

RGICS BRIEF

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Regulating Private News Channels In India

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I. Key Messages

- India has witnessed proliferation of private news channels in last two decades but this expansion has not led to a transparent and coherent content regulatory mechanism.
- The existing self-regulatory mechanism developed by News Broadcasting Association has failed on multiple accounts. It has limited membership and lacks the punitive power to take action against non-compliance of its decisions.
- The state control mechanism is based on archaic set of codes designed when private channels were not even allowed to function in India.
- There is no involvement of stakeholders in the entire regulatory process this along with lack of public records about the functioning of the bodies like EMMC and IMC gives government power to target news channels.
- Government has not formalized the complaint redressal mechanism against private news channels even after Supreme Court orders.

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II. Introduction

Cobrapost.com, an investigative journalism website, released a string of videos earlier this year claiming that senior employees of 42 media outlets were ready to broadcast or publish polarizing stories as advertorials as well as part of their editorial for money (Large Media Houses Accused of Striking Deals for Paid News to Promote Hindutva Agenda, 2018). The web portal claimed that all the organizations it approached were ready to promote “Hindutva” politics and stories critical of the opposition political parties (Kaushik, 2018). There were only two exceptions, Dainik Sambad and Dainik Bartaman, two Bengali newspapers based out of West Bengal. The 42 comprised of representatives from regional as well as national Print and Television news organizations, online web portals and digital wallet.

Although, the ethical concerns regarding sting operations by media have been a point of dispute amongst practitioners (Sridhar, 2014), the involvement of big market players in the sting has reignited the concerns regarding the existing regulating mechanism in media organizations across different mediums (Sam, 2018). For television news channels though, the sting operation follows a spate of events that have jeopardized the accountability of news channels in the recent times. A number of news channels have been criticized for overlooking facts and disseminating one-sided communally charged news. These include the coverage of honor killing of a youth in Delhi (Punwani, How Zee and ABP News sowed communal poison, 2018), Hadiya Court case (Punwani, Reporting Communal Issues – Part II, 2018), Bhima Koregaon issue (Seshu, Sound and fury, signifying , 2018) and the bill criminalizing Triple Talaq (Seshu, Times Now, same old tricks, 2017). Surprisingly, none of these channels have come under the radar of the bodies and agencies responsible for regulating the television news. One of the chief reasons for deterioration of quality of news has been attributed to lack of a coherent and transparent news content regulation (Seeshu, 2018). Television news with its audio visual appeal and live coverage commands one of the most influential position amongst social and political actors. The proliferation of private news channels in the last three decades is a testament of its impact on the public opinion and discourse.

In a separate event in August this year, the managing editor and the anchor of the 9 PM show of ABP news, a Hindi broadcast news channel resigned from their respective positions. The anchor

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claimed that their resignations were triggered by government authorities' pressure on the channel (ABP proprietor told me not to name Modi, I&B official said 'anything can happen', says PP Bajpai, 2018) for being critical of government's policies. Government issued 40 warnings/advisory/bans from year 2014 to early 2017 to news channels for violating the programming code. This included 23 warnings, 8 advisories and 6 black-outs ranging from 24 hours to 30 days. The high profile case of NDTV black-out in November 2016 for its coverage of Pathankot attack was one of the six cases. The ban was later revoked.

According to government data, there were 389 private news channels operating in India at the start of this year. This rapid increase, unfortunately, has not been reflected in regulatory mechanism of these channels. It is important to recognize here that the problem with television news require intervention in other aspects of their working as well. The issues like media ownership patterns and revenue model, journalist rights, tariff charges impact the working of the news channels as well as the content. This issue brief brings before you some of the core issues related to media regulation and its impact on news content.

III. Existing Mechanism for Private news channels

Based on government disclosures as well as parliamentary responses the mechanism for regulating content on private channels is as follows.

- **Firstly, every private channel in India needs to comply with the programme and advertising code prescribed under the Cable Television Networks (Regulation) Act, 1995 and Cable Television Networks Rules, 1994.**
- **The government has also constituted an Inter-Ministerial committee** to take suo moto cognizance or to look into specific complaints. The government also quoted the Supreme Court order dated 12.01.2017 in the matter of WP(C) No.387 of 2000, wherein it was advised by the bench to formalize the complaint redressal mechanism with regard to complaints with regards to complaints related to content telecast/aired on TV.
- The public grievance portal <http://pgportal.gov.in> was listed out as the channel through which complaints regarding private telecast are received.

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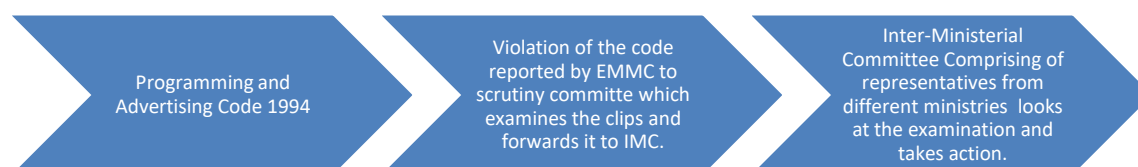
- **The government has established the Electronic Media Monitoring Centre (EMMC)** to monitor the content in electronic media. The centre (EMMC) has the mandate to monitor the content and report any violation of the programming and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995 and Cable Television Networks Rules, 1994. According to the response, EMMC is also mandated to monitor channels for particular live events. Till December last year, it was doing content acquisition of 798 channels for monitoring.
- **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 recommendations¹
- **The government has also listed out self-regulation mechanism put in place by News Broadcasting Association (NBA)** – a representative of news and current affairs channels. NBA has set up News Broadcasting Authority (NBSA) to consider complaints against news channels related to content on news and current affairs channel.
- **Status of State/ District level mechanism** : The information and broadcast ministry to enforce the cable act and rules at State/ District rules level, issued order on 6.9.2005 for “Monitoring Committee for the Programme and Advertisements telecast by Cable TV Channels” at the state and district local level. The annual report of I & B ministry 2016-2017 states that a total of nineteen state level committees have been set up which includes states like Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Goa, J & K, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Rajasthan, Tripura, Uttarakhand, West Bengal & Sikkim. 5 Union Territories and 296 districts have also set up the monitoring committees. The district committee is headed by the district magistrate or the police commissioner. The state level committee is headed by the Secretary, Information & Public Relations of the State. The complete composition and the function can be read here².

¹ <https://164.100.158.235/question/annex/245/Au3902.pdf>

² [https://mib.gov.in/sites/default/files/Annual_Report_2016-17\(1\).pdf](https://mib.gov.in/sites/default/files/Annual_Report_2016-17(1).pdf)

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In the next section we will examine the structure of the bodies, committees and the Supreme Court order mentioned by the government in its responses before moving to the analysis of the current provisions.



Content regulatory mechanism by State



Self-regulatory mechanism by NBSA (NBA)

NBSA by NBA

News Broadcasting Association was formed on 25 July 2008 by 13 founding members (Comprising Twenty-nine channel) of Indian Television News Network. This intervention by private broadcasters was triggered by pressure from the government as well as judiciary after the *Live India* incident, where the channel's reporter falsely implicated a government school teacher from Delhi, accusing her of running sex racket (Bhalla, 2007) with a tailored sting operation. The story was aired on the channel and led to public outrage.. The school building was attacked and the accused teacher was manhandled and was sacked by the school. The story turned out to be fake and the channel was banned by I & B ministry for thirty days. This was the first case of a news channel getting banned (I&B revokes ban on Live India, 2007). But the gravity of the situation led to Delhi High Court advising the central government to set up a screening committee for sting operations in future (Court moots panel to screen sting operations, 2007). Seeing the

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pressure mounting from different ends, 13 major private news channels came together to form NBA.

NBA created its own code of ethics and Broadcasting Standards and got it approved by the Ministry of information and broadcasting as well as the Delhi High Court. A year later the association established the News Broadcasting Standards Authority (NBSA) in August, 2008. It was then headed by a former chief Justice of the Supreme Court, the late J.S.Verma. He was succeeded by Justice RV.Raveedran after his demise, who still heads the authority. It also has four eminent persons and three to four editors. As of today, the association has 29 News Broadcasters comprising of 71 channels.

Another body that is mentioned in government's response is Electronic Media Monitoring Centre (EMMC).

Electronic Media Monitoring Centre (EMMC)

Electronic Media Monitoring Centre was established in 2008 as a sub-ordinate office under Ministry of Information & Broadcasting. The objective for the establishment of the centre was to monitor content of Private Satellite TV Channels. According to the Ministry of Information and Broadcasting Annual Report 2019, EMMC has the capacity to record and monitor content of 900 channels³. At present, EMMC records and monitors content of 798 channels in accordance with Programme and Advertising Code framed under the Cable Regulation Networks Regulation Act, 1995. It puts out a report on violations along with the recorded clips to scrutiny committee. The committee then examines and looks at the violations. It then forwards the clips to the Inter-Ministerial Committee and other bodies for action (Dubudu, Thousands of Violations of Media laws by Television Channels come to light, 2015)

Inter- Ministerial Committee (IMC)

The Government of India set up the Inter-Ministerial Committee in 2005 "to look into the complaints against, taking cognizance either suo motu or otherwise of, programme and advertisements telecast" on private channels. The Committee is headed by Additional Secretary of Ministry of I & B. It has representatives from Ministry of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health & Family Welfare, Consumer Affairs and a representative from Advertising Standards Council of India.

³ https://mib.gov.in/sites/default/files/Annual%20Report_2017-18%20%28English%29.pdf

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Post the judgement in January 2017, the government has often been found quoting the Supreme Court verdict while responding to questions regarding news channels content regulation. Mostly it has used the judgement to support its argument that existing mechanism is sufficient to cater to television news content. The verdict in its entirety presents to us a much broader understanding of the mechanism. Therefore it becomes necessary for us to look at it comprehensively.

IV. Supreme Court verdict in 2017 of Common Cause India Petition

In 2013, Common Cause India a Non-profit organization based in Delhi filed a petition complaining that there is no formal complaint redressal mechanism for complaints made against television and radio. Furthermore, demanding an independent regulatory authority, it argued that the existing mechanism involving content self-regulation and regulation by Information & Broadcast ministry has failed (Anand, 2017).

The government was the chief respondent. Self-regulatory bodies like the News broadcasters Association (NBA) and Indian Broadcasting Federation (IBF) and Advertising Standard Council of India (ASCI) were also the respondents. All the three bodies claimed that a self-regulatory mechanism was at place. They argued that their respective mechanisms have a formal redressal mechanism at place. Government in its response claimed that other than the self-regulatory bodies, Electronic Media Monitoring centre (EMMC) monitors about 300 private news channels for any violation of the above rules. The cases of violation are referred to the ministry which then issues show cause notices to the alleged channel. The channel is allowed an opportunity to present its side before the matter is placed before Inter-Ministerial Committee for deliberation and appropriate recommendation. The recommendations are then considered by competent authority in Information and Broadcasting Ministry.

The government further claimed that, EMMC's capacity to conduct 24*7 monitoring of news channels will be enhanced till 1500 till end of 2017 year.

The court's verdict stated that although it doesn't feel the need for further direction on the mechanism for content regulation, it advised that the different regulating provisions and respondents to work within the framework of Article 19. But more importantly, it ordered two directives to the government:

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- Firstly, it advised the central government that since it has already framed the rules in the nature of Cable Television Network rules, 1994, it should also formalize the complaint redressal mechanism. This should include **the period of limitation within which a complaint can be filed, and the concerned statutory authority which shall adjudicate upon the same, including the appellate and other redressal mechanism** (Set up mechanism to hear plaints about TV content: SC, 2017).
- Secondly, it stated that the general public is not aware of the existing mechanism, therefore it requires adequate publication and promotion amongst the common public. This will enable complaints to air their grievances.

The entire verdict can be read here⁴.

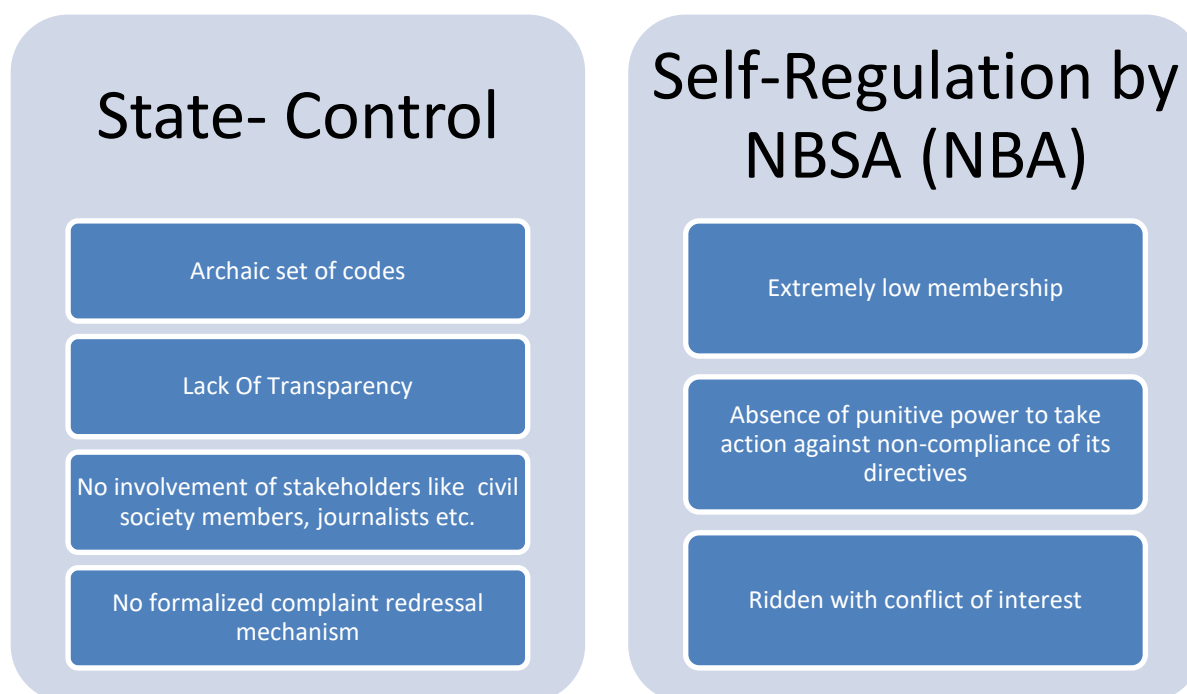
Follow-up of the order

Consequently, the government was expected to follow court's order. In August 2017, the then I & B Minister Smriti Irani informed the parliament that the government was in the process of setting up a statutory authority advised by Supreme court (Govt formalising TV & radio complaints' redressal mechanism, 2017). But the recent disclosures in the parliament have found no mention of formalization of the authority by the ministry. Instead, the government has repeatedly been quoting the judgement to validate its point that the existing provisions are adequate. On 9th August 2018, the ministry for the first time, in a parliamentary response mentioned the Court's advise to formalize the complaint redressal mechanism. The government's claim that existing provision are sufficient necessitates a critical analyses.

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<http://www.commoncause.in/uploadimage/case/941929885Judgment%20FM%20Radio%20and%20Crime%20and%20Violence%20on%20TV%20case.pdf>

V. Analysis



1. Failure of Self-Regulation

Self-regulation in Indian context can be defined as the form of regulation wherein **state refrains from intervening in matters related to industry** and delegates the responsibility to association from that particular industry, in this case media. But, in India, self regulation has proved to be ineffective in dealing with media's transgressions. This is particularly true for NBSA (News Broadcasting Standard Authority). The self-regulatory body suffers a number of issues. These are as:

- a) **Low membership** – The body at present, according to the website of its parent body NBA, has 29 news and current affairs broadcasters comprising 71 news and current affairs channel. **The number is abysmally low considering there are 389 news channels in total operating in the country.** Numerically speaking, the body covers less than 20% of the existing channel. This shows that in almost 10 years of its working, the body has failed to attract news channels to come under its ambit. This has a direct consequence on its

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working. The body cannot take any action or decision against the channels which are not part of it and this reduces its effectiveness drastically.

- b) No punitive power to take action against non-compliance** - One could argue that even though the members list of NBA (and NBSA) is really low, it has all the big market share holders at its members. Therefore the argument of low membership should not be held against it since it covers a big share of the market. But this argument is based on the assumption that NBSA has successfully managed to regulate its current members. Unfortunately, this has not been the case. From its very early days, NBSA's efficacy has been a bone of contention due to number of reasons. For instance, the very first case where NBSA penalized one of its member channels was in year 2009 when India TV was asked to run an apology and pay a fine of INR 1 Lakh for running a defamatory story on USA based writer and policy analyst Farhana Ali (Vishnoi, 2009). India TV protested against the decision and walked out of the NBA (News channels' first date with self-regulation goes awry, 2013) . The incident raised question marks over NBSA's jurisdiction. The cases of members refusing to accept NBSA's directives did not stop here. The latest being that of Prof. Guahar Raza. In March 2016, an event called annual Shankar Shad (Indo-Pak) Mushaira was broadcast as '*Afzal Premi Gang*' ka Mushaira by Zee news. The attendees registered their complaints with NBSA in April the same year. NBSA after conducting its investigation ordered Zee news to issue a televised apology and pay a fine of Rs. 1 Lakh in August, 2017 (NBSA Fines Zee News and Demands Apology in Gauhar Raza Case, 2017). Even after repeated appeals, the channel did not comply with any of the given directives (Zee News Didn't Comply With NBSA Ruling in 'Afzal Premi Gang' Case: Gauhar Raza, 2018). The channel not only chose to ignore the directive of running an apology, it did not even remove the videos from its website⁵ and YouTube page⁶. Both the videos can still be accessed online. The defiance shown by one of the founding members of the body which is also one of the most prominent broadcasters goes on show that NBSA after almost 10 years of its operation, does not possess the power to

⁵ <http://zeenews.india.com/hindi/videos/poetry-night-on-the-love-for-afzal-guru-gang/285661>

⁶ https://www.youtube.com/watch?v=5_R4is4PP3Q

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enforce its directives. This displays the complete failure of the voluntary initiative taken by Television news leaders.

c) **Ridden with conflict of interest**

An effective content regulatory body for news should not only be free from Government control but it should ideally be free from news industry's influence as well. The NBSA, set up by News Broadcaster Association, a lobby group for prominent news channels of the country, does not fulfill the latter criteria. It would be naïve of us to assume that news broadcasters would take initiatives that could prove detrimental to their interests. Therefore, NBSA fails on this account as well.

2. **Programming code, EMMC and State-control**

According to the government, the content on news channel is expected to conform to the programming codes prescribed under the Cable Television Network Rules.

- i) **Outdated and ambiguous code:** The programming and advertising codes were designed when the private channel industry was in its nascent stage. The reach of the television was extremely limited. The majority of the population was still not accustomed to live news coverage. In last 23 years, private news channels have become powerful and influential. Therefore, the above codes should be updated keeping in mind the growth of the industry. Moreover, some of the codes are vague in nature and leave a lot of scope for individualistic interpretation. For example, code 6 (a) seeks to prohibit programmes that offend 'good taste or decency, both the terms good taste and decency are extremely vague to be part of code that seeks to define the norms of broadcasting television in 2018. At the same time such codes are not in synch with Article 19(1) (a) of the constitution. The entire set of codes is available at the end of the brief (Annexure 1).
- ii) **Action on violation of the code:** According to the government data, a total of 31 channels were asked to go off air for violating the Programme and Advertisement code from year 2005-16 (Annexure 2). In August 2017, government disclosed that it issued a total of 55 advisories/warnings/ orders from 2014 to 2017 for violating programme and advertising code (Annexure 3). These steps were based on the complaints by EMMC monitors. In a

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more recent disclosure in April this year, government shared with the parliament the list of news channels it banned from 2014 to 2018. The list constitutes of 8 channels (Annexure 4). Surprisingly, while the one-day ban on NDTV features in the first two list, it is absent in the latest data provided by the government.

Considering that the government's actions against channels are based on complaints by EMMC tells us that EMMC now commands the central position in governments plan to regulate television content. Therefore it becomes pertinent for us to look into the functioning of EMMC.

iii) Procedural Inconsistencies

As for the provisions in the existing complaint redressal mechanism, according to the government response in the parliament as well as Supreme Court, EMMC refers the cases of violation to the Ministry, which then sends a show cause notice to the channel asking them for explanation. On the other hand NBSA, the self-regulatory body is supposed to receive complaints from common citizens. But the list of cases covered by NBSA on its website tells us that I&B ministry and EMMC have repeatedly referred violation cases to NBSA. The legal basis for such practice is still unclear but more importantly it contradicts with government's official line.

iv) Lack of Transparency

During the course of writing this brief, EMMC's official website was not working. The link for EMMC was absent at the official website of the ministry, therefore, all the information regarding EMMC had to be collected either by government's disclosures in Parliament and stories by multiple news organization. On August 9, 2018, *Factly*, an online portal reported that they had complained through public grievance portal of government⁷ asking the reason behind EMMC's website not being accessible. In the reply published on the website, the reason stated is non-availability of programmers (Dubudu, Government says the EMMC website is down because 'there is no Programmer', 2018) to develop websites.

Owing to lack of transparency in EMMC working 'Media Watch-India', a non-profit campaigning for 'decency and accountability' in media made a request under RTI act in 2012 asking EMMC to publish and disclose the details of violations of programme and Advertising Codes by Private

⁷ <https://pgportal.gov.in/>

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Channels on EMMC website quoting section 4 of RTI Act. The plea was initially rejected by the director of EMMC (Dubbudu, Thousands of Violations of Media laws by Television Channels come to light, 2015). But after the intervention of Central Information Commission, EMMC published the statistics of the violation reported by it. In the numbers published in 2014-15, EMMC reported a total of 8487 violation of programme and advertising code. There is no public record of cases reported by EMMC of violation for the subsequent years.

v) Who are these monitors?

The vague nature of the programming code leaves a tremendous scope for those monitoring the content. Therefore, the question arises about the people who interpret these codes to register complaints against the news channels. According to a report published in Caravan (Remote Control, 2015), the hiring of EMMC is handled by a Broadcasts Engineering India Limited, or BECIL, a government of India enterprise- under Ministry of Information & Broadcasting based on Noida. The eligibility criterion is either a degree or a diploma course in Journalism and mass communication.

vi) EMMC – A clear case of Surveillance?

EMMC, in its working, is antithetical to almost every parameter of an independent regulation of content on news channels. The government in the last few years have expanded EMMC mandate beyond just monitoring the channel. The 2016-17 annual report of I & B ministry listed out the work assigned to the centre⁸. It included compiling of daily news reports with comments and reactions, giving feedback to Ministries and Departments, special monitoring, sending SMS alerts etc. This has been reported by news organizations in the past as well. The Hindu in September 2015, reported that EMMC is required to track and constant updates to coverage on Prime and Minister as well as I& B ministers (Raman, 2015).

The mechanism developed by government wherein it pursues cases reported by EMMC overrides all self-regulation bodies like NBA, this raises questions over NBA's validity. It is important to note here that although the government recognizes all the self-regulation bodies, there has not been any written formal agreement in public regarding the same. Moreover, on 9th august 2018, the government replying to a query in parliament stated that complaints can be filed

⁸ https://mib.gov.in/sites/default/files/Annual_Report_2016-17%20%281%29.pdf

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<https://pgportal.gov.in/>. In such a case, knowing that government can easily over-ride self-regulatory bodies and has punitive powers unlike NBA, the whole idea of self-regulation stands challenged.

In the entire mechanism of EMMC reporting the case and the inter-ministerial committee acting on it, there is no involvement of any stakeholders in any capacity. Be it the private broadcasters themselves, civil society members, journalists etc. Therefore the entire power resides in government's hands to take the decision. Moreover, the case of government monitoring every broadcast channel is an extremely dangerous precedent. The lack of checks and balances can lead to government pursuing cases to suppress any contrary or critical views according to its own convenience. The lack of public records regarding EMMC's working thus empowers government to pursue cases in implicit manner wherein it does not need to put out any official warning or order against the channel. Instead it can pressurize channels tacitly. The recent issue of ABP news is a clear example of it.

Apart from this, the government has been accused of going after certain channels to quell unfavourable opinion. The most highlighted example of this was the case of NDTV India in 2016, when NDTV was asked to stop its transmission for one day for its coverage of Pathankot terror attack earlier that year.. NDTV in its defence pointed out that other news organization had also covered the attack in similar manner (Why NDTV Was Banned For Its Pathankot Coverage Even Though Other Channels Reported The Same, 2016). Although ban was revoked later, the government had rejected the arguments put by NDTV in its defence. This then gave us an indication of where does the actual authority resides when it comes to regulating content.

3. Issues with the complaint redressal system

The government was advised to formalize the complaint addressal system by the Supreme Court. This according to the court should include “the period of limitation within which a complaint can be filed, and the concerned statutory authority which shall adjudicate upon the same, including the appellate and other redressal mechanism” (Set up mechanism to hear complaints about TV content: SC, 2017). It was also advised to promote the existing mechanism amongst common viewers. The government, in its latest response in the parliament on this issue, pointed out that it receives complaints against private broadcasters through common public grievance portal. This response is far from sufficient. It does not specify any of the provisions asked by the Court. Moreover, if

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EMMC is given (or has already been given) the mandate to handle public complaints, it could inadvertently lead to more censorship of news channels since the programme code which they need to conform to is extremely vague. The government instead of appointing a new authority for the complaint redressal, seems to be relying on quick fixes. This could further aggravate the issue of news content regulation.

VI. Conclusion

As discussed in the introduction, news channels are impacted by a number of issues, content regulation being only one of them. The policy issues concerning the revenue model, the ownership patterns, issues concerning the tariffs, the editorial policies as well as laws concerning journalists have a direct or indirect impact on news channels working. Therefore, to expect content regulation of news channels to iron out on all the creases of news channels would be wrong. But this does not take away the importance of having a water-tight mechanism in place. The present mechanism is inadequate at one level and too powerful on the other. While the self-regulation mechanism suffers from structural issues of limited membership as well as no punitive powers, the government's own mechanism gives it too much power to decide the 'right' and 'wrong' of news channels. Self-regulation discourse in India has often been dominated by the big media houses. They have been accused of using it to derail any substantial step by government to build a better mechanism to regulate news content. The deterioration of content on news channels is a testament of the failure of the self-regulation mechanism. On the other hand, bodies such as EMMC as well as the inter-ministerial committee give the government the mandate to take decisions without involving any other stakeholder.

There is an urgent need for an independent and autonomous regulating authority, which has members from different stakeholders be it journalists, civil society members, academics, media organizations etc. The body should be statutory in nature and should be given punitive powers to act against all the news channels which are broadcast in India. At the same time, there should be separate provisions for news channels and non-news channels as government has already recognized while giving permission for new private channels. Issues concerning news channels

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then should be decided by the authority, be it ownership issues, carriage issues, issues relating to journalists rights etc to avoid any conflict between different bodies. All these issues have a direct or indirect consequence on news channel's working. This requires political will as well as participation of broadcasters and media organization.

An independent and vibrant media is a symbol of a vibrant democracy. Television news in today's era has become a defining feature of a country's media condition. An independent regulator will contribute immensely in building a media which is not only a source of information for its viewers but also contributes in taking the nation forward.

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ANNEXURE 1

Programme 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

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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 assigned to it in the Cinematograph Act, 1952 (37 of 1952);

(p) contains live coverage of any anti-terrorist operation by security forces, wherein media coverage shall be restricted to periodic briefing by an officer designated by the appropriate Government, till such operation concludes.

Explanation – For the purposes of this clause, it is clarified that “anti-terrorist operation” means such operation undertaken to bring terrorists to justice, which includes all engagements involving justifiable use of force between security forces and terrorists.

(q) depicts cruelty or violence towards animals in any form or promotes unscientific belief that causes harm to animals.

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ANNEXURE 2

Complete list of channels ordered by the government to go off air from 2005-2016.

Si. No.	Name of the channel	Reason for show cause notice	Details of the Action
1	Cine World	For Telecast of an adult movie on 26.11.2004	Order dated 24.3.2005 issued to the channel prohibiting the transmission of channel for one month.
2	AXN	Obscene Program titled 'World Sexiest Advertisements'	Order dated 17.1.2007 issued to the channel prohibiting the transmission of channel for two months.
3	FTV.com	Obscene Program titled 'Mid night hot'	Order dated 29.3.2007 issued to the channel prohibiting the transmission of channel for two months.
4	Janmat	Telecast of a sting operation on Smt. Uma Khurana, Teacher in violation of programme code	Order dated 19.9.2007 issued to the channel prohibiting the transmission of channel for 30 days.
5	FTV. Com India	Telecast of visuals of nude upper body of female models	An order dated 10.03.2010 issued to the channel prohibiting the transmission of channel for 9 days from 12.03. 2010 to

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			21.03.2010
6	SS TV	Telecast of programme titled 'Sizzling Hits' showing obscene and vulgar content	An order dated 08.02.2012 was issued to the channel prohibiting the transmission of channel for 7 days.
7	Enter 10	Telecast of Hindi feature film 'Musafir', 'Plan' and 'Áshiq Banaya Apne' – 'A' certified film	Order dated 08.01.2013 was issued to the channel prohibiting the transmission of channel for one day.
8	Zing	Telecast of Hindi feature film 'Hawas' – 'A' certified film	Order dated 08.01.2013 was issued to the channel prohibiting the transmission of channel for one day.
9	Manoranjan TV	Telecast of Hindi feature film 'Topless' – 'A' certified film	Order dated 08.01.2013 was issued to the channel prohibiting the transmission of channel for one day.
10	SS TV	Telecast of Trailer of the film "Friends with Benefits" which was not certified by CBFC for telecast on TV channels. – 'A' certified film	Order dated 08.01.2013 was issued to the channel prohibiting the transmission of channel for one day.
11	FTV	Telecast of performance	An order dated 28.03.2013 was issued to the channel prohibiting the transmission of channel for

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		<p>“Designers in High Definition” on 11.9.11.</p> <p>“Chantellie Lingerie Paris” on 12.09.11 and “15th Anniversary-Top Designers” showing obscene and women denigrating content</p>	10 days.
12	Mahuaa	<p>Telecast of Hindi feature film ‘Aulad’ and ‘Ek aur Kurukshetra’ –‘A’ certified film</p>	An order dated 25.04.2013 was issued to the channel prohibiting the transmission of channel for One day.
13	AXN	<p>Telecast of Hindi feature film ‘Darkness Falls’ –‘A’ certified film</p>	An order dated 25.04.2013 was issued to the channel prohibiting the transmission of channel for One day.
14	Movie Ok	<p>Telecast of Hindi feature film ‘Dil Jale’ –‘A’ certified film</p>	An order dated 1.05.2013 was issued to the channel prohibiting the transmission of channel for One day.
15	Comedy Central	<p>Telecast of Programme “Stand Up Club”</p>	An order dated 17.05.2013 was issued to the channel prohibiting the transmission of channel for 10 days.
16	Zoom TV	<p>Telecast of Hindi feature film ‘Teesri Aankh’ –‘A’ certified</p>	An order dated 1.10.2013 was issued to the channel prohibiting the transmission of channel for One

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		film	day.
17	ABN Andhra Jyoti	Telecast of a song based programme on “Ide Mallea Velavani” containing obscene and women denigrating content	An order dated 1.10.2013 was issued to the channel to prohibit the transmission or re-transmission for Seven days.
18	Manoranjan TV	Telecast of ‘A’ Certified Hindi Feature Film “Ek Chatur Nar”	An order dated 17.05.2013 was issued to the channel to prohibit the transmission or re-transmission for Seven days.
19	BIG CBS LOVE	Telecast of programme “Excused” containing women denigrating content	An order dated 15.10.2013 was issued to the channel to prohibit the transmission or re-transmission for One day.
20	UTV Bindass	Telecast of programme “Emotional Atyachaar Season 3” containing obscene content	An order dated 6.11.2013 was issued to the channel to prohibit the transmission or re-transmission for Seven days.
21	WB	Telecast of a “V/UA” certified film “It’s a Boy Girl Thing” showing obscene	Order dated 16.01.2014 was issued for taking the channel off air for one day

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		and women denigrating content	
22	NTV	Telecast a song-based programme 'Cine Colors'	An order dated 19.01.2015 was issued to the channel for taking the channel off air for seven days.
23	DY 365	Telecast of News report revealing the identity of rape victim	An order was issued on 26.03.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
24	NDTV Good Times	Telecast of programme namely 'WHY AM I STILL SINGLE'	An order was issued on 26.03.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
25	TLC	Telecast of programme namely 'SEX SENT ME TO THE ER'	An order was issued on 26.03.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
26	Satlon News	Telecast of News report about a private corporate party organised in a five star hotel on the Pune-Mumbai Highway	An order was issued on 27. 03.2015 to the channel to prohibit the transmission or re-transmission of channel for 30 days.
27	Jai Hind	Telecast of 'A' Certified Feature Film "Hai Harithe"	An order was issued on 07. 04.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
28	Aljazeera TV	Telecast of News report carried wrong	An order was issued on 10. 04.2015 to the channel to prohibit the transmission or re-transmission of

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		geographical map of India repeatedly	channel for five days.
29	NDTV India	Telecast of news report on Pathankot Terrorist attack	An order was issued on 02. 11.2016 to the channel to prohibit the transmission or re-transmission of channel for one day.
30	Care World	Telecast of obscene programme 'Kya Karu mai Ab'	An order was issued on 02. 11.2016 to the channel to prohibit the transmission or re-transmission of channel for seven days.
31	News Time Assam	Telecast of news report revealing the identity of minor boy	An order was issued on 02. 11.2016 to the channel to prohibit the transmission or re-transmission of channel for one day.
	News Time Assam	Telecast of News Bulletins showing disturbing visuals of dead bodies	
	News Time Assam	Telecast of News Story defaming the image of MLA and Denigrating women	

Source: <http://164.100.47.190/loksabhaquestions/annex/10/AU2408.pdf>

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ANNEXURE 3

List of channels issued order/advisory/warning by the government from year 2014 – 2017

Year 2014

S.No.	Name of the channel	Reasons for Show cause notice	Details of the Action
1	WB	Telecast of a “V/UA” certified film. “It’s a Boy Girl Thing” showing obscene and women denigrating content.	Order dated 16.01.2014 was issued For taking the channel off air for one Day.
2	Lemon News	Telecast of news report, revealing the identity of the sexually abused women.	A warning dated 10.03.2014 was issued to the channel
3	Bansal News	Telecast a programme ‘Ladkiyon ka Gumnaam Bodyguard’ promoting superstition and blind belief	A warning dated 11.03.2014 was issued to the channel
4	NE TV	Telecast of news bulletins showing the dead bodies and badly injured people without morphing.	A warning dated 12.03.2014 was issued to the channel
5	ZEE TV	Telecast of serial ‘Jodha Akbar’ containing content promoting	A warning dated 20.03.2014 was issued to the channel

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		communal attitudes, encouraging violence and also defamatory content.	
6	India News	Telecast of programme 'Rahasya' promoting Superstition and blind belief	A warning dated 25.03.2014 was issued to the channel
7	Color	Telecast of reality show Big Boss Season -7	An advisory dated 10.03.2014 was issued to the channel
8	Amrita TV	Telecast of 'A' certificate film, The 'Don'	A warning dated 27.03.2014 was issued to the channel
9	DY 365	Telecast disturbing of Dead Bodies without making them blurs.	A warning dated 07.05.2014 was issued to the channel
10	Sony TV	Telecast of objectionable comedy show 'Kahani Comedy Circus Ki'	A Directive Dated 20.05.2014 issued to Sony TV for compliance directions of the court of the chief commissioner for persons with Disabilities as also the provisions contained in the programme and advertisement code.
11	All TV Channel	Telecast of Advertisement on Zaitoon Tara Edible Oil' The advertisement claims that edible oil prevents cancer.	An advisory dated 26.06.2014 was issued to all the TV channel

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12	All TV Channel	Telecast objectionable advertisements which are upheld by CCC.	An advisory dated 21.08.2014 was issued to all the TV channel
13	Vasanth TV	Telecast of programme called 'Vaimaye Vellum' revealed the identity of sexually abused minor children	A warning dated 27.08.2014 was issued to the channel
14	News Live	Telecast of news bulletins showing the dead bodies and badly injured people without morphing or blurring	A warning dated 1.09.2014 was issued to the channel
15	TV- 5 TV	Telecast of news report showing young girl stabbing visuals without morphed or blurred.	A warning dated 02.09.2014 was issued to the channel
16	Kalaingar TV	Telecast of news report showing the dead bodies and badly injured people without morphing or blurring.	A warning dated 02.09.2014 was issued to the channel
17	Naxatra News	Telecast of allegedly defamatory/fabricated programme	An order dated 05.09.2014 was issued to the channel to carry version of other party
18	Headlines Today	Telecast of special programme called 'Muzaffarnagar conspiracy exposed	A warning dated 31.10.2014 was issued to the channel
19	Sudarshan News	Telecast of programme called "Siyasi Dango me UP"	A warning dated 31.10.2014 was issued to the channel

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Year 2015

S.No.	Name of the channel	Reasons for Show cause notice	Details of the Action
20	Colors TV	Telecast of a programme namely Fear Factor 'Khatron k Khiladi- Darr ka Blockbuster'	An order dated 08.01.2015 was issued to the channel thereby warning the channel and directing it to run an apology scroll for one day
21	Lemon News	Telecast of programme namely "Khauf ke 10 Destination"	A warning dated 19.01.2015 was issued To the channel
22	NTV	Telecast of sing based programme 'Cine Colors'	An order dated 19.01.2015 was issued to the channel for taking the channel off air for seven days.
23	24 Ghanta TV	Telecast of news report showing death of a young man without morphing or blurring.	A warning dated 23.03.2015 was issued To the channel
24	NTV	Telecast of the news report revealed the identity of sexual harassment minor boy.	A warning dated 23.03.2015 was issued To the channel
25	Satlon News	Telecast of news report about a private corporate party organised in a five star hotel on the Pune-Mumbai Highway	An order was issued on 27. 03.2015 to the channel to prohibit the transmission or re-transmission of channel for 30 days.
26	TV9	Telecast of 'Bullet News' Political satire	An order was issued on 27.03.2015 to the channel for running apology scroll

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		targeting chief minister of Telengana	
27	Jai Hind	Telecast of 'A' Certified film, titled 'Hai Harithe'	An order was issued on 07.04.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
28	Aljazeera TV	Telecast of news report carried wrong graphical map of India repeatedly.	An order was issued on 10.04.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
29	Sathiyam TV	Telecast of objectionable programme 'Ungal Aseervatha Seram' and Parthathum padithathum by Sathiyam TV	A warning dated 12.05.2015 was issued to the channel
30	Sudarshan News	Telecast of a programme called BINDAAS BOL making allegation about non-salutation of National Flag on the Republic Day by the Honorable Vice President	A warning dated 17.06.2014 was issued to the channel
31	Raj News	Telecast of disturbing visuals of dead bodies without blurring	A warning dated 22.06.2015 was issued to the channel
32	Raj News	Telecast of disturbing visuals of a women body burning up into flames without blurring	A warning dated 02.07.2015 was issued to the channel
33	Russia Today TV	Telecast of obscene programme 'Crazy alert'	An advisory dated 06.07.2015 was issued

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			to the channel
34	Channel 2 News	Telecast of disturbing visuals of a man dead body without blurring.	A warning dated 22.07.2015 was issued to the channel
35	A2Z News TV	The channel telecast news reports on various date and revealed the identity of sexual assault minor victim.	A warning dated 07.08.2015 was issued to the channel
36	DY 365	Telecast of News story defame the image of MLA and denigrating women	An order dated 07.08.2015 was issued to the channel thereby warning the channel and directing it to run an apology scroll for one day

Year 2016

S.No.	Name of the channel	Reasons for Show cause notice	Details of the Action
37	Care World	Telecast of programme “Kya Karun main ab”? on unnatural sex	A warning dated 24.05.2016 was issued to the channel
38	FTV	Telecast of a programme namely photos in alleged violation of the programme code	An advisory dated 25.05.2016 was issued to the channel
39	Raj News	Telecast of News bulletins in	An advisory dated 25.05.2016 was

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		alleged violation of the programme code	issued to the channel
40	CVR English News Channel	Telecast of News bulletins showing disturbing visuals of dead bodies.	An advisory dated 25.05.2016 was issued to the channel
41	Sathiyam TV	Telecast of News bulletins in alleged violation of the programme code	An advisory dated 31.05.2016 was issued to the channel
42	NDTV India TV	Telecast of a programme based on hanging of a 1993 Mumbai serial blast- case convict Yakb Memon	An advisory dated 1.06.2016 was issued to the channel
43	NDTV 24*7	Telecast of a programme 'Truth vs Hype- The riddle of Yakub Memon	An advisory dated 1.06.2016 was issued to the channel
44	Oscar Movies	Telecast of 'A' certified films on various dates	An advisory dated 6.06.2016 was issued to the channel
45	Aaj Tak	Telecast of a programme based on hanging of a 1993 Mumbai Serial blast-case convict Yakub	An advisory dated 7.06.2016 was issued

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		Memon	to the channel
46	ABP News	Telecast of a programme based on hanging of a 1993 Mumbai Serial blast-case convict Yakub Memon	An advisory dated 7.06.2016 was issued to the channel
47	NDTV India	Telecast of news report on Pathankot terrorist attack	An order dated 2.11.2016 was issued to the channel to prohibit the transmission or re-transmission of channel for one day.
48	Care World	Telecast of obscene programme 'Kya karu mai ab'	An order dated 2.11.2016 was issued to the channel to prohibit the transmission or re-transmission of channel for seven days.
49	News Time Assam	Telecast of news report revealing the identity of minor boy	An order dated 2.11.2016 was issued to the channel to prohibit the transmission or re-transmission of channel for one day.

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	News Time Assam	Telecast of News Bulletins showing disturbing visuals of dead bodies	
	News Time Assam	Telecast of News Story defaming the image of MLA and Denigrating women	
50	People TV	Telecast of News story showing disturbing visuals of dead bodies	A warning dated 29.11.2016 was issued to the channel
51	MBC TV	Telecast of news report revealing the identity of sexually assaulted victims	A warning dated 29.11.2016 was issued to the channel
52	Reporter TV	Telecast of News story showing disturbing visuals of violence	A warning dated 29.11.2016 was issued to the channel

Year 2017

S.No.	Name of the channel	Reasons for Show cause notice	Details of the Action
53	TV- 9 Marathi	Telecast of news report showing disturbing visuals of death of a man who set himself on fire	An advisory dated 28.02.2017 was issued

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			to the channel for violation of programme code.
54	All TV Channels	Compliance with rule 7(10) of Advertising code	An advisory dated 10.03.2017 was issued to all the TV channels
55	All TV Channels	Telecast of a programme of Republic Day Parade with sign language commentary on 26 th jan, 2017	An advisory dated 24.01.2017 was issued to all the TV channels

Source: <http://164.100.47.190/loksabhaquestions/annex/12/AU3812.pdf>

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ANNEXURE 4

List of news channels asked to go off air by the government from 2015-2018

S.No.	Name of the channel	Reasons for Show cause notice	Details of the Action
1	NTV	Telecast of sing based programme 'Cine Colors'	An order dated 19.01.2015 was issued to the channel for taking the channel off air for seven days.
2	Satlon News	Telecast of news report about a private corporate party organised in a five star hotel on the Pune-Mumbai Highway	An order was issued on 27. 03.2015 to the channel to prohibit the transmission or re-transmission of channel for 30 days.
3	Jai Hind	Telecast of 'A' Certified film, titled 'Hai Harithe'	An order was issued on 07.04.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
4	Aljazeera TV	Telecast of news report carried wrong graphical map of India repeatedly.	An order was issued on 10.04.2015 to the channel to prohibit the transmission or re-transmission of channel for one day.
5	Care World	Telecast of obscene programme 'Kya karu mai ab'	An order dated 2.11.2016 was issued to the channel to prohibit the transmission or re-transmission of channel for seven days.
6	News Time Assam	Telecast of news report revealing the identity of minor boy	An order dated 2.11.2016 was issued to the channel to prohibit the transmission or re-transmission of channel for one day (to carry out three awards of

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			one day off air concurrently)
	News Time Assam	Telecast of News Bulletins showing disturbing visuals of dead bodies	
	News Time Assam	Telecast of News Story defaming the image of MLA and Denigrating women	
7	VTV	Telecast of News programme 'Viral Truth' showing disturbing visuals of violence	An order was issued on 12.12.2017 to the channel to prohibit the transmission or re-transmission of channel for one day.
8	DY 365	Telecast of a news report showing visuals denigrating child.	An order was issued on 13.12.2017 to the channel to prohibit the transmission or re-transmission of channel for three days.

Source: [https:// 164.100.158.235/question/annex/245/Au3902.pdf](https://164.100.158.235/question/annex/245/Au3902.pdf)