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Luv Virmani
Associate

Singh & Singh, New Delhi

THE NEED FOR REGULATION OF CONTENT OF NEWS TELEVISION CHANNELS IN INDIA

A specific law with one exclusive regulatory body is the need of the hour to regulate the news broadcasting sector in order to reinstate the trust and confidence of the people in news television channels



With more than 400 news channels¹, India is indubitably the world's most over-served news market. In this huge market, there is an alarming rise in the phenomena of paid news, fake news, biased news and unreliable news. Trying to set an agenda for the country, most news television channels in India can easily be identified as either pro-government or anti-government. Not only this, the daily schedule of most news channels consists of talk shows, comedy programs, and music events, as if they are trying to turn into General Entertainment Channels. Prioritizing sensationalism over fair journalism, such news channels in India have blurred the line between news and entertainment. The absence of regulation and lack of control over the content of news television channels is the primary reason for the content and credibility crisis



Luv Virmani

Associate,
Singh & Singh, New Delhi

of the Indian television news industry. As on date, there is no statutory regulatory mechanism for news channels and they are regulated by several self-regulatory bodies such as the News Broadcasters Association (NBA), Broadcast Editors' Association and News Broadcasters Federation. One of the primary effects of the absence of a statutory regulatory body to regulate the content of news channels in India is that viewers are in a conundrum as to what content is reliable.

The NBA is a private association which has been established by Indian news channels. The News Broadcasting Standards Authority (NBSA), set up by the NBA, adjudicates upon complaints about broadcasts. In a petition filed by social activist Nivedita Jha before the Hon'ble Supreme Court of India, NBSA filed an affidavit informing the court that it had received 18 complaints regarding reporting of sexual offenses against the broadcasters and the action taken by it. The list showed that the authority did not take any action in 7 cases, and in the remaining cases, no punitive action was taken against the news channels, as they were let off with a warning or at most were asked to air an apology.

The NBA has also devised a Code of Ethics to regulate content. However, the said Code appears more like guidelines as there are no standards required to be followed mandatorily. The content being aired on most news channels today makes it easy to infer that the NBA's 'Code' is essentially

¹ <https://mib.gov.in/sites/default/files/Master%20List%20of%20Permitted%20Private%20Satellite%20TV%20Channels%20as%20on%2031.07.2018.pdf> : List issued by Ministry of Information and Broadcasting, Government of India

ineffective. The office bearers and members of all such self-regulatory associations include the office bearers of leading news channels, leaving no room for ambiguity that the self-regulatory mechanism fails to be an effective, reliable and trustworthy regulation. Adding to all these problems is the non-unification of the self-regulatory news media regulations in India, since the presence of multiple self-regulatory bodies has led to issues over the enforceability of decisions.

Even the Press Council of India (PCI), which is a statutory body for regulating content, is primarily to enforce standards upon newspapers, journals, magazines and other forms of print media, and does not have the power to monitor the functioning of the news television channels. Moreover, the PCI acts only on complaints and adjudicates the said complaints against and by the press for violation of ethics and for violation of the freedom of the press, respectively.

Although the Government has been considering regulating all online content, including entertainment portals like Amazon Prime and Netflix, social media platforms like Facebook and Twitter, and online news portals like Scroll and timesofindia.com, there have been no developments on the regulation of content of news television channels.

Most news television channels are missing sensible content, they have become opinionated, ill-informed, platforms for character assassination, and are focused towards being 'interesting' rather than being informative. Instead of discharging the responsibility of being informative about the unreliable news being spread on social media, most news channels have been competing with social media while creating and circulating such unreliable news including fake news, paid news and agenda-driven news.

The sensitivity of the issue can further be evaluated from the fact that the phenomenon of paid news was acknowledged

by the Press Council of India long ago when it conducted a study of the widespread practice of "paid news" in India in 2010. In its report, the PCI stated that paid news is "a pervasive, structured and highly organized practice" in Indian newspapers and other media outlets, where news space and favorable coverage is exchanged for money. It also acknowledged other forms of paid news including "private treaties" between media companies and corporate entities, wherein a non-media company transfers certain shares of the company to the media company in lieu of advertisement space and favorable coverage.

Back in 2013, the PCI in its statement said that it would soon issue a white paper on 'paid news'. The said statement came in view of increasing complaints of media taking price, in cash or kind, for publishing specific news or analysis. However, it has been more than 6 years and any such policy or legislation is yet to be framed. Paid news is undermining our democracy since the functioning of media has a direct impact on the citizens, government and the society.

A specific law with one exclusive regulatory body is the need of the hour to regulate the news broadcasting sector in order to reinstate the trust and confidence of the people in news television channels. Some people confuse regulation with censorship and use the terms interchangeably to argue that independence of media and 'free media' is essential to maintain a democracy. However, it is crucial to foresee and understand the consequences of paid, fake, and biased news which is all unreliable news. Not only is it imperative that the news television channels adhere to the elements of news and current affairs in their program content, it is also important that the news channels show fair and 'fact-checked' news. Indian citizens have a right to access free, independent media and that is precisely why India needs an exclusive regulatory body and specific statutory laws for news television channels.



Singh & Singh

Singh & Singh, C-139, Defence Colony, New Delhi – 110 024, India

Authors:

Luv Virmani, Associate

t: +91-8980123796 | lvirmani@singhandsingh.com; luv.virmani198@gmail.com

The author, Luv Virmani, is an Associate at Singh & Singh Law Firm LLP, New Delhi and has been practicing before the Hon'ble High Court of Delhi since April 2019. He completed his B.B.A. LL.B. (IPR Hons.) from the Institute of Law, Nirma University, Ahmedabad in the year 2017 and got enrolled with the Bar in the same year. Thereafter, Luv Virmani has practiced before the Hon'ble High Court of Gujarat for 2 years while working in the IPR division of a full-service law firm in Ahmedabad. During this time, he was also invited to conduct and judge the Business Quiz at Annual Management Festival 2018 at Gujarat Law Society University's Faculty of Business Administration, Ahmedabad. He has published various articles/papers on different issues including protection of trade secrets and non-conventional trade marks. He has a strong interest in Intellectual Property, Technology, and Media laws and is currently handling matters pertaining to trade marks, patents, copyright, and DPCO at Singh & Singh Law Firm LLP.



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