

**GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA**

STARRED QUESTION NO:342
ANSWERED ON:18.12.2012
PROGRAMME AND ADVERTISING CODES
Owaisi Shri Asaduddin

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

- (a) whether the Government has constituted a Committee for reviewing the existing Programme and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995;
- (b) if so, the details thereof including the composition of the said Committee;
- (c) whether the said Committee has submitted its recommendations and if so, the details thereof;
- (d) whether the Government has held consultation with all stakeholders on the recommendations of the Committee; and
- (e) if so, the outcome thereof and the action taken by the Government in this regard?

Answer

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF INFORMATION & BROADCASTING (SHRI MANISH TEWARI)

(a) to (e) A Statement is laid on the Table of the House.

STATEMENT AS REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 342 FOR ANSWER ON 18.12.2012

(a) A committee was constituted in October, 2005 for reviewing the Programme and Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder and also the guidelines for certification of films prescribed under the Cinematograph Act 1952.

(b) The composition of the Committee and terms of reference are placed at Annexure-I and Annexure-II respectively.

(c) The Committee submitted its report on 05-03-2008 which included draft "Self Regulation Guidelines for Broadcasters", a copy of which is available on the Ministry's website at www.mib.nic.in under the heading 'Codes and Guidelines'.

The recommendations consisted of draft Guidelines for Self-regulation. These Self Regulation Guidelines set out the principles, guidelines and ethical practices for the Broadcasting Service Provider (BSP). It also proposed Content Certification Rules, 2008 under the Cable Television Networks (Regulation) Act, 1995 which were proposed to replace the Programme and Advertising Code prescribed under Rules 6 and 7 of Cable Television networks Rules 1994. Further, the committee proposed two Tiers of Self Regulation i.e 1st Tier at the level of Broadcasting Service Provider and the 2nd Tier at the level of Industry. It was suggested that the Broadcasting Service Provider shall have to adhere to Certification Rules under the Cable Television Networks (Regulation) Act, 1995. The Committee suggested, inter-alia, that each BSP shall have its own Content Auditor to ensure compliance with the proposed Certification Rules. At the 2nd Tier of Self Regulatory Mechanism, it was suggested to set up Broadcasting Consumer Compliance Committees (BCCC) to adjudicate on public complaints and appeals. The BSP or the Complainant that may be aggrieved by an interim or the final order of the concerned BCCC may prefer an appeal before the BRAI (Broadcasting Regulatory Authority of India). The report held that reference to BRAI may be construed as reference to the Ministry of I & B, Government of India till such time as the BRAI is constituted. It was further provided that a BSP or a complainant, who is aggrieved by the order of BRAI, may prefer an appeal before the FCAT (Film Certification Appellate Tribunal) or any other authority as notified by the Government.

The Committee further proposed Content Certification Rules 2008 to replace Rules 6 and 7 of the Cable Television Networks Rules 1994.

Under the Content Certification Rules content was to be categorized in one of the 9 themes as below:

1. Crime and Violence
2. Sex, Obscenity and Nudity
3. Horror and Occult
4. Drug, Smoking, Tobacco, Solvents and Alcohol
5. Libel, Slander & Defamation
6. Religion and Community

7. Harm and Offence
8. Advertisements
9. General Restrictions.

The Committee also recommended guidelines for News & Current Affairs (N&CA) programming.

(d) & (e) Ministry thereafter held a number of consultations with concerned Stakeholders on the recommendations of the Committee. A multitude of view emerged during these consultations. A Task Force was constituted thereafter in 2009 under the chairmanship of Secretary, Information and Broadcasting, to evolve a broad consensus on the issues, as also to understand the perspective of various stakeholders on the need, scope, jurisdiction, organizational structure, powers and functions of an independent Broadcast Regulator and the issues relating to regulation of content. The Task Force consisting of representatives of the Ministry and the Broadcasting Industry held wide ranging consultations with different stakeholders. A number of diverse views emerged during the meetings of Task Force also.

Meanwhile, the News Broadcasters Association (NBA), which represents Private television news and current affairs broadcasters, as part of its self-regulation initiative, has set up News Broadcasting Standards Authority (NBSA). The Authority consists of a Chairperson who is a retired Judge of the Supreme Court, four editors employed with broadcasters and four persons of special knowledge.

Indian Broadcasting Foundation (IBF), also set up their own self-regulation mechanism, i.e., Broadcast Content Complaints Council (BCCC). The Council has 13 Members chaired by a retired Judge of the Supreme Court or High Court and consists of 12 other Members, viz. 4 eminent persons, 4 members of any National level Statutory Commissions and 4 Broadcast members.

The self-regulation mechanism put in place by the broadcasters, however, does not replace the existing regulatory function of the Government, arising out of the extant statute, namely, Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder. This Ministry has constituted an Inter-Ministerial Committee (IMC) to look into the violations of the Programme & Advertising Codes. IMC has representatives from the Ministry of Home Affairs, Defence, External Affairs, Law, Women & Child Development, Health & Family Welfare, Consumer Affairs and Advertising Standards Council of India (ASCI). IMC meets periodically and recommends action against violations. The Government steps in as warranted by the existing Act.