



Ref: IBA/RP/23/078

Mr. Eshan Kodarbux
Executive Chairman
Radio Plus Ltd
4B, Labourdonnais Street
Port Louis

06 October 2023

Dear Sir,

Re: Communiqué regarding 'l'affaire Al Khirz Ramdin' broadcast in "Le Grand Journal" 16h30 on Radio Plus on 13 September 2023

1. Please refer to previous correspondences on this matter.
2. I am directed to inform you that the following was broadcast during "Le Grand Journal" on Radio Plus on 13 September 2023 (*emphasis is ours*):

'Mélanie Duval :

Dans le cas concernant le journaliste Al Khizr Ramdin, TéléPlus a émis un communiqué cet après-midi. Prenons connaissance de ce communiqué avec vous Elodie Domun en studio.

Elodie Domun :

*Compte tenu des folles rumeurs et autres allégations infondées qui circulent en ce moment, en particulier sur les réseaux sociaux, TéléPlus, une entité du Défi Media Group, tient à apporter les précisions suivantes ; TéléPlus tient d'abord à présenter ses plates excuses à son audience et au public en général eu égard au juron grossier proféré lors d'un reportage en direct le 10 juillet 2023. L'émission était consacrée à un procès de très haute importance pour le pays devant le Privy Council. Cette affaire a été soulevée à l'Assemblée nationale. Une enquête a été annoncée. **Il faut savoir que depuis l'adoption de l'IBA Amendment Act, des conditions extrêmement sévères ont été imposées aux radios privées. Les sanctions peuvent aller de Rs 250,000 d'amendes à un non renouvellement du permis d'opération.** Il est connu que dans certains milieux, l'on cherche à associer Radio Plus à TéléPlus. Étant donné la gravité de l'affaire, TéléPlus a réclamé des explications au reporter en question sur son comportement en général ce jour-là, et son attitude par la suite. N'ayant*

pas eu de réponses plausibles, l'affaire a été référée à un comité disciplinaire. Ceci, compte tenu des antécédents du reporter qui lui ont valu des avertissements en écrit. Le reporter a eu toute la latitude de s'expliquer et se défendre à travers l'homme de loi de son choix devant le comité disciplinaire. Ce dernier présidé par un professionnel indépendant a retenu les deux charges qui lui sont reprochées. Le Groupe a, avec regrets, licencié le reporter tout en l'assurant qu'il pourra faire une nouvelle demande d'intégration, sous conditions, dès que toute cette affaire soulevée à l'Assemblée nationale, sera terminée. À travers son homme de loi, le reporter conteste son licenciement. L'affaire est entre les mains des hommes de loi des deux parties. Le Défi Media Group regrette toute cette triste situation et rassure son audience et le public en général sur sa mission d'information d'intérêt public. Le Groupe renouvelle aussi son appel à tous ses employés et collaborateurs pour que la responsabilité prime sur la popularité. '

The above-mentioned broadcast is potentially in breach of:

- (i) paragraphs 3(1), 3(2) and 3(5) of the Code of Conduct for Broadcasting Services which are as follows: *(emphasis is ours)*

"3. News

- (1) *Broadcasting licensees shall report news truthfully, **accurately** and objectively.*
- (2) *News shall be presented in the correct context and in a balanced manner, **without intentional or negligent departure from the facts**, whether by—*
 - (a) *distortion, exaggeration, or misrepresentation;*
 - (b) *material omission; or*
 - (c) *summarisation.*
- (3) *...*
- (4) *...*
- (5) *Where it subsequently appears that a broadcast report was incorrect in a material respect, it shall be rectified forthwith, without reservation or delay. The rectification shall be presented with such a degree of prominence and timing as may be adequate and fair so as to readily attract attention."*



(ii) paragraphs 2.1 and 2.2 of the Code of Ethics provide as follows:

“2.1 Principle

*In a modern society, citizens have a right to information and broadcasters have the freedom to produce programmes satisfying that right. This freedom is linked only by the obligations of fairness, balance and a respect for truth, qualities which lie at the heart of impartial and **accurate broadcasting**.*

‘Due’ means adequate or appropriate to the subject and nature of the programme.

2.2 Factual Programmes

*In all factual programmes, due impartiality and **accuracy must be preserved**. This may be secured in a number of different ways, depending on the purpose and format of the programmes. Those primarily addressed to an examination of issues already in the arena of public debate should give a fair representation of the main differing views on the matter.*

(i) News

Reporting should be dispassionate and the treatment of news should be even-handed.

Significant mistakes in news should be acknowledged and corrected on the same channel at the first available opportunity and should be appropriately scheduled.”

(iii) Paragraphs 23.2 and 25.2 of the Licence of Radio Plus

"23.2 The Licensee shall ensure that its broadcasting services are provided in conformity with the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Act.

*25.2 The Licensee shall ensure that all its broadcast contents **are accurate**. Any news given in whatever form shall be presented with due accuracy and impartiality. Any mistake that does occur shall be corrected as quickly as possible and an apology broadcast, where appropriate during peak listening hour at more than one frequency"*



3. The Independent Broadcasting Authority “(the Authority)” has considered the explanations of Radio Plus Ltd submitted on its behalf by Me Ashok B. Radhakissoo.

4. The Authority is of the considered view that the explanations of Radio Plus Ltd are **not** satisfactory in so far as:
 - (a) Radio Plus Ltd stated that *“the text read by the newscaster - at 16h48 on September 2023 - was a paid commercial on behalf of Le Defi Plus acting for Tele Plus”*. This is the most unsatisfactory explanation because Radio Plus Ltd holds a **Private Commercial Free to Air FM Radio Broadcasting Licence** granted to it by the Authority. It is undeniable that as holder of a broadcasting licence, Radio Plus Ltd is fully responsible for all contents which are broadcast by it. For instance, if Radio Plus Ltd is presented with a commercial of indecent nature it has a duty to carry out a due diligence exercise before such a matter may be aired. This reasoning applies to all commercials to be broadcast by Radio Plus Ltd;

 - (b) Radio Plus Ltd also stated that *“it was not a news emanating from the “redaction of Radio plus”*. Again, this argument is unsatisfactory in as much as Radio Plus Ltd, being the licence holder, is fully responsible for all content which is aired by it; and

 - (c) *“Radio Plus Ltd asserts forcefully that it is not aware of the particulars of “certain milieux” contained in the impugned communique. Tele Plus would, it is respectfully submitted, be better placed to enlighten the IBA”*



The above explanation of Radio Plus Ltd is an absolute non-sense bearing in mind that Tele Plus is not a licensee of the Authority.

5. The Authority is also of the opinion that Radio Plus Ltd has been given the opportunity to give its explanations, as it has always been the case, and has failed lamentably to give satisfactory reasons for the potential breaches stated at paragraphs 2(i), 2(ii) and 2(iii) above.
6. Having considered the explanations of Radio Plus Ltd, the Authority is of the view that Radio Plus Ltd has breached:
 - (i) paragraphs 3(1), 3(2) and 3(5) of the Code of Conduct for Broadcasting Services;
 - (ii) paragraphs 2.1 and 2.2 of the Code of Ethics; and
 - (iii) paragraphs 23.2 and 25.2 of the licence of Radio Plus Ltd
7. The reasons for the breaches as provided in the preceding paragraph are that the above extract from Radio Plus Ltd, as set out in paragraph 2, inaccurately states that the law provides that penalties of Rs 250,000 rupees are provided for breaches of the IBA Act. In fact, section 29(4) of the Independent Broadcasting Authority Act, a legislation which all licensees of the Authority ought to be familiar with, provides as follows:

“29(4) An administrative penalty imposed under this Act shall not exceed 500,000 rupees.”
8. Paragraph 3(5) of the Code of Conduct for Broadcasting Services has been breached since Radio Plus failed to rectify the inaccurate news it broadcast.
9. In the light of the above, the Authority is of the considered view that an unreserved apology by Radio Plus Ltd is proportionate to breaches committed.



10. Pursuant to its powers under section 5(1)(a) of the Independent Broadcasting Authority Act, the Authority hereby issues the following direction to Radio Plus Ltd:

“Radio Plus a diffusé un communiqué au cours du grand journal de 16h30, le 13 Septembre 2023. Ce communiqué émane de Téléplus, une entité du Défi Média Group, suite à l’affaire Al Khzir Ramdin. Dans ce communiqué, il est, entre autres, mentionné qu’il faut savoir que depuis l’adoption de l’IBA (Amendment) Act, des conditions extrêmement sévères ont été imposées aux radios privées. Les sanctions peuvent aller de Rs 250,000 d’amendes à un non renouvellement du permis d’opération. Cette information est incorrecte étant donné que l’IBA Act préconise des amendes ne pouvant dépasser la somme de cinq cent milles roupies. Le contenu de ce communiqué enfreint le Code de Conduite, le Code d’Ethique et la licence de Radio Plus. L’IBA juge que les explications fournies par Radio Plus suite à sa demande ne sont pas satisfaisantes dans la mesure où Radio Plus en tant que détenteur d’une ‘broadcasting licence’ est totalement responsable de tout contenu qu’elle diffuse. De ce fait, l’IBA somme Radio Plus à présenter des excuses sans réserve dans les bulletins d’information de 7 heures et de 16 heures 30 du 10 Octobre 2023. L’IBA rappelle aussi à Radio Plus qu’elle se doit de respecter l’IBA Act, le code de conduite, le code d’éthique et tout autres textes régissant son activité. ”

11. The above direction is to be broadcast **at item No. 3** in the News bulletins of Radio Plus Ltd as follows:

- (i) On 10 October 2023 at 7h00; and
- (ii) On 10 October 2023 at 16h30

12. The Authority relies on the cooperation of Radio Plus Ltd.



13. The attention of Radio Plus Ltd is also drawn to section 22(5) of the IBA Act which reads as follows:

“22. Duration of licence

- (5) *The Authority shall consider the past conduct of a licensee prior to determining whether or not to renew a licence.”*

14. The Authority reminds Radio Plus Ltd that it is bound by the IBA Act, Code of Ethics, Code of Advertising Practice and the Code of Conduct for Broadcasting Services.

Yours faithfully,



**K. Ramphul
Acting Director**