allowances and/or fees of eminent members be enhanced from Rs.5,000/- to Rs.10,000/- per meeting. However, all other facilities granted to eminent members as approved in the General Body Meeting held on 30.9.2008 will remain the same.

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

None of the Directors is concerned or interested in this Resolution.

### **Item No. 6**

The NBA has intervened in the following matters which are pending in the Supreme Court, Delhi High Court, Karnataka High Court & TDSAT:

1. Common Cause Vs. Union of India
2. Dr. Surat Singh Vs Union of India & Ors. (Aarushi murder)
3. People's Union for Civil Liberties & Anr Vs The State of Maharashtra & Ors.
4. Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors
5. TRAI Vs. Set-Discovery Pvt Ltd & Ors.
6. Smt. Ranjitha @ Smt. Ranjita Menon Vs. State of Karnataka & Ors.
7. Court on its own motion Vs. Union of India & Ors.
8. M/s News Broadcasters Association & Ors. Vs. Telecom Regulatory Authority of India
9. Shri Shakeel Ahmed & Ors. Vs. Suwarna News 24 x 7 & Ors.
10. ICC Development (International) Ltd. & Anr. Vs. New Delhi Television Limited
11. M/s News Broadcasters Association & Anr. Vs. Telecom Regulatory Authority of India & Ors.
12. Indian Broadcasting Foundation (IBF) Vs. Cable Operator Association of Gujarat & Ors.
13. Dhiraj Kumar "Bharadwaj" Vs. News Broadcasting Standard Authority & Ors.
14. IndusInd Media and Communications Limited & Anr. Vs. Telecom Regulatory Authority of India & Ors.

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

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

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

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

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

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

Place: New Delhi

Date: August 31, 2013

By Order of the Board of Directors of  
News Broadcasters Association



Annie Joseph  
Secretary General



## NOTES

1. Member entities should provide Board Resolution under Section 187 of the Companies Act, 1956 authorising person(s) who will represent them at the Annual General Meeting. Such person(s) shall be deemed to be Member present in person.
2. A Member entitled to attend and vote is entitled to appoint a proxy to attend and vote instead of himself and the proxy need not be a Member. The proxy, in order to be valid must be deposited at the Registered Office of the Association not later than 48 hours before the commencement of the meeting.
3. The Explanatory Statement pursuant to Section 173 (2) of the Companies Act, 1956 is annexed hereto.
4. Members are requested to bring their copy of the Annual Report to the Meeting.
5. No person other than the authorized representative of the Member entity or his/her duly appointed proxy as aforesaid shall be entitled to attend the Annual General Meeting of the Association.
6. Members desirous of having any information on accounts are requested to send their queries to NBA at its Registered Office, at least seven days before the date of the AGM, to make the requisite information available at the meeting.
7. Members/ Proxies attending the meeting are requested to bring the attendance slip, as appended to this Notice, duly filled in and present the same at the venue of the Annual General Meeting. No photocopies of the attendance slip will be accepted.

## Directors' Report to the Members

The Directors have pleasure in presenting the 6th Annual Report of your Association together with Audited Accounts for the period from April 1, 2012, to March 31, 2013.

### Financial Review

Your Association has reported a total income of Rs.1,61,33,706/-, of which income from subscription is Rs.1,02,62,500/- and additional contribution is Rs 33,00,005. Expenditure of Rs.1,14,10,327/- has been incurred during the period ending 31st March 2013. Out of the excess of income over expenditure of Rs. 47,23,379/-, read with notes to accounts # 21 an amount of Rs.25,52,934/- (net refer note #21 ) has been transferred to special reserve.

### Directors

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. Mr. Alok Agrawal has been appointed as Director on 19.11.12 by the Board of Directors in terms of Article 17 of the Articles of Association, not liable to retire by rotation.

### Membership of Association

The number of Members/Associate Members of the Association are 25 broadcasters representing 47 channels.

### Auditors & Auditors' Report

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

The Statutory Auditors' Report on the Accounts of the Association for the financial year ended 31st March, 2013 is self explanatory and do not require further comments in the Directors' report.

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

Information in accordance with the provisions of Section 217(1)(e) of the Companies Act, 1956 read with the Companies (Disclosure of Particulars in the Report of Board of Directors) Rules, 1988 regarding Conservation of Energy and Technology Absorption is not disclosed as the same is not applicable to the Association. Association has no foreign exchange earnings and the outgo in foreign exchange is GBP 1952.16 amounting to Rs. 1,62,187/- during the period.

### Particulars of Employees

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



## Directors' Responsibility Statement

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

- (i) that in the preparation of the annual accounts, the applicable accounting standards had been followed;
- (ii) that the Directors had selected such accounting policies and applied them consistently and made judgments and estimates that are reasonable and prudent so as to give a true and fair view of the state of affairs of the Association at the end of the accounting year and of the surplus of the Association for that year;
- (iii) that the Directors had taken proper and sufficient care for the maintenance of adequate accounting records in accordance with the provisions of this Act for safeguarding the assets of the Association and for preventing and detecting fraud and other irregularities;
- (iv) that the Directors had prepared the annual accounts on a going concern basis.

## Management Report

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

## Acknowledgements

The Board of Directors wish to place on record their appreciation for the support and cooperation extended by every Member of the Association, the Secretariat, its Bankers, and valuable contribution made by the Consultants, Counsels and officials of the Member Companies.

### For and on behalf of the Board of Directors

Sd/-	Sd/-	Sd/-
<b>K.V.L. Narayan Rao</b>	<b>Ashok Venkatramani</b>	<b>Anil Mehra</b>
President	Vice President	Honorary Treasurer

Place: New Delhi

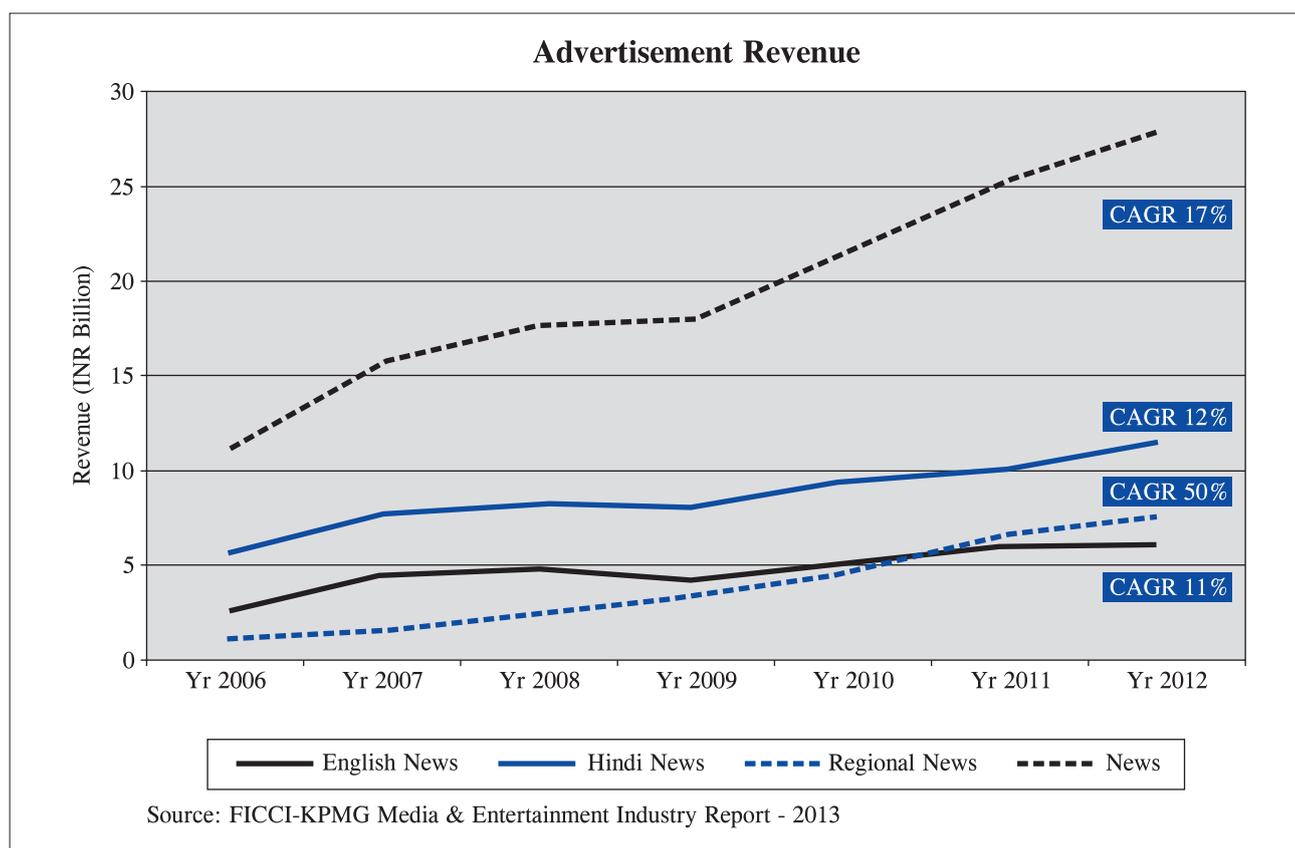
Dated : August 8, 2013

## Section I Management Report for the Year 2012-13

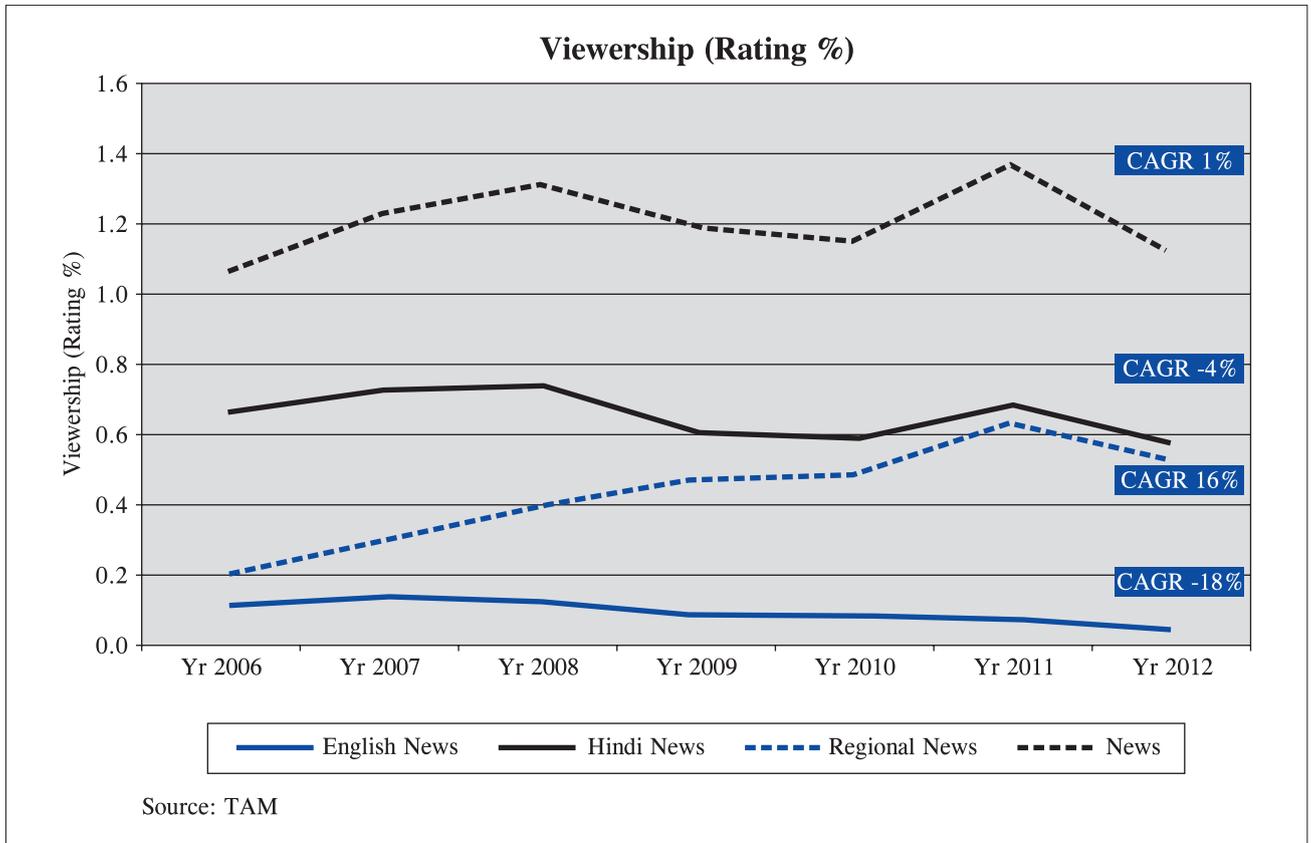
### Industry overview

According to the FICCI-KPMG Media & Entertainment Industry Report 2013, India’s media and entertainment industry stood at INR 821 billion in 2012, a growth of 12.6% over the previous year. The television industry is at INR 370.1 billion which is a growth of 12.5%.

The charts below indicate the growth in advertising and the viewership of the news & current affairs genre during the years 2006-2012.



During the years 2006 – 2012, the revenue of news channels grew at a Compounded Annual Growth Rate (CAGR) of 17% where English news channels grew by 11%, Hindi news channels by 12% and regional news channels by 50%. If one looks at the change with respect to previous year, news channels revenue in 2012 increased by 10%.



According to TAM reports the viewership of news channels grew at a Compounded Annual Growth Rate (CAGR) of 1% where English news channels viewership declined by 16%, Hindi news channels declined by 4% and Regional news channels grew by 16%. Compared to the previous year, the viewership of news channels in 2012 declined by 18%.

The Ministry of I&B in the present dispensation of Mr. Manish Tewari, Minister for Information & Broadcasting and under the earlier dispensation of Mrs. Ambika Soni has been extremely sensitive, supportive and accommodating in sorting out issues of the news broadcasters.

In the process of managing its policy environment the Association draws constantly on the goodwill of the government. During the year under review, the Association took up issues that concern news broadcasters with the government from time to time. The Board Members/Secretary General called on the following officials:

- Mr. Manish Tewari, Minister of State (Independent Charge) of the Ministry of Information and Broadcasting
- Mrs. Ambika Soni, former Union Minister for Information & Broadcasting
- Dr. Rahul Khullar, Chairperson, Telecom Regulatory Authority of India (TRAI)
- Mr. Bimal Julka, Secretary, Ministry of I&B
- Mr. Uday Kumar Varma, former Secretary Ministry of I&B
- Mr. J. S. Mathur, Additional Secretary & Financial Advisor, Ministry of I&B
- Mrs. Supriya Sahu, Joint Secretary, Ministry of I&B

- Mr. B. Brahma, Chairman, Empanelment Advisory Committee & Additional Secretary & Economic Advisor - Ministry of I&B
- Mr. G. Mohanty, Director General, Directorate of Advertising & Visual Publicity (DAVP)
- Mr. A.P. Frank Noronha, former Director General, Directorate of Advertising & Visual Publicity (DAVP)
- Dr. Poonam Kishore Saxena, former Chairperson, CBDT
- Dr. Sudha Sharma, Member (Legislation), now Chairperson, CBDT

## Industry Matters

### Digitization of Cable Television

#### Carriage fees

The NBA Board has had several meetings with the Minister for I&B, Chairperson TRAI, former and present Secretary I&B over the last several months and discussed the matter to find a solution to the vexatious and long standing problem of exorbitant demand of carriage fees, which has not been sorted out and news channels continue to reel under the pressure of these unreasonable fees being demanded by MSO's in a digitized regime. The officials have been informed in several meetings and representations that the news broadcasters that make up the NBA, wholeheartedly supported digitisation and the effort put in by all members by way of promotions, programmes, scrolls, public support etc. is a testimony to this and contributed in a large way to the successful implementation of Phase 1 & II of digitization. The support was given largely because NBA believed that digitisation was good for the country and all stakeholders, including the public. Additionally, news broadcasters believed that with digitisation, the carriage menace would come to an end, allowing news broadcasters to generate resources, which are gobbled up by MSOs, to create better content for our audiences, the Indian public.

Despite opposing carriage fees vehemently initially, news channels agreed to the payment of reasonable carriage fees which was publicly defined by the erstwhile Chairperson, TRAI, as being between 0.50 paisa and one rupee per set top box subscriber per channel per year. MSOs have taken an aggressive stand against this by insisting on carriage fees that are 25 times higher than this rate, under any nomenclature like packaging, tiering, marketing charges being demanded.

The government officials have been informed repeatedly that carriage fees problem continues to loom large and no solution seems to be in sight. As advised, by TRAI Chairperson, several discussions with MSOs have also been held. Barring a token reduction over the amount of carriage fees paid earlier (which have included placement and any other fees demanded by MSOs in the analogue system) in the first phase of digitization, no one has accepted the formula set by the Government (the payment of a uniform and reasonable fee paid on a per subscriber basis). No credence is being given to the rules as announced and MSOs continue to demand exorbitant carriage, placement and other fees. The very purpose of digitization is being thwarted. With the second phase of digitization over, MSO's are demanding unreasonable carriage fees and have sought re-negotiations of carriage fees deals for the four metros and cities which were earlier not being rated by TAM.

#### Implementation of Digital Addressable Cable Systems and TDSAT Judgement on TRAI Regulations

The Government of India on 25th October, 2011 had issued an Ordinance amending the Cable Television Networks (Regulation) Act, 1995, for implementation of Digital Addressable Cable TV Systems in India. Thereafter, vide



notification dated 11th November, 2011, the government laid down the road map for implementation of Digital Addressable Cable TV System in four phases across the country. The first phase has been completed on 31st October 2012. The second Phase has been completed on 31.3.2013. The final phase is due for completion on 31st December 2014 which will bring an end to analogue regime across the entire country.

To ensure that the regulations are in sync with the new regime of digitization, a Consultation Paper was issued on 22.12.2011 by TRAI on the “Issues related to Implementation of Digital Addressable Cable Systems”. NBA responded to the Consultation process and submitted its views on carriage fee; minimum carrying capacity of 500 channels for MSO’s; placement fees; issues related to tariff order etc.

Issues related to the tariff and composition of Basic Service Tier (BST), retail tariff, tariff for advertisement free channels and revenue share between Multi-System Operator (MSO) and Local Cable Operator were notified by TRAI in the tariff amendment order dated 30th April, 2012. The provisions relating to the interconnection between broadcaster, MSO and LCO were notified in the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 were notified on 30.04.2012, and subsequently by amendments dated 14th May 2012.

Some of the provisions of the said interconnection regulations and tariff order amendments have been challenged in an appeal by four MSOs before Hon’ble Telecom Disputes and Settlement Appellate Tribunal (TDSAT). NBA and few member broadcasters have intervened in the matter.

The TDSAT vide its judgment dated 19th October 2012 partly allowed the appeals and set aside three provisions of the said interconnection regulations. The provisions set aside relate to prohibition of demanding carriage fee by the MSO while seeking signals of a channel from a broadcaster (Clause 3(5), MSOs to have a minimum channel carrying capacity of 500 channels (Clause 3(8) and prohibition regarding charging of placement fee by the MSOs (Clause 11A of the said regulations). While setting aside the provisions of Clause 3(5) of the Interconnection Regulations applicable for DAS, the TDSAT observed, that the regulation relating to demand of carriage fee by the MSO was set aside as the said provision was not there for the DTH operators and MSOs in non-CAS areas. On the issue of provision of capacity to carry minimum 500 channels, the TDSAT, in its judgment, had observed that since market forces play an important and significant role in the matter of carrying capacity of the MSO, therefore, the same may not be required to be regulated. TDSAT, also observed that if the TRAI deems fit, it may consider making provision for MSOs to have capacity to carry number of channels based on different categories of areas i.e. city/towns/rural area etc. in which the MSO will be operating. The TDSAT has set aside the provisions of Clause 11A of the Interconnection Regulation 2012 on the ground that the restriction placed on the MSO for demanding placement fees in terms of May 2012, Regulation is bad in law, as the same restriction is not applicable for the DTH operators, the placement charges, if any, will depend upon the mutual agreement between the broadcasters and the MSO.

### **TDSAT Judgement on TRAI Regulations – Appeal in the Supreme Court of India**

The NBA and seven broadcasters have filed a Civil Appeal against the Judgment dated 19th October, 2012 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled “Indus Ind Media Communication Ltd. Vs. TRAI & Anr.” in the Supreme Court of India. On its first listing before the Court the appeal has been admitted and NBA has been granted leave to file additional grounds and substantial questions of law, for which the required application has been filed. NBA has filed its counter affidavit in the connected IMCL appeal, as directed. Neither TRAI nor IMCL have so far filed their respective counter affidavits in the NBA appeal. Since pleadings are not complete the matter will be heard in due course.

## **Consultation Paper dated 20th December 2012 on issues related to amendments to the Interconnection Regulations applicable for Digital Addressable Cable TV Systems & Tariff Order applicable for Addressable Systems**

In view of the Hon'ble TDSAT judgement dated 19.10.12, representations from industry stakeholders and internal review within the Authority on Issues related to Amendments to the Interconnection Regulations Applicable for Digital Addressable Cable TV Systems & Tariff Order Applicable for Addressable Systems, the TRAI on 20.12.12, initiated the above consultation process. The key issues covered in the said consultation pertain to:-

1. Minimum channel carrying capacity of MSOs.
2. Regulation of placement fee.
3. Modification of the twin conditions to prevent perverse pricing at retail.
4. Minimum prescription period of channels.
5. Option to subscriber regarding choice of channel(s)/bouquet(s) and
6. Manner of offering of bouquet(s) of channels, which require special set top boxes.

The NBA responded to the above Consultation Paper and submitted its comments on 18.1.13.

Thereafter, the TRAI on 4.6.2013 released draft amendments to the Interconnection regulations applicable for digital Addressable Cable Television Systems (DAS) and Tariff Order applicable for all addressable systems. The key amendments proposed are as follows:

- (i) Multi system operators (MSOs) cannot seek signals of a particular TV channel from a broadcaster, under 'must provide' clause, while at the same time demanding carriage fee for carrying that channel on its distribution platform.
- (ii) No minimum channel carrying capacity has been prescribed for the MSOs. However, the MSOs are mandated to carry the channels of broadcasters on non-discriminatory basis under the 'Must Carry' provision.
- (iii) The service providers of the Addressable Systems are allowed to price and package their offering of channels, however, they are required to comply with the modified twin conditions, as proposed in the draft amendment to the Tariff Order. This is to ensure that the a-la-carte rates offered to the subscribers are reasonable vis-à-vis the bouquet/package rates.
- (iv) As in the case of pay channels, operators can specify a minimum subscription period, not exceeding three months, for Free-to-Air (FTA) channels subscribed on a-la-carte basis by the subscribers.
- (v) Subscribers are free to choose channels on a-la-carte basis or bouquet/package basis or any combination of a-la-carte and bouquet/package.
- (vi) Channels, such as HD or 3D, requiring special type of STB, are to be offered on a-la-carte basis and if such channels are also offered as a part of bouquet(s), corresponding to each such bouquet, the operator would be required to offer bouquet(s) excluding the HD and 3D channels, at a reduced price, commensurate to the rates of these HD and 3D channels.

The NBA has responded to the TRAI on these amendments. The outcome of the Consultation is awaited.

### **Second phase of digitization of 38 cities**

The Ministry of Information & Broadcasting vide Notification dated 11.11.11, notified the 4 phases of



digitization, which is to be digitized by 31.12.14. The first phase of digitization of Delhi, Mumbai, Chennai & Kolkata has been completed by 31.10.12. The second phase of digitization of 38 cities has also been completed on 31.3.13.

Prior to commencement of the second phase of digitization, the Ministry of Information and Broadcasting had conducted a workshop on implementation of DAS in 38 cities of Phase 2 on 20.11.12 at New Delhi. The meeting on behalf of NBA was attended by the President & Secretary General, NBA. The workshop was moderated Joint Secretary (BC), MIB, and the issues discussed inter alia related to:

1. Learning from Phase - 1 and seeding of STBs in the four metros.
2. Phase – 2 cities and data regarding seeding of STBs etc.
3. Assessment of ground realities in 38 cities, including data collection and planning.
4. Public Awareness campaign for Phase – 2
5. Field visit, role of state government, signing of agreements and phased switch off of analogue channels.

The discussions in these meetings have been very fruitful. It helped the Sub Group in understanding the hardship faced in the first phase & the steps to be taken for quick seeding of set top boxes in 38 cities spread across India.

#### **Promos & tickers to be run by news channels regarding second phase of digitization**

As in the first phase of digitization for creating awareness and to facilitate expeditious seeding of boxes, NBA members carried promos & tickers on their respective channels for several months, which has benefited the consumers in acquiring the set top boxes in time and not face blackout of the channels.

#### **Reconstitution of Task Force on Implementation of Digital Addressable Cable TV Systems.**

In the first phase of digitization the Ministry of Information & Broadcasting in April, 2011 had constituted a Task Force to oversee and monitor the implementation of Digital Addressable System (DAS) in the cable TV sector in the country. The Task Force served as an effective platform to discuss concerns of stakeholders during the implementation of DAS in Phase-I and also reviewed the progress made towards the digitization from time to time.

The digitisation of Phase-II of DAS being underway, the MIB decided to re-constitute on 18.1.2013 the Task Force with the Additional Secretary, Ministry of Information and Broadcasting as Chairperson. The activities/ Terms of Reference of the Task Force was as under :-

- (i) To act as nodal body as well as an interface between the Government and the industry in all matters related to the implementation of DAS in the Cable TV sector ;
- (ii) To oversee and monitor the implementation of DAS ;
- (iii) To study the roadblocks that exist in the way to digitization and suggest suitable measures to address those in an efficient manner so as to enable the various stakeholders to carry forward the process of digitization;
- (iv) Any other issue arising out of, incidental to or connected with the implementation of the digital addressable system or specially referred to the Task Force by the Government, from time to time.

Mr. Ashok Venkataramani, Vice President, NBA & Board Member has been nominated to represent the NBA on the reconstituted Task Force. The meetings of the Task Force have been attended by Mr. Ashok Venkataramani or Annie Joseph, Secretary General, NBA. These meetings have been very fruitful as it helped in sorting out issues at the ground level

## **Reconstitution of the Sub-Group on Public Awareness campaign in respect of Phase II of Digital Addressable system DAS in Cable Television Networks**

Phase II of DAS implementation comprises 38 cities in 15 states and transition to DAS in these cities necessitated an effective and seamless public awareness campaign for transition within the mandated timelines. In order to carry out, oversee and monitor the Phase-II of DAS implementation, a Sub Group was set up on 29.1.2013 with the Joint Secretary (Broadcasting -I) as the Chairperson.

The terms of reference of the Sub Group was as follows :

- (i) To assess the awareness level of viewers/ consumers across various segments of Society in the four metro cities in respect of the impending DAS in cable television networks.
- ii) To draw up print media and electronic media related public awareness material, including radio jingles and spots in respect of Doordarshan, AIR as well as private television channels and private FM radios and radio spots in respect of Doordarshan, AIR as well as private television channels and private FM radios.
- (iii) To monitor the publication of material in print media and running of publicity modules in electronic media and to take corrective action as deemed fit.
- (iv) To take up any publicity related task as may be warranted.

Mr. Ashok Venkataramani, Vice President, NBA & Board Member had been nominated to represent the NBA on the Sub Group. The meetings of the Sub Group have been attended by Mr. Ashok Venkataramani or Mrs. Annie Joseph, Secretary General, NBA. The discussions in the meetings of the Sub Group helped in understanding the ground reality for preparing the public awareness materials for various media platforms.

## **Telecom Regulatory Authority of India (TRAI)**

### **Standards of Quality of Service (Duration of Advisements in Television Channels) (Amendment) Regulations, 2012**

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

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

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



4. Advertisements can only be “full-screen” and “part-screen” or drop down advertisements is not permitted.

The NBA Board met Dr. Rahul Khullar Chairperson, TRAI, to keep these regulations in abeyance till such time the entire digitization process is over and its real effect on the industry is clear. NBA also has represented and met the Minister, I&B to intervene.

The NBA along with some broadcasters had filed an appeal under Section 14(b) of the TRAI Act impugning Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations 2012. The appeal was admitted by the TDSAT. The TRAI sought time to reconsider the issues raised in the appeal

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

In its response, NBA has stated that it is participating in the present consultation process and submitting the present objections strictly without prejudice to all rights and contentions raised by the NBA in Appeal No. 10(C) of 2012 titled “M/s. News Broadcasters Association & Ors Vs. Telecom Regulatory Authority of India” pending before the Hon'ble TDSAT. The NBA reaffirmed and reiterated that the TRAI has no power or jurisdiction whatsoever to issue any kind of regulations or orders in relation to the use, allocation and formatting of advertisements and advertising time on TV channels. NBA submitted that the remit and power of the TRAI under Section 11(1)(b)(v) of the Telecom Regulatory Authority of India Act 1997 to “lay-down the standards of quality of service” to be provided by service providers does not include the power to lay-down regulations which amount to “content control” which is anathema to the constitutional scheme. The attempt to regulate advertisements on television channels even in the manner proposed in the said amended regulations clearly amount to “content regulation” and such regulation is wholly beyond the jurisdiction of the TRAI. By including Regulation 4 in the said amended regulations giving the TRAI power to issue orders and directions to ensure compliance of the said amended regulations; the TRAI has further exceeded its mandate under the TRAI Act since TRAI cannot issue orders and directions towards compliance of something that TRAI cannot regulate in the first place. As admitted in para 6 of the Explanatory Memorandum annexed to the said amended regulations, Rules 7(6), 7(10) and 7(11) of the Cable TV Rules already cover the ground in relation to the advertisements on television channels, and therefore, the Cable TV Rules eclipse the powers given to the TRAI vide Notification dated 9th January, 2004 issued by the Ministry of Communication & Information Technology (whereby Broadcasting and Cable TV Services were included within the ambit of ‘telecommunications service’ within the meaning of the TRAI Act). Under the Cable TV Act, the Ministry of Information & Broadcasting (MIB), if at all, is the competent authority for regulating content in accordance with law as laid down by Parliament and not the TRAI, which (latter) has limited jurisdiction only over disputes involving “technical” issues concerning broadcasting and not over “content” related issues ; and TRAI would be acting far in excess of its jurisdiction in acting on content related issues. Advertisements are part of the free speech guarantee contained in Article 19(1) (a) of the Constitution of India, which is a fundamental right and a “preferred freedom” under the Constitutional scheme and any restriction upon such fundamental right to freedom of speech and expression can only be imposed by “law”, which must pass the test of “reasonable restriction” within the meaning of the Article 19(2) of the Constitution of India and such freedom certainly cannot be curbed by regulations made by the TRAI. In view of the admitted position that advertising revenue is the “lifeblood” of the media, restrictions imposed upon advertisements that may be carried on television channels would amount to unreasonable restriction, violative of Article 19(1) (g) r/w 19(6) of the Constitution.

The NBA has represented that the very proposal to introduce regulation on advertisements on television channels was contrary to the TRAI’s earlier recommendations dated 1st October, 2004 on the same issue, whereby

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

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

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

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

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

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

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

NBA in its representation and meetings with the Minister for I&B, TRAI Chairperson, former and present Secretary I&B has explained all the issues involved (total dependence on advertising revenues, high carriage fees and little or no subscription revenues) and requested that the notification be kept in abeyance for about 18 months to two years by when digitisation would be completed and the resultant benefits of no carriage fees and credible subscription revenues would accrue. NBA has suggested that in the interim, we would draw up a plan to reduce inventory in a phased manner and share it with the TRAI so that there is complete compliance of the Rules. We have also suggested that this can be accomplished by amending the relevant clause in the Cable Act to exclude news channels till 1 April 2015 or the date when digitization, as above, is fully achieved.

The NBA appeal filed immediately after the regulations were issued the first time was still pending before the TDSAT and has not been disposed off. After the new Chairperson took over in TDSAT, the pending matters came on board. Submissions were made on behalf of NBA that in view of the amended regulations, NBA be permitted to amend the pending appeal and bring on record additional documents etc. since the essential



grounds of challenge to the 2012 ad regulations and the 2013 ad regulations were the same. After hearing parties, the TDSAT conceded to NBA's request and has permitted NBA to amend its appeal. Another issue, raised by TRAI, was that a challenge to the amended regulations may be barred by limitations, to which the Chairperson observed that such challenge would be maintainable and would be considered at the next hearing. The amended appeal has been filed before the TDSAT, which will be heard in due course.

### **Consultation Paper on Guidelines/Accreditation Mechanism for Television Rating Agencies in India**

TRAI has released on 17.4.2013 the above consultation paper. The key issues for consultation related to: i. Establishing an accreditation mechanism for the rating agency; ii. Methodology of audience measurement; iii. Sample size; iv. Secrecy of sample homes; v. Crossholding between rating agencies and their users; vi. Complaint redressal; vii. Sale & usage of ratings; viii. Disclosure and reporting requirement; ix. Audit and x. Competition in rating services.

The NBA Board considered the response given by the Indian Broadcasting Foundation (IBF) to the consultation paper and informed the TRAI that the NBA fully supports and endorses the stand taken by the IBF in the above consultation.

## **Ministry of Information & Broadcasting**

### **1. Meetings with Minister for Information & Broadcasting**

On the issues of digitization and 12 minutes ad cap, the Board has met Mr. Manish Tewari Minister for Information & Broadcasting several times and discussed the following:

1. Since there was no resolution to the issue of carriage fees, Minister I&B was requested to intervene and take up the issue with TRAI for their immediate intervention to mandate the carriage fee rate per subscriber per channel per year.
2. The digitization should continue as mandated with monitoring and there should be no relaxation on account of election etc.
3. The Chief Ministers of various states be brought on board to ensure speedy implementation of digitization of 38 cities, which had been mandated in the second phase.
4. TAM to be asked not to release the news genre data on a weekly basis till the digitization is complete.
5. Delay in implementation of the regulations relating to Standards of Quality of Service (Duration of advertisement in television channels) (Amendment) regulations 2012, until digitisation is complete in 2014 by which time the broadcasters would get the benefit of subscription revenues.

The dialogue is continuing with the Minister for I&B to find an amicable resolution in particular to issues relating to carriage fees and duration of advertisements in television channels.

### **2. Policy Guidelines for Empanelment of Pvt. C&S TV Channels for Government Advertisements by DAVP and other duly authorized agencies of the MIB**

As already reported in the previous years report, the NBA Board had explained to the Minister and Secretary I&B, that as per the Guidelines released for DAVP advertisements, news broadcasters cannot accept rates which are lower than what it was offered four years ago. Hence, the members of NBA have decided not to empanel

with DAVP and also decided not to carry the advertisements. Mr. Ashok Venkataramani, Vice President & Sales heads NBA had extensive discussions with the officials of MIB and the then DG, DAVP to rectify the anomaly of offering rates which are lower than what was offered three-four years ago. He assured to look into the matter and take it up with the MIB to set up a High Powered Committee to look into the issue of fair pricing of DAVP rates for the news genre and requested the members to accept the present rates for a period of 3 months upto December 2012, which our members did on his advice. Instead of getting relief as assured by the DG, DAVP, we found that DAVP had hosted on their website “Advisory on rate fixation of additional 52 Channels empanelled on 6th December, 2012”, which included revised rates of member Hindi news channels of NBA. The rates of the 52 Channels empanelled on 6.12.2012 had been revised as per their average TVRs from week 1 to 26, 2012 as per TAM. The channels had been advised to indicate their acceptance of the rates and empanelment latest by Friday, i.e. 14th December, 2012. The rates announced again were lower than the present rates. Since, it was going back on the commitment given to the NBA and these rates were not sustainable by most of the member channels, NBA requested DG, DAVP to let NBA know what action was being proposed by DAVP to fulfill the commitment of relooking at the rates, on an assurance given in August 2012. Until such time the news channels would not carry DAVP advertisements.

In February 2013, the Ministry of Information & Broadcasting constituted a High Powered Committee to look into the issue relating to review of rates of channels under the Chairmanship of Additional Secretary, Ministry of MIB. The NBA was called to give its views on the subject on 11.2.2013. This meeting was attended by President, NBA and Sales heads. A presentation was made before the High Powered Committee and they were informed of the anomalies in the formula and the facts ignored which resulted in the news genre not getting a fair price. The Committee was informed that the only demand that had been partially accepted was the broad time bands. Thereafter, several meetings were held with the High Powered Committee to find a solution to the impasse as the news broadcasters after December 2012 had stopped carrying DAVP advertisements. Thereafter on 8.5.2013 after prolonged discussions of NBA with the High Powered Committee, the following interim arrangement was arrived at with MIB regarding release of DAVP advertisements:

1. For Hindi News Channels/Language News Channels/ English News Channels/ Business Channels the time bands shall be as follows:-
 

Morning Band	: 0600 to 1159 hrs.
Afternoon Band	: 1200 to 1659 hrs.
Prime Band	: 1700 to 2259 hrs.
2. All releases on these channels will be made on a dispersion of 33:33:33 in the 3 time bands.
3. A minimum of 3 spots should be placed in 8pm -10 pm bands.
4. Rates prevalent in September 2012 will apply for these releases for all news channels in Hindi / Regional / English / Business sub genres.
5. DAVP has assured us that the volume of business will be at least similar or better than the DAVP+NFDC spends of 2011-2012, of course subject to their overall media plan requirements.
6. For English News & Business Channels, a certain volume of business has been committed, which will have to be delivered through spots on their news channel, combined with spots in affiliated channels of the concerned group.
7. This is an interim arrangement not exceeding six months pending a permanent solution. New Rates will apply post that.



However, while hosting the modifications on the website of DAVP, it was observed that the clauses 5, 6 and 7 above have been removed.

There has been no progress in the matter.

### **3. Empanelment Advisory Committee (EAC) of DAVP**

The meetings of the Empanelment Advisory Committee (EAC) are being attended by Mr. Ashok Venkataramani, Vice President, NBA, or Mrs. Annie Joseph, Secretary General, NBA as and when the same are held. In these meetings the EAC considers and grants empanelment to both national & regional broadcasters.

### **4. Reconstitution of Central Press Accreditation Committee (CPAC) by Press Information Bureau (PIB)**

On the completion of the present two year term of the Central Press Accreditation Committee (CPAC) of Press Information Bureau (PIB), PIB requested NBA to send three names of editors to be nominated on the CPAC. The Board decided to forward to PIB the names of editors representing the following broadcasters:

1. News Delhi Television Ltd.
2. Zee News Ltd.
3. News 24 Broadcast India Ltd.

Mrs. Neelam Kapoor, Principal Director General, (M&C), PIB vide letter dated 3.4.2013 has informed NBA that Mr. Manoranjan Bharati representing NDTV India has been nominated on behalf of NBA on the CPAC for two years.

## **Ministry of Human Resource Development (HRD)**

### **1. Comments invited from all stakeholders, artists, creative industries, copyright experts and public interest/civil society groups including concerned Central and State Ministries/ Departments on the Draft Copyright Rules, 2012**

The Registrar of Copyrights & Director (BP&CR) Copyright Office, Department of Higher Education, Ministry of Human Resource Development had sought comments on the draft Copyright Rules, which had been circulated to all stakeholders. The NBA submitted its comments only on the following Rules, which related to broadcasting organisations and also participated in the discussions.

**Rule 40:** The NBA submitted that the requirement of a 15 day advance notice alongwith all details and particulars required in Rule 40 would be unworkable, especially in the “live” environment in which news broadcasting organizations operate. Reportage of news is always urgent and, considering the format of a news channel, illustration of the news requires use of audio-video footage of third parties. Since the very nature of a news channel’s work is to report on activities of other persons, almost all footage used by a news channel relates to other persons and possibly third party works. Reportage of news cannot wait for obtaining permissions and licenses and the requirements of Rule 40 are therefore unworkable at least for news broadcasting organizations. It was pointed out that it is for this reason that the “fair dealing” dispensation is available to broadcasters under Sections 39 and 52 of the Copyright Act for reporting on current event and for review, research and teaching.

**Rule 41 Maintaining of records:-** Rule 41 sub-rule 2 required the broadcasting organization to maintain books of account containing particulars about the “total expenditure” in making such broadcast and the “total earnings” from advertisements and other sources in relation to such broadcast. Rule 41 sub-rule 3 further lays down that the records and books of account so maintained by a broadcasting organization “shall be open to inspection on

prior notice by the owner of rights” in the concerned work. There is also provision in Rule 41 sub-rule 4 that the owner of rights in the work so broadcast may demand from the broadcasting organization copies of the relevant extracts from such records and books of account. It was submitted that the foregoing requirements, in particular those contained in sub-rules 2, 3 and 4, are extremely onerous and intrusive in relation to the financially and commercially sensitive information relating to a broadcasting organization. While it is legitimate to demand that a broadcasting organization must, in the application seeking compulsory license, give the details of the programme (including the time-slots and duration) in which the third-party work has to be included, there is no reason why the broadcasting organization should be expected to share its confidential commercial information – namely, information relating to the total expenditure incurred in making a broadcast and the total earning from advertisements and other sources in relation to the broadcast so made – with the owner of copyright whose work is included in its broadcast. Such information is, by its very nature, commercially sensitive and confidential. Making such information available to the owner of rights will completely dilute the confidentiality of such information and such information will become available in the public domain, including to competitors of the broadcasting organization. Such information would thus also become amenable to misuse by competitors and other people to the serious detriment of the concerned broadcasting organization.

The NBA further submitted that in context of the above, the relevant provision of the amended Copyright Act Section 31-D (7), read as under:

“31D Statutory license for broadcasting of literary and musical works and sound recording.

(7) The broadcasting organisation shall –

(a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and (b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.

NBA stated in its submissions that nowhere in the parent section has the legislature empowered the Central Government to make a rule demanding disclosure of confidential commercial information, as is being sought to be done under Rule 41 (2), (3) and (4) of the draft Copyright Rules.

**Rule 42 Manner of determining royalties:** The NBA submitted that the provision in Rule 42 (5) to determine the royalty payable on the basis of so-called “normal market practice of determining advertisement rates for different time slots and in case of television broadcast the target rating point (sic, television rating point) (TRP)” was wholly fallacious and would result in serious detriment to broadcasting organizations. It must be appreciated that there is no so-called “normal market practice” that may be adopted across the board for determining the advertisement rates for different time slots, since advertisement rates vary not only for different time slots but also for different genres of television channels. Furthermore, to link the royalty payable for a certain work with the television rating point (TRP) is also unfair inasmuch as high or low TRPs may be garnered by a broadcasting organization / channel for reasons completely unrelated to and having no direct nexus to the value of the work included in such broadcast for which royalty is being paid. Therefore, to link the royalty payable to the TRP of a certain programme would be erroneous since it is most likely the popularity of the programme as a whole – and not necessarily the intrinsic value of the work included in the programme - that would give a higher TRP. The NBA therefore submitted that the requirements of Rule 42(5) are unjustified and untenable.

In Rule 42(5) (d) the Copyright Board has been permitted to determine the royalties on the basis of “ ..... such other matters as may be considered relevant ....”. The NBA submitted that Rule 42(5)(d) thus gives to the Copyright Board unbridled and unguided discretion, which is sustainable in fact and in law. The existence of Rule 42(5)(d) leaves immense scope for complete arbitrary determination of royalties payable; and such position cannot be countenanced.



**Second Schedule** :The NBA also noted that in the Second Schedule of the draft Copyright Rules at Serial No.2, the fee fixed for a license to communicate an Indian work to the public by broadcast u/s 31(1)(b) has been increased from Rs. 200/- per work to Rs. 40,000/- per applicant/ per station. The NBA submitted that such an exorbitant and disproportionate increase in the fee payable for seeking a license was unwarranted.

The Ministry of Human Resource Development (Department of Higher Education) vide Notification dated 14th March, 2013 has notified the new Rules. It is regrettable to report that the Ministry has paid no heed to the suggestions made by the NBA, while finalizing the Rules.

## **Pre Budget Representation 2013-14**

NBA submitted a pre-budget representation to the Chairman CBDT on 18th January 2013, specifically highlighting two major tax issues confronting the news broadcasters:

### **Tax on Agency Commission**

In tax proceedings in the case of some of NBA members, an addition had been made by the Income Tax Department relating to the commission retained by advertising agencies. The 15% agency commission had been treated as broadcasters' income and the Income Tax Department claimed that the broadcasters had paid the commission amount to the agencies ; therefore broadcasters should have deducted tax on the same. Similarly, it had also been found that the proceedings were also initiated or likely to be initiated in the case of some of NBA members on account of non deduction of tax at source on 15% agency commission. The NBA stated that the stand of the Department was clearly a contravention of facts, law and Department's own circulars on the issue.

### **Tax on Payments made to Satellite Operators**

In tax proceedings in the case of some of NBA members, additions had been made by the Income Tax Department relating to the uplinking charges paid to foreign satellite operators. This was in pursuance to the amendment introduced in the Finance Act, 2012 by inserting an Explanation 6 to section 9(1)(vi) of the Income Tax Act, 1961 ('the Act') with retrospective effect from April 1, 1976 to clarify that transmission by satellite would constitute a process, payment for which shall qualify to be royalty within the provisions of the Act. The above approach of tax authorities for earlier years was against natural justice and equity.

CBDT has been requested to carry out necessary changes in the Act / issue clarifications with respect to the above two issues which were causing lot of hardship to the NBA members.

Mr. K.V.L. Narayan Rao, President NBA and Mr. Ajay Mankotia, President – Corporate Planning and Operations, NDTV, met the Chairman and Members, CBDT to follow up on the representation. Necessary clarifications from CBDT are awaited.

## **Sports Matters**

- 1. India England Test Matches One day & T20 matches from 15.11.2012**
- 2. Airtel India v/s Pakistan T20 INTL and ODI Series from 25.12.12 to 6.1.13**
- 3. Airtel Border – Gavaskar Series – India V/s Australia cricket test matches from 22.2.13 to 6.3.13.**
- 4. Pepsi Indian Premier League 2013 from 3.4.13 to 26.5.2013**
- 5. ICC Champions Trophy England & Wales 2013**
- 6. Hero Hockey India League matches from 14.1.13 to 10.2.13**

The NBA Board took a decision that in case of a certain event, the accreditation documents relating to such event do not contain any reference to any news access guidelines/other similar restriction for the specific event, member broadcasters may avail accreditation for such event but not otherwise.

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

1. Member broadcasters are to scrupulously follow the NBA News Access Guidelines for cricket test matches and one day & T20 cricket matches.
2. No member broadcaster shall either directly or indirectly access the match venues.
3. Member broadcasters will only cover the matches and no other event such as press conferences, interviews, practice sessions and associated events etc.
4. Member broadcasters who have separate arrangements with third party sources such as SNTV, APTN, Reuters etc. may use footage obtained from such third party sources in accordance with the contractual arrangements with such third parties.

In addition to the above, members were also advised to bear in mind the principles of general applicability relating to fair dealing as laid down by the Hon'ble Division Bench of the Delhi High Court in Judgment dated 11-10-2012 in case FAO (OS) 460 of 2012 titled "NDTV Ltd. Vs. ICC Development (International) Ltd. & Anr."

The accreditation papers of the Hero Hockey India League matches when released did not contain news access guidelines/regulations, many broadcasters applied for accreditation. However, nearer the date of matches broadcasters received news access regulations, which were restrictive. Members were therefore advised to strictly follow NBA News Access Guidelines for Football and Hockey matches. Subsequently, Dr. Narendra Batra, Secretary General, Hockey India and Chairman, HIL, informed the NBA that members of NBA could take accreditation for the HIL matches and they would follow NBA News Access Guidelines for the above matches.

## **Cable Television Networks (Regulation) Second Amendment Bill 2011 Report of Standing Committee on Information Technology**

As already reported in the pervious year's report, the above Bill had been referred to the Standing Committee on Information Technology headed by Shri Rao Inderjit Singh for examination and report to Parliament. The NBA had submitted its suggestions to the proposed amendments to Section 5A of the Cable Television Networks (Regulation) Second Amendment Bill, 2011 and had also forwarded representation dated 12.5.11, submitted to the then Secretary, MIB, expressing our concern in relation to a serious lacuna in broadcasting law by reason of which entities/individuals are running "news channels" without any legal framework applying to them; and as a result the very sensitive and important functioning of dispensing information, news and views is left to entities who have no accountability or legal superintendence whatsoever. NBA also appeared before the Hon'ble Standing Committee.

The 36th Report of the Standing Committee dated August 2012, was presented to Lok Sabha on 28.8.12 and



also laid in Rajya Sabha on 28.8.12, in which it has been recommended that the Government should look into the matter urgently to find a solution by setting up some expert body or widening the mandate and infrastructure of the existing expert body i.e. the TRAI.

### **Consultation Paper on Electoral Reforms – Law Commission of India**

A reference has been made by the Government of India to the Law Commission of India to consider the issue of electoral reforms and suggest suitable changes in the law. Accordingly, the Law Commission of India prepared a Consultation Paper on which the Commission sought suggestions/views of political parties, civil society, experts and all other stakeholders to be sent to the Law Commission of India.

Section 3.6 of the Consultation Paper related to Electronic and Print Media, on which the Law Commission sought comments on the following issues:

- (i) How can the integrity of election be protected from being affected by the impact of ‘paid news’?
- (ii) What measures need to be taken within the constitutional framework of free speech, where print or electronic media owned or controlled by political parties, candidates or vested interests, directly or indirectly, broadcast prejudiced news in such a manner so as to influence free and fair elections?
- (iii) Whether any restriction on governmental advertisements highlighting its achievements for a period of six months prior to the date of expiry of the term of the House should be imposed?
- (iv) Whether violation of such restrictions or prohibitions be made punishable?

The NBA in its response dated 31.7.2013 has stated that appreciating the importance of preventing the malaise of paid news, the NBA has issued “Norms & Guidelines on Paid News dated 24.11.2011” which prohibit any news broadcasting organization or journalist involving itself/himself in ‘paid news’; which require extensive disclosures and transparency of dealings by news broadcasters and journalists in order to obviate possibility of paid news ; and which also provide for serious consequences for non-compliance with such guidelines.

On the issue of the possible steps to protect the integrity of elections from the impact of paid news NBA has suggested as follows:

- a) To ensure that any sponsored or paid broadcast/report/write up relating to any candidate or political party during election period, prominently and clearly displays or discloses that it is a sponsored/paid news/ programme (that is by way of running a strip in regard to TV broadcasts and by way of a box announcement in regard to print media).
- b) To prohibit any person belonging to or concerned with electronic or print media from accepting any financial or non-financial consideration or benefit or reward including sponsorship, in regard to any programme or news report relating to any candidate or any political party in relation to any election, if the fact that it is a paid/sponsored programme is not displayed/ disclosed.
- c) As a paid or sponsored programme/report is nothing but a hidden advertisement, electoral laws can be suitably amended to prohibit any paid or sponsored news or report or programme unless the fact it is a sponsored programme/report is prominently displayed.
- d) By appropriate amendments to the Cable Television Networks (Regulation) Act 1995 and the Press Council Act 1978 which govern the functioning of the electronic and print media respectively (or the Rules framed there under) and the Representation of People Act, 1961, self-regulation shall be made mandatory. That is every news/media company or journalist must be a member of and must submit itself/himself to the discipline of a self-regulatory organisation (of its/his choice) having its code of ethics and conduct based

upon a statutorily drawn-up “model code of ethics and conduct”; and which code must inter-alia include specific, enforceable guidelines proscribing “paid news”. The NBA guidelines on paid news, which deal not only with paid news in relation to election affairs but also in relation to business news, with or without appropriate amendment may be treated as model guidelines for this purpose. Another way of discouraging or reducing paid news is for the State to meet the cost of specified free time on television to registered political parties for telecasting election debates alive (to be regulated by the Election Commission).

It has also been brought to the notice of the Law Commission that the Election Commission of India (ECI), in its proposals for Electoral Reforms made in July (2004), has already suggested that “Apart from the fact that public money is spent for partisan interests of the party in power in such advertisements, this practice is also contrary to the spirit of free and fair election, as the party in power gets an undue advantage over other parties and candidates. The Commission proposes that where any general election is due on the expiration of the term of the House, advertisements of achievements of the governments, either Central or State, in any manner, should be prohibited for a period of six months prior to the date of expiry of the term of the House and in case of premature dissolution, the date of dissolution of the House”. Here, advertisements / dissemination of information on poverty alleviation and health related schemes could be exempted from the purview of such a ban.

NBA has also suggested that the Supreme Court has held that commercial speech is part of the fundamental right of freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. Consequently commercial speech is entitled to the same protection under Article 19(1)(a) as any other speech. Therefore any restraint on advertising may be an infringement of the right to freedom of speech and expression guaranteed under article 19(1) (a). Print and electronic media serve as a medium of exercise of freedom of speech. Advertisements in newspapers have direct nexus with their circulation. Any unwarranted curtailment of advertising revenue for print and electronic media may lead to infringement of their free speech guarantee. In order to balance these positions NBA has suggested that the names and symbols of political party in power and photos/ names of political leaders/Ministers/MPs/MLA’s should be banned/ barred in government advertisements.

### **Advisories issued by the Ministry of I&B**

The Ministry of Information and Broadcasting has issued the following advisories, which had been circulated to Members/Editors and Legal Heads of NBA for their information:

1. Advisory dated 28.10.12, regarding Enforcement of Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954 & Rules framed there under.
2. Advisories dated 23.12.12 & 29.12.12 regarding telecast of events in the wake of the gang rape of a girl on 16.12.2012.
3. Writ Petition (Civil) No. 2954/2012 titled Sh. A.K. Jain vs. Union of India & Ors in the Delhi High Court for issuing suitable Advisory relating to compliance of the provisions of the Drugs & Magic Remedies (Objectionable Advertisement) Act 1954.
4. Advisory dated 28.3.13, regarding (i) Violations of the statutory provisions including Section 21 of the Juvenile Justice Act by way of alleged disclosure of identity of the minor accused in media reports --- Reference from National Commission for Protection of Child Rights (NCPCR) (ii) Implementation of the provisions of the Protection of Children from Sexual offences Act 2012 - Reference from Delhi Commission for Protection of Child Rights.
5. Advisory dated 7.6.13, regarding telecasting programmes, which appear to encourage superstition and blind belief.



6. Advisory dated 13.8.13, forwarding some recommendations of the Justice Usha Mehra (Retd.) Commission regarding role of media relating to safety and security of women.

### **Suspension of TAM data**

During the first phase of digitization it was collectively agreed by IBF, AAI and ISA that TAM data would remain suspended upto 31.3.13 across genres as this would help in the carriage fees negotiations with MSO's. TAM was requested by NBA for suspension of data of "niche channels", which includes all news channels, should remain suspended upto 31.3.2013, by when other than four metros and several cities would also get digitized. This request was considered by the core industry Committee comprising members of IBF, AAI and ISA. They asked TAM to release data on 19.12.12 and requested NBA to take our requisition to the industry body. Since the release of data on 19.12.12 would seriously impact the news broadcaster, the NBA represented to the Ministry of I&B and TRAI to intervene and to ensure that TAM data of news and niche channels was released only on 31.3.13. In view of the intervention of MIB the data was withheld and news viewership data was released only on 9.1.13.

### **Net Billing of Release Orders**

Since several broadcasters had received notices from the Income Tax Department that the 15% trade discount getting reflected on the advertisement sales invoicing to advertising agencies is actually a commission given to the advertising agency and therefore the tax deducted at source (TDS) @ 10%, under Section 194H of the Income Tax Act, 1961 ought to be deducted and paid to the Government. In view of this position, the IBF Board decided to migrate to "net billing" effective 1.4.2013. The NBA Board concurred that moving to net billing was in the interest of NBA and members be instructed to observe all the decisions being taken by IBF in this regard. After hectic negotiations with AAI, ISA & IBF, it was mutually agreed that from 1.5.2013, media buying agencies will accept net bills from broadcasters.

### **Live feeds of Lok Sabha Television**

Member broadcasters had received letters dated 4.4.13, from GM (M&D), Lok Sabha TV requesting broadcasters to apply for relevant subscription package. As decided by the Board, a representation has been sent to the Hon'ble Speaker Lok Sabha on 29.5.2013 with copy to Minister I&B, Minister of Parliamentary Affairs and Minister of State for Parliamentary Affairs requesting then to find a resolution to the long pending issue since 2008. NBA has requested the Hon'ble Speaker Lok Sabha to revoke the decision to invoice our members for use of excerpts / footage from Lok Sabha TV. The following issues have been submitted once again for consideration.

1. Lok Sabha TV being a television channel run by and dedicated exclusively to coverage of proceedings of the Indian Parliament is a public service broadcaster;
2. Lok Sabha TV is an organ established with the objective of disseminating information on the working of our democracy's highest institution, and our members only help achieve that aim;
3. In Section 39 of the (Indian) Copyright Act, 1957 which deals with what is considered "fair dealing" in relation to broadcast reproduction right, our Parliament itself has enacted and has recognized that use of excerpts in reporting current events or for bona fide review does not amount to infringement of a broadcaster's right ;
4. As a matter of long standing practice, the government always distributes several lakhs of copies of important material, including of the Union / Railway Budget, parliamentary proceedings etc. every year to the media, including to the electronic media, completely free of cost ;

5. Press releases of the Press Information Bureau of the government are given out on a daily basis without any charge to the media;
6. It however now appears that the electronic media is being sought to be treated differently from the print media, which we submit, should not be the case. Our members are equally in the same journalistic profession as the print media; and our members also enjoy the same right to freedom of speech and expression guaranteed under Article 19(1) (a) of the Constitution of India;
7. If anything, considering the literacy levels in our nation, the reach of the electronic media is manifold compared to that of the print media and so, our members deserve more cooperation in dissemination of information, so they can do their duty more fully;
8. We may add here, that since our members are not permitted to place their own television cameras and equipment within the Parliament precincts, the only source available for private news broadcasters for obtaining excerpts / footage of Parliamentary proceedings is the Lok Sabha TV ;
9. Above all, the widespread dissemination of information relating to the Parliament and its proceedings is in the highest interest of democracy and consequently in public interest.

A response from the Lok Sabha to the NBA representation is awaited.

### **Content related matters affecting news broadcasters pending in the Supreme Court, Delhi, Karnataka High Courts & TDSAT**

**Common Cause Vs. Union of India :** Civil Writ Petition No. 387 of 2000 pending before the Supreme Court of India, is a petition under Article 32 of the Constitution of India for issuance of a writ directing the Ministry of Information & Broadcasting and the Ministry of Home Affairs to prescribe norms and guidelines for observance by TV Channels, and to bring about conditions where-under TV channels and producers adopt self-regulatory measures. NBA had applied for intervention in the matter; which intervention application was allowed on 17.3.2009; and NBA will be heard in the matter in due course.

**Dr. Surat Singh Vs Union of India & Ors. :** Civil Writ Petition No. 316 of 2008 pending before the Supreme Court of India has been filed under Article 32 of the Constitution of India for issuance of a writ for ensuring effective enforcement of fundamental right of citizens (in this case Dr. Rajesh Talwar) in relation to police and media handling of the Aarushi Talwar murder case. NBA's application for intervention in the matter has been allowed; and NBA will be heard alongwith Dr. Rajesh Talwar, who has also been impleaded in the matter. By interim Order dated 22nd July 2008, which is continuing and which has been reiterated subsequently, the media has been directed by the Supreme Court to exercise restraint in reporting on the Aarushi Talwar case. The petitioner has moved a fresh application alleging contempt of Court against "India Today" magazine for their coverage of the Aarushi matter in its issue dated 24th January 2011. The Supreme Court had also allowed NBA's application seeking transfer of Writ Petition (Civil) No. 7368 of 2008 titled "Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors" which was then pending before the Delhi High Court to the Supreme Court, since the said High Court petition involves similar issues. The matter will be heard by the Supreme Court in due course. In the meantime, the parties in this case were given an opportunity of being heard on the limited issue of regulations on media reporting of Court proceedings in the matter titled "Sahara India Real Estate Corp. Ltd. & Ors. Vs. Securities & Exchange Board of India & Ors." : Civil Appeal No. 9813 of 2011 which matter was heard by a 5-Judge Constitution Bench of the Supreme Court and in which Judgment was pronounced on 11.9.2012. The matter was heard on 23.8.2013. Upon hearing the parties, the Court has in its Order stated that the NBSA, may supply a copy of the draft guidelines issued by it, which is part of the record to the other counsel appearing in the matter; if any person has any grievance, he can move an application before



the NBSA and if such an application is filed, the Hon'ble Court has been given assurance by NBSA that it will be dealt with as per regulations.

**People's Union for Civil Liberties & Anr Vs The State of Maharashtra & Ors.** : Criminal Appeal No. 1255 of 1999 which is pending before the Supreme Court of India arises from an Order passed by the Bombay High Court in Criminal Writ Petition No.1146 of 1997 in relation to alleged fake encounter killings. As of April 2011, pleadings in the matter were not complete; and accordingly the Supreme Court had directed that pleadings in the matter be completed and the matter be listed for further proceedings thereafter. The matter will be heard in due course.

**Act Now for Harmony & Democracy (ANHAD) & Anr. Vs Union of India & Ors** : Civil Writ Petition No. 7368 of 2008 before the Delhi High Court was filed under Article 226 of the Constitution of India seeking a judicial inquiry into the encounter killings at Batla House, New Delhi and for laying down guidelines for the police and the media regarding the publication of information obtained / claimed to be obtained during investigation. On the basis of the enquiry report file by the National Human Rights Commission on the Batla House encounter, the Delhi High Court had rejected the petitioner's prayer for an independent judicial enquiry into the Batla House encounter. However earlier on the Court had allowed the NBA to intervene in the case whereby NBA was to make submissions to the Court on police media interaction and related issues. The NBA had also filed draft/suggested Guidelines for Media Briefing by Police, which were to be considered by the Court alongwith the guidelines suggested by the petitioner. However in the meantime, NBA's application filed in the Dr Surat Singh matter pending before the Supreme Court (seeking transfer of this writ petition to be heard in the Supreme Court alongwith the Dr Surat Singh matter) was allowed ; and the file of this matter has since been sent up by the Delhi High Court to the Supreme Court to be heard alongwith the Dr Surat Singh matter.

**TRAI Vs. Set-Discovery Pvt Ltd & Ors** : Civil Appeals Nos. 829-833 of 2009 pending before the Supreme Court : On the advise of Mr. F.S. Nariman, Senior Advocate in relation to the issue of carriage fee and placement fee, which has been raised by some of our member broadcasters before the Supreme Court in this matter (namely Star News, NDTV, TV Today and Times Now), and in order to represent the interests of all its members, with the consent of Board Members, the NBA had filed an intervention application dated 8.9.2010 seeking to be heard in the matter. On 18th October, 2010 the Chamber Judge had ordered that the said application would be considered by the Bench hearing the main matter. In the meantime in February 2011 applications were moved by the Union of India (Ministry of Information & Broadcasting) and the Indian Broadcasting Foundation also seeking impleadment in the matter; upon which applications Court had issued notice. In November 2011, the Cable Operators Association also moved an application for intervention. As per the status update on the Supreme Court website, the matter is to be listed on 10th March, 2014 ; and will be heard in due course.

**Smt. Ranjitha @ Smt. Ranjitha Menon Vs. State of Karnataka & Ors.** : Writ Petition No. 8619 of 2011 (GM-RES) before the High Court of Karnataka : This writ petition under Article 226 of the Constitution of India had been filed by Smt. Ranjitha @ Smt. Ranjitha Menon against 43 Nos. Respondents which includes News Broadcasting Standards Authority / News Broadcasters Association as Respondent No. 4 seeking to restrain all Respondents from telecasting clippings of the "Swami Nithyananda Scandal" involving the actress Ranjitha. The High Court disposed of the writ petition with an observation that the complaint which was subject matter of the writ petition will be considered and disposed of by the NBSA. During the course of hearing before the NBSA, Ms Ranjitha Menon was informed that since there are 12 respondent channels in the matter, she would need to be specific about her allegations against each broadcaster for the NBSA to be able to consider her grievance vis-a-vis each broadcaster and orders/directions could not be passed against all channels in a general or vague manner. Furthermore it transpired during the hearing that Ms. Ranjitha Menon had a serious grievance against Sun TV, which channel according to her was the first/main offender ; which channel was however not a

party before the Karnataka High Court and therefore the NBSA could not make Sun TV a party in the complaint before itself. In view of this, at the request of the complainant, the matter was deferred allowing time to the complainant to take steps to implead Sun TV in the writ petition before the Karnataka High Court, so as to enable the NBSA to proceed against Sun TV as well. The NBA will also file an appropriate affidavit before the Karnataka High Court to inform the Court of the status of the complaint pending before the NBSA.

**Court On Its Own Motion Vs. Union of India & Ors.** : Writ Petition (Civil) No. 787 of 2012 pending before Delhi High Court : This writ petition had been initiated by the Delhi High Court on the basis of a Letter Petition filed by Mr. Anant Asthana, Advocate drawing the attention of the Court to the then on going media reportage relating to two year old baby girl named Falak who was admitted at the All India Institute of Medical Sciences and another 15 year old minor girl who had allegedly brought baby Falak to Hospital. By its Order dated 8.2.2012 the Court recorded that the issue related to the violation of particular provisions inter-alia of the Juvenile Justice (Care and Protection of Children) Act, 2000 by causing breach of privacy by revealing the name/s and identity/ies of the children and the Court expressed that it would frame guidelines for media reportage of such situations. The NBA moved an intervention application in the matter, which application was allowed on 7.3.2012. Expressing that the views of NBA would be important for taking a decision in the matter, the Court had permitted the NBA to nominate a media representative on the committee that the Court has constituted to look into the issues arising in the case. The NBA nominated Ms. Annie Joseph, Secretary General as its nominee on the Committee; and on 7.8.2012 the said committee submitted a Report containing the “Guidelines Proposed for Media Reporting on Children” which contained a note of dissent by the NBA on certain aspects. At the hearing on 8.8.2012, the Court resolved the issues raised by NBA in its dissent by duly modifying the proposed Guidelines to take care of NBA’s concerns. By order dated 8.8.2012, the Court has directed that the guidelines so finalized insofar as media is concerned, be implemented with immediate effect. The Guidelines attached to the report were circulated to all members on 15.10.12. However, the Committee is still deliberating on the guidelines for other stakeholders in the system, viz. Police, lawyers, Court, Juvenile Justice Board, Child Welfare Committee etc. and the Committee is to propose guidelines for the said other stakeholders. The matter has been listed and deferred from time to time for various reasons ; and Court has given the Committee until 4.9.2013 to submit its final report in the matter.

**M/s News Broadcasters Association & Ors. Vs. Telecom Regulatory Authority of India** : Appeal No. 10(C) of 2012 pending before the TDSAT : Appeal under section 14(b) of the TRAI Act has been filed impugning the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations 2012. After a preliminary hearing, the TDSAT has issued notice to the Respondent/TRAI; and the TRAI has sought time to reconsider the issues raised in the appeal. On 31.8.2012 the TDSAT had directed that without prejudice to the rights and contentions of the appellants with regard to the question of jurisdiction of the TRAI to pass the impugned regulations, the appellants would submit their objections to the fresh draft amendment regulations issued by the TRAI; and the respondent had made the statement on 11.6.2012 that no coercive action will be taken against the appellants pursuant to the impugned regulations. The TRAI has since issued the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations 2013 on 22.3.2013. On 17.7.2013, upon submissions made by the NBA, the TDSAT had permitted the NBA to amend the pending appeal to challenge the amended advertisement regulations 2013 with liberty to the TRAI to file its reply. The NBA has since filed its amendment application and amended appeal; and the matter is posted next on 10.9.2013 before the Registrar of the TDSAT.

**Shri Shakeel Ahmed & Ors. Vs. Suwarna News 24 x 7 & Ors.** : Writ Petition No. 13677 of 2012 pending before the High Court of Karnataka at Bangalore : This writ petition filed by the Shri Shakeel Ahmed, Advocate, under Article 226 & 227 of the Constitution of India seeks to stop the broadcast of programmes on various TV channels, in which it is alleged that programmes are pre-planned, recorded and broadcast depicting



premeditated violence being committed upon persons, in collusion and connivance with TV channels, with a view to denigrating and defaming such persons to seek revenge (described in the petition as premeditated, violent, personal enmity programmes). The Court had issued notice and asked the Respondents to file their versions in the matter. The matter was posted for consideration last on 12.12.2012. It is pending hearing without fixing any date of hearing.

**ICC Development (International) Ltd. & Anr. Vs. New Delhi Television Limited** : CS (OS) No. 2416 of 2012 before Delhi High Court : This suit for permanent injunction for restraining infringement of copyright, broadcast reproduction rights etc. and for rendition of accounts and claiming damages was filed against NDTV in relation to use of footage of ICC cricketing events. NBA was permitted to intervene in the matter and to make submissions on points of law. An interim Order dated 18.9.2012 was made by the Single Judge ; against which Order NDTV filed an Appeal before the Division Bench of the Delhi High Court, being F.A.O. (O.S.) No. 460 of 2012. The NBA had sought to be heard in the matter, which however was declined by the Division Bench observing that the Division Bench would not lay down any law but would only decide the challenge inter-se between NDTV and ICC relating to the interim order. Judgment was thereafter passed in the Appeal on 11.10.2012, in which however, general propositions of law have been laid down on “fair dealing” in relation to copyright and broadcast reproduction rights. The suit is still pending trial before the Single Judge of the Delhi High Court.

**M/s News Broadcasters Association & Anr. Vs. Telecom Regulatory Authority of India & Ors.** : Civil Appeal No. 1525 of 2013 pending before the Supreme Court of India. The civil appeal has been filed against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled “Indus Ind Media Communication Ltd. Vs. TRAI & Anr.” On its first listing before the Court on 1.3.2013, the appeal was admitted; and the NBA was granted leave to file additional grounds and substantial questions of law, for which the NBA subsequently filed the required application. The matter was posted on 17.4.2013 for final hearing, subject to completion of pleadings. NBA has filed its counter affidavit in the connected IMCL appeal, as directed. However neither the TRAI nor IMCL have filed their respective counter affidavits in the NBA appeal so far ; and since pleadings are not complete, the matter is not ripe for hearing yet. The matter will be heard in due course.

**Indian Broadcasting Foundation (IBF) Vs. Cable Operator Association of Gujarat & Ors.**: SLP (CC No. 8170 of 2013) ; SLP (CC No. 8194-8202 of 2013) ; SLP (CC No. 8580 of 2013) and SLP (CC No. 9531 of 2013) before the Supreme Court of India. SLP CC No. 8170 of 2013 was filed by the IBF under Article 136 of the Constitution of India impugning Order dated 28.3.2013 passed in Special Civil Application No. 3582 of 2013 titled “Cable Operator Association of Gujarat Vs. Union of India and Ors” by the Hon’ble Gujarat High Court effectively staying implementation of DAS in 4 cities of Gujarat in Phase-II of the DAS roll out. NBA had filed an application for intervention in SLP (CC No. 8170 of 2013), which intervention application was listed before Court on 15.4.2013. However the main matter was re-notified awaiting the outcome of the proceedings before the Gujarat High Court ; and it later transpired that on 16.4.2013 the petition filed in the Gujarat High Court was dismissed, and thereby the interim stay Order granted also stood vacated. Consequently, on 10.5.2013, SLP (CC No. 8170 of 2013) was dismissed by the Supreme Court as having become infructuous, in view of the dismissal of the matter by the Gujarat High Court.

However in the other connected SLPs filed by IBF, the IBF has raised the issue of similar restraining orders having been made by other High Courts, of which it appears the Order made by the Madhya Pradesh High Court still continues.

In this view of the matter, when the petition came-up last before the Supreme Court on 10.5.2013, the Supreme Court has issued notice on the connected SLPs, on the prayers made for interim relief and on the intervention

applications filed therein returnable on 8.7.2013. NBA needs to file intervention applications in the connected SLPs. The matter was however not on the list for 8.7.2013. The matter will be listed in due course.

**Dhiraj Kumar “Bharadwaj” Vs. News Broadcasting Standard Authority & Ors.:** Writ Petition No. 3087 of 2012 pending before the Delhi High Court. This Civil Writ Petition has been filed by Shri Dhiraj Kumar “Bharadwaj”, under Article 226 of the Constitution of India seeking issuance of a writ directing the NBSA (NBA) and the Ministry of Information & Broadcasting to stop the broadcast of programme titled “ Third Eye of Nirmal Baba” telecast by various news and entertainment channels and also for a direction to TAM Media Research Pvt. Ltd. to delete the program “Third Eye of Nirmal Baba” from its TRP rating list. The Court has directed the parties to complete the pleadings in the matter. The matter will come up before Court on 29.10.2013.

**IndusInd Media and Communications Limited & Anr. Vs. Telecom Regulatory Authority of India & Ors. (TRAI).** : Civil Appeal No. D3009 of 2013 pending before Supreme Court of India. This Civil Appeal has been filed by IndusInd Media and Communications Ltd. against Judgment dated 19.10.2012 passed by the Telecom Disputes Settlement & Appellate Tribunal, New Delhi in Appeal No. 5(C) of 2012 titled “IndusInd Media Communication Ltd. Vs. TRAI & Anr.”. NBA has filed its counter affidavit in the matter. The matter was posted on 17.4.2013 for final hearing, subject to completion of pleadings. However neither the TRAI nor IMCL have filed their respective counter affidavits in the connected NBA appeal so far ; and since pleadings are not complete, the matter will be heard in due course.

## Corporate Matters

### 1. Membership

The following broadcasters have been admitted as members during the year under report:

Kansan News Pvt. Ltd.( Channel: Day & Night News)

Odisha Television Ltd. (Channel: OTV)

Asianet News Network Pvt. Ltd. (Channels: Asianet News & Suvarna News)

The Mathrubhumi Printing & Publishing Co. Ltd. (Channel: Mathrubhumi News)

The details of Members/ Associate Members of the Association during the year is annexed at

**Annexure – 1.**

### 2. Office Bearers for 2012-13

In terms of Article 26 of the Articles of Association the following Directors were elected

Office Bearers of the Association for the year 2012-13:-

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

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

Honorary Treasurer – Mr. Anil Mehra (TV Today Network Ltd.)

### 3. Resignation:

Mr. Barun Das (Zee News Ltd.) tendered his resignation from the Board of the Association during the period under report.



#### **4. Appointment**

Mr. Alok Agrawal (Zee News Ltd.) was appointed as a Permanent Director on the NBA Board in place of Mr. Barun Das during the period under report.

#### **5. Meetings of Board of Directors**

The Board of Directors met 7 times during the year under report and the meetings were held in New Delhi and Noida.

#### **Sub Committee on Sales Matters**

The Sub Committee on sales matters met 5 times during the year under review. These meetings were chaired by Mr. Ashok Venkataramani, Board member & CEO MCCA Ltd (ABP News)

#### **Election Data - AC Nielsen ORG -MARG**

NBA collectively negotiated and engaged AC Nielsen ORG-MARG Pvt. Ltd. for election data, which was subscribed by Members for the Gujarat, Himachal Pradesh & Karnataka elections held during the year under report.

#### **Re-constitution of News Broadcasting Standards Authority (NBSA)**

As the present term of the NBSA was coming to a close, the NBA Board requested Justice J. S. Verma Chairperson and eminent members, NBSA to continue for another term, which they agreed to. Mr. Kiran Karnik, eminent member however requested that he be relieved from the position as his other commitments entailed extensive travel both in India and abroad. His request was reluctantly accepted by both the NBA and NBSA. To fill the said vacancy, Dr. S.Y. Quraishi, former Chief Election Commissioner of India was invited to join the NBSA as eminent member, which he graciously accepted.

Thereafter, the NBSA was re-constituted on 2.10.2012 for another period of two years w.e.f. 2.10.2012 with Justice (Retd) J. S.Verma, former Chief Justice of India as Chairperson NBSA, with the following Eminent Members and Editors as Members :

##### **Members representing eminent persons' category:**

1. Mr. Nitin Desai, Economist and former Under Secretary General of United Nations
2. Mr. Dipankar Gupta, former Professor of Sociology, Jawaharlal Nehru University
3. Mrs. Chokila Iyer, former Foreign Secretary, Government of India
4. Dr. S.Y. Quraishi, former Chief Election Commissioner of India

##### **Members representing Editors' category:**

1. Mr. Rahul Kanwal, Managing Editor – Headlines Today
2. Mr. Vivek Law, Editor, Bloomberg TV India
3. Mr. Ajit Anjum, Managing Editor – News 24
4. Mr. Johny Lukose, Director, News – Manorama News

In view of the unfortunate and sudden passing away of Justice J. S. Verma, former Chief Justice of India & Chairperson NBSA on 22.4.13, the NBA Board decided to invite Justice R. V. Raveendran, former Judge of the Supreme Court of India to be the Chairperson of NBSA, which position has been accepted by Justice R. V. Raveendran for a period of two years commencing May 25th 2013. Justice R.V. Raveendran has like Justice J. S. Verma declined to accept any honorarium for taking on this responsibility.

Prof Dipankar Gupta and Mrs. Chokila Iyer eminent members on the NBSA since inception requested that they be relieved from the position, which was reluctantly accepted by the NBA.

**The present composition of the NBSA is as follows:**

Justice R. V.Raveendran, former Judge of the Supreme Court of India, **Chairperson**

**Members representing eminent persons' category:**

1. Mr. Nitin Desai, Economist and former Under Secretary General of United Nations.
2. Dr. S.Y. Quraishi, former Chief Election Commissioner of India.
3. Dr. G. Mohan Gopal, Jurist, former Director, National Judicial Academy India, Bhopal.
4. Mrs. Leela Ponnappa, former Deputy National Security Advisor to Govt. of India.

**Members representing Editors' category:**

1. Mr. Rahul Kanwal, Managing Editor – Headlines Today
2. Mr. Vivek Law, Editor, Bloomberg TV India
3. Mr. Ajit Anjum, Managing Editor – News 24
4. Mr. Johny Lukose, Director, News – Manorama News

The NBA Board placed on record the valuable contributions made by these eminent members in the last few years in furtherance of the public cause which brought them together to strengthen the self regulatory initiative of the NBA.

**The News Broadcasting Standards Authority**

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

**Place: New Delhi**  
**Date: August 8, 2013**

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



**K.V.L. Narayan Rao**  
**President**

**Annexure - 1****Members of News Broadcasters Association****Members:**

S.No.	Name of the Broadcaster Member	Channel(s)
1.	Asianet News Network Pvt. Ltd.	Asianet News, Suvarna News
2.	Bennett, Coleman & Co. Ltd.	ET Now
3.	Business Broadcast News Pvt. Ltd.	Bloomberg TV India
4.	ibn18 Broadcast Ltd.	CNN IBN, IBN 7
5.	Independent News Services Pvt. Ltd.	India TV
6.	Indira Television Ltd.	Sakshi
7.	INX News Pvt. Ltd.	News X
8.	Mathrubhumi Printing & Publishing Co. Ltd.	Mathrubhumi News
9.	Media Content & Communications Services (India ) Pvt. Ltd.	ABP News, ABP Majha, ABP Anando
10.	New Delhi Television Ltd.	NDTV24x7, NDTV India, NDTV Profit
11.	News24 Broadcast India Ltd.	News 24
12.	Odisha Television Ltd.	OTV
13.	Pearls Broadcasting Corporation Ltd.	P7 News
14.	Shreya Broadcasting Pvt. Ltd.	TV 5
15.	SUN TV Network Ltd.	Sun News, Gemini News, Udaya Varthagalu
16.	Television Eighteen India Ltd.	CNBC TV18, CNBC Awaaz
17.	Times Global Broadcasting Company Ltd.	Times Now
18.	TV Today Network Ltd.	Aaj Tak, Headlines Today, Dilli Aajtak, Tez
19.	Ushodaya Enterprises Pvt. Ltd. (TV Division)	ETV2Telugu, ETV UP/Uttaranchal, ETV Bihar/Jharkhand, ETV MP/Chattisgarh, ETV Rajasthan, ETV Marathi, ETV Gujarati, ETV Kannada, ETV Oriya, ETV Bangla
20.	Zee News Ltd.	Zee News, Zee Business, Zee 24 Taas, Zee Uttar Pradesh Uttarakhand, Zee 24 Ghantalu, Zee Madhya Pradesh Chattisgarh, Zee Punjab Haryana Himachal

**Associate Members:**

21.	Broadcast Initiatives Ltd.	Live India
22.	Hyderabad Media House Ltd.	HMTV
23.	Kansan News Pvt. Ltd.	Day & Night News
24.	MM TV Ltd.	Manorama News Central
25.	Total Telefilms Pvt. Ltd.	Total TV

\* As on 26.8.2013

## Independent Auditor's Report

### The Members

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 2013 and Income and Expenditure Account for the year then ended and notes to the financial statements comprising of a summary of significant accounting policies and other explanatory information.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation of these financial statements that give a true and fair view of the financial position and financial performance of the Company in accordance with the Accounting Standards referred to in sub-section (3C) of section 211 of the Companies Act, 1956( "the Act"). This responsibility includes the design, implementation and maintenance of internal controls relevant to the preparation and presentation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

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

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of the material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting policies used and reasonableness of the accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

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

### Opinion

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

- a) In the case of the Balance Sheet, of the state of affairs of the Company as at March 31, 2013 and
- b) In the case of the Income & Expenditure account, of the surplus for the year ended on that date.



## Report on Other Legal and Regulatory Requirements

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

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

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

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

Chartered Accountants

Firm's Regn. No. 000756N

Sd/-

**Naveen Aggarwal**

Partner

(Membership No. 094380)

Place: New Delhi

Date: August 8, 2013



## NEWS BROADCASTERS ASSOCIATION

### Balance Sheet as at 31st March, 2013

<i>(Figures in Rs)</i>			
Particulars	Note No.	As at 31st March, 2013	As at 31st March, 2012
<b>I. EQUITY AND LIABILITIES</b>			
<b>(1) Member's Funds</b>			
(a) Entrance Fees	1	1,300,000	1,050,000
(b) Reserves and Surplus	2	24,276,746	19,325,003
<b>(2) Current Liabilities</b>			
(a) Short Term Provisions	3	83,184	70,004
(b) Other Current Liabilities	4	7,023,485	5,550,000
<b>TOTAL</b>		<b>32,683,415</b>	<b>25,995,007</b>
<b>II. ASSETS</b>			
<b>(1) Non-Current Assets</b>			
<b>(a) Fixed Assets</b>			
(i) Tangible Assets	5	214,681	251,792
(b) Other Non-Current Assets	6	21,375,767	3,876,092
<b>(2) Current Assets</b>			
(a) Trade Receivable	7	823,485	-
(b) Cash and Bank Balances	8	10,225,054	21,792,635
(c) Short-Term Loans and Advances	9	44,428	74,488
<b>TOTAL</b>		<b>32,683,415</b>	<b>25,995,007</b>
Significant accounting policies and other Notes to accounts	14-23		

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/-
<b>(Naveen Aggarwal)</b>	<b>K.V.L. Narayan Rao</b>	<b>Ashok Venkatramani</b>	<b>Anil Mehra</b>	<b>Annie Joseph</b>
Partner	President	Vice President	Honorary Treasurer	Secretary General

M No.: 094380

Place : New Delhi.

Dated : August 8, 2013



**NEWS BROADCASTERS ASSOCIATION**  
**Income & Expenditure Account**  
**for the year ended 31st March, 2013**

<i>(Figures in Rs)</i>			
Particulars	Note No.	Year Ended 31st March, 2013	Year Ended 31st March, 2012
<b>Income</b>			
I. Subscription	10	10,262,500	9,575,000
II. Additional Contribution from Members		3,300,005	-
III. Other Income	11	2,571,201	1,911,531
III. Total Income (I + II)		<b>16,133,706</b>	<b>11,486,531</b>
<b>IV. Expenditure</b>			
Employee Benefit Expenses	12	3,840,928	2,913,700
Depreciation and Amortization Expense	6	76,611	89,867
Other Expenses	13	7,264,424	3,857,251
Total Expenditure		<b>11,181,963</b>	<b>6,860,818</b>
V. Surplus before Tax (III - IV)		4,951,743	4,625,713
<b>VI. Tax Expense:</b>			
(1) Current tax		-	-
(2) Deferred Tax		-	-
VII. Surplus/ (Deficit) for the Year (V - VI)		4,951,743	4,625,713
Significant accounting policies and other Notes to accounts	14-23		

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/- <b>(Naveen Aggarwal)</b> Partner	Sd/- <b>K.V.L. Narayan Rao</b> President	Sd/- <b>Ashok Venkatramani</b> Vice President	Sd/- <b>Anil Mehra</b> Honorary Treasurer	Sd/- <b>Annie Joseph</b> Secretary General
---------------------------------------------	------------------------------------------------	-----------------------------------------------------	-------------------------------------------------	--------------------------------------------------

M No.: 094380

Place : New Delhi.

Dated : August 8, 2013



## NEWS BROADCASTERS ASSOCIATION

### Notes Forming Part of Balance Sheet

<b>NOTE # 1</b>	<i>(Figures in Rs)</i>	
<b>Members Funds</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Entrance Fees</b>		
Entrance fees as per last Balance Sheet	1,050,000	1,000,000
Addition during the year	250,000	100,000
Less: Entrance Fees forfeited and transferred to Capital Reserve	-	(50,000)
	1,300,000	1,050,000
<b>NOTE # 2</b>	<i>(Figures in Rs)</i>	
<b>Reserve &amp; Surplus</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Reserve and Surplus</b>		
(a) Capital Reserve		
As per last Balance Sheet	50,000	-
Addition during the year	-	50,000
	50,000	50,000
(b) Special Reserve		
As per last Balance Sheet	13,662,202	10,634,796
Addition during the year (Net) (refer Note 21)	2,781,298	3,027,406
	16,443,500	13,662,202
(c) Surplus i.e. Balance in the Statement of Income & Expenditure		
As per last Balance Sheet	5,612,801	4,014,494
Addition during the year	4,951,743	4,625,713
Less :Allocations & Appropriations-transfer to Special Reserve	(2,781,298)	(3,027,406)
	7,783,246	5,612,801
	<b>24,276,746</b>	<b>19,325,003</b>
<b>NOTE # 3</b>		
<b>Short Term Provisions</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Other Provisions</b>		
- Provision for expenses	83,184	70,004
	83,184	70,004



<b>NOTE # 4</b>		<i>(Figures in Rs)</i>	
<b>Other Current Liabilities</b>			
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>	
Subscription received in advance	6,200,000	5,550,000	
Statutory Dues :			
Service Tax payable	823,485	-	
	<b>7,023,485</b>	<b>5,550,000</b>	

<b>Note # 5</b>											<i>(Figures in Rs)</i>	
<b>Tangible Assets</b>												
<b>Particulars</b>	<b>Gross Block</b>					<b>Depreciation</b>				<b>Net Block</b>		
	<b>April 1,2012</b>	<b>Addition</b>	<b>Disposal</b>	<b>Acquisition</b>	<b>March 31,2013</b>	<b>April 1,2012</b>	<b>For the year</b>	<b>Disposal/ Adjustments</b>	<b>March 31,2013</b>	<b>March 31,2013</b>	<b>March 31,2013</b>	
Computer	468,208	-	-	-	468,208	345,737	48,988	-	394,726	73,482	122,471	
Office Equipment	174,792	22,000	-	-	196,792	45,471	26,876	-	72,347	124,445	129,321	
Furniture & Fixtures	-	17,500	-	-	17,500	-	746	-	746	16,754	-	
<b>Total</b>	<b>643,000</b>	<b>39,500</b>	<b>-</b>	<b>-</b>	<b>682,500</b>	<b>391,208</b>	<b>76,611</b>	<b>-</b>	<b>467,819</b>	<b>214,681</b>	<b>251,792</b>	
Previous Year	592,805	50,195	-	-	643,000	301,341	89,867	-	391,208	251,792	291,464	

<b>NOTE # 6</b>			
<b>Other Non-Current assets</b>			
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2013</b>	
Non-Current Bank Balances(Note 8.1)			
- Deposit with original maturity for more than 12 months but after one year from reporting date	20,500,000	2,500,000	
Interest accrued on fixed deposits	875,767	1,376,092	
	<b>21,375,767</b>	<b>3,876,092</b>	

<b>NOTE # 7</b>			
<b>Trade Receivables</b>			
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>	
Unsecured considered good			
Outstanding for a period less than six months	823,485	-	
	<b>823,485</b>	<b>-</b>	

<b>NOTE # 8</b>	<i>(Figures in Rs)</i>	
<b>Cash and bank balances</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Cash and Cash Equivalents</b>		
- Cash in Hand	2,984	3,723
- Balance with scheduled banks :-		
In Current account	7,722,070	4,788,912
<b>Other Bank Balances</b>		
Fixed deposit (refer Note 8.1)	2,500,000	17,000,000
	<b>10,225,054</b>	<b>21,792,635</b>
<b>NOTE # 8.1</b>		
<b>Fixed Deposits with Bank</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Fixed Deposits with Bank</b>		
-Upto 3 months maturity from date of acquisition	-	-
-Upto 12 months maturity from date of acquisition	-	-
-Maturity more than 12 months but within one year from the reporting date	2,500,000	17,000,000
Shown as Current Assets	2,500,000	17,000,000
-Maturity more than 12 months but after one year from 12 months from the reporting date	20,500,000	2,500,000
Shown as Non-current Assets	20,500,000	2,500,000
Total	23,000,000	19,500,000
<b>NOTE # 9</b>		
<b>Short term Loans and Advances</b>		
<b>Particulars</b>	<b>As at 31st March, 2013</b>	<b>As at 31st March, 2012</b>
<b>Unsecured considered good</b>		
- Advances recoverable in cash and kind or value to be received	44,320	74,380
TDS Receivable	108	108
	<b>44,428</b>	<b>74,488</b>



## NEWS BROADCASTERS ASSOCIATION

### Notes Forming Part of Income & Expenditure Account

<b>NOTE # 10</b>	<i>(Figures in Rs)</i>	
<b>Revenue From Operations</b>		
<b>Particulars</b>	<b>Year Ended 31st March, 2013</b>	<b>Year Ended 31st March, 2012</b>
Subscription	10,262,500	9,575,000
		-
	<b>10,262,500</b>	<b>9,575,000</b>
<b>NOTE # 11</b>		
<b>Other Income</b>		
<b>Particulars</b>	<b>Year Ended 31st March, 2013</b>	<b>Year Ended 31st March, 2012</b>
Interest Income	2,270,301	1,760,631
Miscellaneous Income	300,900	150,900
	<b>2,571,201</b>	<b>1,911,531</b>
<b>NOTE # 12</b>		
<b>Employee Benefit Expenses</b>		
<b>Particulars</b>	<b>Year Ended 31st March, 2013</b>	<b>Year Ended 31st March, 2012</b>
Salaries and Wages	3,825,640	2,896,862
Staff Welfare Expenses	15,288	16,838
	<b>3,840,928</b>	<b>2,913,700</b>
<b>NOTE # 13</b>		
<b>Other Expenses</b>		
<b>Particulars</b>	<b>Year Ended 31st March, 2013</b>	<b>Year Ended 31st March, 2012</b>
Printing & Stationary	178,172	175,807
Legal & Professional Charges	4,882,498	1,645,642
Meeting Expenses	829,068	876,034
Newspapers, Books & Periodicals	40,067	34,255
Communication Expenses	108,912	97,335
Travelling & Conveyance Expenses	768,578	630,512
Rent & Electricity	212,336	191,670
Website Development Expenses	43,656	43,329
Repairs & Maintenance-Computer	72,096	44,853
Miscellaneous Expenses	21,847	22,699



Content Monitoring	54,048	-
Training & Seminar Expenses	-	39,631
Auditor Remuneration:		
Audit Fee	53,146	48,804
Out of Pocket Expenses	-	6,680
	<b>7,264,424</b>	<b>3,857,251</b>

## 14. BRIEF INFORMATION OF THE COMPANY

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

## 15. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

### b) REVENUE RECOGNITION

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

### c) FIXED ASSETS AND DEPRECIATION

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

### d) TAXATION

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

### e) ENTRANCE FEE

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

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

### f) 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.

**g) 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

16. Upto 30th June'2012, the Company was exempt from provisions of Service Tax u/s 65 of Finance Act'1994 under clause (25aa)(iv) read with clause 105(zzze). As per the current amended provision under Finance Act'2012 w.e.f. 1st July'2012, entities registered u/s 12AA of Income Tax Act'1961 are exempt from the provisions of Service Tax for specified charitable activities. Definition of charitable activities, though not prescribed simultaneously against Item No.4 of the Mega Exemption Notification No.25/2012 dated 20.06.12 (as amended further by Notification No.44/2012 dated 7.8.12, No.49/2012 dated 24.12.12 and No.3/2013 dated 1.3.13), inter-alia, prescribed initially the exemption for advancement of any other object of general public utility with some restrictions to spending.

In view thereof, it is considered appropriate to take legal opinion as to whether Company's activities are subject to Service Tax. Should the Company be liable to Service Tax, it shall take necessary steps for registration under the Voluntary Compliance Encouragement Scheme'2013 and the amount, if any, will be provided upon the demand raised by the Assessing Authorities.

However, as an abundant caution, a provision of Rs.8,23,485/- has been made for the Service Tax liability for the period from 1st July'12 to 31st March'13, which is recoverable from members and accordingly shown as statutory dues payable in Note No 4 of other current liabilities and receivables in Note No 7.

17. 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.

18. The Company is a Small & Medium sized Company (SMC) as defined in the general instructions in respect of Accounting Standards notified under the Companies Act, 1956. Accordingly, the Company has complied with the Accounting Standards as applicable to a Small & Medium sized company.

19. 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 2013. Further during the year no interest has been paid, accrued or payable under the terms of the said Act.

20. The Company is registered under section 25 of the Companies Act, 1956 and further it has got the registration under Section 12AA of the Income Tax, 1961. Accordingly, income is also exempted from Tax u/s 11 & 12 of the said Act. Therefore, provisions of the Accounting Standard, AS-22 on Accounting for Taxes on income are not applicable on the company.

21. Special reserve has been created under Section 11 of the Income Tax Act, 1961, by transferring the unutilized amount in excess of 15% of the total income, for the purpose of building the infrastructure of the Association with a view to achieve the objects stated in the Memorandum of Association.

Further, during the year, Company has incurred expenditure of Rs 29,23,100/- for achieving the objects

of the company, which is utilised from special reserve created under Section 11 of the Income Tax Act, 1961, by transferring the unutilised amount in excess of 15% of the total income in the previous years. Accordingly, this amount has been appropriated from special reserve after netting off the amount required in above para.

22. The provisions of Employees Provident Fund Act and payment of Gratuity Act are not applicable on the company as the number of employees being less.
23. Figures of the previous year have been re-arranged/re-grouped to conform to those of current year.

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

For and on behalf of the Board

Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
<b>(Naveen Aggarwal)</b>	<b>K.V.L. Narayan Rao</b>	<b>Ashok Venkatramani</b>	<b>Anil Mehra</b>	<b>Annie Joseph</b>
Partner	President	Vice President	Honorary Treasurer	Secretary General

Mem. No. 094380  
Place : New Delhi.  
Dated : August 8, 2013



## Section II

### News Broadcasting Standards Authority

The first Chairperson of the NBSA, Justice J. S. Verma, former Chief Justice of India and former Chairperson of the National Human Rights Commission, who had steered the NBSA since its inception from 2.10.2008 passed away on April 22, 2013 after a brief illness. It is an irreparable loss to the news broadcasters, the void which would be difficult to fill.

Since its establishment the NBSA has not just been looking into complaints in relation to the violation of the Code of Ethics and Broadcasting Standards and Guidelines issued from time to time but has also been proactively taking actions to ensure that broadcasting standards of member broadcasters improve.

#### Decisions and Orders passed by the NBSA

During the year 216 complaints were considered and reviewed by the Authority. Of this 161 complaints were received by member broadcasters/Authority directly and 55 complaints were received from the Ministry of Information and Broadcasting against both member and non-member news broadcasters. In view of the satisfactory resolution of complaints at the first tier of broadcasters itself, only a few complaints warranted action by the NBSA. In the latter category of cases, the NBSA issued notices where it so decided ; in some cases the NBSA even took suo motu action. The NBSA after considering the grievances and hearing the parties proceeded to decide and issue necessary orders.

#### 1. **Complaint dated 8.5.12, from Mr. Sharad Shah from Mumbai regarding various programmes on Times Now channel in “News Hour” Programme regarding Tatra deal and inviting Mr. Maroof Raza, Strategic Defence Analyst for the debates**

The complaint was that one of the key panelists in these programmes Mr. Maroof Raza, who appears as a strategic defence analyst, is also the principal of entity called Maroof Raza and Associates, which acts as consultants for foreign arms dealers and this fact is not disclosed at the time of introducing Mr. Maroof Raza on the channel. It was the complainant's contention that it was necessary to disclose this fact so that the viewers can evaluate the views of Mr. Maroof Raza knowing his business interests and likelihood of bias. Times Now responded to the complaint made by Mr. Sharad Shah, which was however not found satisfactory by the complainant. The complainant escalated the complaint to the NBSA, the second level of redressal and requested it to proceed under its regulations.

Times Now was called upon by the NBSA to disclose the true nature of the broadcaster's affiliation and relationship with Mr. Maroof Raza; and whether the broadcaster had retained Mr. Maroof Raza as their exclusive strategic defence expert; whether the broadcaster was aware of the likely conflict of interest between the business that Mr. Raza is engaged in and the subject matter of the programmes in question.

In their response Times Now explained the association between Times Now and Mr. Raza and stating in essence that Mr. Raza never advocated on the channel the interest of any arms dealers/manufacturers.

The complainant chose not to appear before the NBSA being a man of advanced years and being based in Mumbai. After hearing the representatives of Times Now, including Mr. Maroof Raza himself, and upon careful consideration of the subject matter of the complaint, NBSA decided that in the interest of transparency and objectivity it was important for a television news channel to disclose the credentials of panelists who appear on their shows, especially those who appear as experts on any given subject. This would enable the viewer to make their assessment of the views expressed by panelists, especially experts in relation to the matter taking

into account all the relevant facts, including the likelihood of conflict of interest between views expressed by panelists and the subject matter of debate. Such disclosure would go a long way in improving the standards of news journalism

In the case at hand, considering the fact that Mr. Maroof Raza was expressing opinion as an expert on military affairs in relation to the Tatra trucks by the Indian army and related matters, it was necessary for Times Now to disclose that Mr. Raza was also the principal of the enterprise called Maroof Raza and Associates, which evidently was an entity representing suppliers of arms, military hardware and equipments. The channel was advised accordingly.

**2. Complaint dated 15.5.12, filed by Ms. Neelam Kapoor, Principal Director General (Media and Communication), Press Information Bureau (PIB), regarding telecast of programme regarding Army Chief letter leak allegedly by Joint Secretary rank officer in the Cabinet Secretariat**

A complaint dated 15.5.12, was received by the NBA from Ms. Neelam Kapur, Principal Director General, Press Information Bureau (PIB), Govt. of India, in relation to the news reports claiming that General V.K. Singh's top secret letter to Prime Minister of India on shortage of equipment and ammunition, had been leaked by a Joint Secretary level officer in the Cabinet Secretariat to the media. It was PIB's contention that although the news story was based on the PTI news feed, within minutes of the PTI story, a denial was issued by the Government stating that the PTI story was completely baseless and the Cabinet Secretary also spoke to one channel denying the report. The PIB alleged that while the government's denial was carried by most channels, three channels i.e. CNN-IBN, Times Now and NDTV had panel discussions on this story on 14.5.12 at prime time quoting extensively from the PTI feed, which had been denied by the government.

In response to the notices issued by the NBSA, the concerned three channels responded and the substance of the response received was that the story in question was based upon the news feed released by Press Trust of India, and in spite of the denial contained in the press release made by the government, PTI stood by their news feed. Furthermore, the channels pointed out that in the story that they ran on the subject, the channels also included the government's denial. Insofar as NDTV was concerned, they confirmed that they did not have any panel discussion on the subject. The subject matter was only carried in the graphics. Hence no action was called for against NDTV.

The PIB as well as the news channels concerned were called for a hearing. Upon a careful consideration of the matter, hearing the government, the representatives of Times Now and CNN IBN, viewing the broadcasts in question, the NBSA was of the opinion that while the government was correct in pointing out that since the subject matter of the reporting was extremely sensitive and involved the question of India's military preparedness, it was required by all news channels to conduct adequate verification of the information that they were carrying as a part of the news report.

The Principal DG, PIB further asserted that the news channels had jeopardized the credibility and career prospectus of the female officer belonging to the Indian Economic Service, who the government claims was not responsible for the leak since she had already moved out of the Cabinet Secretariat.

The NBSA therefore took the view that a panel discussion referring to the leak of the top secret letter to the Prime Minister of India by the then Army Chief despite the government's denial at the highest level of the Cabinet Secretary was therefore unjustified. Therefore, CNN IBN and Times Now had breached the NBA/NBSA Guidelines relating to fair, objective and balanced reporting and it tended to impinge on the credibility of a public functionary. In these circumstances, the NBSA opined that as a matter of highlighting journalistic standards the news channels in question be advised that they should exercise extreme caution where news reports impinge upon an individual's career and credibility, before imputing any such act or omission to them.



Accordingly the NBSA vide order dated 25.10.2012 had issued a warning to both the channels i.e. Times Now and CNN IBN opining that any future transgression of the NBA Guidelines would be viewed seriously. Both the channels were also directed to carry a text given by the NBSA on their respective channels on the date and time indicated by the NBSA. Both the broadcasters complied with the order of NBSA.

**3. Complaint dated 15.4.12, filed by Mr Sujit Katyal regarding health related programme sponsored by Novo Nordisk on CNBC TV18**

The grievance of the complainant was that one of the panelists Dr. Sidharth Shah while discussing the subject of diabetes mentioned the name of certain medicines including “Levimir” which are produced and marketed by Novo Nordisk. The complainant’s contention was that since the panel discussion was sponsored by Novo Nordisk as was evident from the banners and logo placed on the screen, and mentioning on the programme of names of drugs produced and/or marketed by Novo Nordisk was clearly unethical on the part of the news channel, was likely to prompt and promote self medication with the apprehension of attracting the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

The channel stated that the programme was in the nature of a “panel discussion” which had a moderator and guests with expertise on the subject; and that in response to questions being put by the moderator on diabetes the panelists gave answers which were spontaneous and were not pre-determined. It was therefore the channel’s contention, that if as part of such answers the panelists mentioned names of certain drugs for diabetes (which it was not disputed, were drugs manufactured/marketed by the sponsoring company Novo Nordisk), there was nothing wrong in the programme. The complainant had principally raised the issue of “unethical” promotion of drugs by the sponsor company and the resultant risk of self medication.

NBSA noted that the said programme borders on “paid news” since it was a sponsored programme/advertorial masquerading as a news / current affairs programme without any express disclosure that it has been paid for by Novo Nordisk, the company that manufactures/markets the drugs that were mentioned during the course of the programme.

After carefully considering the contentions of the parties and viewing the programme in question, the NBSA opined that the said programme was a breach of the NBA Code of Ethics and Broadcasting Standards, bordering on “paid news” as above with the apprehension of attracting the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. Furthermore it was noticed that the moderator of the programme was the news channel’s Editor (Technology and Special Projects) himself, which was most inappropriate since editors and anchors of news channel, who are entrusted with the important journalistic duty of disseminating news, ought not to participate in programmes which are in the nature of advertorials.

Accordingly, the NBSA vide order dated 25.10.2012 issued to the broadcaster a censure for the breaches committed by it and also fined Rs.1.00 lakhs for willful violation of the NBSA Guidelines relating to paid news.

The broadcaster has complied with the order and remitted Rs 1.00 lakh fine.

**4. Complaint dated 21.6.2012 filed by Dr. Kalind Prashar against Aaj Tak (on 10.6.12) and IBN 7 (on 11.6.12) for telecasting one sided broadcast of a matrimonial dispute.**

Complaint dated 21.6.12, was received by the NBSA from one Dr. Kalind Prashar alleging that news channels Aaj Tak and IBN 7 had broadcast a one sided story at prime time containing allegations against Dr. Kalind Prashar and his family leveled by his former wife maligning Dr. Prashar and his family without any attempt having been made by the news channels to contact Dr. Prashar or his family to carry their side of the story. The complainant further contended that he was divorced from his former wife in the US and he had custody of the child relating to which proceedings are pending in an Indian Court.

On the basis of allegations made in the complaint and the responses received from the news channels and after viewing the broadcasts in question and hearing the parties, it was evident that the initial reportage on the matter was entirely one sided as the complainant's version had not been carried at all. Insofar as Aaj Tak was concerned, it was alleged that in its only broadcast dated 10.6.12, the complainant's version was not included at all. As for IBN 7, in its first broadcast on 11.6.12 the channel did not carry the complainant's version, although in the subsequent broadcasts on 27.6.12 and 28.6.12, the complainant's version (speaking through his father) was included.

While both the news channels contended that they had made efforts to obtain the complainant's version, the NBSA was of the opinion that the subject matter of the programme was not so urgent that it needed immediate broadcast, and the news channels should have waited for the response from the complainant, which however was not done. In these circumstances it appeared that the purported efforts made by the news channels to contact the complainant were inadequate, if not insincere. Secondly, NBSA also noted with anguish and dismay how precious air time was spent by both the news channels on a subject that related purely to the private and personal affairs of private individuals (as distinct from public figures) who had no association with public life at all ; and such matters had been carried with prominence without there being any "news value" in the broadcasts.

During the course of hearing the complainant's father submitted that insofar as IBN 7 was concerned, since the said channel had carried his version as given by him in a subsequent broadcast, the complainant was satisfied with the action taken by IBN 7 and did not wish to pursue the complaint against the said channel.

As far as Aaj Tak is concerned, the complainant's father submitted that the channel had carried his version in a fleeting manner in their speed news segment of its broadcast, which did not suffice or address his family's grievance adequately.

NBSA opined that both the news channels i.e. Aaj Tak and IBN 7 are in breach of important norms of journalistic ethics – firstly, the fundamental principle that requires news reportage should be fair and balanced by carrying the version of the person being reported upon in the very first instance of broadcast of the news, which in the present case was Dr. Kalind Parashar, which was not done in the first instance. Secondly, both the news channels are also in breach of the NBA Code of Ethics and Broadcasting Standards, Specific Guidelines and NBSA Advisory on "Reportage of Family / Matrimonial Matters" dated 16.9.2011 which proscribes reportage purely on family and matrimonial matters with no "public interest" aspect or news value, stating further that such broadcasts needlessly intrude upon the "privacy" of individuals.

Considering that the complainant was satisfied that his version had been duly carried by IBN 7 in their subsequent broadcasts on 27th and 28th June 2012, the NBSA decided that the complaint against IBN 7 be treated as amicably resolved and hence disposed of with a warning that any future transgression would be dealt with severely.

Insofar as Aaj Tak was concerned, the NBSA held that the channel was clearly in breach of the NBA Code of Ethics and Broadcasting Standards, Specific Guidelines and wilful violation of the NBSA Advisory on Reportage of Family / Matrimonial Matters dated 16.9.2011.

Accordingly, the NBSA vide Order dated 25.10.2012 directed the channel to carry the unedited version of the complainant's version prominently for three minutes at the same time that the first broadcast was made for three consecutive days which would be preceded by an apology to be tendered by the channel ; and also to pay a fine of Rs 1.00 lakhs to the NBA for willful violation of NBA Advisory dated 16.9.2011 on reportage of family matters. The broadcaster has complied with the order of NBSA.



**5. Complaint dated 14.9.2011 filed by Dr. Y.S.P.Thorat, Chief Executive Officer, Rajiv Gandhi Charitable Trust (RGCT) regarding reporting by CNN IBN and IBN7 on the land leased by the Trust for its proposed charitable eye hospital in Gurgaon District of Haryana - Order dated 20.12.2012**

Complaint dated 14.9.2011 was received by the News Broadcasting Standards Authority (“NBSA”) from the Rajiv Gandhi Charitable Trust (RGCT), through its Chief Executive Officer Dr Y.S.P. Thorat regarding news reports broadcast on CNN-IBN and IBN7 news channels alleging “Gandhi Trust flouting law?” and “Rules bent to aid Gandhi’s?” in relation to the land allegedly allotted to the RGCT for its proposed charitable eye hospital in District Gurgaon, Haryana. The first news report in this regard was broadcast on CNN-IBN and IBN7 on 1st August, 2011 and subsequent reports were broadcast on various dates and time up to 5th August, 2011 by both the channels. The grievance made in the complaint was that through these news reports, the channels had represented that the RGCT had flouted the law and that rules had been bent for the benefit of the Gandhi’s belonging to a prominent political family of the country.

When the complaint was initially preferred by the RGCT directly to the NBSA, on 23.9.2011 the NBSA had observed to the RGCT that as per NBSA Regulations they should first file a complaint with the concerned broadcaster, which is the first tier of grievance redressal under the NBA’s independent self-regulatory regime; and only thereafter, if the Broadcaster did not respond or if the complainant was not satisfied with the broadcaster’s response, a complaint may be filed before the NBSA.

Pursuant thereto, the RGCT filed a complaint dated 7.10.2011 before IBN18 Broadcast Limited, to which the broadcaster responded vide its letter dated 20.10.2011 and denied having violated the Code of Ethics or any other related Guidelines of the NBSA. It replied that the stories emanated from the fact that “all the inhabitants of village Ulhawas in Haryana had approached the Hon’ble High Court of Punjab and Haryana seeking to bring an end to the allegedly discriminatory approach adopted by the Government of Haryana with regard to the execution and implementation of the State’s land acquisition policy; these villagers had alleged before the Hon’ble High Court that preferential treatment had been accorded by the Government of Haryana to a chosen few including the RGCT. Having taken this stand however, in order to avoid any future controversy and with a view to bring an amicable end to the dispute raised by the Trust, the broadcaster expressed willingness to telecast additional comments on behalf of the Trust on their stories should the CEO or any of the trustees be willing to speak to them on the subject. This offer was made subject to the unconditional withdrawal of the complaint by the Trust. However, vide its communication dated 25th October, 2011, RGCT declined to accept the broadcaster’s offer; and vide its letter dated 1st November, 2011 the RGCT requested the NBSA to decide its complaint against the broadcaster.

In the meantime, upon perusal of the materials submitted by the complainant and the broadcaster the NBSA noticed that the Hon’ble Punjab and Haryana High Court was seized of several matters challenging acquisition of land from various parties in a batch of writ petitions pending before that Court. It also transpired that the RGCT was a party to at least one of the writ petitions that was pending before the High Court. Accordingly, NBSA decided that RGCT be asked to confirm if the subject matter of its complaint before the NBSA was also pending before any court of law, and to place before the NBSA any relevant material. In reply, the CEO of RGCT stated that RGCT is not aware of any proceedings in any court of law pertaining to the subject matter of the complaint to NBSA in which it is a party.

Accordingly, hearing was given by the NBSA to the parties at which the NBSA apprised the complainant that NBSA had learnt that the RGCT had been made a party in matters pending before the Hon’ble High Court of Punjab and Haryana. The RGCT was informed that the NBSA had learnt that there were three matters pending before the Hon’ble High Court of Punjab and Haryana challenging the acquisition of land, which was also subject matter of complaint before the NBSA. That in at least one of the petitions pending in the Punjab and

Haryana High Court which was public interest litigation filed before that Court, the RGCT had been made a party-respondent; and in the other matters also the RGCT was likely to be heard since the RGCT was evidently an affected/interested party. NBSA accordingly, informed the RGCT that in accordance with Regulation 7.2 read with Regulation 8.4.3 of the NBSA Regulations, it was not permissible or appropriate for the NBSA to take up a matter which was sub judice; and, therefore, the NBSA was unable to entertain the complaint at that stage. However, the complainant was at liberty to revive the complaint before NBSA, if so advised and found necessary, upon conclusion of proceedings pending in Court. This was accepted by the RGCT.

Subsequently, the RGCT informed the NBSA that the public interest litigation in which the RGCT was party, had been dismissed vide order dated 3rd August, 2012 made by the Punjab and Haryana High Court and the RGCT accordingly requested the NBSA to revive its earlier complaint and to resume the hearing. Consequently, the NBSA forwarded letter dated 17th August, 2012 and e-mail dated 31st received from the complainant to the broadcaster and directed the broadcaster to furnish any further response it may have on the matter. The broadcaster in its further response, essentially reiterated that as long as the views of all involved persons had been telecast, no per se presumption of violation of the NBA Code of Ethics and Broadcasting Standards could be drawn; but at the same time the broadcaster reiterated its offer, in good faith, to telecast additional comments on behalf of the Trust, should any of the Trustees be willing to speak to the broadcaster, in order to bring an amicable end to the dispute.

The RGCT argued that the channel had made no effort to check the facts before airing the story, which according to him was judgmental, incorrect, slanted and prejudicial; such unverified reporting by the channels has affected the reputation of the Trust and also of its Trustees, who are prominent leaders of a political party. He further stated that CNN IBN and IBN 7 chose not to seek the Trust's point of view prior to airing the story. He stated that one hour prior to the story breaking on 1.8.11 on CNN IBN, Mr Rajdeep Sardesai, Editor in Chief of the channel sent out a twitter message which stated "Did the Congress Government in Haryana violate rules while giving land to a Rajiv Gandhi Charitable Trust". On learning that this story was being broadcast at 8 pm, Dr. Thorat, CEO contacted the channel and conveyed the Trust's view point in writing via email pointing out that the allegations in the story were false. He alleged that the broadcaster continued with the broadcasts for several days without verifying facts; and in particular the broadcasts thereafter did not carry RGCT's version at all.

The attention of NBSA was also drawn that in the build up to the story, Mr. Rajdeep Sardesai in his various tweets on the subject purported to give an impression to the political detractors that the channel had no bias while reporting on any political party and stated "Our Rajiv Gandhi Trust story has created a stir. Surprised some of our twitter friends haven't accused us of bias this time", thereby appearing to use the story to build the image of the channel at the cost of RGCT's reputation. The RGCT stated that both the channels CNN IBN and IBN 7, with callous disregard for truth and without verifying facts, sensationalized false information with the sole purpose of destroying the credibility of the Trust and its Trustees.

The stand taken by the broadcaster was that they had aired the story in public interest and it was done after due diligence and verification; and that the tweets by the Editor in Chief were personal and not the view of the channel. Given the format of news reporting, they had carried Mr.Thorat's version to the extent possible in the first broadcast on both CNN IBN and IBN 7. CNN IBN was unable to confirm whether even the truncated version was carried in the later broadcasts. CNN IBN stated that since the complainant had raised new issues which were not part of the original complaint and needed to be verified, they required time to respond to these allegations. Accordingly, both parties were given further time and heard again.

Placing the factual position before the NBSA, the complainant stated:

1. That the RGCT had been granted a "lease" of land measuring 5 acres/3 marlas by the Gram Panchayat



for setting up a charitable eye hospital, as opposed to the allegations on the channels which spoke of “acquisition of over 850 acres for the Trust” and “the Trust was given 8 acres of land.”

2. Furthermore, the news report on the channels said that the RGCT had got “exemptions” to “acquire” land for setting-up a hospital, as opposed to the fact that the RGCT had not sought any exemption nor had the RGCT acquired any land;
3. The channels report further said that 65 petitions filed before the Punjab and Haryana High Court had claimed that the RGCT “swung the deal”, as opposed to the fact that only 1 petition mentioned the RGCT and even in that petition there was no claim that the RGCT had swung any deal;
4. The channels story claimed that the eminent painter Smt. Anjolie Ila Menon had led a farmer’s agitation against the lease of the land to the RGCT, as opposed to the fact that Mrs. Menon had led no such agitation but had only petitioned the High Court on acquisition of land being done without consideration for the environment, as evident from the email dated 2nd August 2011 written by Mrs. Anjoile Ila Menon.

At the final hearing of the matter, further submissions were made by both sides. RGCT declined to accept the text of the clarification that the broadcaster had offered to telecast for closure of the matter.

After a thorough consideration of the complaint filed by the RGCT, the response filed by the broadcaster by way of its various communications and the documents filed by the RGCT, and on consideration of the rival submissions made by both parties, the NBSA held as follows:

1. Admittedly, 850 acres of land in District Gurgaon, Haryana was not subject matter of allotment to the Trust. Only some 5 acres and 3 marlas of land was leased by the Gram Panchayat to the Trust for 33 years for setting-up a charitable eye hospital;
2. Evidently, the RGCT did not ‘acquire’ 850 acres of land nor did the RGCT get any ‘exemption’ to acquire any land;
3. Of the 65 petitions filed before the Punjab and Haryana High Court, only one petition mentioned the RGCT and even the claim in that petition was not to the effect that the RGCT had “swung the deal” in relation to acquisition or release of any land;
4. Smt. Anjolie Ila Menon had raised no objection to the lease of land to the RGCT but had only petitioned the High Court on acquisition of land being done without consideration for the environment ;
5. From the tweets made by the Editor in Chief Mr. Rajdeep Sardesai the sensationalized build up to the telecast of the story in relation to the Trust on 1st August, 2011 and the subsequent follow up stories was clearly borne out. These tweets also tended to expose the motive for running the story, viz. to improve the image of the channels at the cost of accurate, fair and objective reporting, as also the reputation of the RGCT;
6. It was also evident from the viewing of clippings of the various broadcasts that the entire version given by the RGCT was not duly carried in the subsequent broadcasts; and even the version carried in the very first broadcast was truncated. This was also admitted by the broadcaster at the hearing;
7. The broadcasts carried on the channels were therefore clearly biased, tendentious and factually incorrect on various grounds, the most important of which are summarized above;
8. Even the reportage on proceedings pending in Court, was inaccurate and misleading;
9. The Broadcaster’s contention that tweets made by its Editor in Chief were personal in nature is devoid of any merit, since by way of the tweets the Editor in Chief was clearly promoting the supposed ‘expose’ that was scheduled to be telecast on the channels and the twitter handle used was the official twitter handle of the Editor in Chief of CNN IBN;

10. The Broadcaster's response on the issue of whether it sought the Trust's version (... we understand that the channel tried to contact ....) itself shows that no such effort was made and even after the RGCT sent its version by e-mail dated 1st August, 2011, no effort was made by the Broadcaster to reflect such version in its entirety ; and in fact in subsequent broadcasts, the RGCT's version was not carried at all. The Broadcaster's reply that the omission to carry the RGCT's version was inadvertent or unintentional arising from the technical team misunderstanding editorial directions, was not acceptable.

The NBSA observed that a broadcast had to be judged on the basis of the overall impression, perception and impact that a viewer gets on a plain viewing of the broadcast; and not on the basis of some elaborate and arcane submissions made subsequently before a jury. In the present case, from a plain viewing of the broadcast made on the channels, it was evident that an impression was deliberately created that the RGCT was involved in a dubious deal and received illegal favours from the Government of Haryana in relation to the allotment of 850 acres of land to the RGCT by contravention of law; and that illegitimate favours were bestowed on the RGCT by reason of the prominent position of the Trustees in the county's political set up. It is inevitable that such reportage would cause serious prejudice and harm to the reputation of the RGCT and to its Trustees. There was no justification for such reportage.

Accordingly, the NBSA was of the opinion that by telecasting the series of broadcasts relating to the Rajiv Gandhi Charitable Trust as aforesaid, IBN18 Broadcast Limited committed egregious violation of the NBA Code of Ethics and Broadcasting Standards, especially guidelines relating to accuracy, impartiality, neutrality, requirement of due diligence and verification of facts prior to telecast, as also the need to carry the version of the person affected. The news reports in question were factually incorrect reportage of the extent and status of land that the RGCT was holding. The reportage also misrepresented proceedings in several writ petitions pending before the Punjab and Haryana High Court. The reportage smacked of clear bias and lack of objectivity. The reportage was an example of sensationalization with the purpose of promoting and improving the image of the channels, which is unethical journalism.

The NBSA, accordingly, directed that the broadcaster be visited with the following consequences:

- (a) The broadcasters was directed to carry an apology by running on its channel CNN IBN text as given by the NBSA expressing regret for the said telecast on their channels for 5 consecutive days at 9 pm, with IBN 7 carrying the same apology in Hindi.
- (b) The broadcaster was issued a "censure" by the NBSA for wilful violation of NBA Code of Ethics and Broadcasting Standards and norms of ethical journalism;
- (c) A fine of Rs.One lakh was imposed upon the broadcaster, to be paid to NBA within one week of receipt of the order.

The broadcaster duly complied with the order,

**6. Complaint dated 18.10.2012 filed by Jindal Steel and Power Ltd. against Zee News regarding allocation of coal blocks and other issues telecast from 7.9.12 till 13.9.12; and then from 24.9.12 to 26.9.12 on Zee News, Zee Business and Zee News UP channel (channels of Zee News Ltd.)**

Mr. Rajeev Bhadauria, Director (HR) Jindal Steel and Power Ltd addressed a letter dated 18.10.2012 to Justice (Retd.) Markandey Katju, Chairman, Press Council of India complaining about the conduct of the Editor, Zee News in demanding money by way of advertisement revenue in consideration for not running stories against JSPL on the coal blocks allocation issue, which was also caught on camera in a sting operation. As the said complaint related to broadcasts on the aforesaid channels of Zee News Ltd. and did not fall within the jurisdiction of Press Council of India, Chairman, PCI had forwarded the complaint to the Chairperson NBSA requesting the



NBSA to look into the matter. On the basis of the material forwarded to NBSA by the PCI, the NBSA took suo motu cognizance of the matter and called upon the broadcaster vide letter dated 19.10.12, to respond within 7 days as to why action be not taken against them for broadcast of the captioned programmes in their channels. They were called upon to respond to every allegation made in the complaint regarding demand of a sum of Rs.100 crore over a period of 4 to 5 years in the name of advertisements of their company.

The NBSA noted that subsequent to the NBSA taking suo motu cognizance of the complaint under its Regulations, the complainant had filed a defamation suit in the Bombay High Court and had also filed an FIR alleging extortion / demand of Rs 100 Crores towards advertisements for stopping reportage on coal block allocations to Jindal Steel and Power Ltd. Accordingly, the NBSA opined that since the matter is sub judice, the NBSA would not entertain or decide it in keeping with Regulation 7.2 and Regulation 8.4.3 of the NBSA Regulations.

However, the complainant was informed that, if so advised, the complainant would be at liberty to approach the NBSA if any issue within NBSA's remit survives for consideration after conclusion of the legal proceedings.

#### **7. Telecast of visuals of Ms. Sayali Bhagat admitted in hospital by member news channels NewsX, P7 News and Star News (now ABP News), on 7.4.2012**

The NBSA considered the alleged telecasts by News X, ABP News and P7 News, which were viewed by the NBSA at its meeting held on 12.7.12 ; and thereafter NBSA had issued notices to the aforesaid broadcasters.

After considering the response given by each of the broadcasters and viewing the CDs containing the alleged telecasts, in respect of ABP News and P7 News, NBSA was of the view that both the broadcasters had committed clear and evident violation of the aforesaid Guidelines, to which there could not possibly be any answer or justification.

When called for a hearing, both the broadcasters admitted their mistake, which however they stated, was unintentional. They assured NBSA that they would exercise due caution to prevent repetition of such mistakes in the future, and that they would sensitize their editorial personnel including camera persons / stringers to ensure that all Codes/ Guidelines of NBA/ NBSA are scrupulously followed including the "Specific Guidelines for Reporting the Injured and the Ill".

In this view of the matter, the NBSA directed that both broadcasters would run an apology on their respective channels on the date, time and in the manner instructed by NBSA for violating the Codes/ Guidelines and in particular the "Specific Guidelines for Reporting the Injured and the Ill". Both the broadcasters complied with the Order of the NBSA.

With regard to the broadcast on News X channel however, the NBSA took the view that the manner in which the broadcaster had shown the visuals only of the hospital and not that of Ms. Sayali Bhagat, did not amount to invading the privacy of the patient or any significant violation of the aforesaid Guidelines.

### **Complaints received from the Ministry of Information and Broadcasting**

#### **1. Complaint dated 18.4.2012 by Sunair Hotels Ltd, New Delhi addressed to Hon'ble Vice President of India regarding telecast of news on 14.12.2011 on CNN IBN and IBN 7 channels forwarded by the MIB vide letter dated 4.7.2012**

The essence of the complaint was that from 14.12.2011 to 18.12.2011 IBN18 Broadcast Ltd. carried news reports on its television channels CNN IBN (English) and IBN 7 (Hindi) to the effect that at the behest and instance of Shri P. Chidambaram, Union Home Minister, First Information Reports bearing FIR Nos. 90/2000, 99/2002 and 148/2002 registered by the Delhi Police (under various provisions of the Indian Penal Code including for offences of criminal breach and trust, cheating, forgery etc.) that have been pending investigation with the

police, had been withdrawn immediately upon Shri P. Chidambaram taking charge of the Ministry of Home Affairs. It was further reported in the said news report that Shri P. Chidambaram had favored the complainant Sunair Hotels Ltd. since Shri Chidambaram had represented the complainant in some litigation in the court while he was practicing as Senior Counsel.

The complainant's grievance was that the news reports in question were telecast at the instance of VLS Finance Ltd., which was inimical to Sunair Hotels Ltd. since the two companies had been locked in multiple commercial litigations for a long time. The complainant contended that VLS Finance Ltd. was a promoter/ shareholder of the broadcaster company; and had therefore influenced the content broadcast on the channels.

NBSA considered the complaint and noted that since the commercial disputes between the parties were pending before various courts and statutory bodies, the NBSA would proceed under its regulations only to the extent of violations relating to the NBA Code of Ethics and Guidelines issued from time to time.

In response to NBSA's notice dated 16th October, 2012 issued in the matter, by way of its reply dated 7.11.2012 the broadcaster denied the violation of any of the self regulatory guidelines, including the NBA Code of Ethics and Broadcasting Standards and contended that the news reports in question are true in substance, and the matter broadcast was duly verified before telecast. Furthermore, the broadcaster contended that the news reports were telecast in good faith and for bona fide public good. The broadcaster stated that the news reports were not about any legal case pertaining to the complainant that was pending in Court nor about the business affairs of the complainant; the subject of the news reports was the "conflict of interest" of Shri P. Chidambaram while discharging his public duties as Home Minister and his alleged role in the withdrawal of certain complaint cases pending against the complainant by the prosecuting agency. The broadcaster stated that the news reports were not an attempt to influence the Courts or to prejudice any sub judice matter in any manner whatsoever. The broadcaster argued that adhering to the principles of responsible journalism, impartiality and objectivity and in order to ensure neutrality, before the telecast of the news reports in question, it had sought clarifications from the office of the Union Home Minister by its email dated 12.12.2011, to which a response was received from the Ministry of Home Affairs vide its letter dated 13.12.2011. It was further stated that the news reports included the version and response of the Ministry of Home Affairs, and therefore, the reports in question were objective and neutral. It was the broadcaster's contention that, as admitted by the complainant itself, the channels even carried an interview of Shri S.P. Gupta, Chairman of the complainant. The broadcaster pointed out that while the subject matter of the news reports was Shri P. Chidambaram, no complaint whatsoever in respect of the said telecasts had been made either by Shri P. Chidambaram or by the Union Home Ministry.

After perusing the complaint and various representations made by the complainant and the responses filed by the broadcaster; after viewing the news reports in question and after carefully considering the rival contention of the parties, the NBSA concluded that :

- (i) Upon an objective viewing of the news reports it is apparent that the subject matter of the news reports was Shri P. Chidambaram who had then taken over as Home Minister and the complainant Sunair Hotels Ltd. was not the principal focus of the news reports;
- (ii) From the documents placed before the NBSA, it was evident that communications were exchanged between the various authorities, including the Directorate of Prosecution, Govt. of NCT of Delhi, the Economic Offences Wing of the Delhi Police, the Ministry of Home Affairs as well as the Ministry of Law as also the office of the Lieutenant Governor of Delhi in relation to the withdrawal from prosecution against the complainant; the news stories were not inaccurate insofar as it was reported that a decision was taken to withdraw from the prosecution and applications to that effect were moved before the concerned Court for that purpose; and also that subsequently, such 'withdrawal applications' were withdrawn thereby rolling back the process of withdrawing from the prosecution against the complainant;



- (iii) The reportage alleging that since Shri P. Chidambaram had represented the complainant as Senior Counsel in several matters, way back in 2003 ; and that by reason thereof he was responsible for the decision to withdraw from prosecution against the complainant was too far fetched, being too remote in point of time;
- (iv) The NBSA also noticed that all these facts, including the version of Ministry of Home Affairs given on behalf of the Home Minister were duly reported in the news reports in question;

NBSA was of the opinion that while it could be said that the broadcaster should have been more circumspect in reporting on a matter where parties were involved in long pending, multifarious litigations inter-se and before dragging in the name of the Home Minister, thereby creating sensationalism, apart there from, no serious fault could be found with the broadcaster in relation to the broadcasts in question made from 14.12.2011 to 18.12.2011 on their channels CNN IBN and IBN 7. NBSA decided therefore that no further action in the matter was necessary. On receipt of the order the complainant requested that the order be reviewed, which request was not acceded to by the NBSA as the decision had been taken after hearing both the parties.

## **2. Letter dated 25.7.12, from Mr. Amar Nath Singh, the then Under Secretary, MIB regarding gross violation by news and current affairs channels**

### **(i) Gemini News: Programme telecast on Valentine's Day on 14.2.12 at 17.00 hrs.**

The MIB stated that the news channel in their programme showed visuals of couples getting intimate at public places which were in violation of Rule 6(1)(a), (d), (k), & 6 (5) of the Cable Television Networks Rules, 1994 and also submitted the CD containing the programme.

In reply Gemini News channel stated that they had run a programme in which they had featured couples in amorous poses with background music although denouncing such decadent behaviour – which the broadcaster said was telecast with the purpose of focusing on the inappropriate behaviour by persons caught unaware on camera in public, which according to the broadcaster is a socially unacceptable practice.

The NBSA noted that the broadcaster in their reply had admitted wrongdoing; and the programme had certainly invaded the privacy of individuals and was unnecessarily salacious. Accordingly, the NBSA issued to the broadcaster a strong reprimand for not bearing in mind the Code of Ethics and Regulations issued from time to time by the NBSA and that the broadcaster be informed that they should be careful in this behalf in future and that any such violations hereafter would be dealt with severely.

### **(ii) NEWS 24: Programme 'Kanpur ki yeh kaisi police' telecast on 15.3.12 at 6.57 hrs.**

The MIB stated that the news channel had telecast the story of a former CO of police department of Kanpur who had been raping a minor girl since 2005. The channel had shown the face of the girl and the CO. The channel should have blurred the face of the girl.

In their response to the NBSA communication asking the channel for the footage and for a response to the alleged violations, the channel had given a vague and evasive reply, omitting to answer the essential violations. The channel had further stated that they were unable to provide the desired details since their server was unable to maintain records beyond a period of three months (which is also the limited requirement under relevant guidelines issued by the Ministry of I&B). Accordingly the NBSA viewed the CD received from the Ministry of Information and Broadcasting.

NBSA opined that the channel News 24 be advised to be more careful in future while dealing with such cases and to ensure that the NBSA Code of Ethics and Guidelines are scrupulously followed by the editorial staff. The broadcaster was also informed that any future transgressions would be dealt with severely.

**(iii) NDTV India : Telecast of programme showing a woman who was given an HIV infected injection by her husband - Telecast on 3.3.12 at 9.25 hrs.**

The MIB stated that the news channel had telecast a news report about a person who gave an infected HIV injection to his wife as she was a hurdle in his relation with another girl. The channel also showed the face of the hapless wife. The channel should have blurred the face of the woman.

Upon considering various aspects of the matter, the NBSA was of the opinion that the broadcaster had violated the NBA Code of Ethics and Specific Guidelines issued from time to time. Any attempt made by the broadcaster to rectify the said breaches thereafter did not appear to be sufficient recompense.

NBSA opined that the channel NDTV India be advised to be more careful in future while dealing with such cases and to ensure that the NBSA Code of Ethics and Guidelines are scrupulously followed by the editorial staff. The broadcaster was also informed that any future transgressions would be dealt with severely.

**(iv) ETV Rajasthan: Telecast about burning of a woman on 1.3.12 at 22.16 hrs**

The MIB stated that the news channel had shown a story of a woman whose face was burnt by her maid as she had relations with her husband. The face had been shown continuously. The channel should have blurred the face of the woman.

Upon a consideration of the matter the NBSA was of the view that by broadcasting such story the broadcaster had breached the NBA Code of Ethics and Specific Guidelines issued from time to time. The NBSA also concurred with the observations made by the MIB regarding the broadcast.

The NBSA considered the reply received from ETV Rajasthan and noted that in its reply it had stated that the woman, who was allegedly burned by her maid, had reported the matter to the police and had approached the media to secure justice for herself. It was with her consent, rather at her own request, that the channel interviewed her and broadcast a short story on her. The NBSA decided that the channel be asked to submit evidence and contemporaneous record as proof of consent given by the woman that the incident could be recorded and telecast on ETV Rajasthan. Upon considering the broadcaster's response, the NBSA decided that the broadcaster be informed that they had committed breach of the NBSA code and guidelines and they should be more careful in the future when telecasting such visuals.

**(v) Manorama News: Telecasting of photo of immolation of Tibetan protester on 26.3.12**

The MIB stated that the news channel had shown still photos of a Tibetan protester who immolated himself at Jantar Mantar, New Delhi. Such photos should not have been telecast as these are not in good taste and also are not suitable for unrestricted public exhibition. The channel had violated Rule 6(1) (a) and (o) of the Cable Television Networks Rules, 1994.

Upon considering the complaint, broadcaster's response and viewing the CD, the NBSA noted that although the broadcaster may have used the footage provided by ANI but they should have, as per NBSA Guidelines, masked the gory and disturbing visuals of the Tibetan protester. The NBSA however decided to close the matter with the observations that the broadcaster be advised to be more careful in the future, failing which transgressions in the future would be dealt with sternly.

While considering all the above complaints received from the MIB, the NBSA decided that in relation to complaints forwarded or made by the Ministry of Information and Broadcasting to the NBSA, the MIB be informed that in case the NBSA is expected to examine any complaint it should send the complaint promptly and not after the lapse of several months when it does not remain feasible to get the footage of alleged broadcasts from the broadcaster(s), especially since the Uplinking Guidelines issued by the Ministry of Information and Broadcasting itself require a broadcaster to retain footage of broadcasts only for a period of 90 days.



**3. Letter dated 3.9.12, from Mr. D.C. Pathak, Under Secretary (BC-I), MIB regarding telecast of an alleged wrong depiction of the Indian boundary by CNN IBN channel on 27.5.12**

The MIB stated that the news channel had telecast a report on 16:26:55 hrs in which it allegedly had shown a portion of Jammu and Kashmir as a part of Pakistan in a map.

In its response the broadcaster admitted the erroneous depiction of Indian boundary on their channel CNN IBN, which the broadcaster said had happened due to an inadvertent oversight for approximately 3 seconds fleeting visual that mistakenly got used in the headline wrap. The NBSA also noted that the broadcaster in their response had stated “that they are not only reiterating the strict internal filters but also the specific person responsible for this omission is being identified for further action.” The NBSA decided that the matter be closed but only after ascertaining from the broadcaster in writing the strict internal filters that they have put in place to avoid such aberrations occurring in the future and also the action taken against the person responsible for the same. The broadcaster thereafter submitted the required details, which was considered by NBSA and accordingly the matter was closed.

**4. Letter dated 29.8.12, from Mr. D.C. Pathak, Under Secretary (BC-I), MIB forwarding complaint dated 7.12.11, filed by Mr. T.P.S. Bagga against telecast of an alleged wrong and defamatory programme “Operation 10th December” broadcast on India TV channel on 11.11.11 from 9 pm to 12 midnight**

Although without specifying the details of the telecast in the complaint, it was alleged that a sting operation was telecast under the name of “Operation 10th December”, which the complainant stated was to create “horror and terror in the mind of general public; depicted half truth by tampering the actual recordings; knowingly and intentionally to gain cheap popularity amongst the general public and make their channel popular; the programme breached the Programme Code and also used provocative language in the broadcast. From the response received from the broadcaster it was understood that the broadcast related to exposing “the true intention and motive behind the attacks which were carried out on the members of Team Anna – Mr. Arvind Kejriwal and Senior Advocate, Mr. Prashant Bhushan”. The channel denied allegations that it had breached the Programme Code and also denied that the recordings of the sting operation had been tampered

Upon considering the complaint the NBSA noted that while the complainant had alleged that the broadcaster had tampered with the recordings and had breached the Programme Code; from a viewing of the CD it was not clear as to what was the tampering complained of. To consider the matter in the light of the allegations made by the complainant, the NBSA decided that it may be ascertained from Mr. T.P.S. Bagga in writing as to what was his exact allegation regarding tampering of the telecast and also which provision of the Programme Code had been violated by the broadcaster. However, the complainant did not respond to the communication sent by NBSA; and consequently the MIB and the complainant were informed accordingly and the matter was closed.

**5. Letter dated 29.8.2012 received from Mr. D.C. Pathak, Under Secretary (BC-I), MIB forwarding complaint dated 15.4.12 from Mr. Arunpal Singh Bundela against telecast of an alleged objectionable programme “Dragon Se Tension’ on Aaj Tak channel on 10th and 11th April 2012**

The complainant had alleged that in the said programme Aaj Tak channel had given details of India’s defence establishment and compared it with that that of China. The complainant’s view was that revealing such information is not good for our country and that there must be a curb on media to reveal such information and if violated appropriate action should be taken. NBSA considered the response from the broadcaster and after viewing the CD opined that in the broadcast in question no information pertaining to India’s security preparedness was revealed; and accordingly no further action was required to be taken and the complaint be closed.

**6. Letter dated 22.10.12, from Mr. D.C. Pathak, Under Secretary (BC-I), MIB regarding reference from Rajya Sabha Secretariat (dated 18.6.2012) forwarding copy of the petition dated 19.1.2012 from Shri Gurudas Chakravarty, regarding complete ban on astrology related advertisements/programmes/ views in the print and electronic media.**

The petitioner/complainant cited how misleading information was being given by astrologers, which deceive viewers and how this was spreading superstition rather than educating viewers to not fall victim to such illogical practices. The complainant sought for a law to ban astrology and astrology related advertisements and programmes in the print and electronic media.

The NBSA considered the complaint and was of the view that the responsibility of the news channels was to inform and purveying such programmes for commercial purposes cannot be countenanced. News channels are bound to broadcast content in compliance with provisions of the Cable Television Act and the NBA Code of Ethics and Guidelines issued from time to time. In view of the fact that other complaints raising the same or similar issues were already pending before the NBSA, the NBSA decided that the issue needs wider consideration alongwith the other connected matters.

**7. Letter dated 13.12.12, from Mr. S.B. Pandey, Under Secretary (BC-II) – citing instances of paid news with regard to certain TV channels.**

The Ministry of Information & Broadcasting forwarded copies of news items which had appeared in the Indian Express and Hindu on 7th & 8th December, 2012 wherein it had claimed that a number of TV channels such as Z24, a franchisee of Zee News, Sahara Samay, ETV Chhattisgarh, Sadhna News and other smaller local networks had received payments for airing favourable news items/reports for the government of Chhattisgarh.

The NBSA considered the above letter and decided to proceed under its Regulations in respect of broadcasters which are members of the NBA. However, broadcasters, which are not members of NBA, the NBSA decided that as in the past, the MIB be informed that strictly speaking the NBA Code of Ethics and Broadcasting Standards and the Regulations do not bind the non member broadcasters who are therefore not amenable to the jurisdiction of the News Broadcasting Standards Authority. For any effective action by the NBSA, in all such matters, the Ministry of Information and Broadcasting may secure cooperation from the concerned broadcasters and an assurance from them to submit to the discipline of the NBSA. In these circumstances, the NBSA proceeded under its regulations against ETV Chhattisgarh, a member of NBA. Since the other broadcasters mentioned in the news report i.e. Sahara Samay, Sadhna News and Zee 24 (a franchisee of Zee News) are not members of NBA, vide letter dated 5.4.2013 the Ministry of Information and Broadcasting was informed that since NBA Code of Ethics and Guidelines are not applicable to non member broadcasters, the Ministry of Information and Broadcasting may secure cooperation from the broadcasters and an assurance from them to submit to the discipline of the NBSA. However, there has been no response from the MIB to the said communication. The response from ETV Chhattisgarh has been considered by the NBSA. Since further information has been sought from the broadcaster, the matter is pending before the NBSA.

## **Matters referred by the Honb'le High Courts of Karnataka and Delhi to NBSA**

**1. Smt. Ranjitha @ Smt. Ranjita Menon Vs. State of Karnataka and Ors. - Writ Petition No. 8619 of 2011 (GM-RES) before the High Court of Karnataka at Bangalore**

Pursuant to Order dated 14.3.12, made by the Hon'ble High Court of Karnataka, in a Writ Petition No. 8619 of 2011 (GM-RES) the petitioner and respondents as mentioned in the aforesaid Writ Petition were afforded a hearing on 19.2.13.



The Complainant and the following 6 respondents were present at the hearing : (1. Aaj Tak (TV Today Network Ltd.) – Member, 2.Sahara Film Ltd., News – Non-member, 3. Sahara One Corporation News Downlink – Non-Member, 4. CNBC Awaaz – Member, 5. CNN IBN – Member 6. Times Now – Member). However, six respondents namely 1.Jain TV Jain Studios – Non-member, 2. TV South Asia Broadcast World Wide Ltd. – Non-member, 3. Zee TV South East Asia – Non-member, 4. NTV Telugu – Non-member, 5. India News – Non-member, 6. TV9 – Member at the time of telecast) did not appear before the NBSA on that date. The Ministry of Information and Broadcasting also chose not to be present.

The NBSA heard Ms. Ranjitha Menon the complainant at length. By reason of what transpired at the hearing, Ms Ranjitha Menon was informed that since there are 12 respondent channels in the matter, she will have to be specific about her allegations against each broadcaster for the NBSA to be able to consider her grievance vis-a-vis each broadcaster and orders/directions could not be passed against all channels in a general or vague manner. Furthermore it transpired during the hearing that Ms. Ranjitha Menon had a serious grievance against Sun TV, which channel according to her was the first/main offender ; which channel was however not a party before the Karnataka High Court and therefore the NBSA could not make Sun TV a party in the complaint before itself. In view of this, the complainant sought adjournment of 4 weeks to take steps to implead Sun TV in the writ petition before the Karnataka High Court, to enable the NBSA to proceed against Sun TV, as well as also to prepare a summary of her specific allegations against each channel.

In view of the complainant's request, the NBSA granted to her 4 weeks to take necessary steps for the above purpose, as she may be advised. The matter was to be taken up by the NBSA after expiration of the 4 week period ; however there has been no response from the complainant ever since.

The NBSA also considered a copy of letter dated 18.2.13, addressed to the Managing Director, Amoda Broadcasting Co. Pvt. Ltd., with a copy to NBSA in which the Ministry's decision not to be present at the hearing was reflected by way of merely a footnote. NBSA decided that MIB be informed that in future it is expected of the Ministry to send the communications directly to the NBSA, instead of through a footnote in a copy of a letter addressed to a third party. The MIB was accordingly informed that such courtesy is due to the NBSA from the Ministry.

The NBSA also decided that complaint dated 25.3.12, filed by Smt. Ranjitha Menon regarding offensive visuals aired in the Sawaal Jawab programme telecast on 17.3.12, at 8.30 p.m. (repeated on 18.3.12 at 3.30 p.m) would be heard alongwith the other matter as and when the same is scheduled for hearing.

## **2. Writ Petition (C) 3837/2012 titled “Gaurav Kumar Bansal v/s Union of India and Ors” - Order dated 22.8.12, made by the Hon'ble Delhi High Court**

In the petition filed before the Delhi High Court it had been alleged that various electronic media channels were telecasting and thereby promoting programmes on/of self proclaimed God Men who claim to have magical powers and thereby duping the general public. The petitioner had also drawn the attention of the Court to the provisions of the Cable Television Networks Rules, 1994 as well as provisions of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

Vide Order dated 22.8.2012, the Delhi High Court directed that the petition be taken as a representation and be dealt with by the NBSA in accordance with the Regulations framed by the NBA and the writ petition was disposed of in these terms.

Upon considering the contents of the above petition, the NBSA was of the view that in order to be able to obtain the response from and to hear affected parties, it was desirable that the petitioner clarify the following for the NBSA as it would help in effectively dealing with the grievances :

1. Specify the programme/programmes in relation to which the petitioner was aggrieved and the news broadcasters/news channels on which such programme/programmes were broadcast;
2. Specify the persons/godmen featured in the programme/programmes that the petitioner was aggrieved about;
3. Furnish to the NBSA specific examples of what the petitioner considered offensive in such programme/programmes.
4. Also furnish to the NBSA footage/recording of the programmes in question as may be available with the petitioner.

In spite of seeking further time to respond to the foregoing queries, the petitioner Mr. Gaurav Kumar Bansal has so far failed to provide the NBSA with the information called for. The complaint is accordingly pending before the NBSA.

### **Monitoring of content relating to the following broadcasts:**

- i. Assault on Mr Sharad Pawar and letter dated 17.4.12, received from Mr. Amar Nath Singh, Under Secretary (BC-II) MIB forwarding reference from Prof. K.V. Thomas, MOS (Independent Charge), Consumer Affairs Food and Public Distribution regarding sensational report of incidents of assault on public dignitaries in the media.**

The Minister in his communication to the Hon'ble Prime Minister of India drew the attention of assault on Shri Sharad Pawar, Union Minister of Agriculture. He stated that the visual media instead of analyzing the issue in an unbiased way unfortunately chose to sensationalize and start repeated telecast of such incidents. He suggested that the Government may consider if it would be appropriate to call for a dialogue with the media both visual and print (where the opposition parties could also be involved) so that a decision may be arrived as to where to draw the line as far as sensational reporting is concerned.

- ii. Interview of Army Chief by Chauthi Duniya Journalist ; Leak of confidential letter addressed by the Army Chief to the PM; news reports in the Indian Express regarding movement of troops to Delhi**

### **iii. Fire in AMRI Hospital, Kolkata**

To ascertain whether there were any violations to the Code of Ethics, Guidelines and advisories issued from time to time in the aforesaid broadcasts including the assault on Mr Sharad Pawar, the NBSA decided that in the first instance the aforesaid broadcasts be viewed by an external monitoring agency. NBSA considered the report received from the monitoring agency regarding the alleged violations by broadcasters and noted that the violations related essentially to :

1. Accuracy
2. National security
3. Advisory on use of adjectives and hyperbole dated 8.5.12
4. Use of archival material and requirement that it be clearly labeled "file" and preferably also state date and time of initial broadcast.
5. Law and order, crime and violence
6. Privacy
7. Specific guidelines for reporting the injured and the ill dated 5.3.12



8. Specific guidelines covering reportage dated 10.2.2009.
9. Reporting should not sensationalize or create panic, distress or undue fear among viewers.
10. 'Content' of matter broadcast should not be shown out of 'context'.
11. Impartiality, neutrality and fairness.
12. Good taste and decency, sex and nudity.
13. Guidelines for telecast of news during emergency situations dated 18.12.08.

NBSA considered the report and decided that the individual broadcasters be informed of the violations with respect to the above broadcasts and in particular the number of times the episodes were repeated so that they could take corrective actions for future broadcasts. MIB was also informed of the decision taken with regard to the reference from Prof. K.V.Thomas, MOS (Independent Charge), Consumer Affairs Food and Public Distribution regarding sensational report of incidents of assault on public dignitaries in the media.

### **Letter dated 12.2.2013 from Election Commission of India regarding measures to check 'Paid News' during elections i.e. advertisements in the garb of news in media**

The Election Commission of India (ECI) by the said letter had sought support from NBA in curbing the election related malpractice of paid news and also enquired whether the cases of paid news considered by the Commission involving broadcast media could be referred to NBA once it was confirmed by their Screening Committee as is being done in instances of paid news relating to the print media, which are being sent to Press Council of India. The ECI was informed that all complaints/issues relating to paid news received from ECI involving news channels which are members of NBA, would be placed before the NBSA for its consideration. However, in respect of broadcasters, which are not members of the NBA, the NBA Code of Ethics and Broadcasting Standards and Regulations were not binding and they were not amenable to the jurisdiction of NBSA. However, in line with the practice followed by NBSA in relation to complaints against non members received from the MIB it was stated that NBSA would be willing to consider and decide such complaints if the ECI/MIB secures cooperation and consent from the concerned non member broadcasters, to submit to the discipline/jurisdiction of the NBSA and to abide by the NBSA decision, so that the decision can be effective and binding.

Post receipt of communication from NBA, ECI has forwarded cases of paid news relating to the elections to the Legislative Assemblies of West Bengal 2011, Assam 2011, Gujarat 2012, Karnataka 2013 and Puducherry 2013, which have been reported by district and state level Media Certification and Monitoring Committees. The ECI has been informed that NBSA is unable to proceed in any of these complaints as the broadcasters are not members of NBA. The broadcaster channels are not even satellite channels, but seem to be locality specific cable operator run channels which are not subject to the rules, regulations, criteria and conditions that apply to news channels. The ECI has been informed that while NBSA is ready and willing to assist the ECI in curbing the menace of paid news, it would be appropriate if a joint meeting of ECI, MIB and NBA/NBSA is convened, which may give some solution to these issues.

### **Representation addressed to Chairperson NBSA by Mr Mohammed Abeed, Member of Parliament, Rajya Sabha and signed by 10 other Rajya Sabha MP's**

Chairperson, NBSA received a representation from Mr Abeed, MP, Rajya Sabha and signed by 10 other Rajya Sabha MP's regarding identifying the Muslim community, who, as per the representation, have been targeted

as terrorists solely on grounds of their religion. They appealed to the Chairperson to consider formulating necessary guidelines so as to ensure that the identity and image of the accused is not revealed till they have been pronounced guilty by the Courts.

The representation was considered by the NBSA and the MP's were informed that the NBSA shares their concern and the need to formulate necessary guidelines to promote the secular ethos of the rich heritage of our composite culture. While such guidelines have already been framed and the conduct of the member broadcasters is being monitored by the NBSA to ensure their due compliance, cognizance of any deviations or violations by any of the member broadcasters is taken by the NBSA on complaints and even suo motu action is initiated in appropriate cases.

The NBSA decided that in addition to guidelines already issued additional guidelines would be issued, on the issues raised in the representation. Accordingly, "Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents" were issued on 13.12.12 is attached to the Report.

### **Meetings of the Authority**

The Authority met 8 times during the year and all the meetings were held in New Delhi.

### **Issuance of Guidelines / Advisories by NBSA**

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

1. Advisory dated 21.11.12 on reporting of hanging of Ajmal Kasab
2. Guidelines on broadcast of potentially defamatory content dated 13.12.12.
3. Guidelines dated 13.12.12 to prevent communal colour in reporting crime, riots, rumours and such related incidents
4. Guidelines on reportage of cases of sexual assault dated 7.1.13.
5. Advisory dated 30.7.13 on broadcast of news relating to Telangana issue

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



**October 5, 2012**

**All Members & Editors of NBA**

**Sub: Media guidelines for reporting on children - Court on its own motion Vs. Union of India & Ors. : Writ Petition (Civil) No. 787 of 2012 pending before Delhi High Court**

This writ petition had been initiated by the Delhi High Court on the basis of a letter petition filed by Mr. Anant Asthana, Advocate drawing the attention of the Court to the media reportage relating to two year old baby girl named Falak who was admitted at the All India Institute of Medical Sciences and another 15 year old minor girl who had allegedly brought baby Falak to hospital.

By its Order dated 8th February, 2012 the Court recorded that the issue related to the violation of particular provisions inter-alia of the Juvenile Justice (Care and Protection of Children) Act, 2000 by causing breach of privacy by revealing the name/s and identity/ies of the children and the Court expressed that it would frame guidelines for media reportage of such situations.

NBA then had moved an intervention application in the matter, which was allowed. Observing that the views of NBA would be important for taking a decision in the matter, the Court had permitted NBA to nominate a representative on a committee constituted by the Court to assist it in framing guidelines for reporting on children. Secretary General, NBA was nominated on the Committee. The Court had directed that the National Commission for Protection of Child Rights (NCPCR) shall be the convener of the Committee.

By order dated 8.8.2012, the Court has now directed that the attached Guidelines for Media Reporting on Children be implemented with immediate effect. Attached are the Guidelines for Media Reporting on Children along with enclosures. The Order and related documents are also available on the website of NCPCR <http://www.ncpcr.gov.in/childparticipationtv.htm>

Members are requested to follow these guidelines scrupulously while reporting on children.

Regards,

Sd/-

Annie Joseph  
Secretary General, NBA

CC: Legal Head of NBA



## **Guidelines for media reporting on children approved by the Hon'ble High Court of Delhi on 8.8.2012 in Writ Petition (Civil) N0 787 of 2012**

Media coverage on matters relating to children may have long term consequences on their overall development (physical, mental, psychological, emotional, moral, social, economic etc.), life and dignity; and lack of care by Media in this regard may entail real risk of children facing harm, stigma, disqualification, retribution etc. The privacy, dignity, physical and emotional development of children is of the utmost importance, which are to be preserved and protected at all times, while reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children.

The guidelines mentioned below are proposed in the backdrop of the existing legal framework enclosed as Annexure-A (not attached – available on website of NBA), to secure and protect the rights of children and to set-out the minimum parameters of responsibility to be borne by print and electronic media (hereinafter referred to as 'Media') in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.

### **1. Meaning of terms used:**

- 1.1 "Child" or "children"** shall mean a person(s) who has/have not completed 18 years of age;
- 1.2 "Media"** shall include, but not be limited to, any newspaper, magazine, news-sheet or electronic media.

### **2. PRINCIPLES:**

- 2.1** Involvement of children in news/programs/documentaries etc. must evidently be editorially justified including from a child rights' perspective.
- 2.2** Media shall ensure that child victims of rape, other sexual offences, trafficking, drug/substance abuse, elopement, organized crimes, children used in armed conflicts, children in conflict with law and child witnesses etc. are automatically guaranteed anonymity for life.
- 2.3** Media must ensure that due consideration is given to a child's right to privacy and to prevent the child from being exposed to anxiety, distress, trauma, social stigma, risk to life & safety and further suffering in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.
- 2.4** Media shall ensure that a child's identity is not revealed in any manner, including but not limited to, disclosure of personal information, photograph, school/institution/ locality and information of the family including their residential/official address.
- 2.5** Media shall not sensationalize issues or stories, especially those relating to children, and should be conscious of the pernicious consequences of disclosing/highlighting information in a sensational form and the harm it may cause to children.

#### **2.6 Interviewing a child by the media:**

This shall be governed by the following principles:

- a) That the interview is in the child's best interest.
- b) That the interview does not aggravate the child's situation further.
- c) That the manner and content of the interview doesn't affect/interfere with the child's right to privacy.



- d) That if the interview is in the child's best interest, the same shall be done under supervision and consent of the child's parent(s) or legal guardian, or in the alternative, the competent authorities for the child.
- e) That while interviewing a child, his/her consent may be obtained, depending upon his/her age and maturity.
- f) Frequent interviewing of a child must be avoided.
- g) The child's refusal to be interviewed must be honored.
- h) Before interviewing the child he/she must be duly informed about the purpose and manner of the interview.
- i) The child and/or his/her parents/guardian or any person having control over him/her shall not be coerced or enticed in any manner including financial or other inducement to secure consent for the interview.

**2.7** Media must verify the credentials and authority of individuals/organizations whose consent is sought on behalf of the child.

**2.8** Media shall not give any financial or other inducement to the child or parent / guardian or others in relation to reporting / broadcasting / publication of news / programs / documentaries etc. on and for children.

**2.9** Media must balance its responsibility to protect children from unsuitable content with the right to freedom of expression and the right to know.

**2.10** To protect the identity of the child media shall ensure that any visual showing the face of the child must be completely morphed in cases where privacy /anonymity is required as illustrated in Principle 2.2.above..

**2.11** Media shall orient/sensitize its editorial personnels, including editors/ editorial team / reporters / correspondents / producers / photographers etc. about laws, rules, regulations and guidelines related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.

**2.12** The media shall proactively promote the children's right to information and freedom of expression.

**2.13 Publicity:**

The Department of Information and Public Relations of all State Governments and U.T. Administrations, the Directorate of Field Publicity, Directorate of Advertising and Visual Publicity (DAVP) of Ministry of Information and Broadcasting, Prasar Bharati (AIR & DD), Self Regulatory Bodies etc. shall give due publicity at appropriate intervals to the laws, rules, regulations and guidelines (including the proposed one) related to reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children.

**2.14 Monitoring:**

The compliance with the applicable laws, rules, regulations and guidelines (including the proposed one) related to reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children shall be monitored by the following:

- (a) the self-regulatory bodies.
- (b) the regulatory mechanisms of Ministry of Information & Broadcasting, such as, Electronic Media Monitoring Center (EMMC) and Inter-Ministerial Committee (IMC).

(c) Press Council of India.  
through their respective procedures.

**2.15 Status Report:**

NCPCR / SCPCRs shall file a report in this Hon'ble Court on yearly basis regarding the compliance level of the applicable laws, rules, regulations and guidelines (including the proposed one) by all concerned.

The foregoing are only broad Guidelines and are not meant to be exhaustive.

8.8.2012



**November 21, 2012**

**All Editors of NBA**

### **Re: Advisory on reporting of hanging of Ajmal Kasab**

In relation to the hanging of Ajmal Kasab member channels are advised that while reporting the matter even though legitimate, yet it has to be born in mind that nothing should be done by the broadcasters in telecasting the news which may provoke the emotions of any sections of the society leading to precipitating of any untoward incidents. The powerful and wide impact of the information disseminated by the electronic media on formation of public opinion makes it incumbent on the broadcasters to take extra care in the telecast of news relating to sensitive matters. Member broadcasters should ensure that the telecast of any news relating to the above should not be sensational, inflammatory or be provocative. The basic guideline to be adhered to is that all news should conform strictly to subserving the public interest of maintaining communal harmony and preservation of the secular ethos of our plural society and it should influence the formation of correct public opinion.

In view of this matter being ultra sensitive, it requires adherence to the Code of Ethics and Guidelines issued from time to time. It is, therefore, necessary that all broadcasters not only ensure rigid compliance of earlier Guidelines but also ensure that no occasion arises for any speculation about the accuracy of the content.

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

1. In view of the sensitivity of news reporting on this issue extra care should be taken to ensure accuracy by vetting & clearance at the highest editorial level.
2. No visuals need be shown depicting celebrations.
3. Use of archival footage should be clearly labeled "file"

We emphasize that this advisory be taken for compliance with the utmost seriousness.

Issued under Orders of the  
News Broadcasting Standards Authority

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

CC: Members & Legal Heads

## Guidelines on broadcast of potentially defamatory content

### Overview:

1. Broadcasters must always be conscious of the power and impact of the audio-visual medium and the phenomenal reach of their news channels, which can cause incalculable harm if not accurate and objective.
2. Broadcasters must remain aware of the risk of being culpable in accordance with law for any defamatory matter that may be carried in their news/programmes, even if the offending matter is a repetition by them of a statement made by someone else.
3. Any sensitive matter that is broadcast in any form by the broadcaster should be strictly vetted and edited.
4. The above position makes it imperative for broadcasters to observe certain norms and caution to minimize the risk of liability in such matters.

### Basic Guidelines:

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

Place : New Delhi

Dated: December 13, 2012



## **Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents**

These Guidelines are in addition to those already issued. The main purpose of these Guidelines is to ensure the prevention of erosion of the secular ethos of the India polity.

1. In broadcasting the commission of crime etc., it must be borne in mind that any communal colour to it has no relevance and, therefore, any reference to the community of the accused corrodes our secular fabric.
2. It must also be remembered that any communal colour in reporting such news or in the programmes does irreparable harm to the community, even when the trial ends in an acquittal of the accused. The damage done to the plural society, meanwhile, can not be remedied.
3. In reporting all such news/programmes the focus must only be on the objective facts of the incident. Great care is required in this behalf, particularly when the accused belong to a minority community.
4. Care should be taken not to reveal the names of the accused and the arrested with their photographs, visuals and details of their families to ensure that the reporting does not violate a citizen's right to privacy or expose him/her to any harm.
5. In particular while reporting the victims of any such incidents, care should be taken to prevent description of their identity based on their caste, religion or any other distinction.

Place : New Delhi

Dated: December 13, 2012

## Guidelines on reportage of cases of sexual assault

In the following Guidelines, the term “sexual assault”, in addition to any penal offenses prescribed in law, shall mean and include all forms of unwelcome sexually determined behaviour (whether directly or by implication) such as - (i) physical contact and advances, including eve-teasing and molestation; or (ii) a demand or request for sexual favours; or (iii) sexually coloured remarks; or (iv) showing pornography; or (v) acid attacks; or (vi) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

1. News channels must bear in mind that news coverage of crime influences the mindset of the viewer and has a significant impact on the public perception of such crime.
2. In reporting on matters involving sexual assault, news channels are advised to carefully balance the survivor’s right to privacy and that of the survivor’s family with public interest.
3. News channels must ensure that no victim of sexual assault, violence, aggression, trauma or a witness to any such acts, is featured in any news report or program, relating to such victim, without concealing the identity of such person. In conformity with this principle any visuals shown of the victim must be completely morphed.
4. In reporting on cases of sexual assault on women, victims of child abuse and juvenile delinquents, to respect their privacy, the name, photograph and other details that may lead to disclosure of their identity or that of the family shall not be broadcast or divulged.
5. News channels must exercise sensitivity, discretion and sound judgment particularly in the following cases:
  - 5.1 when disclosure of details of the sexual assault would only serve to re-traumatize the survivor;
  - 5.2 when details of the sexual assault are needed to be disclosed to secure a safe environment;
6. News channels must take special note of the provisions of Section 228A of the Indian Penal Code 1860 and of Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 which provide for protection of the identity of victims of sexual offences and of juveniles in conflict with the law.

Place : New Delhi

Dated: January 7, 2013



**July 30, 2013**  
**Editors of NBA**

### **Re: Broadcast of news relating to Telangana issue**

From media reports it is understood that the government is likely to make some important announcements regarding the Telangana issue today.

It is imperative that the dissemination by the electronic media of news and information relating to this sensitive matter is done with extra care and caution. It is necessary to ensure that the telecast of any news or report relating to this subject should not be inflammatory or provocative etc. and should not be sensationalized. The basic guideline to be adhered to is that all news relating to this subject should conform strictly to subserving the public interest of maintaining harmony, of eschewing any divisive or fissiparous tendencies and of preserving the ethos of our pluralistic society. It should be remembered that information disseminated by the media influences the formation of public opinion and also has the potential of invoking strong public reaction.

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

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

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

1. No broadcasts should be made of any speculation about the matter and/or of its likely repercussions thereafter which may be inflammatory or provocative etc. nor should the issue be sensationalized.
2. No provocative footage of violence, agitation, self-immolation etc., if any, should be shown in any broadcast relating to the matter.
3. No visuals should be shown depicting celebration or protest in relation to the matter.
4. Unnecessary repetition of sensitive or disturbing visuals should be avoided.
5. Archival footage should clearly be labeled "FILE" and preferably also state the date and time of earlier broadcasts.
6. In view of the sensitivity of news reporting on this issue, extra care should be taken to ensure accuracy and balance of reportage, by prior vetting and clearance of news at the highest editorial level.
7. It is emphasized that programmes telecast in relation to this subject should not speculate about, and should not have contentious debate, on the matter.

It is expected that every channel will strictly adhere to this Advisory.

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

Editors are advised to ensure strict adherence to these guidelines to avoid any violation.

Sd/-

Annie Joseph

For & on Behalf of NBSA

CC: Members & Legal Heads of NBA



## Proxy Form

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

I \_\_\_\_\_ being a Member of the above named Association, representing \_\_\_\_\_ (Corporate Entity) do hereby appoint Mr./Ms \_\_\_\_\_ R/o \_\_\_\_\_ or failing him/her Mr./Ms. \_\_\_\_\_ R/o \_\_\_\_\_ as my proxy to vote for me on my behalf at the 6th Annual General Meeting of the Association to be held on Friday, the 20th September, 2013, at 12.00 noon at Yamuna, Vyas & Tapti, Shangri-La's – Eros Hotel, 19, Ashoka Road, New Delhi – 110 001, and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2013

Signature of Member Representative \_\_\_\_\_

Name of Broadcaster \_\_\_\_\_

₹1/-  
revenue  
stamp

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

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## Attendance Slip

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

(To be filled in BLOCK LETTERS)

Name of the Member Representative \_\_\_\_\_

Name of the Proxy \_\_\_\_\_

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

I hereby record my presence at the 6th Annual General Meeting of the News Broadcasters Association held on Friday, the 20th September, 2013, at 12.00 noon at Yamuna, Vyas & Tapti, Shangri-La's – Eros Hotel, 19, Ashoka Road, New Delhi – 110 001.

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

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



## Chairperson & Members on the News Broadcasting Standards Authority



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

### Members Representing Eminent Persons



**Nitin Desai**



**Dr. S.Y. Quraishi**



**Dr. G. Mohan Gopal**



**Leela K. Ponappa**

### Members Representing Editors



**Rahul Kanwal**



**Vivek Law**



**Johny Lukose**



**Ajit Anjum**

NewsBroadcastersAssociation



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