

The ten commandments of news broadcasting in India

By Siddharth Narrain

The big difference between the code of ethics drawn up by the News Broadcasters Association (NBA) and that of the I&B ministry is that the NBA has set up an independent disputes redressal authority, whereas the ministry's code gives overarching powers to the central government

Pre-empting the Ministry of Information's proposed Content Code aimed at regulating television channels, the News Broadcasters Association (NBA), a collective of 14 private broadcasters representing 30 news channels, has drafted its own Code of Ethics and Broadcasting Standards (available at <http://www.thehoot.org/web/home/story.php>).

While the NBA has recognised the limitations of its model of self-governance, it has relied on the fact that any kind of censure or fine will be a blow to the credibility and image of the channel, and thereby its ability to influence public opinion. One of the motivating factors behind the NBA's code has been to pre-empt the Ministry of Information and Broadcasting's Content Code, which could threaten independent journalism.

In the introductory part of the Code, the NBA says that the role of the electronic media is to make democracy "a living reality" for those who do not have access to the print media and to give them a sense of involvement in the process of governance. The note says that since the electronic media was meant to expose lapses in government, the government could not regulate news channels. It was therefore the responsibility of the journalistic profession to evolve institutional checks and safeguards.

The NBA's Code has drawn from the proposed Content Code of the Ministry of Information and Broadcasting and concerns arising from issues that are currently being faced by news channels to draft ten broad areas of self-regulation. These deal with impartiality and objectivity, neutrality, reporting on crime, depiction of women and children, depiction of sex and nudity, privacy, national security, superstition and occultism, sting operations and corrections for mistakes that are made by channels.

The guidelines attempt to balance concerns related to privacy, and unfair reporting and scrutiny of those in power. For instance, while the guidelines specify that channels should not broadcast material that is obviously defamatory or libelous, they also say that no one can claim immunity from scrutiny or criticism by news channels.

News channels have been asked to use sting operations only as a last resort. They are not allowed to use sex, sleaze, narcotics or psychotropic substances, acts of violence, intimidation or discrimination while recording sting operations. They are barred from altering visuals, editing or interposing the raw footage in a way that alters or misrepresents the truth. This will go a long way in assuaging fears about the ethics of sting operations especially after the concerns raised after the Uma Khurana incident, when a Delhi schoolteacher was falsely implicated in a prostitution racket by a sting operation.

News channels have been told to refrain from allowing broadcasts that encourage secessionist groups and interests, or reveal information that endangers lives and national security. However, the code clearly states that reporting of breaches and loopholes in national security should not be confused with endangering national security.

Showing nudity is not allowed. Neither is showing explicit images of sexual activity, sexual perversions, acts of sexual violence, or use of sexually suggestive language. However, the code states that this regulation is not aimed at moral policing but at ensuring that overtly regressive acts and visuals do not slip into broadcasts.

To avoid a trial by media, news channels have been asked to strive to ensure that allegations are not portrayed as facts and charges are not conveyed as acts of guilt. Channels cannot induce, glorify, incite or positively depict violence and its perpetrators. They have to refrain from broadcasting any material that glorifies superstition and occultism in any manner. Mistakes made during broadcasts have to be acknowledged and corrected on air. Corrections should be scheduled in such a way that they attract enough viewer attention and are not concealed.

While the 'Ten Commandments' of news broadcasting are not very different from the Ministry of Information and Broadcasting's Content Code chapter on news broadcasting, the vital difference is in the mechanism that has been set up to deal with grievances. The NBA has instituted a News Broadcasting Standards Disputes Redressal Authority chaired by former Supreme Court Chief Justice J S Verma. The Authority, which will become operational from October 2008, has eight other members. Four 'eminent persons' -- historian Ramachandra Guha, former NASSCOM president Kiran Karnik, sociologist Dipankar Gupta and economist Nitin Desai. The other four members are editors of new channels --

Vinod Kapri of India TV, B V Rao of Zee News, Milind Khandekar of Star News, and Arnab Goswami of Times Now.

The Redressal Authority has been given the power to censure news broadcasters and impose a fine of up to Rs 100,000 if they are found to be in violation of the NBA's Code of Ethics and Broadcasting Standards. The Authority has the power to summon persons, examine them, receive evidence, and requisition records and copies from broadcasters.

The Authority cannot entertain complaints unless the complainant has brought the matter to the notice of the relevant broadcaster, news agency or journalist, and given them 30 days to respond to the complaint. The complaint has to be filed before the authority within 60 days of the first broadcast of the matter.

According to the Ministry of Information and Broadcasting's Bill, the Broadcasting Regulatory Authority of India (BRAI) will regulate news broadcasters, like all other broadcasters. One of the problems with this was that the Bill gives too overarching a role to the central government, from laying down policy to nominating or selecting members of the BRAI, and the Public Service Broadcasting Council. The identity, as well as division of responsibility between the central government and the Broadcast Regulatory Authority of India (BRAI) is not clear.

There is no evidence of any intention to set up an independent, autonomous, professionally competent, regulatory organisation in the broadcast sector. According to the provisions of this Bill, the regulator will be allegedly autonomous, but it is not clear what powers it will have. The Bill gives the central government powers under an itemised list of functions which cover what a regulator should be doing, that includes terms and conditions of licenses, power to prescribe license fees, policy and certification guidelines and so on.

Moreover, in sections 5 and 6 of the Bill, an overreaching power has been granted to the central government to censor the media during times of emergency, or any other 'exceptional circumstances'. This power far exceeds the constitutional limitation on the freedom of speech and expression. As experience of arbitrary press censorship during the Emergency has shown us, such powers are liable to be misused.

With the Ministry of Information and Broadcasting's draft Broadcasting Bill and Content Code not tabled in parliament yet, there are strong grounds for the exclusion of news broadcasters from the purview of the Broadcasting Bill.

The setting up of the Redressal Authority and the Code of Ethics and Broadcasting Standards is a welcome step in an environment where news broadcasting has remained more or less unregulated. It remains to be seen how these guidelines are implemented, and what impact this mechanism has on the quality and ethics of the news broadcasting industry.

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