



PRESS RELEASE

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New Delhi: July 16, 2021... News Broadcasters Association (NBA) filed a Writ Petition in the High Court of Kerala challenging the Cable Television Networks (Regulation) Act, 1995, [Cable TV Act], the Cable Television Networks Rules, 1994 [Cable TV Rules] and the Cable Television Networks (Amendment) Rules, 2021 [Amendment Rules, 2021] on the grounds that the Cable TV Act, Cable TV Rules and the Amendment Rules, 2021 are violative of the fundamental rights guaranteed under Part III of the Constitution of India including Article 14, Article 19(1)(a) and 19(1)(g).

The main challenge is to Rules 18 to 20 of the Amendment Rules, 2021 as the Rules create an Oversight Mechanism giving the Executive unfettered, unbridled and excessive powers to regulate the content of the television channels of the news broadcasters. The Complaint redressal structure created, and the powers delegated have a "chilling effect" on the content of the media.

Amongst other challenges, the News Broadcasters have challenged the offending parts of Rules 6 [Programme Code] and 7 [Advertising Code] of the Cable TV Rules in that they are beyond the provisions of Article 19(2) of the Constitution. The said Rules contains vague, imprecise and ambiguous terms in relation to 'content' such as "good taste", "half-truths", "snobbish attitude", "indecent", "vulgar", "suggestive" and "repulsive" etc., and are, therefore, not in consonance with the judgment of the Hon'ble Supreme Court in *Shreya Singhal vs Union of India* (2015) 5 SCC 1, where the Hon'ble Supreme Court has stated that Section 66A creates an offence which is vague and overbroad, and therefore, unconstitutional under Article 19(1)(a) and is not saved by Article 19(2)

In the hearing held before the Hon'ble Court today, Mr. Maninder Singh, Senior Advocate, who appeared for the Petitioners, submitted that the Amendment Rules, 2021 are violative of Article 19(1)(a). He also submitted that the said Rules give the Additional Secretary (Oversight Mechanism) the power to adjudicate upon the Orders passed by a retired Supreme Court / High Court Judge, which allows the Executive to make inroads into the judicial process. He further submitted that the Complaint redressal structure under the Amendment Rules, 2021 was in pari materia with the Grievance Redressal Mechanism in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.



He also pointed out that an Interim Order had been passed by the Hon'ble Kerala Court in similar matter WP 13675 of 2021 being News Broadcasters Association & Others vs UOI & Another in which the Hon'ble Court has stated that "*there will be an Interim Order directing the respondents to refrain from taking any coercive action against the petitioners for non-compliance of the provisions contained in Part III of the Ext. P-1 Rules pending the disposal of the writ petition*".

In view of the submissions made above, the Hon'ble Judge passed a similar Order in favour of NBA and its members stating that "*in the light of the interim order passed by this Court in WP (C.) No. 13675 of 2021, there will be an interim order directing the respondents to refrain from taking coercive action against the Petitioners for not complying with the Cable Television Networks (Amendment) Rules, 2021 [Ext. P3) pending disposal of the writ petition*".

Annie Joseph
Secretary General