Whereas it had come to the notice of the Ministry of Information & Broadcasting that 'NDTV 24X7' TV channel telecast a programme 'Truth Vs. Hype -The Riddle of Yakub Memon' on 1.8.2015 at 21:30:00 Hrs. following the execution of Yakub Memon, who was convicted for his role in the 1993 Mumbai Serial bomb blast case and was executed on 30.7.2015 after the Hon'ble Supreme Court rejected his numerous petitions;

Whereas in the programme 'Truth Vs. Hype', NDTV 24X7 carried the byte of a certain political leader and one-time lawyer for Yakub Memon. He was seen to have said, “Usman Jaan Khan is an approver in this case, who is PW 2 in the trial, OK! Now this Usman Jaan Khan has been pardoned. If you show this pardon to any person outside India, UK authorities or US authorities or the best brains in the world as far as criminal law is concerned, they will laugh at you. They will laugh at you; they'll say is this justice? Usman Jaan Khan has played a role in this whole operation ten times more than Yakub Ibrahim; he's pardoned (Usman Jaan Khan). But I should not be misunderstood because I'm not holding Yakub's brief, nor am I finding, criticizing the findings of the highest court to which I must bow down. And I say that I salute the Supreme Court for having at least afforded to him even the last opportunity at 3 a.m."

Whereas it was observed that NDTV 24X7 allowed transmission of such content which not only questioned the judicial system of India but tended to denigrate the very institution by hinting that it was not at par with the judicial systems existing in the UK and US. After casting all kinds of aspersions, NDTV 24X7 went on to show how the statement quoted above merely ended with the words that he bows down to the judgement. What was being purportedly stated as facts gave vent to apparent half-truths which might have been deliberate and defamatory. Telecasting such a statement appeared to cast aspersions on the integrity of the Judiciary of the country and hence, appeared to violate Rule 6(1)(d) and Rule 6(1)(g) of the Programme Code which provides that:

Rule 6(1)(d): No programme should be carried in the cable service which contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;

Rule 6(1)(g): No programme should be carried in the cable service which contains aspersions against the integrity of the President and Judiciary.

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 uplink/downlink 'NDTV 24x7' TV Channel has been granted, the channel was bound to follow the Programme Code and Advertising Code prescribed under the aforementioned Act/Rules; and in the event of failure to comply with any of the terms and conditions, permission/approval granted was liable to be suspended/cancelled;

Whereas a show cause notice (SCN) was issued to 'NDTV 24X7' TV channel on 7.8.2015 for the alleged violation.
Whereas, responding to the Ministry's SCN, NDTV 24X7, vide its letter dated 18.8.2015, submitted, inter-alia, that they have neither violated the programming code or any other law nor denigrated the judiciary by carrying the interview of Rajya Sabha Member and eminent lawyer Shri Majeed Memon; in fact if one sees Mr Memon's quote in its entirely, he express deep admiration for the judiciary; he says "I should not be misunderstood. I am not holding Yakub's brief, nor am I criticizing the findings of the highest court, to which I must bow down. And I say that I salute the Supreme Court, for having at least afforded to him the last opportunity at 3 am."; moreover, the show in which the interview appeared took a very balanced view of the Yakub Memon case, reflecting all shades of opinion. NDTV 24X7 channel requested the Ministry to withdraw the SCN.

Whereas, the matter was placed before the Inter-Ministerial Committee (IMC) for its consideration in its meeting held on 21.1.2016.

Whereas, NDTV 24X7 TV channel had not asked for affording an opportunity for a personal hearing, the Ministry gave this opportunity to them to present their case before IMC on 21.1.2016, in keeping with the principles of natural justice.

Whereas, the representatives of the channel appeared before the IMC. The IMC went through the SCN, reply submitted by the channel and also previewed the recordings of the programme. The representatives of the Channel began by reiterating most of the things as in their written reply. The representative of the channel submitted that by carrying the byte of a political leader and one-time lawyer for Yakub Memon on the court judgement in Yakub hanging case, there was no attempt by their channel to denigrate judiciary; moreover he was a prominent lawyer who actually lauded the judiciary for its judgement and he was also entitled to express his view. The representatives further stated that if the programme was considered in totality, it would clarify the intentions of the channel which was not at all to disparage the judicial system or the judgement.

Whereas, the IMC reiterated that in so far as TV channels are concerned, they are bound by the provisions of the Programme code, which they are required to follow at all times. The IMC further pointed out that while carrying programme of such nature, it should keep all the sensibilities in view and keep the statute book as of today in mind; the channel should have been very careful while telecasting the said programme. The representative of the channel subscribed to the IMC's views. Agreeing with the IMC's view, the representatives of NDTV 24X7 channel further stated that their channel has always been working in partnership with the Government in so far as worthiness of the content and its quality is concerned.

Whereas, the IMC came to the conclusion that content of the programme was such that it could offend the sensibilities of not only certain sections of the society but also the judiciary and hence, it should have been more careful while carrying the programme on Yakub Memon hanging case. Having regard to the material on record and review of the CD, the written and oral submissions of the channel and totality of the circumstances, the IMC found the programme was in violation of the Programme Code. In view of this, the IMC recommended that an "Advisory" be issued to the channel to abide by the Programme and Advertising Codes and to be more careful in future.

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, 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 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, having considered all the facts and circumstances of the case, including the recording, the oral and written submissions of the NDTV 24x7 TV Channel, the recommendations of the IMC, the provisions of the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder, has come to the conclusion that there was a clear violation of Rule 6(1)(d) and (g) of the Programme Code; and that the channel was supposed to telecast such nature of content with care, caution and sensitivity;

Now, Therefore, having regard to the totality of the circumstances, as explained above, the Competent Authority in the Ministry of Information & Broadcasting, in exercise of powers under the Uplinking/Downlinking Guidelines issued by it, the terms of permission granted to uplink/downlink the TV channel and under Sub-section 2 & 3 of Section 20 of the Cable Television Network (Regulation) Act, 1995, hereby advises NDTV 24x7 TV channel to abide by the Programme and Advertising Codes and to be more careful with regard to content to be telecast on the channel.

Strict compliance with the above direction should be ensured by NDTV 24x7 TV channel. Any violation shall entail such action against NDTV 24x7 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.

Managing Director,
NDTV 24X7 TV channel,
M/s. New Delhi Television Ltd.,
W-17, Greater Kailash-I,
New Delhi - 110048

Copy to: Electronic Media Monitoring Centre, Electronic Media Monitoring Centre, (Shri L.R. Vishawanath, ADG), Ministry of Information & Broadcasting, 10th Floor, Soochna Bhawan, Lodhi Road, CGO Complex, New Delhi – for kind information and necessary action.