



Ref: IBA/C-TOP(21/03)/22/035

Mr. Balkrishna Kaunhye
Managing Director
Top FM Ltd
7th Floor, The Peninsula
2A Falcon Street
Caudan
Port Louis

18 March 2022

Dear Sir,

Re: Mr. Sham Mathura against TOP FM Ltd (Case 21/03)

I am directed to inform you that:

The Authority refers to the decision of the Complaints Committee in the matter 'Mr. Sham Mathura against TOP FM Ltd (Case 21/03)' where it is mentioned, *inter alia*, that:

"The Committee holds that the tone and remarks of Mr. Mosaheb were in fact excessive and unreasonable, as admitted by Mr. Mosaheb himself. The said remarks were aired in the course of a programme broadcast by the Respondent. The exchange which took place in the Respondent's programme amounted to an unfair treatment of the Complainant in breach of section 30 (4)(b) of the Independent Broadcasting Act 2000.

Although the host of the programme has already expressed his regrets, the Committee however recommends that the Authority should issue a warning to the Respondent."

The decision of the Complaints Committee is attached for reference.

On the strength of the recommendations of the Complaints Committee, the Authority hereby issues a **warning** to Top FM Ltd to strictly avoid unfair treatment of callers or persons intervening in its programmes.

I thank you.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'K. Ramphul', is written over a horizontal line.

K. Ramphul
Acting Director

c.c. Mr. Sham Mathura

**Decision of the Complaints Committee in the matter of
Mr. Sham Mathura vs Top FM (case 21/03)**

Present at the hearing: Mr. J. G Ithier, SC
 Mr. R. Jogee

The hearing of this complaint took place on the 22 February 2022. The Complainant was aggrieved by the manner in which Mr. Habib Mosaheb treated him in a programme entitled 'Koze do mo pep' on the 21 February 2021. He described the said remarks of Mr. Mosaheb as being inappropriate and unacceptable.

The Committee had the benefit of the transcript of the exchange between the parties. The Committee and the parties as well as their legal advisers also listened to the relevant part of the programme. It is clear that Mr. Mosaheb was irritated by the Complainant's request for a right of reply following an alleged remark made by a caller. However, Mr. Mosaheb stated that the remark had probably been made by a caller in the course of a different programme hosted by a different person.

In the course of his statement before the Committee on the day of the hearing, Mr. Mosaheb stated that he was irritated with the Complainant during the programme and that his tone gradually became excessive owing to his irritation. He added that it was perhaps inappropriate. He then said that he never questioned the Complainant's competence. Finally, he expressed his regrets to the Complainant for his inappropriate manner.

The Committee holds that the tone and remarks of Mr. Mosaheb were in fact excessive and unreasonable, as admitted by Mr. Mosaheb himself. The said remarks were aired in the course of a programme broadcast by the Respondent. The exchange which took place in the Respondent's programme amounted to an unfair treatment of the Complainant in breach of Section 30 (4)(b) of the Independent Broadcasting Act 2000.

Although the host of the programme has already expressed his regrets, the Committee however recommends that the Authority should issue a **warning** to the Respondent.

The Complainant was represented by Me R. Rutnah whilst Top FM was represented by Me A. Radhakisson.



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Mr. J. G. Ithier, SC
Chairperson
25.1.22



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Mr. R. Jogee
Member
25.1.22