

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 NEWS TIME ASSAM TV channel telecast news story on two girls and an MLA on 30.10.2013 at 18:53:51 hrs. & on 31.10.2013 at 21:38:33 hrs.

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

Telecast on News Time Assam on 30.10.2013 at 18:53:51 Hrs.

Anchor : Niece had gone for appearing in an exam in her uncle's car. This is not news. But the niece returned to uncle's house without attending the exam. But, uncle said that niece hadn't gone for any exam, rather went to the market. You might be wondering what relation these two share. But this uncle is not any Jadu-Madhu (not a layman); he is a Parliamentary Secretary of the state. This is an exclusive report of a drama which revolves around this uncle.

Telecast on News Time Assam on 31.10.2013 at 21:38:33 Hrs.

Anchor : The news of two mysterious girls roaming around in the red beacons official vehicle of Abu Taher Bepari, Parliamentary Secretary and MLA of Golakganj, has created much controversy in the MLA residential colony. Especially, contradictory statements made by the MLA and the two girls roaming unauthorized in the official car, have added mystery to the entire topic. Now to save his nose (to get rid of the allegation), the MLA is even preparing to approach court.

Voice over-(1): An official car with a red light and two girls. Who are they? Discussion continues. On Wednesday, News Time Assam had exposed as to how two mysterious girls were roaming in the red beacons official car of the Parliamentary Secretary and MLA of Golakganj, Abu Taher Bepari. The entire movements of these two girls were caught on News Time Assam's camera, right from the time they come out of the MLA's official residence in Dispur to the time they return back to his official residence. News Time Assam had come up with a report on the unrestricted movements of these two girls in red light car in the Secretariat campus and MLA's residence. After the telecast of this report on the channel, Abu Taher Bepari is now preparing to approach the court. But wide ranging discussion is still going on over these two mysterious girls. Who are these two girls? What relation do they share with MLA Abu Taher Bepari?

Sound bite: Abu Taher Bepari: "My niece."

Voice Over (2): This was the statement made by Abu Taher Bepari on Wednesday. And this is the investigation carried out by News Time Assam---

Channel Reporter: A brother of the MLA has stated that the MLA has a sister in Sagolia, whose name is Hasina Bibi. But he doesn't have any niece as stated by him.

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Voice over: However, the statement given by the girl is totally different--

Reporter: Where is your home?

Girl: (not audible)

Voice over continues: Everything is contradictory. In fact, the identities of these two girls are now available with News Time Assam.

Without revealing their names, we are disclosing their address-

Girl 1: Alamaganj, Gauripur

Girl 2: Jhagarpar, Dhubri

Voice Over: But there are many more contradictory statements. We are showing them again. The signboard hanging outside the residence says that the Parliamentary Secretary is not at home. Now listen what the girl says-

Reporter: "Was Abu Taher Bepari not at home yesterday?"

Girl: "Dada (big brother) is at home."

Voice over: Whereas the statement of the driver is completely different-

Reporter: "Is sir at home?"

Driver: "Sir is not at home."

Voice over: But Abu Taher Bepari is inside. What Bepari has to say is that he too went in that car alongwith the girls.

Reporter: "Did you go in the car?"

Abu Taher Bepari: "Yes, we went together in that car."

Voice over: Now see the uncut recording made by the secret cameras of News Time Assam. The Parliamentary Secretary has not boarded the car. He hasn't even got down from the car anywhere. Now listen to another fact-

Abu Taher Bepari: "They actually went out in the morning to visit the market".

Reporter: "What exam do you have?"

One of the girl: "Not she, but I am going to appear for the exam. I have computer exam."

Reporter: "Where?"

Voice over: Such contradictions have made the entire matter more mysterious. Along with that, this report of News Time Assam regarding the movement of the mysterious girls in a red-beaconed car has become a topic for wide discussion. With inputs from Firoz Alam of Golakganj and cameraman Naba, this is Amarendra Deka, Guwahati, News Time Assam.

During the report, the channel has also displayed some graphics in the upper portion of the screen, which are as follows-

"Problem continues regarding these two girls. Who are these two girls? What relation do (they) share with the MLA? Discussion continues. MLA Bepari is preparing to approach court."

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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, the news reports telecast by NEWS TIME ASSAM, 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;

Rule 6(1) (i) criticises, maligns or slanders and individual in person or certain groups, segments of social, public and moral life of the country;

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 NEWS TIME ASSAM TV Channel on 6.2.2014 thereby it was called upon to submit its reply within 15 days from receipt of this communication. It was also laid down in the SCN that if no reply is received within the stipulated period, it will be presumed that the channel has nothing to say in the matter and further action will be taken against it ex-parte.

WHEREAS no reply had been received from NEWS TIME ASSAM TV channel within the stipulated time-frame.

WHEREAS in keeping with the principles of Natural Justice, the channel was given an opportunity for a personal hearing to present their case before the Inter-Ministerial Committee (IMC) on 26.02.2014.

WHEREAS the representatives of the channel appeared before the IMC meeting on the said date and they submitted a letter dated 25.2.2014 in response to this Ministry's SCN dated 6.2.2014.

WHEREAS in its letter, the channel submitted, inter-alia, that the news telecast on 30.10.2013 and 31.10.2013 had not violated any of the rules covered by Rule 6 of the Cable Television Networks Rules, 1994. When the news was telecast the name of the two girls were not at all disclosed nor their faces were exposed. Both the girls and Mr. Bepari miserably failed to say about the relationship between Mr. Abu Taher Bepari and the two girls whom he allowed to take in his red beacons official car. Therefore, having seen the attitude of Mr. Abu Taher Bepari, a question obviously arose in the minds of public. The said news telecast in the TV channel is neither defamatory nor obscene and not telecasted to malign Mr. Abu Taher Bepari. The real facts are that Mr. Abu Taher Bepari for his personal enmity has lodged this complaint before the Ministry. Considering that the said news was not telecasted deliberately

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to malign Mr. Abu Taher Bepari and the two girls and that for ends of justice, the channel may be absolved from such allegation.

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 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 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 NEWS TIME ASSAM TV Channel has been granted, NEWS TIME ASSAM 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 NEWS TIME ASSAM 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;

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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 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, NEWS TIME ASSAM 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 'NEWS TIME ASSAM' TV channel on any platform throughout the Territory of India for a period of one day;

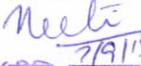
WHEREAS, after approval of the Competent Authority, this Ministry issued an order to NEWS TIME ASSAM TV channel on 24.7.2014 for prohibition the transmission or re-transmission of the channel for one day on any platform throughout India with effect from 00:01 hrs on 30<sup>th</sup> July, 2014 till 00:01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

WHEREAS, DY 365 TV channel had carried a similar programme and by adopting uniform approach, the Ministry had issued an order on the same lines i.e. 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 had submitted a representation dated 25.7.2014 to the Ministry requesting for review of the aforesaid order dated 24.7.2014.

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 and for the sake of uniformity, a similar order was also issued to NEWS TIME ASSAM TV channel on 28.7.2014.

WHEREAS it was decided to put up the case before the IMC for its re-consideration and call the channel to present their case; the Ministry afforded an opportunity to DY 365 TV channel for a personal hearing before the IMC on 18.9.2014; and since News Time Assam TV channel

  
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had not submitted any representation against the order of the Ministry, they were not called for personal hearing before the IMC.

WHEREAS, the IMC discussed the latest reply of DY 365 TV 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 NEWS TIME ASSAM TV channel, hereby warns NEWS TIME ASSAM TV channel to strictly adhere to the Programme and Advertising Codes and to be careful in future; and also orders NEWS TIME ASSAM 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:

**“NEWS TIME ASSAM 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 18:53:51 HRS. & ON 31.10.2013 AT 21:38:33 HRS. NEWS TIME ASSAM TV CHANNEL APOLOGISES FOR THE SAID VIOLATION AND ASSURES TO BE CAREFUL IN FUTURE”.**

Strict compliance with the above direction should be ensured by NEWS TIME ASSAM TV channel. Any violation shall entail such action against NEWS TIME ASSAM 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.

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**( NEETI SARKAR )**  
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**Copy to:- ADG, EMMC with the request to report compliance of Ministry's order by New Time Assam TV Channel.**