



# **RADIO HINDVANI ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

# **2016/2017 ANNUAL COMPLIANCE REPORT**

## **RADIO HINDVANI**

**Licence Period: 24 October 2013 to 25 October 2018**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

This report is intended to give account of Radio Hindvani's compliance with the terms and conditions as set out in its licence, for the 2016/2017 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), Promise of Performance, South African Music Regulations, Code for Persons with Disabilities and Regulations Regarding Standard Terms and Conditions.

### **2. BACKGROUND**

On 17 October 2013, a broadcasting licence was issued to Hindi Shiksha Sangh (SA) broadcasting as Radio Hindvani to serve the Hindu community of interest in parts of the Kwazulu Natal Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the period under review was 120 000<sup>5</sup>.

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

<sup>5</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee<sup>6</sup>**

Clause 1 of the service licence of Radio Hindvani provides that:

*"The Licence is issued to:*

- 1.1 Name of Company/Entity: Hindi Shiksha Sangh (SA).*
- 1.2 Name of the station: Radio Hindvani*
- 1.3 Control of the Licensee: Control shall vest in the Board of Management of the Hindi Shiksha Sangh (SA)."*

In the year under review, the Authority did not receive any notifications from the Licensee indicating a change in any of the above information.

**The Licensee was found to be in compliance with clauses 1 of its service licence.**

#### **3.2 Licence Period**

Clause 2 of the service licence of Radio Hindvani provides that:

*"The effective date of the Licensee is 24 October 2013 and shall expire on 25 October 2018."*

The Licensee has been notified of the pending renewal and referred to the Licensing Department for further assistance with regards to the renewal process.

#### **3.3 Licence Area**

Clause 3 of the service licence of Radio Hindvani provides that:

*"The Licensee shall provide services to Durban, Chatsworth, Pietermaritzburg, Durban Metropolitan, Stanger, Umkomaas, Tongaat and Phoenix in the Kwazulu-Natal Province, as set in the licensee's radio frequency spectrum licence".*

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence. Furthermore, in the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licence area.

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<sup>6</sup> Appendix A: Radio Hindvani Service Licence

**The Licensee was found to be in compliance with clause 3 of its service licence.**

### **3.4 Community**

Clause 4.2 of the service licence of Radio Hindvani provides that:

*"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:*

*4.2.1 The Licensee shall hold at least two (2) meetings annually with its community focusing on programming and programming policies of the station.*

*4.2.2 "The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community.*

During the period under review, the Licensee did not submit any proof of meetings held with the community for the purpose of discussing programming and programme related matters.

**The Licensee failed to comply with clause 4.2 of its service licence.**

*4.2.3 The Licensee shall hold Annual General Meetings (AGM) for the following purposes:*

*4.2.3.1 To provide feedback on the Licensee's compliance with licence conditions.*

*4.2.3.2 To provide feedback on the Licensee's operational and financial performance, and any Special Annual General Meeting as and when required by the constitution.*

*4.2.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".*

The Licensee held an AGM on 16 July 2017 with a report from the President of the Licensed entity. Operational issues and compliance with licence conditions were discussed. Furthermore, there was a presentation of the financial report and adoption of the amended Constitution<sup>7</sup>.

**The Licensee was found to be in compliance with clause 4.2.3 of its service licence.**

### **3.5 Programming**

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<sup>7</sup> Appendix B: Annual General Meeting Minutes and attendance register

Clause 5.1.1 of the service licence of Radio Hindvani provide that programming shall be as follows:

*"The Licensee shall broadcast a total of 60 minutes of news per day, which shall be in all languages of broadcast. This shall include news from the community produced by the station on issues affecting the identified community".*

The monitoring exercise confirmed that the Licensee broadcast news from 07h00 until 17h00 on weekdays for an average of four (4) minutes per bulletin which equates to forty-four (44) minutes per day. The Licensee also broadcasts news on Saturday from 08h00 until 17H00 for an average of four (4) minutes for a total of forty (40) minutes, and news bulletins on Sunday from 09h00 until 15h00 for a total of thirty (30) minutes. The Licensee does cater for stories from the community within the licensed area and the province in their broadcasts.

The following are some of the news items monitored:

- *"Parliament is demanding answers from UKZN about the allegations of bribery at the University. Last week, it was found that there maybe a syndicate at the University's medical school. It's believed a group of staff are working together to secure places at the school for Indians students by passing them off as coloureds, this for a sum of money".*
- *"The ANC has called on Communications Minister Faith Muthambi to investigate whether the SABC's Hlaudi Motsoeneng is abusing his power. The public broadcaster's policy has been under the spotlight recently following the decision not to broadcast violent protests. Three journalists have been suspended whilst three others are facing disciplinary hearings for questioning censorship".*
- *"Landslides triggered by heavy rains killed eleven people in Western Nepal which included a teenage boy and four young girls. An overnight downpour sent mud and stones hurling down the slopes of the district burying two houses in two villages. A police official said 8 people from two different families were found dead after their home where buried by landslides due to torrential rainfall".*

The news bulletins are read in English instead of both languages of broadcast and the minutes of news in total per day is less than the licence requirement.

### **The Licensee failed to comply with its news obligations.**

Clause 5.1.2 of the service licence of Radio Hindvani provides that:

*"The Licensee shall broadcast South African music content of 40%."*

The Licensee submits that they play an average of forty-two (42%) percent of local music. The Authority's monitoring exercise confirm that the radio station does cater for local music on Tuesdays and Thursdays shows called *"Local Focus"* with around twenty-five (25) minutes dedicated to local music and Saturday and Sundays segments for three (3) hours with a focus on indigenous music to the listeners.

**The Licensee was found to be in compliance with its local music obligation.**

Clause 5.1.3 of the service licence of Radio Hindvani provides that:

*"The format shall be 40% talk and 60% music".*

The Licensee broadcasts a majority of talk programmes in the form of educational and religious teaching during the week with listener's interaction and this is supplemented by music. The mid-morning programmes on weekends are dominated by music for an average split, in compliance with their format on an average week.

**The Licensee was found to be in compliance with its format.**

Clause 5.1.4 of the service licence of Radio Hindvani provides that the language(s) of broadcast shall be as follows:

- a) Hindi – 50%; and*
- b) English – 50%;*

The Authority's monitoring exercise found that the Licensee's programming profile is presented in both languages of broadcast on an even split. There are other programmes that use one language throughout, and some use the two languages of broadcast interchangeably.

**The Licensee was found to be in compliance with its languages of broadcast obligations.**

**3.6 Promise of Performance**

Clause 8.1. of the service licence of Radio Hindvani provides that:

*"The Licensee shall establish a coordinating body that includes representatives of community based organisations, cultural organisations and individual members from its coverage area in the promotion of the Hindu language and culture".*

The Licensee submitted a list of member organisations through the Licensed entity from the licence area with their representatives. The list however does not speak to a particular body or terms of reference of the coordinating body for those member organisations.

Clause 8.2 of the service licence of Radio Hindvani provides that:

*"The Licensee shall have regular meetings through its Radio Committee and its affiliated institutions with its community in order to ensure community participation".*

The Licenses did not submit any proof of meetings through its radio committee for the purpose of community participation.

Clause 8.3 of the service licence of Radio Hindvani provides that:

*"60% of the Licensee's talk content shall be educational, promotion of Hindu language, culture, religion and literacy. This shall include informal education such as skills development"*

The Licensee's programmes are dominated by shows promoting the Hindu culture, language and religion. There are segments of children's programming and mid-morning programmes wherein there are poems being read and inspirational talk from specific Hindu scriptures.

Clause 8.4 of the service licence of Radio Hindvani provides that:

*"The Licensee shall broadcast programmes related to children, youth and elderly".*

The Licensee broadcasts children related programmes on Wednesdays at 15H00, a Leadership for the youth programme on Thursdays between 19H00 and 20H00. The monitoring exercise could not identify a specialised programme for the elderly.

The Licensee does not fully comply with all its promises of performance. The main challenge the Licensee faces is that it does not have formalised structures in order to allow community participation. The Licensee already has member organisations. However, it lacks a structure to coordinate the members for the different purposes of community participation to be realised.

**The Licensee failed to comply with clauses 8.1 and 8.2, however complied with clauses 8.3 and 8.4 of its licence.**

## **4. REGULATIONS**

### **4.1 South African Music Content Regulations**

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

*"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period"<sup>8</sup>.*

The Licensee submits that it plays an average of forty-two (42%) percent of local music. The Authority's monitoring exercise confirmed that the radio station does cater for local music through the Tuesdays and Thursdays shows called "Local Focus" with around twenty-five (25) minutes dedicated to local music. As well as the Saturday and Sundays segments for three (3) hours with a focus on indigenous music to the listeners.

**The Licensee was found to be in compliance with the Regulations on South African Music Content.**

### **4.2 Code for Persons with Disabilities**

Clause 3.1 (a) of the Code for Persons with Disability of 2007 stipulates that:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

The Licensee submits that their premises have a wheel chair ramp and is accessible to people with disabilities.

**The Licensee was found to be in compliance with the above-mentioned regulation.**

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<sup>8</sup> Appendix C: Regulations on South African Music Content



### **4.3 Regulations regarding Standard Terms and Conditions for Class Licensees**

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences<sup>9</sup>.

## **5. CONCLUSION**

Radio Hindvani has member organisations as part of the volunteer programme which could be used to formalise the community participation for programming and programme related matters. The Licensee thus failed to comply with its community participation obligations.

The Licensee also failed to comply with clauses 8.1 and 8.2 relating to promises of performance. Furthermore, the Licensee did not comply with its news obligation.

The Authority will address the areas of concern with the Licensee in next financial year.

## **6. TERMS OF REFERENCE**

- Appendix A:** Radio Hindvani Community Broadcasting Service Licence;
- Appendix B:** Annual General Meeting Minutes and attendance register;
- Appendix C:** Regulations on South African Music Content; and
- Appendix D:** Regulations regarding the Standard Terms and Conditions, 2010 published in *Government Gazette* No 33296 dated, 14 June 2010.

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<sup>9</sup> Appendix D: Regulations regarding the Standard Terms and Conditions, 2010 published in GG no 33296 dated, 14 June 2010