

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

STARRED QUESTION NO:391
ANSWERED ON:20.02.2014
TELECAST OF TV PROGRAMMES
Meghe Shri Datta Raghobaji

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

- (a) whether the telecast of any television programme has been banned by the Government during the last three years and the current year;
- (b) if so, the details thereof and the reasons therefor; and
- (c) the steps being taken by the Government to establish a reasonable balance between decency and freedom in the telecast of programmes in the country?

Answer

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

(a) to (c) A statement is laid on the Table of the House.

STATEMENT AS REFERRED TO IN REPLY TO PARTS (a) to (c) OF LOK SABHA STARRED QUESTION NO. 391 FOR ANSWER ON 20.02.2014

(a) to (c) All programmes telecast on Television channels transmitted/ retransmitted through cable TV network, are required to adhere to the Programme Code and Advertising Code provided in the Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder. Action is taken whenever any violation of the Codes is brought to the notice of the Government, in accordance with the extant Rules. List of private satellite TV channels taken off-air during the last three years and the current year is enclosed at Annexure.

The constitution enshrines the fundamental right to speech and expression while also providing a balance by way of reasonable restriction applicable through law. Article 19 of the constitution provides as follows:

"19. Protection of certain rights regarding freedom of speech, etc.-

(1) All citizens shall have the right-

(a) to freedom of speech and expression; and (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

In accordance with provisions contained in the constitution as above, the Cable Television Networks (Regulation) Ordinance was promulgated on September 29, 1994, by the President of India to regulate the operation of Cable Television Networks in the entire country. In order to replace the said Ordinance by an Act of Parliament, the Cable Television Networks (Regulation) Bill was introduced in the Parliament. The Cable Television Networks (Regulation) Bill having been passed by both the Houses of Parliament received the assent of the President on 25th March, 1995. It came on the Statute Book as the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as "Act"). The Act regulates the telecast of programmes and advertisements telecast by private satellite TV/ cable television. The said Act does not provide for pre-censorship of any programme telecast by the private satellite TV channels. However, Section 5 of the said Act provides that "No person shall transmit or re-transmit through a cable service any programme, unless such programme is in conformity with the prescribed programme code." Furthermore, Section 22 (1) of the said Act empowers the Central Govt. to make rules to carry out the provisions thereof by notification in the Official Gazette. Sub-Section 22(2) provides inter-alia that such rules may provide for the programme code under Section 5 of the said Act. Accordingly, in exercise of the powers contained in Section 22 thereof, the Cable Television Networks Rules, 1994 were promulgated, prescribing, inter-alia, a Programme Code contained in Rule 6 thereof. The said Programme Code contains a whole range of parameters governing telecast of programmes on private satellite/cable TV channels and is available on Ministry's website at www.mib.nic.in.

Ministry has constituted an Inter Ministerial Committee (IMC) to look into the violations of the Programme and Advertisement Codes. IMC has representatives from the Ministry of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health and Family Welfare, Consumer Affairs and a representative from the industry in Advertising Standards Council of India (ASCI). IMC meets periodically and recommends action against violations.

Ministry has also set up a state-of-art Electronic Media Monitoring Centre (EMMC) to monitor and record the content telecast on Private satellite television channels on a 24x7 basis.

Besides, Government has also encouraged self-regulation in electronic media by the Industry. News Broadcasters Association (NBA), which represents Private television news and current affairs broadcasters, as part of its self-regulation mechanism, has formulated a

Code of Ethics and Broadcasting Standards covering a wide range of principles to self-regulate news broadcasting. NBA has also formulated News Broadcasting Standards Regulations. They have set up a Two-Tier structure to deal with content related complaints- at Tier I, by the individual broadcasters and at Tier II, by News Broadcasting Standards Authority (NBSA). The Authority consists of a Chairperson who is a retired Judge of the Supreme Court and eight other members. Members of the Authority comprise of 4 (four) eminent editors employed with broadcaster and 4 (four) persons having special knowledge and/or practical experience in the field of law, education, medicine, science, literature, public administration, consumer affairs, environment, human psychology and/or culture. Indian Broadcasting Foundation (IBF), which is a self-regulatory body of non-News and entertainment channels, has set up a mechanism for self-regulation. As part of this, IBF has laid down Content Code & Certification Rules 2011 covering an entire gamut of content-related principles and criterion for television broadcast. As part of this mechanism, a two-Tier complaints redressal system has been set up. At the Tier-I level, each Broadcaster has set up a Standard and Practices (S&P) Department with a Content Auditor to deal with the complaints received for content aired on its channels. At the Tier II, a Broadcast Content Complaints Council (BCCC) has been set up. The BCCC has 13 Members headed by a retired Judge of the Supreme Court or High Court as Chairperson and 12 other Members, viz. 4 eminent persons, 4 members from any National Level Statutory Commissions and 4 Broadcast members.

Advertising Standards Council of India (ASCI), established in 1985, has set up Consumer Complaints Council (CCC) to consider complaints in respect of advertisements. The CCC currently has 21 members; 9 are from within the industry and 12 are from the civil society like well known doctors, lawyers, journalists, academicians, consumer activists etc.