

## **Why a Content Code ?**

The Ministry expects that putting such a code in place will have the following positive impact:-

- The public will be provided with a mechanism through which they can voice their grievances and obtain redressal regarding programme and advertisement content.
- It will place greater responsibility on broadcasters and advertisers. They will be obliged to conduct regular research on public sensitivity to reduce the likelihood of individual complaints.
- It will give broadcasters the right to reply before a Body independent of the Govt. before any channel can be banned or proceeded against.
- Advertising would have to conform to the international norms of “legal, honest, decent true” advertising. They would know that they must be able to support and defend any claim they make about the product with necessary evidence. Broadcasters will also learn to ask for such evidence before they broadcast an ad as they would be equally responsible for airing misleading advertisements. It is expected that so long as all broadcasters and advertisers are in the same boat and are subject to the same rules, the pressure will actually be on the advertisers to produce decent truthful advertisements. They would also be discouraged from creating visuals which would not be acceptable during the pre-watershed hours when children are most likely to be watching.
- Parents can feel assured that children can ‘safely’ watch TV during the prescribed ‘U’ hours and make informed choices regarding programmes to be viewed at other times.

- The dignity of women and children and the individual's right to privacy will be safeguarded.
- A more responsible treatment of sensitive subjects such as (1) crime and violence (2) sex , obscenity and nudity (3) horror and occult (4) drugs, smoking, tobacco, solvents and alcohol (5) religion and community etc. will be ensured by the content providers.

Public can send their written comments to the Ministry which can be considered before the Code is notified. The comments may be sent latest by 5<sup>th</sup> Aug, 2007 addressed to the Secretary, Ministry of I & B, Shastri Bhawan, New Delhi 110 001.

# **Self-Regulation Guidelines for the Broadcasting Sector**

(Draft 2007)

## **Contents**

### **A. Introduction**

#### **A. Principles**

### **B. Self-Regulation Mechanism**

### **C. Complaint-Redressal Procedure**

#### *Appendix 1: The Certification Rules*

#### *Appendix 2: List of Rules and Codes (selection)*

### **A. Introduction**

1. A need has been felt to regulate the content going into public domain to ensure conformity with acceptable contemporary community standards and to protect the vulnerable sections from harmful and undesirable content on TV.
2. These Self Regulation Guidelines (Guidelines) set 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 Certification Rules prescribed under the Cable Television Networks (regulations) Act 1995, irrespective of the medium/platform used for broadcasting of the programme.
3. 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.

4. 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 Regulatory Authority of India (BRAI) 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 BRAI.
5. The BRAI 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 responsibilities. The BSP should seek its own legal advice on any compliance issues that may arise.
6. 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.
7. 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.
8. 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 thereunder from time, relating to exhibition of films or broadcasting of programmes and advertisements.

## **B. Principles**

9. 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.

10. For the purposes of the Guidelines, “Programme” in relation to a broadcasting services, means, any television or radio broadcast and includes:
  - Exhibition or films, features, dramas, news, advertisements, promos, trailers, songs, music videos and serials through video/audio cassette recorder or video/audio cassette players
  - 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.
  
11. This section should be read in conjunction with Certification Rules. 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. However, for News and Current affairs (N & C A) programming, it is desirable that BSPs edit the content as well as carry prominent warnings and suitably mask any portions of news or current affairs scenes considered unsuitable for viewing in accordance with the certification norms for scheduling them for broadcast in its News bulletins throughout the day.
  - f. Television news has greater reach and impact than other media. It is instantly available in millions of homes to both the discerning as well as the non – discerning audiences. With ever increasing number of round the clock news channels and the intense competition among them for the viewership as well as changing priorities as to what constitute news, news and current affairs contents of television call for some discipline with specific guidelines. We need to be aware that a damage or injustice resulting from news and current affairs contents

of television cannot be undone post facto. Hence, there is a need for having separate and transparent guidelines for news programming that need to be followed scrupulously by all.

### **C. Self Regulation Mechanism**

12 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:

#### **First tier of self-regulation – At the BSP level**

- i. It shall be the individual responsibility of each BSP to ensure compliance with the Certification Rules prescribed under the Cable Television Network (regulation) Act 1995 and the Rules made there under, the principles and all relevant clarification, guidelines and interpretations, standards and norms prescribed by the Central Government or the BRAI.
- ii. Every BSP should have its own internal mechanism to comply with the Certification Rules for which it may appoint one or more Content Auditors of requisite qualification and experience. Each BSP shall provide details of its Content Auditor/s on its own website and channel for information of the public. This information will also be notified to the Ministry of I&B and BRAI who will post the same on their respective websites also. This person/s shall also be the contact point for any feedback or complaint etc. from the public regarding content violations.
- iii. For the purposes of ensuring compliance with the Certification Rules, each BSP may develop its own internal guidelines and procedures. However, each BSP shall consult its Content Auditor/s for assigning appropriate categorization as per Certification Rules in respect of each program/advertisement. The BSP will also refer to the Content Auditor/s public complaints against content 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.
- iv. The Chef Editor of the channel by whatever designation he is known in the BSP, shall be responsible for the final decision to accept or modify the guidance given by the Content Auditor/s and to schedule and broadcast the program. The Chief Editor of the channel will be finally responsible for self-regulation and ensure that the programmes are consistent with the Certification Rules and comply with all other legal and administrative requirements under various statutes in respect of content broadcast on the channel.
- v. Any BSP may broadcast live/interactive programs/advertisements in which the public or invited guests may participate, whose gestures or utterances may not be possible to predict and which may violate the Certification Rules. In all such cases, the Chief Editor of the BSP should satisfy himself that adequate briefing is given to the participants about the certification norms and indemnify the BSP against any deliberate violations by the guests/participants. It would be treated as sufficient compliance of the Certification Rules if the anchor at the end of the show sums up

the proceedings giving a balanced view of the discussion and states that the views expressed by the participants were their own.

### ***Duties of the Content Auditor***

- (i) The Content Auditor shall ensure that the BSP is in compliance with the Certification Rules.
- (ii) The Content Auditor shall be the point of contact for any issues, complaints in relation to any programmes or advertisement broadcast by the BSP.
- (iii) The Content Auditor will be responsible for examining all the programs and recommending appropriate categorization as per Certification Rules in respect of each program/advertisement.
- (iv) The Content Auditor will examine public 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.
- (v) The Content Auditor shall bring to the notice of the Chief Editor of the BSP, by whatever designation he is called, any violation of the Certification Rules or other statutes, which may be either rectified by the management or the opinion of the Content Auditor could be overruled. In every case of the opinion of the Content Auditor getting overruled by the Chief Editor, it shall be the duty of the Chief Editor to notify the Central Government or the BRAI, as the case maybe, regarding the same.
- (vi) The BSP shall provide an annual certificate to the central government or BRAI, as the case maybe, regarding reporting of all instances of over ruled cases having been duly reported.
- (vii) The Content Auditor shall not be held personally liable for any violation of the Certification Rules and it will be only the Chief Editor of the BSP who will be liable for any non-compliance.

### ***Second Tier of Self-Regulation Mechanism – the Industry Level***

13 In order to provide a self-regulation mechanism to the industry and a complaint redressal mechanism to the viewers and listeners against alleged violations of the Certification Rules, the Central Government or the BRAI may authorize industry-segment level organization to set up their respective Broadcasting Consumers' Complaints Committees (BCCC). Such BCCCs shall consist of professional experts with adequate representation from the relevant industry segments, the Consumers or other civil society organization as well as eminent person with legal or regulatory experience, to adjudicate on public complaints or appeals. Such BCCCs may be set up – one each in respect of content in the following areas:

**a)Broadcast of Films:** The Cinematograph Act prescribes that all films shall be previewed and certified by the Central Board of Film Certification (CBFC), which is usually headed by an eminent film personality and other persons from different walks of life. The CBFC certifies every film as suitable for viewing by various categories of viewers as per the Certification Guidelines under the Cinematograph Act. The existing procedure of preview and certification by CBFC shall continue to be followed for films/trailers/promos etc. even when these have to be broadcast on the television or radio; or for certain categories of advertisements as may be prescribed (e.g. advertisements or promotional materials in respect of products whose brand names are

the same as any of the liquor or tobacco products whose advertising or promotion is prohibited). It is, therefore, incumbent on the BSP to comply with prior certification procedure in the case of broadcast of films/trailers/promos etc.

**b)Broadcast of Advertisements:** The Advertising Standards Council of India (ASCI) has already a self-regulatory body called the Consumers' Complaints Committee (CCC). The ASCI has also developed an advertising code to be followed by all advertisers, which has been recognized for compliance with by all broadcasters/Cable operators etc. It will be the responsibility of the BSP to have its Content Auditor preview each advertisement to certify that its content complies with ASCI code.

**c)Broadcast of Programs:.** The Central Government nominates the following industry-level representative bodies to set up Consumers' Complaint Committees on the lines of the CCC of ASCI to develop their own respective mechanisms for preview of content, if required, as well as adjudicate on public complaints within the prescribed time.

- i. Indian Broadcasting Foundation (IBF) : for the television channel operators broadcasting their channels on cable & satellite/DTH/Mobile Phone etc. networks.
- ii. News Broadcasting Association (NBA) for :News & Current Affairs Broadcasters
- iii. The Cable Operators's Fedreation of India (COFI) : **for the Multi Service Operators or the Local Cable Operators** who may acquire or produce their own content and transmit it as their own video/radio/cable channels in their respective cable TV networks, in addition to re-transmitting television broadcasters' channels.
- iv. The Association of Radio Operators of India (AROI) : for the radio operators who are responsible for the content on their satellite and terrestrial channels.
- v. The Community Radio Forum (CRF) for the Community Radio stations -
- vi. Prasar Bharti: for Doordarshan and All India Radio. Prasar Bharti may set up an internal complaint redressal body on the lines of CCC of ASCI.

**Powers and Functions of the Broadcasting Consumers' Complaints Committees (BCCCs):**

14.The Broadcasting Consumers' Complaints Committee of ASCI/IBF/NBA/COFI/AROI/CRF/PB or any such organization as may be notified by the Central Government of the BRAI, shall have the following powers and functions in respect of complaints of disputes on content between consumers i.e. viewers or listeners and any BSP in their respective industry segment, irrespective of its membership of the ASCI/IBF/NBA/COFI/AROI/CRF/PB as the case may be:

- a. To receive appeals/complaints or grievances regarding a programme or an advertisement broadcast by a BSP.

- b. To requisition tapes of any program or advertisement as deemed necessary. The BSP and the advertiser shall be obliged to supply the same in a maximum period of 5 working days. Notwithstanding the license condition of preserving the tapes for 90 days after the broadcast, it shall be incumbent upon the BSP to retain the tapes till final disposal of complaints.
- c. To consider such appeals/complaints and facilitate their settlements by passing a reasoned decision in writing within 60 (sixty) days of receipt of the said appeal/complaint.
- d. To function in consonance with the principles of natural justice and give its decisions based on the written statement filed by a complainant and after providing a reasonable opportunity.
- e. If the concerned BCCC or any such organized as notified by the Central Government or the BRAI (as the case maybe) considers that the BSP is at defaults, it may:
  - (i) Direct the BSP not to telecast objectionable programme or advertisement pending decision;
  - (ii) Direct the BSP to make suitable edits to the advertisement or the programme, as the case maybe, so as to comply with the Certification Rules;
  - (iii) Direct that such an advertisement or the programme, as the case maybe, shall not be broadcast by any BSP;
  - (iv) Direct the BSP to broadcast an apology/disclaimer/warning in a suitable manner as may be prescribed by it;
  - (v) Order any other punitive action in accordance with the constitution of the BCCC of the ASCI/IBF/NBA/COFI/AROI/CRF/PB and the rules or regulations made thereunder.
  - (vi) Pass any other orders as it may deem fit.
- f. Send a copy of the order passed by it to the complainant, the BSP and to the BRAI as well as post it on their web site, and maintain an updated list of all such orders passed.
- g. Report to the Central Government or the BRAI, as the case may be, any non-compliance of its orders without reasonable cause, for suitable punitive action under the relevant laws, rules, guidelines, license conditions etc.
- h. Exercise such other powers as may be granted by the Central Government or the BRAI from time to time.
- i. Undertake necessary steps to enhance the understanding and awareness of the Certification Rules and these Guidelines. They will also inform the public of their role in the content regulation mechanism.
- j. Recommend to the Central Government or the BRAI amendments, amplification or clarifications to the Certification Rules or these Guidelines on the basis of the nature of issues raised before them in the course of adjudication on the complaints or appeals received by them.

#### **D. Complaint Redressal Procedure**

**15.Complaint before the BSP/BCCC:** Any person or a group of persons may, either individually or jointly, file a complaint against any firm, program or advertisement broadcast on any of the television or radio channels on any platform or network in India for specific violations of the Certification Rules. Every such complaint may be filed either directly with the concerned BSP or with the relevant CCC of the industry segment to which the concerned BSP belongs, provided that no complaint may be entertained by the BSP if it is filed with the BSP after 30 days from the date of the last broadcast of the alleged offending film, program or advertisement, as the case may be. However, in all cases, an individual or a group of individuals can directly submit a complaint to the BCCC of the relevant industry segment within 30 days of the date of last broadcast of the alleged offending film, program or advertisement. However, the time limit for filing the complaint may be condoned at the discretion of the BSP or the concerned BCCC, as the case may be, for reasons to be recorded in writing.

16. Every complaint against violations of Certification Rules received by the BSP should be disposed off by it within ten working days under written intimation to the complainant. Consequently, the BSP may:

- b. take the particular program off air or
- c. modify its content for future and remedy the wrong impression that may have been created in the minds of the public or
- d. tender an apology in a suitable manner or
- e. inform the complainant of its decision to reject the complaint for reasons to be conveyed in writing.

**17.Appeal/Complaint before the BCCC:** The concerned complainant shall have the right to file an appeal against the decision of the BSP before the BCCC of the industry-segment level representative body within 30 days of the receipt of such a decision from the BSP.

18. Upon receipt of a direct complaint or an appeal against the decision of the BSP, the concerned BCCC shall first ascertain whether the BSP against whom the complaint or the appeal has been filed is under its jurisdiction. If not, the BCCC shall forward the complaint or the appeal, as the case may be, to the relevant BCCC under written intimation to the complainant/s and the concerned BSP.

19. If the complaint or the appeal is within its jurisdiction, the BCCC of the relevant industry segment, may, after giving a reasonable opportunity to the BSP, pass or refuse to pass, an interim order as deemed proper, including directing the BSP to take the alleged offensive content off air, pending final decision on the complaint or the appeal. The BSP shall be obliged to abide by the said interim order.

However, the complainant or the BSP, as the case may be, may pursue further appellate remedies against such an interim order.

20. The BCCC of the relevant industry-segment level body shall finally dispose off a complaint or an appeal received by it within 60 days from the date of its receipt and

pass such order as it deems fit in accordance with the powers vested in it by the Central Government or the BRAI as the case may be.

**21. Appeal/Complaint before BRAI:** The BSP or the complainant/s that may be aggrieved by an interim or the final order of the concerned BCCC may prefer an appeal before the BRAI within 30 days of receipt of such an order. In case a complaint is directly received by the BRAI, it shall refer such a complaint to the concerned BCCC of the industry-segment level organization to which the BSP belongs in all ordinary cases. However, the BRAI shall have the right to take suitable action itself, either suo-motu or on receipt of a complaint alleging serious violation of the Certification Rules that may have repercussions on the security or integrity of the country or contravene restrictions under Theme 6 (Religion & Community) or Theme 9 (General Restrictions) of the Certification Rules..

22. During the pendency of the appeal/case before the BRAI, the BSP or the complainant/s may seek interim directions from the BRAI, including against the interim or final orders passed by the concerned BCCC. The BRAI may pass any of the following interim orders, pending final disposal of the case before it, after giving a reasonable opportunity to the BSP:

- i. Direct the BSP not to telecast objectionable program or advertisement pending final decision; or
- ii. Direct the BSP to make suitable edits to the advertisements or the programme, as the case maybe, so as to comply with the Certification Rules; or
- iii. Direct that such an advertisement or the programme, as the case maybe shall not be broadcast by any BSP; or
- iv. Direct the BSP to broadcast an apology/disclaimer/warning in a suitable manner as may be prescribed by it; or
- v. Pass any other order as it may deem fit.

A copy of the order passed by BRAI shall be sent to the complainant, the BSP and to the concerned BCCC or any such organization as notified by BRAI. The BRAI should maintain an updated list of such order passed on their web-site.

23. The BRAI may finally dispose off a complaint or an appeal received by it and pass such order as it deems fit, including the prescribed penalties in accordance with the powers vested in it by the Central Government, after giving a reasonable opportunity to the concerned party.

**Appeal before FCAT:** A BSP or a complainant, who is aggrieved by the order of the BRAI, may prefer an appeal before Film Certification Appellate Tribunal or any other authority as may be notified by the Central Government in this regard, within 30 days of the receipt of the impugned order.

*Appendix 1*

## Content Certification Rules, 2007

(These rules shall replace Rules 6 & 7 of the Cable Television Networks Rules, 1994).

### CHAPTER - I

#### Definitions

“**Categorization**” of a programme implies calibration of a program according to theme, subject matter treatment and audio visual depiction suitable for the four categories of ‘U’, ‘U/A’, ‘A’ and ‘S’ programs. All programmes/scenes/advertisements 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.

“**Category U**” These programmes are suitable for all ages and suitable for unrestricted viewing.

“**Category U/A**” These programmes contain material unsuitable for children less than 12 years of age. These are for restrictive viewing only by adults or by minors above the age of 12 years under parental guidance.

“**Category A**” Programmes are meant for mature audience only – These programs are meant to be viewed by adults and, therefore, may be unsuitable for children under 18 years.

“**Category S**” Films or programmes under special category on scientific, technical or medical subjects are restricted to members of any profession or any class of persons (such as Doctors, etc), as may be certified by the Central Board of Film Certification.

“**Defamation**” : It will have the same meaning as given in the Indian Penal Code ( IPC )

“**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.

“**Identifiable larger public interest**” include revealing or detecting crime or disreputable behaviour, protecting public health or safety, exposing misleading claims made by individuals or organizations, or disclosing significant incompetence in public office.

“**Libel**”: A published ( including broadcast ) false statement that is damaging to a persons’ reputation; a written defamation.

**“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.

**“Slander”**: The action or crime of making a false spoken statement damaging to a person’s reputation

**“Suffering”** shall mean and include physical or mental pain or distress or trauma caused to a human being or an animal by mistreatment.

**“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.

**“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.

**“Warranted”** means that where broadcasters wish to justify an infringement of privacy 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 the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing incompetence that affects the public.

## CHAPTER II

### 1. Scheduling Rules

1. The Broadcast Service Provider (BSP) shall ensure that all programmes are categorized as follows:

- (a) Category 'U' for programmes which are suitable for unrestricted viewing by all viewers;
- (b) Category 'U/A' or 'PG' for programmes which are suitable for restricted viewing only by adults or by minors above the age of 12 years under parental guidance
- (c) Category 'A' for programmes which are suitable for restricted viewing only by adults above the age of 18 years..
- (d) Category 'S' for scientific, technical and medical programmes or films which are suitable for restricted viewing by professionals or a class of persons for professional or educational purposes.

2. The BSP shall broadcast each category of program in accordance with scheduling set out below:

S.No	Category of Programmme	Scheduling of programme
1.	Categories 'U' & 'S'	At all times
2.	Category 'U/A'	8:00 pm to 4:00 am
3.	Category 'A'	11:00 pm to 4:00 am

Provided that the BSP shall ensure that programmes of 'adult' genre are edited to fit Category 'A' in conformity with restrictions given in the Categorization System.

Provided further that for News and Current Affairs (N & C A) programming, the BSP shall carry prominent warnings and appropriately mask such news coverage scenes as are not in accordance with the above scheduling, before broadcasting them in News Bulletins.

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 or the BRAI, for:

- a. All films (including foreign films, music videos, albums, trailers, promos, songs etc).
- b. All programmes or advertisements containing promotional materials of products having the same or similar brand name or logo as any of the tobacco or liquor products.

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

## **CHAPTER III**

### **Categorization 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 or advertisement 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. While each film, programme or advertisement shall be certified and given an overall categorization by the CBFC or the BSP or any other competent authority, as the case may be, each scene or dialogue shall be scrutinized for its conformity to the norms prescribed for various themes given below. It is mandatory that each and every scene or dialogue is adjudged 'U' to obtain overall 'U' 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.

News & Current Affairs ( N & CA ) programming shall be governed by Chapter- IV in addition to the contents of this Chapter.

All other content shall be categorized in accordance with the following norms:

**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:

Category ‘U’	Category ‘U/A’	Category ‘A’
a) Explicitly depict excessive or gruesome crime or violence.	a) Excessively explicit or gruesome crime or violence.	a) Prolonged or frequent close-up shots of gruesome crime of violence.
b) Explicitly portray eccentric or abnormal type of violence or extremely dangerous behavior.	b) Excessively explicit portrayal of eccentric or abnormal violence or dangerous behavior.	b) Prolonged or frequent portrayal of explicit eccentric or abnormal violence or dangerous behavior.
c) Show excessive blood or gore, dismembered or disfigured limbs or bodies.	c) Close-ups or prolonged shots of dismembered or disfigured limbs or bodies.	c) Prolonged close-up shots of blood and gore or 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.	d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents.	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 (whether live or simulated) or whose production may subject animals to excessive pain, fear, or suffering.	e) Depict explicit cruelty or violence towards animals, or whose production may subject animals to excessive pain, fear or suffering.	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.
f) Show details of methods of suicide or self harm.	f) Show details of methods of suicide or self harm	

**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. Be adult oriented and focus on themes such as incest, paedophilia, or other perverted or socially unacceptable practice of any kind or encourage, justify or glorify such practices except under ‘A’ category.
2. Incite or encourage viewers to obscene or indecent behavior or breach of law.
3. Present sex, nudity, kissing or offensive behavior or language so as to glorify, encourage or justify indecent or obscene behavior.
4. 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 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:

<b>Category ‘U’</b>	<b>Category ‘U/A’</b>	<b>Category ‘A’</b>
<ul style="list-style-type: none"> <li>a) Included coarse or abusive language or contain double meaning dialogues bearing sexual connotations.</li> <li>b) Show nudity, in any manner, of or full female breast/s either explicitly or through thinly veiled or revealing or suggestive clothing.</li> <li>c) Show kissing on the lips or kissing or fondling of female breasts or human or animals sexual organs.</li> <li>d) Show crude gestures or movements or include sound suggestive or sexual activity.</li> <li>e) Show explicit images of sexual activity or sexual perversions or violence including rape, molestation etc.</li> <li>f) Show pornography.</li> </ul>	<ul style="list-style-type: none"> <li>a) Highly coarse language with explicit sexual connotations.</li> <li>b) Show nudity, with full exposure of lower abdomen or sexual organs or posterior or full females breast/s.</li> <li>c) Show kissing on the lips or kissing or fondling of female breasts or human or animal sexual organs.</li> <li>d) Close-up shots of indiscreet or crude gestures or movements or sounds, suggestive of sexual activity.</li> <li>e) Show explicit images of sexual activity or sexual perversions or violence including rape, molestation etc:</li> <li>f) Show pornography</li> </ul>	<ul style="list-style-type: none"> <li>a) Prolonged or frequent use of highly coarse language or dialogues with explicit sexual connotations.</li> <li>b) Show complete nudity with full exposure of sexual organs or full female breast/s</li> <li>c) Prolonged or passionate kissing on the lips or fondling of females breasts or human or animal sexual organs.</li> <li>d) Prolonged or frequent depiction of crude or indiscreet gestures or movements or sounds suggestive of sexual activity.</li> <li>e) Show explicit images of sexual activity or sexual perversions or violence including rape, molestation etc.</li> <li>f) Show pornography</li> </ul>

**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 'A' category 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:

<u>Category 'U'</u>	<u>Category 'U/A'</u>	<u>Category 'A'</u>
<p>a) Depiction of horror or violence related to 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>c) Use of formats such as song or dance sequences that glamorize or highlight the evil effects of such practices</p>	<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 'A' category 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:

<u>Category 'U'</u>	<u>Category 'U/A'</u>	<u>Category 'A'</u>
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. c) Use formats such as song or dance sequences that highlight such activities.	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.	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: Libel, Slander & Defamation*

**Subject Matter Treatment:** While reports or comments on historical or current events, ideas, individuals or institutions may be presented, the subject-matter treatment under all categories shall not in any way:

1. Deliberately present as true any unverified or inaccurate facts or half truths or innuendoes so as to avoid trial by media since “a man is innocent till proven guilty by law”. In such cases care should be taken to present both sides of the story and present a balanced view.
2. Defame or malign any individual person, or certain groups or segments of society.
3. Present facts and views in such a manner as is likely to mislead the public about their factual accuracy or veracity.
4. Mislead the public by mixing facts and fiction in such a manner that the public are unlikely to be able to distinguish between the two
5. Present the views or interests of the broadcaster or its employees as representative of the views or interests of the public without giving verifiable evidence.
6. Present a distorted picture of the reality by over-emphasizing or under-playing certain aspects that may trivialize or sensationalize the content.
7. Make public any activities or material relating to an individual’s personal or private affairs or which invades an individual’s privacy unless there is an identifiable larger public interest.

Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be “warranted”.

**Audio – Visual Presentation:** The audio visual presentation of content under all categories (‘U’ or ‘U/A’ or ‘A’) relating to reports and comments on historical or current events, ideas, individuals or institutions shall not in any manner.

- a) Portray fictional incidents as facts by failing to use tools of fiction like music or animation or sketches or diagrams or such other techniques or disclaimers as would clearly convey to the public the distinction between fact and fiction.
- b) Juxtapose audio-visuals or images of events, ideas, individuals or institutions, along with comments, in such a manner that the public is unlikely to discern the correct relationship between the visuals and the commentary or be misled into believing in factually incorrect information, which may adversely affect the reputation of the concerned individual or group or institution.
- c) Present simulated news (for example, in drama or in documentaries) in such a way that it is likely to mislead the public into believing that they are listening to, or watching, actual news.
- d) Portray distorted picture of the reality by repetitive broadcast of file (old) audio visuals.

*Theme 6: 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 (U, U/A & A):

- 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 7: 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 identified larger public purpose.
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 all categories (U, U/A & A) 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 8: Advertisements*

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

1. Place any advertisement or promotional material as content in news or current affairs programs without specifically acknowledging it as such.
2. Place in the content of any film or program, any advertisement or promotional material of such products or services as are prohibited from being advertised or promoted or which are considered illegal or anti-social or harmful.
3. Have a purpose that is wholly or mainly of a religious or political nature or is directed towards any religious or political end.
4. Make unsubstantiated claims about the impact of its products or services on individuals, events, society or nature, including environmental impact.
5. Endanger the safety of children or create in them any interest in unhealthy practices or show them begging or in undignified or indecent manner.
6. Use a situation, performance, or style reminiscent of a program in a way that might confuse viewers as to whether they are watching a program or an advertisement.
7. Refer to an advertisement in a way that might lead viewers to believe they are watching a program.
8. Violate the code for self regulation in advertising as adopted by Advertising Standards Council of India (ASCI), and as may be modified from time to time.
9. Promote, glorify or justify social evils such as child marriage, dowry, bigamy, son preference, etc
10. Contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super natural properties or qualities, which are difficult of being proved.

**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 (U, U/A & A) below:

- a) Juxtapose an advertisement with a program in such a manner that not more than 20% of the screen is used to carry captions, static or moving images alongside the program.
- b) Place in the content of any program, any advertisement or promotional material of such products or services as are prohibited from being advertised or promoted, or which are considered illegal or anti-social or harmful.

*Theme 9: 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 (U, U/A & A) below:

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

## CHAPTER IV

### NEWS AND CURRENT AFFAIRS ( N & CA ) PROGRAMMING

#### **Subject Matter Treatment :**

1. Broadcasters shall observe general community standards of decency and civility in news content and scheduling, taking particular care to protect the interest and sensitivities of children and general family viewing. Great care and sensitivity should be exercised to avoid shocking, offending or misleading the audience.

2. News should be reported with due accuracy and presented with due impartiality. Accuracy requires the verification (to the fullest extent possible) and presentation of all facts that are necessary to understand a particular event or issue.

‘Due’ is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. ‘Due’ means adequate or appropriate to the subject and nature of the programme. So ‘due impartiality’ does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to ‘due impartiality’ may vary according to the nature of the subject, the type of programme and channel or service, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.

Balance, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, Accuracy and impartiality has to be ensured regardless of whether the BSP, reporter, editor or the audience agrees with these views. Any mistake in news should be acknowledged and corrected on air within a week after coming to notice of the mistake. Corrections and apology should be scheduled in the same time band where the initial error had occurred.

3. News should be well balanced and BSP shall endeavour that news is comprehensive, factual material is presented accurately and all viewpoints represented fairly. Commentary and analysis shall be clearly distinguished in the news and actual news should precede the commentary and analysis.

4. In presenting Talk Shows/Discussions on any issue of public importance, views both for and against must be presented in a balanced manner, truly, objectively and impartially.
5. Any personal interest of a reporter or presenter, which would call in to question the due impartiality of the programme, must be made clear to the audience.
6. Good taste should guide the selection and presentation of news. Morbid, sensational, or alarming details not essential to factual reporting should be avoided.
7. BSP should not give undue prominence to the view and opinions of particular person or bodies on matters of political or industrial controversy and matters relating to current public policy.
8. Tools of fiction like music and animation used to whip up emotions blur the line between entertainment and news. For any fictional picturization of news and events or/and repackaging with fictional elements, the yardsticks applicable to the programme will be similar to non-news and current affairs guidelines mentioned in this Broadcasting Content Code.
9. News should not jeopardize the security of the nation and care should be taken that news broadcasts are in the interest of the nation. All plans for a broadcast which explore and expose the views of people who use or advocate violence for the achievement of political ends must be considered carefully by senior editorial/ management before any arrangements for broadcasting are made.
10. News should not jeopardize any ongoing criminal investigation and should exercise due care in such cases.
11. BSP's should avoid a trial by media since "a man is innocent till proven guilty by law". In such cases care should be taken to present both sides of the story and present a balanced view.

12. No material should be presented in any manner that creates public panic and unnecessary alarm. BSP has to ensure that nothing is broadcast which is likely to encourage or incite viewers to crime or lead to disorder or be offensive to public feeling.
13. News covering scenes of crime, violence, national tragedy and obscurantist supernatural practices should be dealt with utmost objectivity and sensitivity and not with a view to trivialize, sensationalize or glorify them.
14. Infringement of privacy in a news based/related programme is a sensitive issue. There have been a slew of programmes where privacy of individuals appears to have been breached in public interest, however public opinion has been divided on this. Therefore, this calls for exercise of great degree of responsibility on part of the BSP, while telecasting any such programs, as may be breaching privacy of individuals. Failure to follow the tenets given below will constitute a breach of this Chapter of the Code resulting in an unwarranted infringement of privacy:
  - 14.1 Channels must not use material relating to persons' personal or private affairs or which invades an individual's privacy unless there is an identifiable larger public interest reason for the material to be broadcast.
  - 14.2. Senior editorial control must be exercised for selecting material in issues relating to privacy and intrusion into public affairs.
  - 14.3. Any infringement of privacy in news based/related programmes, or in connection with obtaining material included in such programmes, must be "warranted".
  - 14.4 Any infringement of privacy in the making of a news based/related programme should be with the person's and/or organization's consent or be otherwise "warranted".
    - (a) If the broadcast of a news based/related programme would infringe the privacy of a person or organization, consent should be obtained before the relevant programme is broadcast, unless the infringement of privacy is warranted. (Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution).

(b) If an individual or organization's privacy is being infringed, and they ask that the filming, recording, or live broadcast be stopped, the BSP should do so, unless it is warranted to continue.

( c ) When filming or recording in institutions, organizations, or other agencies permission should be obtained from the relevant authority or management, unless it is warranted to film or record without permission. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the public will not normally be required.

(d) However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before filming or recording and for broadcast from those in sensitive situations (unless not obtaining consent is warranted). If the individual will not be identifiable in the programme , separate consent for broadcast will not be required.

14.5. Scenes of human suffering and distress are often an integral part of any report of the effects of natural disaster, accident or human violence, and may be a proper subject for actuality rather than indirect reporting. But before presenting such scenes, broadcasters must balance the wish to serve the needs of truth and the desire for compassion against the risk of sensationalism and the possibility of unwarranted invasion of privacy. In particular, while reporting natural or manmade calamities, human violence and deaths, the feelings and sensitivities of grieving relatives or the injured must be respected and interviews avoided unless consent has been obtained

14.6. The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the news based/related programme.

14.7. The BSP should ensure that the reuse of material, i.e., use of material originally filmed or recorded for one purpose and then used in such a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the BSP's own material.

14.8. Door stepping for news/news based programmes should not take place unless a request for an interview has been refused or it has not been possible to request an interview, or there is good reason to believe that an investigation will be frustrated if the subject is approached openly, and it is warranted to doorstep.

Door stepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being filmed or recorded for broadcast purposes, without any prior warning. It does not, however, include vox-pops (sampling the views of random members of the public).

14.9. The BSP can record telephone calls between the BSP and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that what has been recorded will be broadcast (but this was not explained to the other party at the time of the call) then the BSP must obtain consent before broadcast from the other party, unless it is warranted not to do so.

14.10. The BSP should be particularly careful not to provide clues which may lead to the identification of those who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual or other offences featured in criminal, civil or family court proceedings.

14.11.

(a) The BSP should pay particular attention to the privacy of minors. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

Where a programme features a minor in a way that infringes privacy, consent must be obtained from:

(i) a parent, or legal guardian; and

- (ii) wherever possible, the individual concerned;

unless the subject matter is trivial or uncontroversial or it is warranted to proceed without consent.

- (b) Minors should not be questioned about private matters without the consent of a parent or legal guardian unless it is warranted to proceed without consent.

- (c) The BSP should be particularly careful not to provide clues which may lead to the identification of those who are not yet adult and who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual offences featured in criminal, civil or family court proceedings.

- (d) When covering any pre-trial investigation into an offence, the BSP should pay particular regard to the potentially vulnerable position of any person who is not yet an adult and who is involved as a witness or victim, before broadcasting his/her name, address, identity of school or other educational establishment, place of work, or any still or moving picture of the minor. Particular justification is also required for the broadcast of such programme relating to the identity of any person who is not yet adult and who is involved in the defence as a defendant or potential defendant.

### **Audio- Visual Presentation :**

1. No advertising matter shall be offered as news or included in the content of a news programme or newsreel.
2. Any scene/clipping/footage depicting excessive violence, nudity, obscenity and vulgarity that is not suitable of viewing by children and in family setting must be avoided.

3. Simulated news (for example, in drama or in documentaries) must be broadcast in such a way that there is no reasonable possibility of the audience being misled into believing that they are listening to, or watching, actual news.
4. While reporting violent events, natural calamities and accidents, appropriate regard must be paid to the feelings of relatives and viewers and inclusion of images of dead or seriously wounded people or gruesome and gory scenes, which may seriously distress or offend substantial number of viewers, should not be included in the telecast. The feelings and sensitivities of grieving relatives or the injured must be respected and interviews avoided.
5. The dead should be treated with respect and not shown unless there are compelling reasons for doing so. Close ups of faces and serious injuries in case of disasters/riot etc. should be avoided.
6. Broadcasters shall advise viewers in advance of showing scenes of extra-ordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during newscasts and updates when children could be viewing. Senior editorial control must be exercised for selecting material in relation to telecast of violent events, accidents and natural calamities, in addition to examination by the Content Auditor.
7. Language which could incite to violence, disorder or hatred must not be used. The gratuitous use of language likely to offend must be avoided when images depicting human tragedy or excessive violence or audio material are telecast. Warning both, oral and visual must precede the telecast.
8. Information, which discloses the location of a person's home or family, should not be revealed without permission, unless it is warranted.
9. With regard to minors, victims of rape and sexual crimes greatest care should be taken to protect their identity.

10. Repetitive broadcast of file ( old ) audio-visuals, which create a distorted picture of reality should be avoided.

**List of Rules and Codes (Selection)**

1. Cable Television Network (Regulation) Act, 1995 and Certification Rules there under.
2. Drugs and Cosmetics Act, 1940.
3. Emblems and Names (Prevention of Improper Use) Act, 1950.
4. Drugs (Control) Act 1950.
5. Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.
6. Prevention of Food & Adulteration Act, 1954.
7. Prize Competitions Act, 1955.
8. Indecent Representation of Women (Prohibition) Act, 1986.
9. Trade and Merchandise Marks, Act 1999.
10. Copyright Act, 1957.
11. Cigarette and other Tobacco Products Act 2003.
12. Consumer Protection Act, 1986.
13. The Prevention of Cruelty to Animals Act, 1960