

**38**

**STANDING COMMITTEE ON COMMUNICATIONS AND  
INFORMATION TECHNOLOGY  
(2022-23)**

**SEVENTEENTH LOK SABHA**

**MINISTRY OF INFORMATION AND BROADCASTING**

**[Action Taken by the Government on the Observations/Recommendations of the  
Committee contained in their Twenty-seventh Report (Seventeenth Lok Sabha) on  
'Ethical Standards in Media Coverage']**

**THIRTY-EIGHTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*February, 2023/Magha, 1944(Saka)*

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**Presented to Lok Sabha on 09.02.2023**

**Laid in Rajya Sabha on 09.02.2023**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*February, 2023/Magha, 1944(Saka)*

## CONTENTS

	Page No.
<b>COMPOSITION OF THE COMMITTEE</b>	(ii)
<b>INTRODUCTION</b>	(iii)
CHAPTER I Report.....	
CHAPTER II Observations/Recommendations which have been accepted by the Government.....	
CHAPTER III Observations/Recommendations which the Committee do not desire to pursue in view of replies of the Government.....	
CHAPTER IV Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration .....	
CHAPTER V Observations/Recommendations in respect of which replies are of interim in nature.....	

## ANNEXURES

- I. Minutes of the seventh sitting of the Committee held on 7th February, 2023.\*
- II. Analysis of Action Taken by the Government on the Observations/Recommendations contained in their Twenty-seventh Report (Seventeenth Lok Sabha)

\* Matter not appended with the cyclostyled copy

**Composition of the Standing Committee on Communications and  
Information Technology (2022-23)**

**Shri Prataprao Jadhav - Chairperson  
Lok Sabha**

2. Smt. Sumalatha Ambareesh
3. Shri Karti P. Chidambaram
4. Dr. Nishikant Dubey
5. Smt. Sunita Duggal
6. Shri Jayadev Galla
7. Smt. Raksha Nikhil Khadse
8. Dr. Sukanta Majumdar
9. Smt. Mahua Moitra
10. Shri P. R. Natarajan
11. Shri Santosh Pandey
12. Col. Rajyavardhan Singh Rathore
13. Dr. Gaddam Ranjith Reddy
14. Shri Sanjay Seth
15. Shri Ganesh Singh
16. Shri Parvesh Sahib Singh
17. Shri Shatrughan Prasad Sinha
18. Shri L.S. Tejasvi Surya
19. Dr. T. Sumathy (A) Thamizhachi Thangapandian
20. Dr. M. K. Vishnu Prasad<sup>@</sup>
21. Shri S. Jagathrakshakan<sup>\$</sup>

**Rajya Sabha**

22. Dr. Anil Agrawal
23. Dr. Laxmikant Bajpayee
24. Dr. John Brittas
25. Shri Syed Nasir Hussain
26. Shri Ilaiyaraaja
27. Shri Jaggesh
28. Shri Praful Patel
29. Shri Kartikeya Sharma
30. Shri Jawhar Sircar
31. Shri Lahar Singh Siroya

**Secretariat**

- |                        |   |                   |
|------------------------|---|-------------------|
| 1. Shri Satpal Gulati  | - | Joint Secretary   |
| 2. Smt. A. Jyothirmayi | - | Director          |
| 3. Smt. Rinky Singh    | - | Executive Officer |

Committee constituted w.e.f. 13<sup>th</sup> September, 2022 *vide* Para No.5288 of Bulletin Part-II dated 4<sup>th</sup> October, 2022.

@ Dr. M. K. Vishnu Prasad has been nominated *vice* Dr. Shashi Tharoor *vide* Para No. 5311 of Bulletin Part-II dated 12<sup>th</sup> October, 2022.

\$ Shri S. Jagathrakshakan has been nominated *vide* Para No. 5580 of Bulletin Part –II dated 8<sup>th</sup> December, 2022.

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Communications and Information Technology (2022-23), having been authorised by the Committee, present this Thirty-eighth Report on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-seventh Report (Seventeenth Lok Sabha) on 'Ethical Standards in Media Coverage' of the Ministry of Information and Broadcasting.

2. The Twenty-seventh Report was presented to Lok Sabha and also laid on the Table of Rajya Sabha on 1<sup>st</sup> December, 2021. The Ministry of Information and Broadcasting furnished their Action Taken Notes on the Observations/Recommendations contained in the Twenty-seventh Report on 7<sup>th</sup> July, 2022

3. The Report was considered and adopted by the Committee at their sitting held on 7<sup>th</sup> February, 2023.

4. For facility of reference and convenience, Observations/Recommendations of the Committee have been printed in bold in Chapter-I of the Report.

5. An analysis of Action Taken by the Government on the Observations/Recommendations contained in the Twenty-seventh Report of the Committee is given at Annexure-II.

**New Delhi;**

**8 February, 2023**

**19 Magha, 1944 (Saka)**

**PRATAPRAO JADHAV,**

**Chairperson,**

**Standing Committee on  
Communications and Information Technology.**

## **CHAPTER I**

### **REPORT**

This Report of the Standing Committee on Communications and Information Technology deals with the action taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-seventh Report (Seventeenth Lok Sabha) on 'Ethical Standards in Media Coverage' relating to the Ministry of Information and Broadcasting.

2. The Twenty-seventh Report was presented to Lok Sabha/laid in Rajya Sabha on 01 December, 2021. It contained 23 Observations/Recommendations. Replies of the Government in respect of all the Observations/Recommendations have been received from the Ministry of Information and Broadcasting and are categorized as under:-

- (i) Observations/Recommendations which have been accepted by the Government

Rec. Sl. Nos.:- 1, 2, 4, 5, 9, 10, 11, 12, 15, 17, 18, 19 and 22

Total -13  
Chapter-II

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government

Rec. Sl. No.: 23

Total - 01  
Chapter-III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration

Rec. Sl. Nos.:- 3, 6, 7, 14, 20 and 21

Total - 06  
Chapter-IV

- (iv) Observations/Recommendations in respect of which replies of the Government are of interim in nature

Rec. Sl. No.:- 8, 13, and 16

Total – 03  
Chapter-V

3. The Committee trust that utmost importance would be given to implementation of the Observations/Recommendations accepted by the Government. The Committee further desire that Action Taken Statement on the Observations/Recommendations contained in Chapter-I and final action taken replies in respect of Observations/Recommendations contained in Chapter-V, for which only interim replies have been given by the Government, should be furnished to them expeditiously.

4. The Committee will now deal with action taken by the Government on some of their recommendations.

### **PRINT MEDIA**

#### **Existing Codes/ Acts/ Mechanism for observing ethical standards in Print Media**

##### **(Recommendation SI. No. 3)**

5. The Committee, in their 27<sup>th</sup> Report on the subject 'Ethical standards in Media Coverage', had made following observation/recommendation:

"The Committee note that the Press Council of India (PCI), a statutory, quasi judicial body functions under the Press Council Act, 1978 acts as a watchdog of the press. It adjudicates the complaints against and by the press for violations of ethics and for violation of the freedom of the press, respectively. The criteria adopted for codifying ethical standards for the Print Media is to ensure that news, views, comments and information are disseminated by the press in the public interest in a fair, accurate, unbiased and decent manner and to keep in mind the cascading effect of reporting on the society and on the individuals and institutions concerned. Another criterion is to take note of sponsored news content which has come to the fore and is damaging quality journalism. Section 14 of the Act empowers the Council to warn, admonish or censure the newspaper, the news agency, the editor or the journalist concerned or disapprove the conduct of the editor or the journalist if it finds that a newspaper or a news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist that has committed any professional misconduct, on the receipt of complaint or otherwise. Further, PCI has formulated 'Norms of Journalistic Conduct' under Section 13(1) of the Press Council Act, for the newspapers, news agencies and journalists for maintaining ethical standards in print media journalism and for journalists to practice the profession within ethical boundaries, which cover principles and ethics as well as detailed guidelines on specific issues. This is being continuously updated by the Council while incorporating new norms based on the important adjudications rendered by it from time to time.

The Committee, however find to their utmost concern that the erring newspapers tend to repeat the same mistakes, even after being censured by PCI till action is taken by the Bureau of Outreach and Communication (BOC)

to withhold government advertisements to that particular newspaper for a certain period of time as per the Government of India's Policy. It is surprising to note that a lot of time is wasted in taking a decision by the BOC against such newspapers, which eventually dilutes the impact of the decision. Supposedly, once PCI takes a decision to censure a newspaper today, BOC takes almost a year to come out with a decision to withhold government advertisements. The Press Council, hence has proposed that the Government of India may prescribe a certain time period to BOC to act on the decisions of the PCI and withhold Government advertisements to such offenders to make the decision of PCI more effective on the erring newspapers. The Committee find merit in the proposal of PCI which would not only ensure prompt action by BOC on the cases referred to them but also have a deterrent effect on the erring newspapers. The Committee, therefore, exhort the Ministry of I&B to prescribe a certain time limit for BOC to take action on the cases censured by PCI, in the interest of maintaining and promoting high standards of press in India".

6. The Ministry of Information and Broadcasting, in their Action Taken Reply, have stated as under:

"BOC imposes penalty on publications censured by PCI as per the provisions of extant Print Media Advertisement Policy-2020, clause 17 (vii) which is extracted as under:

*Penalties: If a publication is found by PCI to have violated the 'Norms of Journalistic Conduct' or having indulged in any anti-national activity;*

*penalties, as under, may be imposed on such publications by BOC*

*a. Warning to the edition of the publication or suspension of fifteen (15) days on 1st offence.*

*b. Suspension of two (2) months of the same edition of publication on 2nd offence.*

*c. Suspension of six (6) months of the same edition of publication on 3rd offence.*

Newspapers/Publications censured by PCI, which are on the panel of BOC, are suspended from the panel of BOC for a period of 2 months. Further, it was decided that Newspapers/Publications which are not on the panel of BOC and have been censured by PCI would not be empanelled or re-empanelled for a similar period of 2 months. During last 5 years, PCI censured 142 publications. Out of this, BOC has suspended 112 empanelled publications. Remaining 30 censured publications were not on BOC Panel. The details are as below

PCI Reference Date	Action Taken by BOC	No. of Publications
21.07.2016	17.08.2016	5
06.04.2017	18.05.2017	1
09.06.2017 & 04.07.2017	17.07.2017	3
18.07.2017	13.09.2017	51
22.11.2019	10.07.2020	42
29-30.09.2020	20.10.2020	1
28.01.2021	12.02.2021	6



04-07.06.2021	28.06.2021	3
<b>Total</b>		112

Accordingly, BOC has taken action against censured publications by PCI in timely manner following the guidelines/policy provisions”.

7. The Committee, in their Original Report, had expressed concern over the fact that even after being censured by Press Council of India (PCI), Newspapers repeated the same mistake till action is taken by Bureau of Outreach and Communication (BOC) to withhold Government advertisements. In this regard, the Committee had also noted that a lot of time was wasted by the BOC in taking a decision against such newspapers, so much so that after the decision of PCI to censure a newspaper, BOC would take almost a year to come out with a decision to withhold Government advertisements. Finding merit in the proposal of PCI, the Committee had recommended the Ministry of I&B to prescribe a certain time limit for BOC to take action on the cases censured by PCI and withhold Government advertisements to such offenders. Responding to this, the Ministry have stated that Newspapers/Publications censured by PCI, which are on the panel of BOC, are suspended from the panel of BOC for a period of 2 months and which are not on the panel of BOC and have been censured by PCI would not be empanelled or re-empanelled for a similar period of 2 months. However, the Ministry’s reply is completely silent on fixing a time limit for BOC to take action on the cases censured by PCI. Reiterating their recommendation, the Committee urge the Ministry to provide action taken on the proposal of PCI for stipulating time period for BOC to act on the decisions of the PCI especially when PCI themselves have desired for the same. The Committee feel that this step would ensure prompt action on the cases and would also have a deterrent effect on the repetitive erring Newspapers. The Committee also recommend the Ministry to ensure providing action taken/complete reply to the recommendations/observations of the Committee.

**(Recommendation SI. No. 6)**

8. The Committee, in their Original Report, had made following observation/recommendation:

“The Committee have been informed that PCI in its meeting held on 29.05.2019 has passed a resolution suggesting that when the Print Media has

a watchdog in the form of Press Council of India, something parallel is advisable for the entire media i.e. newspapers and periodicals in print or other form, e-newspapers, news portals, social media and any other platform of news disseminations besides electronic media. The PCI has made recommendations to the Government to enact a single legislation so as to cover all the aforesaid media, in line with the Press Council Act, 1978. The Chairman, PCI, submitted that a few months back, they had received a large number of complaints against the electronic media, the news channels other than the print media but were unable to act against those entities.

The Committee also observed that PCI, a statutory body governing the print media may entertain complaints and is empowered to warn, admonish or censure the newspaper, the news agency, the editor or the journalist concerned, however, it does not have the power to enforce compliance as advisories issued by PCI are not enforceable in a Court of law. Besides, the self-organised News Broadcasting Standard Authority (NBSA) governing news broadcasting has the power to fine, but its jurisdiction extends to only those organizations that choose to be members of the News Broadcasters Association. Therefore, its efficacy is limited and depends on voluntary compliance with its orders. In view of the above, the Committee are of the firm opinion that PCI needs restructuring to cover all types of media and therefore desire that the Ministry should explore the possibility of establishing a wider Media Council encompassing not just the print media but the electronic and digital media as well, and equip it with statutory powers to enforce its orders where required. This would enable it to have a holistic view of the media scenario and take appropriate steps to check irregularities, ensure freedom of speech and professionalism, and maintain the highest ethical standards and credibility, which are so critical for the fourth pillar of democracy. The Committee, however, feel need for the Government of India to create a Media Commission comprising of experts for wider consultations amongst the interested groups/ stakeholders to evolve a consensus in this regard. Meanwhile, pending a decision on this, the Committee would like the Ministry to look into the possibility of expanding the regulatory framework to monitor e-newspapers”.

9. In their Action Taken Reply, the Ministry of Information and Broadcasting have submitted as under:

“The Ministry had earlier received a proposal from the Press Council of India regarding constitution of Media Council encompassing various Media Platforms.

At present, separate regulatory mechanisms already exist for different media platforms – Press Council of India under the Press Council Act, 1978 for print media, Cable TV Network (Regulation) Act, 1995 for television and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the Information Technology Act, 2000 for digital news publishers and OTT platforms. As each platform is unique and distinctive in its own way, unifying and merging them under one regulatory framework may not be desirable”.

10. While noting the limitations with respect to enforcement of advisories issued by Press Council of India (PCI) and applicability of jurisdiction of self regulatory organizations like News Broadcasting Standard Authority (NBSA) to only its members, the Committee had opined that the Ministry should explore the possibility of establishing a Media Council encompassing print, electronic and digital media which should be equipped with statutory powers to enforce its orders where required. For this, the Committee had also expressed the need for wider consultations amongst the interested groups/stakeholders for evolving consensus. Responding to this, the Ministry have informed that they too had received a proposal from the PCI regarding constitution of Media Council encompassing various Media Platforms. In this regard, the Committee also acknowledge Ministry's submission that currently there exist separate regulatory mechanisms for different media platforms and each platform is unique and distinctive in its own way and therefore unifying and merging them under one regulatory framework may not be desirable. However, in light of the rising need for inter-sectoral coordination due to emergence and convergence of new technologies, the Committee would like to reiterate and recommend the Ministry to explore the possibilities for having unified Media Commission/Body/Council with separate wings and regulatory mechanism for print/electronic/digital media so as to have holistic view of the Media and to ensure inter-media parity in handling the similar cases of unethical media coverages.

#### **Cases of Non-compliance with ethical standards by Print Media**

##### **(Recommendation SI. No. 7)**

11. The Committee, in their 27<sup>th</sup> Report, had made the following observation/recommendation:

“The Committee note that on violations of ethical standards by Print Media, the Press Council directs newspapers to publish corrigenda or issue directions to publish the version of the complainant and try to bring the parties to arrive at settlement. In cases of gross violation of journalistic conduct, papers are warned, admonished and censured. Further, in cases where newspapers are censured, PCI forwards such decisions to the Bureau of Outreach and Communication (BOC) and the concerned Government of the States/ UTs for further necessary action at their end. However, the Committee find to their dismay that PCI do not have the information with regard to action taken on

their forwarded decisions by the concerned State Governments/ UTs. During the last 5 years, PCI censured 142 Newspapers for violating “Norms of Journalistic Conduct” and forwarded adjudication to various State Governments/UTs. This clearly indicates the limitation of the powers of the PCI to penalize the newspapers and news agencies, etc., for violation of the norms of journalistic conduct. The Committee are of the considered opinion that rules and regulations framed under the Press Council Act, 1978 have no meaning unless there exists an effective mechanism for their efficient implementation. The Committee, therefore, recommend that Government should take comprehensive and practical measures so that PCI’s decisions on cases of violation of ethics in newspapers and other publications, are genuinely implemented or taken to their logical end and it should be incumbent upon the concerned State Government/ UT to inform PCI about the action taken”.

12. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:

“In respect of newspaper empanelled with BOC, appropriate penal action is taken by BOC. In case of Newspapers that are not registered with or in the panel of the Bureau of Outreach and Communication (BOC), New Delhi, the adjudication Orders of the Press Council of India are communicated/forwarded to the concerned State Govt. /Administration of the UT through its Dept. of Information and Public Relations and the jurisdictional District Magistrate for taking appropriate action”.

13. **On finding that PCI did not have information regarding action taken on their decisions forwarded to the concerned State Governments/ UTs, the Committee had recommended that the Government should take comprehensive and practical measures so that PCI’s decisions on cases of violation of ethics in newspapers and other publications are implemented and taken to their logical end. The Committee had also recommended that it should be made incumbent upon the concerned State Government/UT to inform PCI about the action taken. Responding to this, the Ministry have just stated that in respect of Newspapers empanelled with BOC appropriate penal action is taken by BOC and in case of Newspapers that are not registered with BOC, the adjudication Orders of the PCI are communicated/forwarded to the concerned State Government/Administration of the UT through its Department of Information and Public Relations and the jurisdictional District Magistrate for taking appropriate action. The Committee disapprove the way Ministry’s reply is silent with respect to receipt of information from State Government/UTs regarding action taken at their end. The Committee, therefore, desire to be apprised about the steps taken in this direction along with**

response received from State Governments/ UTs alongwith the impact on the action taken by them. The Committee, at the cost of sounding repetitive, strongly recommend the Ministry to ensure providing complete action taken/reply to the recommendations/observations of the Committee.

### **Self- Regulation in TV Channels by Broadcasting Industry**

#### **(Recommendation Sl. No. 14)**

14. The Committee, in their original Report, had observed/recommended the following:

“The Committee note that private TV news and non-news channels are governed by mechanisms of self-regulation. One such mechanism has been created by the News Broadcasters Associations (NBA), a representative body of news and current affairs TV channels. NBA has set up the News Broadcasting Standards Authority (NBSA), which is empowered to warn, admonish, censure, express disapproval and fine a sum upto Rs. 1 lakh upon the broadcaster and/or recommend to the concerned authority for suspension/revocation of license of such broadcaster for violation of the Code. Further, the Indian Broadcasting Foundation (IBF), is a representative body of non-news & current affairs TV channels which has set up the Broadcasting Content Complaints Council (BCCC) to examine and redress complaints. In case of violations of the programme code BCCC directs the concerned channel to modify or withdraw such content and may also impose a financial penalty up to a maximum of Rs. 30 lakhs based on the nature of violations. Recently, a new self-regulatory association called the News Broadcasters Federation has also been launched. Likewise, Advertising Standards Council of India (ASCI) is another self-regulatory voluntary organization, which has set up Consumer Complaints Council (CCC) to consider complaints in respect of advertisements.

As informed by the Ministry of I&B, all the 926 private satellite TV channels are not a Members of NBA and IBF and therefore, complaints against those channels are forwarded to the Ministry, for appropriate action. The Committee’s attention has further been drawn to the fact that during the last 5 years viz. from the year 2015 to 2019, though action was taken against 141 cases for violation of programme and advertisement codes, 119 cases pertained to non-members of either IBF or NBA.

In view of the foregoing, the Committee note with satisfaction that self-regulatory bodies are performing reasonably well, as evidenced by the fact that during last 5 years, action was taken against only 22 cases of NBA and IBF member, out of the total of 141 cases, which suggests that the compliance rate in respect of non-members is not satisfactory. Therefore, the Committee are of the considered view that the Ministry should encourage self-regulation in electronic media by the broadcasting Industry and recommend that the Ministry should examine the matter to bring all the private Satellite TV channels under the mechanism of self-regulation and also take steps to make

the mechanism of self-regulation more effective. In this way, the Ministry may also divest itself of some of its responsibilities, which also require additional hands to cope with the extra workload”.

15. In their Action Taken Reply, the Ministry of Information and Broadcasting have submitted as under:

“The Cable Television Networks (Amendment) Rules, 2021 notified on 17.06.2021, provide, *inter-alia*, a three level complaint redressal structure

- (i) Level I - A self-regulation by broadcasters;
- (ii) Level II - Self-regulation by the self-regulating bodies of the broadcasters; and
- (iii) Level III - Oversight mechanism by the Central Government.

Level-II provides for Self-regulation by the self-regulating body of broadcasters, which shall be headed by a retired judge of the Supreme Court or of a High Court or an independent eminent person from the field of media, broadcasting, entertainment, child rights, human rights or such other relevant fields, and shall have other members, not exceeding six, being independent experts in the field of media, broadcasting, entertainment, child rights, human rights and such other relevant fields. The self-regulating body shall register itself with the Central Government. It shall perform the following functions, namely:

- (i) oversee and ensure the alignment and adherence by the broadcaster to the Programme Code and the Advertising Code;
- (ii) provide guidance to the broadcaster on various aspects of the Programme Code and the Advertising Code;
- (iii) dispose of grievances which have not been disposed of by the broadcaster within the specified period of fifteen days;
- (iv) hear appeals filed by the complainant against the decision of the broadcaster;
- (v) Issue such guidance or advisories to a broadcaster, including those specified in sub-rule (5), for ensuring compliance to the Programme Code and the Advertising Code.

Following bodies have been registered as Level-II Self Regulating Bodies by the Ministry under Rule 18 of the of the Cable Television Networks (Amendment) Rules, 2021.

- (a) Broadcasting Content Complaints Council (BCCC) with 309 TV channels as its members
- (b) News Broadcasters Federation - Professional News Broadcasting Standards Authority (NBF-PNBSA) with 41 TV channels as its members”.

16. **The Committee, in their 27<sup>th</sup> Report, had noted that compliance to programme and advertisement codes by members of self-regulatory bodies were reasonably well however that by non-members was not satisfactory. Further, while noting that out of 926 private channels, 309 channels are members of BCCC, 41 with NBF and 576 TV Channels are not members of any self regulating**

body, the Committee had recommended the Ministry to take initiatives for bringing all the private satellite TV channels under the mechanism of self regulation. The Committee note that the Ministry have provided details of the three level complaint redressal structure under 'The Cable Television Networks (Amendment) Rules, 2021' which was notified on 17.06.2021. While noting that 576 TV Channels are not members of any self regulating body, the Committee feel that if the mechanism of self-regulation has to work effectively then in addition to the self-regulation by the Broadcasters at Level-I, it should be made mandatory for all the channels to be a member of a related self-regulating body. This would ensure that in case of failure of a Broadcaster to comply with self-regulation at Level-I, there would be effective self-regulation by the self-regulating bodies at Level-II. Thus, the Committee recommend the Ministry to encourage self-regulation as well as ensure that all the private satellite TV channels are part of one or the other self-regulatory body. The Committee would like to be informed about the action taken in this regard.

### **Fake News**

#### **(Recommendation Sl. No. 20)**

17. The Committee, in their 27<sup>th</sup> Report, had made following observation/recommendation:

"There already exist laws and rules under the Indian Penal Code (IPC) 1860, the Information Technology Act, 2000 and the Information Technology (Intermediaries Guidelines) Rules 2011 to tackle and penalize persons spreading 'Fake News'. Further, a Fact Check Unit (FCU) has been established in the PIB in December, 2019 and such FCUs have also been set up in 17 Regional Offices of PIB. This Cell is mandated to counter misinformation on Government policies and schemes either suo-motu or under a reference via various input methods like WhatsApp Hotline number, e-mail, Twitter and PIB's website. The mechanism depends on various feeder units like Ministries, Departments, PSUs for verification of information and is connected to them via PIB officers in the Ministries. The Committee are concerned that the menace of false/ fake news has become a disturbing trend in India, where the contributors of content are not only owners of websites, but also individual subscribers, on whom exercising control is posing a very big challenge. As informed by the Ministry, the Central Government vide its notification dated 09.11.2020 has amended the Allocation of Business Rules, 1961 in respect of Ministry of I & B and has inserted the entries relating to Digital/ Online Media, Films and Audio-Visual programmes made available by online content providers and News and current affairs content on online platforms.

In this context, while appreciating the establishment of Fact Check Units in 17 Regional Offices of PIB, the Committee desire that the Ministry should open more such FCUs to remain vigilant for viral videos/ news which could create public disorder. The Committee would also recommend that the term 'Fake News' should be broadly defined".

18. The Action Taken Reply of the Ministry, on the aforesaid recommendation of the Committee, is as follows:

"A Fact Check Unit has been set up under Press Information Bureau in November, 2019. This Unit takes cognizance of fake news both *suo-motu* and by way of queries sent by citizens on its portal or through e-mail and Whatsapp. The Unit responds to the relevant queries with correct information when the same pertains to Central Government or forwards them to States/UTs in other cases. The Unit also maintains a twitter account @PIBFactcheck and posts cases of fake news, being busted, on the same on regular basis. The Fact Check Unit of PIB covers news on various media platforms, including electronic media. PIB Fact Check Unit has responded to around 30,000 actionable queries. As Such the Fact Check Units located at PIB Headquarter in Delhi and its regional offices address the instances of misinformation/Fake News across the country".

19. **The Committee, in their Original Report, had learnt that in December, 2019 a Fact Check Unit (FCU) with 17 Regional Offices were established to tackle misinformation on Government policies and schemes either suo-motu or under a reference via various input methods like WhatsApp Hotline number, e-mail, Twitter and PIB's website. The Committee had appreciated establishment of Fact Check Units and had desired for opening more such FCUs. The Committee had also recommended the Ministry to broadly define the term 'Fake News'. The Committee, while disapproving silence of the Ministry over this, recommend them to provide their response on the need/sufficiency of Fact Check Units in the country. In the light of false/fake news becoming a disturbing trend in India, the Committee would also like to know whether the Ministry intends to have such FCUs for countering misinformation in general.**

**(Recommendation Sl. No. 21)**

20. The Committee, in their original Report, had made the following observation/recommendation:

"The Committee endorse the views of the CEO, Prasar Bharati that the regulatory mechanisms should look at embracing latest technologies such as Artificial Intelligence to check fake news and to be able to intervene in near real time. Hence, there is a need to take suitable steps accordingly and also to factor in the existing expertise in the domain of news fact check through



non-Government agencies such as 'AltNews', 'check4spam', SMHoaxslayer' etc. Further, while observing that countries like Australia, Malaysia and other democracies have Anti-Fake News Laws, the committee would like the Ministry to study their laws and develop some legal provisions to counter as big a challenge as fake news".

21. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted:

"Government has statutory and institutional mechanisms in place to prevent spread of fake news. For Print Media, Press Council of India has framed 'Norms of Journalistic Conduct' under the Press Council Act, 1978 which *inter-alia* emphasize the principles of accuracy and fairness.

For Television, all TV Channels are required to adhere to the Programme Code under the Cable Television Networks (Regulation) Act, 1995, including that programmes should not contain anything obscene, defamatory, deliberate, false and suggestive innuendos and half-truths.

For digital news publishers, the Government has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the IT Act, 2000 on 25th February, 2021, which *inter alia* provides for a Code of Ethics for adherence by digital news publishers.

The Government takes action in appropriate cases where violation of the Codes is found. It also issues advisory from time to time to the media to adhere to the laid down Codes".

22. **To check fake news, the Committee, in their 27<sup>th</sup> Report, had recommended the Ministry (i) to use the latest technologies like Artificial Intelligence, (ii) to consider existing expertise in non-Government agencies, and (iii) to study the Anti-Fake News Laws of countries like Australia, Malaysia and other democracies for developing some legal provisions. The Committee note that the Ministry's reply is silent on all these aspects and they submitted merely the statutory and institutional mechanisms for preventing spread of fake news existing for Print Media, TV Channels and digital news publishers. In the light of rapid spread of Fake News due to latest technologies and its impact on the citizens, the Committee opine that there is always a scope for learning from the expertise of non-Government organizations in the field and for studying anti-fake news laws of other countries so as to have some legal provisions for curbing fake news in the country. The Committee, therefore, recommend the Ministry to provide action taken in this direction alongwith the initiatives taken for utilizing latest technologies such as Artificial Intelligence for intervening and checking fake news in near real time.**

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## CHAPTER II

### OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### **(Recommendation Sl. No. 1)**

#### **INTRODUCTORY**

The Constitution of India guarantees to all its citizens the right to freedom of speech under Article 19(1)(a), which has been liberally construed by the Hon'ble Supreme Court through various pronouncements as incorporating not just the importance and concern. Media which is considered as the 4<sup>th</sup> pillar of democracy plays a vital role in shaping public opinion and in the overall development of the democracy by keeping the citizenry informed of the state of governance. Thus, media is the key stone of democracy. Freedom of media has always been cherished right in all democracies. However, with so much power, the media is supposed to follow the conduct which is in conformity with highest standards of rectitude and journalistic ethics.

It is, however, a matter of grave concern that media which was once the most trusted weapon in the hands of the citizenry in our democracy and acted as trustees of the public interest is gradually losing its credibility and integrity where values and morality are being compromised. Rampant instances of violations of code of conduct of ethics by the media reflected in the form of paid news, fake news, TRPs manipulation, media trials, sensationalism, biased reporting, etc. have placed a big question mark on its credibility in the minds of people which is not a good sign for the healthy democracy. A healthy democracy thrives on participation of the public which is only possible through circulation of accurate information by responsible media.

The Committee, while taking note of this, would like to recall here the famous speech of Justice G. N. Ray, Ex-Chairman of Press Council of India stating that Parliamentary democracy can flourish only under the watchful eyes of the media. Such is the influence of media that it can make or unmake any individual, institution or any thought. So all pervasive and all-powerful is today its impact on the society. With so much power and strength, the media cannot lose sight of its privileges, duties and obligations. Journalism **is** a profession that serves society. By virtue thereof it enjoys the privilege to 'question' others. However to enjoy these privileges, Media is mandated to follow certain ethical standards in collecting and disseminating the information.

While endorsing the views expressed by Shri Ray, the Committee trust that media whether electronic, print or social, would adhere to the established ethical standards, either through an established regulatory framework or a self-regulatory mechanism. The Committee also trust that the Government would bestow utmost importance to the freedom and independence of media so that they cover news as impartially as possible without fear and favour. It is also incumbent upon the Government to ensure the necessary legal and social framework which may encourage the media to respect and follow established values of their profession. In the succeeding paragraphs, the Committee have given their observations on the efficacy of existing

rules, the regulatory framework for observing ethical standards in media coverage, various constraints being faced by regulatory bodies, etc. and **hope** that these recommendations would help in restoring the credibility of media as the 4<sup>th</sup> pillar of democracy while ensuring ethical standards in the media coverage.

### **Reply of the Government**

The observations/ recommendations of the Committee made in this para have been noted for compliance.

[Ministry of Information & Broadcasting O.M. No. N-18013/6/2021-BC-II Dated 7<sup>th</sup> July, 2022]

### **(Recommendation Sl. No. 2)**

The Committee note that in India there are a total of 1,44,893 newspapers/ periodicals which have been registered with Registrar of Newspapers for India (RNI), 926 permitted satellite television channels (with 387 channels being under News and current affairs category and 539 being under non-News and current affairs category), 36 Doordarshan channels with 2 News and 34 non-News channels, 495 All India Radio FM radio stations and 384 private FM radio stations. The Committee finds that in addition to the above, social media platforms, like Facebook, WhatsApp, Instagram, Twitter, etc. have placed journalism in the hands of the citizens. Citizens use their personal recording devices including cell phones to capture events and post them on the internet. Though, the Ministry of Electronics and Information Technology (MeitY) does not have a record of the number of internet websites in India, according to a popular site 'Internetlivestats.com' there are at present more than 150 crores websites across the world and it is expected that around 20 crores out of these are active websites across the world.

Amidst the above state of affairs, the Committee are aware of the existing Acts and provisions for observing ethical standards in Print Media and Electronic Media and the recently notified 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021' of which Part-II relates to 'Intermediaries' to be administered by MeitY and Part-III relates to Digital Media Ethics Code and to be administered by the MIB. The Committee hope that these guidelines will go a long way in regulating digital media content and both the Ministries will work coherently and in tandem to ensure that the code for ethics are followed by digital media also. The Committee also impress upon the Ministry to ensure that adequate consultation take place with all stakeholders and that oversight of digital media may be exercised while fully preserving their right to freedom of expression.

### **Reply of the Government**

In the interest of direct engagement with the stakeholders, the Ministry has conducted 11 Webinars at national and regional levels for awareness creation. The webinars involved a total participation of over 2,400 stakeholders including:

- Representatives from standalone digital news publishers
- Editors and management representatives from national and regional media
- Representatives from OTT platforms, content managers

- Journalism faculty and students
- Representatives from associations of digital media publishers

Details of Webinar	Date	No. of Participants
Webinar for Gujarat Region	8 <sup>th</sup> April, 2021	75
Webinar in collaboration with FICCI	7 June, 2021	175
Webinar in collaboration with CII	15 <sup>th</sup> June, 2021	100
Webinar for Southern Region (5 States)	26 <sup>th</sup> June, 2021	240
Webinar for MP, Rajasthan, Chhattisgarh	30 <sup>th</sup> June, 2021	260
Interaction with media at Gautam Buddha University	2 <sup>nd</sup> July, 2021	50
Webinar for UP, Bihar, Uttarakhand, Jharkhand	7 <sup>th</sup> July, 2021	448
Webinar for Maharashtra, Goa	12 <sup>th</sup> July, 2021	320
Webinar for NE Region, WB and Odisha	14 <sup>th</sup> July, 2021	278
Webinar for HP, Chandigarh, Punjab, Haryana, J&K and Ladakh	20 <sup>th</sup> July, 2021	341
Webinar in collaboration with Indian Institute of Mass Communication (IIMC)	20 <sup>th</sup> August, 2021	160
Total		2,447

The webinars had a two-phase format- a presentation on Digital Media Ethics Code for 30 mins, followed by a free flowing Q&A session for 2 hour 30 mins. With about 50-60 questions being asked in each webinar, the webinars led to clarification of doubts and apprehensions, as well as a way for receiving suggestions. The concerns of the stakeholders in relation to free speech, journalistic freedom and artistic creativity were also addressed through the webinars. It was informed to the stakeholders that the Code of Ethics for digital news publishers provides for observance of the Norms of Journalistic Conduct of the Press Council of India, and Programme Code under the Cable Television Network (Regulation) Act, 1995. These are time-tested norms/ codes for conventional news media which have protected journalistic freedom. Similarly, the Code of Ethics for OTT platforms provides for self-classification of content, and therefore does not mandate prior certification by the Government. The webinars were also reported in Print and Digital Media. A booklet containing the learnings, presentation, and commonly asked doubts from the webinars has been published and made available on the MIB website.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation SI. No. 5)**

The Committee further note that PCI is headed by a Chairman, and consists of 28 other members, of whom 20 represent the press and are nominated by the press organizations/ news agencies recognized and notified by the Council as all-India bodies of categories such as editors, working journalists and owners and managers of newspaper and news agencies, 5 members are nominated from the two Houses of Parliament; and 3 represent cultural, literary and legal fields as nominees of the Sahitya Academy, UGC and the Bar Council of India. Accordingly, the Council has to notify the associations of the editors, and the working journalists. The Chairman, PCI, submitted that all those associations, who have their presence at least in 12 to 15 States, are recognized. Earlier, it was very difficult to have an association having affiliations with 12 to 15 States. Now, a lot of newspapers are sold and read in different States, thus the matter for representation of various States in the Council needs to be looked into. In view of the above submission, the Committee desires that there is an urgent need to examine the matter of increasing the membership of PCI so that it could have a broad-based membership representing various States of the country.

### **Reply of the Government**

Under the Press Council Act, 1978, out of 28 members of PCI, 20 represent the press and are nominated by the press organizations/ news agencies notified by the Press Council under the prescribed categories such as Editors, Working Journalists, Owners and Managers of Newspaper and news agencies. There was no laid down procedure or criteria for the eligibility of the associations of persons from which the claims are to be invited and the manner in which the associations of persons would be shortlisted by the Council for the purpose of nomination of members.

The need to rationalize the process of defining eligibility criteria of association/ bodies was felt which led to issuance of Gazette of India Notification dated 05.02.2021, notifying the Press Council (Procedure for Notification of Association of Persons) Rules, 2021. These Rules have widened the scope of claims and have provided unequivocal opportunity to all the associations who have continuously conducted the business for six years and enabled wider participation, subject to certain eligibility conditions.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Cases of Non-compliance of ethical standards by TV Channels**

### **(Recommendation SI. No. 9)**

The Committee note that the Ministry of I&B had constituted an Inter-Ministerial Committee (IMC) in the year 2005 under the Chairpersonship of Additional Secretary, I&B with representatives from the Ministries of Consumer Affairs, Home Affairs, Law & Justice, Women & Child Development, Health & Family Welfare, External Affairs, Defence and a member from Advertising Standards Council of India (ASCI), to look into specific complaints on violation of the Programme and Advertising Codes. After receiving a complaint against a TV channel, as reported by Electronic Media Monitoring

Centre (EMMC), or from the general public, or if taken up Suo-motu by the Ministry, a Show-Cause Notice is issued to the channel. The matter is generally placed before the IMC along with the response received from the TV channel. Personal hearing before the IMC is also accorded to the TV channel. The IMC functions in a recommendatory capacity. IMC recommendations include issuance of warnings and advisories, asking channels to run apology scrolls on their channels and directing channels to be 'off air' temporarily for varying periods, depending on the gravity of the violation. The Ministry takes a final decision regarding penalties and their quantum with respect to the channel.

The Committee further note that the Ministry of I & B had taken action in respect of 3 TV channels in 2017-18, 1 channel in 2018-19 and 101 channels in 2019-20. The Committee is not convinced by the reasons advanced by the Ministry for such a quantum jump in cases against which action was taken in 2019-20. The Ministry has justified that during the years 2017 and 2018, 4 meetings of the IMC were held in which 35 cases were considered and during 2019, 5 meetings of IMC were held in which 122 cases were considered, including cases of earlier years. The Committee takes a serious note of this apparent laxity on the part of the Ministry of I&B in timely holding of their sittings to take a decision on the cases pending with them. They, therefore, impress upon the Ministry to hold their sittings at regular intervals of time to take action on the cases referred to them, for violation of Programme and Advertising Codes, and not wait for piling up of cases as such a lackadaisical approach not only dilutes the impact of action taken but also gives erring channels a chance to commit repeated violations.

### **Reply of the Government**

The meetings of Inter-Ministerial Committee are being conducted at regular intervals. During 2020-21 and in April, 2021, 5 meetings of the IMC were conducted in which complaints relating to 56 cases/ TV channels were considered.

Based on the recommendation of the committee, the action was taken against the TV channels during the period 2020-21 are as under:

Year	Number of channels in which action taken					
	Advisory	Warning	Order to run Apology Scrolls	Off-air	Permission cancelled	Total
2020	1	4	-	-	-	5
2021	3	18	9	-	1	31

Subsequently, the Cable Television Networks Rules, 1994 were amended, vide Notification No.GSR 416(E) dated 17.06.2021, as the Cable Television Networks (Amendment) Rules, 2021 thereby providing for a statutory mechanism for redressal of grievances/ complaints of citizens relating to content broadcast by television channels. These Rules provide, inter-alia, that any person aggrieved by the content of a programme of a channel as being not in conformity with the Programme Code or the Advertising Code may file his complaint in writing to the broadcaster. The amended rules also provided for registration of self-regulatory bodies with the Ministry thereby providing a statutory role of these bodies for addressing matters relating to violation of the Programme Code/Advertising Code. It may also be mentioned that the Hon'ble Supreme Court in its Order in WP(C) No. 387 of 2000 in the matter of "Common Cause Vs. UOI & Ors." while expressing satisfaction over the existing mechanism of grievance

redressal had advised to frame appropriate rules to formalize the complaint redressal mechanism. Copy of the Cable Television Networks (Amendment) Rules, 2021 is attached at **Annexure-I**.

In pursuance of Cable Television Networks (Amendment) Rules, 2021, an Inter-Departmental Committee (IDC) was constituted on 14.07.2021 and the erstwhile Inter-Ministerial Committee (IMC) has been superseded by the IDC. Since its constitution, three meetings of Inter-Departmental Committee have been held on 13.10.2021, 02.11.2021 and 14.02.2022. Based on the recommendations of IDC in its first 2 meetings, penal action has been taken against the TV channels as under:

Number of channels in which action taken					
Advisory	Warning	Order to run Apology Scrolls	Order to run Disclaimer	Off-air	Total
2	7	2	1	1	13

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation Sl. No. 10)**

The Committee have been told that the IMC, while considering cases of alleged violations of the Programme Code by a particular channel, inter-alia, takes into account past violations of Programme Code by that channel and makes an appropriate recommendation to the Ministry. There exists a provision of graded penalties under the Uplinking and Downlinking Guidelines for Private satellite TV channels. The penalties prescribed are viz. (i) In the event of first violation, suspension of the permission of the company and prohibition of broadcast/ transmission up to a period of 30 days, (ii) In the event of second violation, suspension of the permission of the company and prohibition of broadcast up to a period of permission, (iii) In the event of third violation, revocation of the permission of the company and prohibition of broadcast up to the remaining period of permission, and (iv) In the event of failure of the permission holder to comply with the penalties imposed within the prescribed time, revocation of permission and prohibition of broadcast for the remaining period of the permission and disqualification to hold any fresh permission in future for a period of five years. In this background, the Committee gather the view that the Ministry have been maintaining the records of the channels for their violation/ repeated violations scrupulously. The Committee, however, wonder if present a system of graded penalty is acting as an effective deterrent to the violators of codes. The Committee would like to be enlightened in this regard.

### **Reply of the Government**

The provision of graded penalty referred to in para 8 of the Policy Guidelines for Uplinking of Satellite TV Channels, 2011 and para 6 of the Guidelines for Downlinking of Satellite TV channels, 2011 is in respect of terms and condition of grant of permission of a TV channel under these Guidelines. In case of violation of the terms & conditions, these provisions are invoked for imposition of penalty in a graded manner.

In respect of violation of Programme Code/Advertising Code laid down under the CTN Rules, 1994, the Ministry has since 2005 used the instrumentality of the Inter-

Ministerial Committee for taking penal action. The Committee, after giving due opportunity to the TV channel, recommends action by way of advisory, warning, apology scrolls, an off-air orders. The recommendations of the IMC are considered by the Ministry and decisions taken.

After amendment to the Cable Television Networks Rules vide Notification dated 17.06.2021, a statutory 3-Tier mechanism for redressal of grievances in respect of observance of the Programme Code and Advertising Code by the broadcasters has been established. This mechanism empowers the self-regulatory bodies established by them to issue following guidance/advisories to the broadcasters, namely:

- (i) advisory, warning, censure, admonish or reprimand; or
- (ii) an apology to be telecast by the broadcaster; or
- (iii) include a warning card or a disclaimer; or
- (iv) in case of any content where it is satisfied that there is a need for taking action to delete or modify content, refer it to the Central Government for the consideration of the oversight mechanism referred to in rule 19 for appropriate action.

Similarly, the Inter-Departmental Committee (IDC), established as per the Oversight Mechanism for grievance redressal, can hear complaints/grievances from Level-I/II of the grievance redressal mechanism and those referred to it by the Ministry. The IDC can make following recommendations to the Government for violation of the Programme Code / Advertising Code:

- (i) advising, warning, censuring, admonishing or reprimanding such broadcaster; or
- (ii) requiring an apology of such broadcaster; or
- (iii) requiring such broadcaster to include a warning card or a disclaimer; or
- (iv) requiring such broadcaster to delete or modify content or take the channel or a programme off-air for a specified time period where it is satisfied that such action is warranted.

The Central Government may, based on the recommendations of IDC, issue appropriate orders and directions for compliance by the broadcasters.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation Sl. No. 11)**

The Committee observe that on 6<sup>th</sup> March, 2020, the Ministry of I & B issued prohibitory orders against two TV Malayalam News channels viz. 'Asianet News' and 'Media One', for 48 hrs. However, the ban was lifted in less than 48 hours with a press statement by the Minister. As per the submission of the Ministry, Electronic Media Monitoring Centre (EMMC) had reported that these two channels carried reports of the North-East Delhi violence in a manner which were violative of the prescribed Code viz. Rules 6(1)(c) and 6(1)(e) of the Cable Television Networks Rules, 1994. Subsequent to the off-air order, Asianet News tendered an unconditional apology on 06.03.2020 and requested resumption of their transmission. Considering the apology of Asianet News, the competent authority curtailed the off-air penalty and channel was allowed to resume transmission from 01:30 AM on 07.03.2020 onwards. Keeping proportionate penalty in



mind for similar violations committed by the two channels, the transmission for the other channel (Media One) was also resumed from 09:30 AM on 07.03.2020 onwards with the approval of the competent authority. The Secretary, I & B apprised the Committee that all the orders for warning were issued at the Secretary, I & B level, and the off-air orders were issued with by the approval of the Hon'ble Minister. The Ministry was unable to clarify why in that case, the public annulment of the disciplinary action was announced on the ground that the Minister had been unaware.

In this very case, the Committee finds that after issue of show-cause notice to the two channels on 28.2.2020, the channels had furnished their replies on 03.03.2020. As submitted by the Secretary, Ministry of I&B, in television network, normally, all the complaints are referred to the NBSA. Their feedback and comments are taken and based on that the Inter-Ministerial Committee, by an executive order, takes action. The Committee, however regret to note that in this particular case, instead of taking recourse to due procedure in dealing with such complaints, prohibitory orders were issued against the channels with undue haste. The Committee is of the considered opinion that it would be too harsh a decision to serve prohibitory orders against any channel without giving it ample opportunity to be heard as per the extant procedure before its act of violation of codes is established. The Committee trusts that the Ministry of I&B in future would act in a transparent and impartial manner while dealing with such cases, lest such a decision on the part of the Government should be looked upon as a move to suppress the freedom of press.

### **Reply of the Government**

Show Cause Notices were issued to the two channels namely, Asianet News and Media One for telecast of the programme that were prima facie violative of the Programme Code. On examination of the response of the channels, both the channels were found in violation of the Programme Codes and accordingly the competent authority directed the channels to take their transmission off-air for 48 hrs. on 06.03.2020 starting at 7.30 PM.

Subsequently, based on unconditional apology tendered by one of the channel, the duration of off-air order was curtailed to 6 hrs. for the channel. Transmission of other channel was also resumed after 14 hrs. keeping proportionate penalty in mind of similar violation.

The Cable Television Networks Rules, 1994 have been amended, vide Notification No. GSR 416(E) dated 17.06.2021, as the Cable Television Networks (Amendment) Rules, 2021, to provide for statutory mechanism for redressal of grievances/ complaints of citizens relating to content broadcast by television channels, which would be transparent and benefit the citizens. The above notification is significant as it paves the way for a strong institutional system for redressing grievances while placing accountability and responsibility on the broadcasters and their self-regulating bodies.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation Sl. No. 12)**

The Committee note that Rule 6(1)(e) of the Cable Network Rules, 2014 states that “no programme should be carried in the cable service which is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote ‘Anti-national attitudes’”. The term ‘Anti-national attitude’ has, however, not been separately defined in the Programme Code enumerated in the CTN Rules, 1994. The Ministry have justified that ‘Anti-national’ is commonly understood as opposed to national interests or nationalism. However, the Committee are of the considered opinion that the term ‘Anti-national attitude’ used in Rule 6(1)(e) of the Cable Network Rules, 2014 may be the cause of unnecessary harassment of the private channels and therefore recommend that the term ‘Anti-national attitude’ be properly defined to remove any ambiguity in the interpretation of the term in the prescribed code.

### **Reply of the Government**

The word ‘anti-national’ has not been defined in Statutes. However, there are criminal legislations and various judicial pronouncements to sternly deal with unlawful and subversive activities which are detrimental to the unity and integrity of the country. In this regard, it is relevant to mention that the Constitution (Forty-Second Amendment) Act, 1976 inserted in the Constitution Article 31D (during Emergency) which defined “anti-national activity” and this Article 31D was, subsequently, omitted by the Constitution (Forty-third Amendment) Act, 1977.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation Sl. No. 15)**

The Committee are not happy to note that out of total 119 cases, action against 87 cases were taken only in the year 2019, which shows that the system of disposal of cases by the Ministry is not very efficient and needs to be looked into. The Committee do not approve of the manner in which the Ministry have been taking time to decide on the cases of violation of code in media coverage and desire that cases at their level should be disposed of in a time-bound manner to have the desired impact.

### **Reply of the Government**

The meeting of Inter-Ministerial Committee/Inter Departmental Committee is being conducted at regular intervals. Following meetings of IMC were conducted during the year 2020-21:

Sl. No.	IMC meeting held on	No. of Items considered
1	04.08.2020	13
2	01.10.2020	01
3	11.12.2020	18
4	04.03.2021	11
5	07.04.2021	01 (a Complaint which included cases

		pertaining to 13 channels)
6	13.10.2021	06
7	02.11.2021	09
8	14.02.2022	5 (involving 54 cases of violation of Programme Code / Advertising Code)

Based on the recommendation of the committee, the action was taken against the TV channels during the period 2020-21 against 36 channels.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Digital / Social Media**

#### **(Recommendation Sl. No. 17)**

The Committee note that the Ministry of Electronic and Information Technology (MeitY) on receipt of complaints with reference to cyber security or pertaining to online content that warrants action under section 69A of the IT Act, takes appropriate follow up action in accordance with the applicable legal provisions. During 2017, 2018 and 2019, MeitY ordered 1385, 2799 and 3603 URLs, respectively to be blocked. The Committee also note that earlier all publications over the internet, including e-newspapers, were governed under the provisions of IT Act, 2000. However, in a recent development, the Central Government vide notification dated 09.11.2020, has amended the Allocation of Business Rules, 1961 of M/o I&B and now the Ministry of I & B has the mandate for Digital/ Online Media i.e. for 'Films and Audio-Visual programmes' made available by online content providers and 'News and current affairs' content on online platforms. The Committee, while hoping that the new rules will promote accountability, would like to know the extent to which the objective of bringing the notification has been achieved by the Ministry.

While examining the subject, the Committee also considered the issue of the unregulated content made available through online/ OTT platforms which had hitherto escaped any architecture of regulation. During the Covid pandemic, more and more people have resorted to these platforms due to closure of cinema halls. The Committee is conscious that the information and content portrayed on such platforms can impact viewers, including minor children. At the same time, the Committee acknowledges that OTT platforms offer freedom to the individual user to decide what to watch, a freedom that should not be abridged by the heavy hand of Government. The Committee note that Social media platforms are stated to be the intermediaries as defined in the IT Act, 2000 and enjoy exemption from liability if they follow due diligence, which has been notified as the Information Technology (Intermediaries Guidelines) Rules, 2011. Section 79 of the IT Act empowers the 'Appropriate Government or its agency' to notify the intermediary for removal of unlawful content relatable to Article 19(2) of the Constitution of India. However, recently on 25<sup>th</sup> February, 2021, the Government have notified 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021' wherein Part-II relates to 'Intermediaries' and shall be administered by MeitY. The new IT Rules, 2021 has introduced two categories of Intermediaries and additional due diligence to be followed by Significant Social Media Intermediaries. The Committee hope that the new Rules/ Guidelines would go a long way in ensuring

transparency and accountability for the social media platforms with a robust oversight mechanism by the Government. Nevertheless, considering that these Rules are at their early stage of implementation, the Committee recommend the Ministry of I&B to coordinate with MeitY to take care of the grievances and numerous concerns raised by the general public, stakeholders and other media activists about the efficacy of these Rules and their implications for free speech, journalistic freedom and artistic creativity. The Committee are of the view that any regulation must have checks and balances to ensure that it is neither misused nor violative of Article 14, 19 and 21 of Indian Constitution. The Committee, therefore, expects both the Ministries to promote better Inter-Ministerial coordination, systematic awareness creation about these new Rules/ guidelines, etc., so that the Rules are implemented effectively to ensure accountability of online/ OTT platforms.

The Committee desire that the Ministry should specially ensure training programmes/ workshops for executive/ administrative officials at District and State level in order to brief them about the new guidelines and about the possible misuse/ misinterpretation. The Committee would like to be kept apprised about the implementation of these Rules along with any problems/ constraints faced by the Ministry in so doing.

### **Reply of the Government**

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as “IT Rules, 2021”) under the Information Technology Act, 2000, were notified by the Government on 25<sup>th</sup> February, 2021. Part III of the IT Rules, 2021 relates to publishers of news and current affairs content and publishers of online curated content (OTT Platforms) on digital media, which is administered by the Ministry of Information & Broadcasting.

The Rules inter-alia provide for a Code of Ethics to be adhered to by the digital media publishers and a three tier complaint-based mechanism for addressing grievances related to the violation of the Code of Ethics as under:

- i. Level I: Publisher
- ii. Level II: Self-Regulatory Bodies of publishers
- iii. Level III: Oversight Mechanism by the Central Government

The Rules also provide a mechanism for information disclosure by digital news publishers and OTT platforms. Based on the provisions under the Rules, the digital media publishers are required to furnish the details about their entity to the Ministry, and publish a monthly report on the grievances received and addressed by them.

The Ministry released formats for furnishing information by the digital media publishers vide Public Notice dated 26 May, 2021. The Public Notice provided separate formats for standalone digital news publishers, digital arms of traditional (TV/print) news publishers, and OTT platforms. Reminders for furnishing of information have also been sent to digital media publishers in June, 2021, and September, 2021. In October 2021, the Ministry issued a communication issued to YouTube to facilitate furnishing of information from YouTube based digital news channels. In this regard, YouTube has informed that a notification to this effect has been sent to YouTube users. Emails were also sent to YouTube based news channels in November, 2021. It is hereby informed

that 2,349 digital media publishers have furnished information to the Ministry till 07.01.2022.

The above mentioned digital news publishers and OTT platforms have appointed a grievance officer as Level-I of the three-tier grievance redressal mechanism under the Rules. Through the establishment of a grievance officer, the Rules have played a crucial role in institutionalizing a mechanism for self-regulation by the publisher.

Furthermore, with the establishment of Self-Regulatory Bodies (SRBs) formed by publishers or their associations at Level-II of the grievance redressal mechanism, the Rules have also institutionalized a mechanism for industry level self-regulation without any involvement of the Government in this regard. Five Self-Regulatory Bodies (SRBs) have been registered with the Ministry.

Since the notification of the Rules, with the laying down of a Code of Ethics for digital media publishers, there has been a sharp decline in grievances related to digital media content received in the Ministry. These grievances are transferred to the publishers in accordance with the Rules.

In accordance with rule 19 of the IT Rules, 2021, the Ministry, vide Public Notice dated 09 September 2021, released formats for monthly disclosure of the grievances being received and resolved by the publishers and the self-regulatory bodies.

Level-III of the grievance redressal mechanism, the Inter-Departmental Committee (IDC), consisting of the Authorized Officer, the representatives of various Ministries, and domain experts, has been constituted. In this regard, the domain experts included in the IDC are nominees of the Press Council of India, Bar Council of India, Federation of Indian Chambers of Commerce and Industry (FICCI), and Confederation of Indian Industry (CII). Nomination from the Bar Council of India is still awaited.

In December 2021, using the emergency powers under rule 16 of the IT Rules, 2021, the Ministry ordered the blocking of 20 news channels on YouTube and 2 news websites. In January, 2021, similar order were issued for blocking of 35 news channels on YouTube, 2 news websites, 2 Twitter accounts, 1 Facebook account and 2 Instagram accounts.

With the advent of institutional mechanism for regulating the content of publishers of news and current affairs on digital media and publishers of online curated content (OTT Platforms), grievances of common citizens regarding the content on these platforms are being addressed as per the Rules. The Rules, in this regard, would help to fight the menace of fake news on online/ digital media through a citizen-centric and time bound grievance redressal mechanism.

Through the mechanism of information disclosure under the IT Rules, 2021, accountability of the digital media publishers to their audience is being ensured. Furthermore, the Rules have been instrumental in providing recognition to the digital media publishers, and establishing a mechanism for future co-ordination.

The Ministry has taken several steps for awareness generation about Part-III of the IT Rules, 2021:

- The Hon'ble I&B Minister interacted with representatives of OTT Platforms on 4 March, 2021, with representatives of digital news publishers on 11 Mar, 2021, and with the representatives from the Producers Guild of India on 26 Mar, 2021
- An information booklet on IT Rules, 2021 explaining various aspects in simple language has been prepared and made available on the website of the Ministry.
- Comprehensive Frequently Asked Questions (FAQs) in Hindi and English on various aspects of IT Rules, 2021 have been prepared and made available on

the website of the Ministry. For the benefit of citizens, the FAQs have been translated in various Indian languages, including Tamil, Telugu, Malayalam, Urdu, Kannada, Khasi, Gujarati, Punjabi, Assamese, Marathi, Bangla and Manipuri, and have also been uploaded on the Ministry's website.

- On 9th March, 2021, briefing and presentation before the Hon'ble Members of Parliament was organized collectively by MeitY and MIB.
- Advertisement in various newspapers was carried out on 25<sup>th</sup> March, 2021 across the country for the benefit of the citizens, informing them about the Rules.
- After the notification of the Rules, info graphics on various aspects of the Rules were disseminated on social media.

Furthermore, in the interest of direct engagement with the stakeholders, the Ministry has conducted 11 Webinars at national and regional levels for awareness creation. The webinars involved a total participation of over 2,400 stakeholders including:

- Representatives from standalone digital news publishers
- Editors and management representatives from national and regional media
- Representatives from OTT platforms, content managers
- Journalism faculty and students
- Representatives from associations of digital media publishers

Details of Webinar	Date	No. of Participants
Webinar for Gujarat Region	8 <sup>th</sup> April, 2021	75
Webinar in collaboration with FICCI	7 <sup>th</sup> June, 2021	175
Webinar in collaboration with CII	15 <sup>th</sup> June, 2021	100
Webinar for Southern Region (5 States)	26 <sup>th</sup> June, 2021	240
Webinar for MP, Rajasthan, Chhattisgarh	30 <sup>th</sup> June, 2021	260
Interaction with media at Gautam Buddha University	2 <sup>nd</sup> July, 2021	50
Webinar for UP, Bihar, Uttarakhand, Jharkhand	7 <sup>th</sup> July, 2021	448
Webinar for Maharashtra, Goa	12 <sup>th</sup> July, 2021	320
Webinar for NE Region, WB and Odisha	14 <sup>th</sup> July, 2021	278
Webinar for HP, Chandigarh, Punjab, Haryana, J&K and Ladakh	20 <sup>th</sup> July, 2021	341
Webinar in collaboration with Indian Institute of Mass Communication (IIMC)	20 <sup>th</sup> August, 2021	160
Total		2,447

The webinars had a two-phase format- a presentation on Digital Media Ethics Code for 30 mins, followed by a free flowing Q&A session for 2 hour 30 mins. With about 50-60 questions being asked in each webinar, the webinars led to clarification of doubts and apprehensions, as well as a way for receiving suggestions. The concerns of the stakeholders in relation to free speech, journalistic freedom and artistic creativity were also addressed through the webinars. It was informed to the stakeholders that the Code of Ethics for digital news publishers provides for observance of the Norms of Journalistic Conduct of the Press Council of India, and Programme Code under the Cable Television Network (Regulation) Act, 1995. These are time-tested norms/codes for conventional news media which have protected journalistic freedom. Similarly, the Code of Ethics for OTT platforms provides for self-classification of content, and therefore does not mandate mandatory prior certification by the Government. A booklet containing the learnings, presentation, and commonly asked doubts from the webinars has been published and made available on the MIB website.

#### Coordinate with MeitY:

With regard to implementation of Rules, coordination between MIB and MeitY has been established at multiple levels. The two Ministries worked in tandem during the process of framing and notification of the Rules. After the notification, both MIB and MeitY briefed the Hon'ble Members of Parliament together on 9<sup>th</sup> March, 2021, and before the Standing Committee on Information Technology on 15<sup>th</sup> March, 2021. The two Ministries have also been coordinating for preparation of inputs to the questions asked by the Standing Committee. Frequently Asked Questions on various aspects of the Rules have been released by both the Ministries on aspects pertaining to their respective domains. Through meetings and discussions, the Ministries have exchanged their views on implementation of the Rules.

Part-III of the IT Rules, 2021 relates to publishers of news and current affairs content and publishers of online curated content (OTT Platforms) on digital media, and is administered by the Ministry of Information & Broadcasting.

On 1<sup>st</sup> March, 2021, the District Magistrate of the Imphal West District of Manipur issued a Notice to a local news portal directing the publisher to issue to the District Magistrate all relevant documents for ensuring compliance to the IT Rules. On becoming aware of the notice, Secretary, I&B, within 24 hours of the issue of the Notice, wrote to the Chief Secretary, Manipur informing that IT Rules are administered by the Ministry of Information & Broadcasting, Government of India with no powers for furnishing information being delegated to the State Government or local administration. With the above communication, the aforementioned Notice by the District Magistrate was withdrawn.

A communication was also issued on 3<sup>rd</sup> March, 2021 to Chief Secretaries of all States, and Administrators of all Union Territories, informing that no powers under Part-III of the IT Rules, 2021 have been delegated to the State Governments/ District Magistrates/ Police Commissioners. No incident of misuse/ misinterpretation of the IT Rules, 2021 by the District/State level authorities has come to light since the issue of the above communications.

In December, 2021, the Ministry issued a communication to the officials of State/UT level Departments of Information & Public Relations (DIPRs) informing them about the various aspects of the Rules. Vide this communication, soft copies as well as

multiple physical copies of the following resource material were also shared with the officials:

- IT Rules, 2021;
- Information booklets (including FAQs); and
- Booklets on awareness initiatives and webinars conducted by the Ministry.

The Ministry has requested the DIPRs to share the resource material with officials of the State/UT Government, and with district level authorities for their information and understanding. The Ministry has also communicated its willingness conduct webinars with officers in the States/Districts.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Foreign Direct Investment (FDI)**

#### **(Recommendation Sl. No. 18)**

The Committee note that FDI for different forms of Print and Electronic Media is different for different entities. For publishing Newspapers and periodicals dealing with News and current affairs, the even for Indian editions of foreign magazines dealing in them, the FDI limit is 26% and it is to be done only through the Government route. While publishing/ printing of scientific and technical magazines/ speciality journals/ periodicals and their facsimile editions, a larger FDI limit of 100% is permitted this is also to be done through the Government route. Even within the Broadcasting Sector, the percentage of Equity/ FDI Cap varies from 49% to 100% and sectoral cap varies from 26% to 100% with the Entry Route through Government/Automatic. The FDI provisions in the DTH and HITS Guidelines also varies from 20% to 74% and there is variation in the Entry Route and management control too. The Committee also note the Ministry's concern that though the 'Newspapers' have a limit on FDI, there is no guidelines for Online News.

While noting that the M/o I&B have given their comments on the issue of FDI to the Ministry of Commerce and Department of Promotion of Industry and Internal Trade (DPIIT), the Committee would like to be apprised about the responses of both the Ministries. The Committee feel that FDI within limits in the media sector may be good for promoting competition and maintaining positive checks and balances and also to check malpractices in ethical standards. The Committee, accordingly, recommend that the M/o I&B harmonise the FDI rules relating to Media in such a way that the grey areas are taken care of and support to this industry is ensured while maintaining its autonomy.

#### **Reply of the Government**

The recommendation of the Committee for harmonizing the FDI Rules relating to media has been taken note of. It may be mentioned that with regard to Direct-to-Home (DTH) the Ministry vide its order of 30.12.2020 has amended the DTH Guidelines and aligned the FDI limits/approvals with the extant policy guidelines issued by the Department for Promotion of Industry and Internal Trade (DPIIT) of the Ministry of Commerce and Industry. Accordingly 100 per cent equity/FDI in DTH is permissible subject to certain conditions in including the requirement of Government approvals.



In respect of online media it may be mentioned that vide Press Note No. 4 of 2019 dated 18.09.2019 the Government has allowed 26% FDI through Government approval route in entities engaged in "Uploading/Streaming of News and Current Affairs through Digital Media" Clarification in this regard was issued by Department for Promotion of Industry and Internal Trade (DPIIT) on 16.10.2020 as under:

- (i) The decision of Permitting 26% FDI through Government route would apply to following categories of Indian entities, registered or located in India:
  - (a) Digital media entity streaming/uploading news and current affairs on websites, apps or other platforms;
  - (b) News agency which gathers, writes and distributes/transmits news, directly or indirectly, to digital media entities and/or news aggregator; and
  - (c) News aggregator, being an entity which, using software or web application, aggregates news content from various sources, such as news website, blogs, podcasts, video blogs, user submitted links, etc. in one location.
- (ii) Entities covered under (i) above would be required to align their FDI to the 26% level with the approval of the Central Government, within one year from the date of issue of this clarification.

Compliance with the FDI Policy and the application FEMA Notification would be the responsibility of the investee entity. Further, the entity would adhere to the following conditions:

- (a) The majority of Directors on the Board of the Company shall be Indian citizen;
- (b) The Chief Executive Officer shall be an Indian citizen;
- (c) The entity shall be required to obtain security clearance of all foreign personnel likely to be deployed for more than 60 days in a year by way of appointment, contract or consultancy or in any other capacity for functioning of the entity prior to their deployment. In the event of security clearance of any of the foreign personnel being denied or withdrawn for any reasons whatsoever, the investee entity will ensure that the concerned person resigns or his/her services are terminated forthwith after receiving such directives from the Government.

FDI cap of 26% with Government Route is kept uniformly for publishing of newspapers and periodicals dealing with news and current affairs, publication of Indian edition of foreign magazine dealing in News and Current Affairs on print as well as Digital Media and to news agencies.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

## **Miscellaneous**

### **(a) Paid News**

#### **(Recommendation Sl. No. 19)**

The Committee learns that PCI redresses complaints on 'Paid news' in accordance with the Press Council (Procedure for Inquiry) Regulation, 1979. Besides, Election Commission of India (ECI) has a well-structured mechanism at the national, state and district levels to receive complaints relating to 'Paid News' and take necessary remedial action. A sub-committee of PCI in its 'Report on Paid News' in 2010 inter alia recommended for amendment in the Representation of People (RP) Act, 1951 to make incidence of paid news, a punishable electoral malpractice. ECI had also proposed that a provision should be made in the RP Act, 1951 to include publishing and abetting of publishing of 'Paid News' as an electoral offence with exemplary punishment. The matter was, however, referred to the Ministry of Law & Justice, which referred the matter to the Law Commission of India, which submitted its 255<sup>th</sup> report on 'Electoral Reforms' on 12.03.2015, recommending paid news as electoral offence. Thereafter, M/o Law & Justice constituted a Task Force to prepare a roadmap to implement the recommendation of the Law Commission, which submitted its report in 2016. Both the reports are under consideration in the M/o Law & Justice. The Committee would desire the Ministry of I & B to pursue the matter with the M/o Law & Justice for early implementation of the recommendation of the Law Commission to make paid news as electoral offence, so that it has a deterrent effect on the incidence of paid news. The Committee may be apprised of the progress in the matter.

#### **Reply of the Government**

The issue of 'Paid News' has been raised and deliberated from time to time at various forum. Ministry of Law & Justice informed that the issue of 'Paid News' was also discussed by the Law Commission of India in its 255<sup>th</sup> Report and a Task Force has been constituted in Legislative Department of Ministry of Law & Justice to prepare a roadmap to implement the recommendation of the Law Commission. The Task force committee has submitted its report in 2016 for implementation of the same. Both the Reports are under consideration of the Government. The matter is pursued regularly with the M/o Law and Justice.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

## **Grievance Redressal Mechanism**

#### **(Recommendation Sl. No. 22)**

The Committee note that at present there does not exist a grievance redressal mechanism for an individual to register a complaint for redressal of his grievance, if something is written against him. As informed by the Ministry, they are planning to have different levels of regulation to address different public concerns. In this regard, the Committee would recommend to the Ministry to include such Grievance Redressal Mechanism at all levels i.e. District, State and Centre and make it people friendly. Further, all the TV Channels, News Papers, etc., should have an in-house Grievance Redressal Mechanism/ Cell/ Ombudsman, and information in this regard can be

published in the newspapers or journals or can also be run on their channel's scroll. The Committee would also recommend to the Ministry to look into the possibility of having a 'Media Helpline Number' so as to strengthen the Grievance Redressal Mechanism, which would not only help the aggrieved person/ organization but would also help maintain the standards of ethics in Media.

### **Reply of the Government**

The Cable Television Networks Rules, 1994 have been amended vide Notification No.GSR 416(E) dated 17.06.2021 thereby providing for a statutory mechanism for redressal of grievances/complaints of citizens relating to content broadcast by television channels. These rules are called the Cable Television Networks (Amendment) Rules, 2021.

The Rules provide that in order to ensure observance and adherence to the Programme Code and the Advertising Code by the broadcaster and to address the grievance or complaint, if any, relating thereto, there shall be a three-level structure (complaint redressal structure) as under:

Level I - A self-regulation by broadcasters;

Level II - Self-regulation by the self-regulating bodies of the broadcasters; and

Level III - Oversight mechanism by the Central Government.

Rule 19 of the amended Cable Rules provides that the Central Government shall coordinate and facilitate the adherence to the Programme Code and the Advertising Code by the broadcaster, develop an Oversight Mechanism whose functions include, inter-alia, to establish an Inter-Departmental Committee (IDC) for hearing grievances or complaints and refer to the IDC grievances or complaints arising out of the decision of the self-regulating body under rule 17, or if no decision has been taken by the self-regulating body within the stipulated time, or on receipt of such other complaints or references relating to violation of Programme Code or Advertising Code as it may consider necessary.

In pursuance of Cable Television Networks (Amendment) Rules, 2021, an Inter-Departmental Committee (IDC) has been constituted on 14.07.2021.

Following bodies have been registered as Level-II Self Regulating Bodies by the Ministry under Rule 18 of the of the Cable Television Networks (Amendment) Rules, 2021:

- (a) Broadcasting Content Complaints Council (BCCC) with 309 TV channels as its members
- (b) News Broadcasters Federation - Professional News Broadcasting Standards Authority" (NBF-PNBSA) with 41 TV channels as its members

### **For Print Media**

The Press Council of India takes cognizance, suo-motu or on complaints, of the contents in print media which are in violation of the 'Norms of Journalistic Conduct'. As per section 14 of the Press Council Act, 1978, the Council, after holding an inquiry, may warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be. Hence, for

any grievance relating to contents published in the print media, the person aggrieved may approach Secretary, Press Council of India, Soochna Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 directly, in accordance with provisions of “Complaint Mechanism” given on the Council’s website [www.prescouncil.nic.in](http://www.prescouncil.nic.in).

Moreover, as per guidelines prescribed under para 3(c) of the Press Council (Procedure for Inquiry) Regulations, 1979, before filing the complaint before the Council, draw the attention of the newspaper, news agency, editor or other working journalist concerned, to the matter appearing in the newspaper etc. or to the non-publication thereof which, in the opinion of the complainant, is objectionable and he shall also furnish to the newspaper, news agency, editor or the working journalist, as the case may be, the grounds for holding such opinion. The complainant shall, along with the complaint, enclose a copy of the letter written by him to the newspaper, news agency, editor or other working journalist together with a copy of the reply, if any received by him, provided that the Chairman may in his discretion waive this condition.

#### **For Digital Media:**

With the advent of institutional mechanism for regulating the content of publishers of news and current affairs on digital media and publishers of online curated content (OTT Platforms), grievances of common citizens regarding the content on these platforms are being addressed as per the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The Rules, in this regard, would help to fight the menace of fake news on online/ digital media through a citizen-centric and time bound grievance redressal mechanism.

Through the mechanism of information disclosure under the IT Rules, 2021, accountability of the digital media publishers to their audience is being ensured. Furthermore, the Rules have been instrumental in providing recognition to the digital media publishers, and establishing a mechanism for future coordination.

When any public grievance in respect of DTH/ HITS or Television Rating Agency is received through online GPGRAMS Portal or physically, this Ministry forwards the same to the concerned Company for redressal. Based on the reply of the concerned Company, this Ministry then redresses the public grievance accordingly. The Report on disposal of grievances for the period from 01.01.2017 to 22.12.2021 is indicated in the following table:

Grievance Source	Total Receipt during the period	Case disposed during the period
DARPG	987	986
Local/Internet	5312	5308
President Secretariat	53	53
PMO	1526	1525
Total	7878	7872

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

## **CHAPTER- III**

### **OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT**

#### **Commissioning of Media Commission**

##### **(Recommendation Sl. No. 23)**

In view of the wide range of complexity of issues covered in this Report, the Committee recommends commissioning of a Media Commission to recommend all aspects covered in the Report. The Media Commission may be a broad based body, involving experts as well as stakeholders and should be given a strict timeline to submit its Report. The Committee also desire that the Report of the Media Commission should be placed before them within 6 months of the inception of Media Commission's work.

#### **Reply of the Government**

A Commission, primarily, has a role to collect information about the current scenario in any sector or to make projections/recommendations for the future, etc. Registrar of Newspapers for India (RNI) brings out a report yearly containing all available information and statistics about the Press in India, with particular reference to emerging trends in circulation. Reports of various industrial Forum/Bodies are published from time to time on media and entertainment sector for bringing out the current scenario, growth rate, future projections, etc., which can be made use of. All such data, information are available with the Government and are duly considered on the matters of policy and their implementation. Under such circumstances, setting up a Media Commission will serve a limited purpose.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

## CHAPTER IV

### OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND REQUIRE REITERATION

#### (Recommendation Sl. No. 3)

## II. PRINT MEDIA

### (i) Existing Codes/Acts/Mechanism for observing ethical standards in Print Media

The Committee note that the Press Council of India (PCI), a statutory, quasi judicial body functions under the Press Council Act, 1978 acts as a watchdog of the press. It adjudicates the complaints against and by the press for violations of ethics and for violation of the freedom of the press, respectively. The criteria adopted for codifying ethical standards for the Print Media is to ensure that news, views, comments and information are disseminated by the press in the public interest in a fair, accurate, unbiased and decent manner and to keep in mind the cascading effect of reporting on the society and on the individuals and institutions concerned. Another criterion is to take note of sponsored news content which has come to the fore and is damaging quality journalism. Section 14 of the Act empowers the Council to warn, admonish or censure the newspaper, the news agency, the editor or the journalist concerned or disapprove the conduct of the editor or the journalist if it finds that a newspaper or a news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist that has committed any professional misconduct, on the receipt of complaint or otherwise. Further, PCI has formulated 'Norms of Journalistic Conduct' under Section 13(1) of the Press Council Act, for the newspapers, news agencies and journalists for maintaining ethical standards in print media journalism and for journalists to practice the profession within ethical boundaries, which cover principles and ethics as well as detailed guidelines on specific issues. This is being continuously updated by the Council while incorporating new norms based on the important adjudications rendered by it from time to time.

The Committee, however find to their utmost concern that the erring newspapers tend to repeat the same mistakes, even after being censured by PCI till action is taken by the Bureau of Outreach and Communication (BOC) to withhold government advertisements to that particular newspaper for a certain period of time as per the Government of India's Policy. It is surprising to note that a lot of time is wasted in taking a decision by the BOC against such newspapers, which eventually dilutes the impact of the decision. Supposedly, once PCI takes a decision to censure a newspaper today, BOC takes almost a year to come out with a decision to withhold government advertisements. The Press Council, hence has proposed that the Government of India may prescribe a certain time period to BOC to act on the decisions of the PCI and withhold Government advertisements to such offenders to make the decision of PCI more effective on the erring newspapers. The Committee find merit in the proposal of PCI which would not only ensure prompt action by BOC on the cases referred to them but also have a deterrent effect on the erring newspapers. The Committee, therefore,

exhort the Ministry of I&B to prescribe a certain time limit for BOC to take action on the cases censured by PCI, in the interest of maintaining and promoting high standards of press in India.

### **Reply of the Government**

BOC imposes penalty on publications censured by PCI as per the provisions of extant Print Media Advertisement Policy-2020, clause 17 (vii) which is extracted as under:

*“Penalties: If a publication is found by PCI to have violated the ‘Norms of Journalistic Conduct’ or having indulged in any anti-national activity; penalties, as under, may be imposed on such publications by BOC:*

- a. Warning to the edition of the publication or suspension of fifteen (15) days on 1<sup>st</sup> offence.*
- b. Suspension of two (2) months of the same edition of publication on 2<sup>nd</sup> offence.*
- c. Suspension of six (6) months of the same edition of publication on 3<sup>rd</sup> offence.”*

Newspapers/Publications censured by PCI, which are on the panel of BOC, are suspended from the panel of BOC for a period of 2 months. Further, it was decided that Newspapers/Publications which are not on the panel of BOC and have been censured by PCI would not be empanelled or re-empanelled for a similar period of 2 months.

During last 5 years, PCI censured 142 publications. Out of this, BOC has suspended 112 empanelled publications. Remaining 30 censured publications were not on BOC Panel. The details are as below:

PCI Reference Date	Action Taken by BOC	No. of Publications
21.07.2016	17.08.2016	5
06.04.2017	18.05.2017	1
09.06.2017 & 04.07.2017	17.07.2017	3
18.07.2017	13.09.2017	51
22.11.2019	10.07.2020	42
29-30.09.2020	20.10.2020	1
28.01.2021	12.02.2021	6
04-07.06.2021	28.06.2021	3
Total		112

Accordingly, BOC has taken action against censured publications by PCI in timely manner following the guidelines/policy provisions.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Comments of the Committee (Please see Para No. 7 of Chapter I)**

### **(Recommendation Sl. No. 6)**

The Committee have been informed that PCI in its meeting held on 29.05.2019 has passed a resolution suggesting that when the Print Media has a watchdog in the form of Press Council of India, something parallel is advisable for the entire media i.e. newspapers and periodicals in print or other form, e-newspapers, news portals, social media and any other platform of news disseminations besides electronic media. The PCI has made recommendations to the Government to enact a single legislation so as to cover all the aforesaid media, in line with the Press Council Act, 1978. The Chairman, PCI, submitted that a few months back, they had received a large number of complaints against the electronic media, the news channels other than the print media but were unable to act against those entities.

The Committee also observed that PCI, a statutory body governing the print media may entertain complaints and is empowered to warn, admonish or censure the newspaper, the news agency, the editor or the journalist concerned, however, it does not have the power to enforce compliance as advisories issued by PCI are not enforceable in a Court of law. Besides, the self-organised News Broadcasting Standard Authority (NBSA) governing news broadcasting has the power to fine, but its jurisdiction extends to only those organizations that choose to be members of the News Broadcasters Association. Therefore, its efficacy is limited and depends on voluntary compliance with its orders. In view of the above, the Committee are of the firm opinion that PCI needs restructuring to cover all types of media and therefore desire that the Ministry should explore the possibility of establishing a wider Media Council encompassing not just the print media but the electronic and digital media as well, and equip it with statutory powers to enforce its orders where required. This would enable it to have a holistic view of the media scenario and take appropriate steps to check irregularities, ensure freedom of speech and professionalism, and maintain the highest ethical standards and credibility, which are so critical for the fourth pillar of democracy. The Committee, however, feel need for the Government of India to create a Media Commission comprising of experts for wider consultations amongst the interested groups/ stakeholders to evolve a consensus in this regard. Meanwhile, pending a decision on this, the Committee would like the Ministry to look into the possibility of expanding the regulatory framework to monitor e-newspapers.

### **Reply of the Government**

The Ministry had earlier received a proposal from the Press Council of India regarding constitution of Media Council encompassing various Media Platforms. At present, separate regulatory mechanisms already exist for different media platforms – Press Council of India under the Press Council Act, 1978 for print media, Cable TV Network (Regulation) Act, 1995 for television and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the Information Technology Act, 2000 for digital news publishers and OTT platforms. As each platform is unique and distinctive in its own way, unifying and merging them under one regulatory framework may not be desirable.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

**Comments of the Committee**  
**(Please see Para No. 10 of Chapter I)**



## **Cases of Non-compliance with ethical standards by Print Media**

### **(Recommendation Sl. No. 7)**

The Committee note that on violations of ethical standards by Print Media, the Press Council directs newspapers to publish corrigenda or issue directions to publish the version of the complainant and try to bring the parties to arrive at settlement. In cases of gross violation of journalistic conduct, papers are warned, admonished and censured. Further, in cases where newspapers are censured, PCI forwards such decisions to the Bureau of Outreach and Communication (BOC) and the concerned Government of the States/ UTs for further necessary action at their end. However, the Committee find to their dismay that PCI do not have the information with regard to action taken on their forwarded decisions by the concerned State Governments/ UTs. During the last 5 years, PCI censured 142 Newspapers for violating “Norms of Journalistic Conduct” and forwarded adjudication to various State Governments/UTs. This clearly indicates the limitation of the powers of the PCI to penalize the newspapers and news agencies, etc., for violation of the norms of journalistic conduct. The Committee are of the considered opinion that rules and regulations framed under the Press Council Act, 1978 have no meaning unless there exists an effective mechanism for their efficient implementation. The Committee, therefore, recommend that Government should take comprehensive and practical measures so that PCI’s decisions on cases of violation of ethics in newspapers and other publications, are genuinely implemented or taken to their logical end and it should be incumbent upon the concerned State Government/ UT to inform PCI about the action taken.

### **Reply of the Government**

In respect of newspaper empanelled with BOC, appropriate penal action is taken by BOC. In case of Newspapers that are not registered with or in the panel of the Bureau of Outreach and Communication (BOC), New Delhi, the adjudication Orders of the Press Council of India are communicated/forwarded to the concerned State Govt. /Administration of the UT through its Dept. of Information and Public Relations and the jurisdictional District Magistrate for taking appropriate action.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Comments of the Committee (Please see Para No. 13 of Chapter I)**

## **Self- Regulation in TV Channels by Broadcasting Industry**

### **(Recommendation Sl. No. 14)**

The Committee note that private TV news and non-news channels are governed by mechanisms of self-regulation. One such mechanism has been created by the News Broadcasters Associations (NBA), a representative body of news and current affairs TV channels. NBA has set up the News Broadcasting Standards Authority (NBSA), which is empowered to warn, admonish, censure, express disapproval and fine a sum upto Rs. 1

lakh upon the broadcaster and/or recommend to the concerned authority for suspension/revocation of license of such broadcaster for violation of the Code. Further, the Indian Broadcasting Foundation (IBF), is a representative body of non-news & current affairs TV channels which has set up the Broadcasting Content Complaints Council (BCCC) to examine and redress complaints. In case of violations of the programme code BCCC directs the concerned channel to modify or withdraw such content and may also impose a financial penalty up to a maximum of Rs. 30 lakhs based on the nature of violations. Recently, a new self-regulatory association called the News Broadcasters Federation has also been launched. Likewise, Advertising Standards Council of India (ASCI) is another self-regulatory voluntary organization, which has set up Consumer Complaints Council (CCC) to consider complaints in respect of advertisements.

As informed by the Ministry of I&B, all the 926 private satellite TV channels are not a Members of NBA and IBF and therefore, complaints against those channels are forwarded to the Ministry, for appropriate action. The Committee's attention has further been drawn to the fact that during the last 5 years viz. from the year 2015 to 2019, though action was taken against 141 cases for violation of programme and advertisement codes, 119 cases pertained to non-members of either IBF or NBA.

In view of the foregoing, the Committee note with satisfaction that self-regulatory bodies are performing reasonably well, as evidenced by the fact that during last 5 years, action was taken against only 22 cases of NBA and IBF member, out of the total of 141 cases, which suggests that the compliance rate in respect of non-members is not satisfactory. Therefore, the Committee are of the considered view that the Ministry should encourage self-regulation in electronic media by the broadcasting Industry and recommend that the Ministry should examine the matter to bring all the private Satellite TV channels under the mechanism of self-regulation and also take steps to make the mechanism of self-regulation more effective. In this way, the Ministry may also divest itself of some of its responsibilities, which also require additional hands to cope with the extra workload.

### **Reply of the Government**

The Cable Television Networks (Amendment) Rules, 2021 notified on 17.06.2021, provide, inter-alia, a three level complaint redressal structure as under:

- (iv) Level I - A self-regulation by broadcasters;
- (v) Level II - Self-regulation by the self-regulating bodies of the broadcasters;  
and
- (vi) Level III - Oversight mechanism by the Central Government.

Level-II provides for Self-regulation by the self-regulating body of broadcasters, which shall be headed by a retired judge of the Supreme Court or of a High Court or an independent eminent person from the field of media, broadcasting, entertainment, child rights, human rights or such other relevant fields, and shall have other members, not exceeding six, being independent experts in the field of media, broadcasting, entertainment, child rights, human rights and such other relevant fields.

The self-regulating body shall register itself with the Central Government. It shall perform the following functions, namely: -

- (vi) oversee and ensure the alignment and adherence by the broadcaster to the Programme Code and the Advertising Code;
- (vii) provide guidance to the broadcaster on various aspects of the Programme Code and the Advertising Code;
- (viii) dispose of grievances which have not been disposed of by the broadcaster within the specified period of fifteen days;
- (ix) hear appeals filed by the complainant against the decision of the broadcaster;
- (x) issue such guidance or advisories to a broadcaster, including those specified in sub-rule (5), for ensuring compliance to the Programme Code and the Advertising Code.

Following bodies have been registered as Level-II Self Regulating Bodies by the Ministry under Rule 18 of the of the Cable Television Networks (Amendment) Rules, 2021:

- (c) Broadcasting Content Complaints Council (BCCC) with 309 TV channels as its members
- (d) News Broadcasters Federation - Professional News Broadcasting Standards Authority" (NBF-PNBSA) with 41 TV channels as its members.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

**Comments of the Committee  
(Please see Para No. 16 of Chapter I)**

**Fake News**

**(Recommendation Sl. No. 20)**

There already exist laws and rules under the Indian Penal Code (IPC) 1860, the Information Technology Act, 2000 and the Information Technology (Intermediaries Guidelines) Rules 2011 to tackle and penalize persons spreading 'Fake News'. Further, a Fact Check Unit (FCU) has been established in the PIB in December, 2019 and such FCUs have also been set up in 17 Regional Offices of PIB. This Cell is mandated to counter misinformation on Government policies and schemes either suo-motu or under a reference via various input methods like WhatsApp Hotline number, e-mail, Twitter and PIB's website. The mechanism depends on various feeder units like Ministries, Departments, PSUs for verification of information and is connected to them via PIB officers in the Ministries. The Committee are concerned that the menace of false/ fake news has become a disturbing trend in India, where the contributors of content are not only owners of websites, but also individual subscribers, on whom exercising control is posting a very big challenge. As informed by the Ministry, the Central Government vide its notification dated 09.11.2020 has amended the Allocation of Business Rules, 1961 in respect of Ministry of I & B and has inserted the entries relating to Digital/ Online

Media, Films and Audio-Visual programmes made available by online content providers and News and current affairs content on online platforms.

In this context, while appreciating the establishment of Fact Check Units in 17 Regional Offices of PIB, the Committee desires that the Ministry should open more such FCUs to remain vigilant for viral videos/ news which should create public disorder. The Committee would also recommend that the term “Fake News” should be broadly defined.

### **Reply of the Government**

A Fact Check Unit has been set up under Press Information Bureau in November, 2019. This Unit takes cognizance of fake news both *suo-motu* and by way of queries sent by citizens on its portal or through e-mail and Whatsapp. The Unit responds to the relevant queries with correct information when the same pertains to Central Government or forwards them to States/UTs in other cases. The Unit also maintains a twitter account @PIBFactcheck and posts cases of fake news, being busted, on the same on regular basis. The Fact Check Unit of PIB covers news on various media platforms, including electronic media. PIB Fact Check Unit has responded to around 30,000 actionable queries. As Such the Fact Check Units located at PIB Headquarter in Delhi and its regional offices address the instances of misinformation/Fake News across the country.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Comments of the Committee (Please see Para No. 19 of Chapter I)**

### **(Recommendation Sl. No. 21)**

The Committee endorse the views of the CEO, Prasar Bharati that the regulatory mechanisms should look at embracing latest technologies such as Artificial Intelligence to check fake news and to be able to intervene in near real time. Hence, there is a need to take suitable steps accordingly and also to factor in the existing expertise in the domain of news fact check through non-Government agencies such as ‘AltNews’, ‘check4spam’, SMHoaxslayer’ etc. Further, while observing that countries like Australia, Malaysia and other democracies have Anti-Fake News Laws, the committee would like the Ministry to study their laws and develop some legal provisions to counter as big a challenge as fake news.

### **Reply of the Government**

Government has statutory and institutional mechanisms in place to prevent spread of fake news. For Print Media, Press Council of India has framed 'Norms of Journalistic Conduct' under the Press Council Act, 1978 which inter alia emphasize the principles of accuracy and fairness.

For Television, all TV Channels are required to adhere to the Programme Code under the Cable Television Networks (Regulation) Act, 1995, including that programmes should not contain anything obscene, defamatory, deliberate, false and suggestive innuendos and half-truths.

For digital news publishers, the Government has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 under the IT Act, 2000 on 25th February, 2021, which inter alia provides for a Code of Ethics for adherence by digital news publishers.

The Government takes action in appropriate cases where violation of the Codes is found. It also issues advisory from time to time to the media to adhere to the laid down Codes.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

**Comments of the Committee  
(Please see Para No. 22 of Chapter I)**

## **CHAPTER V**

### **OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE**

#### **Electronic Media**

##### **A. Television Channels**

##### **(i) Existing Codes / Acts / mechanism for maintaining Ethical Standards in TV Channels**

##### **(Recommendation Sl. No. 8)**

The Committee note that the programmes and advertisements telecast on private satellite TV channels are regulated in terms of the Programme and Advertising Codes prescribed under the Cable TV Networks (Regulation) Act, 1995 (CTN Act) and Cable TV Network Rules, 1994 framed thereunder. The Ministry of I&B have the statutory mandate, through the CTN Act and the Rules framed thereunder, to regulate the content carried by TV channels. Further, the Government has framed the Uplinking and Downlinking Guidelines, 2011 under which permission is granted to private TV channels to uplink/ downlink in India. The Guidelines, inter-alia, require that the channels should abide by the Programme and Advertising Codes prescribed under the CTN Act, 1995.

It has been brought to the notice of the Committee by the Secretary, I&B that Cable TV Networks (Regulation) Act, 1995 requires changes. Press Council is a statutory body and is in existence for the print media but for the television there is no such statutory body. While NBSA and NBA have developed an organization, it is not formally recognized by the Government. There are many channels which are not members of the NBA. By amending the Act, a provision would be made that action on any complaint should be by rule instead of being by an executive order. The proposed amendments to CTN (Regulation) Act, 1995 were placed in public domain for stakeholder's comments on 15.01.2020 and the Ministry has informed us that it is examining the comments received from stakeholders/ general public. There is also discussion over having an umbrella Statute for the entire Broadcasting Sector covering Print, Electronic and online media, which is under examination. The Committee would desire the Ministry to expeditiously look into making necessary amendments in the existing Cable Television Networks (Regulation) Act, 1995 which is 25 years old, and needs changes in accordance with the changing regulatory environment, while ensuring that the gray areas in the interpretation and implementation of the said Act are duly addressed and also to ensure that the proposed amendments are consumer-friendly. This will address the issues of stakeholders by bringing more transparency in the system. The Committee would like to be kept informed of the progress made in this regard.

##### **Reply of the Government**

The proposal relating to amendment of Cable Television Networks (Regulation) Act, 1995 is under consideration.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **(Recommendation Sl. No. 13)**

CEO, Prasar Bharati submitted that AIR and Doordarshan have pre-dated Prasar Bharati as a corporate by several decades, and already had the existing programming code and commercial code which they have been strictly following for their news and general programming. Television, in addition, follows the guidelines given in the Cable Television Network Rules, 1994 because of its visual element. Besides, the AIR Code is much older and much broader and that has been the general guiding principle across the organization. Prasar Bharati, in general, does not have too many instances of ethics complaints as most of the news operations are managed by Government officers who are held accountable to disciplinary rules. Historically, these complaints were disposed of at the level of Directorate-Generals of Doordarshan and AIR and Prasar Bharati Secretariat or the Board rarely was involved in the editorial matters.

As per the submission of CEO, Prasar Bharati, the existing Codes are found to be adequate, however, a need is felt for some of the aspects to be aligned with the Act as these Codes were written prior to Prasar Bharati's existence. The required process is stated to be undertaken. The Committee would like Prasar Bharati to urgently initiate the required process of alignment of codes with the Act wherever required and apprise them of the steps taken in this direction and the progress thereon. This could be part of the overall review and restructuring exercise recommended by the Committee.

### **Reply of the Government**

Prasar Bharati has started the process of aligning the Code with the Act. Accordingly a draft of Programme Code for Prasar Bharati has been circulated for internal consultation soliciting comments from various field units who would be responsible for implementing these codes on various AIR and DD channels.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

### **Television Rating Points (TRPs):-**

### **(Recommendation Sl. No. 16)**

The Committee note that television audience measurement mechanism in the form of Television Rating Points (TRPS) has been in existence in India since 1993 when Doordarshan audience ratings collected by Doordarshan audience research units were used. It was followed by other rating agencies such as Indian National Audience Training Measurement (INTAM), Television Audience Measurement Media Research Pvt. Ltd. (TAM), Audience Measurement and Analytics Ltd. (AMAP) etc. Gradually TAM remained the only TRP agency in the country prior to issuance of Guidelines for TRP agencies by Ministry of I & B on 16.01.2014. On 28.07.2015, BARC was granted registration as a Television Rating Agency by the Ministry for a period of 10 years under the Policy Guidelines. BARC is a self-regulated, not-for-profit body created by the IBF, the Indian Society for Advertisers (ISA) and the Advertising Agencies Association of India (AAAI). BARC operates through Technical Committee, Oversight Committee, Disciplinary Council and Board of Directors. As per the submission of CEO, Prasar

Bharati, when the audience base is large, the measurement system is fairly accurate and reflects what is being watched. BARC has over the years increased the sample and presently BARC is rating on 44,000 households. Census-wide measurement is done typically in the digital world. Google or Facebook measures it across the board, and there everyone is measured and not just a sample. However, on television, there are challenges because for such ratings return-path data and set-top box are needed. Every set-top box has to measure usage but there will be privacy issues. This makes it a complicated matter but certain pilot projects are being conducted globally. The Committee's attention was also drawn to the fact that in India some of the operators like Tata Sky and Airtel do measurement at the level of their set-top boxes though they do not share the data with BARC. Further, around 80 percent of the households use Set-Top Boxes.

The Committee are, however, not satisfied with the present system of measuring of TRP and would like to draw the attention of the Ministry to the recent reported episodes of manipulation of TRPs by some TV channels rigging the device used by BARC. This has put a big question mark on the objectivity, accuracy, efficacy, and transparency of the current system and clearly indicates how the ratings can be manipulated by some channels in connivance with the BARC officials. While taking a serious view of this, the Committee desire the Ministry to look into the entire process of the TRP system and identify a solution for a more transparent and accountable system for measuring TRPs. The Committee also find that the present TRP system is heavily biased towards urban areas and there is a need to change the system of measurement by giving equal weightage to rural and semi-urban areas through increasing the sample size. The Committee also desire that the Ministry should study global practices adopted in the TRP system including the possibility of finding a solution to the privacy issues in the STBs through appropriate technical measures such as the use of scramblers to ensure accuracy, confidentiality and transparency within the TRP system. The Government has constituted a Committee to examine BARC. The Committee desire that the Report of the BARC inquiry Committee, commissioned by the Government of India, must be placed before them for examination.

### **Reply of the Government**

Ministry of Information and Broadcasting sought the recommendations of Telecom Regulatory Authority of India (TRAI) in August 2012 for a comprehensive guidelines/ accreditation mechanism for television rating agencies in India to ensure fair competition, better standards and quality of services by television rating agencies. Based on the recommendations of TRAI, a comprehensive policy guideline for Television Rating Agencies in India was issued by the Ministry on 16<sup>th</sup> January, 2014. In view of aforesaid guidelines, Broadcast Audience Research Council (BARC) was granted registration as Television Rating Agency on 28<sup>th</sup> July, 2015, by Ministry of Information and Broadcasting for a period of 10 years under the Policy Guidelines. BARC is a self-regulated, not-for-profit body created by the Indian Broadcasting Foundation (IBF), the Indian Society for Advertisers (ISA) and the Advertising Agencies Association of India (AAAI). BARC operates through Technical Committee, Oversight Committee, Disciplinary Council and Board of Directors.

In October 2020, some news items were published in print and electronic media regarding manipulation of television rating points by various TV channels and the FIRs registered by police agencies including the Mumbai Police. Further, this Ministry on



09.10.2020 called for a report from BARC. BARC furnished reports to this Ministry on 09.10.2020 stating that apart from the Disciplinary Council action to maintain the panel sanctity, BARC has actively pursued action against those involved in tampering of samples and has filed 11 FIRs through its vendor across Andhra Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra and Assam so far. BARC stated that the suspected panel homes mentioned in the FIR are quarantined and are in the process of de-installation. BARC stated that they are providing all necessary data, documents, information and necessary assistance to the investigation agency.

Based on the operation of the existing policy guidelines for Television Rating Agencies in India for a few years, a need was felt to have a fresh look on the guidelines particularly keeping in view the recent recommendations of TRAI dated 28.04.2020 on "Review of Television Audience Measurement and Rating System in India", technological advancements/interventions to address the system and further strengthening of the procedures for a credible and transparent rating system. Accordingly, a Committee was constituted on 04.11.2020 under the Chairmanship of Chief Executive Officer (CEO), Prasar Bharati with members from IIT, C-DOT and IIM, to inter alia, review the guidelines on Television Rating Agencies in the country and to make recommendations on way forward for robust, transparent and accountable rating system in India. The Committee has made recommendations on strengthening corporate governance and bolstering technical oversight of the existing rating agency, open data ecosystem/ return path data, curbing unhealthy business practices, promoting innovation, new business models and competitiveness, etc. The recommendations of the Committee also addressed various other issues referred to them including the recommendations of the TRAI.

Further, BARC has apprised this Ministry that it has taken a number of steps to improve its Corporate Governance viz. complete insulation of management from the rating process, outlier corrections by empirically derived statistical parameters and automated procedure with no manual intervention or exceptions. This is a continuous process and policy prescriptions as may be required are made by the Government from time to time.

Further, M/s Broadcast Audience Research Council (BARC) has undertaken revision in its processes, protocols, oversight mechanism and initiated changes in governance structure etc. The reconstitution of the Board and the Technical Committee to allow for the induction of independent Members has been initiated by BARC. A permanent Oversight Committee has also been formed. The access protocols for data have been revamped and tightened.

The release of the TRP ratings for news channels was withheld by BARC for 8-12 weeks (effective 15.10.2020) during which its Technical Committee was to review and augment the data reporting standards for the genre. Now BARC has indicated that in view of the changes undertaken by it, they are reaching out to related constituencies to explain the new proposals and are in readiness to actually commence the release as per the new protocols. BARC has also apprised that they are reaching out to related constituencies to explain the new proposals for 'News and Special interest genres' and would need a minimum of 10 weeks to resume weekly news ratings.

This Ministry has asked BARC on 12.1.2022 to release the News ratings immediately and also to release the last three months data, for the genre in a monthly format, for fair and equitable representation of true trends. As per the revised system,

the reporting of News and Niche Genres shall be on a 'four week rolling average concept'.

This Ministry vide order dated 12.01.2022 has also constituted a 'Joint Working Group' under the Chairmanship of the CEO, Prasar Bharati, for the consideration of leveraging the Return Path Data (RPD) capabilities for the use of TRP services, as also recommended by TRAI and the TRP Committee Report. The Group shall submit its report to this Ministry in four months time.

[Ministry of Information and Broadcasting O.M. No. N-18013/2/2015-BC-II (Vol.II) dated 21.02.2022]

**New Delhi;**

**8 February, 2023**

**19 Magha, 1944 (Saka)**

**PRATAPRAO JADHAV,**

**Chairperson,**

**Standing Committee on  
Communications and Information Technology.**

**STANDING COMMITTEE ON COMMUNICATIONS AND  
INFORMATION TECHNOLOGY  
(2022-23)  
MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE**

-----

The Committee sat on Tuesday, the 07<sup>th</sup> February, 2023 from 1500 hours to 1520 hours in Main Committee Room, Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Prataprao Jadhav- Chairperson**

**MEMBERS**

***Lok Sabha***

2. Smt. Sumalatha Ambareesh
3. Shri Karti P. Chidambaram
4. Smt. Sunita Duggal
5. Smt. Raksha Nikhil Khadse
6. Shri P. R. Natarajan
7. Shri Santosh Pandey
8. Shri Sanjay Seth
9. Shri Ganesh Singh
10. Dr. T. Sumathy (A) Thamizhachi Thangapandian
11. Dr. M.K. Vishnu Prasad

***Rajya Sabha***

12. Dr. Anil Aggarwal
13. Shri Kartikeya Sharma

***SECRETARIAT***

1. Shri Satpal Gulati - Joint Secretary
2. Smt. Jyothirmayi - Director
3. Shri Nishant Mehra - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened to consider and adopt five Action Taken Reports which included four Draft Action Taken Reports on Demands for Grants (2022-23) relating to the Ministries/Departments under their jurisdiction and one Draft Action Taken Report on Twenty Seventh Report on the subject 'Ethical Standards in Media Coverage' of the Ministry of Information and Broadcasting.

3. The Committee, then, took up the following draft Reports for consideration and adoption.

- (i) Draft Action Taken Report on Twenty-Seventh Report on the subject 'Ethical Standards in Media Coverage' relating to the Ministry of Information and Broadcasting.
- (ii) Draft Action Taken Report on Thirty Second Report on 'Demands for Grants (2022-23)' relating to the Ministry of Communications (Department of Telecommunications).
- (iii) Draft Action Taken Report on Thirty Third Report on 'Demands for Grants (2022-23)' relating to the Ministry of Communications (Department of Posts).
- (iv) Draft Action Taken Report on Thirty Fourth Report on 'Demands for Grants (2022-23)' relating to the Ministry of Information and Broadcasting.

(v) Draft Action Taken Report on Thirty Fifth Report on 'Demands for Grants (2022-23)' relating to the Ministry of Electronics and Information Technology.

4. After due deliberations, the Committee adopted the Reports without any modifications.

5. The Committee authorized the Chairperson to finalize the draft Action Taken Reports and present the same to the House during the current Session of Parliament.

**The Committee, then, adjourned.**

**STANDING COMMITTEE ON COMMUNICATIONS AND  
INFORMATION TECHNOLOGY  
(2022-23)  
MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE**

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11. Dr. M.K. Vishnu Prasad

***Rajya Sabha***

12. Dr. Anil Aggarwal
13. Shri Kartikeya Sharma

## ***SECRETARIAT***

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(ii) xxxxx.....xxxxx.....xxxxx\*

(iii) xxxxx.....xxxxx.....xxxxx

(iv) xxxxx.....xxxxx.....xxxxx

(v) xxxxx.....xxxxx.....xxxxx

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5. The Committee authorized the Chairperson to finalize the draft Action Taken Reports and present the same to the House during the current Session of Parliament.

**The Committee, then, adjourned.**

\* Matters not related to the Report

# ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THEIR TWENTY-FIFTH REPORT

## (SEVENTEENTH LOK SABHA)

### [Vide Paragraph No. 5 of Introduction]

- (i) Observations/Recommendations which have been accepted by the Government

Rec. Sl. Nos.: 1, 2, 4, 5, 9, 10, 11, 12, 15, 17, 18, 19 and 22

Total	13
Percentage	56.52

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government

Rec. Sl. No.: 23

Total	01
Percentage	4.35

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration

Rec. Sl. Nos.: 3, 6, 7, 14, 20 and 21

Total	06
Percentage	26.09

- (iv) Observations/Recommendations in respect of which the replies of the Government are of interim in nature

Rec. Sl. Nos.: 8, 13, and 16

Total	03
Percentage	13.04