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FOR IMMEDIATE RELEASE

New Delhi: October 9, 2011 The NBA notes with regret that the Cabinet has purportedly approved certain modifications to the Uplinking & Downlinking Guidelines including one which provides that if a television channel is found “guilty” of violating the terms and conditions of permission including violations of the Programme & Advertisement Code on 5 occasions or more, the Ministry of Information & Broadcasting may decline to renew the permission of such television channels.

Firstly there is no such requirement under the existing Uplinking & Downlinking Guidelines for renewal. Secondly, there certainly cannot be any power vested in the MIB to cancel or “refuse to renew” a broadcaster’s license on their subjective view that a television channel has violated the terms of the Uplinking & Downlinking guidelines or the provisions of the Cable TV Act.

In the past the MIB has issued Show Cause Notices to broadcasters on various counts. However the proceedings pursuant to such notices have been conducted internally within the MIB and never has been in the nature of adjudication. Be that as it may, certain other broadcasters have complied with directions issued by the MIB for running apologies and even shutting down their channels for certain periods of time. To now retrospectively use such proceedings to deny permission to broadcast for future is wholly arbitrary, unfair, illegal and unconstitutional.

Most importantly, the proposed modification of the Uplinking and Downlinking guidelines is a direct assault on the self regulatory regime put in place by broadcasters, which has been encouraged & recognized by the MIB. Such proposed step is wholly retrograde and places broadcasters at the arbitrary mercy of the MIB; and is therefore a violation of the constitutional right to freedom of speech & expression and will not be countenanced by the NBA.

NBA wishes to place on record its deep anguish to such amendments to the Uplinking and Downlinking guidelines. The NBA urges the Government to urgently review the regressive decision which would be anathema to the constitutional framework of our country. NBA is seeking an urgent appointment with Mrs Ambika Soni, Hon’ble Minister for I&B to explain & clarify the concerns of NBA.

Annie Joseph
Secretary General