

Self regulation for TV broadcasters is set to come into existence from October 2. The News Broadcasters Association has come up with its own code of ethics and broadcasting standards. The NBA code, as submitted to the government.

Posted Tuesday, Sep 02 00:52:47, 2008

**News Broadcasters Association
New Delhi**

CODE OF ETHICS & BROADCASTING STANDARDS

Background

- 1) The Constitution of India guarantees to all its citizens, the right to free speech, which right has been liberally construed by our Supreme Court as encompassing not just the freedom of press, but also the right of the citizen to be informed of matters of public moment and concern.
- 2) The fundamental premise of a democracy is the accountability of all its institutions to the political sovereign, viz the people. It is axiomatic that for democracy to survive and flourish, freedom must live in the hearts of people, and the citizenry must be ever vigilant against all attempts to subvert the rule of law. Democracies have decayed into anarchy not merely on account of major events such as coups, but also by insidious erosion caused by egregious corruption and abuse of power. Exposing the threat within itself has become one of the most important roles of the news media, particularly the electronic media whose reach and penetration has the promise to make democracy a living reality for those who do not have access to the print media for want of literacy or otherwise, and giving them a sense of involvement in the process of governance.
- 3) India is the worlds largest democracy, demographically marked by diversity in religion, language and caste, and undoubtedly has problems that are significantly peculiar to it. Yet at the same time, it shares certain common values with other vibrant democracies, and one of them is balancing the freedom of the press with putting in place checks and balances that seek to instill a sense of responsibility and to prevent abuse of this freedom, without the "chilling effect" that would impair journalistic freedom.
- 4) It is the duty of media to keep the citizenry informed of the state of governance, which mostly puts it at odds with the establishment. A media that is meant to expose the lapses in government and in public life cannot obviously be regulated by government – it would lack credibility. It is a fundamental paradigm of freedom of speech that media must be free from governmental control in the matter of "content" – censorship and free speech are sworn enemies. It therefore falls upon the journalist profession to evolve institutional checks and safeguards, specific to the electronic media, that can define the path that would conform to the highest standards of rectitude and journalistic ethics and guide the media in the discharge of its solemn constitutional duty.
- 5) There are models of self governance evolved in other countries who have seen an evolution of the electronic media including the news media much before it developed in India. The remarkable feature of all these models is self governance, and a monitoring by a "jury of its peers".
- 6) There are undoubtedly limitations in any model of self governance in which compliance is entirely voluntary. However this does not suggest that such models are ineffective. Their efficacy flows from the fact that the basic strength of a news channel lies in its credibility, from which flows its ability to influence public opinion. A censure emanating from a jury of its peers would indisputably affect the credibility of a channel. Besides, such a process is not without its legal ramifications. One of the important defenses to civil and criminal actions (based on defamation) is "fair comment" and bona fide attempts to unravel the truth. The difference between inaccuracy and falsehood lies many a time in the motive. A channel acting in breach of established guidelines could hardly defend its motives or suggest that it was acting fairly, if it is censured by a jury of its peers.
- 7) The interference by the government, however well intentioned, would imperil not just this method of independent journalism, but the very process of investigation itself. It therefore has become imperative that the news channels lay down guidelines, procedural safeguards and establish a body that would act as a watchdog and a grievance redressal forum.

**SECTION - 1
FUNDAMENTAL PRINCIPLES**

- 1) Professional electronic journalists should accept and understand that they operate as trustees of public and should, therefore, make it their mission to seek the truth and to report it fairly with integrity and independence. Professional journalists should stand fully accountable for their actions.
- 2) The purpose of this code is to document the broad paradigms accepted by the members of the News Broadcasters Association (NBA) as practice and procedures that would help journalists of electronic media to adhere to the highest possible standards of public service and integrity.
- 3) News channels recognize that they have a special responsibility in the matter of adhering to high standards of journalism since they have the most potent influence on public opinion. The broad principles on which the news channels should function are, therefore, as stated hereinafter.
- 4) Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.

- 5) The fundamental purpose of dissemination of news in a democracy is to educate and inform the people of the happenings in the country, so that the people of the country understand significant events and form their own conclusions.
- 6) Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.

SECTION - 2

PRINCIPLES OF SELF REGULATION

The News Broadcasters Association(NBA) have established commonly accepted content guidelines as a way of practicing self regulation. The purpose is to define editorial principles which are consistent with the tenets of the freedom of speech articulated in the constitution of India; the regulatory framework; common sensibilities of television viewers.

The purpose of these principles of self regulation is to serve as an affirmative declaration of understanding of, and compliance with, the basic values and objectives that news channels enshrine. It is to ensure that these principles are observed in spirit, and not just in the letter.

The purpose of putting together the principles of self regulation is to avoid compromising the genre of television news by broadcasting content that is malicious, biased, regressive, knowingly inaccurate, hurtful, misleading, or aimed at willfully concealing a conflict of interest.

The purpose of these principles of self regulation is to empower the profession of television journalism by an abiding set of values, which will stand the test of time, and ensure that balanced and comprehensive journalism flourishes, to strengthen India's democracy

Detailed below are some of the areas where the broadcasters seek to self regulate.

1.Impartiality and objectivity in reporting:

Accuracy is at the heart of the news television business. Viewers of 24 hour news channels expect speed, but it is the responsibility of TV news channels to keep accuracy, and balance, as precedence over speed. If despite this there are errors, channels should be transparent about them. Errors must be corrected promptly and clearly, whether in the use of pictures, a news report, a caption, a graphic or a script. Channels should also strive not to broadcast anything which is obviously defamatory or libelous. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view. This also applies in cases where television channels report on those holding public office, though by virtue of doing so, no person can claim immunity from scrutiny from or criticism by news channels.

2. Ensuring neutrality:

TV News channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties)news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

3. Reporting on crime and safeguards to ensure crime and violence are not glorified:

Television news has greater reach, and more immediate impact than other forms of media, and this makes it all the more necessary that channels exercise restraint to ensure that any report or visuals broadcast do not induce, glorify, incite, or positively depict violence and its perpetrators, regardless of ideology or context. Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory. Equally, in the reporting of violence (whether collective or individual) the act of violence must not be glamorized, because it may have a misleading or desensitizing impact on viewers. News channels will ensure that such reconstructions will not cross boundaries of good taste and sensibility. This includes taking adequate precaution while showing any visual instance of pain, fear or suffering, and visuals or details of methods of suicide and self harm of any kind and will not cross boundaries of good taste and decency

4. Depiction of violence or intimidation against women and children:

As an elaboration of Point 3, news channels will ensure that no woman or juvenile, who is a victim of sexual violence, aggression, trauma, or has been a witness to the same is shown on television without due effort taken to conceal the identity. In reporting all cases of sexual assault, or instances where the personal character or privacy of women are concerned, their names, pictures and other details will not be broadcast/divulged. Similarly, the identity of victims of child abuse and juvenile delinquents will not be revealed, and their pictures will be morphed to conceal their identity.

5. Sex and nudity:

News channels will ensure that they do not show, without morphing, nudity of the male or female form. Channels will also not show explicit images of sexual activity or sexual perversions or acts of sexual violence like rape or molestation, or show pornography, or the use of sexually suggestive language. (As a qualifier however, channels are not expected to be moralistic or prudish, and this self regulation is aimed not at moral policing, but rather at ensuring that overtly regressive and explicit

6. Privacy:

As a rule channels must not intrude on private lives, or personal affairs of individuals, unless there is a clearly established larger and identifiable public interest for such a broadcast. The underlying principle that news channels abide by is that the intrusion of the private spaces, records, transcripts, telephone conversations and any other material will not be for salacious interest, but only when warranted in the public interest. However, it is also understood that the pursuit of the truth and the news is not possible through the predetermined principle of prior permission; hence door stepping individuals or authorities for the purpose of newsgathering may be used only in the larger purpose of public interest.. Further, in the case of minors, in any broadcast that intrudes on their privacy, the channel should attempt, where possible, to seek the consent of the parent or legal guardian. However, the defense of the premise of privacy cannot be misconstrued as the denial of access, and this applies to all individuals, including those in the public eye and public personalities. It does however apply in its entirety, as per the provisions mentioned above, to their children and kin who are minors.

7. Endangering national security:

In the use of any terminology or maps, that represent India and Indian strategic interests, all news channels will use specific terminology and maps mandated by law and Indian government rules. (The depiction of the map of the territory of India will reflect official guidelines, as detailed in official literature). News channels will also refrain from allowing broadcasts that encourage secessionist groups and interests, or reveal information that endangers lives and national security. However, it is in the public interest to broadcast instances of breach of national security and loopholes in national security and reporting these cannot be confused with endangering national security.

8. Refraining from advocating or encouraging superstition and occultism :

News channels will not broadcast any material that glorifies superstition and occultism in any manner. In broadcasting any news about such genre, news channels will also issue public disclaimers to ensure that viewers are not misled into believing or emulating such beliefs and activity. Therefore news channels will not broadcast "as fact" myths about "supernatural" acts, apparitions and ghosts, personal or social deviations or deviant behavior, and recreations of the same. Wherever references are made to such cases, news channels will issue on air riders/disclaimers/warnings to ensure that such beliefs or events are not passed off "as fact" since they can hurt rational sensibilities.

9. Sting operations:

As a guiding principle, sting and under cover operations should be a last resort of news channels in an attempt to give the viewer comprehensive coverage of any news story. News channels will not allow sex and sleaze as a means to carry out sting operations, the use of narcotics and psychotropic substances or any act of violence, intimidation, or discrimination as a justifiable means in the recording of any sting operation. Sting operations, will also abide by the principles of self regulation mentioned above, and news channels will ensure that they will be guided, as mentioned above, by an identifiable larger public interest. News channels will as a ground rule, ensure that sting operations are carried out only as a tool for getting conclusive evidence of wrong doing or criminality, and that there is no deliberate alteration of visuals, or editing, or interposing done with the raw footage in a way that it also alters or misrepresents the truth or presents only a portion of the truth.

10. Corrigendum:

All news channels will keeping with the principle of due accuracy and impartiality, ensure that significant mistakes made in the course of any broadcast is acknowledged and corrected on air immediately. Corrections should also be scheduled in such a way that they attract enough viewer attention and are not concealed. This, like the other principles, must be observed in spirit, and not just in letter, to avoid any compromise to the reputation of the news broadcasting industry in India.

Viewer feedback:

All News Channels will on their website, create provision to receive consumer feedback. Further any specific viewer complaints will be responded to. In the event any news channel gets a specific complaint if found to be true it will admit to the same on air and will respond in fullness and fairness to the viewer. In the event, a viewer/body perceives prejudice by any specific report carried by the News channel, it will respond in fullness and without impartiality to the viewer.