

N-41013/11/2016-BC-II
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' Wing, Shastri Bhawan, New Delhi – 110001

29th November, 2016

WARNING

WHEREAS, it has come to the notice of the Ministry of Information & Broadcasting that "MBC TV" Channel, telecast news bulletin/TV programme, the details thereof are given below:-

Case-1: The channel in its news bulletin telecast on 28.01.2016 at 18:08:09 hrs. reported about a case of sexual abuse of a woman from Imphal, Manipur filed a complaint at the Sambalpur police station in Odisha against an NCC Colonel. While telecasting the interview, the channel failed to conceal the identity of the victim. During the telecast, the channel revealed that the victim is an LIC agent and has also repeatedly showed her face without blurring/morphing. Revealing such details could jeopardize the victim's social life and also the future of the victim. Also, revealing the identity of such victims puts them at the risk of being identified and traumatized further in the society. Considering, the stigma attached to victims of sexual harassment, reporting such cases was considered highly sensitive and required utmost care.

Case-2: The channel also telecast a fictional serial 'Mati Baikuntha', on 8.01.2016 at 13:31:29 hrs. portraying caste discrimination in a remote Indian village where its protagonist, Jharna was shown to be repeatedly insulted and harassed by the villagers as being from a lower caste, an extended display of insult began by showing her face being smeared with black and white colours. Then, she was made to wear a garland of old slippers around her neck and then, kicked to begin the walk of shame. The visuals not only appeared to denigrate women but were also offensive and reflected a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups.

WHEREAS, the programmes appeared to violate Rule 6(1) (a), (k), (m) & (o) of the Programme Code prescribed under the Cable Television Network (Regulation) Act, 1995 & the Rules framed thereunder. A Show Cause Notice (SCN) was issued to "MBC" TV Channel on 27.04.2016.

WHEREAS, responding to the above said SCN, the "MBC" Channel vide their letter dated 7.05.2016 submitted that MBC TV always abides by all Rules and Regulations of the Ministry. However, in a particular case, it was indeed a slip-up when the victim's face was not concealed during an interview on 28.01.2016. This inadvertent mistake occurred at editing desk and the concerned staff were reprimanded and disciplined. It was never the channel's intention to stigmatize the victim or cause any hindrance in her social life. As regard the purported sequence in the fictional serial 'Mati Baikuntha' telecast on 8.01.2016, they stated that it was never their intention to denigrate women, or to show any individual, group or community in a bad light. Concluding the reply, the Channel tendered an unconditional apology for any violations and promised that such mistakes would not occur in future.

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WHEREAS, following the principles of natural justice, MBC TV channel was afforded an opportunity for personal hearing to present their case, before the IMC on 25.07.2016. The representative of the channel appeared before the IMC. The IMC went through the SCN and reply submitted by the channel and thereafter, asked the representatives to explain as to why they telecast the news/programme in violation of the programme code. On being questioned about the content the representative of the channel admitted to the lapse by them and assured the committee that they will handle such content with utmost caution in future. It was further explained by the representative that after receiving the Ministry's SCN they had become more sensitive and now they are conducting workshops on regular basis to train their staff and now they are regularly carrying out editorial checks before the programme goes on-air. The representative of the channel submitted his unconditional apology before the committee and also ensured that such type of mistakes will not recur.

WHEREAS, having regard to the material on record, preview of the CD, the written and oral submissions of the Channel, and totality of the circumstances, the IMC concluded that telecast of the said programme by 'MBC' TV channel was in violation of Rules 6(1)(a), (k), (m) and (o) of the Programme Code prescribed under the Cable Television Networks Rules, 1994. It was channel's responsibility to ensure that the content telecast by them must invariably be in conformity with the programme codes of Cable Television Network Rules, 1994. Keeping in view the lapse on part of the 'MBC' TV Channel, the IMC therefore recommended that the channel may be issued a warning to be more careful in future.

WHEREAS, according to basic conditions/obligations of permission/approval for Uplinking/Downlinking of TV News Channels in India whereby permission to Uplink 'MBC' TV Channel has been granted, the channel is bound to follow the Programme Code and Advertising Code prescribed under the Cable Television Act/Rules and 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 Competent Authority, having considered all the facts and circumstances of the case, including the recording, the oral and written submissions of the 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)(a), (k), (m) and (o) 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, and 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 warns "MBC" 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.

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Strict compliance with the above direction should be ensured by "MBC" TV Channel. Any violation shall entail such action against 'MBC' 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,

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