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**STANDING COMMITTEE ON  
COMMUNICATIONS AND  
INFORMATION TECHNOLOGY  
(2021-22)**

**SEVENTEENTH LOK SABHA**

**MINISTRY OF INFORMATION AND BROADCASTING**

**ETHICAL STANDARDS IN MEDIA COVERAGE**

**TWENTY-SEVENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 2021/Agrahayana, 1943 (Saka)*

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**Presented to Lok Sabha on 01.12.2021**

**Laid in Rajya Sabha on 01.12.2021**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 2021/Agrahayana, 1943 (Saka)*

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**COMPOSITION OF THE STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2019-20)**

**Dr. Shashi Tharoor - Chairperson**

**Lok Sabha**

2. Smt. Locket Chatterjee
3. Shri Karti P. Chidambaram
4. Shri Sunny Deol
5. Dr. Nishikant Dubey
6. Shri Vijay Kumar Dubey
7. Choudhary Mehboob Ali Kaiser
8. Smt. Raksha Nikhil Khadse
9. Dr. Sukanta Majumdar
10. Shri Dhairyasheel Sambhajirao Mane
11. Ms. Mahua Moitra
12. Shri P. R. Natarajan
13. Shri Santosh Pandey
14. Shri Nisith Pramanik
15. Col. Rajyavardhan Singh Rathore
16. Dr. Gaddam Ranjith Reddy
17. Shri M V V Satyanarayana
18. Shri Sanjay Seth
19. Shri L.S. Tejasvi Surya
20. Dr. T. Sumathy (A) Thamizhachi Thangapandian
21. Shri Bhanu Pratap Singh Verma

**Rajya Sabha**

22. Dr. Anil Agrawal
23. Dr. Subhash Chandra
24. Shri Y. S. Chowdary
25. Shri Suresh Gopi
26. Shri Md. Nadimul Haque
27. Shri Syed Nasir Hussain
28. Dr. Narendra Jadhav
29. Shri Shaktisinh Gohil\*
30. Shri Parimal Nathwani\*
31. **VACANT**#

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Committee constituted w.e.f. 13<sup>th</sup> September, 2019 *vide* Bulletin Part-II Para No. 542 dated 13<sup>th</sup> September, 2019.

\* Nominated to the Committee w.e.f. 22nd July, 2020 *vide* Para No.1370 Bulletin Part-II dated 24 July, 2020

# Shri Beni Prasad Verma, MP, Rajya Sabha, expired on 27th March, 2020.

**Dr. Shashi Tharoor - Chairperson**

**Lok Sabha**

2. Smt. Locket Chatterjee
3. Shri Karti P. Chidambaram
4. Dr. Nishikant Dubey
5. Smt. Sunita Duggal\*
6. Smt. Raksha Nikhil Khadse
7. Dr. Sukanta Majumdar
8. Shri Dhairyasheel Sambhajirao Mane
9. Ms. Mahua Moitra
10. Shri P. R. Natarajan
11. Shri Santosh Pandey
12. Col. Rajyavardhan Singh Rathore
13. Dr. Gaddam Ranjith Reddy
14. Shri Jayadev Galla
15. Shri Sanjay Seth
16. Shri Chandan Singh
17. Shri L.S. Tejasvi Surya
18. Dr. T. Sumathy (A) Thamizhachi Thangapandian
19. Smt. Sumalatha Ambareesh
20. Shri Ganesh Singh\*
21. Shri Parvesh Sahib Singh\*

**Rajya Sabha**

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26. Shri Suresh Gopi
27. Shri Md. Nadimul Haque
28. Shri Syed Nasir Hussain
29. Shri Syed Zafar Islam
30. Dr. Narendra Jadhav
31. Shri Nabam Rebia

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\* Smt. Sunita Duggal, Shri Ganesh Singh and Shri Parvesh Sahib Singh (*vice* Shri Sunny Deol) were nominated to the Committee vide Para No. 2822 of Bulletin Part-II dated 27 July, 2021.

**COMPOSITION OF THE STANDING COMMITTEE ON COMMUNICATIONS AND  
INFORMATION TECHNOLOGY (2021-22)**

**Dr. Shashi Tharoor - Chairperson**

**Lok Sabha**

2. Smt. Sumalatha Ambareesh
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7. Shri Jayadev Galla
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9. Dr. Sukanta Majumdar
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11. Ms. Mahua Moitra
12. Shri Santosh Pandey
13. Shri P. R. Natarajan
14. Col. Rajyavardhan Rathore
15. Dr. Gaddam Ranjith Reddy
16. Shri Sanjay Seth
17. Shri Ganesh Singh
18. Shri Parvesh Sahib Singh
19. Shri Tejasvi Surya
20. Dr. T. Sumathy (A) Thamizhachi Thangapandian
21. **Vacant**

**Rajya Sabha**

22. Dr. Anil Agrawal
23. Shri John Brittas
24. Dr. Subhash Chandra
25. Shri Y. S. Chowdary
26. Shri Ranjan Gogoi
27. Shri Suresh Gopi
28. Shri Syed Nasir Hussain
29. Shri Syed Zafar Islam
30. Shri Jawhar Sircar
31. **Vacant**

**Secretariat**

- |                        |   |                             |
|------------------------|---|-----------------------------|
| 1. Shri Y.M. Kandpal   | - | Joint Secretary             |
| 2. Shri H. Ram Prakash | - | Director                    |
| 3. Smt. Rinky Singh    | - | Assistant Executive Officer |

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Committee constituted w.e.f. 13 September, 2021 *vide* Para No.3184 of Bulletin Part-II dated 9 October, 2021.

## INTRODUCTION

I, the Chairperson, Standing Committee on Communications and Information Technology (2021-22), having been authorized by the Committee do present the Twenty-seventh Report on 'Ethical standards in media coverage' relating to the Ministry of Information and Broadcasting.

2. The Standing Committee on Information Technology (2019-20) selected this subject for detailed examination and report to the Parliament. The examination of the subject, however, could not be completed during 2019-20. Keeping in view the importance of the subject and the need for wider consultation, the Standing Committee on Information Technology (2020-21) re-selected the subject for further examination and report during 2020-21. The Report though finalized could not be adopted during the year 2020-21 due to expiry of the term of the Committee. The Committee, therefore, selected the subject once again during 2021-22 for its final adoption and presentation to the House.

3. The representatives of the Ministry of Information and Broadcasting briefed the Committee on the subject on 18.03.2020. The Committee heard the views of the News Broadcasters Association (NBA), Press Council of India (PCI) and Prasar Bharati as well as took evidence of the representatives of the Ministry of Information and Broadcasting on 15.10.2020. The Committee also received written submissions/replies from the Ministry of Information and Broadcasting, Prasar Bharati, PCI, NBA and Broadcast Audience Research Council (BARC).

4. The Committee at their sitting held on 16.11.2021 considered and adopted the Report.

5. The Committee wish to express their thanks to the representatives of the Ministry of Information and Broadcasting, who tendered their evidence before the Committee and furnished valuable information. The Committee also wish to express their thanks to the representatives of Prasar Bharati, PCI, NBA and BARC for furnishing written information/views and/or for appearing before the Committee, which was of great help in the examination of the subject.

6. The Committee also place on record their appreciation for the invaluable assistance rendered by the officials of Lok Sabha Secretariat attached to the Committee.

7. For facility of reference and convenience the Observations/Recommendations of the Committee have been printed in bold in Part-II of the Report.

**New Delhi;  
29 November, 2021  
8 Agrahayana, 1943 (Saka)**

**DR. SHASHI THAROOR,  
Chairperson,  
Standing Committee on  
Communications and  
Information Technology**

# Report

## Part - I

### I. INTRODUCTORY

Ethics is a code of values which governs our lives, and thus very essential for moral and healthy life. In context of the press, "Ethics" may be described as a set of moral principles or values, which guide the conduct of journalism. Ethics are essentially the self-restraint to be practiced by the journalists voluntarily, to preserve and promote the trust of the people and to maintain their own credibility and not betray the faith and confidence of the people.

2. In relation to media, ethics play an important role in transforming journalism from a vocation to a profession. All over the world, codes of conduct have been proposed for journalists and the practice of journalism is centered on a set of ethical concepts such as truth, objectivity, honesty, privacy, freedom, fairness, etc. These ethical concepts of media are developed and consolidated over the years with an aim to maintain the quality of news. These are termed as the standards that journalism must attain so that media can contribute to society. The application of these concepts emphasized on disciplines like fact-checking, verifications, investigations, rigorous data sourcing and analysis. Without maintaining these standards, news cannot be differentiated from ordinary gossip. The news media or news industry are forms of mass media that focus on delivering news to the general public or a target public. These include print media, broadcast news and more recently the internet.

3. As on 20.01.2020, India has a total of 1,44,893 (One Lakh Forty Four Thousand Eight Hundred and Ninety Three) newspapers/periodicals registered with Registrar of Newspapers for India(RNI). There are 926 permitted satellite TV channels with 387 TV channels being under News and Current Affairs category and 539 being under non-News and Current Affairs category. Doordarshan has 36 channels with 2 News and 34 non-News channels. All India Radio has 495 FM radio stations and there are 384 private FM radio stations in the country. With regard to the number of internet websites in India, the Ministry of Electronics and Information Technology (MeitY) has informed that they do not maintain records of number of websites. Anyone can open a website at anytime and from anywhere in the world. All Publicly hosted websites will be visible across the world unless banned in the country. 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 the same are active websites across the world.

4. During the course of evidence on the subject, the Secretary, MIB submitted as under:

“....I would like to say that the Government is committed to free media. We understand that media is the fourth pillar of democracy. It plays a very important role in dissemination of information and it also shapes public opinion. In fact, media acts as an intermediary between the State and the public. As you said, under the Constitution, media is considered very important and we recognise that the freedom and independence of media has to be preserved under all costs. ....As far as ethics in media are concerned, I have a copy of the lecture which was delivered by the Ex-Chairman of the Press Council of India, Mr. G N Ray.....He had given a lecture on media ethics in which he talks about the importance of media. He also says something which I would like to quote. He says, “With so much power and strength, the media cannot lose sight of its privileges, duties and obligations.” He also says, “However, to enjoy these privileges, media is mandated to follow certain ethics in collecting and disseminating the information, that is, ensuring authenticity of the news, use of restraint and socially acceptable language for ensuring objectivity and fairness in reporting and keeping in mind its cascading effect on the society and all the individuals and institutions concerned.”

## **II. PRINT MEDIA**

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

5. The Government of India has enacted the Press Council Act, 1978 to establish a Press Council vested with statutory powers for preserving the freedom of Press and for maintaining and improving the standards of newspapers and news agencies. The mandate of the Press Council of India (PCI) is to specifically promote the standards of the media through a code of conduct. The criteria adopted for codifying ethical standards for the Print Media is to ensure that news, views, comments and information is disseminated by the press in public interest in a fair, accurate, unbiased and decent manner and to keep in mind cascading effect of reporting on the society and on the individuals and institution concerned. Another criterion is to take note of sponsored news content which has come to the fore and damaging quality journalism.

6. The PCI is headed by a Chairman, who has by convention, been a retired judge of the Supreme Court of India. The Council consists of 28 other members of whom 20 represent the press and are nominated by the press organisations/news agencies

recognised 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, five members are nominated from the two Houses of Parliament and three represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission and the Bar Council of India. The members serve on the Council for a term of three years.

7. Elaborating on the existing provisions for observing ethical standards in Print Media, the Ministry of I&B has informed that the PCI operates within the Press Council Act, 1978. 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. Complaints filed under Section 14 of the Press Council Act 1978 are processed under the Press Council (Procedure for Inquiry) Regulation, 1979. PCI is also empowered to take suo-motu cognizance on pressing issues concerning freedom of the press and to maintain its high standards. The Press Council Act, 1978 also gives mandate to promote the standards of press in India by building code of conduct through decisions rendered by it.

8. The Ministry have further informed that the 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. The 'Norms of Journalistic Conduct' cover principles and ethics as well as detailed guidelines on specific issues. The Council continuously updates the 'Norms of Journalistic Conduct' while incorporating new norms based on the important adjudications rendered by it from time to time. The 'Norms of Journalistic Conduct' formulated by PCI is available on the official website of PCI i.e. <http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>.

9. During the course of evidence, the Chairman, PCI briefed the Committee as under:

"Sir, so far as the Press Council of India is concerned, it entertains two types of complaints. One is by the Press and the other is against the Press. A lot of complaint comes to us against the Press, particularly stating violation of norms of journalistic conduct which says that before publishing anything, opportunity has to

be given to the person against whom they are going to write something. Many complaints come from the Members of the Press saying that when they have gone to collect the news, they were threatened by officers and all those things. When we receive the complaint, we give notice to the other side. It is a quasi-judicial proceeding. The other side files its reply. The Council consists of 28 Members. We have constituted two inquiry Committees. It is placed before the inquiry Committee. The committee, after hearing the parties, takes the decision and the decision is sent to the Council for ratification, which the Council may or may not do”

10. On a specific query of Committee about, the powers entrusted to PCI for observing ethical standards in Print Media and also the various constraints being faced by them in this regard, the Chairman, PCI replied as under:

“..... The Council has the power to admonish, censor or warn the newspapers. What we have found is that such news item or advertisement which we have found to be in violation of the Code of Conduct are still being repeated and therefore we find it difficult how to overcome this. Many of the newspapers believe that the censor does not mean anything to them. They go on repeating that. The Government of India has come out with a policy and the policy is that if a newspaper is censored by the Council, then the DAVP will withhold the advertisement to that particular newspaper for certain period. But our experience shows that it takes a lot of time in taking the decision. We have taken the decision today and the DAVP takes the decision after a year, so it does not have the impact..... we find that they wait for months and years together, and when they have a compilation of 30 or 40 censor cases, they come out with a decision. According to me, that does not have the impact because the news has come today, we have censored them after three or four months and the ultimate decision by the DAVP comes after a year.”

11. In this context, PCI in a written reply, has proposed that the Government of India may prescribe a certain time period to Bureau of Outreach and Communication(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.

12. The Committee invited views of the Ministry to avoid such procedural delays as pointed out by PCI by adding certain timelines in the existing regulations to ensure time bound action to bring the desired impact. In reply, the Ministry have stated that they have issued ‘The Print Media Advertisement Policy of the Government of India – 2016’ which provides the procedure for empanelment of newspapers and periodicals and release of advertisements of the Government. Clause-25 of the policy provides that a newspaper may be suspended from empanelment if it is found to be indulged in unethical practices by the PCI. The Print Media Advertisement Policy of the Government of India–2016’ has been revised and presently ‘Print media Advertisement Policy of the Government of India

-2020' is effective. Clause 17(v) of the policy specifically provides that the penal action against the publication will be as per the specific recommendation of the PCI. The BOC takes appropriate action on the recommendations of the PCI.

13. During evidence, the Chairman, PCI also mentioned about the misrepresentation of different States in the country within the Council. In this context, he submitted as under:

“So far as the constitution of the Council is concerned, that is also to be seen. The Council itself has to decide the eligibility of the associations. The scheme of the Act is, the associations of the editors, and the working journalists are all notified by the Council. All those associations, who have their presence at least in 12 to 15 States, are recognised. In those days it was very difficult to have an association having affiliations with 12 to 15 States. My personal experience is, a lot of newspapers are sold and read in different States but we do not have members from those States. This needs to be looked into.”

14. The Chairman, PCI further submitted as under:

“The first thing that needs to be looked into is whether there has to be a Media Council. So far as the Press Council is concerned, it is concerned with only the print media and the news agencies. In the recent past, about seven-eight months back, we have received a large number of complaints against the electronic media, the news channels, than the print media. Our suggestion is that there has to be a statutory body, like the Press Council of India, concerning all the news channels, and social media.”

15. In this context, PCI in a written information has further informed that in its meeting held on 29.05.2019 PCI had passed a resolution i.e, -When the Print Media has a watch dog in the form of Press Council of India, in the opinion of the Council, clearly something parallel is advisable for the entire media i.e. newspapers and periodicals in print or other form, e-newspapers news portal, social media and any other platform of news dissemination besides electronic media (TV channels as also radio). Therefore, the PCI made recommendations to the Government to enact a single legislation so as to include all the aforesaid media in line of the Press Council Act, 1978.

16. PCI has further added that the former Chairman, PCI, Mr. Justice P.B. Sawant prepared a draft enactment i.e., a draft media council bill on his personal level which is based on the sub-stratum of the provisions of present Press Council Act. Justice Sawant forwarded the draft Enactment to the Ministry of I&B on 22/11/2000.

17. The Committee when desired to know about the decision taken/proposed by the Ministry of I & B with regard to the recommendation of the PCI for enacting a single legislation so as to include the entire media in line of the Press Council Act, 1978, the Ministry in a written reply has stated that it is considering changes in the present regulatory environment. Accordingly, it has gone ahead with amendments in the Press and Registration of Books Act, 1867 and the Cable Television Networks (Regulation) Act, 1995. There is also discussion over having an umbrella Statute for the entire Broadcasting Sector covering Print, Electronic and online media, which is under examination.

18. On the issue of restructuring of PCI, the Secretary, MIB during evidence submitted as under:-

“About the restructuring of PCI, xx....xx...xx we are having two approaches on which we are working. Finally, we will present it before the Government and then come to you. One approach is, to make amendments in the various Acts, which have become outdated. The other as I said, is the Singapore and the Austria model. They have made a Media Council. It covers all media, be it print or radio or digital. Everything is covered under the Media Council. So, between the two approaches, we will seek the guidance of the hon. Minister, and then the Council of Ministers as to which model we should follow. Whether we should go step by step and make some changes in the Cable Television Network Act and the Press Act or we have an altogether a different Act of a Media Council. One model, which I can share with you, what we are thinking is that every news channel must be a member of one of the organisation. Since it is voluntary, so I cannot say or direct that you should be member of NBA led by Mr. X or NBF led by Mr. Y but each such organisation should have a minimum number of, say, 25 or 30 or 50, so that they do not become pocket organisation as I am having one channel, I form my own organisation.”

**(ii) Cases of Non-compliance ethical standards by Print Media**

19. Asked about the number of the Newspapers that were penalised due to non-compliance of ethical standards and action taken thereon, the Ministry of I & B stated that according to the PCI, 160 newspapers were penalised. The details of newspapers against which action has been taken in last 5 years are given as follows:

Year	Number of newspapers in which action taken					
	Censured	Warned	Admonished	Reprimanded	Cautioned	Total
2015-16	18	3	2	0	2	25
2016-17	58	2	0	2	1	63
2017-18	20	1	0	0	0	21
2018-19	16	4	0	0	0	20
2019-20	30	1	0	0	0	31
<b>TOTAL</b>	<b>142</b>	<b>11</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>160</b>

20. It has been added that the PCI acknowledge every complaint whether it is received through email/by post or otherwise and the matter is processed under the provisions of the Press Council Act, 1978. Further, a total number of 2016 cases under Section 14 (i.e., against the Press) and 356 Cases under Section 13 (i.e., by the Press) have been registered from January 2020 till date.

21. The Committee wanted to know about action taken by the respective States/Union Territories against 142 Newspapers which were censured during the last 5 years. In their reply, it has been informed by PCI that such decisions are forwarded to the Bureau of Outreach and Communication (BOC) and the concerned Government of the States/Union Territories for further necessary actions at their end. However, PCI do not have the information concerning further action taken therein by respective Government of the States/UTs on the forwarded decisions of the Council.

22. On the need to follow up such cases for strict adherence to norms of journalistic conduct by the newspapers, it has been replied by PCI that BOC under the Ministry of I & B releases Government Advertisements in accordance with the 'Print Media Advertisement Policy of the Government of India 2020'. Clause 17(v) of the policy specifically provides that the penal action against the publication will be as per the specific recommendation of the PCI. The BOC takes appropriate action on the recommendations of PCI. The report of censure cases by Press Council of India during last 3 Years and action taken by BOC are given as under:

<b>Year-wise Suspension by BOC</b>	<b>Total Censured cases by PCI</b>	<b>Suspended by BOC</b>	<b>Publications not on BOC Portal(No action taken)</b>	<b>Stay granted by High Court</b>
<b>2016</b>	5	5	0	0
<b>2017</b>	52	23	29	0
<b>2020</b>	48	45	2	1
<b>TOTAL</b>	<b>105</b>	<b>73</b>	<b>31</b>	<b>1</b>

23. As regards regulatory framework for e- Newspapers, the Ministry have submitted that the Newspapers and replica e-papers of Newspapers are not covered under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule, 2021 instead covered by the Press Council Act, 1978 and the Norms of Journalistic Conduct framed thereunder, However, online papers (viz. not replica e-papers of newspapers) are covered within the meaning of clause (t) of Rule (2) of the Information

Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule, 2021 and is under the framework of the Code of Ethics and other provisions of that Rule. Clause(t) of Rule (2) reads as under:

“Rule 2 - Definitions.— (1) In these rules, unless the context otherwise requires:

(t) ‘publisher of news and current affairs content’ means an online paper, news portal, news aggregator, news agency and such other entity called by whatever name, which is functionally similar to publishers of news and current affairs content but shall not include newspapers, replica e-papers of the newspaper and any individual or user who is not transmitting content in the course of systematic business, professional or commercial activity;”

### **III. ELECTRONIC MEDIA**

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

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

24. The Committee have been informed that as per the existing regulatory framework, programmes and advertisements, telecast on private satellite TV channels are regulated in terms of the Programme and Advertising Codes( **Annexure-I**) prescribed under the Cable TV Networks (Regulation) Act, 1995 (CTN Act) and Cable TV Network Rules, 1994 framed thereunder. The Act does not provide for pre-censorship of the programmes and advertisements telecast on these channels. However, all these channels are required to adhere to the said Programme and Advertising Codes which contain a wide range of parameters to regulate programmes and advertisements on TV channels. Thus, the Ministry of I & B has the statutory mandate, through the CTN Act and the Rules framed thereunder to regulate the content carried by TV channels with regard to programmes and advertisements as per the provisions of Programme and Advertising Codes.

25. Elaborating on the issue, the Ministry of I&B have informed as under:

“The CTN Act and the Rules frames thereunder contain Programme and Advertising Codes which provide broad framework to be followed while broadcasting content on television.

Under Section 5 of the CTN Act, it has been provided 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. Under Section 6 of the CTN Act, it has been provided that no person shall transmit or re-transmit through a cable service any advertisement unless it is in conformity with the prescribed Advertisement Code.

Section 19 of the CTN Act provides that where any authorized officer thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting any programme or channel if it is not in conformity with the prescribed programme code referred to in section 5 and advertisement code referred to in section 6, or if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquility.

Further, Section 20 of the CTN Act provides that where the Central Government thinks it necessary or expedient so to do in public interest, it may prohibit the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf.

Sub-section (2) of Section 20 of the said Act provides that where the Central Government thinks it necessary or expedient so to do in the interest of the (i) sovereignty or integrity of India; or (ii) security of India; or (iii) friendly relations of India with any foreign State; or (iv) public order, decency or morality, it may, by order, regulate or prohibit the transmission or re-transmission of any channel or programme.

Sub-section (3) of Section 20 provides that where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code referred to in section 5 or the prescribed advertisement code referred to in section 6, it may by order regulate or prohibit the transmission or re-transmission of such programme.”

26. It has further been informed by the Ministry that 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. These Guidelines also prescribe quantum of penalty in case of violation of any of the provisions thereof. As per para 5.1 of DTH Guidelines, as amended upto 06.11.2007, “*The licensee shall ensure adherence to the Programme and Advertising Code laid down by the Ministry of I & B from time to time.*” Further, when the channels are granted permission to uplink/downlink a particular channel from or into India as per uplinking/downlinking Guidelines, they furnish an undertaking to comply with the Programme and Advertising Codes at all times. In case of violation of the codes/guidelines, the Ministry takes action against the defaulting channels in terms of powers conferred by Section 20 of the Cable Act and Uplinking/Downlinking Guidelines. The Ministry have also issued directions to States to set up District level and State level Monitoring Committees to regulate content telecast on cable TV channels.

27. The Ministry have also constituted an Inter-Ministerial Committee (IMC) in 2005, for looking into violations of Programme and Advertising Codes, under the Chairpersonship of Additional Secretary (I&B) and comprising officers drawn from Ministries of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health & Family Welfare, Consumer Affairs, I & B and a representative from the industry in Advertising Standards Council of India (ASCI) to take cognizance suo-motu or look into specific complaints regarding violation of the Programme and Advertising Codes. The IMC functions in a recommendatory capacity. The final decision regarding penalties and its quantum is taken by the Ministry on the basis of the IMC recommendations which can range from issuing a 'warning' or 'advisory' to even taking the channel 'off air' in serious cases. Electronic Media Monitoring Centre (EMMC) has been set up by the Government as a state-of-the-art facility with a view to ensure adherence of satellite TV channels to the Programme and Advertising Codes. EMMC has the technical facility to record 900 channels.

28. To a specific query with regard to the procedure adopted for registering a complaint, it has been stated that as per the extant procedure, after receiving a complaint regarding the content broadcast on TV from cases as reported by EMMC or from general public or 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 is also accorded to the TV channel by way of appearance of the channel's representative before the IMC. After examining the matter, the IMC gives its recommendations on the action to be taken against the channel. The recommendations are either for closing the matter, in case the violation is not established or for taking action against TV channels in cases of violations. The recommended actions 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 on the action to be taken with respect to the TV channel.

29. The Committee enquired about how the Ministry deal with the cases of repetition of violation of Programme Code by a channel. In reply, it has been stated 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 appropriate recommendation to the Ministry.

30. To a suggestion of the Committee to have a graded warning system and automatic suspension system after acquiring a certain number of demerit points, the Ministry have replied that the provision of graded penalties already exists under the Uplinking and Downlinking Guidelines for Private satellite TV channels. The penalties prescribed are given as under:

- (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 90 days.
- (ii) In the event of third violation, revocation of the permission of the company and prohibition of broadcast up to the remaining period of permission.
- (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.

31. On the adequacy of the existing regulatory mechanism to observe ethical standards in electronic media, the Ministry have stated that the present regulatory mechanism in the field of print media and electronic media(TV and Radio) have to a large extent served their purpose while adhering to the underlying principles of the Freedom of Press guaranteed under the Constitution. However, there is a need felt to make certain changes in the regulatory environment. Towards this end, the Ministry of I & B proposes to make certain amendments in the Cable Television Networks (Regulation) Act, 1995. In this regard, the Secretary, I&B during evidence submitted as under:-

“The CTN Regulation Act, 1995, as you mentioned, is already 25 years old. It requires changes. I will come to the changes proposed. Section 5, Section 19 and Section 20 are the three Sections which empower Government that in certain situations, the transmission of the channel can be regulated or even prohibited. There are also up linking and down linking guidelines. Channel licensing is one part and then the uplinking and downlinking guidelines, which is another part, are also there of the Government. An important issue is there before the regulation of TV, radio and press. 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 organisation, it is not formally recognised by the Government. There are many channels which are not members of the NBA. There are other associations which are also there. If we take the broad difference, the print media has a statutory Council like the Press Council of India. In television network, there is no such mechanism but normally, we refer all the complaints to the NBSA. We take their feedback and comments and based on them the inter-Ministerial Committee is there and by an executive order it takes action. While amending the CTN Act, we are making a provision that it should be

by rule instead of being by an executive order and based on that, the Government can take action. ”

32. As regards the progress with respect to the proposed amendments in the CTN Act, the Ministry have informed that the proposed amendments to CTN (Regulation) Act, 1995 were placed in public domain for stakeholder’s comments on 15.01.2020. The comments received from stakeholders/general public are being examined in the Ministry.

33. The Committee have observed that on 6<sup>th</sup> March, 2020 some prohibitory orders were issued by the Ministry of I & B against two TV Malayalam News channels viz. ‘Asianet News’ and ‘Media One’. The ban was, however, lifted in less than 48 hours.

34. When asked about the reasons for the suspension of the aforesaid TV channels and also lifting of the ban before the stipulated period, the Ministry have replied that the EMMC monitors the programmes broadcast on TV regarding adherence to the Programme and Advertising Codes as enshrined in the Cable Television Networks (Regulations) Act, 1995 and the Rules framed thereunder. After issuance of the advisory on 25.2.2020, the EMMC on 26.2.2020 sent reports to the Ministry on the coverage of violence in Delhi by various TV news channels. In respect of ‘Asianet News’ and ‘Media One’, EMMC reported that these two channels carried report 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 which is extracted as under:-

**Rule 6(1)(c)**- no programme should be carried in the cable service which contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes; and

**Rule 6(1)(e)**- 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.

35. Further, on the basis of the EMMC reports, a show-cause notice was issued to the two channels on 28.2.2020 on the ground that the telecast of the reports was prima facie violative of the Programme Codes. The channels furnished their replies on 03.03.2020. Asianet News channel denied having violated any Programme Code and stated that it has not carried any news report intentionally to incite violence or to endanger the maintenance of law and order. Media One channel in its reply stated that there was no incitement of violence on the part of the channel and that its report was similar to other reports on the issue.

36. The Ministry have further added that the report of the EMMC, the transcript of the news carried by the two channels, and the replies advanced by them were examined in light of the provisions of the CTN Act and the Rules framed thereunder and after approval of the competent authority, it was observed that the channels had violated the Programme Codes. Accordingly, the TV Channels were directed to take their transmission off-air for 48 hours on 06.03.2020, starting at 07:30 PM on that date.

37. While drawing the attention of the Ministry to the decision of the Hon. Minister, I & B for withdrawal of the ban imposed on the TV Channels before the stipulated period of 48 hours, the Committee desired to know that whether the Minister was consulted before taking the decision on banning of the two channels. In reply, the Ministry have stated that subsequent to the off-air order, one of the channels – Asianet News tendered unconditional apology on 06.03.2020 and requested for resumption of the 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.

38. The Committee then enquired about the competent authority in this particular case. During the course of evidence, the Secretary, MIB informed as under:

“Now, Sir, I come to the details of the two channels, that are, Asianet and MediaOne. In fact, all the orders for warning are issued at the Secretary level, and the off-air orders are issued with by the approval of the hon. Minister. So, these orders were issued with the approval of the hon. Minister.”

39. As regards the term ‘Anti-national attitude’ under Rule 6(1)(e) of the Cable Television Networks Rules, 1994, the Committee asked whether the term is defined in the existing programme code prescribed for private satellite TV Channel or any other law/code/circular. The Ministry have replied that the term ‘Anti-national attitude’ has not been separately defined in the Programme Code enumerated in the CTN Rules, 1994.

40. The Committee further stressed on the need for detailed explanation of the term “Anti-national attitude” in an unambiguous manner to avoid unnecessary harassment of the private Channels. To this, the Ministry in a written reply has stated that as commonly understood, “Anti-national” would mean as “opposed to national interests or nationalism.

41. On the adequacy of the existing provisions for observing ethical standards by Doordarshan and AIR Channels, Prasar Bharati has stated that the provisions laid down in Clause 12 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 are related with the functions and power of the corporation and the existing provisions are fairly adequate to ensure ethical standards in news reporting by AIR and Doordarshan. According to them, self-regulation among electronic media with checks and balances may be encouraged to ensure ethical standards in their broadcast. However, for self-regulation to be effective there needs to be a consensus within the industry on the framework of self-regulation and a commitment across the industry to respect the integrity of that framework. 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. There is a need to evoke a body of ethics for news that is made an integral part of educational curriculum at various levels so that these ethics are ingrained during the formative years.

**(ii) Cases of Non-compliance of ethical standards by TV Channels**

42. The Committee further enquired about the number of complaints reported for violation of Programme and Advertising Codes during the last 5 years by EMMC, general public and where suo-motu action was taken up by the Ministry. The details have been given as under:-

Complaints from	Year				
	2015	2016	2017	2018	2019
<b>EMMC</b>	16	16	3	0	87
<b>General Public (including VIP References) / NGOs</b>	6	3	3	3	15
<b>Suo-Motu by MIB and other Ministries</b>	4	4	4	2	11
<b>Action Taken</b>	Advisory/ Warning/ Apology Scrolls /Off-Air	Advisory/ Warning/ Off-Air	Advisory / Off-Air	Advisory/ Off-Air	Advisory/ Warning/ Apology Scrolls /Off-Air

43. While observing from the details of the cases during the year 2019 that there were 15 such cases where action taken by the Government was in variance with the recommendation of IMC, the Committee desired to know the reason thereof. In reply, the Ministry have stated that the IMC meets periodically and recommends action in respect of violations of Programme Codes by private TV channels. The IMC functions in a recommendatory capacity. The final decision regarding penalties and

its quantum is taken by the Ministry on the basis of the recommendations of IMC and merits of the case. Accordingly, having regard to all facts and circumstances of the said 15 cases and IMC recommendations, the competent authority in the Ministry took decision vis-à-vis imposition of the penalty and quantum, on the channels.

44. On being asked, the details of the TV Channels which were penalised in the last 5 years due to non-compliance of ethical standards in media coverage are given as under:-

Years	Number of channels in which action taken				
	Advisory	Warning	Order to run Apology Scrolls	Off-Air	TOTAL
<b>2015</b>	1	9	3	7	<b>20</b>
<b>2016</b>	9	4	0	3	<b>16</b>
<b>2017</b>	1	0	0	2	<b>3</b>
<b>2018</b>	0	0	0	1	<b>1</b>
<b>2019</b>	29	39	30	3	<b>101</b>
<b>TOTAL</b>	<b>40</b>	<b>52</b>	<b>33</b>	<b>16</b>	<b>141</b>

45. The Committee desired to know the reasons for a sudden quantum jump in the number of complaints during 2019-20 to 101 from 3 complaints during 2017-18 and one in 2018-19. In reply, the Ministry have clarified that during the year 2017 and 2018, 4 meetings of Inter-Ministerial Committee (IMC) were held in which 35 cases were considered, however, during 2019, 5 meetings of IMC were held in which 122 cases were considered by the IMC, including cases of previous years.

46. Asked about the cases, if any, reported to Prasar Bharati with regard to violation of ethical standards in media coverage, Prasar Bharati has stated that no case of violation of ethical standards in media coverage by AIR and Doordarshan has been reported. However, on certain occasions, information has been sought through the Right to Information Act and also by the Election Commission of India on different aspects of DD/AIR News coverage. Prasar Bharati has proactively facilitated in providing all such information.

47. In this context, the CEO, Prasar Bharati during evidence submitted as under:-

“Prasar Bharati is a statutory autonomous public broadcaster and our mandate is strictly defined by the Prasar Bharati Act. Sub-section 12 lays down what the public broadcaster is supposed to do, and we are largely guided by that. Additionally, because both, All India Radio and Doordarshan have pre-dated Prasar Bharati as a corporate by several decades, they already had existing programming code and commercial code which they have been strictly following as far as the news and general programming is concerned. Additionally, television

also follows the guidelines given in the Cable Television Network Rules, 1994 because of the visual element in DD. While the AIR Code is much older and much broader, that has been the general guiding principle across the organization. In general, we have not had too many instances of ethics complaints as such since most of the news operations are managed by Government officers who are held accountable to disciplinary rules and so on. More or less, the reporting is in adherence to the court. Very stray instances have come up where there were questions about the coverage. Historically, these complaints were disposed of at the Directorate-Generals of DD and AIR. Rarely, the Prasar Bharati Secretariat or the Board got involved in the editorial matters. Last year, when the General Elections were happening, there was some question around how much news coverage different political parties were getting and there was a directive from the Election Commission. At that time, we had set up an internal Review Committee to look at the coverage across parties and share the data. So, that was the first time when we actually had some sort of an internal review which was outside the control of the Directorates. Subsequent to that, we felt that we will continue with that Committee in case any such issue comes up in the future. So, that Committee has been functioning on a need basis; if there is any substantial complaint, but as such the functioning is very strictly by the Codes and the Codes have generally been found to be adequate. However, because these Codes were written prior to Prasar Bharati's existence, we felt that maybe some aspects need to be aligned with the Act. We are undertaking that process so that the Codes are consistent with what the Act says."

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

48. Apart from the aforesaid regulatory framework, Government has encouraged self-regulation in electronic media by Broadcasting Industry. Following are the self-regulatory mechanisms established by industry bodies to deal with the complaints relating to telecast of programmes and advertisements on TV channels:-

"News Broadcasters Association (NBA)/ News Broadcasting Standards Authority (NBSA) - NBA, a not-for-profit Company established in 2007 is duly registered under Section 8 of the Companies Act, 2013 (previously under Section 25 of the Companies Act, 1956) and is an association exclusively of 24x7 TV news broadcasters in India. It comprises several national and regional private TV news and current affairs broadcasters who are its members.

NBA has set up NBSA, an independent and self-regulatory body set-up in 2008 to ensure compliance with the Code of Ethics, and the various Guidelines issued by it and to act as a neutral and independent adjudicatory body in respect of the members of NBA to consider complaints against or in respect of broadcasters relating to content of any news and current affairs telecast on TV channels.

Indian Broadcasting Foundation (IBF)/ Broadcasting Content Complaints Council (BCCC) – Indian Broadcasting Foundation (IBF) is a not-for-profit industry association and is a public company incorporated on 27 September, 1999. It is classified as Non-Government Company and is registered at Registrar of

Companies, Delhi. It represents and is dedicated to the promotion of television broadcasting in, to and from India.

IBF has set up BCCC, an independent and autonomous self-regulatory body in June 2011 with the function of dealing with content-related complaints and non-news and current affairs TV channels.

Advertising Standards Council of India (ASCI)/Consumer Complaints Council (CCC) – ASCI, established in 1985, is a non-Government, self-regulatory voluntary organization of the advertising industry in India. It seeks to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest and truthful and not hazardous or harmful while observing fairness in competition. It looks into complaints across all media such as Print, TV, Radio, hoardings, SMS, E-mailers, Internet / web-site, product packaging, brochures, promotional material and point of sale material etc.

ASCI has set-up Consumer Complaints Council (CCC) in its very first year 1985–1986 to consider complaints in respect of advertisements. The CCC is an independent body from ASCI's Board. A panel of 28 members comprises of two CCC groups of 14 members each. Each CCC has eight members from civil Society who are eminent and recognized opinion leaders in their respective disciplines such as Academicians, Journalists, Consumer activists, Doctors, Lawyers, Experts in the field of Ayurveda, Homeopathy, and six others who are advertising practitioners of ASCI member companies."

49. The details regarding the mechanism for redressal of complaints and the cases reported by the self-regulatory bodies of Electronic Media for violation of ethical standards in media coverage since their formation are as under:-

"News Broadcasters' Association (NBA) – For redressal of complaints/ grievances, NBA has a two-tier mechanism. Tier-I is complaints which are addressed and settled at the level of the broadcaster. NBA has informed that since 2007; 1010 cases have been settled at Tier-I. At Tier-II, is the NBSA, set up in 2008, comprising of a Chairperson (being an eminent jurist) and 8 members drawn from different fields. NBSA has settled 1763 cases till date received by it from general public. Further, it has settled 28 complaints received from Election Commission of India and 657 complaints received from Ministry of Information and Broadcasting.

Indian Broadcasting Foundation (IBF) – BCCC comprises of a Chairperson (being a retired Judge of Hon'ble Supreme Court or Retired Chief Justice of Hon'ble High Court) and 13 other members drawn from different fields. A two-tier mechanism is adopted by the member channels of IBF for ensuring compliance with self-regulation. At the first tier, the broadcaster addresses the complaints while at the second tier, the complaints are examined by BCCC. BCCC has informed that since its inception in June 2011 till January 2020, out of the total 74407 complaints, 18801 were valid complaints.

Advertising Standards Council of India (ASCI) – The CCCs have the cumulative knowledge, gathered over 30 years through processing complaints related to advertising. The independent CCC functions as ASCI's examining body which

consider complaints raised as well as the response of the advertisers, whether such advertiser is a member or a non-member of ASCI, before giving its recommendations as to whether the advertisement in question violates the provisions of the code. Rule 7(9) of the Advertising Code provides that “No advertisement which violates the Code for self-regulation in advertising, as adopted by the ASCI, Mumbai for public exhibition in India, from time to time, shall be carried in the cable service”.

50. As regards the number of complaints for violation of Programme Codes received by NBA in Tier I and Tier II during the last five years and the action so decided by NBA, the Ministry have furnished the information as under:-

<b>Year</b>	<b>Complaints settled at the 1<sup>st</sup> level i.e. Broadcaster (Tier I)</b>	<b>Complaints settled at the 2<sup>nd</sup> level i.e. NBSA (Tier II)</b>
2015	76	53
2016	76	39
2017	169	21
2018	279	46
2019	251	38
<b>Total</b>	<b>851</b>	<b>197</b>

51. Similarly, with regard to number of complaints for violation of Programme Codes received by IBF at Tier I and Tier II during the last five years and the action so decided by IBF, the Ministry have furnished the information as under:-

<b>Sl. No</b>	<b>Action taken by BCCC</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
1.	Cases where channels were imposed Financial penalty + Apology Scroll	Nil	Nil	Nil	Nil	1
2.	Cases where channels were asked to run apology scroll	6	1	Nil	Nil	2
3.	Cases where channels were asked to send an undertaking/ Apology to BCCC	8	14	4	4	5
4.	Cases where channels were asked not to repeat episode/promos	5	4	4	5	7
5.	Cases where channels were asked to shift the programme/promo	2	2	1	2	Nil

	to watershed hours					
6.	Cases where channels were asked to shift episode to watershed hours	Nil	1	Nil	1	1
7.	Cases where channels were asked to modify/edit the content	17	13	15	17	15
8.	Cases where channels were advised /cautioned/warned	61	77	75	104	90
9.	Number of Advisories issued	Nil	Nil	1	Nil	Nil

52. The details of the cases that have been reported by the ASCI/CCC for violation of Programme and Advertising Codes and compliance thereof are given as under:-

Year	Total No. of Advertisements	Average Compliance rate	TV Compliance rate
2017-201	2,641	92%	100%
2018-201	2,898	94%	100%
2019-202	3,773	98%	99.9%

53. The Committee desired to know whether the rules and guidelines framed by the Self Regulating Bodies, specially for observing ethical standards in media coverage by the TV channels are applicable to all the TV channels under a category. In reply, NBA has informed that the Code of Ethics, Guidelines and Advisories issued by the NBSA are applicable to all channels of member broadcasters. News broadcasters at the time of applying for membership with the NBA have to give an undertaking that they shall abide by Code of Ethics, Self-Regulation Guidelines and Advisories. Further, as informed by IBF, BCCC deals with complaints against channels in the non-news and current affairs category. Non-IBF member channels are not bound by the BCCC's decisions although they may do so voluntarily.

54. When asked whether all the 926 permitted satellite television channels become members of Self Regulatory bodies by default, the Ministry have stated that as intimated by NBA, the Code of Ethics, Guidelines and Advisories issued by the NBSA are applicable to all channels of member broadcasters of the NBA. News Broadcasters at the time of applying for membership with NBA have to give an undertaking that they shall abide by Code of Ethics for Self-Regulation Guidelines and Advisories. Further, in

respect of IBF, it has been stated that all major broadcasters are members of IBF and ipso facto are bound by the self-regulatory mechanism of the BCCC. Membership of IBF is by application and payment of annual membership fees. However, a few small broadcasters who are not members of IBF but BCCC takes up the complaints, if any, made against their channels. IBF has also informed that even non-IBF member channels respect and abide by the decisions taken by BCCC for any proven violation of the Self – Regulatory Guidelines.

55. In this context, the Committee desired to know that how many complaints have been reported in respect of non-members during the last 5 years and what action was taken in each of such cases. In reply, it has been stated that between 2015 and 2019, action for violation of Programme and Advertising Codes was taken in 141 cases. Out of these, action in 119 cases was taken in respect of channels which are not members of IBF and NBA. The details with regard to action taken in respect of Channels which are not the members of NBA and IBF are as under:

<b>Year</b>	<b>Advisory</b>	<b>Warning</b>	<b>Order to run Apology Scrolls</b>	<b>Off-Air</b>	<b>TOTAL</b>
<b>2015</b>	1	9	2	5	<b>17</b>
<b>2016</b>	5	4	0	2	<b>11</b>
<b>2017</b>	1	0	0	2	<b>3</b>
<b>2018</b>	0	0	0	1	<b>1</b>
<b>2019</b>	23	35	26	3	<b>87</b>
<b>TOTAL</b>	<b>30</b>	<b>48</b>	<b>28</b>	<b>13</b>	<b>119</b>

56. When enquired as to how these Non-IBF and non-NBA members are regulated, it has been stated that the complaints relating to programmes telecast by non-member channels are processed in the Ministry itself. However, NBSA is willing to consider complaints of non-member broadcasters, if Ministry of I&B directs non-member broadcasters to submit themselves to the jurisdiction of the NBSA.

57. When asked for minimum and maximum quantum of penalty given for violation of ethical standards by electronic media, NBSA has informed that on receipt of a complaint made to it or otherwise, if NBSA has reason to believe that a broadcaster has violated the Code of Ethics, Guidelines, Advisories issued by it from time to time, NBSA may, after giving the broadcaster concerned an opportunity of being heard, hold an inquiry in such manner as is provided by the Regulations and, if it is satisfied that it is necessary so

to do, it may, for reasons to be recorded in writing, warn, admonish, censure, express disapproval against and/or impose a fine upto Rs. One lakh upon the broadcaster and/or recommend to the concerned authority for suspension/revocation of license of such broadcaster.

58. In this context, BCCC has informed that in case it comes to a conclusion that there has been a violation, it directs the concerned Channel to modify or withdraw such content within a period of one week from the receipt of the directions from the BCCC. In the event, a channel is found to have telecast any objectionable unauthorized content, messages, or communication, which is inconsistent with public interest or national security, or its continued telecast may create a serious law and order problem or incite violence, the BCCC may, upon due consideration, pass an interim order directing the immediate withholding of the offending telecast by the Channel. BCCC also imposes financial penalty up to a maximum of Rs. 30 lakhs which is based on gradation of violations ranging from mild to severe, and amount of financial penalty is determined accordingly.

59. The Committee further enquired as to whether the amount of penalty is appropriate and proportionate to the damage caused by irresponsible reporting. In reply, the NBA has stated that the question as to whether the amount of penalty that can be imposed on the member broadcaster is appropriate and should be increased or decreased will be considered by NBA. It may also be noted that in addition to the penalty, under Regulation 7.1, NBSA can warn, admonish, censure, express disapproval and direct a channel to telecast an apology at prime time. The text of the apology is aired (static) on full screen in large font size with a clearly audible voice-over (in slow speed). In egregious cases, NBSA also directs the broadcaster to air an apology apart from imposing a fine and together, such penalties would definitely be proportionate to the damage caused by irresponsible reporting.

60. On the adequacy of the existing provisions/mechanisms for observing ethical standards in media coverage, by Self-Regulatory bodies in general and by NBA in particular, it has been stated that NBA is of the view that there are sufficient legislations and mechanisms for getting the media to adhere to "Ethical Standards" while telecasting news. The existing provisions/mechanisms for observing 'Ethical Standards' in media coverage, by Self-Regulatory bodies in general and by NBA in particular, are adequate.

Since, it is an ongoing process; it is the constant endeavor of NBSA to take corrective measures to help improve broadcasting standards. To improve broadcasting standards and the compliance with the Code of Ethics, Guidelines and Advisories, NBSA is considering conducting training programmes including lectures for the editorial staff of member broadcasters to make them aware of the contours and boundaries within expression under Article 19 (1) (a) of the Constitution.

### **Concerns of Self Regulatory Bodies**

61. Elaborating on the procedure of giving recognition to the Self-Regulatory Bodies, the Ministry of Information and Broadcasting stated that they do not grant any recognition to self-regulatory bodies. Self-regulation has been institutionalized in cases of News & Current affairs channels and non-News & Current affairs channels. While the Government has encouraged self-regulation in electronic media by broadcasting industry, there is no statutory provision or any guideline for enabling this Ministry to accord recognition to any such self-regulatory body set up by the industry.

62. On the issue of recognition of Self Regulatory bodies, NBA has submitted as under:-

“For the last several years NBA has been representing to the MoI&B to make self-regulation more effective, the Ministry should recognize NBSA as the self-regulatory body for the “news genre ” and notify the Code of Ethics of NBSA under Rule 6 “ Programme Code” of the Cable Television Networks Rules, 1994 (CTN Rules). Presently, NBSA regulations are only binding on the members of NBA. Inclusion of NBSA’s Code of Ethics in the CTN Rules will make it binding on all news broadcasters, irrespective of membership. This will give more teeth to NBSA and it would also put it on par with the Advertising Standards Council of India (ASCI) whose Code has been included in the CTN Rules. The Code of Ethics of NBSA should be given recognition in Programme Code in same manner as the Code of Ad ASCI has been acknowledged and recognized in Advertising Code in the CTN Rules, 1994.”

63. When asked for reasons for non-recognition of NBA and NBF, the Ministry submitted as under:-

- (i) “NBA and NBF are self-regulatory organisations representing private television broadcasters. These organisations are not recognised by the Government of India.
- (ii) At present, number of total permitted News and Non-News channels is 869. Out of these, 386 are news channels. NBA and NBF have

limited membership (totally around 145) and many channels are not members of these organizations.”

### **C. TELEVISION RATING POINTS (TRPS)**

64. The Committee have been informed that television audience measurement mechanism in the form of 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. However, the rating system followed by TAM had many shortcomings such as inadequate sample size, non-transparency and lack of credibility in methodology followed, cross holding with broadcasters, etc. The Standing Committee on Information Technology (2008-09) had also taken a comprehensive examination of TRPs and made several recommendations in their 67<sup>th</sup> Report (14th Lok Sabha) titled “Television Audience Measurement in India”, to address the deficiencies in the system.

65. TRAI had given recommendations on “Policy Guidelines and Operational issues for Television Audience Measurement/TRPs” on 19.08.2008. TRAI, inter-alia, recommended that self-regulation through industry-led body, i.e. BARC, may work best and that a framework laying specific guidelines will address the shortcomings of the system.

66. The Ministry of I & B had constituted a committee under the Chairmanship of Dr. Amit Mitra, the then Secretary General, FICCI to review the existing TRP system in India. The said committee had made extensive recommendations, in its report dated 25.11.2010, towards setting up of a transparent and credible self-regulatory mechanism for television ratings by Broadcast Audience Research Council (BARC). The Committee had felt that there should be self-regulation of a credible nature to provide continuous improvement in the quality and methodology of the rating system to provide accurate, up-to-date and relevant findings and concluded that self-regulation by the industry was the best way to go forward.

67. Subsequently, the Ministry of I & B *vide* letter dated 16.11.2012 requested TRAI to provide its recommendations for laying down comprehensive guidelines/ accreditation mechanism for accreditation of television rating agencies. TRAI, after undertaking mandatory consultation with stakeholders, gave its recommendations on “Guidelines for Television Rating Agencies” on 11.09.2013. TRAI recommended that television rating agencies shall be regulated by a framework in the form of guidelines which will be notified by Ministry of I & B and all the rating agencies need to be registered with the Ministry of I & B. TRAI also recommended for non-applicability of certain provisions for the self-regulation model, where the industry led body, such as BARC itself provides the ratings, on the following account:

“In the case of the self-regulation model, the industry body undertaking the work of rating will comprise nominees from the relevant industry segments viz. broadcasting, advertising and advertising agencies. Hence, it would not be possible for such an industry body to comply with the cross-holding requirement. The Board of Directors of an industry-led body would also be drawn from the industry. Therefore, the requirement of any member on the Board of Directors not being in the business of broadcasting, advertising or advertising agency cannot be made applicable in the case of the industry-led body. Similarly, since the industry body is funded by the industry, there may not be any need for specifying the net worth requirement for such a body.”

68. The Ministry of I & B added that Inter-Ministerial Committee (IMC) constituted to examine the TRAI recommendations agreed with these recommendations. The Ministry, after necessary approvals, notified the Guidelines on “Policy Guidelines for Television Rating Agencies in India” on 16.01.2014. BARC was granted registration as a Television Rating Agency by the Ministry on 28.07.2015 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.

69. When the Committee enquired whether Doordarshan and All India Radio participate at all in the TRP business and also the manner in which audiences are counted, CEO, Prasar Bharati responded as under:-

"Audience measurement works differently in TV and radio. As regards radio, right now there is no technology-based measurement. So, it is not a very evolved system. On the television side, Doordarshan was a founding-member of the Indian Broadcasting Foundation (IBF) and as part of IBF, Doordarshan is also a founding member of BARC – since the rating system shifted from TAM to BARC in 2015. So today about 20 plus channels of Doordarshan are measured through the BARC TRP system and generally what I have seen is that when the audience

base is large, the measurement system is fairly accurate and reflects what is being watched. We saw that during the lockdown, especially when Doordarshan started airing the iconic serials, we were at the top of the ratings chart and that sustained for several weeks. In fact, till almost last week, we were in the top three. It is only after last week when 'Kaun Banega Crore Pati' and 'Big Boss' started, our rating started to fall. So generally it is reflected because the mass audience base is fairly large and where the audience base is small, especially English news – because the sample is so small – the number of households watching English news is so small, the error that creeps into the statistical measurement is high. Hence, even a very small change in a few households can have a dramatic impact on the measurement. So, that is the limitation of this statistical panel-based data.”

70. As regards the reasons for not enhancing the sample size of households from 44,000 to 67,000 as per to the target, CEO Prasar Bharati during evidence submitted as under:-

" The BARC has over the years increased the sample. Now it is rating at 44000 households...xx...xxx....xxx. They have not done (67,000) yet because the operational costs are significant and right now it is only the broadcasters who are bearing the operational burden. The advertisers are not really paying for the operations of BARC. Hence, they have a limitation of how quickly they can scale up. The alternative is if you could do a census-wide measurement. Census-wide measurement is done typically in the digital world when we browse the internet and so on. The way Google measures or the Facebook measures it. It is across the board. Everyone is measured and not just a sample. Now to do it on television, there are challenges because you need return path data and set top box. Every set top box has to measure and reply back but there will be privacy issues. So, it is a complicated situation but certain pilots are happening globally. Census-wide measurement is being experimented and is being tried out.”

71. To a specific query, the witness submitted as under:

“ In India some of the operators do that like Tata Sky and I think Airtel. A couple of them do measurement at their set top box level though that data is not yet shared with BARC. It is kept with them.”

72. The Committee further asked, if Prasar Bharati has an internal in-house measurement system to gauge that how Doordarshan channels are competing with other channels. To this, the witness submitted as under:

“We do not have any in-house measurement. We used to have an audience research cadre which has over the years depleted and even they were doing the paper base surveys which was not very accurate or effective. There are some start-ups which are doing an alternate measurement using the smart phones. So, we have subscribed to that data for three of our channels just to compare the BARC data with the start-ups how they are measuring it using a different technique and the trends generally are consistent. So, the measurement is, I would say, generally accurate because the DD National news are fairly large sample channels.”

73. The Committee wanted to know that how some of the operators measure using an App in a phone what people are watching. In response, the witness informed as under:

“ Sir, the way the technology works is that it is based on audio watermarking. So, be it BARC meters or the method with the smart phones, they are listening for ambient sounds and they have a fingerprint of the audio that is generated by each channel and based on that they uniquely identify which channel is being played..... That software runs in background. So, once one subscribes to the service, that software works.”

74. On being asked about the ways TRP can be rigged, the CEO, Prasar Bharati submitted as under:-

“The measurement works at two levels. One is the physical meter box which is placed in various households and then the boxes measure and they send the data to the backend system where the sampling and statistical analysis is done. Typically, the manipulation happens at the household level because these households are supposed to be kept confidential and channels should typically not know which household has a box ..... So, what has been observed is that the agencies that manage the placement of these boxes, their staff is generally vulnerable and when they put out the information that which household has the box and that is when the manipulation or the tampering happens at that level....xx.xx..x...x..x.. If the staff of that agency does it.....It happens because there are documented instances where over the years, they have detected these cases and then they have filed complaints and followed it up.”

75. The Committee further asked about the percentage of the television sets viewed in India through set top boxes. In reply, it is submitted as under:

“ I think it is almost 160 million households out of around 200 million households. This data is a couple of years' old. ”

76. To a specific query as to whether 80 per cent of all TVs using set top boxes would be sufficiently representative. The witness replied in affirmative.

77. When asked, how does DD stack up with rest of the competition, particularly in terms of the approach DD have for the revenue as well as in terms of the reach to the people and how many people watch prime news on DD channels. In reply, CEO, Prasar Bharati submitted as under:

“Sir, since we operate a large bouquet of channels, the scenario is different for each genre and language and region. DD National, for the last few years, has not been very competitive because private entertainment channels have had a substantial reach. During the last lockdown we recovered ground substantially. We

were at the top of the chart for several months and until last week we were in the top 5. ....It is because of the older Doordarshan serials that we have been airing. So, now with these new episodes of KBC and Big Bosses and others coming, it has been tough for DD National to sustain that momentum.”

78. The Committee then drew the attention to the fact that Tata Sky and Airtel combined are many lakhs set top boxes and they have the data whereas BARC have data of 40,000 households and therefore data cannot be compared. Also, when TAM was removed and BARC was brought in, the software of BARC has been purchased by TAM and so TAM is back again. It is because the other side is that TAM. To this, the witness responded: “In meter boxes, yes, there the TAM technology is used”.

#### **IV. DIGITAL/SOCIAL MEDIA**

79. All publications over the internet, including e-newspapers, are governed under the provisions of IT Act, 2000. The Ministry of Electronics 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. 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 ‘Appropriate Government or its agency’ to notify the intermediary for removal of unlawful content relating to Article 19(2) of the Constitution of India.

80. Asked about social media platforms that have faced penalty due to non-compliance of ethical standards in media coverage during the last 5 years, Meity have furnished the year-wise details on the URLs it ordered for blocking access of information through Section 69A of the Blocking Rules in the IT Act, 2000 as under:-

<b>Year</b>	<b>No. of URLs ordered for blocking</b>
2015	500
2016	633
2017	1385
2018	2799
2019	3603

81. When asked as to how it is ensured that the URLs ordered for blocking have actually been blocked, the Ministry of I&B has informed that blocking orders under

section 69A of the IT Act, 2000 are issued following the process specified in the “The IT (Procedure and Safeguards for Blocking for Access of Information for Public) Rules, 2009”. Orders are issued to concerned intermediaries on whose platform the information is hosted. These intermediaries are also asked to send a compliance report. In case of blocking of an entire website, the directions are issued to Department of Telecom (DoT). DoT issues necessary directions to Internet Service Providers (ISPs) licenced by them and seek compliance from these ISPs.

82. Regarding minimum and maximum penalty given for violation of ethical standards in media coverage by social media platform, it has been informed that under the IT Act (Section 45), a residuary penalty of maximum Rs. 25,000/- can be imposed on intermediaries, if they do not follow due diligence as prescribed in IT (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the IT Act. They are required to inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information that belongs to another person and to which the user does not have any right to; is grossly harmful, harassing, blasphemous defamatory, obscene, pornographic, paedophilic, libellous, invasive of another's privacy, hateful, or racially, ethnically objectionable, disparaging, relating or encouraging money laundering or gambling, or otherwise unlawful in any manner whatever; harm minors in any way; infringes any patent, trademark, copyright or other proprietary rights; violates any law for the time being in force; deceives or misleads the addressee about the origin of such messages or communicates any information which is grossly offensive or menacing in nature; impersonate another person; contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer resource; and threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign states, or public order or causes incitement to the commission of any cognisable offence or prevents investigation of any offence or is insulting any other nation. Section 79 of the IT Act also provides that intermediaries are required to disable/remove unlawful content through a court order or on being notified by an appropriate government or its agency. As per the IT Act, State Government or the Central Government will be the appropriate government based on the activities as allocated by the Constitution of India.

83. With regard to the adequacy of existing provisions/mechanisms for observing ethical standards in social media platforms, MeitY have informed that a code of ethics

needs to be developed particularly to deal with fake news/ misinformation being propagated using social media platforms.

84. Drawing attention of the Ministry to the fact that watching TV on mobile devices has become a common norm due to convergence of technologies and in light of the fact that 'News Portals' are presently covered under the IT Act, 2000, the Committee desired to know the planning of the Ministry to regulate them. In response, the Ministry have stated that content on Mobile phones is internet based and at present, IT Services are covered under the various provisions of the IT Act, 2000.

85. To a specific query with regard to their plans to separate responsibilities of Telecoms, MeitY and MIB, the Ministry of I&B have stated that at present, they look at content on Print and Electronic Media (TV and Radio) and for content on online/digital media, the proposal is presently under consideration of the Government.

86. In a similar context, the Secretary, MIB during evidence submitted as under:-

“We had made a proposal to the Government for making certain amendments in the rules of business so that this matter relating to the content on the digital media is transferred to us.”

87. When asked about the progress in the matter of allocation of business of content regulation to Ministry of I&B, the Ministry *vide* their letter dated 13.11.2020 have informed that 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 following entries for the Ministry which is as follows:-

"VA. Digital/Online Media

22A. Films and Audio-Visual programmes made available by online content providers.

22B. News and current affairs content on online platforms."

88. Elaborating on the issue, the Secretary, M/o I&B during evidence submitted as under:-

“Absolutely, Sir, we are on the same page that there is a need for level-playing field that if I publish on the online edition, I am not subject to any regulation and if I publish the same thing in print, then there is PCI. If the same thing appears on TV, then the Government can take action but if it is printed, the newspapers to that extent are insulated from the Government because the Government cannot take action, it is only the PCI which can take action. We cannot take action against the

newspaper. By and large, except for deregistering, which will be a long-drawn process, but, otherwise, it is the PCI which controls everything. So, these different models have occurred because the same thing is coming on IP TV, the mobile TV and other channels. We will say that the Cable Television Networks Act applies to the channels which are being sent by our local cable operator but if it is directly coming on the mobile or it is an IP TV then, what happens to it.”

89. When asked as to whether there are any regulations or policies governing the Over the Top (OTT) platforms like Netflix, Voot, Amazon Prime, the Ministry have informed that they have received a large number of representations expressing serious concern over the nature of the content appearing on OTT platforms. This Ministry had conducted consultations with OTT players on 10-11<sup>th</sup> October, 2019 in Mumbai, on 11<sup>th</sup> November, 2019 in Chennai and on 2nd March, 2020 in New Delhi. It was informed by Internet and Mobile Association of India (IAMAI) that they have finalized the document of self-regulation ‘Code of Best Practices’ along with a “Digital Curated Content Complaints Council (DCCC)’, a complaint redressal mechanism. Some of the OTT players had already signed or agreed to sign these documents. The Ministry hopes that in the near future all the OTT players in India would, on their own, join together to form an effective self-regulating mechanism which will enable regulating the content appearing on the various OTT platforms. Meanwhile, on 25<sup>th</sup> February, 2021, Government notified ‘The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021’. Part-I of the Rules is preliminary and provides definitions. Part-II relates to ‘Intermediaries’ and shall be administered by MeitY. Part-III shall be administered by the MIB and it relates to Digital Media Ethics Code which prescribe that the rules establish a progressive institutional mechanism with a level playing field featuring a Code of Ethics and a three-tier grievance redressal framework for news publishers and OTT platforms on the digital media. The OTT platforms would self-classify the content into five age based categories- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult). Platforms would be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as “A”. Publishers of news on digital media would be required to observe Norms of Journalistic Conduct of the Press Council of India and the Programme Code under the Cable Television Networks Regulation) Act thereby providing a level playing field between the offline (Print, TV) and digital media. A three-level grievance redressal mechanism has been established under the rules with two levels of self-regulation-Level I being the publisher and Level II being the Self Regulatory Body, and the third level being the Oversight Mechanism under the Ministry of Information & Broadcasting. The self regulatory body would be headed by a

retired judge of the Supreme Court or of a High Court, or by a person of eminence from the relevant field, and can issue advisories to the publisher.

90. Salient features related to Social Media, to be administered by MeitY, include (i) Due Diligence to be followed by Intermediaries, (ii) Grievance Redressal Mechanism, (iii) Ensuring online safety and dignity of users, Specially Women Users, (iv) Two Categories of Social Media Intermediaries (social media intermediaries and significant social media intermediaries) (v) Additional Due Diligence to be followed by significant social media intermediary by (a) appointing a Chief Compliance Officer, (b) Nodal Contact Person, Resident Grievance Officer, (c) publishing a monthly compliance Report, (d) identification of the first originator of the information, (e) Intermediary not required to disclose the contents of any message or any other information to the first originator, (f) Significant social media intermediary to have a physical contact address in India published on its website or mobile app or both, (g) Voluntary User Verification Mechanism and (h) Giving users an opportunity to be heard and (vi) Removal of unlawful Information.

## **V. Miscellaneous**

### **(a) Paid news**

91. While observing that according to the Election Commission of India (ECI), there were a total of 5196 Paid News cases from 2015 to 2019, the Committee desired to know about the existing provisions to tackle the menace of paid news. In reply, the Ministry of I&B has stated that PCI has an institutional mechanism for redressing any complaint including complaints on 'Paid news' and the same is dealt in accordance with the Press Council (Procedure for Inquiry) Regulation, 1979. PCI, in view of the wide ramifications of the issue of paid news, had constituted a sub-committee which released its 'Report on Paid News' in 2010 inter alia recommending that Representation of People (RP) Act, 1951, be amended to make incidence of paid news, a punishable electoral malpractice.

92. The Committee have learnt that ECI also has a well-structured mechanism at the national, state and district levels to receive complaints relating to 'Paid News' and take necessary remedial action. The expenditure involved in these cases is included in the election expenditure of the candidates against which the paid news cases are confirmed. ECI also proposed that 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 referred to Ministry of Law & Justice which referred the matter to Law Commission of India, which submitted its 255th report on

'Electoral Reforms' on 12.3.2015 recommending paid news as electoral offence. Ministry of Law & Justice constituted a Task Force to prepare a roadmap to implement the recommendation of Law Commission, which submitted its report in 2016. Both the reports are under consideration in the Ministry of Law & Justice.

93. In this context, PCI has stated that specific guidelines with reference to 'ethics for poll coverage by print media' have been given in the PCI's Norms of Journalistic Conduct Edition, 2019 under Part B-(e) Election Reporting, (g) Undue Favours to Journalists and Norm 29 on the paid news are applicable to the print media. Further, PCI issues media advisories in the form of press releases on ethical reporting and for media's adherence to the general instructions of ECI issued during the election period. These media advisories further aims to create general awareness and sensitize the media houses/news agencies that disseminate news to different news platform. Press Releases are also circulated by PCI through emails to its members and to the media houses/its representatives apart from being posted on PCI's website that is regularly being accessed by the media people. Further, PCI regulates any unfair/unjust coverage by print media during the election period either on receipts of complaints from the ECI against violation of norms by the newspapers or complaint filed by individual as the case may be.

**(b) Fake news**

94. On the issue of false/fake news being witnessed in media coverage, NBA has stated it to be extremely serious as the news telecast in such a case is incorrect and false and it is generally spread with the intention to cause a negative impact and harm to society or certain sections of society which may be a vulnerable section.

95. The Committee enquired about the role of News Broadcasters to tackle the menace of 'Fake News'. In reply, NBA has stated that there already exist legislations, the provisions of which are in place to tackle and penalise persons spreading Fake News like the IPC 1860, IT Act, 2000 and IT (Intermediaries Guidelines) Rules 2011. The Code of Ethics and the NBSA Guidelines also contain clauses which deal with the issue of Fake News to the extent that the Code of Ethics and Guidelines state that the news telecast should be accurate, information should be gathered from more than one source, and information should be verified and due diligence conducted. Also, NBSA is constantly warning and advising its members not to use any news or information circulating on or from social media platforms unless the said news/information is independently verified by the broadcaster from other sources and until it has conducted its due diligence.

96. Adding further, NBA has stated that apart from above, NBSA has been taking strict action against its member broadcasters where the news telecast is found to be fake and/or has been telecast by relying on content available/circulating in the social media platforms or telecast without due diligence and verification from multiple sources.

97. In the similar context, Ministry of I&B have stated that in order to address the challenge of fake news, a Fact Check Unit (FCU) was established in Press Information Bureau (PIB) in December, 2019. Such FCUs have been set up in 17 Regional Offices of PIB also. Fact Check Unit of PIB, since its inception, has successfully carried out fact check of stories on social media by maintaining a bilingual presence on various social media platforms such as Twitter, Facebook and Instagram. It takes into account the complaints sent to the Unit on email, Whatsapp, or through website complaint portal. The Unit also takes suo-motu cognizance of instances of fake news circulating on various social media platforms in the form of text, audio clips, video clips or an image. Such fake news/ claims, being busted, are tweeted by PIB regularly in public domain on its official twitter handle @PIBFactCheck. This Cell is mandated to counter misinformation on Government policies and schemes either suo motu or under a reference via its various input methods like Whatsapp Hotline number (+918799711259), e-mail (pibfactcheck@gmail.com), Twitter (@pibfactcheck) and PIB's website (pib.gov.in).

98. The Ministry further stated that 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. This has ensured pre-empting spread of misinformation by directly delivering the correct information directly to the affected persons of the country. As on 5th November, 2020, 350 posts have been checked up and necessary clarifications have been issued by the FCU, where necessary. The popularity of the FCU as source for verifying information can be gauged from the fact that the FCU Twitter handle has 1,61,700 followers. Besides, a separate COVID fact check unit is functioning under PIB. The unit was created under an order by Hon'ble Supreme Court and takes fact check queries from people over email. This unit is connected even to State Governments and forwards them queries that pertain to State Governments.

99. PCI has further stated that in case of any false reporting by print media, it takes necessary action under Section 14 of the Press Council Act, 1978 while following the

procedure as laid under the Press Council (Procedure for Inquiry) Regulation, 1979. Further, suo-motu action is taken in such cases where grave violation of ethical standard by the press is identified by the Council. The PCI earlier had issued the response of Chairman on Fake News vide Press Release dated 3.4.2018 which states that if Government intends to take remedial steps to check spread of fake news, there is nothing wrong or obnoxious about it, provided that the authority to decide the truthfulness or otherwise of an allegation of fake news is entrusted to an Independent Statutory body like, the PCI.

100. To regulate fake news/paid news in Magazines, the Ministry have stated that as per the Press and Registration of Books Act, 1867, newspapers mean any printed periodical work containing public news or comment on public news. There is no differentiation between newspapers and magazines. Fake news/ Paid news in magazines registered with Registrar of Newspapers for India are also covered under the provisions of 'Norms of Journalistic Conduct' issued by PCI at par with newspapers.

101. When asked for details of the countries which have enacted legislation for tackling 'Fake news' along with their effectiveness, the Ministry have stated that as per Press Information Bureau, they have not conducted any exhaustive study of anti-fake news laws in other countries. However, the data gathered from public domain is as given below:

**Russia:** The legislation grants authorities the power to block websites if they fail to comply with requests to remove information that the state deems to be factually inaccurate. Under the new law, individuals can be fined up to 400,000 rubles (\$6,100) for circulating false information online that leads to a "mass violation of public order".

People who show "blatant disrespect" online for the state, the authorities, the public, the Russian flag or the constitution can be fined up to 100,000 rubles under the new legislation. Repeat offenders can be jailed for up to 15 days.<sup>(1)</sup>

**Australia:** The law creates new offenses and liability, including imprisonment and huge fines for failing to take down violent content, such as the video of the Christchurch attack that was broadcast live on Facebook, quickly enough from online platforms.

The centrepiece of the legislation is the creation of new criminal offenses for failing to "ensure the expeditious removal of" or "expeditiously cease hosting" a new category of content defined by the act, called "abhorrent violent material" (§ 474.34). Abhorrent violent material is material recording or streaming abhorrent violent conduct, which is exhaustively defined as engaging in a terrorist act, murder, attempted murder, torture, rape or kidnapping (§ 474.32).

The penalties for these offenses are high. An individual can be imprisoned for up to three years or fined AU\$2.1 million (around \$1.5 million). A corporation

can be fined up to AU\$10.5 million or 10 percent of its annual revenue for each offense.

**Malaysia:** The Anti-Fake News Act 2018 was passed in April 2018, having been introduced by the previous government headed by Najib Razak. The Act established the following offense:

Any person who, by any means, maliciously creates, offers, publishes, prints, distributes, circulates or disseminates any fake news or publication containing fake news commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit [about US\$120,000] or to imprisonment for a term not exceeding six years or to both, and in the case of a continuing offence, to a further fine not exceeding three thousand ringgit [about US\$715] for every day during which the offence continues after conviction.

The Act was repealed in October 2019

The common criticisms of such laws have been Violation of freedom of expression; Concentrating powers in the Government to decide what is fake news ; Governments censoring uncomfortable information under the law. Laws often not making social media companies responsible for content hosted on their platforms”

**(c). Foreign Direct Investment (FDI)**

102. The Consolidated FDI Policy (Effective from August 28, 2017) allows FDI in Print Media upto the limit as indicated below:-

Publishing of Newspaper and periodicals dealing with news and current affairs	26%	Government Route
Publication of Indian editions of foreign magazines dealing with news and current affairs	26%	Government Route
Publishing/ printing of scientific and technical magazines/ speciality journals/ periodicals	100%	Government Route
Publication of facsimile edition of foreign newspapers	100%	Government Route

103. Detailed Guidelines, issued by the Ministry of Information and Broadcasting, is listed below:-

- i) Guidelines for publication of Indian editions of Foreign Technical/ Scientific/ Speciality magazines/ journals periodicals
- ii) Guidelines for foreign investment in Indian entities publishing Scientific/ Technical/ Speciality magazines/ journals periodicals
- iii) Guidelines for publication of newspapers and periodicals dealing with news and current affairs
- iv) Guidelines for publication of Facsimile editions of foreign newspapers
- v) Guidelines for publication of Indian editions of foreign magazines dealing with news and current affairs

104. The Competent Authorities for grant of approval for foreign investment for Broadcasting Sector / activities is Ministry of Information & Broadcasting. The table given below indicates the FDI cap in Broadcasting Sector:-

<b>Table.No. 13: FDI cap in Broadcasting Sector</b>			
<b>A. Broadcasting Carriage Services</b>			
<b>Sector/Activity</b>	<b>% of Equity/ FDI Cap</b>	<b>Sectoral Cap</b>	<b>Entry Route</b>
(1) <b>Teleports</b> (setting up of up-linking HUBs/Teleports); (2) <b>Cable Networks</b> (Multi System operators (MSOs) operating at National or State or District level and undertaking upgradation of networks towards digitalization and addressability); (3) Mobile TV;	100%	49% (as per extant FDI Policy of 2011)	Automatic / Government
(4) <b>Cable Networks</b> (Other MSOs not undertaking upgradation of networks towards digitalization and addressability and Local Cable Operators (LCOs))	100%		Automatic

<b>B. Broadcasting Content Services</b>			
<b>Sector/Activity</b>	<b>% of Equity/ FDI Cap</b>	<b>Sectoral Cap</b>	<b>Entry Route</b>
Terrestrial Broadcasting FM(FM Radio), subject to such terms and conditions, as specified from time to time, by Ministry of Information & Broadcasting, for grant of permission for setting up of FM Radio stations	49%		Government
Up-linking of 'News & Current Affairs' TV Channels	49%	26% (as per extant FDI Policy of 2011)	Government
Up-linking of Non-'News & Current Affairs' TV Channels/ Down-linking of TV Channels	100%	100%	Automatic

105. Following are the existing FDI provisions in the DTH and HITS Guidelines:

(ii) DTH Guidelines:

a. Article 1.2: The total Foreign Investment, including FDI/NRI/OCB/FII in the paid-up equity of the Licensee Company, shall not be more than 49%.

b. Article 1.3: The FDI component of the foreign equity in the total paid up equity of the Licensee company shall not exceed 20%.

c. Article 1.6: The applicant company shall always have Indian management control with majority representatives on the Board, as well as the Chief Executive of the company being a resident Indian citizen.

(Foreign Investment upto the prescribed limit of 49% will be on automatic route)

(iii) HITS Guidelines:

a. Article 1.3: Total direct and indirect foreign investment including portfolio and FDI into the company shall not exceed 74%.

b. Article 1.4: FDI upto 49% will be on automatic route.

c. Article 6.1: The majority of the Directors on the Board of the Company shall be Indian Citizens.

106. Provisions prescribed in the Consolidated FDI Policy, 2017, issued by DPIIT, in respect of Broadcasting carriage Services is as under:

a. Article 5.2.7.1 Direct to Home (DTH) and HITS have been capped at 100% Equity/FDI through 'Automatic Route' subject to the footnote that "Infusion of fresh foreign investment, beyond 49% in a company not seeking license/permission from sectoral Ministry, resulting in change in the ownership pattern or transfer of stake by existing investor to new foreign investor, will require Government approval."

b. Annexure-7 Article 1.1 Foreign investment (FI) in companies engaged in all the afore-stated services will be subject to relevant regulations and such terms and conditions, as may be specified from time to time, by the Ministry of Information and Broadcasting."

107. Highlighting the grey area in FDI relating to Media, the Secretary, M/o I&B during evidence on 15.10.2020 stated that the newspapers have a limit on FDI because that is guided by us but if there is online news and there is no guideline for them.

108. Adding on the issue of FDI, the Secretary, M/o I&B during evidence on 15.10.2020 submitted as under:-

“We have given our comments to the Ministry of Commerce on this line, on FDI. It is because within the news and entertainment or let us say the media and entertainment sector, the FDI is different for different entities. That also needs to be harmonised. We have given certain suggestions to Department for Promotion of Industry and Internal Trade (DPIIT).”

**(d) Grievance Redressal Mechanism/Ombudsman**

109. While discussing the models for checks at different levels of media, the Secretary, Ministry of I&B during evidence submitted as under:-

“Firstly, Sir, as on date, there is no grievance redressal. If somebody writes something against me, I do not even know whom to approach, and how to redress my grievance? So, when we bring the new rules, we will try to do it. We are working on these lines. For different levels, we will have different types of regulations. There is definitely a need to distinguish. In today’s world, everybody is a citizen journalist. But there are some journalists, who are accredited. So, for the accredited journalists versus the others, who are writing, there has to be a distinction; and for them, whatever ethics is there for the journalists in the PCI Act, that needs to be followed. Whether they are writing in print or they are appearing on TV, that needs to be followed.”

110. In this regard, NBA has desired that there should be mechanisms to help in increasing awareness amongst the public regarding Fake and Paid News, educate the public in respect of the various aspects relating to media in order that they are able to distinguish “fake news” from “authentic news” whether published in print, telecast in electronic media and / carried by the digital platforms including social media platforms. The key to eradicate the ills that surround the media today is not only by legislations, guidelines, and other formal and informal forms of regulation of the media but in educating the public and training journalists in ethical standards while reporting.

**RECOMMENDATIONS/OBSERVATIONS**

**I. 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 freedom of press but also the right of citizens to be informed on matters of public 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 a 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 4th pillar of democracy while ensuring ethical standards in the media coverage.

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 find 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 consultations take place with all stakeholders and that oversight of digital media may be exercised while fully preserving their right to freedom of expression.

## **II. PRINT MEDIA**

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

3. 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 violation 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.

4. The Committee note that during 2016, 2017 and 2020, there were a total of 105 cases censured by PCI, out of which 73 cases were suspended by BOC. The Committee have been informed that in respect of another 31 cases, no action was taken as the publications are not on the BOC Portal and in one case, stay has been granted by the High Court. It is intriguing to note there are many publications which are not on the BOC portal, though they are censured by PCI and forwarded to BOC for action. The Committee are unhappy at such a situation and would expect the Ministry/PCI to strengthen the enforcement mechanism of PCI so that all its orders are acted upon against all the publications irrespective of them being part of BOC portal or not and the ambiguities, if any, in this regard may be removed. They also desire that in light of 'The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021', the Ministry may run proper awareness campaigns to make e-Newspapers (which are currently not being registered like print Newspapers) aware of the provisions of 'The IT Rules, 2021'.

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 organisations/news agencies recognised 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 recognised. 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 desire 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.

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 dissemination 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 observe 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 organisations 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.

***(ii) Cases of Non-compliance with ethical standards by Print Media***

7. The Committee note that on violation 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 actions 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.

### **III. Electronic Media**

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

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

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 organisation, it is not formally recognised 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

Network(Regulation) Act, 1995 which is 25 years old, and needs changes in accordance with the changing regulatory environment, while ensuring that the grey 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.

(ii) **Cases of Non-compliance of ethical standards by TV Channels**

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 TV 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 are 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 have 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 take 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.

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.

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 find 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, 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 are 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 trust 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.

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.

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 Bharti 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.

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

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 Association(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 the 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 and 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 members, 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. 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 codes in media coverage and desire that cases at their level should be disposed of in a time-bound manner to have the desired impact.

**C. Television Rating Points (TRPS)**

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 devices used by BARC. This has put a big question mark on the objectivity, accuracy, efficacy and transparency of the current system and clearly indicate 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.

#### **IV. Digital / Social Media**

17. The Committee note that the Ministry of Electronics 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 are conscious that the information and content portrayed on such platforms can impact viewers, including minor children. At the same time, the Committee acknowledge 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 relating 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, expect 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.

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

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, and 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 guideline 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 for 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.

## **V. Miscellaneous**

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

19. The Committee learn 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 255th report on 'Electoral Reforms' on 12.3.2015, 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.

(b) Fake News

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 penalise 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 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.

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.

(c) Grievance Redressal Mechanism

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 Mechanisms 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.

(d) **Commissioning of Media Commission**

23. In view of the wide range of complexity of issues covered in this Report, the Committee recommend 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.

New Delhi;  
29 November, 2021  
8 Agrahayana, 1943 (Saka)

DR. SHASHI THAROOR,  
Chairperson,  
Standing Committee on  
Communications and  
Information Technology

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY  
(2019-20)**

**MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE**  
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The Committee sat on Wednesday, the 18 March, 2020 from 1500 hours to 1540 hours in Committee Room E, Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Shashi Tharoor -Chairperson**

**MEMBERS**

***Lok Sabha***

2. Smt. Locket Chatterjee
3. Shri Karti P. Chidambaram
4. Dr. Nishikant Dubey
5. Choudhary Mehboob Ali Kaiser
6. Smt. Raksha Nikhil Khadse
7. Dr. Sukanta Majumdar
8. Shri P. R. Natarajan
9. Shri Santosh Pandey
10. Col. Rajyavardhan Singh Rathore
11. Shri Sanjay Seth
12. Shri L.S. Tejasvi Surya
13. Dr. T. Sumathy (A) Thamizhachi Thangapandian
14. Shri Bhanu Pratap Singh Verma

***Rajya Sabha***

15. Dr. Anil Agrawal
16. Shri Y. S. Chowdary
17. Shri Suresh Gopi
18. Shri Md. Nadimul Haque
19. Shri Syed Nasir Hussain

### **Secretariat**

1.	Shri Ganapati Bhat	-	Additional Secretary
2.	Shri Y.M. Kandpal	-	Director
3.	Dr. Sagarika Dash	-	Additional Director
4.	Smt. Geeta Parmar	-	Additional Director
5.	Shri Shangreiso Zimik	-	Deputy Secretary

### **LIST OF WITNESSES**

#### **MINISTRY OF INFORMATION AND BROADCASTING**

<b>Sl. No.</b>	<b>Names</b>	<b>Designation</b>
1.	Shri Ravi Mital	Secretary, I&B
2.	Shri Atul Kumar Tiwari	Additional Secretary
3.	Shri Vikram Sahay	Joint Secretary (P&A)
4.	Shri Amit Katoch	Director (BC)
5.	Shri G. C. Aron	Director (IP)

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened to consider and adopt three Draft Action Taken Reports relating to the Ministries/Departments under their jurisdiction.

3. XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX..

4. XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX..

5. XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX...XXX..

*(The witnesses were then called in)*

6. Thereafter, the Chairperson welcomed the officials of the Ministry of Information and Broadcasting to the sitting of the Committee. Drawing their attention to the existing regulatory framework to regulate programmes and advertisements telecast of private TV channels under the Cable Television Network (Regulation Act) 1995 and Cable Television Network Rules 1994 which does not specifically provide for pre-censorship of the programmes and advertisements telecast on these channels, the Chairperson referred to the mandate granted to the Ministry through Cable Television Network Act and the Rules to regulate the contents carried by TV Channels. In this

regard, he enquired about the effectiveness of existing powers conferred to the Ministry under Section 20 of the Cable Act and Uplinking /Downlinking Guidelines to take action against the defaulting Channels and also about the Inter-Ministerial Committee constituted under the Chairpersonship of Additional Secretary, Ministry of I&B to take cognizance *suo moto* or to look into specific complaints regarding violations of these codes and wondered if these existing tools/guidelines have been helpful in maintaining the ethical standards in media coverage.

In this regard, the Chairperson drew attention of the representatives of the Ministry to the recent prohibitory orders issued by them on 6 March, 2020 against 2 Malyali TV News Channels which were subsequently withdrawn within 48 hours. He desired to know whether these prohibitory orders were issued after following the proper procedure or did the Ministry take *suo motu* cognizance of its own. Referring to the Ministry advisory to the media dated 20 February, 2020, the Chairperson desired to know the intention of the Ministry to include the phrase 'anti national attitude' in the circular and wondered if this phrase is defined somewhere in the Programme and Advertising Codes and sought details and further clarification in the matter from the Ministry.

7. Responding to the queries of the Chairperson, the Secretary, MIB started with the excerpts from a lecture given by Shri G.N. Ray – Ex-Chairman of Press Council of India on media ethics. On the query regarding 'anti national attitude', he drew attention to the Programming Code which explained the phrase 'anti national attitude' and informed the Committee that they acted accordingly in the matter on issuing an advisory. He, however, desired that further clarifications sought by the Committee in the matter will be sent to them in writing. On the matter of issuing prohibitory orders against 2 Malyali News Channels, the Secretary informed the Committee that this decision was taken at a level far higher than him and he would submit a written report with exact legal position in the matter along with other information sought by Committee.

8. The Chairperson, then, thanked the representatives of Ministry of Information and Broadcasting for deposing before the Committee and desired that written replies to the queries raised, as assured by the Secretary, I & B may be furnished at the earliest.

**The witnesses, then withdrew.**

A copy of verbatim record of the proceedings was kept on record.

**The Committee, then, adjourned.**

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**xxx...xxx -matter not related to this Report**

**MINUTES OF THE SECOND SITTING OF THE STANDING  
COMMITTEE ON INFORMATION TECHNOLOGY (2020-21)**

The Committee sat on Thursday, the 15 October, 2020 from 1600 hours to 1805 hours in Main Committee Room, First Floor, Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Shashi Tharoor - Chairperson**

**MEMBERS**

***Lok Sabha***

2. Shri Karti P. Chidambaram
3. Shri Santosh Pandey
4. Col. Rajyavardhan Singh Rathore
5. Shri M V V Satyanarayana
6. Shri Sanjay Seth
7. Shri Bhanu Pratap Singh Verma

***Rajya Sabha***

8. Dr. Anil Agrawal
9. Shri Y.S.Chowdary
10. Shri Syed Zafar Islam
11. Shri Nabam Rebia

**SECRETARIAT**

- |                          |   |                     |
|--------------------------|---|---------------------|
| 1. Shri Y.M. Kandpal     | - | Joint Secretary     |
| 2. Smt. Geeta Parmar     | - | Additional Director |
| 3. Shri Shangreiso Zimik | - | Deputy Secretary    |

**LIST OF WITNESSES**

**PRESS COUNCIL OF INDIA**

<b>Sl. No.</b>	<b>Names</b>	<b>Designation</b>
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- |    |  |                  |
|----|--|------------------|
| 1. | Shri Justice Chandramauli Kumar Prasad | Hon'ble Chairman |
| 2. | Shri Jaishankar Gupta                  | Member           |

**PRASAR BHARATI**

- |    |                           |                    |
|----|---------------------------|--------------------|
| 1. | Shri Shashi S. Vempati    | CEO                |
| 2. | Shri Mayank Kumar Agrawal | DG: DD (News) & DD |
| 3. | Shri Jaideep Bhatnagar    | DD (NSD) AIR       |
| 4. | Shri Prakash Veer         | DDG (Parl & Ops)   |

**MINISTRY OF INFORMATION AND BROADCASTING**

<b>Sl. No.</b>	<b>Names</b>	<b>Designation</b>
1.	Shri Amit Khare	Secretary
2.	Shri Atul Kumar Tiwari	Additional Secretary
3.	Shri K.S. Dhatwalia	Pr. DG, PIB
4.	Smt. Neerja Sekhar	Joint Secretary (B)
5.	Shri Vikram Sahay	Joint Secretary (P&A)

2. At the outset, the Chairperson welcomed the Chairman, Press Council of India (PCI), CEO, Prasar Bharti (PB) and other representatives of these bodies to the sitting of the Committee convened to hear their views on the subject 'Ethical Standards in Media Coverage'. The Chairman, PCI then briefed the Committee about the role, functions and powers of the PCI and the method of adjudication of different types of complaints received by them against the Press for violations of norms of journalistic conduct and against the Press for violation of freedom of Press. He then highlighted on the limitations of the powers of Press Council of India and various challenges being faced by them in the implementation of their decisions and in enforcing ethical standards in media coverage. The Chairman, PCI also felt the need to have a statutory body like the PCI to deal with news channels and social media.

3. Thereafter, CEO, Prasar Bharti made a brief statement highlighting the existing programme code and commercial code being followed by them along with guidelines given in Cable Television Network Rules, 1994 to enforce ethical standards in media coverage.

4. The Committee then sought various clarifications from the representatives of PCI and PB on the issues like inadequacy of present regulations, challenges being faced in addressing cases of violation of existing regulations across media like Press, Radio and Television and their limitations, need to have regulatory Commission for media, need for regulation of e-newspapers, issue of fake news in the print media, emergence of new media like social media and associated challenges, alleged TRP manipulation scam and way forward, etc. In regard to issue of fake news, the Members enquired about the measurement techniques adopted by BARC, possibilities of TRP being rigged and flaws in methodology and sample size. The witnesses responded to the same.

*The witnesses from PCI, then, withdrew.*

5. Thereafter, the Chairperson welcomed the Secretary and officials of the Ministry of Information & Broadcasting (MIB) to the sitting of the Committee. The Chairperson in his remarks enquired about the adequacy of existing regulations in enforcing ethical standards in media coverage and challenges being faced by the Ministry in this regard. The Chairperson also sought the comments of Ministry on the issue of TRP manipulation scam. The Secretary, MIB in his reply broadly touched upon 3 major issues concerning; convergence of technology, control/regulation/facilitation of social media and the grey area being faced by the Ministry to control these. The Secretary emphasized that the Cable Television Regulation Network Act, 1995 is already 25 years old and requires a change. He also drew the attention of the Committee to the legal lacuna in applying CTN Act to DTH and having a need to bring them within this ambit through an amendment including appropriate changes in uplinking and downloading guidelines. He also felt the need of having a statutory body like PCI to regulate TV Channels. Expressing concern over the issue of fake news, the Secretary was of the view that there is a need to check the menace of fake news. On the issue of recent TRP scam, he informed the Committee about the

objective of BARC and the decision taken by them to suspend the ratings till review. On the issue of social media platforms disowning responsibilities, the Secretary, MIB was of the view that there should be some model chalked out where social media platforms will also have to own some responsibility. To this, the Chairperson of the Committee desired to frame suitable guidelines with the help of MeITY and also take appropriate action to define intermediary rules. Hon'ble Chairperson also desired the Ministry to have a comprehensive look at their old acts in the context of convergence of issues.

6. The Committee then sought certain clarifications on the issues related to the observance of ethical standards in media coverage like inadequacy of present regulations, challenges in addressing complaints for violation of the existing regulations, regulations across media like Press, Radio and Television and its limitations, powers of PCI and the need for restructuring, emergence of new media like social media and the associated challenges, issue of fake news, media trials, models followed by various countries in regulation of media, proposal with regard to Media council, feasible model of regulation in India, FDI policy in media sector, convergence of domain of Telecom, MEITY and MIB and subsequent policy proposal of allocating business of content regulation to MIB and that of technology regulation to MEITY, alleged TRP manipulation scam, need for harmonization of different laws governing media, the need for comprehensive review and reforms pertaining to the work of the Ministry and way forward. The representatives of the Ministry replied to the queries of the Members.

7. A verbatim record of the sitting has been kept.

*The witnesses, then, withdrew.  
The Committee, then, adjourned.*

**STANDING COMMITTEE ON COMMUNICATIONS AND INFORMATION  
TECHNOLOGY (2021-22)**

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE**

The Committee sat on Tuesday, 16 November, 2021 from 1600 hours to 1820 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Shashi Tharoor- Chairperson**

**MEMBERS**

**Lok Sabha**

2. Smt. Sunita Duggal
3. Ms. Mahua Moitra
4. Shri P. R. Natarajan
5. Shri Santosh Pandey
6. Shri Jayadev Galla
7. Smt. Sumalatha Ambareesh

**Rajya Sabha**

8. Dr. Anil Agrawal
9. Shri John Brittas
10. Shri Jawhar Sircar

**Secretariat**

- |    |                       |   |                     |
|----|-----------------------|---|---------------------|
| 1. | Shri Y. M. Kandpal    | - | Joint Secretary     |
| 2. | Dr. Sagarika Dash     | - | Additional Director |
| 3. | Shri Shangreiso Zimik | - | Deputy Secretary    |

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened to consider and adopt two Draft Reports on the subjects 'Suspension of Telecom Services/Internet and its impact' relating to the Ministry of Communications (Department of Telecommunications) and Ethical Standards in Media Coverage' relating to the Ministry of Information and Broadcasting and to have a briefing by the representatives of the Ministry of Electronics and Information Technology on the subject 'Review of functioning of Unique Identification Authority of India (UIDAI)'.

3. Thereafter, the Committee took up the following draft Report for consideration and adoption. The Chairperson, then, gave a broad overview of the important Observations/Recommendations contained in the Report.

(i) .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

(ii) 'Ethical Standards in Media Coverage' relating to the Ministry of Information and Broadcasting.

4. After due deliberations, the Committee adopted the Report with slight modifications.

5. The Committee, then, authorized the Chairperson to present the above Report to the House during the next Session of Parliament.

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

6. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....\*

7. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

8. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

9. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

10. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

11. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

12. .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

.....xxxxx..... .....xxxxx..... .....xxxxx..... .....xxxxx.....

Verbatim Proceedings of the sitting have been kept on record.

**The Committee, then, adjourned.**

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\*Matters not related to the Report.