

No.N-84/2017-BC.III
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' WING, SHASTRI BHAWAN,
NEW DELHI – 110001

Dated: 10th Oct., 2018

To

All Private Satellite TV Channels

Subject: Implementation of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and Protection of Children from Sexual Offences Act, 2012 (POCSO) regarding prohibition on disclosure of identity of children by media.

It is informed that National Commission for Protection of Child Rights (NCPCR), with a view to prohibiting disclosure of identity of child victims by media, has specifically drawn attention towards the provisions contained in Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 23 of Protection of Children from Sexual Offences Act, 2012 which are re-produced as below:

Section 74 of JJ Act, 2015:

"(1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published: Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both."

Section 23 POCSO Act, 2012:

"(1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.


(2) No reports in media shall disclose the identity of a child including his name, address, photograph, family details, school, neighbourhood, or any other particulars which may lead to disclosure of identity of the child: Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both."

2. It is also pertinent to mention that NCPCR, vide letter dated 30.08.2013, forwarded a copy of the Order dated 5.12.2012 passed by the Hon'ble High Court of Delhi, in the matter of AK Asthana Vs. UOI & Anr (Civil W.P. 787/2012) wherein the Hon'ble Court directed that Guidelines for Media Reporting on Children should be implemented with immediate effect. Accordingly, this Ministry issued a letter dated 17.10.2013 to all TV channels/FM Radio Stations/Community Radio Stations and the self-regulatory bodies namely NBA, IBF and ASCI requiring them to ensure strict compliance with the aforesaid Order dated 5.12.2012 as also the guidelines referred therein.

3. In view of above, all private satellite TV channels are requested to comply with this Ministry's Advisory dated 17.10.2013 and also to ensure compliance of Section 74 of the JJ Act, 2015 and Section 23 of the POCSO Act, 2012.


10/10/18

(M. RAJENDRAN)

Under Secretary to the Govt of India

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Copy to:

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2. Shri Puneet Goenka, President, The Indian Broadcasting Foundation (IBF), B304, 3rd Floor, Ansal Plaza, Khelgaon Marg, New Delhi – 110049

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issued
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