

ORDER

In the matter of Two COMPLAINTS filed against the telecast of Programme 'Emotional Atyachaar Season-3' on UTV Bindass Channel on 25th June 2011 and 2nd July 2011, and in compliance with the Judgment of the Hon'ble High Court of Delhi in W.P.(C) No. 1200/2011 passed on 9th April 2013

This Council has received complaints against Two (02) Episodes of Season-3 of the Reality Show 'Emotional Atyachaar', which were aired on UTV Bindass Channel on 25th June 2011 at 7.00 PM and 2nd July 2011 at 7.00 PM.

The Complainant in the First Complaint regarding the Show aired on 25th June 2011 at 7.00 PM alleged that the Programme was showing adult scenes on TV at 7.00 PM. The Complainant in the Second Complaint regarding the Show aired on 2nd July 2011 at 7.00 PM stated that upon coming across the said Episode, he was shocked to hear all the things that were being said on the Show having clear sexual overtones.

The Channel filed reply to both the Complaints and thereafter, the matter was taken up in three meetings of the Council dated 14.07.2011, 06.08.2011 and 29.08.2011. However, in the subsequent meeting dated 29.09.2011, BCCC was informed that a Public Interest Litigation, being W.P.(C) No. 1200/2011, has been filed before the Hon'ble High Court of Delhi against the Programme in question, i.e. 'Emotional Atyachaar'. Therefore, since the matter was sub-judice, the Council decided to wait for the outcome of case before the High Court.

Thereafter on 09.04.2013, the Hon'ble Delhi High Court delivered the Judgment in the PIL, W.P.(C) No. 1200/2011 directing as under:

"We therefore direct the Union of India and BCCC to pass final directions with respect to the said two alleged violations; Union of India will take the decision with respect to the first of the two violations and BCCC shall pass an order with respect to its opinion, which order would be taken to its logical conclusion by the Union of India."

The aforesaid Judgment observed that although the present Council is a body competent to take cognizance of and decide complaints against broadcasters, but the decisions of the Council lack the legal foundation to take action, i.e. the non-

BROADCASTING CONTENT COMPLAINTS COUNCIL

Indian Broadcasting Foundation, B-304, Ansal Plaza, Khelgaon Marg, New Delhi 110 049
Email: bccc@bccc.co.in Website: www.ibfindia.com Tel: 91 11 4379 4400 Fax: 91 11 4379 4455

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statutory Council cannot direct a particular kind of action to be taken or an order be passed. Therefore, the Council's decisions shall be treated by the Union of India as the foundation to take appropriate action and pass necessary directions as also orders against the offender.

Pursuant to the aforesaid directions of the Hon'ble High Court, the Council took up the present matter for consideration in its meeting dated 16.05.2013. The Council heard the Channel at length.

In its defence to the First Complaint, the Channel stated that the Complainant has failed to mention which scene of the said episode was found to have adult content. In fact, the Channel for the last three years has time and again revisited the content of the Programme to suit the sensibilities of the viewers in general. With regard to the Second Complaint, the Channel stated that it has taken cognizance of certain aspects of the original version of the said Programme and thus, it undertakes that in future if it wants to re-run any of these two episodes in question, it will carry out suitable edits on the content which are generally acceptable or schedule them only during the late evening slot, i.e. 10:00 PM to 6:00 AM.

We have considered the submissions made by the Channel. The Programme in question, i.e. 'Emotional Atyachaar', is based on a theme testing loyalty and infidelity of one partner who suspects the other's loyalty and infidelity. The partner suspecting the loyalty of the other partner carries a loyalty test on the other with the help of the Channel. The Channel plants a model on the suspect to lure him/her and capture the intimate moves between them, which are later shown to the other partner. The show finally culminates in a fight between the suspecting and cheating partners.

The portrayal of incidents shown in the Programme and the dialogues are rather vulgar and indecent. The visuals and dialogues are clearly unsuitable for children and for unrestricted public exhibition. The episodes in question were found to have been discussing sex openly during prime time.

The Council feels that serious issues of privacy are also involved in the present issue. The format of the Programme amounts to invasion of privacy and dignity wherein no prior consent has been taken from the person upon who the so-called loyalty test is conducted and thereafter broadcasted on National Television. The Channel claims that such consent was taken subsequently upon payment of certain amount, which, in Council's opinion, is of no consequence.

After reviewing both the Episodes, the Council is of the considered opinion that the format of the Programme violates IBF's Self-Regulatory Content Guidelines as well as important Constitutional Rights.

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In view of the above, this Council has decided to issue a warning to the Channel.

The Channel must also run the following Apology Scroll every Two (02) Hours, over a period of Four (04) Days, starting 12 Noon on 15 July 2013 to 10 AM on 18 July 2013:

"In compliance with BCCC's Order passed on 9th July 2013, UTV Bindass Channel apologizes for the telecast of certain episodes of the Programme 'Emotional Atyachaar Season-3' in June-July 2011. These episodes were found to be in violation of the Self-Regulatory Guidelines of Indian Broadcasting Foundation (IBF)."

(Hindi translation attached)

It is further directed that the episodes in question shall not be telecast in future.

For & on behalf of

Broadcasting Content Complaints Council


Justice (Retd.) A.P. Shah
Chairperson

9th July 2013
New Delhi

HINDI TRANSLATION OF 'APOLOGY SCROLL' TO BE RUN AS PER THE BCCC ORDER OF 09/07/2013

CHANNEL: UTV BINDASS

"ब्रॉडकास्टिंग कंटेंट कम्प्लेंट्स कौंसिल (BCCC) द्वारा 9 जुलाई 2013 को पारित आदेश के अनुसार, UTV Bindass चैनल, जून-जुलाई 2011 में अपने कार्यक्रम 'इमोशनल अत्याचार सीजन-3' के दौरान प्रसारित कुछ एपिसोड्स के लिए क्षमाप्रार्थी है. ये एपिसोड्स इंडियन ब्रॉडकास्टिंग फाउंडेशन (IBF) के स्वनियामक मानकों के उल्लंघन में पाए गए हैं."