Whereas it had come to the notice of the Ministry of Information & Broadcasting that ‘NDTV India’ TV channel telecast a programme on 30.7.2015 at 6:00 a.m. based on hanging of a 1993 Mumbai serial blast case convict Yakub Memon in Nagpur Jail after the Hon’ble Supreme Court rejected his numerous petitions.

Whereas, while covering this case, NDTV INDIA channel itself termed the Supreme Court verdict as “unfortunate” which appeared to tantamount to questioning the judgement of the Hon’ble Supreme Court. The channel had commented on the Court judgement by using the following expression:

लेकिन दुर्भाग्यपूर्ण तरीके से सुप्रीम कोर्ट ने इस पूरे मामले में वही सच पाया है जो कि असमियोजन पक्ष ने कहा था।

Whereas, calling the Supreme Court judgement as unfortunate by ‘NDTV India’ TV appeared to cast aspersions on the integrity of the Judiciary of the country and hence, appeared to violate Rule 6(1)(g) of the Programme Code which read as under:

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 India’ 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 India’ TV channel on 7.8.2015 for the alleged violation;

Whereas, in response to the SCN, ‘NDTV India’ TV channel, vide their letter dated 18.8.2015, submitted, inter-alia, that during live telecast of the said programme, their anchor used the phrase “Unfortunately” (durbhagyapoorna tareeke se) in connection with Supreme Court’s judgment on Yakub Menon’s death sentence, however, one needs to look at the tone and tenor of the entire broadcast to understand whether there was any denigration of the dignity of the Supreme Court. The channel stated that if one goes through the video recording or the transcript of the broadcast- a 15 minute excerpt of the video and its transcript- it will become clear that this word was inadvertently used just once during the entire programme; the overall tone and tenor of their coverage can be understood from what the same anchor said just six minutes before this (at 05:59 AM). “The Chief Justice himself set up a bench for this under Justice Mishra, the hearing began around 3:00 in the morning and finally, the Supreme Court came to the conclusion that Yakub had got every possible opportunity. After this, all those who had a suspicion that Yakub did not get enough...
opportunities, all those suspicions come to an end, because Supreme Court heard his appeals repeatedly, it did not take any of his petitions lightly. Even his final petition was heard entirely and when the honorable Judge was reading out an operative part from his judgment, he said that normally curative and review petitions are decided in half an hour, but in this case, it was heard for a full 10 days. All possible opportunities were given and even till the final day, no stone was left unturned to ensure that justice was done. That is why the Supreme Court stayed awake all night to hear this case; further, at 6:07 am, just two minutes after all alleged ‘problematic’ usage, the same anchor also underscored the need to treat this verdict dispassionately; NDTV India channel submitted that their coverage did not violate cable TV broadcast laws as mentioned in the SCN, and 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 India 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 and reply submitted by the channel and thereafter, viewed the recordings of the programme. The IMC requested the representatives to clarify their position with respect to the alleged violation made out in the SCN. The representative of the channel explained that the programme should have been looked into in its entirety and there was perhaps no need to pick out one particular statement made by the correspondent of the channel; it should also have been noted that the programme/ reportage on the Yakub incident had been covered for several hours by the channel and the alleged objectionable statement was just an inadvertent slip of tongue; it should be seen that just before the so-called statement, the channel extolled the judiciary and the judgement made in the case and so the intention of the channel was never to denigrate the judiciary. The representative further clarified that the channel was raising larger issue by carrying this programme and also some leeway should also be given to the correspondent to express his opinion and that there was Freedom of Expression for the channel guaranteed under the Constitution of India. They further stated that there was no outcry against the statement made by the channel or its programme, nor was there any evidence to show that the intention of the channel was to denigrate the judiciary in any way; it was just a small, little blip;

Whereas, the IMC noted that the channel had owned up to have made ‘an inadvertent slip of tongue’ with regard to court judgement in the Yakub hanging case. The IMC underscored the fact that this could have been a slip of tongue but it not only questioned the court judgment in a sensitive case but it had potential to vitiate the charged atmosphere following the Yakub’s hanging; therefore, there was a need for the channel to be more careful and sober in such situations. The IMC also opined that if they claim to be a better channel, they should have been more responsible.

Whereas, 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. However, keeping in view the channel’s admission that an inadvertent slip of tongue was made by NDTV India channel with respect to the court judgment in the Yakub hanging case, 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.

\[Signature\]

(Multi [Signature])

(NEETTI SARKAR)

Director

Ministry of Information & Broadcasting

Govt. of India, New Delhi
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 India 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) (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 India 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 India TV channel. Any violation shall entail such action against NDTV India 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 INDIA,
M/s. New Delhi Television Ltd.,
207, Okhla Industrial Estate Phase-III,
New Delhi - 110020

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.