ORDER

WHEREAS, it has come to the notice of the Ministry of Information & Broadcasting that “DY 365” TV Channel, telecast a ‘News Report’ on 04.06.16 at 14:59:36 hrs., based on a ritual in which a man could be seen tossing a new-born baby up and down in the air. He hurls and slings the baby in every possible manner and direction without a shred of care and concern. The video meant to expose an extremely dangerous superstition allegedly prevalent in some parts of Assam where people believe that undergoing this ritual will keep the child safe. The visuals are extremely disturbing, and not suitable for unrestricted public exhibition.

WHEREAS, a Show Cause Notice (SCN) was issued to “DY 365” TV Channel on 04.10.2016 for the apparent violations of rules 6 [1] (a), (l) & (o) of the Cable Television Network Rules, 1994. The Channel replied vide their letter dated 10.10.2016 stating that the period of violation pertain beyond a period of 90 days and as such they do not have necessary clippings of the news report. The channel desired for a copy of CD/footage, to study and analyse the same to respond to this Ministry’s SCN. Accordingly, this Ministry provided the desired clippings to the channel so that they may furnish their reply.

WHEREAS, the channel replied vide their communication dated 10th December 2016 stating the following: (i) The Show Cause Notice itself speaks its volume and admitted that protection of a child and its welfare is the paramount consideration and should be the paramount consideration of every citizen of India. Also law has been framed and is in existence to prevent such exploitations of minors which the Channel in its programme has highlighted.

(ii) That as per para 2.4 and 2.5 of the Guidelines by NCPCR and as forbidden by laws the identity of the child had never been disclosed and also the programme was not sensationalized or disclosed information which may cause harm to children, but on the contrary, they highlighted the unethical and dangerous practices being carried out in the country and had vehemently spoken against such practices.

(iii) That various blind practices driven by self-interested people in India and these several acts which is not only detrimental to the child welfare but also can be life threatening, the channel is duty bound to expose, criticize and impart education to the people, media being the fourth pillar of democracy.

(iv) That the findings of this Ministry’s letter were based on the visuals which are half the picture. The complete picture of the story can be derived on hearing the content/words where the channel spoke vehemently against such illogical, unscientific, unethical dangerous practices that are being carried out in India. Hence they tried to educate through the news.

(v) That the aforesaid footage of the child became viral in social media and on youtube and people raised voice against it and as such, anything which is in public interest, it is their duty to educate the masses against such evil practices and that has been done in the instant case. Also their institution is bound to follow all the rules and regulations made for electronic media and they are following the same in letter and in spirt and keeping in view the public interest.
(vi) Concluding their reply the channel requested this Ministry to interpret the footage along with the remaining commentaries and advise them in future if anything is decided to be done regarding the same they will follow any such advice to them as they believe in law in true prospective and never intend to offend anyone in any manner. And also they are ready to cooperate to the best of their fathom and they stand firm in telecasting programme in their channel as per the provisions and guidelines of the Cable Television Network Rules, 1994.

WHEREAS, following the principles of natural justice, the channel was given an opportunity of personal hearing to present their case before IMC in its meeting held on 18.09.2017. The IMC viewed the recordings of the news bulletin and asked the representatives to explain as to why they telecast the news in violation of the programme code. The representative of the channel stated that such ill practices are driven by self-interested people in Assam where people believe that undergoing this ritual will keep their child safe. The representative further stated that these acts are prevalent which is detrimental to the child welfare also. That the aforesaid footage of the child became viral in social media and on you- tube and people raised voice against it and as such, anything which is in public interest, it is their duty to educate the masses against such evil practices and that has been done in the instant case. The IMC pointed out that it is Channel’s responsibility to check out the content before its going on-air instead of picking anything from you-tube and telecast it on their channel. The channel added that they have shown the fact and did not add anything in the name of superstition and blind belief and also there was no injury to the child shown in the video. This is just an informational video to bring to the notice of the Government also for taking action to stop such types of rituals. The IMC noted that the “DY 365” News TV Channel has violated Programme codes on earlier occasions also. Further the representatives of the channel were not able to reply/tell about the video i.e., what is the ritual called in Assam, place where such ritual happened and what is the reason that the channel telecast it on their channel.

WHEREAS, having regard to the material on record and review of the CD, the written and oral submissions of the channel and in totality of the circumstances, the IMC found the programme was in violation of the Programme Code. Based on the material on record and the submission of their representatives, the IMC opined that the channel had violated the Programme Codes and that it should have exercised caution and care while telecasting the news bulletin. The channel is expected to be fully aware of the laws, rules & regulations. Therefore, the IMC recommended that DY 365 Channel may be handed 3 (Three) days off-air penalty for violation of the provisions of programme & advertising codes.

WHEREAS, the competent authority, after taking into account the facts of the case, the written and oral submission by the channel/company, having regard to the recommendations of the IMC and after careful consideration of the case in totality of the circumstances, has come to the conclusion that telecast of the said News bulletin on 04.06.16 at 14:59:36 hrs. TV channel “DY 365” was in violation of Rule 6 (1) (a), (l) & (o) of the Cable Television Networks Rules, 1994 under the Cable Television Networks (Regulation) Act, 1995.

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 8.1 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, 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, in case of violation of Programme Code this Ministry has powers to suspend the permission of uplinking granted to the company for up to a period of 30 days in the event of first violation as per para 8.2.1, for up to 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 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 Advertising Code referred to in section 6, it may by order regulate or prohibit the transmission or re-transmission of such programme.

AND WHEREAS, the Competent Authority has 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 three (3) days.

NOW, THEREFORE, 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 under paras 8.1 & 8.2 of the policy guidelines for up linking of the Television channel in India, orders to prohibit the transmission or re-transmission of “DY 365” TV channel for three (3) days on any platform throughout India with effect from 0001 hrs. on 15.12.2017 till 0001 hrs. on 18.12.2017.

This issues with the approval of the Competent Authority.

The Managing Director,
DY 365 TV Channel
Brahmaputra Tele Productions Pvt. Ltd.
Silver Square, 5th Floor, Christianbasti,
G.S. Road, Opp- Aaykar Bhaban,
Guwahati – 781005.
(With the direction to send compliance report immediately after the commencement of the above period followed by a final report on expiry of the said prohibition period on e-mail id u.gupta@nic.in)

(Amit Katoch)
Director (BC)
Tel. # 23383394

Copy to: Teleport : Managing Director, Brahmaputra Tele Productions Pvt Ltd - Silver Square, 5th Floor, Christianbasti, G.S. Road, Opp- Aaykar Bhawan, Guwahati – 781005.

With the request to stop uplinking of “DY 365” TV News channel for three days with effect from 00:01 hrs. on 15.12.2017 till 0001 hrs. on 18.12.2017. The receipt and compliance of this order may also be confirmed to this Ministry at the earliest via fax on 011-23383235 and on e-mail id u.gupta@nic.in as well.

(Amit Katoch)
Director (BC)
Tel. # 23383394

Copy for kind information to: Shri A.K. Kalia, DDG (NOCC), Network Operation Control Central, Deptt. of Telecom., New Delhi.

(Amit Katoch)
Director (BC)
Tel. # 23383394

Copy for ensuring compliance to:

1. Shri Ashok Mansukhani, President, MSO Alliance, In Centre, 49150, MIDC’ 12th Road, Andheri (E), Mumbai - 3.

2. Shri Hari Nagpal, President, DTH Association' 15th Floor, Vijay Building, 14h Barakhamba Road, Connaught Place, New Delhi.

3. Ms. Roop Sharma, President, Cable Operators Federation of India, 13/97, Subhash Nagar, Near Rajouri Apartments, New Delhi – 110027.

4. Shri Anil Prakash, Secretary General, IPTV India Forum, Suite 115 Gagandeep 12, Rajendra Place, New Delhi -110008.

5. Wireless Advisor (WPC), Deptt of Telecommunications, Sanchar Bhawan, Ashoka Road, New Delhi.

6. Director (M&C), PIB, Shastri Bhawan, New Delhi

7. EMMC with the request to report compliance of Ministry’s Order by “DY 365” Channel.