UNIT-14 PROVISIONS UNDER THE GOVERNMENT OF INDIA

UNIT STRUCTURE

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14.1 LEARNING OBJECTIVES

After going through this unit, you are going to

- discuss about regulations and guidelines for broadcasting in India
- describe the operations of cable television networks in the country
- examine the functioning of BCCC

14.2 INTRODUCTION

In this unit, we are going to discuss about the regulations and guidelines for the PrasarBharati(Broadcasting Cooperation of India) Act, 1990, Cable Television Network (Regulation) Act and the Broadcast Content Complaints Council.

14.3 THE PRASAR BHARATI (BROADCATING CORPORATION OF INDIA) ACT, 1990

The PrasarBharati Act provides for establishment of a Broadcasting Corporation of India, this act came into force in the year 1997. The act

defines composition, powers and functions of the Corporation. The Act aims to provide autonomy to electronic media i.e. the All India Radio and Doordarshan which until the enactment of the Act were under government control. The Act had received assent of President on 12 September 1990 however, it could not be enforced in absence issuance of notification under sub section (1) of section 3 of the Act. It was essential to enact a legislation of the like nature in order to take media out of governmental control and to enable and ensure its impartiality in political, economic, social and other public issues.

In year 1991, a comprehensive review has been carried out and certain operational difficulties were figured particularly the issue of government directions and corporation, personal policy and work force employment, suppression for the PrasarBharati Board by the President. The Cabinet issued suitable amendments but no final decision was undertaken. However, with the advent of satellite channels, the broadcasting ecosystem had undergone meteoric shift.

In one of the major verdict related to the broadcasting rights, the Supreme Court held that broadcasting media should have some autonomy and it should be under the control of the public. It also referred to the formation of a public statutory corporation whose composition must be such in order that it maintains impartiality in economic, social and political issues.The act promises for the upholding of unity and integrity principles, promoting broadcasting facilities, working for the national integration and social justice and the corporation shall remain unbiased and work for the purpose of national interest.

Composition of Prasar Bharti headed by a Chairperson along with eight other members two of the other ex-officio members. The president on the recommendation of three-member committee appoints the members. The President shall also have power to remove the members incase such member is adjudged insolvent, is of unsound mind, hold office of profit or is involved in an offence relating to moral turpitude. The board shall meet at least six times in a year.It has the power to appoint other employees of corporation with recruitment board.

PrasarBharati Act also provides ground for the establishment of Parliamentary Committee consisting twenty-two members of whom fifteen shall represent House of people. There shall be a broadcasting council thatconsists of President and other member who has the authority to receive complaints pertaining to the Corporation. The corporation has the power to prepare its annual financial statement and shall maintain proper accounts. This act is an important step towards liberalizing media and granting autonomy to its function. It provides enormous powers to this body but regulates it from turning into an autocratic organization.

14.4 CABLE TELEVISION NETWORK (REGULATION) ACT

After the Skyvasion, cable television networks penetrated rapidly into the broadcasting environment of India. It has resulted into the accessibility of foreign channels through satellites. The mammoth shift in broadcasting scenario resulted into the abnormal growth of unwanted programmes including advertisements that remains unchecked and unregulated.In year, 1994 President promulgated Cable Television Networks (Regulation) ordinance, which was again re-promulgated in year 1995. The act extends to the whole of India. Authorized officers in this act are a district magistrate, a sub-divisional magistrate and a commissioner of the police. The act defines 'cable operator', a person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network and fulfils the prescribed eligibility criteria and conditions. Moreover, this act also explains the meaning of authority, broadcaster, cable service, cable television network and company.

The act provides that no person shall operate a cable television network unless he is registered as cable operator under the act.However, where a person already engaged in the activity of cable operation shall obtain registration within ninety days of the commencement of the legislation. The application shall include all the information and should be verified by the concerned authority. Without prejudice to the compliance of eligibility

criteria for registration of cable operators, the Central Government may prescribe, having regard to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, foreign relation or contempt of court, defamation or incitement to an offence, such terms and conditions of registration including additional criteria or conditions to be fulfilled by the cable operator.

The Central Government is also empowered under the Act to indicate the maximum sum that a cable operator can collect from the subscribers to take delivery of the programmes for the benefit of the public. The Act makes it mandatory for the operators to present a report before the Central Government in the specified method containing the total number of subscribers, amount charged from the subscribers and the subscribers who receive programmes broadcasted in fundamental service tier.

The operator needs to follow the programme and advertisement code respectively. They should retain a register for one year containing the details of the broadcasted programme in a month in the manner provided under the Act. Cable Network Regulations Act states compulsory broadcasting of Dooradarshan channels without any removal or modification after the enactment of Cable Television Networks (Regulation) Amendment Act, 2000. The cable network systems shall not intrude into the activities of any authoritative telecommunication systems.

The Act penalizes a person with imprisonment and fine for the contravention of the provisions of the Act. Where any programme is not in consonance with programme code, the concerned authority shall prohibit the telecast of such programme. The Central Government is authorized to frame rules in certain areas prescribed under the Act.

This act has provided enough ground for an effective mechanism to regulate the activities of cable operators. The Act grants Central Government to fix the amount to be received from the subscribers but this provision has not satisfied the operators and untilnow, there is no uniformity in collection of the subscription fee. The Act was amended in 2000 and thereafter 2002 to include important provisions but until now, there exists certain gaps.

14.5 CABLE TELEVSION NETWORKS (REGULATION) AMENDMENT ACT, 2002

The Cable Television Networks (Regulation) Act, 1995 got further amended in the year 31st December, 2002. This act may be called the Cable Television Networks (Regulation) Act, 1995. The amended act came up with new sections. The following sections are mentioned below:

1. Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or retransmit programme of any pay channel through an addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be.
2. If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic service tie and any or more such channels may be specified, in the notification, genre-wise for providing a programme mix of entertainment, information, education and such other programmes.
3. The Central Government may specify in the notification referred to in sub-section (2), the number of free-to-air channels to be included in the package of channels forming basic service tier for the purposes different States, cities, towns or areas, as the case may be of that sub-section and different numbers may be specified for.
4. If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify the maximum amount that a cable operator may demand from the subscriber for receiving the programm s transmitted in the basic service tier provided by such cable operator.
5. Notwithstanding anything contained in this section, programmes of basic service tier shall be receivable by any subscriber on the

receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached with such receiver set in any manner.

6. Every cable operator shall publicize, in the prescribed manner, to the subscribers the subscription rates and the periodic intervals at which such subscriptions are payable for receiving each pay channel provided by such cable operator.
7. The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of cable television network: Provided that the subscriber shall use an addressable system to be attached to his receiver set for receiving programmes transmitted on pay channel.
8. Every cable operator shall submit a report to the Central Government in the prescribed form and manner containing the information regarding - (i) the number of total subscribers; (ii) subscription rates; (iii) number of subscribers receiving programmes transmitted in basic service tier or particular programme or set of programmes transmitted on pay channel. Report shall be submitted periodically at regular intervals and should contain the rate of amount, if any, payable by the cab e operator to any broadcaster.

For the purposes of the section, the act defines various terminologies used in the amended act.

(a) “Addressable System” is an electronic device or more than one electronic devices put in an integrated system through which signals of cable television network can be sent in encrypted or unencrypted form.
(b) “Basic Service Tier” means a package of free-to-air channels provided by a cable operator, for a single price to the subscribers of the area in which his cable television network is providing service.
(c) “Channel” means a set of frequencies used for transmission of a programme.

(d) "Encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without suitable receiving equipment.

(e) "Free-to-air channel", in respect of a cable television network, means a channel, the reception of which would not require the use of any addressable system, to be attached with the receiver set of a subscriber.

(f) "Pay channel", in respect of a cable television network, means a channel, the reception of which by the subscriber would require the use of an addressable system, to be attached to his receiver set.

14.6 BROADCAST CONTENT COMPLAINTS COUNCIL (BCCC)

With the advancement of satellite communication and broadcasting technology in India there has been a rapid increase in the number of General Entertainment Channels (GECs). With the functioning of these channels, different complaints related to its content became evident. The apex body of broadcasters, the Indian Broadcasting Federation accomplished the goal of formulating and implementing the self-regulatory Guidelines with the establishment of Broadcasting Content Complaints Council (BCCC) in June 2011. This initiative helped in upholding the freedom of speech and expression enshrined as a Fundamental Right in the Indian Constitution.A positive synergy exists between BCCC and Ministry of I&B with the Council keeping the Ministry informed of the action taken by it. The Council has from time to time received matters, complaints and references from the Hon'ble High Courts. It provides inputs to the Ministry of I&B for responding to questions put up by Hon'ble Members of Parliament. BCCC has issued detailed orders to various channels. Through these orders, channels were asked to run apology scrolls and in some cases provided financial penalties. Apart from issuing detailed orders, BCCC also carries out interactive sessions with channels and helps them in sensitizing about different aspects of content they are delivering. It has handled more than 40,000 content-related complaints in the six years since its formation.

The self-regulatory body constitutes thirteen members: one chairperson, four non-broadcast members, four members from national level statutory commissions, and four members from the broadcast industry.In year 2017, Justice Vikramjit Sen appointed as the new chairperson of Broadcasting Content Complaints Council (BCCC). Prior to that Punjab and Haryana high court chief justice MukulMudgal held the position since 2014. The guidelines have been formulated after the joint deliberation of the government and industry representative. The guiding principle revolves around the issues of national interest, racial and religious harmony, ill treatment of children, sex and nudity, violence and crime, gambling, drugs, smoking, tobacco consumption, alcohol, defamation, harm and offence. In the case of a valid complaint against the channel, the respective channel is asked to provide the view on the offending content. If the BCCC is not satisfied with the arguments then it has the power to pass a directive asking necessary modifications or withdrawal of such content. If a channel doesn't take appropriate steps, the BCCC has sends out a detailed report to the Ministry of Information and Broadcasting within the span of 24 hours.



CHECK YOUR PROGRESS

Q.1: Write a short note on the significance of Prasar Bharati Act. 1990.

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Q.2: What are the major regulations associated with Cable Television Network Act?

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Q.3: Under the Cable Network Regulations Act. 2002 which information is needed by the Central Government from Cable Operators?

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Q.4: Write a short note on the functioning of BCCC.

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ACTIVITY- 14.1

1) Carry out an interview with cable operator and make an assessment of his/her awareness related to the Cable Network Regulations Act.

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2) Prepare a list of regulations imposed by Ministry of Information and Broadcasting on various television channels.

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14.7 LET US SUM UP

Let us summarize some of the important points of this unit in the following way-

- The PrasarBharati Act provides for establishment of a Broadcasting Corporation of India, this act came into force in the year 1997. The

act defines composition, powers and functions of the Corporation.

- PrasarBharati Act also provides ground for the establishment of Parliamentary Committee consisting twenty-two members of whom fifteen shall represent House of people. There shall be a broadcasting council that consists of President and other member who has the authority to receive complaints pertaining to the Corporation.
- Cable Network Regulations Act states compulsory broadcasting of Dooradarshan channels without any removal or modification.
- The Indian Broadcasting Federation accomplished the goal of formulating and implementing the self-regulatory Guidelines with the establishment of Broadcasting Content Complaints Council (BCCC) in June 2011.
- Cable Network Regulations Act states that no person shall operate a cable television network unless he is registered as cable operator under the act.However, where a person already engaged in the activity of cable operation shall obtain registration within ninety days of the commencement of the legislation.
- Composition of Prasar Bharti headed by a Chairperson along with eight other members two of the other ex-officio members. The president on the recommendation of three-member committee appoints the members. The President shall also have power to remove the members incase such member is adjudged insolvent, is of unsound mind, hold office of profit or is involved in an offence relating to moral turpitude.

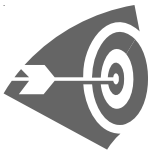


14.8 FURTHER READING

1. Kumar, Keval (1998). Mass Communication in India, 4th edition. Jiaco Publishing House.
2. Hasan, Seema (2013). Mass Communication: Principles and Concepts, 2nd edition. CBS Publishers.
3. Aggarwal, Vir(2001). Handbook of Journalism and Mass

Communication, 1st edition. Concept Publishing Co.

4. Dixit, Anil (2006). Press Laws and Media Ethics, 1st edition. Reference Press.
5. Neelamalar, M. (2009). Media Laws and Ethics, 2nd edition. Prentice Hall India Learning Private Limited.



14.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No 1: The PrasarBharati Act provides for establishment of a Broadcasting Corporation of India, this act came into force in the year 1997. The act defines composition, powers and functions of the Corporation. The Act aims to provide autonomy to electronic media i.e. the All India Radio and Doordarshan (DD) which until the enactment of the Act were under government control. The Act had received assent of President on 12 September 1990 however, it could not be enforced in absence issuance of notification under sub section (1) of section 3 of the Act.PrasarBharati Act also provides ground for the establishment of Parliamentary Committee consisting twenty-two members of whom fifteen shall represent House of people.

Ans. to Q.No2: The act extends to the whole of India. Authorized officers in this act are a district magistrate, a sub-divisional magistrate and a commissioner of the police. The act provides that no person shall operate a cable television network unless he is registered as cable operator under the act. The Act makes it mandatory for the operators to present a report before the Central Government in the specified method containing the total number of subscribers, amount charged from the subscribers and the subscribers who receive programmes broadcasted in fundamental service tier.The Act penalizes a person with imprisonment and fine for the contravention of the provisions of the Act.The Act was amended in 2000 and thereafter 2002 to include important provisions but until now, there exists certain gaps.

Ans. to Q. No 3 : Every cable operator shall submit a report to the Central Government in the prescribed form and manner containing the information regarding - (i) the number of total subscribers; (ii) subscription rates; (iii) number of subscribers receiving programmes transmitted in basic service tier or particular programme or set of programmes transmitted on pay channel.Report shall be submitted periodically at regular intervals and should contain the rate of amount, if any, payable by the cable operator to any broadcaster.

Ans. to Q. No 4: The apex body of broadcasters, the Indian Broadcasting Federation accomplished the goal of formulating and implementing the self-regulatory Guidelines with the establishment of Broadcasting Content Complaints Council (BCCC) in June 2011. BCCC has issued detailed orders to various channels. Through these orders, channels were asked to run apology scrolls and in some cases provided financial penalties. Apart from issuing detailed orders, BCCC also carries out interactive sessions with channels and helps them in sensitizing about different aspects of content they are delivering.



14.10 MODEL QUESTIONS

A. Very short questions

Q.1: In which year PrasarBharati Act was enacted?

Q.2: List out the officers who are authorized to execute Cable Television Network Regulation Act.

Q.3: Define the term ‘Cable Operator’ within the purview of Cable Television Network Regulation Act.

Q.4: What is the full form of BCCC?

B. Short Questions (Answer each question in about 150 words)

Q.1: Explain the significance of PrasarBharati Act in providing autonomy to Dooradrshan and All India Radio?

Q.2: Write a short note on the provisions of Cable Television Network (Regulation) Act.

Q.3: How the Cable Television Network (Regulation) Act regulate cable operators and their functioning?

C. Long Questions (Answer each question in about 300-500 words)

Q.1: Write a detailed note on the significance of BCCC.

Q.2: Critically analyze the significance ofPrasarBharati (Broadcating Corporation of India) Act, 1990.