



Ref: IBA/C-RP/22/044

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

04 May 2022

Dear Sir,

**Re: Breaches by Radio Plus Ltd on 28 April 2022 at 12h19 (Direction under section 5(1)(a) of the Independent Broadcasting Authority Act)**

I am directed, by the Independent Broadcasting Authority, to inform you that:

1. The following was heard at around **12h19** on **28 April 2022** on Radio Plus:

***"Broadcaster: Radio Plus***

***Programme: Le Journal de 12h00***

***Date: Tuesday 28 April 2022***

***Time: 12h19***

***Emilie Payen:***

***Radio Plus***

***Le Journal de 12h00 Thursday 28<sup>th</sup> April 2022 12h19***

***Le parlement a été induit en erreur sur le voyage du Chairman de l'ICTA à Paris, ce sont là les propos d'Ehsan Juman. Le député Travailleiste qui adressait une correspondance en ce sens au***

**Speaker de l'Assemblée nationale ce matin. Ehsan Juman affirme que durant la séance parlementaire du 19 avril dernier, le Premier ministre adjoint, Steven Obeegadoo a affirmé que le voyage du Chairman de l'ICTA, Dick Ng Sui Wa était à ses propres frais. Toutefois, selon Ehsan Juman une réquisition de l'organisme parapublic démontre le contraire. Ecoutez plutôt les explications d'Ehsan Juman.**

**Ehsan Juman :**

**Le Premier ministre par intérim letemp ine réponde au parlement li dire ki li répéter li dire ki c'est enn voyage privé, ki na pa bizin ni gouvernement ni l'ICTA prend responsabilité tou bane coûts et tou bane démarches, alors qui la mo en possession enn réquisition cote li clairement faire mention de sa voyage la et kine adresse à sa l'agent, l'agence de voyage, ena so prix. Pou moi et mone écrire le speaker pou dire li c'est carrément l'acting Prime minister ler li pe réponde line mislead le parlement.**

**Emilie Payen:**

**Du côté de l'ICTA on affirme que l'organisme n'a encouru aucune dépense pour le chairman Dick Ng Sui Wa en France et que des actions légales et des poursuites judiciaires ont déjà été entamées après ces allégations formulées contre le Président de l'ICTA. Sollicité pour une réaction, nous attendons toujours la version du Premier ministre adjoint Steven Obeegadoo."**

2. The Authority received a complaint from Mr. Bhoolah and Ms. Boudet of the ICTA and the complaint and its Annexures are reproduced at **Annex 1** for ease of reference.

3. The Authority reminds Radio Plus Ltd that paragraph 3 of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act reads as follows [underlining 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) Only that which may reasonably be true, having due regard to the source of the news, may be presented as fact, and such facts shall be broadcast fairly with due regard to context and importance. Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it shall be presented in such manner as to indicate clearly that such is the case.**

**(4) Where there is reason to doubt the correctness of a report and it is practicable to verify the correctness thereof, it shall be verified. Where such verification is not practicable, that fact shall be mentioned in the report.**

**(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.**

***(6) Reports, photograph or video material relating to matters involving indecency or obscenity shall be presented with due sensitivity, due regard being had to the prevailing moral climate. In particular, broadcasting licensees shall avoid the broadcasting of obscene and lascivious matter.***

***(7) The identity of rape victims and other victims of sexual violence shall not be divulged in any broadcast without the prior consent of the victim concerned.”***

4. The Authority further reminds Radio Plus Ltd that paragraph 25.2 of its licence reads as follows:

***“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.”***

5. Having considered the complaint and the documentary evidence it received from the ICTA in relation to the above broadcast and the news item broadcast at 12h19 on 28 April 2022, the Independent Broadcasting Authority has determined that:

(a) paragraphs 3(1), 3(2), 3(3), 3(4) and 3(5) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act have been breached;

(b) Radio Plus Ltd has breached paragraph 25.2 of its licence; and

(c) Radio Plus Ltd has potentially breached sections 37(1)(b) and 37(2) of the Independent Broadcasting Authority Act. The Independent Broadcasting Authority is of the view that paragraph 5(c) of this written direction will be for the Police, the Director of Public Prosecutions and, eventually, a Court of law to determine.

6. The Authority reminds Radio Plus Ltd that it is bound by the Code of Ethics as provided for in its licence. For the purposes of this direction, paragraphs 2.1, 2.2(i) and 4.3 of the Code of Ethics read 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(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.”***

#### ***"4.3. Freedom of Expression***

***The authority recognizes the importance of the principle of freedom of expression, which protects those who express their views and those who hear them. The freedom of expression of broadcasters is thus counterbalanced by the right of listeners to programming that complies with the Act and associated regulatory requirements."***

7. The Authority reminds Radio Plus Ltd that a breach of a condition of its licence is an offence under sections 37(1)(b) and 37(2) of the IBA Act. These sections provide as follows:

#### **"37. Offences**

**(1) Any person who—**

**(b) contravenes the terms and conditions of his licence;**

***shall commit an offence.***

**(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.**

8. 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 Ltd is hereby directed to broadcast an **unreserved apology with the reasons thereof together with the stand of the Authority** as follows:



- (a) On 6 May 2022 in the 07h00 News Bulletin;
- (b) On 6 May 2022 in the 08h00 News Bulletin;
- (c) On 6 May 2022 in the 09h00 English News Bulletin;
- (d) On 6 May 2022 in the 12h00 News Bulletin; and
- (e) On 6 May 2022 in the 16h30 News Bulletin.

9. Radio Plus Ltd is further reminded that a failure to comply with a direction issued by the Authority is a criminal offence. Section 5(1)(a) and 5(1)(b) of the Independent Broadcasting Authority Act read as follows:

***“5. Powers of Authority***

***(1) (a) The Authority may, for the purposes of this Act, give written directions to the Corporation or any licensee and they shall comply with those directions.***

***(b) Any licensee who fails to comply with paragraph (a) shall commit an offence.”***

10. Thus sections 37(1)(g) and 37(2) of the Independent Broadcasting Authority Act reads as follows:

**“37. Offences**

**(1) Any person who—**

**(f) otherwise contravenes any provision of this Act,**

**shall commit an offence.**

**(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.”**

11. Radio Plus Ltd is further informed that the Independent Broadcasting Authority is also referring the matter to the police for an inquiry to be done in the matter.

12. Radio Plus Ltd is forthwith directed to strictly adhere to the provisions of the Independent Broadcasting Authority Act, the Code of Conduct for Broadcasting Services, the Code of Ethics, and its licence, failing which, more severe sanctions may be applied.

**Yours faithfully,**



**K. Ramphul  
Acting Director**



INDEPENDENT BROADCASTING AUTHORITY

COMPLAINT FORM

1. Particulars of Complainant:

Last Name: ICTA represented by Mr Bhoolah Harish *and*

First Name (s): ..... *Catherine Boudet* .....

Address: 12, Celicourt Building, Celicourt Antelme St,  
Port Louis

Telephone: (Home): .....

(Work): 2115333

(Mobile): 52545940 (Fax): 2119444

E-mail address: hbholah@icta.mu

2. Particulars of Complaint:

Title of Programme/Advertisement:

Bulletins de 11 heure et de midi

Radio/Television (Delete as appropriate): Radio

Broadcast station's name: Radio Plus

Broadcast date: 28 April 2022

Broadcast time: 11.00 and 12.00

3. Details (Please provide as many details as possible)

Independent Broadcasting Authority	
<b>RECEIVED</b>	
Date :	<i>28/04/22</i>
Signatures :	<i>[Signature]</i>

1. This morning, Thursday 28 April 2022, the journalist Emily Payen/Radio Plus called the Director of Marketing and Communications (DCM) of the ICTA, Ms Catherine Boudet, at 9.15 am informing her that Hon. Eshan Joomun had shared his letter sent yesterday to the Speaker of the Assembly alleging that the ICTA had paid the travel fees of the ICTA Chairman and that consequently, the Acting Prime Minister had mislead the House. Ms Emily Payen was willing to collect the version of the ICTA.

2. The DCM requested her to send her questions by email and asked for the deadline to answer the questions. Ms Payen replied that the declaration was needed on the same day to be broadcasted in the flash of 12.00 am.

3. At 09.34 am Ms Emily Payen's mail was received by the DCM of the ICTA with the questions ([Annex 1](#)).

4. At 10.59 am the DCM of the ICTA sent a written declaration to Ms Emily Payen ([Annex 2](#)). In another mail sent at 11.27 am, the DCM of the ICTA also requested the journalist to take the ICTA's version as it is "je vous demanderal donc de prendre notre declaration écrite telle quelle" ([Annex 3](#)).

5. In the meantime, and without the ICTA being aware, the flash of 11.00 on same day on Radio Plus, Ms Emily Payen declared that "Sollicité pour une réaction, nous attendons toujours la version de l'ICTA".

6. Therefore, in another mail sent at 12.13 pm to Ms Emily Payen and copy to Mr Eshhan Kodarbux and Mr Nawaz Noorbux, the DCM of the ICTA wished to draw the attention of the journalist on the fact that:

(a) should the ICTA be aware that the information would be broadcasted in the 11.00 am flash, she would have sent the declaration earlier; and consequently,

(b) the broadcasting of 11.00 am gives a distorted impression that the ICTA is delaying or not willing to give their version of the facts ([Annex 4](#)).

7. In her reply to the DCM of the ICTA at 12.43 pm, the journalist Emily Payen presented excuses and informed the DMC of the ICTA that the communiqué had been broadcasted in the 12.00 pm bulletin and would also be broadcasted in forthcoming bulletins ([Annex 5](#)).

8. However, in the broadcasting of 12.00 am on this Thursday 28 April 2022, the declaration provided by the ICTA was not fully and not faithfully broadcasted:

(c) Whereas the declaration communicated in written to Radio Plus was:

*« Dans son communiqué officiel du 25 avril dernier, paru dans le Dôl quotidien du 26 avril, l'ICTA a informé le public qu'aucune dépense n'a été encourue par l'Autorité pour la visite du Président du conseil d'administration en France en février dernier. L'ICTA a déjà entamé les actions légales et les poursuites judiciaires appropriées. Une déposition à la police a été faite en bonne et due forme concernant ces allégations que l'ICTA considère mensongères et diffamatoires. »*

(d) The version broadcasted by Radio Plus was truncated into:

*« Du côté de l'ICTA on affirme que l'organisme n'a encouru aucune dépense pour le chairman Dick Ng Sul Wa en France et que des actions légales et des poursuites judiciaires ont déjà été entamées après ces allégations formulées contre le Président de l'ICTA ».*

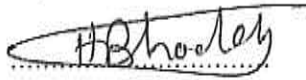
(e) Moreover, the whole broadcasting on the subject is blatantly biased in favour of the MP Eshan Juman, especially when the first words of the broadcasting affirm: "le Parlement a été induit en erreur sur le voyage du Chairman de l'ICTA à Paris".

(f) the same broadcasting is not imparting a fair representation of parties, as most of the broadcasting time on the subject is dedicated to Hon. Eshan Juman's allegations against the ICTA.

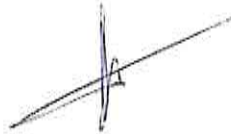
9. Both broadcasts are prejudicial against the ICTA and the reporting is neither truthful, nor accurate nor objective. The news about the ICTA has not been presented in the correct context, it has not been presented in a balanced manner. The material omission of facts and the distortions are highly prejudicial and unfair to the ICTA.

**Note:**

1. Information that you provide may be made public or be accessible to the public.

Date: 28/04/2022 Signature: 

28/04/2022





## ANNEX 5



Re: Réponse à la lettre du député JumanEmily Payen to Catherine Boudet,  
 NOORBUX Nawaz, Ehshan Kodarbux 28/04/2022 12:43  
 From "Emily Payen" <emily@radioplus.mu>  
 To "Catherine Boudet" <cboudet@icta.mu>, "NOORBUX Nawaz"  
 <nawaz@radioplus.mu>, "Ehshan Kodarbux" <ehshank@defimedia.info>

Bonjour Madame Boudet ,

j'ai bien reçu votre courriel à 10h59, je suis priée d'être en studio 5 min avant la présentation de chaque bulletin info et malheureusement je n'ai pu diffuser votre communiqué à 11h. Concernant ma requête pour le journal de midi, veuillez accepter mes plus plates excuses car en faisant uniquement mention du principal bulletin de la mi-journée, j'ai omis de préciser que la réponse était requise le plus tôt possible.

Toutefois, sachez que le communiqué a été diffusé dans le bulletin de midi et sera diffusé dans nos prochains bulletins.

Je vous remercie de votre collaboration

Cordialement

Emily Payen

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From: Catherine Boudet <cboudet@icta.mu>

Sent: Thursday, April 28, 2022 12:13 PM

To: Emily Payen <emily@radioplus.mu>

Cc: NOORBUX Nawaz <nawaz@radioplus.mu>; Ehshan Kodarbux <ehshank@defimedia.info>

Subject: Fw: Réponse à la lettre du député Juman

## ANNEX 4

Chère Emily,

Je fais référence à votre flash de 11 heures dans lequel vous dites que "sollicité pour une réaction, nous attendons toujours la version de l'ICTA".

Je vous réfère à mon mail ci-dessous, dans lequel je vous ai communiqué la déclaration de l'ICTA, daté de ce jour à 11.59 am.

Je conçois que vous n'avez pas eu le temps de le lire car vous alliez présenter le journal, toutefois je me permets de vous rappeler que vous m'aviez dit au téléphone que vous aviez besoin de notre déclaration pour midi et j'ai donc respecté le timing imparté.

Si vous m'aviez dit que vous aviez besoin de notre déclaration pour 11 heures à ce moment-là je vous l'aurais envoyée pour le flash de 11 heures. En l'état actuel des choses, votre bulletin d'information de 11 heures peut véhiculer auprès du public la perception erronée que l'ICTA traîne à réagir sur la question ou ne veut pas le faire.

Je vous serais très reconnaissante de bien faire attention à ces nuances afin de ne pas occasionner de perceptions erronées de l'Autorité.

En vous remerciant de votre compréhension,

Meilleures salutations,



Catherine BOUDET | Director of Marketing and Communications  
 ICT Authority | Level 12, The Cellcourt | 6, Sir Celicourt Antelme Street, Port Louis,  
 Republic of MAURITIUS  
 Tel: +230 211-5333 | Fax: +230 211-9444  
 Web: [www.icta.mu](http://www.icta.mu) | email: [cboudet@icta.mu](mailto:cboudet@icta.mu)



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----- Forwarded by Catherine Boudet/CCA/ICTAuthority on 28/04/2022 12:12 -----

From: Catherine Boudet/CCA/ICTAuthority  
To: "Emily Payen" <emily@radioplus.mu>  
Date: 28/04/2022 11:27  
Subject: Re: Réponse à la lettre du député Juman

## ANNEX 3

Rebonjour Emily,

Comme je vous le disais par téléphone, nous n'allons pas donner de son du côté de l'ICTA, je vous demanderai donc de prendre notre déclaration écrite telle quelle.

Merci et bonne journée.

Meilleures salutations,



Catherine BOUDET | Director of Marketing and Communications  
ICT Authority | Level 12, The Celicourt | 6, Sir Celicourt Antelme Street, Port Louis,  
Republic of MAURITIUS  
Tel: +230 211-5333 | Fax: +230 211-9444  
Web: [www.icta.mu](http://www.icta.mu) | email: [cboudet@icta.mu](mailto:cboudet@icta.mu)



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From: "Emily Payen" <emily@radioplus.mu>  
To: "Catherine Boudet" <cboudet@icta.mu>  
Date: 28/04/2022 11:06  
Subject: Re: Réponse à la lettre du député Juman

Nous avons bien reçu votre réponse, serait-ce possible d'avoir un audio recording pour la radio svp?

From: Catherine Boudet <cboudet@icta.mu>  
Sent: Thursday, April 28, 2022 10:59 AM  
To: Emily Payen <emily@radioplus.mu>  
Subject: Re: Réponse à la lettre du député Juman

## ANNEX 2

Chère Emily,

Je vous prie de bien vouloir trouver ci-dessous la réponse de l'ICTA a vos questions :

Dans son communiqué officiel du 25 avril dernier, paru dans le Défi quotidien du 26 avril, l'ICTA a

informé le public qu'aucune dépense n'a été encourue par l'Autorité pour la visite du Président du conseil d'administration en France en février dernier. L'ICTA a déjà entamé les actions légales et les poursuites judiciaires appropriées. Une déposition à la police a été faite en bonne et due forme concernant ces allégations que l'ICTA considère mensongères et diffamatoires.

Meilleures salutations,



Catherine BOUDET | Director of Marketing and Communications  
ICT Authority | Level 12, The Celicourt | 6, Sir Celicourt Antelme Street, Port Louis,  
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Tel: +230 211-5333 | Fax: +230 211-9444  
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## ANNEX 1

From: "Emily Payen" <[emily@radioplus.mu](mailto:emily@radioplus.mu)>  
To: "cboudet@icta.mu" <[cboudet@icta.mu](mailto:cboudet@icta.mu)>  
Date: 28/04/2022 09:24  
Subject: Réponse à la lettre du député Juman

Chère Madame Boudet ,

suisant notre appel telephonique je vous adresse ce courriel afin d'obtenir une réaction de l'ICTA suivant la lettre du député Eshan Juman et la copie de la facture de l'ICTA concernant le voyage de Mons. Ng Sui Wa à Paris. Donc mes questions pour le journal de midi est la suivante:

Quelle est d'abord la réaction de l'ICTA ?

Etait-ce un voyage professionnelle ?

Et est-ce-que vous comptez entamer une quelconque action?

Merci d'avance,

Je reste à votre entière disposition,

Cordialement,

Emily Payen

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