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Draft Broadcast Bill

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The Internet Freedom Foundation (IFF) decried "secret" changes to the draft Broadcasting Services (Regulation) Bill, which expands regulatory requirements on online news and entertainment media.

As per a press note, the Bill seeks to replace the Cable Television Networks (Regulation) Act, 1995

About Draft Broadcast Bill 2023:

The Cable Television Networks (Regulation) Act of 1995, governing linear broadcasting for three decades, faces challenges due to technological advancements and the emergence of new platforms like DTH, IPTV, and OTT.

Thus, the Ministry of Information and Broadcasting in India has proposed the Broadcasting Services (Regulation) Bill, 2023, recognizing the need for a comprehensive law to streamline the regulatory framework in the digitized broadcasting sector.

The draft Bill provides for a self-regulatory structure to ensure compliance with the programme and advertisement codesThis includes:

(i)self-regulation,

(ii)constituting self-regulatory organisations

Streaming services are required in this version to constitute "**content evaluation committees**" to pre-screen content before it is released on their platforms.

(iii)establishing a Broadcast Advisory Council.

The Bill also provides for the constitution of a **Broadcast Advisory Council**, with government membership, that **would hear complaints against broadcasters**. These requirements could be applied to streaming platforms and online influencers with a simple notification issued by the I&B Ministry.

Key Features:

1**Registration of broadcasting services**:Broadcasters and broadcasting network operators must register, with each having a different registration process

2**Regulation of news and current affairs programmes**:News and current affairs programmes will be required to comply with the prescribed programme code and advertisement code.

It allows for a differentiated approach to Programme and Advertisement Codes across various services and requires self-classification by broadcasters and robust access control measures for restricted content.

3**Content evaluation**:Every broadcaster or broadcasting network operator must constitute at least one internal **Content Evaluation Committee (CEC).**The CEC will comprise eminent persons from various social groups such as women, child welfare, and Scheduled CastesProgrammes will be broadcast only after certification by the CEC.

4**Self-regulation**:The draft Bill provides for a self-regulatory structure for complying with the programme and advertisement codes which will be prescribed by the central government*Broadcasting network operators not providing platform services will be exempt from the regulatory structure*.

The **first tier** of the structure is self-regulation by broadcasters and broadcasting network operatorsThis requires the appointment of **a grievance redressal officer** by the broadcaster/broadcasting network operator

The **second tier** is **self-regulatory organisations (SROs),** to which broadcasters/broadcasting network operators will be affiliated

SROs will address grievances not addressed by the broadcasters/broadcasting network operators.

5**Broadcast Advisory Council**: The Broadcast Advisory Council (BAC) is the **third tier of regulation**It will hear complaints:

(i)arising from appeals against decisions of SROs or

(ii)referred to it by the central governmentThe central government will take action based on the recommendations of the BAC

The BAC shall consist of: (i) a **chairperson with at least 25 years of experience** in media, broadcasting, and other relevant fields, (ii) **five officers nominated** by the central government from different ministries, and (iii) **five eminent individuals nominated by the central government** with experience in various fields.

6**Offences and penalties**:The draft Bill specifies various offences and penaltiesFor instance, operating a broadcasting network without a valid registration is punishable with a fine up to Rs 10 lakh or imprisonment up to two years, or bothSubsequent offences will attract a fine up to Rs 50 lakh or imprisonment up to five years, or both.