

PIL Synopsis to regulate Electronic Media

The petition herein is filed in public interest to raise a substantive issue of national importance with regard to a complete absence of any regulatory authority for the TV Channels when the penetration of private TV channels and their mushrooming growth in the recent past has brought in a situation where a regulatory authority is not only desirable but also imperative as well so as to have a regulation and /or check on the contents of the programme / advertisement / news telecast by such private channel operators.

The petition herein raises a substantial question of public importance and public interest relating to the necessity of an effective regulation of electronic media in matters involving public morality, public decorum, social tranquillity and public order.

The legal position with reference to regulation of media is as follows:

1. There is no regulatory body for TV channels which is comparable with Press Council of India that regulates the print media.

2. Though TV channels are audio-visual media, there is no censorship for their contents. In other words, a film that cannot be released without censor certificate can straightaway be released on a TV channel.
3. The channels claim only a self-regulation which has proved to be completely ineffective. The self-regulating bodies for TV channels are private companies under control of the media houses and there is clear clash of interest in their duty/obligation and vested interests. The private bodies have a limited power of imposing fine upto Rs. One Lac which goes into their own kitty. There is no compensation to victim of media abuse. There is also no control of government over these bodies. These bodies are not accountable to people as they are not organs of the State.
4. The law relating to emergency blocking objectionable website without prior notice as contained in the Information Technology (Procedure and Safeguards for blocking for access of information by public) Rules, 2009 is

much more rigorous as compared to TV channels for which there is no law for emergency blocking. Thus even though objectionable programme on TV channel can do more harm than an objectionable website, there is no rigorous law to curb objectionable content of a TV channel.

5. For programmes that are in violation of Programme Code under Rule 6 of Cable Television Networks Regulation Act, 1995, authorised officers defined in Section 2 (a) of the Cable Television Networks (Regulation) Act, 1995 alone can file criminal complaints as per Section 18 of the Cable Television Networks (Regulation) Act, 1995. However by a circular dated 19.2.2008 issued by the Ministry of Information and Broadcasting, the powers of these officers to file criminal complaint have been virtually withdrawn.

6. Section 20 of Cable Television Networks Regulation Act, 1995 empowers the Central Government inter alia, to regulate or prohibit by order transmission or re-transmission of any

channel or programme. However there is no seriousness from Central Government to invoke these powers to revoke or suspend license of channels that violate the programme code. There have been instances where the punitive action of suspending license only for a day was taken and that too after lapse of more than a year.

Thus while making the remedy of criminal prosecution under the Cable Television Networks (Regulation) Act, 1995 completely ineffective and virtually withdrawing the said remedy, the Central Government is also non-serious about exercising its powers with reference to controlling channels by suspension and revocation of license. This has emboldened the channels to violate the programme code in a blatant manner and has given rise to malpractices such as “Paid News” “Extortion by blackmail”, “Character Assassination for TRP” and so on.

Hence this petition for seeking directions for regulation of the TV channels.

List of Dates

- 1995 Cable Television Network (Regulation) Act
1995 was enacted and rules thereunder were framed.
- 2002-2004 Media trial of Shankaracharya of Kanchi Kamkoti Peetham which hurt sentiments of crores of devotees
- 2009 Paid News Controversy erupted and that eroded the credibility of media which looked to be available for sale
- 2010 Media trial of Swami Nithyanand that shattered and destroyed his reputation.
- 2012 Media trial of Aadeenam. Muthuraj of Makkal Munnetra Katchi that shattered and destroyed his reputation
- 2012 Complaint of Mr. Navin Jindal about blackmail and extortion of media channel brought to light the criminal bend of mind of media channels.
- 2013 Vicious and atrocious propaganda campaign by TV channels against Shree Asaram Bapuj which has attempted to brought disrepute to

all saints by making baseless and factually incorrect allegations.

The TV channels have crossed all limits of decency and decorum in telecast of their programmes for increasing their TRP and also for ulterior motives of “Paid News” and “extortion/blackmail/settling personal scores” etc. Hence this petition for regulation of TV Channels.

