

Teleport station, as per norms & rules of the WPC Wing. Besides, the Hub/Teleport station owner will inform WPC Wing the full technical and operations details of TV channels proposed to be uplinked through his/her Hub/Teleport in prescribed format. (This clause is applicable for teleports/uplinking by a Indian News Agency.)

10. RENEWAL OF EXISTING PERMISSIONS

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

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

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

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

Electronic and social media under PCI ambit

699. DR. CHANDAN MITRA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Press Council of India has approached Government to bring electronic and social media in PCI ambit;

(b) if so, the reaction of Government on the proposal; and

(c) the steps taken by Government to stop unregulated electronic and social media from playing havoc with the lives of the people, as happened recently, in case of mass exodus of NE people from various States?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI MANISH TEWARI) : (a) to (c) Press Council of India has proposed amendments to the Press Council Act, 1978 to bring electronic media and social media under its jurisdiction, however later the Council decided to drop social media from the proposal. The proposed amendments are under consideration of the Government.

The programmes and advertisements aired on private satellite and cable TV channels are governed by the Programme Code and Advertising Code contained in the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. The Act does not provide for pre-censorship of the programmes and advertisements aired on these channels. However, all the Private/Cables TV channels are required to adhere to the said codes. Whenever, any violation of the above Codes is noticed or brought to the notice of this Ministry, action is taken as per the said Act. A copy of the Programme Code and Advertising given in the Statement.

Web and social media has emerged as one of the important public communication channels today. It brings social groups together in one virtual place and enables interaction in real time. It offers great advantage in accessing and posting the information and expressing the views in our day to day life. However, lot of inflammatory and offensive information is also posted on the web and social media.

Government is supporting social media for citizen centric and collaborative governance. Government has notified a framework comprising detailed guidelines for use of social media in the Government. Further, the Information Technology Act, 2000 empowers the Government to block such malicious information hosted on Internet and social media sites which may play havoc with the lives of the people. The Act and Rules also provide safeguards to prevent misuse of such provisions.

Statement

Details of Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994

(Rule 6 and Rule 7)

Rule-6. Programme Code.—(1) No programme should be carried in the cable service which:—

- (a) Offends against good taste or decency;
- (b) Contains criticism of friendly countries;

- (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
- (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
- (e) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;
- (f) Contains anything amounting to contempt of court;
- (g) Contains aspersions against the integrity of the President and Judiciary;
- (h) Contains anything affecting the integrity of the Nation;
- (i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- (j) Encourages superstition or blind belief;
- (k) Denigrates women through the depiction in any manner of the figure of a women, her form or body or any part thereof in such a way as to have the effect of being (indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
- (l) Denigrates children;
- (m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
- (n) Contravenes the provisions of the Cinematograph Act, 1952;
- (o) is not suitable for unrestricted public exhibition.

“Provided that no film or film song or film promo or film trailer or music video or music albums or their promos, whether produced in India or abroad, shall be carried through cable service unless it has been certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition in India”.

Explanation - For the purpose of this clause, the expression “unrestricted public exhibition” shall have the same meaning as assignee to it in the Cinematograph Act, 1952 (37 of 1952);

- (2) The cable operator should strive to carry programmes in his cable service which project women in a positive, leadership role of sobriety, moral and character building qualities.
- (3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the Copyright Act, 1957 (14 of 1957) unless he has been granted a licence by owners of copyright under the Act in respect of such programme.
- (4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence.
- (5) Programmes unsuitable for children must not be carried in the cable service at times when the largest numbers of children are viewing.
- (6) No cable operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India”.

“Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, whose application for registration to the Central Government was made on or before 11st May, 2006 and is under, consideration, for a period of three months from the date of this notification, or till such registration has been granted or refused, whichever is earlier.”

“Provided further that channels uplinking from India, in accordance with permission for uplinking granted before 2nd December, 2005, shall be treated as “registered” television channels and can be carried or included in the cable service.”

Rule-7. Advertising Code.— (1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which:—

- (i) derides any race, caste, colour, creed and nationality;
- (ii) is against any provision of the Constitution of India;
- (iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;
- (iv) presents criminality as desirable;

- (v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
- (vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well established norms of good taste and decency;
- (vii) exploits social evils like dowry, child marriage.
- (viii) promotes directly or indirectly production, sale or consumption of:—
 - (A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to the following conditions that:—

- (i) the story board or visual of the ‘advertisement must depict only the product being advertised and not the prohibited products in any form or manner;
- (ii) the advertisement must not make any direct or indirect reference to the prohibited products;
- (iii) the advertisement must not contain any nuances or phrases promoting prohibited products;
- (iv) the advertisement must not use particular colours and layout or presentations associated with prohibited products;
- (v) the advertisement must not use situations typical for promotion of prohibited products when advertising the other products;

Provided further that:—

- (i) the advertiser shall submit an application with a copy of the proposed advertisement along with a certificate by a registered Chartered Accountant that the product carrying the same name as cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants is distributed in reasonable quantity and is available in substantial number of outlets where other products of the same category are

available and the proposed expenditure on such advertising thereon shall not be disproportionate to the actual sales turnover of the product.

- (ii) All such advertisements found to be genuine brand extensions by the Ministry of Information and Broadcasting shall be previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition and are in accordance with the provisions contained in sub-clauses (i) to (v) of the first proviso, prior to their telecast or transmission or retransmission.

(B) infant milk substitutes, feeding bottle or infant food.

- (3) No advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.
- (3A) No advertisement shall contain references which hurt religious sentiments.
- (4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.
- (5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.
- (6) The picture and the audible matter of the advertisement shall not be excessively loud;
- (7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices of shows them begging or in an undignified or indecent manner shall not be carried in the cable service.
- (8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.
- (9) No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.
- (10) All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the programme *viz.*, use of lower part of screen to carry captions, static or moving alongside the programme.
- (11) No programme shall carry advertisements exceeding twelve minutes per hours, which may include up to ten minutes per hour of commercial advertisements, and up to two minutes per hour of the channel's self-promotional programmes.