

No. 804/177/2013-BC-III  
GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION & BROADCASTING  
'A' WING, SHASTRI BHAWAN,  
NEW DELHI – 110001

7<sup>th</sup> September, 2015

ORDER

WHEREAS it had been brought to the notice of the Ministry of Information & Broadcasting that DY 365 TV channel telecast news story on two girls and an MLA on 30.10.2013 at 18:52:25 hrs. and 21:08:41 hrs.

WHEREAS, the content of the following news reports particularly appear to violate certain provisions of the Programme Code prescribed under Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder:-

Telecast by DY 365 on 30.10.2013

Anchor: Has the MLA residential colony turned into the hub of anti-social activities in the name of tight security? Do unexpected activities, pricing (purchase) of youth take place here? Do mysterious girls keep coming and going to the MLAs' residential area without restriction under the shade of the ministers or the MLAs? At least, some of the visuals captured by our camera are enough to initiate questions like that.

Voice-over : Dispur MLA residential compound. From inside the car, our camera is looking at a vehicle parked in front of the residence of a MLA. This is a Bolero car parked outside the residence of the MLA. And after opening the door of the red-beaconed Bolero car, two beautiful girls sit inside. The car has left the MLA residential compound, (which is being) followed by our camera. The vehicle slowed down for a while near the Ganesha Temple. After that the vehicle proceeded towards Zoo road (by the road that goes) below the Ganeshguri over bridge. The vehicle suddenly halted in a city bus stoppage and a girl steps down. Our reporter approached the girl to ask a question- why and under what circumstances, the girl is in VIP vehicle. No, the girl could not give an appropriate answer.

Reporter: "From where are you coming?"

Girl1: "Ha... we are his niece."

Reporter: "When did you come?"

Girl 1: "(We) came yesterday."

Reporter: "Yesterday aaa...."

Girl 1: "Dada (elder brother) is at home."

"At home?"

Girl 1: "We are his niece."

Reporter: "You are... red light.....you are niece.... Why are you in a red beaconed vehicle?"

Girl 1: "What?"

Reporter: (Words not Clear).

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Girl 1: "Yes, yes. Let us go. I have told that we don't have time."

Reporter: "You are traveling in a red beacons car.....do you have time? One minute...you can't travel in a red beacons vehicle."

Girl 1: "I have told....don't you hear?"

Reporter: "You....he?"

Girl 1: "I don't have time. Let me go."

Voice over continues: Now questions were asked to the girl inside the car. No, she doesn't have any answer too.

Reporter: "Where had you been yesterday?"

At my uncle's place."

Reporter: "What is his full name?"

Girl 2: "Abu Taher Bepari."

Reporter: "Why are you in a red beacons car? What was your purpose?"

Girl 2: (Voice not audible)

Voice over continues: Contradictory answer came from the driver too....

Girl 1: "Dada (elder Brother) is at home."

Driver: "Sir's nieces."

Reporter: "What type of niece, own niece?"

Girl 1: "Own niece."

Driver: "They were in sir's home...his nieces...sir is not at home."

Girl 1: "Why don't you go? Why are you wasting time? (He is) her Mama (Maternal uncle)"

Reporter: "Ha..."

Girl: "Ha..... (I) have computer exam, computer."

Where? In which institute? Where do you have exam?"

Girl: "Why don't you trust? (Rest of the words is not clear). I have chewed Pan."

Reporter: "Have you chewed Pan?"

Girl: "Ha.....would you examine?"

Reporter: "What exam do you have? Tell us that."

Girl: "No, no...it smells bad, would you examine?"

Reporter: "Whatever...."

Girl: "If not, why are you asking this? Would you examine, tell me that."

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Reporter: "What exam do you have?"

Girl: "It smells bad, would you examine?"

Voice over continues: Being uneasy at our continuous questions, the car moved towards Zoo Road in a hurry and was followed by our reporter's camera. The Bolero is (seen) advancing without a definite aim, reaching Secretariat via Ganeshguri, Zoo Road Tiniali, Chandmari, Ambari, Reserve Bank, A.T.Road and G.S.Road. Here the vehicle enters the Secretariat without any barricade. Because, that is a red beaconsed VIP car of a powerful minister of Dispur. But our vehicle stopped. The Bolero again entered the MLAs' residential area via last gate after taking exit through the second gate of the secretariat complex. Thus a long span of time passed over, but the entire incident raised mystery after mystery, evoked questions after questions, suspicion. Who these two beautiful girls, who spent the night in the MLA residence, actually are? Are they actually close relatives of the MLA? What exam did they have? Why did they enter the Secretariat instead of entering the examination hall? Can any ABCD (any lay man) roam around in a red beaconsed MLA vehicle for some non-government work like this? How mysterious ladies, beautiful girls enter the MLA residence, evading the 24 hours tight security cover? Certainly these questions are not out of context. Who will answer these questions? With camera person Nipu Kalita, Dilwar Hussain Mazumdar, DY365.

WHEREAS, during the report, some graphics have been shown in the upper portion of the screen, which are as follows:

Suspicious characters inside the MLA Hostel (Official MLA residential campus) during the night. Taking advantage of security cover, anti social activities continues. Unwanted words and works, pricing of youth. Under whose shade, mysterious girls can come to the residence of the ministers and MLAs? The camera of DY(DY365) captures visuals which raise some question.

WHEREAS, it could be observed that calling the said woman and the girl as mysterious girls and asking them apparently annoying, intimidating and unwarranted questions on camera appeared to cast serious doubts on their character, well-being and future life in the society. Hinting at immoral links of the girls with the MLA, in question, appeared unwarranted in the circumstances, especially since the girls clearly stated their family connection and apparently there was no supporting evidence. Mere use of the MLA's car by the girls was made cannot be a basis for attributing suggestive innuendos in the News Report which appears to be aimed at defaming these girls, thus denigrating them.

WHEREAS, it was further observed that the channel DY 365 TV channel had not completely blurred the faces of the girls. It appeared to be denigrating and defamatory of the alleged victims, when their identity and personal details were disclosed a number of times.

WHEREAS the news reports telecast by DY 365 TV, prima facie, appeared to violate the following provisions of the Cable Television Networks Rules, 1994:

Rule 6(1) (a) provides that no programme should be carried in the cable service which offends against good taste or decency;

Rule 6(1) (d) provides that no programme should be carried in the cable service which contains anything obscene, defamatory, deliberate, false and suggestive innuendoes and half truths;

Rule6(1) (i) criticises, maligns or slanders and individual in person or certain groups, segments of social, public and moral life of the country;

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Rule (1) (k) denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals.

WHEREAS, a Show Cause Notice (SCN) was issued to DY 365 TV Channel on 6.2.2014 whereby they were called upon to show cause within 15 days from receipt of this communication as to why action as per the provisions of Uplinking/Downlinking Guidelines, the terms and conditions of the permission granted and the provisions of Section 20 of the Cable Act should not be taken against it;

WHEREAS responding to the said SCN, the channel, vide its letter dated 15.2.2014, submitted, inter-alia, that the program was telecast in view of the fact that many cases had been reported about the gross misuse of the Red Beacon Light not only in the State of Assam but also in the whole country. The supreme court of India on August 5th, 2013 while hearing cases related to unauthorized use of sirens and beacons, issued a judgment which banned the use of Red Beacon Lights with flashers. It is stated in unequivocal terms that the news was telecast on one such similar issue in order to bring to light the violation of the ruling of Supreme Court's Judgment and misuse of such Red Beacon Light Vehicles in the State of Assam. In the said footage, the misuse of the Red Beacon Light Vehicle of the political leader/MLA/influential person was caught on camera by their reporters. It was seen that instead of the MLA, there were two girls (claiming to be the nieces of the MLA) travelling in the vehicle along with the driver. When their reporters confronted them and politely questioned them regarding such disregard to the ruling of the SC Judgment, the said girls were unable to give appropriate answers and tried to escape. With regard to the allegations violating Rule 6(l) (i) & Rule (l) (k) of the Cable Television Network Rules, 1994, it is mentioned that no derogatory remarks were made on the two girls specifically and a general question was put in front of the viewers/public regarding the misuse of Red Beacon Light vehicles, unauthorized use of power. The news program was only shown in good faith bonafide and in public interest in the news program for the purpose of reporting. It is specifically and categorically denied that the news footage is against public order, decency or morality.

WHEREAS the channel also submitted that they are ready to cooperate to the best of their fathom to prove that the allegation levelled against their company is concocted, baseless and devoid of any truth and they stand firm to telecast the wrong doing of any person or any company in public interest and whatever they will show will be based on truth and only truth. Their company believes in true and correct reporting without fear or favour since the news articles are telecasted/broadcasted after due verification and in public interest. However, it had been observed that the channel had not given specific reply to all the allegations made in the SCN.

WHEREAS even though the channel had not asked for affording an opportunity for a personal hearing to present their case, the Ministry gave this opportunity to them before IMC on 26.02.2014 in keeping with the principles of Natural Justice.

WHEREAS the representatives of the channel who appeared before the IMC reiterated most of the things as in their written reply. The IMC noted that the reporter of the channel chased two girls, one of whom was a minor and the channel called them mysterious girls and asked them apparently annoying, intimidating and unwarranted questions on camera which appeared to cast serious doubts on their character. IMC asked the representatives of the channel as to what was the purpose to cast aspersion on the character of the girls; and that the whole thing appeared to be in bad taste. The representatives clarified their position by claiming that the girls, in question, could have been sex workers who were using the MLA's official red-beaconed car for safe cover. IMC reacted by saying that this could not be proved

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by the news channel in their news report. By merely casting aspersions on the girls and the MLA the channel had jeopardized the future of the girls. IMC noted that the intention of the channel appeared to be motivated as they attributed allegations of loose moral character on girls. IMC was of the view that the intention of the channel to chase the girls and to expose their faces on TV was perverted and was against all ethics of journalism. It was a clear violation of the Rule 6(1) (a), (d), (i) & (k) of the Programme Code.

WHEREAS, the representatives of the channel apologized for the mistake in telecasting the said programme.

WHEREAS having regard to the material on record, the written and oral submissions of the channel and totality of the circumstances, IMC concluded that the channel has violated provisions of the Programme Code and considering the nature of the violation, there are enough grounds to take action against the channel. Therefore, the IMC recommended to take the channel off air for one day.

WHEREAS, as per Section 5 of the Cable Television Networks (Regulation) Act, 1995, (hereinafter referred to as the Act) read with Rule 6 (1) (a), (d), (i) & (k) of the Cable Television Networks Rules, 1994 (hereinafter referred to as the Rules), as amended from time to time, no programme can be transmitted/re-transmitted on television in violation of the Programme Code contained in Rule 6.

WHEREAS according to basic conditions/obligations of permission/approval for Uplinking/Downlinking of a news and current affairs TV Channel in India whereby permission to downlink DY 365 TV Channel has been granted, DY 365 TV channel is bound to follow the Programme Code and Advertising Code prescribed under the aforementioned Act/Rules;

WHEREAS, in the event of failure to comply with any of the terms and conditions, permission/approval granted is liable to be suspended/ cancelled;

WHEREAS, the above-mentioned telecast on DY 365 TV Channel has violated the provisions of the said Act and Rules; Guidelines and terms and conditions of the permission granted to the Channel;

WHEREAS, as per para 5.2 of the Guidelines for Uplinking from India, one of the basic conditions/obligations of the company permitted to uplink registered channels is that the company shall comply with the Programme Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder;

WHEREAS, as per para 8.2 of the said uplinking guidelines, the Central Government has the power to impose penalties for violation of any of the terms and conditions or other provisions of the said guidelines;

WHEREAS, as per para 8.1 of the said guidelines, in the event of a channel found to have been/being used for transmitting any objectionable/unauthorized content inconsistent with public interest, the Central Government has the power to revoke the permission granted;

WHEREAS, in case of violation of Programme Code this Ministry have powers to suspend the permission of uplinking granted to a company for a period of 30 days in the event of first violation as per para 8.2.1, for 90 days in the event of second violation as per para 8.2.2 and revocation of permission of the company and prohibition of broadcast up to the remaining period of permission in the event of third violation as per para 8.2.3 of the said uplinking guidelines;

WHEREAS, sub-section (2) of Section 20 of the Cable Television Networks (Regulation) Act, 1995 provides that where the Central Government thinks it necessary or expedient so to do in the interest of the (i) sovereignty or integrity of India; or (ii) security of India; or (iii) friendly

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relations of India with any foreign State; or (iv) public order, decency or morality, it may, by order, regulate or prohibit the transmission or re-transmission of any channel or programme;

WHEREAS, sub-section (3) of Section 20 of the Cable Television Networks (Regulation) Act, 1995 provides that where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code referred to in section 5 or the prescribed advertisement code referred to in section 6, it may by order regulate or prohibit the transmission or re-transmission of such programme;

WHEREAS, the competent authority, after previewing the C.D. of the programme, taking into account the facts of the case, the written and oral submission by the channel, having regard to the recommendations of the IMC and after careful consideration of the case on the whole, came to the conclusion that the channel had indeed shown irresponsibility in discharge of their obligations towards ensuring compliance to the Programme Code while telecasting the said programme. Due care, responsibility, caution and sensitivity was expected while telecasting the programme. Thus, DY 365 TV channel had violated Rule 6 (1) (a), (d), (i) & (k) of the Programme Code under Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder;

WHEREAS, the Competent Authority decided to impose a penalty of prohibition of transmission/re-transmission of DY 365 TV channel on any platform throughout the Territory of India for a period of one day;

WHEREAS, after approval of the Competent Authority, this Ministry issued an order to DY 365 TV channel on 24.7.2014 for prohibition the transmission or re-transmission of the channel for one day on any platform throughout India with effect from 00:01 hrs on 30<sup>th</sup> July, 2014 till 00:01 hrs 31<sup>st</sup> July, 2014.

WHEREAS, DY 365 TV channel submitted a representation dated 25.7.2014 to the Ministry requesting for review of the aforesaid order dated 24.7.2014; an email copy of the representation dated 25.7.2014 had also been submitted. DY 365 channel made following submissions in its representation:

- i) People of Assam have always reposed faith in DY 365 as the channel has from its very inception shown the problem of the people without compromising the ethics of journalism. The said order of banning the DY 365 for one entire day will cause irreparable injury to the channel and its reputation in public as well as in market.
- ii) It is requested to review the said order of banning the news channel for the entire day and they undertake not to flout any norms prescribed under broadcasting laws.
- iii) Further it is pointed out that one discrepancy that has appeared in the order dated 24.7.2014. The observation made by the Ministry on the representation of the representative of the channel is reproduced "*The representatives clarified their position by claiming that the girls, in question, could have been sex workers who were using the MLAs official red-beaconed car for safe cover*". It is pointed out that the said representative of the channel had never deposed anything, thereby castigating on the character of the girls. As such why these words have been added that have never been stated by their representative.
- iv) The whole news item was in vernacular and the whole news article was related to clear violation of the Supreme Court judgement. No derogatory or asperse has been made against any person whosoever and the impugned order dated 24.7.2014 is on the basis of wrong footing and wrong interpretation. The visual that has been shown clearly reveals the violation of the Supreme Court judgement and also reading of the conversation between anchor and the girls as well as the driver clearly reveals that the law has been taken for granted and has been

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violated. The aforesaid fact has been highlighted in the aforesaid news article and it is the duty of every right thinking person to expose the wrong doings.

- v) It is categorically stated that the face of the girls were blurred and this is done as per the law. In view of the question of defaming the girl, it is to be mentioned that the names of the girls for the faces of the girls have not been disclosed. The main object of showing the news article is with regard to violation of the law which is clearly shown in the news article.
- vi) It is requested to re-look into the matter and review the said order.

WHEREAS, taking cognizance of the matter, an order was issued on 28.7.2014 to DY 365 TV channel to the effect that the Ministry's order dated 24.7.2014 may be held in abeyance till further orders.

WHEREAS it was decided to put up this case before the IMC for its re-consideration and call the channel to present their case.

WHEREAS the Ministry afforded an opportunity to the channel for a personal hearing before the IMC on 18.9.2014. The representatives of DY 365 TV channel repeated the things as were articulated in their representation. By referring to the earlier IMC meeting held on 26.2.2014, the representative stated that they had not made this statement "*The representatives clarified their position by claiming that the girls, in question, could have been sex workers who were using the MLAs official red-beaconed car for safe cover*". This had been quoted in the off-air order. They also held that the anchor made no allegations whatsoever. The IMC noted that the reporter of the channel had relentlessly chased two girls, one of whom was a minor and the channel called them mysterious girls and asked them some annoying, intimidating and unwarranted questions on camera which appeared to cast serious doubts on their character. IMC asked the representatives as to why, in the first place, they interviewed the girls and what was the purpose to cast aspersion on the character of the girls; and that the whole thing appeared to be in bad taste. The IMC further enquired about the purport behind carrying the telecast containing such titles/voiceovers as stated below: *Thus, a long span of time passed over, but the entire incident raised mystery after mystery, evoked questions after questions, suspicion. Who these two beautiful girls, who spent the night in the MLA residence, actually are? Are they actually close relatives of the MLA? What exam did they have? Why did they enter the Secretariat instead of entering the examination hall? Can any ABCD (any lay man) roam around in a red beaconed MLA vehicle for some non-government work like this? How mysterious ladies, beautiful girls enter the MLA residence, evading the 24 hours tight security cover? Certainly these questions are not out of context. Who will answer these questions?* The IMC stated that it is in this context that the representatives clarified their position in the earlier IMC meeting on 26.2.2014 that the girls, in question, could have been sex workers who were using the MLA's official red-beaconed car for safe cover.

WHEREAS the IMC also wanted to know the meaning and import of the terms "beautiful girls" & "mysterious ladies". The IMC noted that by using these terms, the channel appeared to hint at their possible use of physical attributes for less than legal purposes thus implying loose moral character of the girls. The representative clarified that in the Assamese parlance, these terms were used for "simple girls" in the said programme. They further stated that their only intention was to investigate the misuse of red-beaconed car by unauthorized persons and hence, the girls who were occupants of the car at that time, were interviewed and that the interview was not carried in an aggressive manner. The IMC stated that this could not be proved by the news channel in their news report. The IMC was of the view that the intention of the channel to chase the girls and to expose their faces on TV and to interview them in a vulgar and aggressive way was perverted and was against all ethics of journalism and there could have been other better means to know the truth about unauthorized use of a red-

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beaconed car. It was a clear violation of the Rule 6(1) (a), (d), (i) & (k) of the Programme Code. The representatives of the channel apologized for the mistake in telecasting the said programme.

WHEREAS, the IMC discussed the latest reply of the channel followed by their unconditional apology and opined that clear violation was established but the quantum of penalty could be reviewed. Considering the material on record, the written and oral submissions of the channel, submissions made in the representation & personal hearing on 18.9.2014 and totality of the circumstances, IMC reviewed its earlier recommendation of imposing the penalty of taking the channel off air for one day for the said violation. Considering the mitigating grounds, the IMC recommended that an order may be issued to DY 365 TV channel for running Apology Scroll for one day while strictly warning the channel to be careful in future. They opined that there is no need to take the channel off air for one day. They also added that as the violation by News Time Assam TV channel was similar, they could also be awarded the same penalty.

NOW, THEREFORE, in supersession of this Ministry's aforesaid orders dated 24.7.2014 & 28.7.2014, the Central Government in exercise of the powers conferred by sub section (2) & (3) of Section 20 of the Cable Television Networks (Regulation) Act, 1995 and in exercise of the powers under the Uplinking/Downlinking Guidelines issued by it, the terms of permission granted to uplink/downlink DY 365 TV channel, hereby warns DY 365 TV channel to strictly adhere to the Programme and Advertising Codes and to be careful in future; and also orders DY 365 TV channel to run the following Apology Scroll in bold legible form at the bottom of the screen for one day continuously with effect from 0001 hours on 22.9.2015 till 0001 hours on 23.9.2015:

**"DY 365 TV CHANNEL HAS BEEN WARNED BY MINISTRY OF INFORMATION & BROADCASTING FOR VIOLATION OF PROGRAMME CODE BY TELECAST OF A NEWS STORY ON TWO GIRLS AND AN MLA ON 30.10.2013 AT 18:52:25 HRS. AND 21:08:41 HRS. DY 365 TV CHANNEL APOLOGISES FOR THE SAID VIOLATION AND ASSURES TO BE CAREFUL IN FUTURE".**

Strict compliance with the above direction should be ensured by DY 365 TV channel. Any violation shall entail such action against DY 365 TV channel as deemed fit in accordance with the Cable Television Network (Regulation) Act, 1995 and the Rules framed thereunder as also the terms and conditions of the permission/approval granted under uplinking/downlinking guidelines.

This issues with the approval of the Competent Authority.

Managing Director,  
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Copy to :- ADG, EMMC with the request to report compliance of Ministry's Order by DY 365 TV channel.