



RADIO HINDVANI ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

HINDI SHIKSHA SANGH (SA) BROADCASTING AS RADIO HINDVANI

LICENCE PERIOD: 24 OCTOBER 2018 to 23 OCTOBER 2023

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give account of Radio Hindvani's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Radio Hindvani is a class broadcasting service Licensee providing services to a Hindu community of interest residing in Durban and surrounding areas in the KwaZulu-Natal Province. The radio station provides a programming format that is a mix of talk radio and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of company/entity: Hindi Shiksha Sangh (SA).

1.2 Name of Station: Radio Hindvani.

1.3 Control of the Licensee: Control shall vest in the Board of Management of the Hindu Shiksha Sangh (SA)".

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 1 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

"2.1 The effective date of the licence is 24 October 2018; and

2.2 The licence shall expire on 23 October 2023."

Radio Hindvani's licence was renewed in 2018, therefore the station is in possession of a valid broadcasting licence.

The Licensee complies with clause 2 of the schedule to its licence.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Radio Hindvani's coverage area is as follows:

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

The Licensee confirmed that it provides a service to the licensed areas as set out in the Licensee's radio frequency spectrum licence.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

The Licensee complies with clause 3 of the schedule to its licence.

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

"The Licensee shall provide services to a Hindu community of interest residing within the geographic coverage area specified herein".

The Licensee submitted and confirmed that it provides a sound broadcasting service as prescribed in its licence document.

The Licensee complies with clause 4.1 of the schedule to its licence.

Clause 4.2 of the schedule to the licence 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 on programming and programme-related matters for the selection and provision of programmes; and

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

The Licensee submitted minutes and registers for two programming meetings that were held on 14 April 2019 and 07 September 2019.

The Licensee complies with clause 4.2 of the schedule to the licence.

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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; and

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 submitted minutes and register of an Annual General Meeting that was held on 15 December 2019.

The minutes demonstrate that the meeting was a reporting AGM and provided feedback on compliance issues with licence conditions, also provide feedback on the overall financial performance of the radio station.

The Licensee complies with sub-clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows":

5.1.1 Local News and Information: The Licensee shall broadcast a total of sixty (60) minutes of news per day, which shall be in languages of broadcast. This shall include news from the community produced by the station on issues affecting the identified community."

The Authority's monitoring exercise revealed that the Licensee broadcasts a total of thirty-five (35) minutes of news per day. The news bulletins are in English, with about one (1) minute of the bulletin being Hindi news, and they cover national and international news. The monitoring exercise did not identify any news from the community on issues affecting the community.

Some of the news items that were identified were the following:

- "The Gauteng Department of Education Spokesperson, Steve Mabona, said a ceiling collapsed on pupils while they were in class at Kgomba Primary School in Hammanskraal. Education MEC Panyaza Lesufi and his team had also gone to the school to assess the situation. Twenty grade six pupils were injured and taken to a nearby clinic. In another incident seventeen pupils at Lofentse Girls School in Soweto were hospitalised after allegedly eating cakes laced with marijuana, commonly known as space cakes yesterday. They were rushed to Baragwanath and Lillian Ngoyi hospitals. Mabona said an investigation into the incident had been launched.*
- On Saturday Eskom implemented stage 3 load shedding, up from stage 2. The power utility said stepped up load shedding was due to shortage of capacity and in order to replenish emergency reserves. Eskom has however, downgraded load shedding back to back to stage 2 as of ten o'clock this morning. Load shedding is expected to continue until Monday morning. The struggling power utility has asked everyone to use electricity sparingly and to switch off geysers during peak hours.*
- A six-year-old boy was found hiding alone in a classroom at his school near Ermelo in Mpumalanga where he hid allegedly to escape from his abusive grandmother. According to Provincial Police Spokesperson, Brigadier Leornard Hlathi, the grandmother (40) allegedly used an axe to attack the boy, among other forms of physical abuse. The woman was arrested yesterday on a charge of assault with the intent to cause grievous*

bodily harm. She has been released on five hundred Rands bail and is scheduled to appear in the Mayflower periodical court again on 30th of March.

The Licensee does not broadcast sixty (60) minutes of news as prescribed in clause 5.1.1, above and it does not broadcast community news.

The Licensee does not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 70%"

The Authority's monitoring exercise revealed that the radio station broadcasts approximately forty percent (40%) of South African music content.

The Licensee does not comply with its South African Music Content obligations.

Clause 5.1.3 of the licence provides that the format is as follows:

"40% Talk and 60% Music"

The monitoring exercise revealed that the Licensee's shows are a combination of music and talk, but with more music. The station plays a lot of Indian music throughout the day, with discussions and listener interaction in between. Matters pertaining to Hindi culture, language and music are discussed. The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence as it is more music than talk.

The Licensee complies with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 Hindi – 50%

5.1.4.2 English – 50%;

The monitoring exercise revealed that the Licensee broadcasts its programmes in both Hindi and English.

The Licensee complies with its languages of broadcast obligation.

Clause 5.2 of the schedule to the licence provides that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".

The Licensee submitted programme logs to the Authority on a monthly basis during the period under review.

The Licensee complies with clause 5.2 of the schedule to its licence.

4. PROMISE OF PERFORMANCE

Clause 8.1 of the schedule to the licence provides that:

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

The Licensee submitted that its primary stakeholders are the Hindi Schools within the coverage area that are affiliated with the Hindi Shiksha Sangh. The schools play an integral part in the decision-making process as they elect officials and office bearers of the Sangh. It also submitted that it engages both directly and indirectly with nationally recognised Hindu entities in South Africa, which are: The Hindi Maha Sabha of South Africa, The Sri Sanathan Dharma Sabha and The Arya Samaj of South Africa.

Clause 8.2 of the schedule to the licence 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 Licensee submitted minutes and registers for the Radio Committee meetings that were held on 14 April 2019 and 07 September 2019, respectively. Some of the issues that were discussed in the meetings were professionalism in broadcasting and the review of certain programmes, so they can adapt to the changing times.

Clause 8.3 of the schedule to the licence 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 submitted that its content has programmes that are dedicated to Hinduism every week day morning from 06h00 to 07h00, evenings from 18h00 to 19h00 and on weekend mornings between 06h00 and 09h00. Different Hindu festivals and celebrations are covered

while educating the community about Hindu culture and teaching the Hindi language. This was confirmed through the monitoring exercise. One of the programmes that were identified is “*Hindi Bol*” which teaches Hindi by translating Hindi phrases to English. There is a lot of information about Hindu culture and centres where people can go to learn more about the culture and the language.

Clause 8.4 of the schedule to the licence provides that:

“The Licensee shall broadcast programmes related to children, youth and elderly”.

The monitoring exercise confirmed that the Licensee broadcasts content that is related to children. One of the programmes that were identified is “*Balvani*”, which is presented by children. The station also offers teachers a platform to give tutorials to Matriculants. Other topics like health, legal, labour and community matters are covered in the Licensee’s programming.

The Licensee substantially complied with its Promise of Performance obligation.

5. REGULATIONS

5.1 COMPLAINTS

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee submitted a report on complaints received during the period under review, however, it did not submit it in the prescribed format by submitting Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations.

The Licensee partially complied with the relevant clause of the above Regulations.

5.2 ICASA Regulations on South African Music

Regulation 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 stipulates that:

“A holder of a community sound broadcasting licence must ensure that after eighteen (18) months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% 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”.

For the period under review, the obligation in accordance with the SA Music regulations above was for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority’s monitoring exercise revealed that the radio station broadcasts approximately forty percent (40%) of South African Indian music content. The following are some of the artists that were identified: *Uhesh Singh, Raeesa Moodley, Ajesh Kumar, Sharmaine Deol, Hoosen Vally and Umitha Kalyan.*

The Licensee does not comply with the ICASA Regulations on South African Music.

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee adhered to the Standard Terms and Conditions for class licences as it always submitted all the information required by the Authority.

6 CONCLUSION

The Licensee was found to be non-compliant with some provisions of its licence conditions and applicable Regulations. Compliance will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Radio Hindvani not improve its performance, it will be advised of the Authority’s intention to refer them to the Complaints and Compliance Committee (CCC), for a hearing.

7 TERMS OF REFERENCE

- 7.1 Appendix A: Radio Hindvani’s Service and Spectrum Licences;
- 7.2 Appendix B: Radio Hindvani’s Promise of Performance Report;
- 7.3 Appendix C: Standard Terms and Conditions for Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;
- 7.4 Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016, and

7.5 Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

End

March 2021