

No.N-4407/3/2015-BC.I

Dated the 26th April, 2017

OFFICE MEMORANDUM

Subject: Monitoring Committees at the State and District level to monitor violation of Programme and Advertisement Codes under the Cable Television Networks (Regulation) Act, 1995 by Private Satellite Television Channels and AIR Broadcast Code by Private FM Channels and Community Radio Stations – reg.

- Reference:** (i) Ministry of Information & Broadcasting, Government of India's Order No. 2301/7/2003-BC-III dated 6th September, 2005
- (ii) Ministry of Information & Broadcasting, Government of India's Order No.2301/7/2003-BC-III dated 19th February, 2008 and 28th July, 2008
- (iii) Hon'ble Supreme Court's Order dated 12.01.2017 in WP (C) 387 of 2000 Common Cause Vs. Union of India and Others.

As per references at (i) and (ii) the state governments were directed to constitute Monitoring Committees to monitor and to take action against the private satellite TV channels for violation of Programme and Advertisement Codes [Sections 5 & 6 of the Cable Television Networks (Regulation) Act, 1995 and Rules 6 & 7 of the Cable Television Networks Rules, 1994] and other provisions of the said Act / Rules vide the above mentioned Office Memorandums of this Ministry. In pursuance, as per available information, State Level Committees / District Level Monitoring Committees have been set up in 19 States and 5 Union Territories and in 327 Districts.

2. The Hon'ble Supreme Court in its Order dated 12.01.2017 in WP (C) 387 of 2000, Common Cause Vs. Union of India & Others has directed *that the Central Government, within the framework of Section 22 of the Cable Television Networks (Regulation) Act, 1995, deliberate on the issue, and take a conscious decision*




thereon, and to finalise a similar statutory framework for radio programme as well. Hence, the monitoring of the content being broadcast by private FM Channels and Community Radio Stations (CRS) should also be done and action taken against them for any violations of the All India Radio (AIR) Broadcast Code, which has to be mandatorily followed by them as per the conditions in the Grant of Permission Agreement (GOPA) signed by these operators with the Government of India.

3. Accordingly, it has been decided that the functions of the Monitoring Committees may be enhanced to cover the monitoring of content of private FM Channels and the Community Radio Stations as well to ensure adherence to the AIR Broadcast Code on suo moto and complaint basis. A copy of the AIR Broadcast Code is enclosed for reference (**Annexure-I**). A consolidated framework for the constitution of the Monitoring Committees, their scope and the procedure to be followed by them has been detailed in **Annexure-II**. All private FM Channels are required to preserve recordings of their broadcast for 90 days.

4. It has been observed that some States are yet to constitute State and District Level Monitoring Committees. Further, it has also been noted that some of the constituted Committees are not functioning actively. It is reiterated that wherever such Monitoring Committees have not been constituted, they may be constituted expeditiously and ensured that they function effectively.

5. This O.M. is in supersession to this Ministry's orders referred to in Reference (i) and (ii) above.


(Manoj Kumar Pingua)
Joint Secretary to the Govt. of India

To

1. All Chief Secretaries of the State Governments/Union Territories
2. State Information Secretaries
3. All District Magistrates

Copy to: Director (BP&L) for information and record.
Director (OL) for translation / NIC

AIR BROADCAST CODE

AIR broadcast does not permit:-

1. Criticism of friendly countries;
2. Attack on religions or communities;
3. Anything obscene or defamatory;
4. Incitement to violence or anything against maintenance of law and order;
5. Anything amounting to contempt of court;
6. Aspersions against the integrity of the President and Judiciary;
7. Anything affecting the integrity of the nation and criticism by name of any person.



Annexure-II**Framework for the State and District Level Monitoring Committees****I. District Level Monitoring Committee****(a) Constitution**

The constitution of District Level Monitoring shall be as follows:

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|--------|--|------------------|
| (i) | District Magistrate (or Police Commissioner) | Chairman |
| (ii) | District Superintendent of Police
(Not required if it is an urban district with Police Commissionerate) | Member |
| (iii) | Principal of one of the Women's Colleges
in the District (to be selected by the Chairman) | Member |
| (iv) | Representative of a leading NGO working for
children's welfare (to be nominated by the Chairman) | Member |
| (v) | Representative of a leading NGO working for
women's welfare (to be nominated by the Chairman) | Member |
| (vi) | One academician from the field of
communications/ psychology
(to be nominated by the Chairman) | Member |
| (vii) | One representative from electronic media
(to be nominated by the Chairman) | Member |
| (viii) | District Information/Public Relation Officer | Member Secretary |

(b) Tenure

The tenure of the Committee would be 5 years.

(c) Role of the District Level Committee

- 1) To provide a forum where the public may lodge a complaint regarding content aired over any television distribution platform (cable, DTH HITS or IPTV), private FM Channels and Community Radio Stations operating in the District and take action on the same as per procedure prescribed herein.



- 2) To keep a watch on the content carried by the television distribution platform operators at local level that it is in conformity with the prescribed Programme and Advertisement Codes and to ensure, through Authorized Officers, that no unauthorized channels are carried and local content if aired by the television distribution platform operators is restricted to information about local events and is presented in a manner which is balanced, impartial and not likely to offend or incite any community.
- 3) To monitor that all the notified mandatory channels of Doordarshan, Lok Sabha and Rajya Sabha are carried by the television distribution platform operators and in proper genres.
- 4) To monitor that Multi System Operators (MSOs) and Local Cable Operators (LCOs) are operating after valid registration.
- 5) To immediately bring to the notice of State and Central Government if any programme is affecting public order or causing resentment in any community.
- 6) To review the action taken by Authorized Officers for enforcement of the provisions of the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.
- 7) To monitor that the MSOs and LCOs are carrying only digital encrypted signals.
- 8) To monitor that only Bureau of Indian Standards (BIS) compliant Set Top Boxes (STBs) are provided by MSOs/LCOs to consumers.
- 9) To keep a watch on the content carried by private FM Channels and Community Radio Stations operating in the District so that they abide by the AIR Broadcast Code.

Note: It is mandatory for all distribution platform operators, Private FM Channels and Community Radio Stations to preserve recordings of their programmes for a minimum period of 90 days as per para 18.1 of the Grant of Permission Agreement (GOPA) signed by these operators with the Government of India and per para 5.3 of Uplinking and para 5.12 Downlinking guidelines.



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(d) Procedure

The following procedure may be followed for handling violations and complaints:

- (i) A Complaint Cell headed by a nodal officer at District level should be established and wide publicity be given regarding the constitution of the Monitoring Committee and procedure followed by it, including putting it on website of the State/UT and district's website.
- (ii) The Committee shall ordinarily meet once in two months to look into the complaints brought to its notice by individuals/organizations or take suo moto cognizance of violation of provisions of Cable TV Networks (Regulation) Act, 1995 and rules framed there under for Television channels and the AIR Broadcast Code for private FM Channels and Community Radio Stations in the District.
- (iii) In case of complaint pertaining to content carried locally by television distribution platform operators at its own level, the Committee may call for footage/recording of the programme/ advertisement against which complaint is considered. The Committee may form a view about whether a violation has taken place. In case the Committee is of the view that violation has taken place, the Authorized Officer may take action as per Section 11 of the Act after issuing show cause notice to the network and giving them an opportunity to be heard. The representation of the operator may also be placed before the Committee for final decision regarding the action to be taken on it by the Authorized Officer.
- (iv) In case the complaint pertains to national/regional satellite TV channels, the Committee may forward its recommendations on the violations to the Ministry of Information & Broadcasting, Government of India with a copy to the State Level Monitoring Committee. On receipt of such complaint the Central Government shall call for footage/video the concerned programme/advertisement and take a view regarding the same in the Inter-Ministerial Committee constituted in the Ministry of Information & Broadcasting.

- (v) In case complaint pertains to violation of AIR Broadcast Code by private FM Channels or CRSs, the Committee may forward its recommendations to the Ministry of Information and Broadcasting, Government of India for necessary action with a copy to the State Level Monitoring Committee.
- (vi) Violations of Programme and Advertisement Codes by permitted satellite TV channels are dealt with by the Central Government in the following manner depending on the seriousness of the violation: (a) An Advisory is given to the channel (b) Warning is issued. (c) Channel is required to scroll an apology for a specified number of days. (d) Broadcast is suspended for specified time period. The District Monitoring Committee can likewise take action against distribution platform operators in respect of content carried locally only. However, no such action may be taken at their level in respect of permitted National/Regional Satellite TV Channels.
- (vii) In case it is found that distribution platform operator is:
- not carrying all notified mandatory channels and in proper genre
 - carrying analog signal in any part of the country
 - carrying any unauthorised satellite channel(s)
 - not carrying all channels in digital encrypted form
 - is supplying Set Top Boxes which do not comply with BIS standards,

The Committee, through Authorized Officer, may direct the television distribution platform operator to ensure compliance and to take any other action it may consider necessary under Section 11 of the Act.



II State-level Monitoring Committee:

(a) Constitution

The constitution of the State-level Committee shall be as follows:

- i. Secretary, Information & Public Relations of the State Chairman
- ii. Representative of the DG Police Member
- iii. Secretary, Social Welfare Department Member
- iv. Secretary, Women & Child Development Department Member
- v. Representative of a leading NGO of the State Member
working for women (to be nominated by Chairman)
- vi. Academician from the field of Member
communications / psychology
(to be nominated by the Chairman)
- vii. Director, Information & Public Relations Member Secretary

(b) Tenure

The nominated members shall have a term of five years and shall not be eligible for renomination. Any vacancy can be filled up by nominating a new member for a fresh term. The Committee shall meet at least twice a year.

(c) Scope

- (i) To see whether District Level Monitoring Committees have been formed.
- (ii) To see whether they are meeting regularly.
- (iii) To see whether the authorized officers are effectively performing their duties.
- (iv) To see how many cases are handled by them and what decisions are arrived at.
- (v) To give suggestion/guidance to District Level Committees.
- (vi) To take decision on the matters referred to it by District/Local level Committee.

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