

No.804/48/2015-BC.III
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' WING, SHASTRI BHAWAN,
NEW DELHI – 110001

Dated 1st June, 2016

ADVISORY

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 अभियोजन 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*

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