

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