

No. N-41014/2/2020-BC.III
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' WING, SHASTRI BHAWAN,
NEW DELHI – 110001

Dated the 6th March, 2020

ORDER

WHEREAS it had come to the notice of the Ministry of Information & Broadcasting that Media One TV channel telecast news reports on North-East Delhi violence on 25.02.2020 at 06:10:02-06:47:07 and 00:30:22 Hrs.

WHEREAS, Media One channel while reporting on Delhi violence in its Bulletin carried a phone-in of its Delhi correspondent HassanulBanna saying that vandals fired at an anti-CAA protest site from a rooftop from 2 pm to 9 pm and around 5 anti-CAA protesters were injured. Police refused to visit the spot and nab the vandals. According to anti-CAA protesters, police were present there the previous day during the Bharat Bandh called by Bhim Army Chief Chandrashekar Azad. Vandals also set ablaze tents set up by anti-CAA protesters in Chand Bagh. Vandals have succeeded in pushing back anti-CAA protesters from three protest sites by unleashing violence. The police were seen supporting people who were in favour of CAA. The channel alleged that Delhi Police remained inactive during violence, vandalised the shops and fruit carts and set them ablaze. The channel also reported that violence took place mostly in Muslim dominated area of Chand Bagh, Delhi. While telecasting the news, the channel carried the news of stone pelting, arson and injured people being taken to hospital.

WHEREAS it appeared that telecast of reports on North-East Delhi violence had been shown in a manner which highlighted the attack on places of worship and siding towards a particular community. Channel's reporting on Delhi violence seems to be biased as it is deliberately focusing on the vandalism of CAA supporters. It also questions RSS and alleges Delhi Police inaction. Channel seems to be critical towards Delhi Police and RSS.

Whereas such telecast could incite violence and pose danger to maintenance of law and order situation, particularly when the situation is already highly volatile and charged up and riots are taking place in the area with reports of killings and bloodbath; and it could also stoke the feelings of anger, hatred and animosity among the communities and hurt their religious sentiments which could ultimately result into escalation of violence.

WHEREAS, the said news reports telecast by Media One TV channel appeared to violate the following provisions of the Cable Television Networks Rules, 1994:

Rule 6(1)(c) provides that no programme should be carried in the cable service which contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;

Rule 6(1)(e) provides that no programme should be carried in the cable service which is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;

Whereas, the Ministry had also issued an Advisory on 25.02.2020 in the matter advising the channels to strictly abide by the Programme Code of the Cable Television Networks (Regulation) Act, 1995.

WHEREAS, a show cause notice (SCN) dated 28.02.2020 was issued to Media One Channel whereby it was called upon to show cause as to why action as per the provisions of Uplinking/Downlinking Guidelines, the terms and conditions of the permission granted and the provisions of Section 20 of the Cable Act should not be taken against it.

WHEREAS, responding to the SCN, the channel vide its letter dated 03.03.2020 has submitted following comments:

- i. The Ministry's Show Cause Notice (SCN) and the contents thereof are insufficient as to what the Ministry is advertising to in particular. The news statements or the visuals at the particular newscasts in question which allegedly constitute breach of Rule 6 (c) of (e) are lacking in the S.C. N, in the absence of which it is not possible to furnish a proper and comprehensive explanation. Therefore it is requested to provide the specific statements or visuals, which according to the Ministry constitute violation of Rule 6(c) or (e).
- ii. The Notice stating the timing of the telecast of the news in question is not correct. On facts, the notice says that the timing of the incident was at 00:03 am. In fact there was a commercial break from 00:29 to 00:32 after which there was a recorded program "Weekend Arabia".
- iii. There was no restriction on journalists or common people from entering the areas where violence was taking place and no prohibitory order was there in force. Even the Advisory sated 25.02.2020 referred to in the SCN was general in nature in terms of Rule 6 (c) and (e) of the Rules and there was no specific direction as issued in some other instance earlier.
- iv. The notice admits that Media One was reporting about the violence while agitation against and in favour of CAA was taking place in north east Delhi. It is a fact that mass rallies, sit-in agitations etc. against CAA was taking place all over India and violence occurred only in north east Delhi where, as you have stated "people who were in favour of CAA" also were present.

- v. It is reiterated that the news reports telecast by Media One about the incident, which happened in north east Delhi do not constitute any breach of Rule 1994, It is the lawfully accepted duty of the media under Article 19 (1) (a) read with Article 15(2) of the Constitution of India to bonafide investigate and report news truly and correctly. They have only discharged that duty. Rule 6 (c) and (e) are subject to the fundamental rights under the Constitution of India. As a recognized news channel, the news in question telecast by Media One is in exercise of the fundamental rights guaranteed under the Constitution of India.
- vi. Before the Ministry takes any further step in pursuance to the Show Cause Notice, there is a legal requirement of natural justice which cannot be done merely by exchange of SCN and reply within 48 hours.
- vii. The allegations made in para 2 of the SCN are not correct, and are arbitrary and unreasonable. The Ministry has conveniently omitted to consider several news reports telecast by us on 25.02.2020. They had reported that the Government has appreciated the situation and are doing everything possible to curb violence and bring the situation under control. It was reported by them that the Police have set up barricades and had reported that the Home Ministry should give stringent instruction to the police to act responsibly to ensure law and order. They have also repeatedly explained the steps taken by the authorities to ensure peace and order. The news reports regularly covered orders to deploy paramilitary force and announcement of curfew in several places. The directions of the Central Government of stringent actions were included in the headlines. They also reinforced the Government's determination to end violence. These parts of the news reports were not considered by the Ministry while issuing the SCN. Instead one sided, discriminatory allegations are made against, which is unreasonable, unjustified and illegal. The Government has to act fairly and reasonably, and consider all the facts, material and circumstances it is submitted.
- viii. The allegations made in para 2 of the SCN and the truth thereof are matters of record in videos recorded and telecast by several other new channels and newspaper reports. Journalists, TV crews on the spot had given live reports about the incidents. Further the local residents also were witnesses to the incidents. Their evidence also is necessary and we are prepared to furnish, for which an opportunity has to be given.
- ix. Their report was similar to other reports. They did not incite violence which took place and the situations getting out of hands, it is necessary to emphasize that there is no incitement on the part of their channel which is dedicated to inform the public. Nor are there any particulars relating thereto alleged in the notice.

- x. The actual contents of the programme reports are based on the eye witnesses account and what the journalist saw. It is similar to other reports. They have maintained what was reported to them and what they saw.
- xi. It was widely reported by many that the riots happened to be planned. Former Commissioner of Police such as Mrs. A.R. Sharma had indicated that the situation was out of control and the Police should have acted earlier. The Chief Minister of Delhi has also made a statement that those who indulged in violence are outsiders which means that the violence was pre-planned. By targeting them, the Ministry is acting malafide and discriminatory. What they reported was already in public domain.
- xii. With respect, there cannot be any coercive action in pursuance of the SCN without the due process of law.
- xiii. They demand a proper hearing in person. This is a matter to be adjudicated on the basis of evidence to be collected from local residents, journalists, who were broadcasting and telecasting the events live, including our reporters and photographs of the events published in newspaper, international media, comments of other Countries, foreign press reporters etc. Since that matter involves a substantial question of freedom of press guaranteed under the Constitution, a detailed adjudication is necessary.

The CD containing the cited telecast was examined in the Ministry. It is stated that the anchor/correspondent of the channel made the following remarks:

It seems the vandals and police are hand in glove.

Govt has not taken initiative for any talks with anti-CAA protesters and only courts have given ear to the anti-CAA protesters. Govt's cold shouldered approach towards anti-CAA protesters is the main reason behind ongoing protests in the national capital. The provocative speech of BJP leader in Jafrabad has led to the violence and it seems vandals were prepared to target anti-CAA protesters. Delhi Police has failed to register an FIR for hate speech. AAP Govt in Delhi has also failed the people by not taking a stand on Delhi violence. But most significant thing is the inefficiency of Delhi Police in containing the violence. In many areas Police paved the way for vandals to roam free with weapons and carry out attacks and arson.

Union Home Ministry has stated that the situation is under control but in reality the situation is getting out of hand.

Such reporting could enhance the communal disharmony across the country when the situation is highly volatile. The Ministry has time

and again issued Advisories to all News Channels to comply by the provisions of the rules. Due care and responsibility is expected while reporting news based on such incidents. However, it is abundantly clear that the channel has not adhered to the Programme codes and has shown irresponsibility by not fully complying to them. After careful consideration of the case on the whole, the Ministry has come to the conclusion that Media One TV channel had violated Rule 6 (1) (c) & (e) of the Programme Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder by telecasting said news regarding the North East Delhi violence.

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 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;

AND WHEREAS, the Competent Authority has decided to impose a penalty of prohibition of transmission/re-transmission of Media One TV channel on any platform throughout the Territory of India for a period of 48 hours;

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 guidelines for uplinking from India, **orders to prohibit the transmission or re-transmission of Media One TV channel for 48 hours on any platform throughout India with effect from 19:30:00 hrs. on 06th March, 2020 till 19:30:00 hrs. On 08th March, 2020.**


This issues with the approval of the Competent Authority.


6/3/20
[AMIT KATOCH]
Director (BC)
Tele.23386394

Managing Director,
M/s. Madhyamam Broadcasting Ltd.,
Media One Headquarters,
15/594C, Velliparamba PO,
Kozhikode, Kerala - 673008
Email: info@mediaonetv.in

(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 sobcii-moib@nic)

Copy to: Managing Director, M/s. Planetcast Media Services Limited, C-34, Sector – 62, Electronic City, NOIDA – 201307: With the request to stop uplinking of Media One News TV channel for **48 hours on any platform throughout India with effect from 19:30:00 hrs. on 06th March, 2020 till 19:30:00 hrs. on 8th March, 2020.** The receipt and compliance of this order may also be confirmed to this Ministry at the earliest via fax on 022-23383539 and on e-mail id sobcii-moib@nic.in as well.


[Vijay Kaushik]
Under Secretary to the Govt. of India

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

Vijay Kaushik
[Vijay Kaushik]

Under Secretary to the Govt. of India

Copy for ensuring compliance to:

1. Shri Ashok Mansukhani, President, MSO Alliance, In Centre, 49150, MIDC, 12th Road, Andheri (E), Mumbai – 3.
2. ShriHariNagpal, President, DTH Association, 15th Floor, Vijay Building, 14th 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, ShastriBhawan, New Delhi
7. ADG, EMMC with the request to report compliance of Ministry's Order relating to Media One TV channel.

Vijay Kaushik
[Vijay Kaushik]

Under Secretary to the Govt. of India