



Ref: IBA/TOP/20/153

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

15 December 2020

Dear Sir,

**Re: BREACH OF THE CODE OF CONDUCT FOR BROADCASTING SERVICES IN
THE PROGRAMME "TEMPO LA SO" BROADCAST BY TOP FM LTD ON 24
FEBRUARY 2020**

SUSPENSION OF LICENCE TOP FM LTD

I am directed to inform you that:

1. TOP FM Ltd. is the holder of a **PRIVATE COMMERCIAL FREE TO AIR FM RADIO BROADCASTING LICENCE** (the "licence") issued by the Independent Broadcasting Authority, (the "Authority"), pursuant to the provisions of the Independent Broadcasting Authority Act. The licence was renewed by the Authority for the period 13 December 2018 to 12 December 2021. It is highlighted that a radio frequency does not belong to any operator but a licence is given to that operator by the Information and Communication Technologies Authority to use that frequency pursuant to its statutory

powers under section 18 (1)(p) of the Information and Communication Technologies Act. In respect to the use of frequencies, the Authority also refers to section 2 (relevant definitions for radio licences are included) and section 18(1) (p) and 18(1) (r) of the Information and Communication Technologies Act which provide as follows:

“allocation” means the entry of a given frequency band in the Mauritius Frequency Allocation Table to be used by one or more terrestrial or space radio communication service, or the radio astronomy services;

“frequency band” means a continuous frequency range of spectrum;

“Mauritius Frequency Allocation Table” means the table where the spectrum plan for Mauritius is detailed;

“radio communication” means any transmission, emission or reception of signs, signals, writings, sounds or intelligence of any nature, of a frequency less than 3000 gigahertz, propagated in space without artificial guide;

“radio spectrum” means the portion of the electromagnetic spectrum which is below 3,000 gigahertz;

“service provider” means any person who provides an information and communication service, including telecommunication;

“18. Functions of Authority

(1) The Authority shall—

(p) allocate frequencies and manage, review and, where appropriate, reorganise the frequency spectrum;



(r) set up a radio frequency management unit for the allocation, monitoring, control and regulation of radio frequencies and, with the approval of the Minister, participate in any regional monitoring system;"

2. Paragraph 9 of the licence issued by the Authority to TOP FM Ltd provides for suspension of the licence and reads as follows:

"9. SUSPENSION

9.1 Notwithstanding Clause 8 above, where the Authority is satisfied that –

- a. the Licensee has failed to start its operation within 6 months of the issue of this Licence or within such additional period as may be allowed by the Authority;**
 - b. the Licensee has ceased its operation under this Licence;**
 - c. the Licensee has given the Authority information which is false or misleading in a material particular;**
 - d. the Licensee has failed to comply with the Code of Conduct specified in the Second Schedule to the Act (ANNEX A);**
 - e. it is in the public interest to do so,**
- it may suspend the Licence."**

3. TOP FM Ltd, as any other licensee, is also bound by the terms of its licence and by section 21(6) of the Independent Broadcasting Authority Act which makes it



mandatory for it to comply with the terms and conditions of its licence. Section 21(6) of the Independent Broadcasting Authority Act provides that:

“A licensee shall comply with the terms and conditions of a licence.”

4. It is clear that the Code of Conduct for Broadcasting Services (see paragraph 9.1(d) of TOP FM Ltd.'s licence) has, as a matter of law, to be complied with by any licensee of the Authority which is duty-bound to comply with the terms and conditions of its licence and with the laws of Mauritius. A breach of the Code of Conduct for Broadcasting Services, is also a breach of paragraph 9.1(d) of TOP FM Ltd.'s licence. TOP FM Ltd.'s licence, in paragraph 9.1(d), clearly specifies that such a breach may lead to a suspension of the licence.

5. On 24 February 2020, TOP FM Ltd broadcast the following extract in its programme “Tempo la so” as from 17h30:

«At around 18h12

Jack Bizlall :

...Nou bizen kapav ena courage pou dir Modi deux kitsoz, enn kitsoz, fouss so lipié en dehors nous société. To pas enn dimun crédible pou assizer pou vinn dir nou ki nou bizen fer et par ailleurs, c'est ki li pe rode fer dan l'Inde anti Musulman anti certains religions, li pou vinn fer sa dan Maurice. Pou arrive enn moment, sa contradiction ki pe lever dan l'Inde la, ena enn Université en Inde mo fek zouen so étudiant, bannla rent dan université vinn tir lor université parski University of Uttar Pradesh parski Université la inn prend position contre Modi. Et laisse mo pe envi dir dimun.



(...)'

6. The Authority, at its meeting of 16 March 2020, considered the above item and was of the considered view that the extract of the programme broadcast by TOP FM Ltd as from 17h30 on 24 February 2020 potentially breaches the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act which provides as follows:

"2. General

Broadcasting licensees shall -

(a) **not broadcast any material which is** *indecent, obscene or offensive to public morals or offensive to the religious convictions or feelings of any section of the population or **likely to prejudice** the safety of the State or the public order or **relations between sections of the population;***

(b)"

7. By way of letter dated 08 April 2020 (Ref: L/T-TOP/20/040) (ANNEX 1), TOP FM Ltd was requested to show cause, in writing, by **Thursday 15 April 2020 by noon**, at latest why TOP FM Ltd should not be sanctioned for the potential breach of the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act.

8. On 10 April 2020, TOP FM Ltd represented by its Chairman Mr Balkrishna Ved Prakash Kaunhye, applied for judicial review in relation to the Authority's letter dated 08 April 2020. The application for judicial review contained a prayer in relation to the Authority's letter dated 08 April 2020.



9. On 15 April 2020, the Supreme Court (Hon. E. Balancy, Chief Justice, as he then was, and Hon. R. Seetohul-Toolsee Judge) granted Prayer E of the application and Prayer E reads as follows:

“For a temporary stay of proceedings of the respondent in relation with its letter of 08 April 2020, and further, or alternatively, an interim or interlocutory writ of injunction restraining and prohibiting the respondent from further proceeding with its letter dated 8.4.20, until the hearing and determination of the proceedings for judicial review”

10. On 05 May 2020, the Supreme Court (Hon. E. Balancy, Chief Justice, as he then was, and Hon. R. Seetohul-Toolsee Judge) in its judgment (2020 SCJ 77) decided as follows:

“We accordingly had no hesitation to grant Prayer E in our judgment filed on 15 April 2020”

11. It is apposite to note that with the granting of Prayer E, the regulatory action initiated by the Authority had to be stopped until the Judicial Review proceedings were heard and determined or until the Supreme Court reconsidered the propriety of Prayer E having been granted against the Authority given that such a prayer stopped regulatory action from being proceeded with and given that the Authority had not reached a final decision in respect of the regulatory action which it had initiated by way of its letter dated 8 April 2020.

12. On 22 September 2020, before the Supreme Court, their Lordships Hon. D. Chan Kan Cheong Judge and Hon. N. F. Oh San-Bellepeau, Judge, highlighted in their judgment, the following matters:



“4. Insofar as prayer B is concerned (the “second decision” dated the 8th April 2020), it is in fact a letter requesting the applicant to show cause why it should not be sanctioned for a potential breach of the Code of Conduct for Broadcasting Services. It is therefore not a final decision.

5. It is common ground that, as a rule, judicial review lies only in respect of a final decision against which all available remedies have been exhausted, and not against a step in an on-going process (vide **Jogarah V. & Others v National Transport Authority [1997 SCJ 163]**, and **Teeluckdarry K. v The Bar Council & Another [2019 SCJ 50]**).

6. Nonetheless, relying on the case of **Teeluckdarry** (supra), the applicant submits that leave for judicial review may be granted where there are exceptional circumstances and where a decision, albeit not final, is *ab initio*, in breach of the rules of natural justice, procedurally flawed, unreasonable and unfair.”

7. A perusal of the affidavits in support of the application and the statement of case however shows that there is no averment made in relation to the exceptional circumstances or to the “second decision” being defective *ab initio*. In other words, the submission made on behalf of the applicant in that regard are not borne out by the evidence on record so that the present application does not disclose an arguable case with respect to the “second decision.”

8 Moreover, we are of the view that the applicant’s challenge of the second decision is, at this stage, premature. The application in effect does not disclose any compelling reason to



prevent the respondent from exercising its statutory powers and performing its statutory duties. In these circumstances, leave is refused with regard to prayer B.

(...)

11. Leave having been refused as regards paragraph B, the Order issued following the grant of Prayer E on the 15th April 2020 is discharged."

13. By way of letter dated 06 October 2020 (**L/T-TOP/20/113**) (**ANNEX 2**), the Authority reiterated its request to TOP FM Ltd to show cause, in writing, by Tuesday 13 October 2020 by noon, at latest why TOP FM Ltd should not be sanctioned for the potential breach as stated in the Authority's letter dated 08 April 2020. The Authority highlights that the Order of the Supreme Court of 15 April 2020 prevented the Authority from proceeding with regulatory action pending the determination of judicial review proceedings. The said order was subsequently discharged by the Supreme Court on 22 September 2020 and the Authority was only then able to pursue regulatory action.

14. By way of email dated 13 October 2020 (**ANNEX 3**) received at the Authority at 10:41a.m, Me A. Radhakisson, whose services has been retained by TOP FM Ltd, requested for particulars of the potential breach alleged to have been committed by TOP FM Ltd.

15. By way of letter dated 13 October 2020 (**L/L-TOP/20/122**) (**ANNEX 4**), the Authority replied to TOP FM Ltd in the following terms:

*"The Authority has taken note of your letter dated **13 October 2020** received at 10:41a.m on **13 October 2020** by email.*



You are reminded that the deadline for replying to the Authority's letter dated 06 October 2020 (Ref: L/T-TOP/20/113) expired on 13 October 2020 at noon and the Authority expected your reply by the deadline.

The issues raised in your letter dated 13 October 2020 may be considered by you when replying to the Authority's letter dated 08 April 2020 (Ref: L/T-TOP/20/040) and 06 October 2020 (Ref: L/T-TOP/20/113). You are also reminded that regulatory action ought not be delayed as your client, himself, is likely to complain that the regulator has delayed in taking regulatory action against him.

It stands to reason that by asking for particulars at some 79 minutes before the expiry of the deadline is tantamount to using delaying tactics when such particulars may have been asked since 08 April 2020.

The letters dated 08 April 2020 (Ref: L/T-TOP/20/040) and 06 October 2020 (Ref: L/T-TOP/20/113) are self-explanatory. Prayer E (injunction granted by Hon Balancy CJ, as he then was, and Hon Toolsee, Judge) of your application for judicial review was discharged on 22 September 2020, i.e 21 days from the date of your letter dated 13 October 2020. In the light of the discharge of that injunction, you had to reply to the Authority's letter dated 08 April 2020.

You are hereby expected to show cause, in writing, by Wednesday 14 October 2020 by noon, at latest why TOP FM Ltd should not be sanctioned for the potential breach as stated in the Authority's letter dated 08 April 2020. The Authority's letter of 6 October 2020 was a follow up to the letter dated 08 April 2020 and was in response to the discharge of Prayer E of your judicial review application. In the event that you do not reply to this letter, it is assumed that you do not have any reply to make."

16. In response to the Authority's letter dated 13 October 2020 (L/L-TOP/20/122) (ANNEX 5), the Chief Executive Officer of TOP FM Ltd, Mr B. Kaunhye, stated, *inter*



alia, in a letter dated 13 October 2020 addressed to the Authority that “... *In such circumstances, should you maintain not to provide the particulars which have been sought from you, the licensee shall reserve all its legal rights in the matter to the fullest extent which is permitted by applicable law .As the representative of the licensee, I am hereby instructing our Counsel, Me Ashok Radhakisson to correspond directly with you on this matter*”.

17. By way of letter dated 14 October 2020 (**ANNEX 6**), TOP FM Ltd replied to the Authority's letter dated 06 October 2020 (L/T-TOP/20/113) and stated, *inter alia*, that:

“My client denies having committed any breach of Section 2(a) of the Code of Conduct for Broadcasting Services and specifically in relation to the underlined parts highlighted in your letter under reference.

My client avers that it does not have to show cause as to why it should “not be sanctioned” as it verily believes and stands legally advised that it has not committed any breach as regards the content of the statement made by Mr Jack Bizlall during the impugned programme”.

18. The matter was debated at length during the Authority's meetings of 16 March 2020 and 10 December 2020. It is highlighted that the material broadcast in relation to which particulars were sought 79 minutes before the expiry of the deadline set by the Authority contains only 104 words. Further, the reference to paragraph 2(a) of the Code of Conduct for Broadcasting Services in the Authority's letter dated 6 October 2020 makes it clear that TOP FM Ltd was being made amenable to regulatory action since such material was **“likely to prejudice relations between sections of the population.”** The extract broadcast was to the effect that the Indian Prime Minister Modi's alleged anti-Muslim and anti-other religion policies would be implemented in



Mauritius. It stands to reason that such a statement is likely to prejudice relations between the Muslim, and/or other religious denominations in Mauritius and other sections of the population which include, but are not limited to, Indian nationals residing in Mauritius.

19. In relation to the request for particulars dated 13 October 2020 from TOP FM Ltd, it is highlighted that TOP FM Ltd asked for particulars some 79 minutes before the expiry of the deadline set by the Authority for TOP FM to show cause why it should not be sanctioned for the potential breach of paragraph 2(a) of the Code of Conduct for Broadcasting Services. In effect, a demand for particulars, at that late hour, would have further delayed regulatory action and TOP FM Ltd would not have shown cause so long as the particulars are not furnished. This delaying tactic used by TOP FM Ltd at the last hour cannot be entertained. Further the letters from the Authority and the 104-word paragraph as well as the reference to paragraph 2(a) of the Code of Conduct for Broadcasting Services made it very clear what was being reproached of TOP FM Ltd.

20. In addition, it is highlighted that the particulars requested by TOP FM Ltd amount to a series of interrogatories. An analogy can, here, be drawn in relation to requests for particulars in civil cases. In the case of **Emtel Limited v The Information and Communication Technologies Authority & ors [2014 SCJ 288]** the Supreme Court applied the case of **Gujadhur and Ors v. Gujadhur & Sons Ltd. [1962 MR 49]** and explained the “clear line of demarcation” which must be drawn between particulars and interrogatories. Particulars are confined to averments in the pleadings and the object of particulars is to give to the other party information which the latter reasonably require to defend himself. It is also explained in the case of **Gujadhur** that the object of interrogatories is two-fold: firstly, to obtain admissions to facilitate the proof of a case and secondly, to ascertain so far as may be done, the case of the opponent. Interrogatories are generally directed to the evidence on which the interrogating party relies to establish his case. Whilst applications for particulars are allowed, interrogatories are not. In the case of **Gujadhur**, the case of **Lister Company Ltd. v.**



Thompson [7 TLR 107] is referred to as indicating the demarcation line which should be drawn between applications for particulars and interrogatories and also how the Court may refuse an application for further and better particulars as being a series of interrogatories and as being oppressive.

21. An analysis of the request for particulars by TOP FM Ltd clearly shows that it is a list of questions which is a series of interrogatories addressed to the Authority which cannot be entertained.

22. With reference to the letter dated 14 October 2020 addressed to the Authority by TOP FM Ltd, the following should be noted:

- (a) the issue of particulars as per the letters from the Chief Executive Officer of TOP FM Ltd dated 13 October 2020 and the letter dated 14 October 2020 have been addressed above;
- (b) with regard to paragraph (A) of the letter dated 14 October 2020, there was no need for a public complaint for the Authority to act. A breach of the Code of Conduct for Broadcasting Services must be dealt with by the Board of the Authority which can act *proprio motu* in respect of such a breach. The Board is empowered and is duty-bound to decide on any potential breach in relation to the Code of Conduct for Broadcasting Services set out in the Second Schedule to the IBA Act;
- (c) in relation to paragraphs (B), (D) and (G) of the same letter, TOP FM Ltd is reminded that it is the holder of a broadcasting licence from IBA and not Mr Jack Bizlall. (TOP FM Ltd is referred to the extract of Mr. Kaunhye cited at paragraph 27 below). TOP FM Ltd is further reminded that the exercise of the right to freedom of expression is subject to limitations set out under section 12(2) of the Constitution. The expression of disapprobation does not confer a right on the person to utter words which are likely to prejudice the relations



between sections of the population. The expression of disapprobation and the words aired by TOP FM Ltd could have been said in another way without targeting any section of the population. The host of the programme should have stopped Mr Bizlall from saying the impugned words. It is apposite to highlight that section 12 of the Constitution (which does not confer an absolute freedom of expression) reads as follows [emphasis is ours];

"12. Protection of freedom of expression

(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the Courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or



(c) *for the imposition of restrictions upon public officers,*

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.”

(d) in relation to paragraph (C) of the same letter, the expression of disapprobation in the following terms “...*c’est ki li¹ pe rode fer dan l’Inde anti Musulman anti certains religions, li pou vinn fer sa dan Maurice...*” does not in any way raise any issues of national interest. Section 283 of the Criminal Code deals with the offence of sedition and is therefore irrelevant for our purposes. When exercising its powers under the Independent Broadcasting Authority Act, in respect of the Code of Conduct for Broadcasting Services, the Authority is not bound to wait for criminal action to be disposed of before it exercises its regulatory powers. A licence issued by the Authority is valid for a period of 3 years only and renewal is not automatic. If the Authority waits for criminal cases to be finally disposed of, its regulatory powers in respect of suspension and revocation would be otiose. There is a clear line of demarcation between the realm of criminal law and the realm of regulatory action under the Independent Broadcasting Authority Act. It is clear that regulatory action and criminal law can and do operate in parallel. The Authority also wishes to highlight the matters raised in 2004 when the Independent Broadcasting Authority, through its then Chairman, expressed the intention to possibly ban live broadcasts (see paragraph 27 below). In the present context, the only regulatory action which is being taken is suspension as provided for by the Independent Broadcasting Authority Act; and

¹ “Li”, when read in the context of the broadcast, refers to the Indian Prime Minister, Honourable Modi



(e) in relation to paragraphs (E) and (F) of the same letter, the Authority is empowered to take regulatory actions against its licensees albeit the possibility exists for referral to other enforcement agencies. Although no actual incident was reported, on a plain interpretation of paragraph 2(a) of the Code of the Conduct for Broadcasting Services set out in the Second Schedule to the IBA Act, it is clearly provided that broadcasting licencees shall not broadcast any material which is likely to prejudice relations between sections of the population [Underlining is ours].

23. After having considered the explanations of TOP FM Ltd, the Authority is not satisfied with the explanations of TOP FM Ltd and is of the considered opinion that TOP FM Ltd has breached paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act.

24. The Authority highlights that a breach of the Code of Conduct for Broadcasting Services is a matter which is to be taken seriously as section 21(7) of the Independent Broadcasting Authority Act provides that licensees ***“shall carry out its activities in compliance with the code of conduct specified in the Second Schedule.”*** [underlining is ours]. The Code of Conduct for Broadcasting Services is a Code which broadcasting licencees are statutorily bound to comply with. The Authority further highlights that the word “shall” is to be read as being imperative (vide section 5(4)(a) of the Interpretation and General Clauses Act, as judicially considered and applied in the case of **Ng Kwet Leong v Medical Council of Mauritius 2019 SCJ 1.**

25. The extract of the programme “Tempo la so” broadcast by TOP FM Ltd on 24 February 2020 as from 17h30 hours, and set out at paragraph 5 above, is considered by the Authority as breaching Paragraph 2 (a) of the Code of Conduct for Broadcasting Services in as much as the words broadcast by TOP FM Ltd, as a whole, are likely to prejudice the relations between sections of the population.

26. The Authority is fully alive to the fact that Mauritius is a country where people of all religious faiths are living in harmony. The fact that Mr Bizlall stated on TOP FM Ltd that *“...c’est ki li (Modi)² pe rode fer dan l’Inde anti Musulman anti certains religions, li pou vinn fer sa dan Maurice...”* is not acceptable and is in breach of paragraph 2(a) of the Code of Conduct for Broadcasting Services as set out in the Second Schedule to the IBA Act.

27. An extract of an article published in 5-Plus Dimanche of 29 February 2004 (ANNEX 7) is of utmost relevance to paragraph 22 above and also to the conduct of TOP FM Ltd as a licensee. In the said article Me Ashok Radhakisson, the then Chairman of the Independent Broadcasting Authority, and now, one of the legal advisers of TOP FM Ltd, stated the following:

“Nous pourrions aller très loin dans les sanctions s’il le faut”, dit Ashok Radhakisson, président de l’IBA.”

Le Premier ministre, Paul Bérenger, a été clair dans sa déclaration lors de sa conférence de presse hier: “Les dérapages en direct sur les radios privées sont dangereux et inacceptables.” Le président de l’IBA a tenu les mêmes propos envers les responsables des radios privées hier matin. Au point, a dit le PM, où au Conseil des ministres, la question a été évoquée : “Nous nous sommes demandé si nous n’étions pas arrivés à un moment où il fallait “ban” (bannir) les émissions en direct sur les radios privées. La chose est dans le domaine du possible si les radios n’arrêtent pas avec leurs dérapages”. La veille vendredi, au cours du conseil des ministres, le PM avait pris la décision de rencontrer bientôt les responsables des radios en compagnie des membres de l’IBA et du vice-Premier ministre. Trois heures plus tôt, c’était au conseil d’administration de l’IBA de

² “Li”, when read in the context of the broadcast, refers to the Indian Prime Minister, Honourable Modi



rencontrer les responsables des radios privées et un responsable de la MBC. Une rencontre qui a pris l'allure d'une mise en garde, à en croire la déclaration que nous a faite le président de l'IBA Ashok Radhakissooon : "Nous avons tenu à rencontrer les responsables des radios car nous sommes consternés par certaines émissions en direct. Nous leur avons fait plusieurs propositions, surtout par rapport à certains dérapages sur les radios privées. Nous avons évoqué les couvertures de certains sujets sensibles car nous ne voulons pas arriver à une situation sociale intenable sur fond de haine raciale." Les menaces cette fois sont précises. "À l'IBA, nous sommes disposés à agir. Nous pourrions aller très loin avec des sanctions s'il le fallait. Nous proposons dans un premier temps d'arrêter momentanément des émissions en direct jusqu'à ce qu'on arrive à trouver une solution. Nous avons fait aussi d'autres propositions comme l'achat d'un équipement, le 'broadcast delay', qui permet d'avoir un recul entre 8 et 20 secondes s'agissant des émissions en direct. Les responsables des radios ont eu une approche responsable", affirme Ashok Radhakissooon qui revoit les responsables des radios privées demain, au siège de l'ICTA cette fois, pour écouter leurs propositions."

Réactions :

Finlay Salesse (Radio One):

"Il est inacceptable que l'IBA interdise les émissions en direct qui sont la respiration même d'une radio privée. À moins d'empêcher celle-ci d'avoir une vocation de service public. Certaines radios ont certainement des dispositions à prendre pour éviter tout dérapage. À Radio One, nos auditeurs ont le sens de la responsabilité. Il appartient aux journalistes-animateurs d'imposer les paramètres pour éviter des dérapages à l'antenne. Nous avons toujours dit à Radio One que la liberté de parole ne



suppose pas la liberté de dire n'importe quoi et nos auditeurs responsables l'ont compris depuis très longtemps. Au-delà d'une solidarité ou d'un esprit corporatiste, il est utile de préciser que Radio One est hostile à toute censure mais que ceux qui sont coupables de dérapages doivent être sanctionnés."

Harold Essoo (MBC):

"Les discussions de concernent moins la MBC que les radios privées s'agissant des dérapages."

Eshan Khodarbux :

"Nous avons écouté l'IBA. Maintenant, nous allons consulter nos hommes de loi. À la réunion du lundi à l'IBA, nous comptons faire des contre-propositions. Il ne faut pas que la liberté d'expression soit victime de cette situation de division et de subdivision de notre société créée par les hommes politiques eux-mêmes à travers le communalisme scientifique. Le débat démocratique doit continuer. Il ne faut pas détourner l'attention sur des sujets d'importance comme la répartition de la richesse économique, par exemple".

Nous notons que depuis quelque temps déjà, M. Bérenger conditionne l'opinion contre les radios privées, les éditorialistes et des caricaturistes. Lorsqu'on sait qu'il y a une loi restrictive en préparation, permettons-nous d'être méfiants à l'égard de la démarche du PM.

Kris Caunhye (Top FM):

"Il est tout à fait normal que chaque radio assume ses responsabilités selon le cahier des charges de l'IBA Act. C'est vrai qu'il est très difficile de savoir ce qui peut sortir d'une conversation lors d'une émission en direct. Il incombe au responsable d'une radio de prendre des mesures nécessaires, surtout en ce qu'il s'agit des sujets qui peuvent toucher à la religion. Notre société est quand même fragile. Des sujets qui touchent à la stabilité de notre nation ne devraient pas faire l'objet d'émissions en direct. Au niveau de Top FM, nous avons pris les dispositions nécessaires à travers un système qui permet de passer les appels en léger différé. Je comprends la réaction du Premier ministre qui réagit fermement lorsqu'il y a des atteintes quand on traite des sujets sensibles." [Emphasis is ours]

28. The Authority, in order to illustrate the very dangerous nature of such broadcasts, has endeavoured to find out the impact of radio broadcasts which are likely to damage relations between communities in other countries. For instance, in Rwanda, the radio RTLM played a crucial role in the genocide in 1994. In an article from Montreal Institute for Genocide and Human Rights Studies: <https://www.concordia.ca/research/migs/resources/rwanda-radio-transcripts.html> the role of Radio was highlighted:

"During the 1994 Rwandan Genocide, radio broadcasts played an important role in inciting ordinary citizens to take part in the massacres of their Tutsi, and moderate Hutu, neighbours. Two major radio stations transmitted hate propaganda to the illiterate masses--Radio Rwanda, and Radio Télévision des Milles Collines (RTLM). Radio Rwanda was the official government owned radio station. Under the second Arusha Accord it was barred from continuing to



disseminate hate propaganda. This led the Hutu Power circle around President Habyarimana and his wife to found RTLM as a private radio station. RTLM became immensely popular as a young, hip alternative to the official voice of the government. It played popular music, and encouraged the public to phone in and participate in radio broadcasts. Amongst its listeners, RTLM attracted the unemployed youth and Interhamwe militia.

From October 1993 to late 1994, RTLM was used by Hutu leaders to advance an extremist Hutu message and anti-Tutsi disinformation, spreading fear of a Tutsi genocide against Hutu, identifying specific Tutsi targets or areas where they could be found, and encouraging the progress of the genocide. In April 1994, Radio Rwanda began to advance a similar message, speaking for the national authorities, issuing directives on how and where to kill Tutsis, and congratulating those who had already taken part.

Radio Muhabura (Radio Beacon) was the official radio of the Rwandan Patriotic Front. The broadcasts of Radio Muhabura did not reach Rwandans all over the country and the logic of its broadcasts was that Rwandans were not divided into Hutu and Tutsi but shared a strong civic national identity. This was in marked contrast to the Hutu Power themes of RTLM's broadcasts.

Although there were many pleas for the international community to jam the broadcasts of RTLM and Radio Rwanda before and during the genocide, both stations continued to encourage and direct the killing of Tutsis and moderate Hutus until they were forced off the air by the Rwanda Patriotic Front's military victories."

29. In another article **[Source: <http://theconversation.com/debate-continues-about-the-medias-role-in-driving-rwandas-genocide-114512;>]** it was highlighted that:



"We can't reflect on the history of the 1994 genocide without considering the critical role the media played in both inciting and prolonging the violence. In the summer of 1993 the government, ruled by the pro-Hutu National Revolutionary Movement for Development, engaged in a peace process with the mostly-Tutsi rebel army, the Rwandan Patriotic Front. They negotiated an end to the civil war and the repatriation of Tutsi exiles. At the same time, however, the Movement was also preparing for genocide.

The youth wing of the National Revolutionary Movement for Development established the Interahawe. This paramilitary group would eventually lead attacks on Tutsi civilians. Hardliners from the party also launched Radio Télévision Libre des Mille Collines (RTLM - French for "Thousand Hills Free Radio and Television"). It was a radio station that disseminated hate propaganda and prepared its listeners for the coming violence. The broadcaster provided a popular platform for ideas already circulating in Kangura, an extremist magazine founded in 1990.

The enduring debate about the role of media was central to a case before the International Criminal Tribunal for Rwanda. The tribunal was tasked with prosecuting high-level perpetrators and the masterminds of the genocide. The defendants in what was known as the Media Case included RTLM co-founder Ferdinand Nahimana, its executive Jean-Bosco Barayagwiza and Kangura founder and editor, Hassan Ngeze.

In 2003, all three were convicted of genocide, incitement to commit genocide, and persecution using radio broadcasts and newspaper articles as a crime against humanity. The conviction for committing genocide was overturned on appeal, but much of the original ruling was retained.

The Media Case was precedent-setting. It held media executives accountable for inciting genocide, regardless of other factors that may have influenced the perpetrators. Legal scholars suggest that the judgement will have a significant impact on future cases of incitement to genocide."

30. In the book titled "**Radio Propaganda and the Broadcasting of Hatred**" published by Palgrave Macmillan, London, January 2012 with ISBN 978-1-349-32609-9, 978-1-137-28415-0 by the author Keith Somerville chapter 5 deals with Rwanda: Genocide, Hate Radio and the Power of the Broadcast Word. An extract at the start of Chapter 5 states:

"The Chamber finds that RTLM broadcasts engaged in ethnic Stereotyping in a manner that promoted contempt and hatred for the Tutsi population. RTLM broadcasts called on listeners to seek out and take up arms against the enemy [...] These broadcasts called explicitly for the extermination of the Tutsi ethnic group. (International Criminal Tribunal for Rwanda (ICTR) Verdict on RTLM and Kangura journalists, Nahimana, p. 283"

31. The 1965 Mauritian race riots and the 1999 Kaya episode are still fresh in the Authority's mind. The Authority is of the considered view that it should act in the public interest to prevent any such "dérapages" as set out in paragraph 5 above. Such broadcasts are likely to prejudice the relations between sections of the population. Therefore, the Authority's regulatory measures are necessary and proportionate in relation to such broadcast by TOP FM Ltd. It is a welcome fact that the Mauritian population, did not react violently in relation to such broadcast by TOP FM Ltd. Our multi-cultural social fabric is one which should be cherished and preserved. The Authority will not allow any broadcaster to use the airwaves to imperil national unity and harmony (see Kris Kaunhye's own words to **5-Plus Dimanche** at paragraph 26 above)

32. The Authority is not satisfied with the explanations of TOP FM Ltd and considers that the suspension of the Licence of TOP FM Ltd is well warranted given the breach of the Code of Conduct for Broadcasting Service set out in this letter and explained, in detail, to TOP FM Ltd.

33. The Authority considers that the threshold to suspend a broadcaster's licence is high. A suspension of a licence prevents the broadcaster from broadcasting and it reduces the number of voices being heard and the range of programmes available to the audience. The Authority highlights that the maximum period for the suspension of a licence is 21 days (vide section 25(2)(b) of the Independent Broadcasting Authority Act). The Authority has considered this matter very anxiously. In deciding the length of suspension to be given to TOP FM Ltd., the Authority, as an independent regulator, is fully alive to the fact that the suspension of a licence is a not a matter which may be treated lightly.

34. The Authority has considered:

- (a) the nature of the breach;
- (b) the explanations of TOP FM Ltd.;
- (c) the applicable law;
- (d) TOP FM Ltd.'s licence; and
- (e) TOP FM Ltd.'s previous suspensions periods.

35. Before coming to a conclusion on this matter, the Authority has further applied the test of proportionality to decide on the length of suspension to be meted out to TOP



FM Ltd. The Authority is of the considered view that the breach committed by TOP FM Ltd justify the suspension of TOP FM Ltd.'s licence for **3 (three) days** out of a maximum number of 21 days suspension which could have been given to TOP FM Ltd by the Authority (vide section 25(2)(b) of the Independent Broadcasting Authority Act).

36. The Authority highlights that TOP FM Ltd has been inflicted with the following periods of suspension (these periods of suspension have already been served but are the subject matter of judicial review applications before the Supreme Court):

- (a) **2 days from Saturday 04 April 2020 - 06h00 am to Sunday 06 April 2020 - 06h00 am;**
- (b) **2 hours on Saturday 06 June 2020 from 09:00 hrs to 11:00 hrs; and**
- (c) **4 hours on Sunday 07 June 2020 from 10:00 hrs to 14:00 hrs.**

37. It is in the public interest that the Authority applies its powers of suspension to protect the social fabric of Mauritius from being damaged by irresponsible and reckless broadcasters. In the OFCOM's (the UK equivalent of the Independent Broadcasting Authority) decision to suspend the licence of **IMAN MEDIA UK LIMITED**, the following may be read at paragraph 52 of the notice of revocation which assists in shedding some light on the issue of "public interest" in the context of regulatory action by OFCOM [underlining is ours]:

"52. While we recognise the needs highlighted by the Licensee and stakeholders, Ofcom also has a specific statutory duty to ensure broadcasters do not transmit material that is likely to encourage or incite crime or lead to disorder. The principal reason for broadcasting to be regulated at all is to protect audiences. To this end, broadcast licensees are required to comply with the Code, containing standards applicable



to the content that is broadcast. This covers a range of matters, including for example the safeguards that must be observed to prevent incitement to the commission of crime or disorder. In addition, licensees must comply with licence conditions concerning a range of matters, including establishing and maintaining appropriate compliance procedures. Ofcom's published regulatory standards and the conditions contained in broadcast licenses are designed to embody the requirements of responsible broadcasting. Key considerations as to whether it is necessary in the public interest for a licensee's licence to be revoked in that context will be that person's compliance with regulatory standards and the conditions of its licence and whether the licensee's keeping of the licence poses a clear risk of substantial harm to an audience, if it brings into question public confidence in the regulated activity, or if it indicates that the licensee lacks respect for, or ability to comply with, the regulatory regime so that continued ownership of the licence would undermine that regime."

38. In the United States, the notion of imposing a public interest obligation broadcast station operators was first put forth officially by Herbert Hoover in 1924. As Secretary of Commerce for Republican President Calvin Coolidge, Hoover argued that radio ***"is not to be considered as merely a business carried on for private gain...It is a public concern impressed with the public trust and is to be considered primarily from a standpoint of public interest to the same extent and upon the basis of the same general principles as our public utilities."***

39. It is highlighted that allocating a radio licence to an operator is a privilege and amounts to granting a scarce resource, belonging to the public, to that operator. Airwaves are public resources and no person or corporation could own the electromagnetic spectrum flowing through the air. As a result, there is a quid pro quo for



the Authority's grant of spectrum use. The Authority would hand over a licence to use the airwaves to operate a station for a fixed period of time. In exchange, the lucky recipient of this asset would operate the station as a trustee for the public that owned this spectrum, with the obligation to perform certain functions for the greater good beyond merely airing entertainment programming. A licence to broadcast amounts to a broadcasting privilege and must be used responsibly and in strict compliance with the licence conditions and the laws of Mauritius.

40. It is highlighted that the Independent Broadcasting Authority Act has been enacted since the year 2000 and it came into force on 1 January 2001. Till-date the provisions of Independent Broadcasting Authority Act, insofar as they relate to suspension and revocation, have not been declared unconstitutional by the Supreme Court. The Authority is therefore entitled and duty-bound to enforce the provisions of the Independent Broadcasting Authority Act. A licensee against whom regulatory action is being taken by the Authority cannot seek to prevent the Authority from enforcing the provisions of the Independent Authority Act by erroneously referring to freedom of expression as being a right which is unlimited and unfettered. In the recent case of **Business Mauritius v The Mauritius Revenue Authority 2020 SCJ 315**, the Supreme Court observed as follows:

*"It has indeed been correctly submitted that "it is a well-established principle that a law is presumed to be constitutional unless the contrary is shown" (Police v Moorba [1971 MR 199]). **What this means is that unless and until the impugned legislation, or any part of it, is struck down by the Court as being unconstitutional, the legislation must be presumed to be valid and would therefore continue to be enforceable.***

However, the continued enforcement of a legislation which is presumed to be valid but which is being constitutionally challenged does not operate as an automatic or absolute bar in all situations.



*The Court may intervene where its continued enforcement would lead to irreparable harm being caused as a result of a blatant violation of some constitutionally entrenched right. The Court had this to say in that respect in *RJR – Mac Donald v The Attorney-General of Canada* [1994] 1 S.C.R 311, at p 333:*

“For the Courts to insist rigidly that all legislation be enforced to the letter until the moment that it is struck down as unconstitutional might in some instances be to condone the most blatant violation of Charter rights”

*It is most helpful and appropriate to refer in extenso to a more recent Canadian decision *Hak c. Procureure Générale du Québec* 2019 QCCA 2145 which, following an in-depth analysis of the issues involved, explains the approach to be adopted where the Court is confronted with an application for stay pending the determination of the constitutionality of a legislation:*

*“[104] In this regard, the third test – assessing where the balance of convenience lies is particularly relevant, because it is here that the public interest, which is presumed to be reflected in the impugned legislation, must be considered and given the weight it should carry: *RJR-MacDonald Inc. v. Canada (Attorney General)*, supra, pp. 342-347. As Sopinka and Cory, JJ., noted in *RJR – MacDonald*, p. 346, “[a] court should not, as a general rule, attempt to ascertain whether actual harm would result from the restraint sought”, because doing so “would in effect require judicial inquiry into whether the government is governing well”, which is not the role of the courts. On the contrary, the court should in most cases assume that irreparable harm to the public interest would result from a suspension of the statute.*

[105] Courts are very familiar with these rules, including the rule pertaining to what is often referred to as the presumption of the



validity of laws. In this regard, it is appropriate to cite the following passage from the decision of the Supreme Court of Canada in *Harper v. Canada (Attorney general)*, 2000 SCC 57, [2000] 2 S.C.R. 764, para. 9:

[9] Another principle set out in the cases is that in considering the grant of an interlocutory injunction suspending the operation of a validly enacted but challenged law, it is wrong to insist on proof that the law will produce a public good. Rather, at this stage of the proceeding, this is presumed. As Sopinka and Cory JJ. stated in *RJR – Macdonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311, at pp. 348-49

When the nature and declared purpose of legislation is to promote the public interest, a motions court should not be concerned whether the legislation actually has such an effect. It must be assumed to do so.”

‘It follows that in assessing the balance of convenience, the motions judge must proceed on the assumption that the law is directed to the public good and serves a valid public purpose. The assumption of the public interest in enforcing the law weighs heavily in the balance. Courts will not lightly order that laws that Parliament or a legislature has duly enacted for the public good are inoperable in advance of complete constitutional review, which is always a complex and difficult matter. It follows that only in clear cases will interlocutory injunctions against the enforcement of a law on grounds of alleged unconstitutionality succeed.’

[Emphasis added]”

41. It is highlighted that in the case of **Bhonah v Public Service Commission (2012 SCJ 204)** the Supreme Court (Hon D. Chan Kan Cheong, Judge) pertinently observed as follows in the context of granting injunctions against bodies acting pursuant to their statutory functions:

“Learned Counsel for the respondent has very appropriately referred to the case of Brunet v Public Service Commission [1993 SCJ 330], where the applicant was seeking an interim order prohibiting the respondent Commission from proceeding with the recruitment and appointment of candidates for a post at the Ministry of Trade. The learned Judge held as follows -

“I have grave doubts as to whether the Supreme Court would seriously consider issuing an injunction of the kind that the applicant envisages in view of the fact that judicial review would always lie in respect of appointments and redress can always be obtained.”

(...)

Finally, I find that the balance of convenience is against granting the order inasmuch as the public interest in the continued functioning of public institutions far outweighs the private interests of the applicant (vide Zeadally v The Permanent Secretary, Ministry of Civil Service Affairs and Administrative Reform [2001 SCJ 141], Marie v Local Government Service Commission [1985 SCJ 42] and Brunet v Public Service Commission (above)). In this respect, with regard to the applicant's private interests, it is to be noted that he has applied anew for the second selection exercise.



For the above reasons, I decline to issue the interlocutory order prayed for by the applicant. I, therefore, set aside the present application with costs and I certify as to Counsel."

42. Further in the case of **Ramdawon v Medical Council of Mauritius 2012 SCJ 547**, Balancy J, as he then was, observed as follows in relation to granting an injunction with a view to prevent a regulatory body from using its statutory powers:

"As rightly pointed out by Counsel for the Council, the grant of such an interlocutory injunction would defeat the whole purpose of the law – the Act – in conferring upon the Council powers to investigate complaints, and this consideration must have significant preponderance in the balance. The dicta in Dookhony v The Commissioner of Police [2002 SCJ 182], Gaffoor v The Commissioner on Drugs and Money Laundering Assets and Anor [2002 SCJ 283] and Gaffoor v The Commissioner on Drugs and Money Laundering Assets and Anor [2005 SCJ 140], quoted by Counsel for the Council, appear to me to be quite pertinent in that connection. Although those cases were concerned with the impropriety of injunctive orders which would unjustifiably stifle police action, the principle behind the dicta is equally applicable, in my view, to all institutions which have, by law, a function to fulfil, and which should not be unduly hampered in the fulfilment of such a function. The applicant cannot expect, by the simple device of lodging a civil case in Court, to obtain an interlocutory order from the



Judge in Chambers preventing the Medical Council from exercising a function devolving upon it by law pending the determination of the civil case.”

43. The particulars of the suspension period decided by the Authority in respect of TOP FM Ltd are as follows:

Date suspension starts	:	16th December 2020
Time suspension starts	:	06:00 a.m.
Date suspension ends	:	19th December 2020
Time suspension ends	:	06:00 a.m.

44. The effect of the suspension is that during the suspension period TOP FM Ltd should not broadcast any material. The Authority reminds TOP FM Ltd that in respect of a previous suspension dated 4 April 2020, TOP FM Ltd continued to broadcast notwithstanding that suspension. The matter was reported to the Police (CCID) by the Authority on 4 April 2020. The Authority understands that the matter is still being inquired into by the Police.

45. TOP FM Ltd. is further directed by the Authority to give public notice of this suspension prior to it taking effect.



46. TOP FM Ltd is further reminded that paragraph 35.1 of its licence provides as follows:

"35. BASHING

35.1 The Licensee shall refrain from using its air to criticise decisions or directions/directives issued to it by the Authority with a view to discredit the latter."

SIGNED FOR AND ON BEHALF OF THE INDEPENDENT BROADCASTING AUTHORITY.



**K. Ramphul
Acting Director**



ANNEX 1

Ref: L/T-TOP/20/040

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

08 April 2020

Dear Sir,

Re: Potential breach by TOP FM Ltd in programme "Tempo la so" broadcast on 24 February 2020 as from 17h30.

The Authority is of the considered view that the extract of the programme "Tempo la so" broadcast by TOP FM Ltd on 24 February 2020 as from 17h30 are in breach of the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act which provides as follows:

"2. General

Broadcasting licensees shall -

- (a) not broadcast any material which is indecent, obscene or offensive to public morals or offensive to the religious convictions or feelings of any section of the population or likely to prejudice the safety of the State or the public order or relations between sections of the population;
- (b)"

The extract is as follows:

«At around 18h12

Jack Bizlall :

...Nou bizen kapav ena courage pou dir Modi deux kitsoz, enn kitsoz, fouss so lipié en dehors nous société. To pas enn dimun crédible pou assizer pou vinn dir nou ki nou bizen fer et par ailleurs, c'est ki li pe rode fer dan l'Inde anti Musulman anti certains religions, li pou vinn fer sa

dan Maurice. Pou arrive enn moment, sa contradiction ki pe lever dan l'Inde la, ena enn Université en Inde mo fek zouen so étudiant, bannla rent dan université vinn tir lor université parski University of Uttar Pradesh parski Université la inn prend position contre Modi. Et laisse mo pe envi dir dimun.

(...)'

You are hereby requested to show cause, in writing, by Thursday 15 April 2020 by noon, at latest why TOP FM Ltd should not be sanctioned for the potential breach of the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act.

Yours faithfully,



K. Ramphul
Acting Director



Ref: L/T-TOP/20/113

ANNEX 2

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

06 October 2020

Dear Sir,

Re: Potential breach by TOP FM Ltd in programme "Tempo la so" broadcast on 24 February 2020 as from 17h30.

The Authority's letter dated 08 April 2020 (Ref: L/T-TOP/20/040) addressed to TOP FM Ltd refers. The Authority took note of the following:

- (1) On 10 April 2020, TOP FM Ltd represented by its Chairman Mr Balkrishna Ved Prakash Kaunhye, applied for judicial review of the Authority's decision dated 03 April 2020;
- (2) On 15 April 2020, the Supreme Court (Hon. E. Balancy, Chief Justice and Hon. R. Seetohul-Toolsee Judge) granted, without giving detailed reasons, Prayer E of the application and Prayer E reads as follows:

"For a temporary stay of proceedings of the respondent in relation with its letter of 08 April 2020, and further, or alternatively, an interim or interlocutory writ of injunction restraining and prohibiting the respondent from further proceeding with its letter dated 8.4.20, until the hearing and determination of the proceedings for judicial review"

- (3) On 05 May 2020, the Supreme Court (Hon. E. Balancy, Chief Justice and Hon. R. Seetohul-Toolsee Judge) in its judgment, giving the detailed reasons for granting prayer E on 15 April 2020, (2020 SCJ 77) stated as follows:

"we accordingly had no hesitation to grant Prayer E in our judgment filed on 15 April 2020"

- (4) On 22 September 2020, before the Supreme Court, their Lordships Hon. D. Chan Kan Cheong Judge and Hon. N. F. Oh San-Bellepeau Judge, stated in their judgment, that *"the Order issued following the grant of prayer E. on the 15th April 2020 is discharged"*.

Consequently, in the light of the absence of any injunction, the Authority's letter dated 08 April 2020 (Ref: L/T-TOP/20/040) now needs to be replied to by Top FM Ltd. The letter is reproduced below for ease of reference.

"Ref: L/T-TOP/20/040

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

08 April 2020

Dear Sir,

Re: Potential breach by TOP FM Ltd in programme "Tempo la so" broadcast on 24 February 2020 as from 17h30.

The Authority is of the considered view that the extract of the programme "Tempo la so" broadcast by TOP FM Ltd on 24 February 2020 as from 17h30 are in breach of the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act which provides as follows:

"2. General

Broadcasting licensees shall -

- (a) **not broadcast any material which is** indecent, obscene or offensive to public morals or offensive to the religious convictions or feelings of any section of the population or **likely to prejudice** the safety of the State or the public order or **relations between sections of the population;**
- (b)"

The extract is as follows:

«At around 18h12

Jack Bizlall :

...Nou bizen kapav ena courage pou dir Modi deux kitsoz, enn kitsoz, fouss so lipié en dehors nous société. To pas enn dimun crédible pou assizer pou vinn dir nou ki nou bizen fer et par ailleurs, c'est ki li pe rode fer dan l'Inde anti Musulman anti certains religions, li pou vinn fer sa dan Maurice. Pou arrive enn moment, sa contradiction ki pe lever dan l'Inde la, ena enn Université en Inde mo fek zouen so étudiant,



*bannla rent dan université vinn tir lor université parski University of Uttar Pradesh
parski Université la inn prend position contre Modi. Et laisse mo pe envi dir dimun.*

(...)'

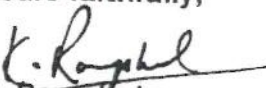
*You are hereby requested to show cause, in writing, by **Thursday 15 April 2020 by noon**, at latest why TOP FM Ltd should not be sanctioned for the potential breach of the underlined part of paragraph 2(a) of the Code of Conduct for Broadcasting Services set out in the Second Schedule to the Independent Broadcasting Authority Act.*

Yours faithfully,

***K. Ramphul
Acting Director"***

TOP FM Ltd is therefore requested to show cause, in writing, by **Tuesday 13 October 2020 by noon**, at latest why TOP FM Ltd should not be sanctioned for the potential breach as stated in the Authority's letter dated 08 April 2020.

Yours faithfully,


**K. Ramphul
Acting Director**

Demand of Particulars

Ashok Radhakisson <ashok@aftrinic.net>

Tue 10/13/2020 10:41 AM

To: iba@intnet.mu <iba@intnet.mu>; Kris Kaunhye <kriskaunhye@icloud.com>

 1 attachments (5 MB)

IMG20201013102855.jpg;

Acting Director

IBA

Dear Sir

I trust you are well.

Please find herewith attached a demand of Particulars regarding the matter referred to therein.

I thank you for your kind consideration.

Regards

Ashok.B.Radhakisson.

Get [BlueMail for Android](#)

ASHOK. B. RADHAKISSOON

BARRISTER at LAW

Suites: 606-607 Sterling Tower-14 Poudrière Street Port Louis

Tel: +230 245 6996/Res : 230 6763692

Mobile: +230 5256 4348

Email: ashok@afriac.net

The Acting Director

Independent Broadcasting Authority

13/10/2020

Dear Sir,

Re: Your letter dated 06 October 2020- Ref: I/T-TOP/20/113

My services have been retained by TOP FM Ltd and I am hereby on its behalf requesting for the particulars of the "potential breach" which is alleged to have been committed by my client during the broadcast of the programme "Tempo la so" on 24 February 2020 as from 17h30.

- (1) Will the Authority specify which word(s) used by the said Mr Jack Bizlall was or were likely to prejudice relations between sections of the population?
- (2) Can the Authority state whether any prejudice has been caused to any section of the population or to their relations following the impugned broadcast?
- (3) If the answer to question (2) is in the affirmative, can the Authority
 - (a) provide full and detailed particulars of the manifestation(s) of the prejudice averred
 - (b) State whether it had contacted or informed the relevant law enforcement agencies of Mauritius of those prejudices caused to any section of the population or to the relations between certain section of the population after the broadcast of the impugned programme?
 - (c) Indicate whether it, at any point in time after the impugned broadcast, receive any complaints of prejudice suffered by any section of the population or any individual relating to the views expressed by Mr Jack Bizlall on air
 - (d) Was the Authority contacted by law enforcement agencies after the broadcast of the impugned programme for any enquiry relating thereto?
- (4) Can the Authority specify
 - (a) what it understands by the term "sections of the population" as used in the context of the letter dated 06 October 2020?
 - (b) How many such "sections of the population" exist in Mauritius in the particular context of the letter dated 06 October 2020?
 - (c) Whether Mr Jack Bizlall made any reference to any local social group whilst expressing his personal views during the impugned broadcast?
- (5) Will the Authority provide full and detailed particulars of the word "relations" in the phrase "relations between sections of the population"?

I thank you for your kind consideration.

Yours sincerely

Ashok.B.Radhakissooon





Ref: L/T-TOP/20/122

Me Ashok B. Radhakisson
Barrister at Law
Suites: 606-607
Sterling Tower-14
Poudrière Street
Port Louis

13 October 2020

**Re: Potential breach by TOP FM Ltd in the programme "Tempo la so"
broadcast on 24 February 2020 as from 17h30**

The Authority has taken note of your letter dated 13 October 2020 received at 10:41a.m on 13 October 2020 by email.

You are reminded that the deadline for replying to the Authority's letter dated 06 October 2020 (Ref: L/T-TOP/20/113) expired on 13 October 2020 at noon and the Authority expected your reply by the deadline.

The issues raised in your letter dated 13 October 2020 may be considered by you when replying to the Authority's letter dated 08 April 2020 (Ref: L/T-TOP/20/040) and 06 October 2020 (Ref: L/T-TOP/20/113). You are also reminded that regulatory action ought not be delayed as your client, himself, is likely to complain that the regulator has delayed in taking regulatory action against him.

It stands to reason that by asking for particulars at some 79 minutes before the expiry of the deadline is tantamount to using delaying tactics when such particulars may have been asked well since 08 April 2020.

The letters dated 08 April 2020 (Ref: L/T-TOP/20/040) and 06 October 2020 (Ref: L/T-TOP/20/113) are self-explanatory. Prayer E (injunction granted by Hon Balancy CJ, as he then was, and Hon Toolsee, Judge) of your application judicial for review was discharged on 22 September 2020, i.e 21 days from the date of your letter dated 13 October 2020. In the light of the discharge of that injunction, you had to reply to the Authority's letter dated 08 April 2020.

You are hereby expected to show cause, in writing, by **Wednesday 14 October 2020 by noon**, at latest why TOP FM Ltd should not be sanctioned for the potential breach as stated in the Authority's letter dated **08 April 2020**. The Authority's letter of **6 October 2020** was a follow up to the letter dated **08 April 2020** and was in response to the discharge of Prayer E of your judicial review application. In the event that you do not reply to this letter, it is assumed that you do not have any reply to make.

Yours faithfully,



K. Ramphul
Acting Director

c.c. **Mr. Balkrishna Kaunhye**
Managing Director TOP FM Ltd

The Acting Director
Independent Broadcasting Authority
Level 2 Celicourt Court
6 Sir Celicourt Antelme St
Port Louis

Attn : Mr K. Ramphul

13/10/2020

Re : L/T – TOP/20/122 Potential breach by TOPFM in the programme "Tempo la So" broadcast on 24 February 2020 as from 17H30.

Dear Sir,

We refer to your abovementioned letter d/d 13/10/2020, I can assure you that there has been no delaying tactic on the part of TOPFM Ltd. The particulars sought for are necessary for our Counsel to be able to advise us, so that we may have adequate time and facilities for the preparation of our defence so as to put up a meaningful show cause as required by your good-selves.

With due respect to you as the Regulatory Authority on behalf of the licensee I wish to make the point that in the absence of particulars the licensee will be gravely impaired in the preparation of its defence and considers that the process may be regarded as not being "fair".

In such circumstances, should you maintain not to provide the particulars which have been sought from you, the licensee shall reserve all its legal rights in the matter to the fullest extent which is permitted by applicable law.

As the representative of the licensee, I am hereby instructing our Counsel Me Ashok Radhakisson to correspond directly with you on this matter.

We thank you for your kind understanding.

Yours faithfully,



B. Kaunhye
Chief Executive Officer

C.C Me Ashok Radhakisson - Barrister

Independent Broadcasting Authority	
RECEIVED	
Date	13/10/2020
Signatures	



1th Floor, The Peninsula, 2A Falcon Street, Cauden, Port Louis. Tel: (230) 213 2121. Tel: (sales) (230) 213 6666. Fax: (230) 213 2222. Email: topfm@ibb.mu. Website: http://www.topfmradio.com

ASHOK. B. RADHAKISSOON

BARRISTER at LAW

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Tel: +230 245 6996/Res : 230 6763692

Mobile: +230 5256 4348

Email: ashok@aftrinic.net

The Acting Director

Independent Broadcasting Authority

Dear Sir,

Re: Your letter dated 06 October 2020- Ref: L/T-TOP/20/113

My services have been retained by TOP FM Ltd and I am hereby submitting on its behalf the reply to your letter under reference.

My client denies having committed any breach of Section 2(a) of the Code of Conduct for Broadcasting Services and specifically in relation to the underlined parts highlighted in your letter under reference.

My client avers that it does not have to show cause as to why it should "not be sanctioned" as it verily believes and stands legally advised that it has not committed any breach as regards the content of the statement made by Mr Jack Bizlall during the impugned programme.

As regards your refusal to provide particulars, my client is of the view

- (a) that the Authority has arrogated upon itself more powers than a court of law which first hears the arguments of the party refusing to provide particulars and the reply of the requesting party before deciding such an issue. In the present case the Authority has breached the rules of natural justice by being the judge in its own case.
- (b) Your unjustified criticisms as regards Counsel retained by it is unethical but also amount to an abuse of authority.

Its stand is based on the following:

- (A) In law it disputes that the Authority has the authority to investigate this particular alleged breach in as much as, no public complaint was reported to it (the Authority) which stemmed from the statement made by Mr Jack Bizlall as averred in your letter. Your action amounts to a contravention of Section 4(l) of the Independent Broadcasting Authority Act
- (B) On the facts, my client avers that Mr Jack Bizlall was merely expressing his disapprobation, as he is entitled to do within the exercise of his right to his freedom of expression on several matters or projects undertaken by the government.
- (C) His expression of disapprobation did not at any time target any section of the Mauritian Society. He in fact raised issues of national interests. Vide Section 283 of the Penal Code.
- (D) As regards, the reference to Mr Modi, he once again expressed his disapprobation on matters of internal politics of India, which disapprobation is shared by millions of Indian

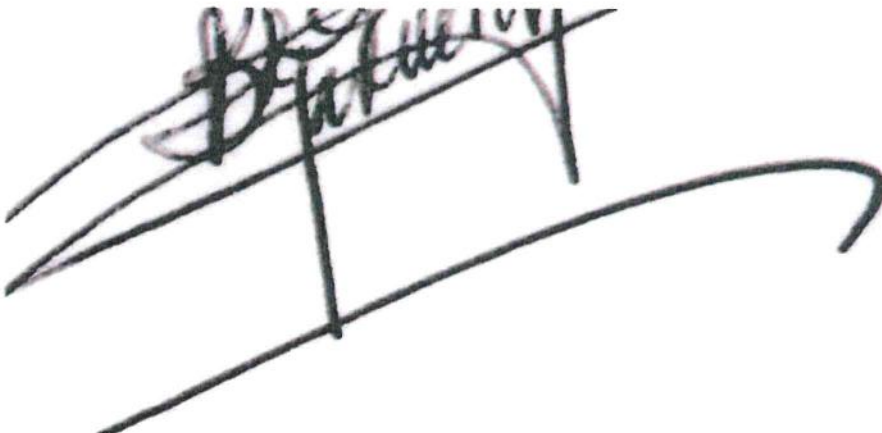
nationals- vide media reports in India on this issue. Here also he neither mentioned any section of the Mauritian Society nor did he incite anyone against such politics.

- (E) Moreover, it is clear that the Authority itself did not consider the statement made by Mr Jack Bizlall to be serious enough to be reported to law enforcement agencies. The request for particulars was aimed to clarify this aspect.
- (F) It is also a fact, which the Authority has failed to appreciate before threatening repressive action that not a single incident has been reported from any quarters of the Mauritian society following the statement of Mr Jack Bizlall. The request for particulars on this issue was thought relevant.
- (G) Finally as the extract of the broadcast testifies the anchor of the show at no time expressed his view- agreement or otherwise- on the positions taken by Mr Jack Bizlall

My client reiterates that it is committed to carry its operations, as a licensee, in full compliance with the statutory instruments regulating the broadcasting sector

Thank you for your kind consideration

Yours sincerely



Ashok.B.Radhakisson

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L'absence du PM à Grand-Bassin

La polémique continue

Une grande confusion règne toujours concernant l'absence du Premier ministre à Grand-Bassin pour la Maha Shivaratri.

Paul Bérenger avait déclaré samedi dernier, à l'issue du Comité central de son parti, que le MMM prenait bonne note que le PM n'avait pas été invité à Grand-Bassin le dimanche 15 février dernier.

Pour couper court aux divers commentaires, les dirigeants de la Mauritius Saman Dar Mahatma Temples Federation (MSDTF), avec en tête son SG, Pramanand Newoor, ont rendu publiques copies des correspondances envoyées au Bureau du Premier ministre (PMO) attestant qu'une lettre officielle d'invitation lui avait été envoyée le 3 février. Une copie de cette même lettre avait été affranchie le 5 février et réceptionnée par le comissaire Seewoo au poste de police de la Government House à 15h00 et une autre avait été déposée en mains propres au PMO le 13, soit deux jours avant la fonction officielle (un accusé de réception dans le livre de la MSDTF en atteste). La MSDTF, par la voix de son secrétaire général, Pramanand Newoor, réclame des excuses publiques du Bureau du PM et du CC du MMM.

Dans ses explications au Bureau du Premier ministre, le SG de la MSDTF avance qu'un dirigeant de la fédération a contacté au téléphone le PMO à travers Mme V. Ramany qui lui a passé la secrétaire confidentielle, Mme Audit, qui, elle-même, l'a mis en communication avec Deotam Santokee, le conseiller culturel de Paul Bérenger. "We informed you of your indisposability due to the fact that you would be on Official Mission in France at that particular time. This explains why we did not pursue the matter further. The 3 above-named persons from your office can confirm our relentless efforts to contact you on the above event."

"Cafouillage", dit le PM

Or, Deotam Santokee est formel. Il nous a déclaré, vendredi après-midi : "Ni le président ni le secrétaire ni même un membre de la direction ne m'a parlé au téléphone. Je les connais tous. Mon esprit est clair, je ne suis pas en cause dans cette affaire-là". Se peut-il qu'il ait pris sur lui pour

décliner l'invitation au nom du PM sans l'avoir de ce dernier ? "Ce n'est pas possible que je réponde pour le PM sans son aval", Deotam Santokee admet que l'absence du PM à Grand-Bassin a "créé des doutes dans les esprits". Si le PM était au courant de l'invitation, se serait-il rendu au sac sacré ? "Le PM va à toutes les fêtes religieuses et culturelles pour passer son message", répond le conseiller. Serait-il le bouc-émissaire finalement, puisque le PM a dit qu'il n'avait pas été invité ? Deotam Santokee sourit et dit : "Je n'ai pas à cacher le PM. Mon esprit est clair, pourquoi aurais-je à cacher le PM ? Et supposez que je l'aie fait, est-ce une chose correcte ? Si la lettre d'invitation avait été déposée sur ma table, je l'aurais transmise au PM". Qui ment alors ? "Il n'y a jamais eu de communication ni d'appel que ce soit avec Duhimman, Gopal, Seebarrun, ou avec Newoor. Par contre, hier (jeudi) j'ai rencontré l'Arya Sabha MM. Gopal et Duhimman. Ils m'ont dit que c'était chose du passé", affirme Deotam Santokee. Dans les vœux du MSM, un dirigeant de ce parti laissait entendre en tout début de semaine que "quand Bérenger dit qu'il n'a pas été invité, je le crois. C'est regrettable que la MSDTF ait jugé bon de ne pas inviter le PM".

Quant au Premier ministre, lors d'une conférence de presse hier, il a mis cette affaire de Grand-Bassin sur le compte d'un "cafouillage". "L'année dernière, le gouvernement avait pris une décision à l'effet qu'à l'occasion de la fête Maha Shivaratri, le PM et la VPM ne seraient pas présents. C'est une "standing decision". Au début de février, quand la MSDTF a envoyé une invitation au PM, un de mes conseillers (ndt : Deotam Santokee) a réagi selon la "standing decision". La 13 Porter, il était prévu que je serais encore en France, car ma visite officielle était prévue du 10 au 15. Entre-temps, il y a eu beaucoup de pressions sur la VPM et certains ministres pour qu'ils soient présents à Grand-Bassin", dit-il. Concernant précisément l'invitation qui lui avait été personnellement adressée, Paul Bérenger a eu ceci à dire : "Il y a eu un cafouillage au niveau du gouvernement et, publiquement, j'avais la "standing decision", on aurait dû coordonner les choses entre nous. Il faut reconnaître qu'il y a eu un cafouillage au niveau du gouvernement. Je regrette cela". À une question de 5-Plus, hier, qui voulait savoir qui disait vrai car Deotam Santokee nous a déclaré qu'il n'avait jamais décliné l'invitation faite au PM, le PM a répondu : "Il y avait une "standing decision" qui était appliquée l'année dernière. C'est à la lumière de cela que le PMO a répondu que le PM ne sera pas là. Je regrette ce cafouillage". Est-ce que ce regret est synonyme d'excuses, comme le lui avait réclamé la MSDTF ? lui a demandé un journaliste du Mauricien. "Je ne joue pas sur les mots", a-t-il répondu.

Jean-Claude Dedans

Dérapages sur les radios privées / L'IBA et le cabinet saisis de l'affaire

L'IBA et le PM menacent de bannir les émissions en direct

"Nous pourrions aller très loin dans les sanctions s'il le faut", dit Ashok Radhakrishnan, président de l'IBA.

Le Premier ministre, Paul Bérenger, a été clair dans sa déclaration lors de sa conférence de presse hier : "Les dérapages en direct sur les radios privées sont dangereux et inacceptables". Le président de l'IBA a tenu les mêmes propos envers les responsables des radios privées hier matin. Au point, a dit le PM, où au Conseil des ministres, la question a été évoquée : "Nous nous sommes demandé si nous n'étions pas arrivés à un moment où il fallait "ban" (bannir) les émissions en direct sur les radios privées. La chose est dans le domaine du possible si les radios n'arrêtent pas avec leurs dérapages". La veille, vendredi, au cours du conseil des ministres, le PM avait pris la décision de rencontrer bientôt les responsables des radios en compagnie des membres de l'IBA et du vice-Premier ministre.

Trois heures plus tôt, c'était au Conseil d'administration de l'IBA de rencontrer les responsables des radios privées et un responsable de la MBC. Une rencontre qui a pris l'allure d'une raïse en garde, si en croire la déclaration que nous a faite le président de l'IBA Ashok

Radhakrishnan : "Nous avons tenu à rencontrer les responsables des radios car nous sommes concernés par certaines émissions en direct. Nous leur avons fait plusieurs propositions, surtout par rapport à certains dérapages sur les radios privées. Nous avons évoqué les couvrements de certains sujets sensibles car nous ne voulons pas arriver à une situation sociale intenable sur fond de haine raciale". Les menaces cette fois sont précises. "L'IBA, nous sommes disposés à agir. Nous pourrions aller très loin avec des sanctions s'il le fallait. Nous proposons dans un premier temps d'arrêter momentanément des émissions en direct jusqu'à ce qu'on arrive à trouver une solution. Nous avons fait aussi d'autres propositions comme l'achat d'un équipement, le "broadcast delay", qui permet d'avoir un recul entre 8 et 20 secondes l'agression des émissions en direct. Les responsables des radios ont eu une approche responsable", affirme Ashok Radhakrishnan qui revolt les responsables des radios privées demandant, au siège de l'IBA cette fois, pour écouter leurs propositions. (Voir page 11)

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Réactions :

Finlay Salses (Radio One) : "Il est inacceptable que l'IBA interdise les émissions en direct qui sont la respiration même d'une radio privée. À moins d'empêcher celle-ci d'avoir une vocation de service public. Certaines radios ont certainement des dispositions à prendre pour éviter tout dérapage. À Radio One, nos auditeurs ont le sens de la responsabilité. Il appartient aux journalistes-animateurs d'imposer les paramètres pour éviter des dérapages à l'antenne. Nous avons toujours dit à Radio One que la liberté de parole ne suppose pas la liberté de dire n'importe quoi et nos auditeurs responsables l'ont compris depuis très longtemps. Au-delà d'une solidarité ou d'un esprit corporatiste, il est utile de préciser que Radio One est hostile à toute censure mais que ceux qui sont coupables de dérapages doivent être sanctionnés."

Harold Essoe (MBC) : "Les discussions de ce matin moins la MBC que les radios privées l'agissent des dérapages."

Eshan Khodabux : "Nous avons écouté l'IBA. Maintenant, nous allons consulter nos hommes de loi. À la réunion du lundi à l'IBA, nous comptons faire des contre-propositions. Il ne faut pas que la liberté d'expression soit victime de cette situation de division et de subdivi-

sion de notre société créée par les hommes politiques eux-mêmes à travers le communisme ethnique. Le débat démocratique doit continuer. Il ne faut pas dérouter l'attention sur des sujets d'importance comme la réparation de la richesse économique, par exemple". Nous notons que depuis quelque temps déjà, M. Bérenger conditionne l'opinion contre les radios privées, les éditeurs et des caricaturistes. Lorsqu'on sait qu'il y a une loi restrictive en préparation, permettons-nous d'être inquiets à l'égard de la démarche du PM.

Kris Caubye (Top FM) : "Il est tout à fait normal que chaque radio assume ses responsabilités selon le cahier des charges de l'IBA Act. C'est vrai qu'il est difficile de savoir ce qui peut sortir d'une conversation lors d'une émission en direct. Il incombe au responsable d'une radio de prendre des mesures nécessaires, surtout en ce qu'il s'agit des sujets qui peuvent toucher à la religion. Notre société est quand même fragile. Des sujets qui touchent à la stabilité de notre nation ne devraient pas faire l'objet d'émissions en direct. Au niveau de Top FM, nous avons pris les dispositions nécessaires à travers un système qui permet de passer les appels en ligne différé. Je comprends la réaction du Premier ministre qui réagit fermement lorsqu'il y a des atteintes quand on traite des sujets sensibles."

ND

Une statuette de la Vierge Noire 'pleure' chez les Ramphul

Poornima Ramphul, la propriétaire, se fera baptiser avant la fin du carême catholique

Depuis la fête de Sankranti (nouvel an hindou), le 15 janvier dernier, Poornima Ramphul, 34 ans, est témoin d'un événement étrange : une statuette de la Vierge Noire, venant d'Italie, pleure.

C'est à la mi-janvier que le phénomène s'est manifesté, selon Poornima Ramphul, 30 ans, qui a reçu cette statuette il y a deux mois d'un de ses proches vivant en Italie. "Vers le 15 janvier de cette année, j'ai remarqué que la statuette pleurait. Je croyais que la veille d'eau, puis à côté, s'était renversé. Je l'ai essuyé car elle était couverte d'eau. J'ai noté le même phénomène quelques heures plus tard. Je l'ai mise dans une soucoupe et j'ai vu que l'eau continuait à ruisseler". Croyant dans la foi catholique depuis ses 15 ans, Poornima Ramphul, femme au foyer, croit tout de suite au miracle. "Depuis que j'ai 15 ans, en sus de prier mes divinités hindoues, je prie les saints de la religion catholique. Cela ne m'a jamais gêné car je crois aux pouvoirs de Dieu."

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La PM face à la presse

"Quelle que soit la forme de la réforme électorale, le MSM et le MMM iront ensemble aux élections de 2005"

Le Premier ministre a, hier, lors d'une conférence de presse, accusé ceux qui prétendent qu'il y a dissension entre les partenaires du gouvernement de faire de la "politique fiction". "Quelle que soit la forme de la réforme électorale, le MSM et le MMM iront ensemble aux élections de 2005. Nous ne sommes pas intéressés, nous au MSM et au MMM, par le PTT".

Paul Bérenger a admis qu'il existe des divergences de vues sur la Muslim Personal Law et la Proportionnelle (PR) entre le MSM et le MMM, mais que les deux partenaires "recherchent un consensus". Pour ce qui est de la PR, le PM a précisé que la proposition du Select Committee concernant les 30 sièges sur la "Party List" n'émanait pas d'Ivan Collendavello mais de la Commission Sachs. "Les attributions du comité d'élection parlementaire étaient de voir comment appliquer la formule Sachs de 30 sièges", a-t-il dit. Il a avancé qu'après ce qui s'était passé avec la proportionnelle à Rodrigues "qui a soulevé des questions", le chiffre de 30 sièges a été remis en question dans "certains milieux". Le PM a déclaré que l'alliance était en train de réunir toutes les conditions pour arriver à une solution.

Pour ce qui est du rapport Collendavello sur la Proportionnelle à l'Assemblée nationale, le PM a dit qu'il serait déposé et qu'il "ne sera pas nécessairement accepté en toto. Il est ici plus question du résultat politique entre le MSM et le MMM sur la question et aussi avec les autres pour trouver un consensus". Quant à la MPL, Paul Bérenger a admis que les deux partenaires au gouvernement "sont à la recherche d'un consensus, car à ce stade, nous avons des différences d'appréciation sur le sujet".

Au sujet de l'ICAC, le PM a dit qu'il était parfaitement d'accord avec le Speaker sur la question de motion de blâme "où il faut avoir un débat avec la participation du président du Comité parlementaire" et a qualifié de "beaufollement", d'insanitaire" le boycott des membres du Parti Travailliste qui y siègent et qui veulent que le président se retire à l'heure du débat sur une motion de blâme contre lui.

Jean-Claude Dedans

La position du BEC sur les langues orientales

"Il est légitime que les élèves réclament une 6ème matière", écrit le père Hervé de St Per

C'est dans un communiqué émis vendredi dernier que le Bureau de l'Éducation Catholique (BEC) a fait savoir "sa position sur le débat" autour de la comptabilisation des points des langues orientales aux examens du CPE. Le père Hervé de St Per a déclaré que "c'est tout à fait légitime que les élèves qui n'étudient pas une langue orientale puissent réclamer la comptabilisation d'une 6ème matière". Il déplore aussi le fait qu'il y ait eu "des propos injurieux échangés au cours des débats sur la question des langues orientales. Ce n'est pas une façon de faire progresser le débat et de construire une notion".

Ravi Gunnoo élu

Ravi Gunnoo a été élu pour la cinquième fois au poste de président de l'alle jeune du MMM. Avec ce mandat, il se positionne comme un candidat potentiel aux prochaines législatives de 2005.

Audiovisuel

Neelam Sharma et Vikash Bagheerutty à la MBC

C'est sur les ondes de la MBC radio et à la télévision que Neelam Sharma et Vikash Bagheerutty poursuivront leur carrière dans l'audiovisuel. Les deux ont démissionné de Radio One dans le courant de la semaine écoulée. Si Neelam estime qu'elle quitte Radio One sans regret tout en affirmant que "quand on n'est pas bien à la maison, on va voir ailleurs", Vikash Bagheerutty affirme pour sa part "avoir perdu mes repères". "Je voulais faire de Radio One une référence en matière sportive. C'est un travail à long terme. Certains ne l'ont pas compris. Je m'en vais avant qu'il ne soit trop tard", explique Vikash Bagheerutty à 5-Plus. Neelam Sharma et Vikash Bagheerutty seront, dans le courant de la semaine prochaine, à la MBC. Des émissions à la télévision sont aussi prévues pour l'ex-animateur et l'ex-journaliste de Radio One. Autre démission notée cette semaine, celle de Meenakshi Loibachary qui avait démissionné de Radio Plus pour intégrer Top FM. Elle a également soumis sa démission à Top FM.

A Stanley dans l'après midi et à la "Hindu Business Chamber" hier soir, le PM :

Paul Bérenger : "Des déclarations sur les radios sont dangereuses."

"Ces derniers jours il y a eu des remous à caractère communal surtout à la radio où des mots inacceptables ont été utilisés. Les journalistes aussi écrivent n'importe quoi et publient des textes sans fondement. Je fais un appel aux radios privées et aux associations socioculturelles de calmer le jeu pour que le pays retrouve une sérénité", a déclaré le PM, hier après-midi, à Stanley où il était l'invité de la "Klinton Mestree Tamil Benevolent Society". Dans la soirée lors d'une réception de la "Hindu Business Chamber", il devait faire la déclaration suivante : "À Maurice, il y a plusieurs religions qui sont très pratiquées, mais malheureusement ces derniers jours, il y a eu des raisons d'être inquiets à cause des remous d'ordre communautaire et ces déclarations dans les radios sont dangereuses et doivent être arrêtées. C'est la décision qu'a prise le gouvernement."