No.N-41015/20/2020-BC-III
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' WING, SHASTRI BHAWAN
NEW DELHI– 110001

Dated: 09th October, 2020

To

All Private Satellite TV Channels

Subject: Adherence to Programme Code under the Cable Television Network (Regulation) Act, 1995

On various occasions in the past, this Ministry has issued advisories to private satellite TV channels to broadcast content strictly adhereing to the Programme and Advertising Codes as prescribed under the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder. Advisories issued by the Ministry vide No. 41015/1/2019-BC-III dated 20.12.2019 and 25.02.2020 are also relevant in this regard, which are available on the official website of the Ministry of information and Braodcasting (www.mib.gov.in). The attention is also drawn to the following provisions of the Programme Code which provide that no programme should contain:

Rule 6(1)(d): anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths

Rule 6(1)(i): criticizes, maligns or slander any individual in person or certain groups, segments of social, public and moral life of the country.

2. Further, the Hon'ble High Court of Delhi in the matter of W.P. (C) 6568/2020 – Rakul Preet Singh Vs. Union of India & Others has in its Order of 17th September, 2020 (copy enclosed) observed as under:

"As far as the prayer for further interim relief made in the application by the petitioner, it is hoped that the Media houses and television channels would show restraint in their reporting and abide by the provisions of the Programme Code as also the various Guidelines, both statutory and self-regulatory, while making any report in relation to the petitioner."

3. All private satellite TV channels are requested to ensure compliance with the directions above.

09/10/2020

[G.C. ARON]
Director (BC)
Tele.2338 6394

Copy to:

1. President, News Broadcasters Association (NBA), Mantec House, 3rd Floor, C-56/5, Sector 62, NOIDA – 201307 (nba@nbanewdelhi.com)
2. President, The Indian Broadcasting Foundation, B-304, 3rd Floor, Ansal Plaza, Khel Gaon Marg, New Delhi – 110049 (ibf@ibfindia.com)
3. Association of Regional Television Broadcasters of India (ARTBI), B-116, Okhla Industrial Area Phase-I, New Delhi – 110065 (aolrakeshsharma@gmail.com)

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 6568/2020

RAKUL PREET SINGH ..... Petitioner

Through: Dr.Aman Hingorani, Dr.Shweta Hingorani & Mr.Himanshu Yadav, Advs.

versus

UNION OF INDIA, THROUGH ITS SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING & ORS.

..... Respondents

Through: Mr.Chetan Sharma, ASG & Mr.Ajay Digpaul, CGSC for UOI for R-1 & R-2 with Mr.Amit Gupta, Adv.
Mr.Rahul Bhatia, Adv. for R-4.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% 17.09.2020

This petition has been heard through video conferencing.

CM APPL. 22958/2020 (Exemption from filing notarized affidavit)

1. This application has been filed seeking exemption from filing affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.

2. Court fee, if payable, shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

3. Application is disposed of.

CM APPL. 22959/2020 (Exemption from serving the counsel for the R-3 & R-4)

As the learned counsel for the respondent no. 4 has entered appearance and notice is being issued to respondent no.3, the application stands disposed of.

W.P.(C) 6568/2020 & CM APPL. 22957/2020

1. Issue notice.

2. Notice is accepted by Mr.Ajay Digpaul, CGSC on behalf of the respondent nos. 1 and 2 and Mr.Rahul Bhatia, Advocate on behalf of the respondent no. 4.

3. Let notice be issued to respondent no. 3, to be served by the petitioner by electronic mode. Affidavit of Service be filed by the petitioner at least one week in advance of the next date of hearing.

4. Counter affidavit(s) be filed within a period of two weeks. Rejoinder(s), if any, be filed within a period of one week thereafter.

5. It is the case of the petitioner that based on certain unsubstantiated allegations, defamatory programmes are being run in the Media against the petitioner, causing irreparable harm and injury to the petitioner. The learned counsel for the petitioner submits that the said programmes are in violation of the Programme Code issued under the provisions of the Cable Television Networks (Regulation) Act, 1995, as also the Guidelines dated 20.12.2019 and 25.02.2020 issued by the respondent no. 1. He further submits that a formal complaint to the respondent no. 1 in this regard, could not be made as the injury being suffered by the petitioner was too immediate and far-reaching.

6. The learned counsel for the respondent no. 4 submits that there is an internal Grievance Redressal Mechanism put in place by the respondent no. 4 wherein, if the complaint against any of its members is found to be substantiated, action is taken against such channel.

7. The learned ASG submits that an order of pre-censorship ought not to be passed. He further submits that the petitioner has not filed any complaint with the respondent no. 1 under the Cable Television Networks (Regulation) Act, 1995.

8. Keeping in view the submissions made and having perused the screen shots of the programmes filed in the petition, as an interim measure, it is directed that the respondents shall treat the contents of the present petition as a representation to the respective respondents under the relevant provisions of the Act as also the Guidelines and expedite the decision thereon. In case any interim directions need to be issued to any Media house or television channel, the same be issued by them without awaiting further orders from this court.

9. As far as the prayer for further interim relief made in the application by the petitioner, it is hoped that the Media houses and television channels would show restraint in their reporting and abide by the provisions of the Programme Code as also the various Guidelines, both statutory and self-regulatory, while making any report in relation to the petitioner.

10. List on 15th October, 2020.

NAVIN CHAWLA, J

SEPTEMBER 17, 2020/*rv*