

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

UNSTARRED QUESTION NO:2322
ANSWERED ON:12.03.2013
STATUS OF BSR BILL
Swamygowda Shri N Cheluvarya Swamy

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

- (a) the present status of the Broadcasting Services Regulation (BSR) Bill being formulated to regulate broadcasting services like TV channels and FM radio and the time by which it is likely to be implemented;
- (b) whether the Government proposes to issue any guidelines for regulating the broadcasting content and frequency of FM radio at present;
- (c) if so, the details thereof and the time by which these guidelines are likely to be issued;
- (d) if not, the reasons therefor;
- (e) whether the representatives of the News Broadcasting Foundation and the Broadcast Editors Association and other stakeholders have expressed their apprehension about the new uplinking and downlinking norms being framed by the Government; and
- (f) if so, the details thereof including the basis for such apprehension from the broadcasters and the corrective steps taken by the Government in this regard?

Answer

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

(a) to (d): The Ministry had formulated a draft Broadcasting Service Regulation Bill for ensuring orderly growth of Broadcasting Services in 2007. The Ministry had constituted a Task Force in the Ministry in 2009 to evolve a consensus amongst stakeholders on the issue. However, there were a spectrum of views and opinions which emerged during the consultation process. Meanwhile, the News Broadcasters Association (NBA) and Indian Broadcasting Foundation (IBF) have set up self regulatory mechanisms for regulating News and general entertainment channels through the News Broadcasting Standards Authority (NBSA) and Broadcasting Content Complaints Council (BCCC) respectively. The Broadcasters are required to comply with Programme Code and Advertising Code enshrined under Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. The Ministry is exercising statutory powers conferred by the Cable Television Networks (Regulation) Act, 1995 with regard to violation of content. As regards FM, the permission holder shall require to follow the same Programme and Advertisement Code as followed by All India Radio as amended from time to time.

(e) & (f): The Ministry has received a report from the Broadcasting Contents Complaint Council (BCCC), the self regulatory body under Indian Broadcasting Foundation (IBF) on clauses 8.2 and 10.2 of Policy Guidelines for Uplinking of Television channels from India (Copy of relevant clauses 8.2 & 10.2 are Annexed). Among other things, BCCC has made following suggestions:

Nature of violations should be graded from mild to severe.

Sanctions imposed should be in the nature of fines and directions for correction.

Sanctions under clause 8.2 and clause 10.2 that attract the consequences of these provisions should be imposed only in cases of repeated and extremely severe violations.

Suspension and revocation of licenses must be resorted to in exceptional circumstances.

While passing the relevant order of sanction, the deciding authority should have effective consultation with the self regulatory bodies.

An independent Adjudicatory Body should be formulated to adjudicate on violations.

The decision of the Adjudicatory Body should be in consultation with the self-regulatory bodies namely, BCCC, News Broadcasting Standards Authority (NBSA) and Advertising Standards Council of India (ASCI) to determine the degree and extent of violation by the broadcaster.

Further it has been suggested that their recommendations in the said report should also be extended to "Policy Guidelines for Downlinking of Television channels in India".
The report is under examination in the Ministry.

ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (e) & (f) OF LOKSABHA UNSTARRED QUESTION NO. 2322
FOR 12.03.2013

Extract from Policy Guidelines for Uplinking of Television Channels from India issued on
05.12.2011.

8. OFFENCES AND PENALTIES

8.1. In the event of a channel/teleport/SNG/DSNG found to have been/ being used for transmitting/ uplinking any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security or failing to comply with the directions as per para 5.9 above, the permission granted shall be revoked and the company shall be disqualified to hold any such permission for a period of five years, apart from liability for punishment under other applicable laws.

8.2 Subject to the provisions contained in para 8.1 of these guidelines, in the event of a permission holder violating any of the terms and conditions of permission, or any other provisions of the guidelines, the Ministry of Information and Broadcasting shall have the right to impose the following penalties:

8.2.1. 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.

8.2.2 In the event of second violation, suspension of the permission of the company and prohibition of broadcast up to a period of 90 days.

8.2.3 In the event of third violation, revocation of the permission of the company and prohibition of broadcast up to the remaining period of permission.

8.2.4 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.

8.3. In the event of suspension of permission as mention in Para 5.9 or 8.2 above, the permission holder shall continue to discharge its obligations under the Grant of Permission

Agreement including the payment of fee.

8.4 In the event of revocation of permission, the fees shall be forfeited.

8.5 All the penalties mentioned above shall be imposed only after giving a written notice to the permission holder.

9. PROCEDURE FOR OBTAINING PERMISSION

9.1 The applicant company can apply to the Secretary, Ministry of Information & Broadcasting, in triplicate, in the prescribed format "Form 1" along with all requisite documents including a demand draft for an amount equal to processing fee wherever prescribed, payable at par at New Delhi, in favour of the Pay & Accounts Officer, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi.

9.2 On the basis of information furnished in the application form, if the applicant is found eligible, its application will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space (wherever required).

9.3 As soon as these clearances are received, the applicant would be asked to furnish a demand draft for an amount equal to the permission fee and Performance Bank Guarantee as applicable, payable at New Delhi, in favour of Pay & Accounts Officer, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi. Further, the applicant company in respect of Para 1, 2 or 3 above would be required to sign an agreement titled as "Grant of Permission Agreement", in the format "Form 2", which is being prescribed separately.

9.4 Thereafter, the Company would be issued a formal permission to enable it to obtain requisite license/ clearances from the WPC Wing, Ministry of Communications & IT or approach a teleport service provider in case of TV channels/ uplinking by a Indian news agency.

9.5 The applicant will pay the licence fee and royalty, as prescribed by WPC Wing from time to time, annually, for the total amount of spectrum assigned to Hub/Teleport station, as per norms & rules of the WPC Wing. Besides, the Hub/Teleport station owner will inform WPC Wing the full technical and operations details of TV channels proposed to be uplinked through his/her Hub/Teleport in prescribed format. (This clause is applicable for teleports/ uplinking by a Indian News Agency.)

10. RENEWAL OF EXISTING PERMISSIONS

10.1. The existing permission holders as on the date of issuance of the amended Guidelines on 05.12.2011 will continue to be governed by the terms and conditions of permission as they existed prior to the issuance of amendments on 05.12.2011 till the expiry of such

permission.

10.2 Renewal of permission will be considered for a period of 10 years at a time, subject to the condition that the channel should not have been found guilty of violating the terms and conditions of permission including violations of the programme and advertisement code on five occasions or more. What would constitute a violation would be determined in consultation with the established self-regulating mechanisms.

10.3 The renewal will also be subject to the permission holder's acceptance of all of the terms and conditions of permission as the Government may prescribe by way of policy pronouncements from time to time.

10.4 At the time of considering the renewal of permission of the existing permission holders, the eligibility criteria of net worth of the company and experience of the top management will not apply. However, other terms and conditions would be applicable as per modified terms and conditions of the permission.