

## Accountability in Electronic Media: An Analysis of Regulatory Mechanism with Reference to TV Reporting in India

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### ABSTRACT

The reach and penetration of electronic media is enormous, having the capacity 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. As per the union ministry of Information and Broadcasting, there were 867 permitted satellite TV channels functioning in India till the end of June 2018 in which around 50% were news channels. The total revenue of TV Industry has reached from around Rs 58,800 crore in 2016-17 to Rs 66,000 crore in 2017-18 registering 12.24% growth. The News Broadcasting Standard Authority (NBSA) is the only self-regulating body of the broadcasters of television news channels in the country set up by the News Broadcasters Association (NBA).

This paper discusses the effectiveness of NBSA which adjudicates the matters related to only those news channels that are part of NBA. At present NBA has 27 leading news and current affairs broadcasters comprising 77 news and current affairs channels as its members and is entirely funded by its members. NBSA administers the Codes of Ethics and Broadcasting Standards which have been voluntarily drawn by the NBA for its member broadcasters to demonstrate their commitment towards responsible broadcasting and to self-regulate themselves. The cases before the NBSA pertaining to the violation of Code of Ethics and Broadcasting Standards are adjudicated by its Chairperson and members. The present study is Content Analysis of 365 complaints received by the NBSA in five years (2014-15 to 2018-19) which were mainly pertaining to disclosure of the identity of sexual offence victims, sensationalism of facts by the channels, objectionable content, issues of morality, defamatory content, telecast of disturbing visuals, promotion of superstitions, showing armed forces in wrong picture, telecasting any programme putting the security of defence personnel at risk, showing one sided story without carrying the version of other party etc. In 2014-15, the NBSA had adjudicated 53 complaints, in 2015-16 it received 59, in 2016-17 it got 63 complaints, 81 complaints it received in 2017-18 and a total of 109 complaints were adjudicated by the NBSA in 2018-19. All the complaints were analysed in present study and findings are presented in tabulation form with interpretation. The study also focuses on addressing the issues where the public has started criticising the profession of journalism for serving hyped, insensitive and misleading information. The study scrutinises that aspect of television reporting where serious questions are raised over its reports and to find out where the problem lies in the mechanism that regulates it.

**KEYWORDS:** NBSA, NBA, Regulatory Mechanism, Television News Channels, Code of Ethics, Broadcasting Standards, Complaints, Electronic Media Regulator, Accountability of TV reporting in India, journalistic norms.

### INTRODUCTION

Accuracy is the key element of the news television business. Under the current situation, where the questions are being raised over the credibility of television news channels, it becomes paramount for the new channels to keep accuracy, maintain neutrality and balance while disseminating the news. It is also expected from the news channels to correct immediately, if an inadvertent error has been committed.

NBSA, which is a self-regulating body set up by the News Broadcasters Association (NBA), was tasked to consider and adjudicate upon complaints about news broadcasts. The main idea behind setting up of the NBSA was to fill the vacuum as there was no regulatory body for TV news channels. The existing autonomous body, Press Council of India (PCI) has the mandate to hear the complaints against print media only.

The functions of NBSA include improving and maintaining the standards of broadcast, to

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maintain the independence of broadcasters, television journalists/news agencies, adherence of code of conduct and high professional standards by broadcasters, television journalists and news agencies. It is also aimed to keep under review and scrutiny any developments likely to or having the tendency to restrict the gathering, supply and dissemination of news of public interest and importance. There are 11 areas where the broadcasters seek to regulate. The code by NBA also provides that the sting or undercover operations should be the last resort while news reporting and news channels should not allow sex and sleaze as a means to carry out sting operations. The code also provides significant mistakes made in the course of any broadcast by the news channels should be acknowledged and corrected on air immediately through corrigendum. The NBA also provides that all news channels should have a provision of getting or receiving feedback from their viewers. The NBSA has News Broadcasting Standards Regulations through which it adjudicates the complaints.

On receiving the complaint, if the authority has reason to believe that a broadcaster has violated or offended against the code of conduct, the authority after giving the broadcaster concerned an opportunity of being heard would hold an inquiry. Thereafter, if the authority is satisfied that it is necessary to do so, it may warn, admonish, censure, express disapproval against or impose a fine upon the broadcaster. The NBSA can also recommend to the concerned authority for suspension/revocation of license of such broadcaster who has been found to have violated the norm. The authority, however, cannot impose a fine more than Rs 1,00,000. The fine shall be recovered from the concerned broadcaster. The authority is not empowered to hold any an inquiry into any sub judice or any matter which is pending before any court of law or other tribunal or statutory authority. To adjudicate the complaints, the authority has the power of summoning persons or any documents for examination as evidence.

There is two-tier procedure for redressing grievances under the present mechanism regarding complaints against the news channel. In first stage,

any person aggrieved by the content of any broadcast is required to first make a complaint to the concerned broadcaster. However, in second stage, if such complaint is not addressed or the complainant is not satisfied by the redress offered by the concerned broadcaster, the complainant may then prefer a complaint before the authority.

An aggrieved person against any broadcaster should prefer his complaint before the NBSA within seven days from the date of first broadcast of the content. The cases at the NBSA are determined as per the majority view of the members. The inquiry in a case has to be decided within a period of three months by the authority.

## OBJECTIVES

- To check the nature of complaints against the news channels received by NBSA and the effectiveness of this regulatory body to deal with the complaints.
- To know the functioning of the Authority in deciding the complaints received against news channels and the nature of punishment or deterrence of this regulating mechanism, which is the only body that is to be approached in case of violation of any ethical norms or any code of conduct by the news channels in the country.
- To examine the existing regulatory framework of the electronic media and to find out its shortcomings/ requirement of amendments or reframing

## RESEARCH METHODOLOGY

The data pertaining to the complaints adjudicated or decided by the NBSA in five years period from 2014-15 to 2018-19 was procured from the News Broadcasters Association (NBA). After going through all the decisions passed by the NBSA, a table was prepared to show years wise as well as a consolidated table containing the nature of complaints and decisions passed by the Authority in five years. The data procured after the analysis has been presented and recorded in table. The conclusions/observations have been explained.

**DATA ANALYSIS**

An analysis of the consolidated figure of the complaints adjudicated or decided by the NBSA in five years period from 2014-15 to 2018-19, revealed that a total of 365 complaints were adjudicated by the NBSA. However, 223 of them, which comes out to be around 61% of the total complaints were closed or rejected as nothing was found against the respondent news channels. Nine cases could not be adjudicated for being subjudice because the matter was pending before the courts. In three cases during these five years, the complaints were withdrawn and in eight cases, the Authority could not take a decision because either the respondent news channel, against whom the complaint was submitted, was not a member of NBA or the authority had no jurisdiction. The analysis also revealed that the numbers of complaints against the Television News channels are increasing every year. In the five year period examined during research work the figures of complaints before the authority were found to be almost doubled. The NBSA had received a total of 53 complaints in 2014-15, which had reached to 109 complaints in 2018-19.

**TABLE-1-Cases decided/adjudicated by News Broadcasting Standard Authority**

| Nature of Decision   | Year-2014-15 | Year-2015-16 | Year-2016-17 | Year-2017-18 | Year-2018-19 | Total | Percentage |
|--|--------------|--------------|--------------|--------------|--------------|-------|------------|
| Warning issued/advisory issued/ Directions to frame guidelines | 10           | 13           | 15           | 19           | 34           | 91    | 24.93 %    |
| Fine imposed   | 0            | 3            | 0            | 0            | 2            | 5     | 1.37%      |
| Found no violations /Proof/ complaint rejected                 | 34           | 32           | 40           | 49           | 68           | 223   | 61.10 %    |

|  |    |    |    |    |     |     |       |
|--|----|----|----|----|-----|-----|-------|
| Apology by channel/ reporter/ clarification issued   | 6  | 9  | 1  | 6  | 3   | 25  | 6.85% |
| No jurisdiction/ no specific details/ refer to approach other platform/ Defendant Channel no member of NBA | 2  | 0  | 1  | 5  | 0   | 8   | 2.19% |
| Subjudice  | 1  | 1  | 4  | 2  | 1   | 9   | 2.47% |
| Complaint withdrawn  | 0  | 0  | 2  | 0  | 1   | 3   | 0.82% |
| Termination of reporter/stringer   | 0  | 1  | 0  | 0  | 0   | 1   | 0.27% |
| Grand Total  | 53 | 59 | 63 | 81 | 109 | 365 | 100%  |

As far as action is concerned, only in one matter in the entire five years period, one stringer was sacked by the news channel after it was proved before the NBSA that he was indulged in false fabrication of facts for a news and in 91 cases, which is nearly one fourth of the total complaints adjudicated by the Authority in five years, warning or advisory was issued by the Authority. Only in five cases fine was imposed on the news channels after finding them violators of the code of conducts prescribed by the Authority. In three cases, the channel tendered apology for their content being against the prescribed norms.

**FINDINGS**

During 2014-15 to 2018-19 the Authority had received 365 complaints pertaining to

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disclosure of the identity of sexual offence victims, sensationalism of facts by channels, objectionable content, issues of morality, defamatory content, telecast of disturbing visuals, promotion of superstitions, showing armed forces in wrong picture or telecasting any programme putting the security of defence personnel at risk, showing one-sided story without carrying the version of other party etc. The complainant in these cases included private persons, Ministry of Information and Broadcasting (MI&B), Electronic Media Monitoring Centre of MI&B and the Election Commission of India.

The findings have also suggested that the numbers of complaints against the TV news channels are increasing and during the five years period studied during the research work, the number of complaints had become doubled.

The study also concludes that there are certain limitations of NBSA, as it can hear/adjudicate complaints only against those news channels which are members of the NBA. If there is complaint against a news channel for telecasting improper content and that channel is not member of NBA, the complaint against such channel cannot be filed before the NBSA.

It has also been found that the decisions passed by the authority are not deterrent in nature, as it had imposed fine only in five cases in a period of five years and there were several other cases where the news channels had committed blatant violation of code of conducts or ethical norms but were let off by the Authority with simply issuing warnings or advisory. It has also been found that during this period only one person was sacked and that too was a stringer, which are not permanent employees of news channels and are temporarily engaged. No action was taken against the news channel for telecasting the fabricated story sent by that stringer except issuing an advisory.

The study also revealed that despite the fact that the NBSA had issued warning or advisory against telecast of content promoting superstitions in the society, the body had been receiving similar complaints in subsequent years even after issuing warnings or issuing advisories on the matter. The analysis of several decisions revealed that the

NBSA left the erring news channel with simple warning even where the channel was found to be guilty of disclosing the identity of the minor rape victim.

Study found that the provision of maximum penalty of rupees one lakh by the NBSA for the violation of norms appears very little comparing to the money involved in the electronic media. Study further revealed that the NBSA is part of NBA, which is run by a governing body whose members are impleaded as respondents or against whom complaints are filed before the NBSA. The analysis has also revealed that the NBSA's focus is more on promoting a sense of self-regulation among the news channels.

There are serious questions over the independency of the NBSA in adjudicating the complaints as the members adjudicating the complaints at NBSA can continue on the position only on the mercy of the NBA. The salary/perks and conditions of members of NBSA is decided/regulated and provided by the NBA. Significantly, the NBSA adjudicates complaints only against those news channels which are members of NBA.

Study indicated that sometimes people are completely unaware about where to complain against those television news channels which are not a member of NBA. In such circumstances, they are either completely in dark about whom to approach regarding their grievance against these news channels or they waste time writing to different ministries regarding their grouse.

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