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Self-Regulation Revisited

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NBSA found that TV9 had violated clauses 5, 6 and 9 of the NBA code of ethics and ordered TV9 ordered to display an apology for the story on its channel for a fixed duration during peak hours

The first half of this year has seen a significant triumph for self-regulation initiatives by Indian broadcasters. Industry-led peer groups have taken up initiatives that have given new momentum to the sector.

Recently, in response to numerous email complaints sent to the channel as well as the News Broadcasters Association (NBA), the News Broadcasting Standards Authority (NBSA) took "suo motu" cognizance of a programme titled *Gay Culture Rampant in Hyderabad*, aired by TV9 in February and accused of having sensationalized the issue. After receiving TV9's defence, justice J.S. Verma of NBSA issued his decision on Sunday, holding that TV9 had violated clauses 5 (sex and nudity), 6 (privacy) and 9 (sting operations) of the NBA code of ethics. TV9 was ordered to display an apology for the story on its channel for a fixed duration during peak hours. In addition, TV9 was also fined Rs 1 lakh to be paid to NBSA.

Even though NBSA is not an "official" adjudicatory body, the order is a welcome move for citizens' rights to privacy and dignity. Another reason why this order is so important is that it demonstrates the viability of NBSA—a voluntary self-regulatory industry body—as an expedient channel of redress for the public. By delivering its decision within a month of the date of the incident, NBA has succeeded in inspiring the public's confidence in its mission to serve as a truly impartial regulator of broadcast news in India.

Constituted in 2007, NBA has 20 leading news and current affairs broadcasters (comprising 45 news and current affairs channels) as its members. NBA presents a unified voice before the government on matters relating to news and current affairs broadcasters in India. It was formed to promote and protect the interests of

India's television news broadcasters and was the first to adopt a voluntary code of ethics.

Discussions on broadcast content standards have been on since 2005, when the ministry of information and broadcasting constituted a formal committee to draft conventions for the sector. This committee was created after immense pressure from the courts and civil society groups who felt that broadcasters were testing the limits and the law of the country through provocative and sensational programming.

After a comprehensive consultative process of over three years, this committee, consisting of 40 stakeholders from government, civil society, non-governmental organizations and industry, submitted its report, along with suggested self-regulation guidelines for the broadcasting sector. As a part of this committee and the subgroup set up to draft these guidelines, I had the privilege to be involved in this debate since inception to submission in 2008.

However, since then, there has been a stalemate on efforts to formalize or accept any content regulation. The good news is that the Indian Broadcasting Foundation (IBF) announced earlier this month the adoption of the committee's work and unanimously approved a "self-regulatory content guidelines and complaints redressal mechanism" for all non-news and current affairs television channels, including general entertainment, children and special interest channels. The guidelines will be applicable from 1 June and will provide the channels guiding principles for content programming along with a redressal mechanism for bona fide complaints from viewers.

Established in 1999, IBF is one of the earlier associations set up to promote the interests of the Indian television industry. IBF comprises major broadcasters

running more than 250 TV channels and enjoys a unique position as the accredited spokesman of the broadcasting industry. IBF has from time to time been taking up various issues affecting the broadcast industry with the concerned authorities.

The self-regulatory content guidelines and complaint redressal mechanism sets out principles, guidelines and ethical practices to guide the broadcasting service provider in conforming with the programme code prescribed under the Cable Television Networks (Regulations) Act, 1995, irrespective of the medium or platform used for broadcasting the programme.

The redressal mechanism will be a two-tier process: providing viewers an opportunity to complain first at the broadcaster/channel level and in the event of no response or an unsatisfactory one by the broadcaster/channel, the complainant can approach the Broadcasting Content

Complaints Council (BCCC) at the industry level, which will have 13 members. The council is headed by justice A.P. Shah, a former chief justice of the Delhi high court, and will consist of four non-broadcaster members, four members from national-level statutory commissions and four broadcaster members.

The two major broadcasting associations—IBF and NBA—have reiterated and demonstrated their commitment to self-regulation. Of course, there is still a long way to go—many broadcasters are not part of these two groups, and, more importantly, the guidelines need to be implemented. Most media professionals, specially regional and local broadcasters, are still unaware of the guidelines. Public discussion among peers on the norms, with illustrations of ongoing violations will help orient other broadcasters towards becoming more responsible and accountable members of the media.***

Courtesy: The Mint (26 May 2011)