

17 FEB 2006

Bill No. 157 of 2005

**THE TELEVISION PROGRAMMES (REGULATION)
BILL, 2005**

By

SHRI ABDULLAKUTTY, M.P.

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BILL

*to regulate the programmes telecast on television channels and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Television Programmes (Regulation) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(i) "Authority" means the Television Programmes Regulation Authority set up
under section 3 of this Act;

(ii) "prescribed" means prescribed by rules made under this Act;

Short title,
extent and
commence-
ment.

Definitions.

(iii) "programme" means and includes any serial, documentary, opinion poll, short film, commercial advertisement, musical programme including songs and dance sequences, fashion show, talk show or any other programme telecast for public viewing; and

(iv) "television network" means a television channel, whether privately owned or otherwise, including a foreign television channel, whether in partnership with an Indian television channel or otherwise, or owned by a non-resident Indian. 5

Television
Programme
Regulation
Authority.

3. (1) The Central Government shall set up an Authority to be known as the Television Programmes Regulation Authority.

(2) The Authority shall consist of:— 10

(a) a Chairman who shall be an eminent personality in the field of entertainment/ media to be appointed by the Central Government; and

(b) two other members to be nominated by the Central Government.

(3) The terms and conditions of service and salary and allowances of the Chairman and members of the Authority shall be such as may be prescribed. 15

(4) The Authority shall perform such functions as may be assigned to it by the Central Government.

(5) The Central Government shall provide such number of officers and staff as may be required for the efficient functioning of the Authority.

Authority to
set up its
offices in
every State.

4. (1) The Authority shall have its offices in the capital of every State of the country 20

(2) Every office of the Authority opened under sub-section (1) shall consist of—

(a) a Chairman to be appointed by the Central Government; and

(b) four other members to be appointed by the Central Government, in such manner as may be prescribed.

(3) The terms and conditions of service and salary and allowances of the Chairman and members shall be such as may be prescribed. 25

Functions of
Authority.

5. (1) Every television network before telecasting any programme on its network shall forward the same to the office of the Authority nearest to the headquarters of the television network for the purpose of obtaining certificate for public exhibition of the programme.

(2) The television network shall not be required to obtain prior permission from the Authority for telecasting news or any other programme, which has already been allowed for public exhibition under the Cinematograph Act, 1952 or any other law for the time being in force or under the provisions of this Act. 30

(3) The Authority, while certifying every programme, shall ensure that:— 35

(i) it does not violate any existing law in the country;

(ii) it does not exhibit violent, vulgar or sexually explicit scenes or any scene degrading our culture or posing threat to unity and integrity of the country;

(iii) it does not exhibit nude or semi-nude scenes in the name of fashion show or song dance sequences;

(iv) it does not show programmes creating hatred between different sections of the society on the ground of religion, caste, creed or language; 40

(v) it does not promote drinking, smoking or using any other narcotic drug;

(vi) it does not defame any person, organisation including a business organisation, Government or a political party.

(vii) it does not telecast mischievous newsitem or give false or inaccurate information which would create confusion among the viewing public;

(viii) it does not offer any unwarranted comment on any matter pending in a Court of Law; and

5 (ix) it does not offer any comment on the functioning of Parliament or State Legislature or Members thereof or judiciary.

6. The office of the Authority where programmes have been submitted for certification, shall scrutinize the programmes and give a certificate for allowing public exhibition of such programmes on the television channel.

Certificate for public exhibitions.

10 *Explanation.*—Certificate from any office of the Authority shall mean permission to telecast the programme throughout the country.

7. The Authority may, on its own or on receipt of a complaint, cause an enquiry into the functioning of a television channel.

Power of the Authority to enquire

15 8. (1) If, after enquiry, it is found that the television channel has violated the provisions of any guideline issued by the Authority, the licence of the television channel shall be suspended for a period of one year.

Penalty for violation.

Provided that if any television channel violates the provisions of this Act for the second time, the Authority shall cancel the licence of that channel.

20 (2) The owner and the in-charge of the programme of the television network shall be punished for violating the provisions of this Act with imprisonment of either description for a term which may extend to five years or with fine which may extend to rupees one lakh or with both.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The number of television channels in the country is increasing rapidly and programmes telecast on these channels run into thousands. Some of the programmes telecast on these channels are such that they cannot be watched along with children. These channels expose the youngsters to violence and vulgarity and leave ill effect on their minds. Even commercial advertisements are not in good taste.

Our culture is being tarnished by these channels. In our country there is a separate regulatory mechanism for films. Television channels air out thousands of serials and other programmes every month but there is no regulatory mechanism for them. Television has become part and parcel of the lives of vast number of families all over the country.

It is accordingly proposed to set up a regulatory mechanism to regulate programmes being telecast on television channels.

Hence this Bill.

New Delhi,
November 23, 2005

ABDULLAKUTTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish an Authority to regulate programmes telecast by television channels with its headquarters at New Delhi. Clause 4 provides that an office of the Authority shall be set up in every State capital. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Abdullakatty, M.P.)

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