



Broadcasting Content Complaints Council

Content Self-Regulatory Guidelines for Non-News Channels

INDIAN BROADCASTING FOUNDATION

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Self-Regulatory Content Guidelines for the General Entertainment Non News & Current Affairs Television Channels

INTRODUCTION, STATEMENT OF OBJECTS & REASONS & PREAMBLE


A. INTRODUCTION

The Supreme Court in its landmark judgment on “airwaves” summed up the significance and importance of television in the modern world by stating as follows;

“Most people obtain the bulk of their information on matters of contemporary interest from the broadcasting medium. The television is unique in a way in which intrudes into our homes. The combination of picture and voice makes it an irresistibly attractive medium of presentation. It has tremendous appeal and influence over millions of people. Television is shaping the food habits, cultural values, social mores and what not of the society in a manner no other medium has done so far.....”

The airwaves judgment laid down the law that that “airwaves were public property” and that it was the obligation of the State under our constitutional system to ensure that they are used for public good. What was meant by public good was further elaborated to mean that in a democracy people govern themselves and they cannot govern themselves properly, unless they are “aware” of the social, political, economical and other issues confronting them. In order to create “awareness”, it was important for a broadcaster to ensure freedom from State or government control, in particular censorship by the government. This freedom implied freedom over the selection, content, and scheduling of programs.

It is in this context that the private television broadcast media (the “**Broadcast Media**”) in India, which was a relatively nascent industry till fairly recently, (*primarily due to Government monopoly control on the broadcast sector*), played its biggest role as guardian of the citizens’ right to freedom of speech and expression as guaranteed under Article 19 (1) (a) by the Constitution of India. *The freedom of speech and expression has inherent in it, the right to receive information and ideas as well as the right to impart them.* Hence, in order to ensure that the free speech and expression goals are achieved, it is important for the State to implement, positive and enabling legislation or guidelines to prevent domination, control and /or censorship by a government or public authority.




Unfortunately successive Governments have failed to take positive measures to encourage and promote the growth and development of television content in India free from Government intervention in accordance with the specific directions of the **Supreme Court in the 1995 “airwaves” case wherein the Hon’ble court said that “the broadcasting media should be under the control of the public as distinct from the government”**. In essence this meant that the Government should refrain from controlling the content and programming of radio and TV broadcasts, and an independent and autonomous body/organization/corporation with adequate representation from the industry and public should oversee the functioning of the media. *The goal was to create world class content and programming by giving media the freedom and scope for enhancing their creativity.*

Even after 15 years, an independent autonomous regulatory body continues to remain illusory. In fact far from freeing the “airwaves” and ensuring that the broadcast medium is free from government control and censorship, successive governments have instead many a time through various versions of the Broadcast Bill, Convergence Bill, Cable TV Act & Rules and licensing conditions attempted to do the exact opposite i.e. exert control over the Broadcast Media.

It has therefore been left to the efforts of the Broadcast Media to continue to resist any Government, or quasi-Government attempt to censor media by invoking grounds such as obscenity, morality, decency, public interest, race or religion. Here it is heartening to note that the Indian judiciary has time and again come to the rescue of the Broadcast Media on the above issues and has displayed maturity and reasonableness while evolving jurisprudence around the subject of freedom of speech and expression in keeping with evolving contemporary standards of society. The Supreme Court in the case of K.A.Abbas laid down the test for determining obscenity, by holding the **“test that would be applied to determine obscenity must be judged by the standards of reasonable, strong and firm-minded men who possess ordinary common sense and prudence and not by an out of the ordinary or hyper-sensitive mind”**. In the recent landmark case of Naz Foundation the Delhi High Court recognized that **“morals and standards of the society are continuously evolving and the rights enshrined to a citizen of this country cannot be defeated by using an arbitrary interpretation of public morality and decency”**

In the absence of an independent and autonomous regulatory body, the Broadcast Media stakeholders agree that it is the urgent need of the hour to expedite the implementation of a Self Regulatory body to be set up and implemented by the IBF so that it functions as an independent, autonomous organization, free from government intervention and free from influence of any one or more organizations private or otherwise in order to provide an enabling environment to facilitate creativity, promote viewpoint diversity and the plurality of ideas.

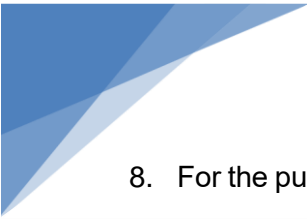
In light of the above the IBF has adopted with suitable modifications the Ministry of Information Broadcasting Self Regulation Guidelines for Broadcasting Sector draft version of 2008, which has been formulated after a comprehensive consultative process by over 40 stakeholders from across the Government, civil society, NGO’s, Industry. These Self Regulation Guidelines (Guidelines), Content Code & certification rules sets out principles, guidelines and ethical practices, which shall guide the Broadcasting Service Provider (BSP) in offering their programming services in India so as to conform to the Programme Code prescribed under the Cable Television Networks (regulations) Act 1995, irrespective of the medium/platform used for broadcasting of the programme.

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1. These Guidelines have been drafted to introduce greater specificity and detail with a view to facilitate self regulation by the broadcasting industry and minimize scope for subjective decision by regulatory authorities or the broadcasting service providers. The basic underlying principles of these Guidelines is that the responsibility of complying with the provisions of the Certification Rules vests with the BSP.
 2. The principles in these Guidelines are sought to be implemented at the first instance through a self-regulatory mechanism of the BSP. Regulation by 'forbearance', as present in the telecommunications industry, shall guide the Broadcasting Content Complaints Council (BCCC) whilst enforcing adherence by the BSP, with the guidelines. Such self-regulatory mechanism shall be subject to a credible and time bound default/ grievance redressal mechanism, which shall function under the guidance of the BCCC.
 3. The BCCC may offer general guidance on the interpretation of the Guidelines. However, any such advice is given on the strict understanding that it will not affect its discretion to judge cases and complaints after broadcast/transmission and will not affect the exercise of its regulatory adjudicatory responsibilities. The BSP should seek its own legal advice on any compliance issues that may arise.
 4. As the Guidelines are based on self-regulation, these set out the factors, which should be taken into account by the BSP when forming a view about the acceptability of any programme.
 5. These Guidelines do not profess to address every case that may arise. The BSP may face a number of individual situations, which are not specifically referred to therein. The principles, as outlined in the following sections, should make clear what the Guidelines are designed to achieve and help the Service Provider make the necessary judgments.
 6. The BSP has to adhere to the Certification Rules under the Cable Television Networks (Regulation) Act, 1995, which are in addition and not in derogation of the Drugs and Cosmetics Act 1940, the Emblems and Names (Prevention of Improper Use) Act, 1950, the Drugs (Control) Act, 1950, the Drugs and Magic Remedies (Prevention of Improper Use) Act, 1954, the Prevention of Food & Adulteration Act, 1954, the Prize Competitions Act, 1995, the Indecent Representation of Women (Prohibition) Act, 1986, the Trade and Merchandise Marks Act, 1999, the Copyright Act, 1957, The Prevention of Cruelty to Animals Act, 1960, The Cigarette and other Tobacco Products Act 2003, the Cinematograph Act, 1952, the Consumer Protection Act, 1986, and such other existing or new statutes, and Rules/Regulations/Guidelines framed there under from time, relating to exhibition of films or broadcasting of programmes.



B. PRINCIPLES

1. Broadcasters are seized of the importance and the impact of broadcast media in the lives of Indian citizens. While the debate is often raised about the impact of news on society, it is the non-news and particularly the so called “entertainment” broadcast that has a much deeper impact on the society primarily because of the aspect and the manners in which it touches popular lives.
2. This is the moment of destiny for India and as broadcasters it falls upon us as much as any other stakeholder to ensure that we reach out to touch the life of every Indian without discrimination. Today broadcasters in India have a duty not only to communicate but also to inspire, empower, embolden, encourage and include all members of Indian society. This responsibility must be discharged with full commitment to preserving, promoting and projecting the diversity of Indian culture.
3. To fulfill the goals stated above, the non-news broadcasters of India in conjunction with the Indian Broadcasting Foundation (‘IBF’) solemnly pledge to create, comply with and be bound by the SELF REGULATORY GUIDELINES FOR ALL NON NEWS CHANNELS as set out herein.
4. Content by its very nature is an evolving, creative medium that is subjective in nature and the guidelines can therefore not be frozen in time. They do therefore enshrine in themselves a commitment from all signatories to a periodic review to align the guidelines to evolving social mores, scientific developments, legal precedents and constitutional obligations. The principles as outlined in the following sections, while not being exhaustive and professing to address every situation that a broadcaster may face, are designed to achieve and help the broadcaster make necessary judgment. While making any such judgment, the broadcaster shall abide by the relevant laws of India as applicable to television broadcasting.
5. The scope of the guidelines extends to all non-news broadcast programming that appears on television, irrespective of the medium of transmission whether cable, terrestrial, satellite, DTH, IPTV, Mobile or HITS or through any other platform now known or developed in future.
6. By making broadcasters responsible to their peer group and by creating a forum for transparent accountability to all stakeholders, these regulations are also aim to thwart the veiled and ingenious designs of vested interest groups to covertly subjugate the power of media to support their own agenda.
7. These Guidelines are intended to guide the BSP and are based on enduring principles; that all programming should not mislead, cause offence, or lead to harm, particularly to the vulnerable.

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8. For the purposes of the Guidelines, “Programme” in relation to a broadcasting services, means, any television or radio broadcast and includes:
 - (a) Exhibition or films, features, dramas, news, promos, trailers, songs, music videos and serials through video/audio cassette recorder or video/audio cassette players
 - (b) Any audio or visual or audio-visual live performance or presentation and the expression “programming service” shall be construed accordingly, but does not include any matter that is wholly related to or connected with any private communication.
 - (c) This section should be read in conjunction with Content Code & Certification Rules hereunder;

 9. Basic principles of these Guidelines are the following:
 - (a) Programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or offending the audience.
 - (b) Each BSP shall categorize each of their programs based on its theme, subject-matter treatment, language and audio visuals presentation and slot it accordingly. The BSP will ensure that all programmes broadcast are in accordance with scheduling as per Certification Rules.
 - (c) The BSP should take reasonable steps to protect minors. The BSP should be vigilant in gaining an understanding of how material shown on television could impact the development of minors. Minors cover a wide age group and levels of maturity. It is therefore necessary for the BSP to exercise judgment on the capacity of minors in different age groups in coping with the depiction and treatment of material, which may not be suitable for them.
 - (d) There is a progressive decline in the proportion of minors present as television audience through the evening and during the night. The restrictions on the broadcast of programmes unsuitable for minors should be relaxed on a gradual and progressive basis after 8 pm. The assumption is that after 8 pm parents are expected to share responsibility for what their children are permitted to watch on television.
 - (e) By and large, the Certification Rules shall uniformly apply to all types of BSPs.



C. SELF-REGULATION MECHANISM

This section sets out the mechanism for self-regulation of content. Self-regulation shall operate at two levels – at the BSP level and the Industry level. These are described below;

PREFACE:

1. The complaints regarding content carried on TV Channels are being addressed by Ministry of Information and Broadcasting, as per the extant provisions under the Cable Television Networks (Regulation) Act, 1995, the rules thereunder and the Uplinking and Downlinking Guidelines. A need has also been felt to put in place a system of self-regulation of content by the Broadcasting industry. Accordingly, these Guidelines provide for a two-tier mechanism for ensuring compliance to the Content Code & Certification Rules under the aegis of the Programme Code by the GEC, Non news and current affairs Channels and redressal of consumer grievances at the industry level.
2. The self-regulation at the individual TV Channel (TVC) level would be the responsibility of the Standards and Practices Department of the concerned Broadcasters. At the next higher industry level, a Broadcasting Content Complaints Council (BCCC), would examine complaints about television programmes, received from the viewers or any other sources, including NGOs, RWAs Ministry of Information and Broadcasting etc., and ensures that the programmes are in conformity with the Content Guidelines. This mechanism would not cover films, movie videos, film trailers or any other production that can be telecast only after obtaining a certificate from Central Board of Film Certification (CBFC).

RECEIPT, PROCESSING AND DISPOSAL OF COMPLAINTS:

BROADCASTER / CHANNEL LEVEL: TIER – I

1. Each Broadcaster shall set up a Standard and Practices (S&P) Department with a Head of department for its channel(s) or nominate a dedicated person as Content Auditor to deal with the complaints received for content aired on its channels. In the absence of an S&P Head, the Content Auditor will be construed as S&P head.
2. Each broadcaster shall provide complete contact details of its Content Auditor /s on its own website and channel for public information. This information will also be notified to the Ministry of Information and Broadcasting and BCCC who will post the same on their respective website also. This person/s shall also be the contact point for any feedback on compliance etc. from the public regarding content violation.

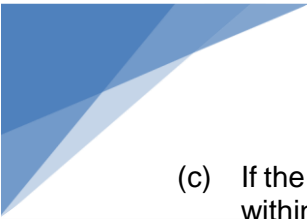


3. DUTIES OF THE CONTENT AUDITOR / HEAD OF STANDARDS & PRACTICES

- (a) The Content Auditor and/or Head, Standard & Practices (S&P) shall ensure that the BSP is in compliance with the IBF's Content Code.
- (b) The Content Auditor and/or Head, Standard & Practices (S&P) shall be the point of contact for any issues, complaints in relation to any programmes broadcast by the BSP.
- (c) The Content Auditor and/or Head, Standard & Practices (S&P) will be responsible for examining all the programmes and recommending appropriate categorization as per the IBF's Content Code.
- (d) The Content Auditor and/or Head, Standard & Practices (S&P) will examine the complaints against content and guide the BSP to satisfy itself with regard to compliance with all the relevant legal and administrative requirements under various statutes and regulations having a bearing on content.
- (e) The Content Auditor and/or Head, Standard & Practices (S&P) shall bring to the notice of the Head of Programming of the BSP, by whatever designation he is called, which requires to be rectified. The ultimate decision in such matter shall be responsibility of the Head of Programming of the BSP.
- (f) The Content Auditor and/or Head, Standard & Practices (S&P) shall not be held personally liable for any violation of the IBF's Content Code and it will be only the Head of Programming of the BSP who will be liable for any non-compliance.

4. PROCESS OF HANDLING A COMPLAINT AT THE BSP LEVEL (TIER-I)

- (a) A consumer may send a written complaint as soon as possible and not later than a week of the telecast of the offending programme to the Content Auditor and/or Head, Standard & Practices (S&P) Department of the concerned Broadcaster/Television Channel, who shall be expected to carefully consider the complaint. The name, age, complete address along with the fax number/ e-mail ID, if available, of the complainant must be given in clear handwriting or typed. An acknowledgment to the complaint shall be sent to the complainant within two days after the receipt of the complaint.
- (b) The complainant must furnish all relevant particulars including the name of the Television Channel, the date and time of telecast of the offending content, the title of the programme, details about the alleged offence, etc. and also give reasons, as to why s/he feels that the particular programme was not in compliance with the Content Guidelines.


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- (c) If the Head of the S&P Department considers that there has been a violation of the Content Guidelines, s/he shall reply to the complainant within one week of the channel's receipt of the complaint, indicating the breach of the Guidelines and informing whether the offending content has been modified or withdrawn. A copy of the reply, along with the complaint shall also be endorsed to BCCC Secretariat.
 - (d) If in the opinion of the Head of the S&P Department, that the complaint is, prima-facie, frivolous, vexatious or motivated/ biased etc., the Head of the S & P Department would be within her/his right to take no action on such complaint and reply in an appropriate manner to the complainant.

5. BROADCASTING CONTENT COMPLAINTS COUNCIL (BCCC): TIER II

CONSTITUTION OF BCCC

- (a) The BCCC shall be a thirteen (13) Member body consisting of a Chairperson being retired Judge of the Supreme Court or High Court and 12 other Members. The Chairperson of the BCCC will be appointed by the board of IBF by a majority decision.
- (b) The Composition of other Members of BCCC shall be as under:-
 1. Four (4) non-broadcaster Members
 2. Four (4) Members from any national level Statutory Commissions
 3. Four (4) broadcaster Member
- (c) Four (4) non- broadcaster Members should be selected by a separate panel of eminent persons, to be appointed by the IBF Board. The 4 non-broadcaster Members shall be renowned persons of impeccable integrity, high social standing and outstanding achievements from the following fields:-
 1. An eminent administrator with relevant experience
 2. An eminent media critic / expert
 3. A person who has been a member of the CBFC for two years or more
 4. An eminent social worker
- (d) Four (4) Members from National level Statutory Commissions shall either be the Chairperson or any other Member of such Commission so nominated by Chairperson of the Commission be a part of BCCC.

Provided that one Member each shall be from **National Commission for Women (NCW), National Commission for Protection of Child Rights (NCPDR) and National Commission for Schedule Caste respectively**. The Fourth Member shall be from any of the national level Statutory Commissions such as, National Commission for Schedule Tribes, National Commission for Minorities, National



Commission for Backward Classes, National Human Rights Commission (NHSRC), to be selected on a rotational basis, depending on the nature of complaint being dealt by BCCC in a particular meeting.


- (e) Four (4) broadcaster Members should be nominated by voting at the Annual General Body Meeting (AGM) of the IBF, to ensure fair and transparent representation.
- (f) Quorum of meeting of BCCC shall be at least seven (7) Members, out of which, at least three would be non-broadcaster members. But if any meeting has to be adjourned for want of quorum, then at the adjourned meeting the Members present whatever their number shall form a quorum and shall have power to decide upon all matters, which could have been disposed off at the adjourned meeting.
- (g) All decisions of the BCCC shall be by simple majority of the Members present and shall be in writing and may specify the action to be taken by the concerned Television Channel in respect of the television programmes complained against. The Chairperson's view shall have the same weight-age as that of any other Member of BCCC.

6. TERMS & CONDITIONS:

- (a) The Chairperson and other Members shall hold office for a period of three (3) years. Provided that the Chairperson shall continue to hold office until the BCCC is re-constituted in accordance with the procedure, as enunciated herein below, or for a period of Three (3) months whichever is earlier. Process of appointment of new BCCC shall be initiated by IBF at least 60 days prior to the expiry of the term of the BCCC.

Provided also that where a person nominated as a Member of the BCCC is found unfit to hold office as Member of the BCCC, the Chairperson may remove such person from being Member and thereupon, such Member shall forthwith cease to be a Member of the BCCC.

- (b) Non-broadcaster Members nominated in the BCCC shall not be eligible for re-nomination after expiry of his/her tenure of 3 years.
- (c) Broadcasters Members nominated in the BCCC shall not be eligible for re-nomination at least for one year.
- (d) A Member shall be deemed to have vacated his /her seat if he/she is, in the opinion of the Chairperson, absent without sufficient cause, from three (3) consecutive meetings of the BCCC.
- (e) The Chairperson may resign his office by giving notice in writing to the IBF Board, and any other Member may resign his office by giving notice in writing to the Chairperson, and upon such resignation being accepted by the IBF Board or by the Chairperson, as the case



may be, the Chairperson or the Member shall be deemed to have vacated his office.

- (f) Any vacancy arising as above or otherwise shall be filled, as soon as may be, by nomination in the same manner in which the Member vacating office was nominated and the Member so nominated shall hold office for the remaining period in which the Member in whose place he is nominated would have held office.

7. TERMS OF SERVICE OF CHAIRPERSON AND MEMBERS:

The Chairperson and non-Broadcaster Members will be paid sitting fee for attending each meeting of BCCC. They will also be provided pick and drop facility for attending the meetings. Economy class Air fare and suitable accommodation, as per arrangement made by IBF, will be provided to outstation Members. Broadcaster Members in the BCCC will not be entitled for any sitting fee, reimbursement of traveling, boarding and lodging expenses.

8. PROCEDURE:

- (a) Any person or a group of persons, may, either individually or jointly, file a complaint directly to BCCC against any programme broadcast on any of the TV Channels within 14(fourteen) days from the date of the first broadcast.

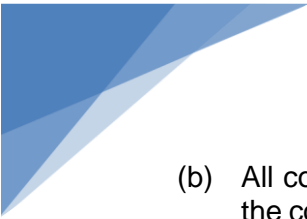
The complainant may write to the Secretary, BCCC C/o. Indian Broadcasting Foundation, B-304, 3rd Floor, Ansal Plaza, Khelgaon Marg, New Delhi - 110 049.

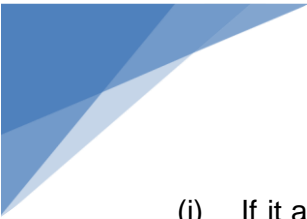
A complaint must be made in writing, either in English or Hindi, and must include the following:

1. Name, age, complete address of the complainant
2. Name TV Channel and specify the programme
3. Date and time of broadcast
4. Short summary of the subject matter of the complaint.

However, in order to facilitate the General Public making complaints, the Secretariat will not insist on accepting complaints in the prescribed format.

In case the complaint is sent **by e-mail**, a hard copy of the complete complaint with enclosures may also be sent by post to Secretary, BCCC. Complainant can also register his/her complaints online as well. On receipt of a complaint, the BCCC Secretariat will acknowledge the complaint within two working days of the receipt of the complaint.

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- (b) All complaints so received will be put up for orders of Chairperson by BCCC Secretariat within three working days from the receipt of the complaint(s). If the complaint appears prima facie vexatious, frivolous or motivated or appears baseless, the Chairperson shall initiate no action but will direct BCCC Secretariat to put up the same at the next meeting of BCCC to decide whether the complaint should be processed or not. The BCCC shall direct further action to be taken.
 - (c) In case of any complaints received by the BCCC for a channel which is not a member of IBF, then such complaint shall be forwarded to the Ministry of Information and Broadcasting for appropriate action.
 - (d) If Chairperson feels that complaint appears to, prima facie, indicate a possible violation of the Code, the Chairperson will direct BCCC Secretariat to ask the concerned Channel to submit their views on the offending content within one (1) working week from the receipt of the letter from BCCC in the matter. On receipt of request from BCCC, the Electronic Monitoring Media Centre (EMMC), Ministry of Information and Broadcasting shall submit tape/CD on the offending content within two (2) working days.
 - (e) The reply of the Channel, in any, along with video/footage as received from EMMC will be put up for consideration of BCCC in its next meeting.
 - (f) If BCCC is not satisfied with the response of the concerned Channel, the BCCC should decide whether the offending content has violated the Guidelines. In case a violation is detected, BCCC shall direct the concerned Channel to modify or withdraw such content within a week on receipt of direction from BCCC
 - (g) It shall be open to the Channel to seek a personal hearing and to BCCC to seek the Channel's presence at their meeting. However, this shall not be construed to grant any further time extension but must be allowed within the same period granted by sub section 3(iii).
 - (h) If the representative of the Channel fails to appear before BCCC on the stipulated date, the BCCC may decide the complaint ex-parte as the BCCC may deem fit
 - (i) In the event of a channel found to have been /being telecast any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security or its continued telecast may create a serious law and order problem or incite violence, BCCC may, upon due consideration, pass an interim order directing immediate withholding of the offending telecast by the Channel and direct the Channel to send its justification within twenty four hours to enable issue of final order by the BCCC in the matter. If the channel defies the order of the BCCC, the matter may be referred to Ministry of Information and Broadcasting within the next 24 hours for appropriate action.



(j) If it appears to BCCC that a motivated complaint has been made with the objective of tarnishing the reputation and or the goodwill of the concerned Channel in the market, the BCCC can blacklist such complainants for three years and no complaint shall be entertained thereafter from such complainants.

(k) The BCCC shall not entertain anonymous as well as pseudo anonymous complaints.

9. PROCEDURE FOR IMPOSING DIRECTIONS/ORDERS BY BCCC AND COMPLIANCE THEREOF

I. DIRECTIONS/ORDERS

This section of the Guidelines prescribes the procedure to be followed by BCCC when considering direction/penalty against the channel for non-compliance of the Guidelines. Imposition of direction/penalty against a channel is a very serious matter. After following the due process of complaint redressal and the principles of natural justice, if BCCC arrives at decision that a channel has seriously, deliberately, repeatedly or recklessly violated IBF's Self-Regulatory Guidelines, then BCCC may consider imposition of following direction/penalty to establish seriousness in compliance of the Guidelines:

1. Issue a Warning to the channel to be more cautious in future in its depiction while telecasting particular kind of content.
2. Issue a Direction to the channel to not repeat particular episode of a programme.
3. Issue a Direction to avoid particular kind of reference in the programme or to edit/ modify the programme.
4. In a rare case, issue a Directive giving option to channel either to modify the content of the episode for viewing during general hours or to shift the telecast of the episode to restrictive viewing hours. BCCC must observe the following principle of the Guidelines while passing direction under this sub-clause: "There is a progressive decline in the proportion of minors present as television audience through the evening and during the night. The restriction on the broadcast of programmes unsuitable for minors should be relaxed on a gradual basis after 8 pm. The assumption is that after 8 pm parents are expected to share responsibility for what their children are permitted to watch on television."
5. Issue an Order to telecast an Apology Scroll in a standard format that shall be applicable to all similar decisions. There should be gradation of violations, ranging from mild to severe, and frequency of apology scroll should be determined accordingly.
6. Impose a Financial Penalty in a graded manner up to a maximum of Rupees 30 lakh. There shall be gradation of violations, ranging from mild to severe, and amount of Financial Penalty should be determined accordingly. The financial Penalty could be graded in six buckets – Rs 1 lakh, Rs 2.5 lakh, Rs 5 lakh, Rs 10 lakh, Rs 15 lakh, Rs 20 lakh and Rs 30 lakh.

BCCC, while passing order, must clarify that IBF's Self-Regulatory Guidelines' violations in no manner can be considered as violation as per Ministry of I&B Guidelines since that would amount to double jeopardy and there are separate laws and policy guidelines for the same.



II. FACTORS TO DECIDE GRADATION OF PENALTIES

To determine whether the breach is serious, deliberate, repeated or reckless, the BCCC must consider the following factors:

1. The degree of breach - this refers to the extent and severity of the breach
2. The duration of the breach - the time period for which breach was alive
3. The harm caused as a result of the breach - Assess the degree of harm, both actual and potential, caused by the breach that may affect the audience
4. The financial gain made by the broadcaster as a result of the breach - Is it the case that broadcaster has committed breach to gain Television Ratings?
5. The reversibility of the harm - whether the harm can be corrected through any measure
6. The steps taken by the broadcaster to remedy and correct the consequences of the breach, including complying with the initial recommendations of the BCCC

III. REMEDIAL ACTIONS

In case a channel/broadcaster does not comply with the Orders passed by the BCCC, following recommendation, ANY ONE or a COMBINATION, can be made by BCCC to the IBF Board of Directors:

1. To not consider any request of the said TV channel/broadcaster pertaining to outstanding of collection monies from the concerned advertiser for a limited period until the matter is resolved.
2. To recommend to the Ministry of Information & Broadcasting, in exceptional cases, for initiating appropriate action against the channel concerned as per the law.
3. Adopt a resolution to expel the said TV channel/broadcaster from the membership of IBF

10. TIMELINE FOR DISPOSAL OF A COMPLAINT BY BCCC:

It would be the endeavour of BCCC to pass the final orders within Three (3) weeks of the receipt of the complaint. In case the BCCC is not able to dispose of a complaint within Three (3) weeks, the Chairman, BCCC would write to the I & B Ministry giving brief reasons for non-disposal of complaint.

11. *SUO MOTU* PROCEEDINGS OF BCCC :

The BCCC may initiate *suo motu* proceedings against any programme broadcast on any of the TV Channels as and when it deems necessary.

12. SUO MOTU COMPLAINTS :

When a member of the IBF Board or BCCC makes a complaint then it is treated as a *suo motu* complaint. The IBF Board member or BCCC member is required to register a complaint in writing with BCCC Secretariat, as is done by other complainants. When a complaint is deliberated upon by the BCCC, it can raise a *suo motu* complaint on another matter against other claims made in the originally complained broadcast *suo motu* complains goes through the same process as other complaints, ensuring that the Broadcaster is given an opportunity. The BCCC member/s who make a complaint should not be part of the deliberations and evaluation of the specific complaint.

13. OTHER PROVISIONS:

- (a) Each complaint to the BCCC, along with all supporting information provided by the Complainant and the Broadcaster complained against will be placed as part of the agenda of the next BCCC meeting
- (b) Once the BCCC has made a decision on the complaint, both the complainant and the party complained against will be informed of the BCCC decision, along with a copy of the order immediately Orders/directions of BCCC will be invariably endorsed to Ministry of Information and Broadcasting as well as EMMC and also put on the website of BCCC.
- (c) Unless specifically sought, the BCCC's meeting protocols will not provide for personal representation by the complainant/ Channel concerned in respect of complaints being deliberated upon at the BCCC's meeting
- (d) Any BCCC member who has any interest in the complaint by virtue of being associated with the concerned Broadcaster or the complainant should automatically recuse and Secretariat should not send papers relating to the complaint and even if such papers have been sent such member shall voluntarily withdraw from the proceeding if it transpires that such member is associated with either of the parties
- (e) If a positive response is not received or compliance is not assured by the Television Channel within one (1) week, BCCC may initiate action, as indicated at para 4 above immediately.
- (f) IBF Secretariat will put on their website monthly details of complaints received, decisions taken by the BCCC and action taken by the concerned channels on the decisions of BCCC. The same will be circulated it to all IBF members. BCCC Secretariat will separately send a monthly report of cases of non-compliance by Television Channels to BCCC.
- (g) BCCC Secretariat will put the details of Content Auditor of each Channel in their web site for facilitating the general public.

D. IBF'S CONTENT CODE & CERTIFICATION RULES 2011

CHAPTER – 1 : PRELIMINARY

Short title, extent and commencement. – This Code and Rules may be called the Indian Broadcasting Foundation “Content Code & Certification Rules 2011 (hereinafter the IBF Content Code 2011)”, as approved and adopted by the board of Indian Broadcasting Foundation.

It shall extend to all general entertainment and non-news and current affairs television channels operating in India.

It shall come into effect on the date as notified the by Board of the IBF.

Definitions -In this IBF Content Code, unless the context otherwise requires;


- (a) **“Broadcaster or Broadcast Service provider (BSP)”** means any person who provides a content broadcasting service and includes a broadcasting network service provider when he manages and operates his own television channel;
- (b) **“Broadcasting Network Service”** means a service, which provides a network of infrastructure of cables or transmitting devices for carrying broadcasting content in electronic form on specified frequencies by means of guided or unguided electromagnetic waves to multiple users, and includes such other Network Service as may be prescribed by the Authority;
- (c) **Broadcasting Content Complaints Council (BCCC)** – means the independent, autonomous complaints redressal authority prescribed under this IBF Content Code as adopted and ratified by the Board of the IBF.
- (d) **“Categorization”**- of a programme implies calibration of a program according to theme, subject matter treatment and audio visual depiction suitable for the two categories of Generally Accessible “G” and Restricted Access “R” programs. All programmes/scenes will be categorized based on the following:

Theme: Subject matter, topic or idea of content

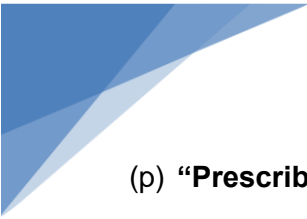
Subject matter treatment: the treatment given to the overall theme keeping in view the `Likely impact` among viewers or listeners.

Audio visual presentation: On screen/ on air presentation of the theme.

- (e) **“Category ‘G’ ”** Programmes which are suitable for unrestricted viewing by all viewers and/or under Parental Guidance.
“Category ‘R’ ” means restricted programmes that are not meant for children and young viewers.

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- (f) **“Content”** means any sound, text, data, picture (still or moving), other audio-visual representation, signal or intelligence of any nature or any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically;
- (g) **“Content Broadcasting service”** means the assembling, programming and placing content in electronic form and transmitting or re-transmitting the same on electro-magnetic waves on specified frequencies, on a broadcasting network so as to make it available for access by multiple users by connecting their receiving devices to the network, and includes such other content broadcasting services as may be prescribed by the Central Government from time to time.
- (h) **“Channel”** means a set of frequencies used for transmission of a programme;
- (i) **“Content Code”** means the IBF Content Code and Certification rules as prescribed herein;
- (j) **“Defamation”** : It will have the same meaning as given in the Indian Penal Code (IPC) or any amendments thereto or in any other law for the time being in force.
- (k) **“Depiction of cruelty to animals”** means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image or sound recording, of conduct in which a living animal is intentionally harmed, maimed, mutilated, tortured, wounded or killed or any other such conduct that is illegal under the animal-protection laws.
- (l) **“Identifiable larger public interest”** shall mean the subject matter treatment or audio visual presentation of themes relating to social evils, gender or caste based issues, criminal or disreputable behavior, protecting public health or safety; exposing misleading claims made by individuals or organizations; or depicting significant incompetence or corruption in public office for the larger public interest.
- (m) **“Libel”**: A published (including broadcast) false statement with the intent to damage a person’s reputation; a written defamation.
- (n) **“Pornography”** means Description or depiction of sexual acts or naked people in a way that is intended to cause sexual excitement but would be considered of no artistic value or unpleasant or offensive by most people.
- (o) **“ Programme”** in relation to broadcasting service, means:
1. Any matter the purpose of which is related to entertain, educate or inform public or
 2. Any sponsorship matter, whether or not of a commercial kind;

But does not include any matter that is wholly related to or connected with any private communication.

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- (p) **“Prescribed”** means prescribed by the IBF Content Code and /or the BCCC
- (q) **“Slander”**: The action or crime of intentionally and deliberately making a false spoken statement damaging to a person’s reputation
- (r) **“Suffering”** shall mean and include physical or mental pain or distress or trauma caused to a human being or an animal by mistreatment.
- (s) **“Trophy”** means the whole or any part of any captive animal or wild animal that has been kept or preserved by any means, whether artificial or natural, and includes;
1. Rugs, skins and specimens of such animals mounted in whole or in part through a process of taxidermy; and
 2. Antlers, horns, hair, feathers, nails, teeth, musks, eggs, nests rhinoceros horn.
- (t) **“Violence”** means any overt depiction of a credible threat of physical force or the actual use of such force intended to physically harm an animate being or group of beings and includes domestic violence and all kinds of sexual harassment and torture in word, gesture or action. Violence also includes certain depictions of physically harmful consequences against an animate being or group that occur as a result of unseen violent means.
- (u) **“Warranted”** means that where broadcasters wish to justify an infringement of privacy or the subject matter treatment or audio visual presentation of themes of identifiable larger public interest as warranted, they should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in identifiable larger public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy and /or does not violate any of the provisions of the IBF Content Code and restrictions on subject matter treatment and audio visual presentation of themes under this Code.

CHAPTER - 2 : PROGRAMME CLASSIFICATION SYSTEM

1. Scheduling Rules

1. The BSP shall ensure that all Programmes are categorized and self-certified by each BSP as either (a) Category “G” Programmes which are suitable for unrestricted viewing by all viewers and/or under Parental Guidance and (b) Category ‘R’ Programmes which may not be suitable for Children & Young viewers.
2. The BSP shall broadcast each category of programme in accordance with scheduling set out below:

S.No	Category of Programme	Scheduling of programme
1.	Categories ‘Generally Accessible ‘G’ Programmes which are suitable for unrestricted viewing by all viewers and/or under Parental Guidance’	At all times
2.	Category ‘Restricted Access ‘R’ Programmes which may not be suitable for Children & Young viewers	11:00 pm to 5:00 am

Provided that the BSP shall ensure that Category Restricted Access ‘R’ programmes which may not be suitable for Children & Young viewers will be edited in conformity with restrictions given in the Categorization System.

3. Notwithstanding anything contained in any other rules or regulations in force for the time being, the BSP shall obtain prior certification from the CBFC or any other authority as may be authorized by the Central Government, for:

“All films (including foreign films, music videos, albums, trailers, promos, songs etc.)”.

And shall broadcast them on television or radio only after such certification and shall schedule them consistent with their certified categorization as above.

4. As per the Cable TV Networks (Regulation) Act, all complaints related to advertisements shall be regulated by Advertising Standards Council of India (ASCI).



CHAPTER – 3 : CATEGORISATION SYSTEM

Except in cases where preview and certification by the CBFC or any other-competent authority is prescribed, all content i.e. every film, programme shall be self-certified by a Broadcasting Service Provider (BSP) under any one of the categories on the basis of the subject matter treatment and audio-visual presentation of various themes as may be prescribed from time to time. Each film, programme shall be certified and given an overall categorization by the CBFC or the BSP or any other competent authority, as the case may be. It is mandatory that each programme is adjudged 'Generally Accessible' [Programmes for unrestricted viewing and/or under Parental Guidance] to obtain overall 'G' certification. Any content that violates the prescribed restrictions may be refused certification by the CBFC or the BSP or any other competent authority for reasons to be recorded in writing and after giving a reasonable opportunity to the applicant/content provider to explain his position or make suitable modification in the content.

Unless the context otherwise requires by storyline/theme, all other content shall be categorized in accordance with the following norms.

PROGRAMME CATEGORIZATION SYSTEM

["G" Programmes for unrestricted viewing and/or under Parental Guidance and "R" Programmes which may not be suitable for Children & Young viewers]

Theme 1: Crime & Violence

Subject Matter Treatment: While the overall theme, storyline and characterization may justify one or more specific scenes of crime or violence, the subject-matter treatment of such content under all categories **shall not**:

1. Induce, incite, encourage, justify, reinforce or glorify violence or terror or its perpetrators or contain anything against the maintenance of law and order or promote anti-national attitudes.
2. Present violence as glamorous or an acceptable solution to human conflict.
3. Incite violence against specific groups identified by race, national or ethnic origin, colour, class, religion, gender, sexual orientation, age or mental or physical disabilities.
4. Present criminality as desirable and / or glamorous.
5. Endanger human lives or prejudice the success of attempts to deal with a hijack or "hostage" or kidnapping crisis or a law & order situation or any other security-related or criminal investigation.
6. Have a traumatic, desensitizing or dehumanizing effect that could lead to psychological disorders or unsocial attitudes or behavior, particularly among minors.
7. Encourage emulation of criminal or violent behavior.
8. Provide opportunities to copy the modus operandi of criminals and thereby encourage commission of any offences or crimes.
9. Encourage the possession of wildlife as trophies.

Audio – Visual Presentation: The audio visuals presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included in respective categories below:

<p align="center">Category “G” Programmes for unrestricted viewing and/or under Parental Guidance</p>	<p align="center">Category “R” Programmes which may not be suitable for Children & Young viewers</p>
<ul style="list-style-type: none"> a) Excessively explicit or gruesome crime or violence. b) Excessively explicit portrayal of eccentric or abnormal violence or dangerous behavior. c) Close-ups or prolonged shots of dismembered or disfigured limbs or bodies. d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents. e) Depict explicit cruelty or violence towards animals, or whose production may subject animals to excessive pain, fear or suffering. f) Show details of methods of suicide or self harm 	<ul style="list-style-type: none"> a) Prolonged or frequent close-up shots of gruesome crime or violence. b) Prolonged or frequent portrayal of explicit eccentric or abnormal violence or dangerous behavior. c) Prolonged close-up shots of blood and gore or dismembered or disfigured limbs or bodies. d) Excessive depiction images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents, e) Prolonged or frequent depiction of simulated explicit cruelty or violence towards animals, or whose productive may subject animals to excessive pain, fear or suffering.

Theme 2: Sex, Obscenity & Nudity

Subject Matter Treatment: While subjects of themes exploring human relationships may include sexual relations, the subject-matter treatment of such content under all categories **shall not**:

1. Incite or encourage induce viewers to obscene or indecent behavior or breach of law.
2. Present sex, nudity, kissing or offensive behavior or language so as to glorify, encourage or justify induce or incite indecent or obscene behavior.
3. Present the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent degrading or derogatory to woman or depict women as mere objects or symbols of sexual desires or behavior.

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included in respective categories below:

Category “G” Programmes for unrestricted viewing and/or under Parental Guidance	Category “R” Programmes which may not be suitable for Children & Young viewers
<ol style="list-style-type: none"> a) Highly coarse language with explicit sexual connotations. b) Show nudity, with full exposure of lower abdomen or sexual organs or posterior or full female’s breast/s. c) Show fondling of female breasts or human or animal sexual organs. d) Close-up shots of crude gestures or movements, suggestive of sexual activity. e) Show explicit images of sexual activity or sexual perversions or violence including rape, molestation etc: f) Show pornography 	<ol style="list-style-type: none"> a) Prolonged use of highly coarse language or dialogues with explicit sexual connotations unless the storyline, or subject matter or the context justifies its use. b) Show complete nudity with full exposure of sexual organs or full female breast/s except under exceptional circumstances such as programmes featuring historical or dramatized events e.g. tribal ways of life, health programmes or in restricted programming. c) Fondling of female’s breasts or human or animal sexual organs. d) Prolonged depiction of crude movements of sexual activity. e) Show explicit images of sexual perversions or acts of sexual intercourse being performed. Show explicit images of violence including rape, molestation etc., unless the storyline, or subject matter or context justifies its use. f) Show pornography

Theme 3: Horror & Occult

Subject Matter Treatment: While subjects or themes dealing with exorcism, the occult, the paranormal, divination, human or animal sacrifice or such other practices depicting horror may be covered only in 'R' category [programmes not suitable for Children & young viewers] provided the storyline or the characters justify these and the subjects matter treatment **does not** in any way:

1. Justify, encourage or glamorize such practices
2. Instill fear or revulsion about the consequences of not following such practices
3. Encourage blind belief or superstitions in the efficacy of such practices
4. Enable the viewer to emulate such practices or learn their details or sources.
5. Depict women as witches in programs on occult

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included in respective categories below:

Category “G” Programmes for unrestricted viewing and/or under Parental Guidance	Category “R” Programmes which may not be suitable for Children & Young viewers
<p>a) Prolonged, frequent or gratuitous depiction of horror related to the occult, exorcism, the paranormal, divination or human or animal sacrifice or other such practices.</p> <p>b) Depiction of such practices in such morbid details so as to make them look realistic and efficacious.</p>	<p>a) Prolonged, frequent or gratuitous depiction of excessive horror related to the occult, exorcism, the paranormal, divination or human or animal sacrifice or other such practices.</p>

Theme 4: Drugs, Smoking, Tobacco, Solvents & alcohol

Subject Matter Treatment: While use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents, may be shown only under 'R' category [programmes not suitable for Children & young viewers] if the theme, storyline or the characters justify these, provided the subject-matter treatment **shall not** in any way:

1. Justify, promote, encourage or glamorize use or misuse of such products
2. Enable the viewers to learn and emulate various ways of their abuse or misuse
3. Omit to highlight their ill effects on personal health or social behaviour or criminal tendencies

Note: Depiction of public health messages or programs on de-addiction shall not be governed by the above restrictions.

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included in respective categories below:

Category “G” Programmes for unrestricted viewing and/or under Parental Guidance	Category “R” Programmes which may not be suitable for Children & Young viewers
<ol style="list-style-type: none"> a) Depict the use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents or other such harmful products. b) Depict the details of methods of preparation or procurement or such use or abuse or misuse of such harmful products. 	<ol style="list-style-type: none"> a) Prolonged or frequent or gratuitous depiction of the use of illegal or narcotic drugs or tobacco and tobacco products or smoking, or the abuse or misuse of drugs, alcohol or solvents or other such harmful products. b) Depict the details of methods of preparation or procurement or such use or abuse or misuse of such harmful products.

Theme 5: Religion & Community

Subject Matter Treatment: The subject-matter treatment of any program under all categories **shall not** in any manner:

1. Defame religions or communities or be contemptuous of religious groups or promote communal attitudes or be likely to incite religious strife or communal or caste violence.
2. Incite disharmony, animosity, conflict, hatred or ill will between different religious, racial, linguistic groups, castes or communities.
3. Counsel, plead, advise, appeal or provoke any person to destroy, damage or defile any place of worship or any object held sacred by any religious groups or class of persons.
4. Proselytize any particular religion as the `only' or `true' religion or faith or provoke, appeal, advise, implore or counsel any person to change his religion or faith.
5. Play on fear of explicit or implicit adverse consequences of not being religious or not subscribing to a particular faith or belief.
6. Promote any dangerous, retrogressive or gender discriminatory practices in the name of religion or faith or ideology.

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included under all categories (“G” Programmes for unrestricted viewing and/or under Parental Guidance or “R” Programmes not suitable for children & young viewers)

- a) Distort or demean or depict in a derogatory manner the physical attributes or social customs and practices of any ethnic, linguistic, religious groups or any caste or communities.
- b) Distort or demean or depict religious or community symbols or idols or rituals or practices in a derogatory manner.

Theme 6: Harm & Offence

Subject Matter Treatment: The subject-matter treatment of any program under all categories **shall not** in any manner:

1. Create public panic or unnecessary alarm, which is likely to encourage or incite the public to crime or lead to disorder or be offensive to public feeling.
2. Ridicule, mock or scorn physically or mentally challenged persons.
3. Encourage superstition about the causes of mental illness or stigmatize the mentally sick as violent or dangerous.
4. Stereotype mental health practitioners as unethical or exploitative
5. Disclose the location of a person's home or family without permission, unless it is warranted
6. Question minors about private matters without the consent of a parent or legal guardian unless it is warranted to proceed without such consent for an identifiable larger public interest.
7. Stereotype women as passive or submissive so as to promote or glorify their subordinate or secondary role in the family or society.
8. Portray women as primarily driven by sexual impulses or the female body or form as an object of sexual exploitation.
9. Promote, glorify or justify social evils such as child marriage, dowry, bigamy, son preference, etc.
10. Glamorize, promote, encourage such activities & sports, which encourage ecological imbalance and hurt animals.

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included under “G” Programmes for unrestricted viewing and/or under Parental Guidance and “R” Programmes not suitable for children & young viewers categories below:-

- a) Depict the physical attributes or personality traits or mental deficiencies of an individual or a class of individuals in a derogatory manner so as to evoke ridicule or contempt.
- b) Depict mentally challenged people as more violent or dangerous than the common persons.
- c) Show scenes involving children in violence as victims or as perpetrators or as forced witnesses to violence or being subjected to any form of child abuse.
- d) Portray by gestures or expressions or words or images that women are primarily driven by sexual impulses or that the female body or form is an object of sexual exploitation.
- e) Reveal the identity of an individual or his family or location of his home or fail to protect the privacy of his personal or private activities by failing to use suitable techniques such as masking blurring, changing names or identities etc., particularly in the cases of minors, victims of sexual violence or dreaded diseases like HIV/AIDS or natural or other disasters unless there is an identifiable larger public interest involved.

Theme 7: General Restrictions

Subject Matter Treatment: The subject-matter treatment of any program under all categories **shall not** in any manner:

1. Contravene the Constitution of India or the applicable Indian laws
2. Cast aspersions against integrity of the Nation
3. Involve defamation or contempt of court
4. Adversely affect the judicial process of the country
5. Affect the integrity of the country or jeopardize or endanger the security of the State
6. Cast aspersions against the integrity of the President or the Judiciary
7. Exploit the national emblem

Audio – Visual Presentation: The audio visual presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following **shall not** be included in all categories (“G” Programmes for unrestricted viewing and/or under Parental Guidance or “R” Programmes not suitable for Children & young viewers) below:-

- a) Distort or demean or depict national emblem or symbols or national geographical boundaries in a derogatory manner deliberately.
