

# Ethical Code for Electronic Media

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**In News:** News Broadcasters Association (NBA) has told the Supreme Court to make its Code Of Ethics Electronic Media, against airing malicious, biased and regressive content applicable to all TV news channels.

## Background of a plea

- To stop the telecast of a programme Bindas Bol on Sudarshan TV containing objectionable content against the Muslim entries into the civil services.
- It was found that Prima Facie was found to hurt a community.

## Suggestions by NBA?

- NBA suggested that the court direct the government to include its ethical code in the Programme Code of the Cable Television Networks Rules, 1994.
- All news channels, whether they are NBA members or not, will then have to follow the Programme Code containing the proposed amendments.
- The NBA affidavit is in response to an order by the Supreme Court on September 18 to suggest measures to strengthen the self-regulatory mechanism to prevent or penalise airing of communal or derogatory content in the electronic media.
- News Broadcasters Services Authority (NBSA) should be granted recognition as an “independent self-regulatory mechanism” to receive and deal with complaints.
  - Its code of ethics should be given a statutory recognition by making it a part of the Programme Code under the Cable TV Rules
  - NBSA should be made binding and enforceable on the

channels.

- Recognition to NBSA would strengthen News Broadcasting Standards Regulations, adding that penalties should be made stringent.

## Challenges:

- Indian laws present several complications when an attempt is made to distinguish permissible speech from hate speech.
  - There is no international legal definition of hate speech, and the characterisation of what is 'hateful' is controversial and disputed.
  - Generally, hate speech refers to utterances that incite violence, hatred, or discrimination against people on the basis of their collective identity, be it race, ethnicity, religion, gender or sexuality.
  - It attacks two key tenets of a democratic republic: the guarantee of equal dignity to all and the public good of inclusiveness.
  - It is the speech which has reached a level of incitement and is beyond advocacy.
- Section 153A and Section 295A of the Indian Penal Code (IPC), which criminalise, respectively, speech that seeks to promote enmity between different groups and speech/acts that outrage/s religious feelings.
  - Both of these are vaguely worded and are frequently invoked to suppress speech.
  - They militate against the permissible grounds for limiting free speech enumerated in Article 19(2) of the Constitution, and, in particular, the restrictions allowed on considerations of public order and morality.
- Just like the substantive hate speech provisions in the IPC, the Programme Code is also much too vague and is also not applied uniformly

## **News Broadcasting Standards Authority (NBSA)**

- 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 nine-member 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 NBA for violation of which a complaint may be made, include the following editorial principles: A news channel must:**
  - Ensure impartiality and objectivity in reporting
  - Ensure neutrality
  - Ensure that when reporting on crime, that crime and violence are not glorified
  - Ensure utmost discretion while reporting on violence and crime against women and children
  - Abhor sex and nudity
  - Ensure privacy
  - Ensure that national security is not endangered
  - Refraining from advocating or encouraging superstition and occultism
  - Ensure responsible sting operations