



# A Guide to the Complaints Process of the News Broadcasting Standards Authority



## Introduction

Any person aggrieved by any breach by a Member or an Associate Member of the News Broadcasters Association (“**NBA**”) of the Code of Ethics & Broadcasting Standards (“**Code**”) laid down by the NBA in relation to any programme broadcast by such Member/Associate Member, has a right to file a complaint in that regard before the **News Broadcasting Standards Authority (“Authority”)**.

Before a complaint is made to the Authority however, it is compulsory for the person aggrieved to first make a formal complaint to the concerned broadcaster; and if not satisfied with the broadcaster’s response, a complaint may be made before the Authority.

This booklet explains how the disputes redressal procedure works and the role of the Authority in adjudicate upon such complaints.

## What is the News Broadcasting Standards Authority ?

The News Broadcasting Standards Authority is an independent body set up by the News Broadcasters Association. Its task is to consider and adjudicate upon complaints about broadcasts. The Authority comprises:

- A Chairperson, being an eminent jurist ;
- Four eminent persons having special knowledge and/or practical experience in the field of law, education, medicine, science, literature, public administration, consumer affairs, environment, human psychology and/or culture ; and
- Four eminent editors employed with a broadcaster.

The Code of Ethics and Broadcasting Standards laid down by the NBA for violation of which a complaint may be made, include the following editorial principles:

A news channel must:

1. Ensure impartiality and objectivity in reporting
2. Ensure neutrality
3. Ensure that when reporting on crime, that crime and violence are not glorified
4. Ensure utmost discretion while reporting on violence and crime against women and children
5. Abhor sex and nudity
6. Ensure privacy
7. Ensure that national security is not endangered
8. Refraining from advocating or encouraging superstition and occultism
9. Ensure responsible sting operations

## Complaint Procedures

### Who can make a complaint?

Any person aggrieved can make a complaint to the Authority in regard to a programme broadcast by a Member / Associate Member of the NBA.

### How to make a complaint?

A complaint must be made in writing, either in English or Hindi, and must include the following:

1. Copy of the complaint letter sent to the broadcaster;
2. Copy of reply received from the concerned broadcaster;
3. Name and address of the broadcaster.
4. Specify the news item, programme
5. Date, time and channel of broadcast.
6. Short summary of what the complainant is aggrieved of, in particular what precept of the Code has been breached (detailed in the section 'what can I complain about?' of this booklet).
7. All relevant documentary or other material, if any, in support of the complaint.

It is important to include all the above details. To assist complainants, a 'Complaint Form' is available on the website at <http://www.nbanewdelhi.com/download-complainf-Form.asp> or it can be obtained from the NBA office.

### Which broadcasters are within the scope of the Authority?

Broadcasters that are Members and Associate Members of the NBA are within the scope of the redressal mechanism.

### What can I complain about?

You may complain of any breach of the Code, including the following Principles of Self Regulation contained in the Code:

1. Impartiality and objectivity in reporting
2. Ensuring neutrality
3. Reporting on crime and safeguards to ensure crime and violence are not glorified
4. Depiction of violence or intimidation against women and children
5. Sex and nudity
6. Privacy
7. Endangering national security
8. Refraining from advocating or encouraging superstition and occultism
9. Sting operations

### How quickly should a complaint be made?

A complaint must be made to the Broadcaster within a reasonable time not exceeding 7 (seven) days from the date of the first broadcast.

### To whom should the first complaint be made?

A complaint should be addressed to and dealt with by the Legal Head of the concerned Broadcaster, whose specific designation, address and other correspondence details is available on the websites of the NBA and of the concerned Broadcaster.

### **Is there a time limit to receive a response from a Broadcaster?**

It is incumbent upon the complainant to give the Broadcaster at least 7 (seven) days to respond to the complaint from the date of receipt, failing which the Authority will not entertain any complaint.

### **Is there a time limit to file a complaint before the Authority?**

A complaint shall be filed before the Authority within **14** (fourteen) days from the date of receipt of a response from the Broadcaster, or, if the Broadcaster does not respond, within **14** (fourteen) days from the date when the aforesaid period provided for the Broadcaster to respond expires.

### **Can delay in filing a complaint to the Authority be condoned?**

The Authority if it is satisfied that the complainant has acted diligently and that the delay in filing the complaint within the prescribed period has been caused for reasons not of the complainant's making and/or for other sufficient cause, condone the delay and entertain a complaint.

### **In which language can the complaint be made?**

The complaint can be made in English or Hindi. If the supporting documents are in the vernacular, true translations thereof in English or Hindi must be filed along with the complaint.

### **What will happen to your complaint?**

Not later than **14** (fourteen) days from the date of receipt of a complaint complete in all respects, the Authority will issue notice to the concerned broadcaster to show cause why action should not be taken under the Regulations.

### **In how many days should a response be received from a broadcaster to a show cause notice?**

- a) A period of **14** (fourteen) days is given to a broadcaster to respond to the show cause notice. In appropriate cases the Chairperson shall have the discretion to extend time for such response.

If however there is no sufficient ground for holding an inquiry, the Chairperson may decide not to issue show cause notice to the broadcaster, and in such case(s), the Chairperson will apprise the Authority in the next meeting why a decision was taken not to issue the show cause notice and the Authority may then pass such orders as it deems fit upon the complaint.

- b) The notice indicating the time, date & place of hearing will be issued to the complainant as well as the concerned Broadcaster along with the complete copy of the complaint and all documents relied upon by the complainant, by any mode of recorded delivery at the address furnished in the complaint.

### How does a broadcaster respond to a complaint?

- a) The Broadcaster against which the complaint is made may, within 14 (fourteen) days from the date of service of the notice along with a complete copy of the complaint and all documents relied upon by the complainant or within such further time as may be granted by the Chairperson upon application in this behalf, submit a written statement to the Authority in reply to the complaint and send a copy of such written statement to the complainant by any mode of recorded delivery.
- c) On receipt of the complaint or written statement, the Chairperson and/or Authority may, if considered necessary, call for any documents or other material from either the respondent Broadcaster or the complainant.

### What happens if the complainant or the respondent does not appear?

If the complainant or the respondent fails to appear without giving any sufficient cause, the Authority may dismiss the complaint or decide the complaint *ex parte* as the Authority may deem fit.

However, within 30 days of the dismissal of a complaint or the passing of any *ex parte* orders/directions, the aggrieved party can apply to the Authority to restore the complaint or set aside the *ex parte* orders/directions. The Authority may restore the complaint or set aside the *ex parte* orders / directions and proceed further from that stage to decide the complaint.

### Proceedings:

- a) The parties shall be entitled to adduce relevant evidence, oral and documentary, and make submissions in support of their contentions.
- b) In any inquiry, a party to the proceedings may appear in person or be represented by Counsel or by a duly authorized representative.

### How is a complaint decided?

- a) Every case shall be decided by a majority view of the Authority and the Chairperson's view shall have the same weight-age as that of any other Member of the Authority.
- b) Any Member on the Authority who has any direct involvement or commercial interest in a matter cannot take part in the proceedings relating to such matter and will have to opt out of such proceedings; and the NBA shall recommend to the Chairperson 4 (four) names to fill up such vacancy/ies and from the names so recommended, the Chairperson shall choose and nominate a substitute Member or Members to fill up the vacancy/ies for a particular inquiry.
- c) The orders /directions of the Authority shall be communicated in writing to the parties to the case and shall also be duly publicized as may be directed by the Authority, including on the NBA website, Annual Report & the NBA News letter.



- d) The Authority shall have the power to regulate its own procedure in respect of any matter for which no provision or inadequate provision has been made in the Regulations & shall also have the power, in appropriate cases, to hold inquiries in camera.

#### **How soon will the Authority decide a complaint?**

Any inquiry commenced by the Authority shall be completed as far as possible, within a period of 3 (three) months from the date of receipt of complaint.

#### **Can the Authority initiate suo motu proceedings?**

Under the Regulations the Authority may initiate suo motu proceedings in respect of any matter which falls within the Regulations or relating to any matter falling within or arising from the Code of Conduct.

#### **Powers of the Authority**

- a) Authority can, warn, admonish, censure, express disapproval against and/or impose a fine upon the broadcaster and/or recommend to the concerned authority for suspension / revocation of license of such broadcaster.
- b) The fine imposed by the Authority shall not exceed Rs.1,00,000/- (Rupees One Lac only) and such fine shall be recovered from the concerned Broadcaster.
- c) The Authority may, in public interest, also direct any broadcaster to cause to be published any information relating to an inquiry, including the warning, admonition, censure, disapproval issued and/or fine imposed and any other particulars relating to the proceedings, through a press release in such newspaper or other periodical and/or such website, as the Authority thinks fit.

#### **What happens if a matter is *sub judice***

If a matter is *sub judice* or becomes *sub judice* during the pendency of proceedings before the Authority, the Authority will not deal with or continue with the proceedings.

#### **Will complaints made be kept confidential?**

All complaints decided by the Authority may be made publicly available by the Authority, including the name of the complainant. However, in the event a complainant has valid concerns relating to privacy issues in making a complaint, the Authority may in its absolute discretion, consider requests from the complainant for anonymity / confidentiality.



### **Communications & contact address**

All Communications of the Authority must be addressed to:

**News Broadcasting Standards Authority  
C/o News Broadcasters Association  
Reg. Off.: 101-103, Paramount Tower  
C-17, Community Center, Janakpuri,  
New Delhi – 110 058  
Email: [authority@nbanewdelhi.com](mailto:authority@nbanewdelhi.com)**

*This booklet is intended as a guide to the complaints process only. It is a general summary of the powers and procedures of the News Broadcasting Standards Authority. The detailed Code and Regulations are available on this website.*