

# OFCOM BROADCAST AND ON DEMAND BULLETIN

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## Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act<sup>2</sup>.

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
  - the prohibition on 'political' advertising;
  - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
  - gambling, dating and 'message board' material where these are broadcast as advertising<sup>3</sup>.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

**It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Note to Broadcasters

### Daytime chat and adult chat television services

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**Recent complaint assessments and investigations<sup>1</sup> about television channels promoting telephone chat services have highlighted concerns about the sexual nature of content on some of these services. This note reminds broadcasters responsible for such services of [Ofcom's guidance](#) on daytime and adult chat services.**

Channels promoting audience interaction through premium rate services are subject to the [BCAP Code](#) as they are long-form advertising services. The BCAP Code contains rules that ensure audiences, including children, are protected from material that may cause them harm or is offensive.

Ofcom's guidance published in July 2013 states that channels offering 'daytime chat' and 'adult chat' services must be placed within the 'adult' or similarly identified section of a platform's electronic programme guide. The guidance also clearly sets out what Ofcom considers to be acceptable to broadcast on these services, both before and after the watershed.

During daytime chat content, presenters' dress and behaviour should be non-sexual in tone and apparent intent. Therefore, presenters should wear clothing that adequately covers their bodies (in particular their breasts, genital areas and buttocks). Presenters should not wear revealing underwear, swimwear, gym wear or fetish clothing.

Between 21:00 and 05:30 on cable and satellite platforms and midnight and 05:30 on terrestrial platforms, broadcasters may promote adult chat services. Adult chat broadcasters should ensure that the transitions to more adult material at 21:00, and from adult chat to daytime chat at 05:30, are not unduly abrupt. For example, no shots of bare breasts should be broadcast before 22:00. Additionally, the guidance lists examples of content that these broadcasters should avoid altogether. These include images of presenters' anal, labial or genital areas, real or simulated sex acts and sexually explicit language.

Ofcom has made clear to licensees in published decisions what sort of material is unsuitable in daytime chat or adult chat advertising content broadcast without mandatory restricted access.

Ofcom is putting daytime chat and adult chat broadcasters on notice that as a result of our concerns about these services' compliance with the BCAP Code, we are commencing a targeted monitoring exercise of all services broadcasting daytime and adult chat content. **Ofcom will consider any breach relating to the broadcast of sexual content on these services to be potentially serious and will consider taking appropriate regulatory action, which could include the imposition of a statutory sanction.**

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<sup>1</sup> See Ofcom's decisions regarding recent daytime chat television services published in Issues [376](#) and [388](#) of Ofcom's Broadcast and On Demand Bulletin.

## Broadcast Standards cases

### In Breach

#### Panthak Masle

*KTV, 30 March 2019, 15:00*

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#### Introduction

KTV is a television channel broadcasting to the Sikh community in the United Kingdom. The Licence for KTV is held by Khalsa Television Limited ("KTV" or "the Licensee").

*Panthak Masle* was a live discussion programme broadcast from KTV's studios in the UK. Presented by Jagjit Singh Jeeta, it featured a panel of guest contributors, five of whom were spiritual and community leaders. The panellists included: Balkar Singh; Reshmi Singh; and Dawinder Singh. The topic of discussion was Harnek Singh, also referred to in the programme as "*Neki*", a Sikh radio presenter resident in New Zealand who was said to have been "*raising questions on*" and "*criticising*" various aspects of the Sikh faith "*since 2013*".

Ofcom received a complaint that the programme was likely to encourage or incite crime or violence. The complainant said that the programme "tried to incite fear and terror" towards Harnek Singh and included threats of violence directed towards him.

As the programme was broadcast in Punjabi, we commissioned an English translation. When we notified the Licensee that we were going to investigate this programme we gave it an opportunity to comment on the accuracy of the translation and to provide initial representations on the content. KTV did not raise any accuracy issues, and we therefore relied on this translation in producing a Preliminary View which we provided to the Licensee. However, in its subsequent representations on the Preliminary View, the Licensee disputed the accuracy of Ofcom's translation. We therefore commissioned a new translation of the broadcast, which we relied on to reach a Revised Preliminary View, taking account of the licensee's representations on our initial Preliminary View that we sent to it previously. Our Decision also takes into account representations from KTV on our Revised Preliminary View.

Twelve captions appeared on monitors behind the contributors to the programme. One of the captions was attributed to Harnek Singh ("*Listen Bhindranwale's<sup>1</sup> thugs! Where was your bravado when you used to plead at the feet of KPS Gill<sup>2</sup>?*"). The other captions were not attributed to anyone, but they all appeared to be quotations or paraphrases of things Harnek Singh was alleged to have said. These included references to a "*selfish bastard...off enjoying*

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<sup>1</sup> Sant Jarnail Singh Bhindranwale was the Leader of the Sikh organisation Damdami Taksal. He symbolized the revivalist, extremist and terrorist movement in the 1980s in Punjab. He was killed in 1983 during the Indian army's Operation Blue Star as they attempted to remove him and his militant cadre from the Golden Temple. In Sikhism, Sant refers to a very pious person having saintly qualities.

<sup>2</sup> Kanwar Pal Singh Gill was both lauded as a respected police chief and highly criticised on the basis he was responsible for human rights abuses against Sikh people in Punjab. See: [KPS Gill obituary](#), the Guardian, 18 June 2017.

*himself abroad*", *"the Brahmins of Taksali<sup>3</sup>...lying around drunk"* and to playing a recording of what Bhindranwale said about the Dasam Granth to his opponents.

The programme included the following statements:

Baldev Singh: *"When an incident of sacrilege occurred in the village called Bhulowal<sup>4</sup>, many hooligans roamed around. Surinder Singh Sodhi<sup>5</sup> was standing at a bus stop with around five men of the type of Neki [i.e. the speaker regarded them and "Neki" as irreligious]. They were laughing loudly the way they appear on TV and laugh, with two others joining them. If only they could come in front of us they would know. So they were laughing hahahahaha. An elderly man came there with a tangli<sup>6</sup>. A tangli consists of five metal rods fitted at the end of a long stick. He [i.e. Surinder Singh Sodhi] said: 'Respected old man, why this rake? Is everything alright?'" The man said: 'It's made of black wood' [i.e. it is made of solid wood and strong enough to beat someone]. He [Surinder Singh Sodhi] said: 'Show me'. He grabbed the rake and gave those five or seven men a good thrashing. After beating them, he ran away. Similarly, Mr. Harbans Lal Khanna<sup>7</sup> used to say: 'People who stand for Kuch, Kara and Kirpan<sup>8</sup> should be sent to Pakistan'. He roamed around in frenzied passion. Committed Sikhs went to his pharmacy [i.e. the pharmacy belonging to Mr Khanna] and said: 'We want a goli [a pill/bullet] that you should take but we feel its effect'<sup>9</sup>. He said: 'I don't have it'. They said: 'What kind of a pharmacy you are running if you don't have a goli? We have it. And then he gave it' [i.e. they shot Mr Khanna]"*.

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<sup>3</sup> Those who have received the instruction of the Damdami Taksal can be called Taksali Sikh and teach on the Sikh holy scripture.

<sup>4</sup> Located in Punjab state, India.

<sup>5</sup> Surinder Singh Sodhi: A Sikh militant killed by a rival Sikh faction who "Police sources said...was suspected in a number of murders – mostly of police officers – ...and was wanted for questioning in the April 2 killing of Harbans Lal Khanna, a Hindu opposition party leader and former legislator shot and killed at his drug store in Amritsar". See "[Sikh terrorist killed by female assassin](#)", UPI archives, 14 April 1984.

<sup>6</sup> A farming or gardening instrument similar to a rake or fork which at times has been known to be used as a weapon. A picture of a tangli can be seen in an [advertisement on Indiamart's website](#).

<sup>7</sup> Harbans Lal Khanna was an Indian politician who was assassinated by Sikh gunmen in 1984 in retaliation for what his killers considered blasphemy against the Sikh religion. See also footnote 5.

<sup>8</sup> "*Kuch, Kara and Kirpan*" are three of the five articles of faith (kakar) required to be worn by a Sikh who has been initiated into the order of Khalsa (i.e. they are symbols of strictly committed Sikhs). Kuch (also known as Kacha or Kachhera) are a type of shorts worn underneath overgarments. Kara are a steel or iron bangle worn on the wrist. Kirpan are a ceremonial dagger. See "[Kakars Are Required Articles of Sikh Faith](#)", 2 May 2019, learnreligions.com.

<sup>9</sup> This was a disguised threat using the double meaning of goli. Just as 'a shot' in English can mean an injection or a gunshot, goli in Punjabi can mean either a pill or a bullet.

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Balkar Singh: *"This man [i.e. Harnek Singh] is not a Sikh, he is a non-Sikh. It is very regrettable that so much wrong is being said about the Akal Takht<sup>10</sup>, which is in our lands of Punjab, and Sri Guru Granth<sup>11</sup>, that it's unbearable to listen. But the leaders of the Sikh nation in Punjab lie asleep. They don't see this, it seems, or don't listen to this talk, as if they have blocked their ears. What right has he to speak about someone's religion? This man is not a Sikh. He was ousted from the [Sikh] nation, he keeps disrespecting the nation... Every day he says bad things. And now he has gone to the extreme by insulting the [Sri] Guru Granth and the Akal Takht while the leaders of our nation are absolutely asleep. They don't take any action. Our governments and fellowships have powers, but I don't know why they are not using them. Why are they listening to these insults about our Guru? Why are they listening to these insults about the Sikh Throne? If they cannot put their hand on this hilt [he puts his hand on his sword] then they should take assistance from the government. They are completely attached to the government. They can put a stop to this, but I don't know why they have left this path open. It is deeply saddening that all of our great sages too aren't listening to this. Don't they even see what he is saying about our nation?"*

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Baldev Singh: *"As regards what we say about Akal Takht, they forgave Soda Saad over there [inaudible]. Let me tell you this, from there, Soda Saad obtained pardon, but the Sikhs had the pardon revoked<sup>12</sup>...He [Parkash Singh Badal] had him pardoned. The Sikh nation courageously had the pardon revoked. It means that the Sikh nation is strong and Badal is weaker than us. He is weak. Then how come he is the leader? Rajoana was about to be hanged, but the Sikh nation had the sentence revoked".<sup>13</sup>*

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Jagjit Singh: *"No one has the right [inaudible]. It's an open challenge [inaudible]. Brother Resham Singh, you speak. You see, he [Neki] has a radio station and he goes on continuously on his radio station for five hours, non-stop.*

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<sup>10</sup> The supreme seat of Sikh political power. The Sri Akal Takht is a building which stands on the causeway leading to the Golden Temple in Amritsar.

<sup>11</sup> The religious scripture of the Sikh religion.

<sup>12</sup> Gurmeet Ram Rahim Singh the leader of the Dera Sacha Sauda sect caused great offence to many Sikhs by appearing in posters dressed as the revered Sikh Guru Gobind Singh. Gurmeet Ram Rahim Singh appealed to the supreme Sikh religious authority, the Akaal Takht, and asked for forgiveness for his alleged disrespect. The Akaal Takht controversially accepted the apology.

<sup>13</sup> Balwant Singh Rajoana was one of two assassins involved in the killing of the Chief Minister of Punjab, Beant Singh in 1995. Rajoana was initially sentenced to death by hanging but after a series of protests this was later commuted to life imprisonment. Parkash Singh Badal was the Chief Minister of Punjab at the time of the protests and sought clemency for Rajoana.



*You, in a public and open stage, can have a debate. If he has so much knowledge or so much stock that he talks and twists everything, shouldn't we openly challenge him? Shouldn't the Sikh fellowships invite him in an open forum to express his thoughts? What would you like to say?"*

Reshmi Singh: *"[Sikh Greetings] Because of the things that Neki has been saying on his radio station, sitting inside, we openly, publicly challenge him to come where he wants, at any place of his choice. In the Sikh nation there are great wise men. He can come with his security, or with government-provided security, sit down, sit in front of a group of people and discuss it with the community, discuss it with the Sikhs. Then we will know where he stands. He just sits inside and keeps saying to others whatever he wants. He should come in front of people, on any TV channel, sit in front of people and discuss things. Only then will he find out what he is saying, what kind of talk he is talking. As regards men like Neki, I want to tell him one thing: Men like you, as our Tenth King said to the Khalsa nation, thousands of men like you came here, uttered blasphemies and insults, but they didn't last forever. One day, the Khalsa [committed Sikhs] punished them. The Khalsa made them leave from here and they didn't die a natural death<sup>14</sup>. Therefore, fear the Maharaj, respect God, otherwise you don't have many days left. Therefore, forget these things. No matter how great the powers and the agencies that support you, when the time comes, when the honourable/glorious King needs someone's services, you will not find any path to run away. Then you will know. It is written in the Maharaja's Gurbani<sup>15</sup>: 'Until hit hard with a stick on the back, the sleeper doesn't wake'. Then you will awake from your sleep. These blasphemies that you are spewing out against the personalities of the Sikh nation, against Surt Jarnail Singh<sup>16</sup>, martyred committed Sikhs, the Citadel of Faith Harmandir Sahib<sup>17</sup> and Akal Takht, you will find out [the meaning of]: 'Until hit hard with a stick on the back, the sleeper doesn't wake'. Only then you will come to your senses but then your remorse will be of no use. You still have time. Come to the committed Sikhs and apologise. Only then you will be forgiven. Otherwise, you will have no place [to hide]. One day, your time will come and this will definitely be your end. [Sikh salutation]"*

Jagjit Singh: *"Thank you. This is Brother Resham Singh's own statement. KTV has nothing to do with it because these are his own views. Brother, next is Brother Sukhdev Singh, what would you like to say? We have to speak within the context. What should the entire Khalsa nation do, jointly, the Khalsa nation coming together? There are Sikh communities in New*

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<sup>14</sup> The implication being that once the Sikh Khalsa had handed down an edict against any individual, violent retribution would follow.

<sup>15</sup> 'Gurbani' is the term used by Sikhs to refer to various sections of Sikh holy scripture.

<sup>16</sup> See footnote 1.

<sup>17</sup> Harmandir Sahib: Sikh Golden Temple situated in Amritsar, Punjab, India.

*Zealand too. What would you like to say to the Sikh communities in New Zealand?"*

Sukhdev Singh: *"[Sikh greeting] First of all, our senior leaders and the devoted Sikhs have shared many things with you, told everything, told a lot. As you said, in the entire nation, the brother also said, we have many wise men, high spirited, very educated, who have a lot of knowledge. All of us should come together and invite him [Neki], challenge him, so he should come in front of all, sit with them, whether on a platform or anywhere. We can meet at the Akal Takht venue, and we can discuss with him: 'Brother, what's your problem, why do you say these things, on what bases and authority are you saying these things?' We should all come together, sit and talk to him. Afterwards, whatever, when all the national personalities have heard him, expressed their views, then we should decide that this man is spewing blasphemies, sneakily, and telling all lies".*

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Jagjit Singh: *"Doesn't it seem to you that people are afraid? Many times, people think they are opposing them, making fun of them, laughing at them, playing jokes about them? We do talk but we don't make fun. We talk with facts about things we think about. But they make fun and people are afraid of it. Do you think this might be one reason for people not coming forward?"*

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Dawinder Singh: *"So, I would definitely want to say one thing to the Sikh nation. The word butcher has been associated with the name of Beant Singh<sup>18</sup>. You cannot say his name, you just say Butcher and it is known whose name is being said. So, I would say Sauda Saad<sup>19</sup> went where he had to. He's not going to come, but Neki, I don't know what's going to be left of you and what not. I don't know if something will be attached to your name. Considering the way you are speaking out, it seems to me that not even your name will be left behind. I don't know whom God will chose to do this service, putting His hand on his head [to bless him], to go and deal with you, and who is going to make you the target of his bullet. We don't know how you [Neki] want yourself to be accounted. I would definitely say one thing to the Sikh fellowships, the way we said it last night on our TV channel here: Unity. We will have to control our egos first of all, win our egos. Neki is nothing. He's a small man, not even small, he's not human anymore because the Lord says, when we were born as humans: deeds of an animal though human in species. You [Neki] obtained humanity but your acts at the moment, I would say, are not of animals but worse than those of animals. You have lost your worth. I would say that if Neki has to be punished, I don't know who God will choose to perform this service. He sits there and talks. He should speak on an open channel, on an open*

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<sup>18</sup> Reference to Beant Singh, see footnote 13.

<sup>19</sup> See footnote 12.

*platform so that he could be answered, because when he takes someone's call, he first says what he wants to say, saying: 'I will listen to you later, listen to me first'. When someone else speaks, he ends the call".*

Jagjit Singh: *"This statement is Davinder Singh's own statement and KTV has nothing to do with it because KTV is a platform where we operate under Ofcom rules. To set this straight, brother, say that this statement is your own statement, so say it on screen, that KTV has nothing to do with it. Please, you must take responsibility for it. Say that what you are saying are your own thoughts".*

Dawinder Singh: *"No, see, as the leaders said earlier, the committed Sikh is straightforward and fearless in any case".*

Jagjit Singh: *"Yes".*

Dawinder Singh: *"If we are to abide by our commitment to Sikhism, with the permission of our entire nation, we will exercise our freedom for the freedom of pure Sikhism. If we are not free ourselves, how can we free others?"*

Jagjit Singh: *"Yes. Many thanks Brother Davinder Singh. All the guests here who have spoken, this programme that's running on KTV, it's about the anti-national people, and these statements are their [the guests'] own statements".*

The discussion also included the following statement which referred to the proscribed terrorist organisation the Babbar Khalsa:

Baldev Singh: *"We have no arguments with anybody, with all of the fellowships. We are with the Sikh Federation UK<sup>20</sup> in any case, and Babbar Khalsa, we eat and drink with them, we have good links with all of them<sup>21</sup>".*

In closing the programme Jagjit Singh said, *"Whatever my brothers and sisters have said here, these were their statements".*

We considered that this content raised issues under the following Code rules:

Rule 3.1: *"Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services".*

Rule 2.1: *"Generally accepted standards must be applied to the contents of television and radio services... so as to provide adequate protection for members of*

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<sup>20</sup> Sikh Federation (UK) is a non-governmental organisation which promotes Sikh issues and supports the Sikh separatist movement.

<sup>21</sup> The Babbar Khalsa (BK) is a Sikh movement that aims to establish an independent Khalistan within the Punjab region of India. It has been a [proscribed terrorist organisation in the UK](#) since 2001. See the Home Office [list of proscribed terrorist organisations](#).

the public from the inclusion in such services of harmful and/or offensive material”.

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom therefore asked the Licensee for comments on how the programme complied with these rules.

## Response

### The Licensee's initial response

The Licensee said that it was extremely sorry for this “error in judgement”.

KTV said that, before the broadcast, it had been “extremely vigilant”. It added that because the programme discussed a “sensitive issue” within the Sikh community of “one of their own followers who has been ostracised by certain members of the faith”, it took the following steps to ensure compliance with the Code:

- inviting guests from within the Sikh religious community who would “show a more compassionate side” and demonstrate to viewers that it was possible to have a “tolerant” attitude towards Harnek Singh;
- using its most experienced presenter to present the programme;
- explaining to the guests that they were not to use any language which could be construed as offensive and reiterating this by having the guests sign “pre-show forms”; and,
- having the presenter ask the guests to “keep the conversation civil” immediately before the live broadcast.

The Licensee said that during the live discussion, the presenter “was shocked... and didn't expect this sort of language from such religious people”. It said that the host initially did not know how to react but “maintained his professionalism and later did mention that these comments were not the views of KTV” and that “Ofcom would not appreciate them”. KTV added that after the programme, the host was “extremely upset” as he felt he had been misled by the guests and was shocked that such religious members of the community would behave in such a way.

KTV said that to ensure this issue did not recur in future live broadcasts, it was “looking at having some sort of a delay in place between recording and airing” such programmes.

### The Licensee's further response

In its representations on our first Preliminary View, the Licensee said that its initial response had been made having spoken only to the host of the programme, but for its further response it had additionally spoken to the guests and the producer which had enabled the Licensee to provide more contextual information about the programme.

The Licensee said that in a number of programmes it had “discussed a variety of opinions on [Harnek Singh] from all angles.” It said he “[was] a New Zealand citizen who [had] defamed and criticised the Sikh religion since 2013”, that petitions had been made to the government in New Zealand to stop his radio station and You Tube channel and that the Akal Takht<sup>22</sup> had excommunicated him in 2018. It added that at no point had anyone sought “physical punishment towards him”. It said the decision of the Akal Takht was binding on the entire Sikh community including the Five Beloved, who it said did not condone violence in any way. The Licensee provided a copy of the Akal Takht’s edict dated 30 May 2018, which Ofcom translated. The edict excommunicated Harnek Singh for “carrying out propaganda against the teachings of the Gurus, the Gurus, Sikh history, Sikh culture, [and] Sikh precepts”. The Licensee also provided a copy of previous edicts which stated that the Sikh congregation in New Zealand had removed Sikh holy scripture from Harnek Singh’s studio and which instructed Harnek Singh to appear before the Akal Takht. KTV said that Harnek Singh had continued to “voice his propaganda against the Sikh faith and the Ten Gurus and [so it had] continued to do programmes on this...as it [was] still relevant to [its] viewers who [were] of the Sikh faith”.

The Licensee added that the programme was “made in the Punjabi language for the Sikh community” and viewers are aware of their cultural history and faith and what the Panj Payare stand for. It said that the Panj Payare “are seen as the guiding light throughout the UK and Europe<sup>23</sup> for the followers of the Sikh religion” and that every Sikh person is taught “from a very young age exactly...who the (Five Beloved) Panj Payare are, and their role”. This it said was “that of a theologian” and “passive and guiding” and drew an analogy with the clergy in ecclesiastical law. It said that they were to “represent the followers of the faith...without the use of violence and leading by example” and that they “[could] not and would not encourage anyone to perform a violent task”. It said this “negate[d] any idea of the Five Beloved inciting any form of criminal or violent behaviour”. The Licensee said that “having spoken to the Panj Payare it [was] obvious that they were speaking from a position of that of a higher power or authority”. It said that “they [had] made references to certain events in history outlining that this ha[d] occurred in the past, and that Harnek Singh should take heed of that”. It said that the Panj Payare were “stating that they can occur hypothetically, and historically these situations have resulted in the following ‘acts’ of God (a higher power) taking control”.

The Licensee said that according to Mr Baldev Singh he had described the Harbans Lal Khanna “incident” “as a historical reference, and anyone watching the programme would realise this as they would also have known what Harbans Lal Khanna had done against Sikhism”. The Licensee said that Baldev Singh “was saying that historically going against a faith or religion can result in an unnatural death as a punishment from God” and that he was “not saying that anyone should take up arms and go against Harnek Singh”. The Licensee added, “Baldev Singh also brought to [our] attention that Harnek Singh has been spreading hate since 2013 and all their efforts have been peaceful and would continue to be so”. The Licensee said that the language of the Panj Payare “may come across as violent” but that was not the intention. It gave the example of a judge saying “throw the book at him”. It said

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<sup>22</sup> Akal Takht is one of the 5 pillars of Sikhism and is the supreme authority in Sikhism with the power to excommunicate any Sikh who takes extreme action against the Sikh religion.

<sup>23</sup> The Panj Payare that took part in the programme are the only ones who can perform baptisms and educate with peaceful guidance, repentance and tolerance within the Sikh community.

an English audience would understand that judges cannot and do not condone violent behaviour and, rather, that the judge was using a colloquialism of non-violent meaning.

The Licensee said that, according to Balkar Singh, he had put his hand on his sword to "to indicate putting the sword back in the sheath [and so] to indicate controlling the situation". It also said that a sword does not cut its sheath "as this is its home", and that "Harnek Singh as a part of the Sikh Faith lives within the community and should not try to destroy that community". The Licensee added that, according to Balkar Singh, he had said "*If they cannot put their hand on this hilt [he puts his hand on his sword] then they should take assistance from the government*"<sup>24</sup> to call on the Sikh authorities to ask the government to make representations on their behalf.

The Licensee said that, according to Reshmi Singh, he had spoken of the fixed consequences of the Akaal Takht and not of any sort of violent retribution, which a Sikh audience would understand. It added, "the reference to an unnatural death is an historical reference which anyone watching the show would be aware of" and that the Panj Payare "do not make threats [or] go against the Akaal Takht". It also said that his reference to the teaching in the Gurbani was "no different to saying that bad people are punished by God, as evident in all the world's major religions". The Licensee said that Reshmi Singh had told it that he had "meant...to be perceived by the audience who would consist of Sikhs" as teaching that "the punishment is from God, not man and as we don't know how long any of us have to live, we should repent to God and ask for his forgiveness [as] when we are dead it is too late to repent". The Licensee said that this is "the belief across multiple faiths" and "not a threat but a religious teaching which he [was] reiterating to us all and not just Harnek Singh".

The Licensee said that Jagjit Singh "mention[ed] that the statements made by Reshmi Singh [were] his own" and that "on reflection [the host] felt that the conversation was going slightly off topic and hence he tried to bring it back by asking Sukhdev Singh a question on the Sikh community in New Zealand". It said that "throughout the show you can see the host trying to interject each time he felt that the [guests'] answers were becoming more hypothetical, but as the Panj Payare were aware that they were talking from a spiritual and historical angle they felt it was acceptable to continue". It added that it had asked the Panj Payare to explain why they had "continued along this line of answers" and Baldev Singh had showed it "times during the programme when he would place his hand on the hands of the host to reassure him that [there] was no animosity and that they were speaking from a historical, religious and pacifistic manner".

The Licensee said that Ofcom's original translation of what Dawinder Singh had said was incorrect and that he had actually said:

*"...I don't know if there will be a reference added to your name, moreover I think you may not have a name left the way in which you are speaking. I don't know who God is going to choose to bless and put you on a plane, or someone may make you a target of a bullet..."*

It said that, according to Dawinder Singh:

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<sup>24</sup> Taken from the second translation commissioned by Ofcom. The Licensee gave a similar, alternative translation as follows: "*As they can't make their hand a fist on the sword then they should take assistance from the government*".

- he had referred to the future “in the sense that he feels that due to Harnek Singh’s actions the Sikh community would rather forget his name than add a reference by which to remember him”;
- the comments about putting Harnek Singh on an aeroplane were “to say that God may bless someone by taking you to a safe place where you can reflect on what you have been doing”;
- “*bless*” referred to “someone who must be blessed in order to save a character who has been sacrilegious against their faith and yet a pious person is willing to save you from what history has shown us can result in a bullet”; and,
- he could have “phrased this with more clarity but as it is evident in the show, he has paused on a couple of occasions before continuing...trying to think of the right wording but eventually felt that the audience would understand” and so restated “...*I don't know who will be blessed to do the Gurus' work...*”.

The Licensee said Dawinder Singh was “talking about who [would] save [Harnek Singh] and take [him] away from [his] surroundings in order for [him] to see the error of [his] ways”.

The Licensee said that the host “felt that Dawinder Singh did not answer the question asked of him and was going off topic, but as he [was] aware of the rules and regulations that we are obliged to work under he ask[ed] Dawinder Singh to clarify that the statements [were] his own opinions”.

The Licensee said that Dawinder Singh’s final statement “[fell] under the colloquial language barrier” and that he had “made it clear that he was referring to not being biased to any one person or side, and that we should stand up for ourselves and in doing so be independent enough to help others”. The Licensee said that “Jagjit Singh then reiterate[d] that the programme was on people against the faith and that the guests were speaking on their own behalf”.

The Licensee said that “Jagjit Singh...was shocked before he himself realised that the Panj Payare did not mean what they said in the way he originally thought they did”, adding that he was a last-minute replacement to host the programme and had spoken to the guests for “[not] more than a minute or so prior to [the broadcast]”.

In the Licensee’s further response, it initially said that there was no reference in the programme to Babbar Khalsa. However, it subsequently accepted that there was, but said the reference in the programme to the proscribed terrorist organisation Babbar Khalsa was not as Ofcom had translated it, but as follows:

*“As for different organisations, we are with the Sikh Federation of the UK. As for Bab[b]ar Khalsa and Akhand Kirtani we are separate”.*

The Licensee argued the manner in which the Panj Payare talked about Harnek Singh was understandable due to his “total disregard for the Sikh faith and the despicable nature of his propaganda”, but “it was made clear to us that at the end of the day they are still pious people and would not condone physical harm”. It added the programme host felt that the language used was slightly harsher than he would have expected from them, but has subsequently realised that the audience does expect the Panj Payare to show their disappointment in Harnek Singh due to their status while “not forgetting that they cannot and will not condone physical behaviour”.

The Licensee reiterated it was important to recognise the language, subject matter and the context being discussed are understood by the audience, and it "is not a black and white issue". It said that the Punjabi Sikhs watching the show understand the colloquialisms and idioms which the presenter, Jagjit Singh, now realises. It added there are elements of religious dialogue that even the most skilled interpreter will not be aware of and colloquial and idiosyncratic language are also relevant factors. It said the show is made in Punjabi for a Punjabi audience of the Sikh faith who are better equipped to understand these linguistic nuances.

The Licensee said it understood it had the right to make sensitive and controversial programmes as long as it adheres to the Code. It added in this particular case the programme host felt he had to be tactful in the manner in which he handled the guests and managed to address them with the respect they deserved while balancing their comments with his own.

The Licensee also pointed out that it had made programmes on the subject of Harnek Singh covering a "full spectrum" of views but had only had a complaint regarding this particular programme.

The Licensee said that the references in Ofcom's footnotes had been "compiled from a negative perspective, [rather than] the perspective of Sikhism" and that "instead of referencing the popular search results it seems Ofcom has decided to use [a] more targeted result several positions from the mainstream results".

### **The Licensee's response to Ofcom's revised Preliminary View**

During an oral hearing in relation to another matter, the Licensee made some comments on Ofcom's revised Preliminary View in this case. KTV said that the presenter was working to Asian cultural norms, in which people "don't like to interrupt somebody older than themselves". It said the presenter had tried to be as polite as he could to the guests by, without saying anything, "putting his hand out and actually touching one of the five beloved to say, 'We're going off topic here'".

In its further written representations the Licensee said that Ofcom's revised translation was "more precise...but still not 100%" and that there were "still mistakes in a couple of passages", as follows:

- it maintained that Baldev Singh did not say that he was "alright with" the Babbar Khalsa;
- it said the host did not say "once you claim responsibility for your statements you can say what you please";
- it said that Punjabis would understand that when reference was made to "black wood", this meant that the tangli was "strong enough to beat [someone] with".

KTV said "certain dialect and regional variations are causing some confusion along with words which sound similar but have different meanings" and some of the comments "are inaudible and difficult to comprehend". It also referred to "colloquialisms" which provided "certain mitigating circumstances", particularly in a "religious context". It added that it "allow[ed] the use of the new translation" but wished to reserve the right to challenge Ofcom if its final decision relied heavily on any of the points on which it disagreed.



## Compliance

The Licensee said that it now planned to avoid any “misunderstanding” among its viewers by broadcasting programmes as if members of its audience had no prior understanding of the Sikh religion. It added that “right now” it would not broadcast anything further to do with Harnek Singh or “any controversial hardcore, Sikh faith-based programme”<sup>25</sup>.

The Licensee told Ofcom that “it would like to just start afresh” and that it had made “several changes to the structure of [its] programmes, hosts [and] the entire channel itself”. It said that as of April 2019 it had put a larger team in place for compliance and regulatory matters which demonstrated that where mistakes had been made in the past it was willing to rectify them. It said with all the processes it had now put in place, there is very little opportunity for there to be further compliance issues.

The Licensee said multiple staff are now present in the gallery during live shows and it had introduced a delay on live feeds of 60 seconds. It said this was to give output operators time to listen to and watch programmes and rectify any mistakes before they are seen by viewers. It added that pre-show meetings now have “additional safeguards in place”.

KTV added its intent was to “promote love, peace and religious tolerance not only for the Sikh faith but for all faiths” and this was evident by the different religious representations among its staff.

## Decision

Reflecting our duties under the Communications Act 2003, Section Three of the Code requires that material likely to encourage or incite the commission of crime or to lead to disorder must not be included in broadcasts. Section Two of the Code requires that generally accepted standards are applied to the content of television services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

Ofcom takes account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights (“ECHR”). We also have regard to Article 9 of the ECHR, which states that everyone “has the right to freedom of thought, conscience and religion”.

Broadcasters should be able to, and can, make programmes which address controversial subjects, as this is clearly in the public interest. The Code does not prohibit people from appearing on television and radio services because their views have the potential to cause offence. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. However, when dealing with sensitive or controversial topics and views, broadcasters must ensure they comply with the Code.

### Rule 3.1

Rule 3.1 of the Code requires that:

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<sup>25</sup> The Licensee made these representations during an oral hearing on another matter.

“Material likely to encourage or incite the commission of crime or lead to disorder must not be included in television or radio services”.

When considering whether material is in breach of Rule 3.1, Ofcom is required to assess the *likelihood* of it encouraging or inciting the commission of crime or leading to disorder. In particular, the use of the word “likely” in Rule 3.1 means Ofcom is not required to identify any causal link between the content broadcast and any specific acts of disorder or criminal behaviour. Ofcom takes account of all the relevant circumstances, the nature of the content, its editorial context and its likely effects.

Content may contain a *direct* call to action – for example, an unambiguous, imperative statement calling viewers to take some form of potentially criminal or violent action. Material may also contain an *indirect* call to action if it includes statements and/or images that cumulatively amount to an implicit call to act.

In this programme, guest contributor Reshmi Singh said:

*“As regards men like Neki, I want to tell him one thing: Men like you, as our Tenth King said to the Khalsa nation, thousands of men like you came here, uttered blasphemies and insults, but they didn’t last forever. One day, the Khalsa [committed Sikhs] punished them. The Khalsa made them leave from here and **they didn’t die a natural death**<sup>26</sup>. Therefore, fear the Maharaj, respect God, **otherwise you don’t have many days left**. Therefore, forget these things. No matter how great the powers and the agencies that support you, **when the time comes, when the honourable/glorious King needs someone’s services, you will not find any path to run away**. Then you will know. It is written in the Maharaja’s Gurbani<sup>27</sup>: ‘Until hit hard with a stick on the back, the sleeper doesn’t wake’. Then you will awake from your sleep. These blasphemies that you are spewing out against the personalities of the Sikh nation, against Sunt Jarnail Singh<sup>28</sup>, martyred committed Sikhs, the Citadel of Faith Harmandir Sahib<sup>29</sup> and Akal Takht, you will find out [the meaning of]: **‘Until hit hard with a stick on the back, the sleeper doesn’t wake’**. Only then you will come to your senses **but then your remorse will be of no use**. You still have time. Come to the committed Sikhs and apologise. Only then you will be forgiven. **Otherwise, you will have no place** [to hide]. **One day, your time will come and this will definitely be your end**. [Sikh salutation]”. [Ofcom’s emphasis added].*

Fellow guest Dawinder Singh said:

*“So, I would definitely want to say one thing to the Sikh nation. The word butcher has been associated with the name of Beant Singh<sup>30</sup>. You cannot say his name, you just say Butcher and it is known whose name is being said...but Neki, **I don’t know what’s going***

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<sup>26</sup> The implication being that once the Sikh Khalsa had handed down an edict against any individual, violent retribution would follow.

<sup>27</sup> ‘Gurbani’ is the term used by Sikhs to refer to various sections of Sikh holy scripture.

<sup>28</sup> See footnote 1.

<sup>29</sup> Harmandir Sahib: Sikh Golden Temple situated in Amritsar, Punjab, India.

<sup>30</sup> Reference to Beant Singh, see footnote 13.

***to be left of you and what not. I don't know if something will be attached to your name. Considering the way you are speaking out, it seems to me that not even your name will be left behind. I don't know whom God will choose to do this service, putting His hand on his head [to bless him], to go and deal with you, and who is going to make you the target of his bullet...Neki is nothing. He's a small man, not even small, he's not human anymore because the Lord says, when we were born as humans: deeds of an animal though human in species. You [Neki] obtained humanity but your acts at the moment, I would say, are not of animals but worse than those of animals. You have lost your worth. I would say that if Neki has to be punished, I don't know who God will choose to perform this service".*** [Ofcom's emphasis added].

We considered these statements, which were addressed directly to Harnek Singh, contained implicit threats of violence towards him (for example: *"otherwise you don't have many days left"*; and *"you will not find any path to run away"*; *"One day, your time will come and this will definitely be your end"*; *"not even your name will be left behind"*; *"who is going to make you the target of his bullet"* and, *"if Neki has to be punished, I don't know who God will choose to perform this service"*). We took into account that Dawinder Singh, in speculating about Harnek Singh's potential fate, referred to the assassinated chief minister of Punjab, Beant Singh. Given that Beant Singh's assassination, and the responsibility the Babbar Khalsa had claimed for it, were widely reported<sup>31</sup>, we considered that viewers were likely to be aware of these events. We considered therefore that viewers would have understood that Dawinder Singh and Reshmi Singh were speaking of intentional acts of violent retribution in the name of God against Harnek Singh, and not speaking from a purely spiritual, hypothetical or historical viewpoint, or of an 'act of God' apart from any human involvement, as the Licensee's representations suggested was the case.

The Licensee said that Reshmi Singh said he "had spoken of the fixed consequences of the Akaal Takht and not of any sort of violent retribution, which a Sikh audience would understand" and that he was teaching viewers, not just Harnek Singh, to repent before death, "as we don't know how long any of us have to live". Ofcom considered that Reshmi Singh was clearly directing his comments towards Harnek Singh (*"As regards men like Neki, I want to tell him one thing..."*) rather than referring to the fixed consequences of the Akaal Takht, since those consequences had already been applied to Harnek Singh when the Akaal Takht excommunicated him in 2018. Reshmi Singh did not refer to this excommunication and instead warned Harnek Singh that blasphemers had in the past been punished and died unnatural deaths and that an agency higher than the Akaal Takht (*"the honourable/glorious King"*) would use *"someone's services"* and Harnek Singh would *"not find any path to run away"*, would *"have no place [to hide]"* and his *"time [would] come and this [would] definitely be [his] end"*. Ofcom considered that this was a threat that someone would kill Harnek Singh and not anything that would form part of an edict of the Akaal Takht.

We further considered that the following statements endorsed and promoted the view that a violent response was both acceptable and to be expected:

- committed Sikhs had in the past punished *"men like you [Harnek Singh]"* for blasphemy and insults and that those men *"didn't last forever"*;

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<sup>31</sup> See: [Punjab Leader Slain](#), the Washington Post, 1 September 1995; [Chief Minister of Punjab, 12 Others, Killed in Bomb Blast](#), AP News, August 31, 1995; [Assassination Reminds India That Sikh Revolt Is Still a Threat](#), the New York Times, 3 September 1995; [I have no regret, says Pro-Khalistan terrorist who assassinated former CM Beant Singh](#), Times of India, updated 17 March 2018; and [Obituary: Beant Singh](#), the Independent, 2 September 1995.

- Harnek Singh was “spewing” blasphemies;
- it would be a service to the “honourable/glorious King” to pursue Harnek Singh (“when the time comes, when the honourable/glorious King needs someone’s services, you will not find any path to run away”);
- “to go and deal with [Harnek Singh]” was a blessed service to God (“...whom God will choose to do this service, putting His hand on his head [to bless him], to go and deal with [Harnek Singh]”); and
- Harnek Singh was no longer human and his acts worse than those of animals.

The suggestion that anyone who perpetrated such attacks would be blessed gave credence to the notion that this was a justifiable course of action for a devout follower of the Sikh faith. We were concerned, therefore, that viewers could have been encouraged to believe that Harnek Singh should be killed and that the statements could have been interpreted by some viewers as an implicit or indirect call to act. We did not accept the Licensee’s alternative translation to the effect that Dawinder Singh was referring to God blessing someone to take Harnek Singh on an aeroplane to a peaceful place to lead him to repentance. Neither of the translations that Ofcom commissioned referred to an aeroplane and in our view the statement “...if Neki has to be punished, I don’t know who God will choose to perform this service” clearly associated a person punishing Neki with service to God.

We also considered that the following comments made by Balkar Singh could have been understood (in the context of other statements made during the programme) as suggesting the need for devout Sikh believers to take matters into their own hands in relation to Harnek Singh. In particular, Balkar Singh was firmly of the opinion that religious and political leaders were not taking action in response to Harnek Singh “insulting” the religious scripture of the Sikh religion and the supreme seat of Sikh political power:

*“...he has gone to the extreme by insulting the [Sri] Guru Granth and the Akal Takht while the leaders of our nation are absolutely asleep. They don’t take any action. Our governments and fellowships have powers, but I don’t know why they are not using them. Why are they listening to these insults about our Guru? Why are they listening to these insults about the Sikh Throne? If they cannot put their hand on this hilt [he puts his hand on his sword] then they should take assistance from the government. They are completely attached to the government. They can put a stop to this, but I don’t know why they have left this path open. It is deeply saddening that all of our great sages too aren’t listening to this. Don’t they even see what he is saying about our nation?”.*

We acknowledged that Balkar Singh stated that as an alternative to the use of violence (“If they cannot put their hand on this hilt [he puts his hand on his sword]”) religious leaders should seek help from the government. However, he did not condemn the use of violence. We took into account the Licensee’s view that Balkar Singh’s gesture was that of keeping his sword sheathed to indicate controlling the situation and that, just as a sword does not cut its sheath “as this is its home”, “Harnek Singh as a part of the Sikh faith lives within the community and should not try to destroy that community”. However, in our view it was clear from watching the footage that his gesture had a stronger meaning, that of removing the sword from its sheath, as it coincided with the statement “If they cannot put their hand on this hilt”. We considered this would have reinforced to viewers the implicit threat of violence by him towards Harnek Singh.

The Licensee said that Baldev Singh had pointed out to it that “Harnek Singh ha[d] been spreading hate since 2013 and all their efforts ha[d] been peaceful and would continue to be so”. However, we took into account that the examples he presented to viewers of responses to the “*men of the type of Neki*” were violent. He referred to two such incidents. In one of them, Surinder Singh Sodhi violently attacked “*five men of the type of Neki*” (i.e. people Baldev Singh regarded as irreligious) with a type of rake (a Tangli) which was described as being made of “*black wood*”, which the Licensee said viewers would have understood to mean it was “strong enough to beat [someone] with”. In the other incident, Mr Khanna was shot dead for his opposition to committed Sikh people. Against this context, we considered that Balkar Singh’s statement above went further than simply making “a historical reference” and “saying that historically going against a faith or religion can result in an unnatural death as a punishment from God”, as Baldev Singh claimed. In our view, it would have had the likely effect of: encouraging members of the Sikh community to take violent vigilante action against Harnek Singh and possibly other people who criticise the Sikh faith; and suggesting to KTV’s viewers that it was appropriate for members of the Sikh community to take violent action against Harnek Singh, when the relevant religious authorities were not considered to have taken appropriate action.

We took into account the Licensee’s representations that “instead of referencing the popular search results it seems Ofcom has decided to use [a] more targeted result several positions from the mainstream results” and to describe Surinder Singh Sodhi as a militant. The search results to which the Licensee pointed Ofcom were from a [Google search on the name “Surinder Singh Sodhi”](#). The first search result stated that Surinder Singh Sodhi was “the bravest of soldiers of Khalsa Panth in 20th century” and that he had “shot secretary of Punjab Government” and “was one of two men who had “punished” Harbans lal Khanna<sup>32</sup>. While this and many of the other “popular” search results glorified Surinder Singh Sodhi, a reasonable reading of them was that he was a Sikh militant and violent. For example, the fifth search result, a Facebook page with the title “Dashmesh Regiment” described how Surinder Singh Sodhi had “approached the Narakhdharis<sup>33</sup> with the rake, as they laughed at the anti-Sikh jokes” and then used the rake against them, leaving them with “broken shoulders and arms”, “on the floor crying with pain” and with their clothes stained with their own blood.

In Ofcom’s view the cumulative effect of the above statements was to present violent action, including murder, as an acceptable response in such circumstances. In appearing to condone such action, we considered that these statements, taken as a whole, could be interpreted as promoting and encouraging violent behaviour towards Harnek Singh and possibly others like him who criticise the Sikh faith. KTV said that the guests, being the Panj Payare, “[could] not and would not encourage anyone to perform a violent task”, that the audience would know this and that this “negate[d] any idea of the Five Beloved inciting any form of criminal or violent behaviour”. However, this was clearly not how the Licensee’s most experienced presenter understood their words. In its initial response, the Licensee said that the host had told it he “was shocked... and didn’t expect this sort of language from such religious people” and that after the programme he was “extremely upset” as he felt he had been misled by the guests and was shocked that such religious members of the community would behave in such a way. Further it was clear that the host tried to disassociate KTV from the statements of the guests during the programme by asking them to state that their comments were their own. In our view this would have been unnecessary if, as the Licensee argues, the Panj

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<sup>32</sup> See: [Shaheed Bhai Surinder Singh ji Sodhi](#), 14 April 1984, Sikh History, World Sikh News.

<sup>33</sup> A Sikh religious sect.

Payare's language was readily identifiable with their role as pacifistic theologians to a Sikh audience. In its representations the Licensee said that the host's interventions were at times when he felt the guests were going 'off topic' or "becoming more hypothetical" and that he was "shocked before he himself realised that the Panj Payare did not mean what they said in the way he originally thought they did". However, it remained clear that throughout the programme, and to its end, that he felt the need to disassociate KTV from the guest's comments and that he also remained concerned by their behaviour after the programme had ended.

We considered that the host's impression of the guests' comments during the programme and immediately following it gave a clear indication of how viewers would have understood the guests' comments. We also took into account that the Licensee had additionally argued that Jagjit Singh now realised the programme was "made in Punjabi for a Punjabi audience of the Sikh faith" who would understand its cultural history along with the colloquial and idiosyncratic language and religious dialogue used in the programme. If by this the Licensee means that Jagjit Singh was previously concerned that the audience would misunderstand the Panj Payare and think that they were promoting violence, we would have expected him to have offered challenge or a clarification. However, he did not do that. We remain of the view therefore that the guests would have appeared to viewers to condone violent behaviour towards Harnek Singh and others like him.

We therefore went on to consider whether there were any other contextual factors in the programme which could decrease the likelihood of these statements encouraging or inciting the commission of crime or leading to disorder.

Ofcom's [Guidance which accompanies Section Three of the Code](#) explains that the likelihood of material encouraging or inciting the commission of crime or leading to disorder could be reduced, for example, if sufficient challenge or context is provided. We observed that the presenter, Jagjit Singh, asked the panel:

*"...shouldn't we openly challenge him? Shouldn't the Sikh fellowships invite him in an open forum to express his thoughts?"*

In response, one of the guests, Sukhdev Singh, suggested:

*"All of us should come together and invite him [Harnek Singh], challenge him, so he should come in front of all, sit with them, whether on a platform or anywhere. We can meet at the Akal Takht venue, and we can discuss with him: 'Brother, what's your problem, why do you say these things, on what bases and authority are you saying these things?'. We should all come together, sit and talk to him. Afterwards, whatever, when all the national personalities have heard him, expressed their views, then we should decide that this man is spewing blasphemies, sneakily, and telling all lies".*

We considered that these comments suggested an alternative, more conciliatory, approach might be appropriate. Further comments from Baldev Singh also suggested peaceful ways for devout Sikhs to take action. For example, he referred to Sikh militant Balwant Singh Rajoana, whose death sentence for his involvement in a political assassination, was commuted to life imprisonment after "the [Sikh] community" successfully protested against the decision of the Indian authorities.

We acknowledged that, to some extent, the references made by the presenter and Sukhdev Singh to non-violent and peaceful ways of responding offered a more moderate approach by suggesting there might still be room for public debate regarding the controversy surrounding Harnek Singh's views. However, these were limited, and we did not consider they went far enough to provide sufficient context or to challenge the implicit threats of violence made towards Harnek Singh.

We also observed that the presenter made several interjections to explain that the views expressed by some of the guests were not the views of KTV. For example, he sought to distance the channel from the views expressed by Reshmi Singh in the statement quoted above, stating:

*"This is Brother Resham Singh's own statement. KTV has nothing to do with it because these are his own views".*

Similarly, in response to Dawinder Singh's comments (also quoted above) the presenter said: *"This statement is Davinder Singh's own statement and KTV has nothing to do with it because KTV is a platform where we operate under Ofcom rules. To set this straight, brother, say that this statement is your own statement, so say it on screen, that KTV has nothing to do with it. Please, you must take responsibility for it. Say that what you are saying are your own thoughts".*

Further, when Dawinder Singh went on to defend his comments the presenter thanked him but emphasised *"All the guests here who have spoken, this programme that's running on KTV, it's about the anti-national people, and these statements are their [the guests'] own statements".*

KTV said that it had used its most experienced presenter, due to the programme discussing a "sensitive issue" within the Sikh community and that, in accordance with Asian cultural norms, he had showed respect to his guests by trying to use body language to communicate to them when they were "going off topic", rather than interrupt them. However, Ofcom remained greatly concerned that the presenter did not provide any clear challenge to the highly inflammatory views expressed in the programme or seek in any way to moderate them. Instead, the objective of his interventions appeared to be to remove responsibility from KTV for the views expressed by the programme's guests. The Code guidance makes clear that licensees have an editorial responsibility to ensure that sufficient challenge is given, or other context is provided when broadcasting views which could potentially encourage or incite the commission of crime or lead to disorder. In Ofcom's view this was clearly needed, and its absence indicated a fundamental lack of understanding of the Licensee's compliance obligations under the Code. Further, it appeared to us that, taken overall, the presenter (through statements such as *"we have facts and proofs on our side"*) was aligned with the overarching narrative of the guests that it was appropriate for individual Sikhs to take some form of action against those judged to have criticised the Sikh religion such as Harnek Singh.

Ofcom considered the contextual factors which the Licensee had pointed to in its representations. Ofcom did not consider the fact that KTV had made other programmes about Harnek Singh served to contextualise the content of this stand-alone discussion. The programme did not refer viewers to any other programmes and, in any event, Ofcom considered that the audience would have afforded special respect to the opinions of the Panj

Payare because, as the Licensee said, they “are seen as the guiding light throughout the UK and Europe<sup>34</sup> for the followers of the Sikh religion”.

We also considered whether the programme's inclusion of the captions of alleged statements by Harnek Singh were such that viewers would have formed their own and potentially less severe view of Harnek Singh's comments and behaviour. We took into account that the captions were shown behind the guests and did not appear prominently in the programme. We also considered the guests' religious authority and the strength of their comments against Harnek Singh. We therefore considered that the captions did not reduce the likelihood of the material encouraging or inciting the commission of crime or leading to disorder.

KTV said the decision of the Akal Takht to excommunicate Harnek Singh was binding on the entire Sikh community including the Five Beloved, who it said did not condone violence in any way. While the language of the Panj Payare “may come across as violent”, the Licensee said that was not the intention. Nevertheless, for the reasons set out previously above, it was Ofcom's view that the statements made by Reshmi Singh, Dawinder Singh and Baldev Singh were clear and did condone violent retribution for opponents of Sikh people. It was also clear that the programme celebrated figures such as Surinder Singh Sodhi for their violent actions and portrayed them as heroes. This view was supported by the Licensee's further response which suggested that Ofcom should form its understanding of Surinder Singh Sodhi from websites that glorified his violent acts.

The Licensee told Ofcom that it had taken measures prior to broadcast to ensure compliance with the Code and that these included inviting guests from the Sikh religious community who KTV believed would “show a more compassionate side” and demonstrate to viewers that it was possible to have a “tolerant” attitude towards Harnek Singh. They also included briefing the guests before they appeared on the programme. The Licensee appeared in its initial response to accept it had made an “error in judgement”, for which it apologised, and said it was considering “looking at having some sort of a delay in place between recording and airing” such programmes to prevent a recurrence in future live broadcasts. In its later representations, it confirmed that it had now done so. We also considered the Licensee's representations on our Revised Preliminary View that it planned to avoid any “misunderstanding” among its viewers by broadcasting programmes as if members of its audience had no prior understanding of the Sikh religion and its decision not to broadcast anything further to do with Harnek Singh or “any controversial hardcore, Sikh faith-based programme”.

However, Ofcom considered the Licensee failed to provide sufficient and effective challenge or context to the extreme views presented within this programme. For all the reasons above, we considered that the programme provided a platform for several guests to express views which amounted to indirect calls to action and were likely to encourage or incite the commission of crime or lead to disorder. In Ofcom's view, this indicated a fundamental lack of understanding of the Licensee's compliance obligations under the Code. Our Decision, therefore, is that Rule 3.1 was breached.

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<sup>34</sup> The Panj Payare that took part in the programme are the only ones who can perform baptisms and educate with peaceful guidance, repentance and tolerance within the Sikh community.



## Rule 2.1

Rule 2.1 of the Code states that:

“Generally accepted standards must be applied to the contents of television and radio services... so as to provide adequate protection for members of the public from the inclusion in such services of harmful material”.

We first considered whether this programme contained any potentially harmful content. Ofcom took account of Baldev Singh's reference to the proscribed terrorist organisation, the Babbar Khalsa<sup>35</sup>. The Licensee initially claimed no mention at all was made of the Babbar Khalsa within the programme. However it later acknowledged this reference but disputed Ofcom's translation, saying that Baldev Singh had in fact said “*As for Bab[b]ar Khalsa...we are separate*”. Despite the inconsistency of the Licensee's position, we did not accept either of these differing responses as the two translations Ofcom commissioned from different translators both included reference to the Babbar Khalsa and were both consistent in showing that Baldev Singh had spoken of having good links with the organisation:

Original translation: “*We have no arguments with anybody including...the Babbar Khalsa. We have good links with all of them*”.

New translation: “*We have no arguments with anybody...Babbar Khalsa, we eat and drink with them, we have good links with all of them*”.

It was our view, therefore, that Baldev Singh did refer to the Babbar Khalsa and that his words expressed a good relationship with a proscribed terrorist organisation which had been responsible for assassinations and other violent attacks<sup>36</sup>. Taking into account the context of the programme which, for the reasons set out above, contained material which we considered was likely to incite crime or violence, it was Ofcom's view that Baldev Singh's comments could be taken as legitimising the Babbar Khalsa. Given the way in which this was expressed, we considered that Baldev Singh's statement could be taken as normalising the aims and actions of a proscribed terrorist organisation in the eyes of viewers and, consequently, created a risk that some viewers might have been encouraged to support the Babbar Khalsa. In Ofcom's view, therefore, this statement posed clear potential harm to the viewers of this programme.

We next considered whether KTV had provided adequate protection for members of the public from the inclusion of this potentially harmful content.

We took into account that Baldev Singh's statement was not challenged, and no alternative view was given to help contextualise it and reduce the potential for harm. We also took into account that KTV is a channel aimed at the Sikh community living in the UK. The channel advertises itself as broadcasting “religious as well as Punjabi family entertainment shows” and “a fresh new faith, cultural and educational channel that reflects modern Sikh society across UK and Europe”. It also describes itself as “a platform catering to the international Punjabi community with a message of unity and inclusivity”.

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<sup>35</sup> See footnote 21.

<sup>36</sup> See: [US declares Babbar Khalsa 'risk' to its interests, personnel](#), Business Standard, updated 6 October 2018.

We recognise that KTV is a television channel delivering content focusing on Sikh-related issues to a primarily Sikh audience. We also understand that the *Panthak Masle*, which means "issues affecting Sikh way of life", is a live current affairs discussion programme that covers topical issues relevant to its audience and the wider Sikh community. However, this edition of the programme included a statement expressing good links with a proscribed terrorist organisation without any challenge, criticism or wider context which could have minimised its potential harm.

As with Rule 3.1, we took into account the Licensee's apology in its initial response for what it described as an "error in judgement" and the steps it said it was considering putting in place to prevent a recurrence, and its subsequent confirmation that it had taken these steps. However, given the strength of the comment, the way in which the channel describes itself, and the nature of the programme, we considered that the channel's audience was unlikely to have expected to view such content without sufficient context.

For these reasons, our Decision is that the Licensee failed to apply generally accepted standards so as to provide adequate protection to members of the public from the inclusion of potentially harmful content, and therefore that Rule 2.1 was breached.

### Rule 2.3

Rule 2.3 of the Code states that:

"In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

We acknowledge that, at times, offence can be caused not just by the actual content of a programme but by people with extreme and very controversial views being given airtime. The Code does not prohibit the broadcast of material or the inclusion of people or groups whose views and actions have the potential to cause offence. To do so would, in our view, be a disproportionate interference with the broadcaster's right to freedom of expression and the audience's right to receive information. Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as potentially offensive content is justified by the context.

Ofcom first considered whether the material in the programme had the potential to cause offence.

As already discussed under Rule 3.1, this programme condoned and justified violent acts, and, in our view, the material amounted to indirect calls to action to commit violence, up to and including murder. As set out under Rule 2.1, the programme also expressed good links with a proscribed terrorist organisation, the Babbar Khalsa, which has been responsible for assassinations and other violent attacks. In our view, this treatment of a proscribed terrorist organisation such as the Babbar Khalsa is contrary to standards generally accepted by society as a whole, including the Sikh community. We therefore considered that the content clearly had the potential to be highly offensive.

We also considered that the programme contained other potentially offensive material such as Balkar Singh saying, "*This man [i.e. Harnek Singh] is not a Sikh, he is a non-Sikh*" and Dawinder Singh speaking of Harnek Singh in a derogatory way:

*“Neki is nothing. He’s a small man, not even small, he’s not human anymore because the Lord says, when we were born as humans: deeds of an animal though human in species. You [Neki] obtained humanity but your acts at the moment, I would say, are not of animals but worse than those of animals. You have lost your worth. I would say that if Neki has to be punished, I don’t know who God will choose to perform this service”.*

These comments would have been offensive to some Sikh people whether or not they agreed with Harnek Singh’s views. For example, we understand that some still consider him to be a member of the Sikh faith and that while many others oppose his views, they would not consider that an intemperate or violent response is the appropriate way to challenge those views.

We therefore went on to consider whether the broadcast of potentially offensive material was justified by the context. Context is assessed by reference to a range of factors including: the service on which the material was broadcast, the editorial content of the programme, likely audience expectations, warnings given to viewers, and the effect on viewers who may come across the material unawares.

As previously discussed, KTV is a television channel delivering content focusing on Sikh related issues to a primarily Sikh audience. *Panthak Masle* is a live current affairs discussion programme which looks at topical issues relevant to the Sikh community. We acknowledged that Harnek Singh is an individual who holds views critical of aspects of Sikh faith and that many Sikhs find his views offensive. Therefore this was a legitimate issue for the programme to discuss. However, this edition of the programme included material which was potentially highly offensive, namely the endorsement of the proscribed terrorist organisation the Babbar Khalsa, the advocacy of violence towards Harnek Singh (as set out above, under Rule 3.1) and comments that he was not human and his behaviour *“worse than that of animals”* in the context of threatening his life. In our view, there was no challenge, criticism or wider context which justified the inclusion of this material, to avoid or minimise the potential offence.

As with Rules 3.1 and 2.1 we took into consideration the Licensee’s representations on the measures it took to comply the programme before broadcast, the steps it said it was considering putting in place to prevent a recurrence, its subsequent confirmation that it had done so, and its apology for what it described as an *“error in judgement”*. We also took into consideration KTV’s further representations that in a number of programmes it had *“discussed a variety of opinions on [Harnek Singh] from all angles.”* However, given the strength of the material and our assessment of the relevant contextual factors, it was Ofcom’s view that the channel’s audience was unlikely to have expected to view content of this type broadcast without sufficient contextual justification or appropriate information to avoid or minimise the level of potential offence.

For these reasons, our Decision is that the Licensee failed to ensure that material which was potentially highly offensive to viewers was justified by the context. Therefore, our Decision is that Rule 2.3 was also breached.

### **Breaches of Rules 3.1, 2.1 and 2.3**

**Ofcom considered the breaches in this case to be extremely serious. We are putting the Licensee on notice that we will consider these breaches for the imposition of a statutory sanction.**

## In Breach

### Early Evening Show

***Fiesta FM, 29 June 2019, 18:48***

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#### Introduction

Fiesta FM is a community radio station for the Latin American, Spanish and Portuguese communities in Southampton. The licence for this service is held by Fiesta FM CIC ("Fiesta" or "the Licensee").

Ofcom received a complaint that the song "*Don't Marry Her*" by The Beautiful South broadcast in this programme contained seven uses of the phrase "*Don't marry her, fuck me*".

We requested the Licensee's comments under the following Code rules:

Rule 1.14: "The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)...".

Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...".

#### Response

The Licensee explained that the song was broadcast in error, having been labelled incorrectly with the name of another song. Fiesta said that it plays a large number of songs in different languages and so it is "very difficult...to verify each song individually", adding that this did not excuse the error. It further explained that it had taken measures to prevent any recurrence, including removing the song from its system, checking for other errors, and introducing a more rigorous vetting system.

The Licensee apologised, and said it was never its intention to cause offence to its listeners. It stated that an on-air apology was given during a different programme, *Music to Remember*, broadcast on 16 October at 11:00. It provided a recording of this apology, which was in Spanish, and was translated internally by Ofcom. In addition to the measures already taken, Fiesta also offered to publish a written apology on its website and to apologise on-air again, if Ofcom deemed it appropriate.

#### Decision

[Ofcom's research on offensive language](#) makes clear that the word "fuck" is considered by audiences to be among the most offensive language. This broadcast included seven uses of this word.

Reflecting our duties under the Communications Act, Rule 1.14 prohibits the broadcast of the most offensive language when children are particularly likely to be listening. [Ofcom's guidance on offensive language on radio](#) states that this includes 06:00 to 19:00 at weekends. In this case the most offensive language was broadcast at 18:48 on a Saturday.

Rule 2.3 requires that the broadcast of potentially offensive material is justified by the context. Context includes the service on which it is broadcast, the time of broadcast and the likely audience expectations. In our view, the majority of listeners to this station at this time of day were unlikely to have expected to hear the most offensive language.

Ofcom took into account that the song was broadcast in error, and the steps taken by the Licensee to prevent recurrence. We also took into account that Fiesta had broadcast an on-air apology, after Ofcom had begun its investigation into this content. However, this apology was broadcast almost four months after the original incident, in a different programme, and a different language. We therefore considered that its effectiveness in mitigating the potential offence would have been limited.

Our Decision is therefore that the content was in breach of Rules 1.14 and 2.3.

### **Breaches of Rules 1.14 and 2.3**

## In Breach

### Tarz e Hayaat

**MATV, 12 April 2019, 22:30**

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#### Introduction

Midlands Asian Television ("MATV") is a satellite television service that broadcasts Indian programming primarily in Hindi, English, Gujarati and Punjabi. The licence for MATV is held by Middlesex Broadcasting Corporation Limited ("MBCL" or "the Licensee").

Ofcom received a complaint that a programme was broadcast that was biased against Pakistan. We prepared an English translation of the material and gave the Licensee an opportunity to comment on the accuracy of the translation. The Licensee did not raise any issues with how the content of the programme had been translated and we therefore used this translation for the purposes of this investigation.

The majority of this 30 minute discussion programme covered the protests that had taken place following a terrorist attack on 12 April 2019 at a fruit and vegetable market in Quetta. The attack was allegedly aimed at minority Shi'a Muslim Hazara community<sup>1</sup>. Ten members of the Hazara community were reported to have been killed in the attack.

After introducing the subject of the recent bomb blast in Quetta, in Balochistan, Pakistan's largest province, the presenter outlined what had happened. There was then footage of a speaker, the Pakistani human rights activist, Jaleela Haider<sup>2</sup> speaking to a crowd. Footage of the aftermath of the bomb blast was shown with accompanying narration by a reporter. Throughout the segment, there were various critical statements directed at both: the national government of Pakistan, headed by Imran Khan, leader of the political party, the Pakistan Tehreek-e-Insaaf ("PTI"); and the Balochistan provincial government, which is ruled by a coalition government that includes the PTI. For example, there were the following statements:

Reporter: *"...Those [i.e. members of the Hazara community] that are protesting for these voiceless corpses only have one question, 'whose hands shall I search to see if they are smeared with my blood? The entire city is wearing gloves.' To sacrifice themselves to the altar of their ethnic group, the Hazara Shi'as have come out with their hands in the air. Out under the open sky, in the searing heat, these unjustly targeted people are asking for justice for those 20 voiceless corpses which were in hands of the mourners. They were waiting for someone to hear their cries, for someone to bring them a means of acquiring justice...But it's a shame, that the people in power, rather than seeking forgiveness for their past mistakes, kept telling the protestors in a thundering voice to go back to their homes. Life in Balochistan was once full of love and brotherhood, but it has now become a story of oppression and barbarism. Now life over there is but a wound, a hurting, bleeding wound".*

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<sup>1</sup> The Hazara community live predominantly in Afghanistan but there is a large Hazara community in the Quetta region of Pakistan.

<sup>2</sup> Jaleela Haider is a Pakistani human rights activist.

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Jaleela Haider: *"Failed provincial government".*

Crowd: *"Death to this kind of government.  
Death to this kind of government".*

Jaleela Haider: *"Do you all not know [the value of] life?"*

Crowd: *"What a shame. What a shame.  
What a shame. What a shame".*

Jaleela Haider: *"You promised us, now fulfil your promise. Fulfil your promise. This bomb blast is not a slap on the Hazara community and the people of Quetta, but a slap on your face. The terrorists have sent you a message, that people can't carry out their traditions here, or talk the way you want us to talk. This is why this bomb took place. We want action to be taken against those people who did this attack, the same people that have weakened your narrative. We call out to the political and religious leaders in Balochistan. They should come right to this very spot and call a 'grand Jirga'<sup>3</sup>, one where the sons, wives and children of those martyred will also be present, and there will be a call to implement the 'National Action Plan'".*

Crowd: *"Failed provincial government, death to this kind of government.  
Failed provincial government, death to this kind of government".*

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Reporter: *"A suicide blast takes place in the vegetable market located in Quetta's Hazarganji area. In this daunting tragedy, more than 20 people are killed and near 50 are injured. It is Friday, and the country is the self-proclaimed Islamic Republic of Pakistan. Amongst those killed are 10,000 other people. Clearly, this attack was also carried out against the Hazara community. But shame on those callous and cruel rulers, who have stones where their hearts should be. Despite these inhumane acts and heart-melting protests, the rulers aren't budging an inch. The government does not have a heart. That is why it can't feel the pain of these innocents. The government doesn't have eyes. If it did, its eyes would surely be closed, but at least then they would be filled with tears. Where are the government's ears? The ears that would allow them to hear the cries of the people".*

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<sup>3</sup> A 'Jirga' traditionally in Pakistan and Afghanistan is a gathering of tribal elders that come together and make decisions by consensus. In this case Jaleela Haider is using the term when requesting that political and religious leaders come together and make decisions on the current situation in her city.

Jaleela Haider: *"Mr. Imran Khan, before your Riyasat-e Madina<sup>4</sup>, the blood of us dhimmis<sup>5</sup> was spilt in a state ruled by unbelievers<sup>6</sup>, today in your Riyasat-e Madina too, the blood of the dhimmis is spilt. Imran Khan, you are the Caliph of the present-day ...Come to Quetta. It is your responsibility, you've sworn to this, we won't chant slogans like 'failed provincial government' or 'death to such-and-such', these people are dead, their corpses are [incomprehensible], their bodies reek of blood, we want to bury them. We want to bury those people that aren't manning up, these so-called leaders – they don't care about their nation's tears, they spend Crores<sup>7</sup> of money on things so that they can divide people".*

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Reporter: *"The Hazara Community in Balochistan has for years, constantly been a target of fatal attacks. State institutions have at no point made any serious, compassionate, sincere and decisive efforts to quell this bloodshed, which shows a disappointing level of irresponsibility and insensitivity. To what extent have these killings that take place on the basis of sect or school of thought reached their limit? You can evaluate that just by looking at these killings – 20 corpses were lying around on the Pakistan highway. Thousands of people came out to protest. At a time like this Imran Khan should've come to Quetta with his team, but there is a stone in his chest where his heart should be...If a state is like a mother, then why doesn't [she] bring them in her embrace when they feel pain? Why doesn't she respond to their grief? Why don't their wounds anger her? Why doesn't she mourn the slaughter of her own children? And if she can't do anything, why doesn't she at least feel ashamed?"*

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Jaleela Haider: *"This is you. This is you. This is you. You have killed us. Your fake politics, your fake narrative has killed us. For 15 years you were saying, 'Failed provincial government'"<sup>8</sup>.*

Crowd: *"Death to this kind of government".*

Jaleela Haider: *"Failed provincial government".*

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<sup>4</sup> 'Riyasat-e Madina' roughly translates to 'the state of Madina'. One of the promises Imran Khan made before he was elected before and during his Prime Ministership was that he envisions turning Pakistan into a state like the Prophet Muhammad had created in Medina during his own lifetime

<sup>5</sup> Dhimmi is a term which describes non-Muslims living in a Muslim state. In this context Jaleela Haider is using the term to refer to the Muslim Shi'a community.

<sup>6</sup> Unbelievers in this context is being used to refer to the Sunni Muslim community in the past.

<sup>7</sup> A measurement from the Indian subcontinent. 1 crore = 10 million.

<sup>8</sup> Jaleela Haider was referring to the fact that before the PTI was part of the ruling coalition in Balochistan, it is used to criticise the previous provincial administration.



Crowd: *"Death to this kind of government".*

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Reporter: *"The state should show some emotion, love and affection. Why isn't this possible? Is this all the Hazaras' fault? If there's anyone to be made to feel subjugated, targeted someone because of their race, or divided by their sect, then the Hazaras are the prime subjects. Go on, kill them. Your message will be made clear. Wow, Pakistan. A big wow to your antiquated system. The brutal actions that are committed against this tribe, and the inability of the Pakistani state to bring them under the law shows incompetence and is a complete failure of the government, the security agencies, and state institutions".*

For the reasons set out in our Decision, it was Ofcom's view that the programme was dealing with matters of political controversy and matters relating to current public policy, namely, the policies and actions of the Pakistani Government and the Balochistan provincial government in relation to the aftermath of the Quetta terrorist attack and the treatment of the Hazara Shi'a community in Balochistan more generally.

We therefore considered that this programme raised issues under Rule 5.5 of the Code.

Rule 5.5: *"Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved within a programme or over a series of programmes taken as a whole".*

Ofcom requested comments from the Licensee about how the content complied with these rules. We also provided MBCL with the opportunity to provide comments on our Preliminary View, which was to record a breach of Rule 5.5 in this case.

### **Response**

The Licensee stressed that the programme was factual and that "if people in authority are not working for the welfare of their own people media has an obligation to raise public awareness".

MBCL stated that it features "6-8 hours of content in the Channel which has [a] direct or indirect link to Pakistan", adding that that due impartiality is being maintained within a series of programmes and provided Ofcom with copies of the following programmes: an edition of *Pakistan in Perspective*; an edition of *Pakistan Reporter*; and an edition of *Sarhad Ke Do Rukh* (the Licensee did not provide details of when exactly these programmes had been broadcast).

### **Decision**

Reflecting our duties under the Communications Act 2003, Section Five of the Code requires that the special impartiality requirements are met.

Rule 5.5 requires that television programme services must be reported with due impartiality on matters of political or industrial controversy and matters relating to current public policy. This may be achieved within a programme or over a series of programmes taken as a whole.

Ofcom must perform its duties in accordance with the right to freedom of expression set out in Article 10 of the European Convention of Human Rights. Freedom of expression is one of the essential foundations of a democratic society. As is well established, it encompasses the broadcaster's right to freedom of expression as well as the audience's right to receive information and ideas without interference<sup>9</sup>. It applies not only to the content of information but also to the means of transmission or reception.<sup>10</sup> Any interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need). Decisions of the European Court of Human Rights make clear that there is little scope for restrictions on freedom of expression in two fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded, with the authorities having a particularly narrow margin of appreciation.

The Government's White Paper<sup>11</sup> published in advance of the Communications Bill in December 2000, set out the Government's rationale for the continuation of the due impartiality requirements for television and radio broadcasting in the UK. It stated that:

"...one of the cornerstones of broadcasting in the UK has been the obligation on all broadcasters to present news with due accuracy and impartiality. There are also important impartiality obligations applying to other programming. The Government believes that these obligations have played a major part in ensuring wide public access to impartial and accurate information about our society and the opportunity to encounter a diverse array of voices and perspectives. They ensure that the broadcast media provide a counter-weight to other, often partial, sources of news. They therefore contribute significantly to properly informed democratic debate. Responses to the consultation indicated general support for retaining them".

In passing the Act, Parliament set out in legislation the restrictions prescribed by law and which it has judged to be necessary in our democratic society. The legitimate aim is for the protection of rights of others. The statutory framework set by Parliament specifically assigns an area of judgment, to be exercised by Ofcom, as to how the requirements of the legislation are to be applied to the facts of each case.

Each and every time Ofcom applies the Code to broadcast content, Ofcom gives careful consideration to the broadcaster's and the audience's Article 10 rights. This encompasses the broadcaster's right to freedom of expression as well as the audience's right to receive information and ideas without interference. In order to reach a decision on whether due impartiality was maintained in this programme, Ofcom has taken into account the Article 10 rights and relevant contextual factors.

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<sup>9</sup> *Lingens v Austria* (1986) 8 EHRR 407.

<sup>10</sup> *Autronic v Switzerland* (1990) 12 EHRR 485.

<sup>11</sup> [Communications White Paper](#) (Safeguarding the interests of citizens, 6.6.1).

In light of the above, and in line with broadcasters' right to freedom of expression and audiences' right to receive information, Ofcom underlines that the broadcasting of highly critical comments concerning the policies and actions of any government or state agency is not, in itself, a breach of rules on due impartiality. However, depending on the specific circumstances, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five is complied with.<sup>12</sup>

#### Application of Section Five of the Code

Ofcom first considered whether Rule 5.5 applied in this case – that is, whether the programme concerned matters of political or industrial controversy or matters relating to public policy.

This programme featured a report into the aftermath of the terrorist attack in Quetta, during which there were a number of strongly critical statements about the Pakistani Government and current Prime Minister, Imran Khan, and the Balochistan provincial government in relation to the Quetta attack, but more generally also the Hazara Shi'a community within Balochistan.

We therefore considered the programme was clearly dealing with matters of political controversy, and matters relating to current public policy, namely, the policies and actions of the Pakistani Government and the Balochistan provincial government in relation to the aftermath of the Quetta terrorist attack and the treatment of the Hazara community in Balochistan more generally. Rule 5.5 was therefore engaged.

#### The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in the programme. In judging whether due impartiality has been preserved in any particular case, the Code makes clear that "due" means adequate or appropriate to the subject and nature of the programme. "Due impartiality" does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality.

Context includes a number of factors such as the editorial content of the programme, the service on which the material is broadcast, the likely size, composition and expectation of the audience and the effect on viewers who may come across the programme unawares.

This programme featured a report about the aftermath of a terrorist attack in Quetta, in which ten members of the Hazara Shi'a community were reported to have been killed. The report featured footage of a Hazara human rights activist, Jaleela Haider, speaking to a crowd and the crowd shouting their responses. As described in the Introduction, the report included a number of statements that were heavily critical about the Pakistani Prime

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<sup>12</sup> See paragraph 1.32 of Ofcom's [Guidance Notes on Section Five of the Code](#).

Minster, the PTI leader Imran Khan, and also both the Pakistani and Balochistan provincial governments (of which the PTI form a part), in relation to the Quetta attack and the treatment of the Hazara community within Balochistan more generally. For example, reference was made to *"those callous and cruel rulers, who have stones where their hearts should be"*. It was said that:

*"Despite these inhumane acts and heart-melting protests, the rulers aren't budging an inch. The government does not have a heart. That is why it can't feel the pain of these innocents. The government doesn't have eyes"*.

On the issue of on-going *"fatal attacks"* against the Hazara community in Balochistan, it was also said that:

*"State institutions have at no point made any serious, compassionate, sincere and decisive efforts to quell this bloodshed, which shows a disappointing level of irresponsibility and insensitivity"*.

In addition:

*"The brutal actions that are committed against this tribe, and the inability of the Pakistani state to bring them under the law shows incompetence and is a complete failure of the government, the security agencies, and state institutions"*.

The Balochistan provincial government was also repeatedly referred to as a *"Failed provincial government"* and there were repeated statements calling for *"Death to this kind of government"*.

Ofcom did not consider that this programme reflected the viewpoint of the Pakistani Government and/or the Balochistan provincial government in response to the very serious allegations being made about it. In Ofcom's view, the Pakistani Government and/or the Balochistan provincial government's viewpoints in response to these allegations should have been represented to ensure due impartiality was preserved.

We went on to consider whether alternative viewpoints were reflected in a series of programmes taken as a whole, which the Code defines as more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed as a like audience. The Licensee advised that it features *"6-8 hours of content in the Channel which has direct or indirect link to Pakistan"* and provided Ofcom with recordings of the following programmes (the Licensee did not provide details of when exactly these had been broadcast):

- an edition of *Pakistan in Perspective*;
- an edition of *Pakistan Reporter*; and
- an edition of *Sarhad Ke Do Rukh*.

The Code's definition of a *"series of programmes taken as a whole"* makes clear that this means *"more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience"*. While the Licensee did provide Ofcom with recordings of three other programmes, Ofcom did not consider that any of these programmes met the definition of being part of a series of

programmes taken as a whole. This was because we were unable to locate any content within the edition of *Tarz e Hayat* in this case or the other three programmes cited by the Licensee which referred to how these various programmes were editorially linked to each other (for example in the form of announcements or other content signalling the existence of an editorial link).

MBCL also argued by way of a relevant contextual factor that the programme was factual and that "if people in authority are not working for the welfare of their own people media has an obligation to raise public awareness". However, the fact that this programme was seeking to raise public awareness about the matters being discussed did not, in our view, obviate the requirement on the Licensee to reflect alternative viewpoints on the matter being discussed as appropriate.

For the reasons outlined above, Ofcom's view is that MBCL failed to preserve due impartiality, in breach of Rule 5.5 of the Code.

In [Issue 323 of the Broadcast and On Demand Bulletin](#) we recorded two breaches of Rule 5.5 against MBCL. In that case we said we were concerned that the Licensee's representations in this case demonstrated a fundamental lack of understanding about its obligations under Section Five of the Code. In light of this breach we held a meeting with MBCL to discuss its compliance in this area.

We are therefore concerned about this decision of a further breach of the due impartiality rules. We are putting the Licensee on notice that if any further similar breaches occur, we will consider taking further regulatory action.

#### **Breach of Rule 5.5**

## In Breach

### News

#### **Radio St. Austell Bay, 12 August 2019, 11:00**

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#### **Introduction**

Radio St Austell Bay is a community radio station aimed at people living and working in and around St. Austell in Cornwall. The licence for Radio St. Austell Bay is held by Radio St Austell Bay Community Interest Company ("RSAB" or "the Licensee").

Ofcom received a complaint about promotional references in the 11:00 news bulletin, the first item of which was as follows:

Newsreader: *"Supermarket chain Morrisons is launching a new limited-edition sandwich that has all the flavours of a classic British pub favourite. Ham, egg and chips. The new edition Morrisons' sarnie will be available to buy as part of the retailer's £3.50 meal deal which includes a choice of any sandwich or salad, a snack and a drink for the next 12 months".*

The Licensee confirmed that the news item was not subject to any commercial arrangement. It was not therefore a commercial reference. However, we considered the item raised potential issues under the following rule of the Code:

Rule 10.3: "No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations".

Ofcom requested comments from the Licensee on how the news bulletin complied with this rule.

#### **Response**

RSAB said that this was a "one off incident" and the newsreader, who was a volunteer, now "realises this was a thoughtless lapse in judgement." The Licensee added that "[the volunteer] had seen the story elsewhere...assumed it would be ok to use" and included the item "in complete innocence, without any thought that he was wrong to include the item in the news". RSAB also said that it had not received "any financial gain" in this case.

The Licensee said that all its volunteers receive copies of Ofcom "rules and regulations" and "all presenters are constantly reminded of on-air protocol and the rules...that we must all follow".

#### **Decision**

The Communications Act 2003 requires Ofcom to have regard to "...the desirability of maintaining the independence of editorial control over programme content". This is particularly important in the context of news, in which audiences expect broadcasters to maintain the highest standards of editorial independence, free from any suggestion of commercial influence.

Rule 10.3 therefore prohibits any commercial reference, or material that implies a commercial arrangement, in or around news bulletins (subject to specific exceptions). This is to ensure that news bulletins are not distorted, or perceived by listeners to be distorted, for commercial purposes.

In this case, a news item promoted Morrisons' launch of a *"new limited-edition sandwich"* that was *"available to buy as part of the retailer's £3.50 meal deal"*, which the newsreader then described. Given the clearly promotional nature of this content, Ofcom considered that listeners were likely to have assumed a commercial arrangement was in place.

We took into account the Licensee's explanation that this had been broadcast due to a "lapse in judgement" by the presenter, and that it regularly reminds its presenters about the station's obligation to comply with the Code. However, Ofcom's Decision is that the material broadcast in this news bulletin implied a commercial arrangement, in breach of Rule 10.3 of the Code.

### **Breach of Rule 10.3**

## Resolved

### **The Paddy Crerand Show** **MUTV, 26 August 2019, 18:30**

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#### **Introduction**

MUTV is a TV channel owned and operated by Manchester United Football Club. The licence for this service is held by MUTV Limited ("MUTV" or the "Licensee").

Ofcom received a complaint about offensive language being used in this programme.

A caller used the term " *fucking* " during a live phone call with the presenter. The call was terminated and the presenter said:

*"Well. I'm so sorry about that language. It's totally unacceptable. Sorry about that. Obviously, I'm afraid that when you have a live phone-in, sometimes, something like that happens. So, sorry about that".*

Ofcom considered the broadcast raised potential issues under the following rule of the Code:

Rule 1.14: "The most offensive language must not be broadcast before the watershed..."

#### **Response**

In reaching our Preliminary View, we did not consider it necessary to request comments from the Licensee. In reaching our Decision, we gave MUTV the opportunity to provide its comments on our Preliminary View which was to resolve this complaint, but it chose not to do so.

#### **Decision**

[Ofcom's research on offensive language](#) makes clear that the word "fuck" is considered by audiences to be among the most offensive language.

Rule 1.14 prohibits the broadcast of the most offensive language before the watershed. This broadcast occurred at 18:30 and was a clear breach of this rule.

However, Ofcom took into account that following the offensive language being used in a live phone call with a member of the public, the phone call was immediately terminated; and the presenter immediately apologised. Our Decision is that the matter is resolved.

#### **Resolved**



## Resolved

### Sky News

#### *Sky News, 8 September 2019, 17:15*

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#### Introduction

The licence for Sky News is held by Sky UK Limited ("Sky News" or the "Licensee").

Ofcom received a complaint about offensive language being used in this programme.

During this news programme, when a pre-recorded item had finished, a reporter appeared live at the Trades Union Congress ("TUC") Conference. He initially said: *"Really, fucking hell"* and then after a brief pause proceeded to report on events at the conference. Shortly afterwards, the programme returned to the studio and the presenter said:

*"I just wanted to apologise to viewers at home if you did hear any language there that wasn't intended for broadcast".*

Ofcom considered the broadcast raised potential issues under the following rule of the Code:

Rule 1.14: "The most offensive language must not be broadcast before the watershed..."

#### Response

In reaching our Preliminary View, we did not consider it necessary to request comments from the Licensee. In reaching our Decision, we gave Sky News the opportunity to provide its comments on our Preliminary View which was to resolve this complaint, but it chose not to do so.

#### Decision

[Ofcom's research on offensive language](#) makes clear that the word "fuck" is considered by audiences to be among the most offensive language.

Rule 1.14 prohibits the broadcast of the most offensive language before the watershed. This broadcast occurred at 17:15 and was a clear breach of this rule.

However, Ofcom took into account that very soon after the offensive language being used in a live broadcast the presenter apologised. Our Decision is that the matter is resolved.

#### Resolved

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission Date	Categories	Number of complaints
Programming	92.3	05/11/2019	Offensive language	1
10s Showdown	4Music	20/10/2019	Offensive language	1
GPs Behind Closed Doors	5Select	17/10/2019	Generally accepted standards	1
Airwolf	5Spike	12/10/2019	Advertising placement	1
Britain's Naughtiest Nursery	5Star	16/10/2019	Under 18s in programmes	1
Can't Pay? We'll Take it Away!	5Star	21/10/2019	Generally accepted standards	1
Drag Kids	5Star	17/10/2019	Under 18s – coverage of sexual and other offences	1
Drag Kids	5Star	17/10/2019	Under 18s in programmes	1
Kids in Drag	5Star	24/10/2019	Generally accepted standards	1
Kids in Drag (trailer)	5Star	23/10/2019	Generally accepted standards	1
Public service announcement	Absolute 90s	25/10/2019	Political advertising	1
Liberalism: LGBTQ+ Movement	Ahlulbayt TV	06/09/2019	Sexual orientation discrimination/offence	1
The Cockfields (trailer)	Alibi	04/11/2019	Generally accepted standards	1
Audrey's Early Drive	ALL FM	12/09/2019	Materially misleading	1
Mountain Men	Blaze	24/10/2019	Animal welfare	1
Politics Show	Bristol Community FM	11/10/2019	Generally accepted standards	1
Premier League Football: Manchester City v Aston Villa	BT Sport 1	26/10/2019	Hypnotic and other techniques	2
Scottish Football	BT Sport 1	20/10/2019	Generally accepted standards	1
Programming	Buchan Radio	Various	Other	1
Murder By the Sea	CBS Reality	29/10/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Weakest Link	Challenge	19/10/2019	Generally accepted standards	1
The Weakest Link	Challenge	28/10/2019	Generally accepted standards	1
Celebrity Hunted	Channel 4	13/10/2019	Generally accepted standards	1
Celebrity Hunted	Channel 4	20/10/2019	Generally accepted standards	1
Celebrity Hunted	Channel 4	03/11/2019	Generally accepted standards	1
Celebrity Hunted	Channel 4	03/11/2019	Offensive language	1
Channel 4 News	Channel 4	01/10/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	07/10/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	09/10/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	16/10/2019	Generally accepted standards	43
Channel 4 News	Channel 4	17/10/2019	Race discrimination/offence	34
Channel 4 News	Channel 4	21/10/2019	Due impartiality/bias	3
Channel 4 News	Channel 4	31/10/2019	Due impartiality/bias	2
Channel 4 News	Channel 4	03/11/2019	Due impartiality/bias	1
Continuity Announcement	Channel 4	31/10/2019	Generally accepted standards	1
F1 United States Qualifying	Channel 4	03/11/2019	Offensive language	1
Gogglebox	Channel 4	18/10/2019	Generally accepted standards	1
Harry Hill's Clubnite	Channel 4	25/10/2019	Generally accepted standards	3
Stand Up to Cancer	Channel 4	20/10/2019	Generally accepted standards	1
Stand Up to Cancer	Channel 4	27/10/2019	Materially misleading	1
Sunday Brunch	Channel 4	29/09/2019	Offensive language	1
The Accident	Channel 4	24/10/2019	Offensive language	1
The Accident	Channel 4	24/10/2019	Violence	3
The Accident	Channel 4	31/10/2019	Violence	1
The Circle	Channel 4	09/10/2019	Race discrimination/offence	1
The Circle	Channel 4	16/10/2019	Generally accepted standards	1
The Circle	Channel 4	17/10/2019	Generally accepted standards	3
The Circle	Channel 4	18/10/2019	Generally accepted standards	1
The Circle	Channel 4	18/10/2019	Materially misleading	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Great British Bake Off	Channel 4	22/10/2019	Disability discrimination/offence	87
The Great British Bake Off: An Extra Slice	Channel 4	04/10/2019	Generally accepted standards	1
The Great British Bake Off: An Extra Slice	Channel 4	25/10/2019	Offensive language	1
The Last Leg	Channel 4	25/10/2019	Due impartiality/bias	1
The Last Leg	Channel 4	25/10/2019	Generally accepted standards	2
The Secret Life of the Zoo	Channel 4	19/10/2019	Gender discrimination/offence	1
5 News Tonight	Channel 5	01/10/2019	Due accuracy	2
A Woman Deceived	Channel 5	24/10/2019	Generally accepted standards	1
Fare Dodgers: At War with the Law	Channel 5	21/10/2019	Race discrimination/offence	2
Hate Crimes: Uncensored	Channel 5	21/10/2019	Race discrimination/offence	4
How the Victorians Built Britain	Channel 5	24/10/2019	Offensive language	2
How The Victorians Built Britain	Channel 5	31/10/2019	Materially misleading	1
Jeremy Vine	Channel 5	16/10/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	18/10/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	21/10/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	23/10/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	28/10/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	29/10/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	31/10/2019	Due impartiality/bias	5
Jeremy Vine	Channel 5	06/11/2019	Elections/Referendums	1
Live Brexit Referendum: Do We Want No Deal?	Channel 5	16/10/2019	Due impartiality/bias	2
Police Interceptors	Channel 5	28/10/2019	Offensive language	1
Sainsbury's: 150 Years on the High Street	Channel 5	14/10/2019	Materially misleading	1
Sainsbury's: 150 Years on the High Street (trailer)	Channel 5	14/10/2019	Materially misleading	1
The Commuter	Channel 5	20/10/2019	Information/Warnings	1
The Fifth Element	Channel 5	13/10/2019	Offensive language	1
Traffic Cops	Channel 5	28/10/2019	Offensive language	1

Programme	Service	Transmission Date	Categories	Number of complaints
Public service announcement	Dave	25/10/2019	Political advertising	1
Advertising minutage	E4	28/10/2019	Advertising minutage	1
Celebrity Coach Trip	E4	11/10/2019	Race discrimination/offence	3
Hollyoaks	E4	21/10/2019	Animal welfare	9
Made in Chelsea	E4	14/10/2019	Gender discrimination/offence	1
Made in Chelsea	E4	14/10/2019	Generally accepted standards	1
Hamari Pasand Aap Ke Sang – Davendra Sadhnani	Fever FM	21/09/2019	Generally accepted standards	6
Black Mother	Film4	23/10/2019	Generally accepted standards	1
The Dam Busters	Film4	05/10/2019	Race discrimination/offence	1
Two Pints of Lager and a Packet of Crisps	Gold	26/10/2019	Generally accepted standards	1
Simon Morykin in for Big John at Breakfast	Hallam FM	29/10/2019	Generally accepted standards	1
Afternoons on Heart Dance	Heart Dance	29/10/2019	Drugs, smoking, solvents or alcohol	1
News	Heart FM	27/10/2019	Violence	1
Britain Get Talking infomercial	ITV	26/10/2019	Materially misleading	1
Coronation Street	ITV	18/10/2019	Generally accepted standards	1
Coronation Street	ITV	21/10/2019	Violence	3
Coronation Street	ITV	23/10/2019	Generally accepted standards	1
Coronation Street	ITV	25/10/2019	Generally accepted standards	6
Coronation Street	ITV	31/10/2019	Generally accepted standards	115
Coronation Street	ITV	04/11/2019	Materially misleading	1
Emmerdale	ITV	30/09/2019	Product placement	1
Emmerdale	ITV	21/10/2019	Violence	1
Emmerdale	ITV	04/11/2019	Voting	1
Emmerdale	ITV	05/11/2019	Dangerous behaviour	1
Good Morning Britain	ITV	02/09/2019	Due impartiality/bias	1
Good Morning Britain	ITV	11/09/2019	Transgender discrimination/offence	1
Good Morning Britain	ITV	25/09/2019	Disability discrimination/offence	1

<b>Programme</b>	<b>Service</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Good Morning Britain	ITV	03/10/2019	Generally accepted standards	1
Good Morning Britain	ITV	09/10/2019	Generally accepted standards	30
Good Morning Britain	ITV	16/10/2019	Generally accepted standards	1
Good Morning Britain	ITV	23/10/2019	Gender discrimination/offence	1
Good Morning Britain	ITV	24/10/2019	Generally accepted standards	1
Good Morning Britain	ITV	29/10/2019	Age discrimination/offence	3
Good Morning Britain	ITV	31/10/2019	Generally accepted standards	1
Good Morning Britain	ITV	01/11/2019	Generally accepted standards	1
Good Morning Britain	ITV	06/11/2019	Competitions	1
Good Morning Britain	ITV	06/11/2019	Generally accepted standards	2
Good Morning Britain (trailer)	ITV	14/10/2019	Generally accepted standards	1
Harry Potter and the Goblet of Fire	ITV	27/10/2019	Scheduling	1
ITV News	ITV	25/09/2019	Generally accepted standards	1
ITV News	ITV	30/09/2019	Generally accepted standards	1
ITV News	ITV	08/10/2019	Crime and disorder	1
ITV News	ITV	09/10/2019	Generally accepted standards	1
ITV News	ITV	14/10/2019	Scheduling	1
ITV News	ITV	15/10/2019	Violence	1
ITV News	ITV	17/10/2019	Offensive language	1
ITV News	ITV	19/10/2019	Generally accepted standards	1
ITV News	ITV	20/10/2019	Generally accepted standards	7
ITV News	ITV	04/11/2019	Due accuracy	1
ITV News	ITV	04/11/2019	Generally accepted standards	1
ITV News / Peston	ITV	25/09/2019	Due impartiality/bias	1
Live International Football: Bulgaria v England	ITV	14/10/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Live International Football: Bulgaria v England	ITV	14/10/2019	Surreptitious advertising	1
Loose Women	ITV	17/10/2019	Generally accepted standards	1
Loose Women	ITV	17/10/2019	Materially misleading	127
Lorraine	ITV	31/10/2019	Drugs, smoking, solvents or alcohol	8
News	ITV	31/10/2019	Due impartiality/bias	1
Peston	ITV	25/09/2019	Due impartiality/bias	1
Peston	ITV	16/10/2019	Due impartiality/bias	1
Peston	ITV	06/11/2019	Elections/Referendums	5
Public service announcement	ITV	18/10/2019	Political advertising	1
Rugby World Cup: England v New Zealand	ITV	26/10/2019	Generally accepted standards	1
Sanditon	ITV	13/10/2019	Generally accepted standards	5
The Jonathan Ross Show	ITV	12/10/2019	Generally accepted standards	2
The X Factor: Celebrity	ITV	12/10/2019	Gender discrimination/offence	3
The X Factor: Celebrity	ITV	26/10/2019	Generally accepted standards	4
The X Factor: Celebrity	ITV	26/10/2019	Promotion of products/services	1
The X Factor: Celebrity	ITV	02/11/2019	Generally accepted standards	4
This Morning	ITV	14/10/2019	Materially misleading	6
This Morning	ITV	16/10/2019	Materially misleading	1
This Morning	ITV	25/10/2019	Due impartiality/bias	4
This Morning	ITV	28/10/2019	Materially misleading	1
This Morning	ITV	29/10/2019	Generally accepted standards	1
This Morning	ITV	30/10/2019	Drugs, smoking, solvents or alcohol	1
This Morning	ITV	31/10/2019	Race discrimination/offence	1
Tipping Point	ITV	01/11/2019	Fairness	1
Turkish Airlines & goturkey.com advertisement	ITV	25/10/2019	Political advertising	1
Who Wants to Be a Millionaire?	ITV	20/10/2019	Generally accepted standards	14

Programme	Service	Transmission Date	Categories	Number of complaints
ITV News Anglia	ITV Anglia	10/10/2019	Due impartiality/bias	1
ITV News London	ITV London	16/09/2019	Due impartiality/bias	1
ITV Calendar	ITV Yorkshire	25/10/2019	Due impartiality/bias	1
ITV Calendar News	ITV Yorkshire	06/11/2019	Elections/Referendums	1
Don't Hate the Playaz	ITV2	23/10/2019	Race discrimination/offence	6
Ferne McCann: First Time Mum (trailer)	ITV2	20/10/2019	Scheduling	1
Supermarket Sweep	ITV2	07/10/2019	Generally accepted standards	2
I'm a Celebrity...Get Me Out of Here (trailer)	ITV3	24/10/2019	Generally accepted standards	1
Sam and Billie: the Mummy Diaries	ITVBe	23/10/2019	Product placement	1
The Only Way Is Essex	ITVBe	20/10/2019	Violence	3
The Only Way Is Essex	ITVBe	03/11/2019	Generally accepted standards	1
The Only Way Is Essex	ITVBe	03/11/2019	Materially misleading	1
The Real Housewives of Cheshire	ITVBe	30/09/2019	Generally accepted standards	1
Alla mot alla med Filip och Fredrik	Kanal 5 (Sweden)	16/10/2019	Materially misleading	1
World Sikh Parliament	KTV	02/07/2019	Promotion of products/services	1
Darren Adams	LBC 97.3 FM	14/10/2019	Materially misleading	1
James O'Brien	LBC 97.3 FM	16/10/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	25/10/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	28/10/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	29/10/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	31/10/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	04/11/2019	Generally accepted standards	51
James O'Brien	LBC 97.3 FM	06/11/2019	Elections/Referendums	6
Maajid Nawaz	LBC 97.3 FM	06/10/2019	Due impartiality/bias	1
Maajid Nawaz	LBC 97.3 FM	13/10/2019	Religious/Beliefs discrimination/offence	1
News	LBC 97.3 FM	19/10/2019	Due impartiality/bias	1
News	LBC 97.3 FM	24/10/2019	Due accuracy	1
News	LBC 97.3 FM	29/10/2019	Other	1
Nick Ferrari	LBC 97.3 FM	24/10/2019	Generally accepted standards	1



Programme	Service	Transmission Date	Categories	Number of complaints
Nick Ferrari	LBC 97.3 FM	31/10/2019	Due impartiality/bias	1
Nick Ferrari	LBC 97.3 FM	06/11/2019	Elections/Referendums	1
Nick Ferrari	LBC 97.3 FM	06/11/2019	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	30/09/2019	Due accuracy	1
Shelagh Fogarty	LBC 97.3 FM	02/08/2019	Commercial communications on radio	1
Shelagh Fogarty	LBC 97.3 FM	23/10/2019	Due impartiality/bias	1
Shelagh Fogarty	LBC 97.3 FM	06/11/2019	Elections/Referendums	1
Steve Allen	LBC 97.3 FM	06/11/2019	Elections/Referendums	1
Escape to the Chateau	More4	21/10/2019	Generally accepted standards	1
Saudi Arabia travel advertisement	National Geographic Channel	16/10/2019	Political advertising	1
Premier News	Premier Christian Radio	11/10/2019	Generally accepted standards	1
EFL	Quest	23/10/2019	Undue prominence	1
Fifth Gear	Quest	24/10/2019	Materially misleading	1
The Chris Moyles Show	Radio X	12/10/2019	Generally accepted standards	1
Ghost Adventures	Really	24/10/2019	Scheduling	1
News	Republic Bharat	19/08/2019	Hatred and abuse	1
Republic Bharat	Republic Bharat	17/08/2019	Race discrimination/offence	1
News	RT	27/10/2019	Generally accepted standards	1
Redacted Tonight	RT	19/10/2019	Offensive language	1
Hip Hop Hour	shmu FM	02/11/2019	Under 18s in programmes	1
Catherine The Great	Sky Atlantic	10/10/2019	Offensive language	1
All Out Politics	Sky News	09/10/2019	Due accuracy	2
All Out Politics	Sky News	23/10/2019	Due impartiality/bias	5
All Out Politics	Sky News	30/10/2019	Due impartiality/bias	2
All Out Politics	Sky News	31/10/2019	Generally accepted standards	1
All Out Politics	Sky News	01/11/2019	Due impartiality/bias	1
Kay Burley	Sky News	01/10/2019	Generally accepted standards	1
Kay Burley at Breakfast	Sky News	17/10/2019	Generally accepted standards	1
Kay Burley at Breakfast	Sky News	22/10/2019	Due impartiality/bias	1
Kay Burley at Breakfast	Sky News	23/10/2019	Due impartiality/bias	5

Programme	Service	Transmission Date	Categories	Number of complaints
Kay Burley at Breakfast	Sky News	30/10/2019	Due impartiality/bias	3
Kay Burley at Breakfast	Sky News	06/11/2019	Elections/Referendums	271
Press Preview	Sky News	08/10/2019	Generally accepted standards	1
Press Preview	Sky News	21/10/2019	Materially misleading	1
Press Preview	Sky News	30/10/2019	Race discrimination/offence	1
Sky News	Sky News	07/10/2019	Due accuracy	1
Sky News	Sky News	08/10/2019	Due accuracy	1
Sky News	Sky News	09/10/2019	Due impartiality/bias	2
Sky News	Sky News	20/10/2019	Race discrimination/offence	4
Sky News	Sky News	21/10/2019	Crime and disorder	1
Sky News	Sky News	22/10/2019	Due accuracy	1
Sky News	Sky News	22/10/2019	Due impartiality/bias	1
Sky News	Sky News	23/10/2019	Due accuracy	1
Sky News	Sky News	23/10/2019	Generally accepted standards	2
Sky News	Sky News	26/10/2019	Due impartiality/bias	1
Sky News	Sky News	26/10/2019	Generally accepted standards	1
Sky News	Sky News	28/10/2019	Gender discrimination/offence	1
Sky News	Sky News	29/10/2019	Due impartiality/bias	4
Sky News	Sky News	30/10/2019	Due impartiality/bias	1
Sky News	Sky News	30/10/2019	Gender discrimination/offence	1
Slasher (trailer)	Sky News	29/10/2019	Scheduling	1
The Early Rundown	Sky News	24/10/2019	Violence	1
The Pledge	Sky News	05/10/2019	Generally accepted standards	1
The Pledge	Sky News	20/10/2019	Race discrimination/offence	1
The View	Sky News	03/10/2019	Disability discrimination/offence	1
Live Renault Super Sunday	Sky Sports Main Event	27/10/2019	Generally accepted standards	1
Premier League Football: Manchester United v Liverpool	Sky Sports Main Event	20/10/2019	Generally accepted standards	2
Premier League Football: Sheffield United v Arsenal	Sky Sports Main Event	21/10/2019	Suicide and self harm	1

Programme	Service	Transmission Date	Categories	Number of complaints
Premier League Football: Crystal Palace v Manchester City	Sky Sports Premier League	19/10/2019	Race discrimination/offence	1
A League of Their Own	Sky1	24/10/2019	Generally accepted standards	1
Charlie's Angels	Sony Channel	17/09/2019	Gender discrimination/offence	1
Rambo	Sony Movies	20/09/2019	Violence	1
Matthew Wright	Talk Radio	11/07/2019	Race discrimination/offence	1
Alan Brazil Sports Breakfast	Talksport	08/10/2019	Due impartiality/bias	2
Alan Brazil Sports Breakfast	Talksport	17/10/2019	Commercial communications on radio	1
Jim White Morning Show	Talksport	31/10/2019	Materially misleading	1
News	Talksport	27/10/2019	Due impartiality/bias	1
Paul Coyte Early Breakfast	Talksport	10/10/2019	Generally accepted standards	1
Sunday Exclusive with Mark Saggars	Talksport	27/10/2019	Due impartiality/bias	1
Dr Pimple Popper (trailer)	TLC	20/10/2019	Generally accepted standards	1
Ollie and Simon	Touch FM	24/10/2019	Generally accepted standards	1
Aftonbladet Morgon	TV3 (Sweden)	30/08/2019	Generally accepted standards	1
Dave Gorman: Terms and Conditions Apply (trailer)	Yesterday	16/10/2019	Animal welfare	1
War Factories	Yesterday	30/09/2019	Materially misleading	1

[How Ofcom assesses complaints about content standards on television and radio programmes](#)

## Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
Climate Change: The Facts	BBC 1	18/04/2019	Materially misleading	1
Question Time	BBC 1	25/04/2019	Due impartiality/bias	1

### [How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)

## Complaints assessed under the General Procedures for investigating breaches of broadcast licences

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
East Midlands Digital Media Limited	Radio Newark	Other	1

### [How Ofcom assesses complaints about broadcast licences](#)

## Complaints outside of remit<sup>1</sup>

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Airwolf	5Spike	12/10/2019	Outside of remit	1
BBC Red Button	BBC channels	n/a	Outside of remit	1
Programming	BBC iPlayer	n/a	Outside of remit	1
Advertisement	CBS Justice	31/10/2019	Advertising content	1
Advertisement	Channel 4	22/10/2019	Advertising content	1
Hollyoaks	Channel 4	30/10/2019	Outside of remit	1
Smuggled (pre-transmission)	Channel 4	04/11/2019	Outside of remit	1
The Circle	Channel 4	18/10/2019	Outside of remit	1
The Great British Bake Off	Channel 4	29/10/2019	Outside of remit	1
Advertisement	Channel 5	26/10/2019	Advertising content	1
Advertisement	Drama	27/10/2019	Advertising content	1
Advertisements	E4	20/10/2019	Advertising content	1
Star Trek	Horror Channel	30/10/2019	Outside of remit	1
Advertisement	ITV	22/10/2019	Advertising content	1
Advertisement	ITV	23/10/2019	Advertising content	1
Advertisement	ITV	26/10/2019	Advertising content	2
Advertisement	ITV	27/10/2019	Advertising content	1
Advertisement	ITV	02/11/2019	Advertising content	2
Advertisements	ITV	26/10/2019	Advertising content	1
Advertisements	ITV	27/10/2019	Advertising content	1
Ideal World Heating Solutions	ITV	30/10/2019	Teleshopping	1
Leaders' Debate 2019 (pre-transmission)	ITV	n/a	Outside of remit	16
Prince Charles: Inside the Duchy of Cornwall	ITV	24/10/2019	Outside of remit	1
Rugby World Cup: England v New Zealand	ITV	26/10/2019	Outside of remit	1
The Chase	ITV	30/10/2019	Outside of remit	1
Advertisement	ITV2	26/10/2019	Advertising content	1
Test Transmission	Jorvik Radio	03/11/2019	Outside of remit	4
Advertisement	Magic	29/10/2019	Advertising content	1
Advertisement	n/a	01/11/2019	Advertising content	1
Programming	Salaam Radio	26/10/2019	Outside of remit	1

<sup>1</sup> This Bulletin was amended after publication to correct a factual inaccuracy.

<b>Programme</b>	<b>Service</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Advertisements	Sky channels	23/10/2019	Advertising content	1
Sky Election Debate 2019 (pre-transmission)	Sky News	n/a	Outside of remit	6
Advertisement	Sky Sports	27/10/2019	Advertising content	1
Live EFL Cup: Liverpool v Arsenal	Sky Sports Football	30/10/2019	Advertising content	1
African Men Chatting	Ujima Radio	11/08/2019	Outside of remit	1
BBC Radio content	TuneIn	n/a	Outside of remit	5
Advertisement	Various	27/10/2019	Advertising content	1
Advertisements	Various	13/10/2019	Advertising content	1

[More information about what Ofcom's rules cover](#)

## BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

### Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC News	BBC 1	30/09/2019	Due impartiality/bias	1
BBC News	BBC 1	31/10/2019	Due impartiality/bias	3
BBC News	BBC 1	05/11/2019	Due impartiality/bias	1
Breakfast	BBC 1	28/10/2019	Promotion of products/services	1
Breakfast	BBC 1	06/11/2019	Elections/Referendums	1
Breakfast	BBC 1	07/11/2019	Elections/Referendums	1
Countryfile Autumn Diaries	BBC 1	01/11/2019	Materially misleading	1
EastEnders	BBC 1	25/10/2019	Generally accepted standards	1
EastEnders	BBC 1	28/10/2019	Offensive language	1
Fugitives	BBC 1	09/10/2019	Scheduling	1
Have I Got News for You	BBC 1	01/11/2019	Generally accepted standards	1
Holby City	BBC 1	05/11/2019	Due impartiality/bias	1
Peaky Blinders	BBC 1	22/09/2019	Offensive language	1
Question Time	BBC 1	31/10/2019	Due accuracy	2
Question Time	BBC 1	31/10/2019	Due impartiality/bias	4
South Today	BBC 1	04/11/2019	Due accuracy	1
Strictly Come Dancing	BBC 1	28/09/2019	Disability discrimination/offence	1
Strictly Come Dancing	BBC 1	02/11/2019	Generally accepted standards	1
Strictly Come Dancing	BBC 1	03/11/2019	Generally accepted standards	1
Politics Live	BBC 2	06/11/2019	Elections/Referendums	1
BBC News	BBC channels	Various	Due impartiality/bias	1
Strictly Come Dancing	BBC iPlayer	02/11/2019	Generally accepted standards	1
Afternoon Live	BBC News Channel	06/11/2019	Elections/Referendums	1

<b>Programme</b>	<b>Service</b>	<b>Transmission or Accessed Date</b>	<b>Categories</b>	<b>Number of Complaints</b>
BBC News	BBC News Channel	26/10/2019	Due impartiality/bias	1
BBC News	BBC News Channel	27/10/2019	Due impartiality/bias	1
BBC News	BBC News Channel	01/11/2019	Due impartiality/bias	1
BBC News	BBC News Channel	02/11/2019	Due accuracy	1
BBC News	BBC News Channel	04/11/2019	Due impartiality/bias	1
BBC Weather	BBC News Channel	28/10/2019	Materially misleading	1
Question Time	BBC Parliament/twitter	31/10/2019	Due impartiality/bias	1
Today	BBC Radio 4	01/10/2019	Due accuracy	1
Today	BBC Radio 4	22/10/2019	Due accuracy	1
Today	BBC Radio 4	31/10/2019	Due impartiality/bias	2
Julian Clegg Breakfast Show	BBC Radio Solent	31/10/2019	Due impartiality/bias	1



## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
Train Your Baby Like a Dog	Channel 4	20/08/2019
Steve Allen	LBC 97.3 FM	20/10/2019
Poochta hai Bharat	Republic Bharat	06/09/2019

[How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes](#)

### Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Glaxy Broadcasting Network Limited	92 News

[How Ofcom assesses complaints and conducts investigations about broadcast licences](#)

### Discontinued Investigation:

In [Issue 384 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom announced it would be launching an investigation into Alpha Radio Limited under its General Procedures for investigating breaches of broadcast licences. This investigation has been discontinued.