

ORDER

In the matter of complaints against the Programme 'Distraction' telecast on Big RTL Thrill channel – Episodes dated 5 May, 31 May, 13 June and 25 June, 2014

This Council has received complaints from the Ministry of Information & Broadcasting, vide its letter dated 21/07/2014, pointing out certain alleged violations of the 'Programme Code' framed under the Cable Television Networks (Regulation) Act 1995 for four episodes of the Programme 'Distraction', dubbed in Hindi from English, telecast by Big RTL Thrill channel on the dates mentioned above.

The Ministry found the said programme to be allegedly violative of Sections 6(1)(a), 6(1)(d), 6(1)(k), 6(1)(o) and 6(5) of the 'Programme Code'.

The summaries of the complaints are as under:

Episode dated 05/05/2014 (23:56:50 hrs): A female participant recalls her romantic trip to Paris with her boyfriend and says her boyfriend had put a bottle of champagne inside her private part and stirred it vigorously. The anchor of the programme then tells the woman what Paris does to people and how she could put the bottle of champagne inside her private part.

Episode dated 31/05/2014 (21:00:41 hrs): The anchor asks the participants as to who among them, they think, ran naked on college campus. He then asks the person who did this, whether it won him a sizeable female following. To the second participant, he asks a similar question as to who enjoys writing and sex together. The anchor says that adopting the "doggy style" (of sexual act) would also provide him a "table" to write on. He further points out to the naked contestants who are clad/covered in balloons that people watching TV at their homes would not be able to see anything but he can see everything.

Episode dated 13/06/2014 (12:34:50 hrs): The anchor ridicules a woman participant, who had poured alcohol inside her private part, and tells her that she would bear children who would be alcoholics. In the same episode, naked people are made to stand and their private parts are referred to in vulgar and double-meaning ways.

BROADCASTING CONTENT COMPLAINTS COUNCIL

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Episode dated 25/06/2014 (22:29:28 hrs): The anchor and one of the male contestants discuss their reading interests. The anchor says he prefers reading books with nude pictures and then they discuss about masturbation in which the anchor makes a very vulgar gesture by hand. Then, with another female contestant, he discusses about sex talk on the phone. He makes the female contestant speak in a very sensuous manner. He proceeds to speak with another male participant, who had a tale to tell about forgetting to unzip his trousers in an inebriated state, and when he came out of the washroom he saw his parents having dinner. The anchor tells him that he could have told his parents that he was providing water to the plants in an apparent reference to his unzipping. The male participant then tells him that he did not intend to make his parents drink water from his private part but people feel offended to see somebody's private part while they are eating.

On examining the complaints and their video clips, this Council prima facie found that the episodes were also in gross violation of IBF's Self-Regulatory Guidelines. The Council, therefore, issued a Notice to the channel on 05/08/2014 with a direction to appear before it on 13/08/2014.

In its reply, the channel maintained that Big RTL Thrill is a "male entertainment channel" meant for a "niche market". Big RTL Thrill has been formed as a joint venture between Reliance Broadcast Network (India) and RTL Group (Luxembourg). The channel stated that the joint venture has recently been terminated and Reliance Broadcast Network does not intend to further renew the licence for such content.

The channel stated that the said programme showcases contestants performing tasks and answering personal questions while being distracted in various bizarre, painful and humiliating ways. It stated that as a responsible channel and wherever necessary, the objectionable visuals/scenes in the show are blurred and/or the dialogues beeped.

The channel stated that it has put in place appropriate disclaimers and caution plates about the content of the programme right at the beginning of the programme.

The channel stated that without prejudice it apologizes for airing the aforesaid episodes and has taken a serious note of all concerns raised in the Notice and sensitized its creative and content teams.

The channel undertook not to air the episodes for which the Notice has been received until the concerns of BCCC are fully addressed and decided.

The channel's representatives appeared before BCCC on 13/08/2014. They admitted that the episodes under question were highly objectionable and not fit for telecast. The channel's representatives stated that they were not, in any manner, contesting the strong objections raised by this Council with regard to the content of the episodes.



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The channel's representatives apologised for the lapse. They took the plea of having terminated their joint venture with RTL, as a result of which the channel was unlikely to air such programmes in the future. The channel also assured this Council of taking up its concerns with the company's top management so as to prevent recurrence of such lapses, irrespective of content being sourced from India or abroad.

In the Council's unanimous opinion, the termination of the joint venture and the undertaking not to air the above-mentioned/similar episodes again, do not absolve the channel of its responsibilities of acting in a mature and responsible manner.

The Council's unanimous view is that the channel has a Standards & Practices Department which ought to have functioned better and not limited itself to making cosmetic changes. The channel consciously decided to select this programme as it made the effort to para dub the programme in Hindi from English and deliberately ignore the obscene, vulgar and denigrating content. The Council unanimously feels that the channel's credibility is at stake, if content is a yardstick.

After detailed deliberations, this Council finds that the said episodes of the programme 'Distraction' are violative of **Theme 2: Sex Nudity and Obscenity** of IBF's Self-Regulatory Guidelines. Further, the shows are also violative of **Clauses a, b and d, of Category 'G': Programmes for unrestricted viewing and/or under Parental Guidance** and **Clauses a, b and d of Category 'R': Programmes which may not be suitable for Children and Young Viewers.**

The Reliance Network has been given Three (03) previous cautions for different programmes in hearings on 18/07/2014 and 10/07/2013 and on each occasion, the response has been that a mistake has occurred and would not recur. Penalties of Rs 5 lakhs and Rs 2.5 lakhs have also been imposed on different channels of the Network for the Programmes '*Sex and the City*', '*America's Next Top Model*' and '*Britain's Next Top Model*' (all three aired on Reliance Big CBS Love) and rap song '*No Lie*' (aired on Reliance Big CBS Spark) respectively in 2013.

It does appear that cautions and penalties did not have any visible effect on the channel. Since there was a similar response even on the present occasion, this Council has been left with no alternative but to impose the penalty on the channel/ Network. This Council cannot lose sight of the fact that the complaints had emanated from the Ministry of Information & Broadcasting and this Council found merit in the Ministry's complaints.

Having examined the entire gamut of issues involved and after also having given the channel a fair opportunity to present its case once again, this Council orders the following:

- 1) To impose a Consolidated **FINANCIAL PENALTY** of Rupees Seven Lakh Fifty Thousand (Rs 7.5 lakhs) on the Big RTL Thrill channel;



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- 2) To direct the channel to run an **APOLOGY SCROLL** in Hindi and in English, one after the other, in large and legible bold font, at a slow speed, every two hours, for a period of **Seven Days** from 12 Noon on 08 September 2014 to 10 AM on 15 September 2014;
- 3) To request Chairperson, BCCC, to write to President, IBF to take up the matter of the content being shown on Big RTL Thrill with the top management of the channel;
- 4) Direct the channel to send a report to BCCC of their S&P compliance process.

The text of the Apology Scroll (Hindi version attached) shall be as under:

“In compliance with BCCC’s Order of 13 August 2014; Big RTL Thrill apologizes for the telecast of its programme ‘Distraction’ in May and June 2014. This programme was found to be in violation of IBF’s Self- Regulating Guidelines.”

The channel is directed to deposit the said Financial Penalty with the Indian Broadcasting Foundation on or before 20 September 2014 and also submit CDs of the Apology Scroll aired on the channel to BCCC before 20 September 2014.

For & on behalf of

Broadcasting Content Complaints Council



**Justice (Retd.) Mukul Mudgal
Chairperson**



**21 August 2014
New Delhi**

Hindi Translation of Apology Scroll
to be aired on Big RTL Thrill channel
from 08/09/2014 to 15/09/2014

"ब्रॉडकास्टिंग कंटेंट कम्प्लेंट्स कौंसिल (BCCC) द्वारा 13 अगस्त 2014 को पारित आदेश के अनुसार, Big RTL Thrill चैनल मई और जून 2014 में प्रसारित अपने कार्यक्रम 'डिस्ट्रैक्शन' (Distraction) के लिए क्षमाप्रार्थी है. इस कार्यक्रम के कुछ एपिसोड्स इंडियन ब्रॉडकास्टिंग फाउंडेशन (IBF) के स्वनियामक मानकों के उल्लंघन में पाये गए हैं."

