

Reference: 01448088

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24 May 2022

Freedom of Information request: Right to know request

Thank you for your request for information concerning New Vision TV Limited, and related companies and persons. Your request was received on 25 April 2022 and we have considered it under the Freedom of Information Act 2000 (the "FOI Act").

Your request & our response

You asked:

Please send me:

All information relating to:

- *New Vision TV Limited ("NVTV");*
- *ARY Network Limited ("ARY Network");*
- *ARY Digital UK Limited ("ARY Digital");*
- *Mohammad Salman Iqbal;*
- *Muhammad Yaqoob Iqbal;*
- *Mehak Yaqoob.*
- *Mohammad Iqbal Yackoob;*
- *AZE Communications Limited (holding company of NVTV and 100% of shares held by Mehak Yaqoob) ("AZE");*
- *ARY Communications Limited, Pakistan; and*
- *ARY Digital FZLLC*

Specifically I require the following:

1. *The decision making process, reasons and circumstances for the granting of licences to NVTV, ARY Network and ARY Digital including by way of example only and without limitation, documents, advice received, reservations/objections and representations made by anyone;*

2. *the directors, shareholder, beneficial owners, of the companies named above including by way of example only why they were considered suitable, what checks were undertaken to consider etc[...]*

In answer to questions 1 and 2, you can find information about the standard process that Ofcom follows when assessing applications for a Television Licensable Content Services (“TLCS”) or Digital Television Programme Service (“DTPS”) service on our [website](#).

Ofcom may only grant a TLCS or DTPS licence where Ofcom is satisfied that an applicant may hold a licence in accordance with the statutory requirements. Among other things, the applicant must not be a ‘disqualified person’ (within the meaning of section 5(1)(a) of the Broadcasting Acts 1990 and 1996) and we may not grant a licence unless we are satisfied that the applicant is a ‘fit and proper’ person to hold it (in accordance with section 3(3)(a) of the Broadcasting Acts 1990 and 1996).

In order to allow us to take a decision to grant a licence, we ask applicants to provide information in our standard TLCS and DTPS application forms (available via the link above) regarding the persons who exercise control over the applicant, including its directors and shareholders.

When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at, for example, whether individuals who are likely to exercise control over the applicant and its activities have any criminal convictions or have ever been declared bankrupt, as well as other matters such as disqualification of directors, removal from a professional or trade body and previous broadcasting compliance history.

In your request for information you list a number of organisations and from those, we confirm that New Vision TV Ltd currently holds licences and ARY Network Ltd held, but no longer holds, licences.¹ Regarding the licences issued to those entities, Ofcom followed the standard procedures referred to above in considering whether the general conditions required for an applicant to be deemed ‘fit and proper’ were in place as part of our assessment. We can confirm that Ofcom was satisfied the applicants were ‘fit and proper’ persons when we decided to grant the licences to New Vision TV Ltd (for services ‘ARY Digital’ and ‘New Vision TV’) and ARY Network Ltd (for several services at different points in time - ‘ARY Digital’, ‘ARY News’, ‘ARY World News’, ‘ARY QTV’, ‘ARY Entertainment’ and ‘QTV Islamic Education Channel’). Specific information and documents relating to our assessment for the granting of the licences, including the information that was provided in each application form, are exempt from disclosure under section 44 of the FOI Act, which exempts the disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 (the “Communications Act”) from disclosing information relating to a business which we have obtained in the course of exercising our functions, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met (none of which applies here). The businesses in this case are the entities to which the licences were granted for the services listed above. Section 44 is an absolute exemption and does not require a public interest test.

¹ The licences held by ARY Network Ltd were revoked on 1 February 2017, after Ofcom determined that the licensee had ceased to provide the licensed services, and it was appropriate to revoke the licences. Please see the notification [here](#) for further information.

3. *the decision making process undertaken for the revocation of the licenses of ARY Network[...]*

Ofcom followed our [General procedures for investigating breaches of broadcast licences](#) and [Procedures for the consideration of statutory sanctions in breaches of broadcast licences](#). Please also see the [notification](#) of 1 February 2017 for further information about the considerations taken into account during the decision making process.

As noted in our response to questions 1 and 2 above, we are unable to disclose specific information or documents relating to our assessment for the revocation of the licences, as disclosure of these is exempt under section 44 of the FOI Act. This is because disclosure of information relating to a business (i.e. ARY Network Ltd) obtained in the exercise of our functions is prohibited by section 393(2) of the Communication Act.

4. *the decision making process undertaken for the granting of licence(s) to NVTV and allowing it to wholly and exclusively broadcast content from ARY in Pakistan. Especially given that ARY Network wholly and exclusively broadcast content from ARY Pakistan and that ARY Network went into liquidation in 2017 after losing a major defamation case after broadcasting at least 24 defamatory ARY Pakistan programmes.*
5. *Were and if so what assurances were required by Ofcom from and given by NVTV before the granting of licences. If no assurances required, why not?;*
6. *Did Ofcom check the legal and beneficial shareholders of the NVTV, ARY Network and ARY Digital and if so what was ascertained, if not why not.*
7. *Did Ofcom ascertain and if not why not the connection between many of the shareholders of the NVTV, ARY Network, ARY Digital and AZE.*
8. *Did Ofcom ascertain and if not why not the connection between NVTV, ARY Network, ARY Digital and AZE and especially their directors or shareholders.*

For example: (i) the directors of ARY Digital at the time of its creditors liquidation in 2011 were Mohammad Salman Iqbal and his father Mohamad Iqbal Yackoob (Haji Iqbal); (ii) at the time of its liquidation the directors of ARY Network were Muhammad Yaqoob Iqbal (Mohammad Salman Iqbal's younger brother) and Asif Iqbal; (iii) NVTV is run by Shahzad Alam who is an ex-employee of the liquidated ARY Digital and ARY Network. Further a shareholder in NVTV (according to their filing on 15/11/2018) is a company called "AZE Communications Limited" - a company whose 100 shares were all owned by Mehak Yaqoob, who is Muhammad Yaqoob Iqbal's wife and sister-in-law of Mohammad Salman Iqbal. Further, NVTV's trademark appears to have been applied for registration through a company by the name of ARY Services Limited whose sole director is Muhammad Yaqoob Iqbal (Mohammad Salman Iqbal's younger brother) and ex director of the liquidated ARY Network.

9. *Is and was Ofcom aware of the close connection described above in 8 between the directors and/or shareholders of NVTV, ARY Network and ARY Digital and if not why not. If it was aware, did this raise any concerns and if not why not.*

10. *What if any assurances/ or guarantees were required by Ofcom from NVTV and/or ARY Communications Limited Pakistan / ARY Digital FZLLC prior to or after the granting of the licences to NVTV.*

Our response covering questions one and two above also applies to your questions four to ten.

11. *Given the insolvency history of companies that broadcast ARY Pakistan content did NVTV receive any guarantee/indemnity or other assurances that ARY Pakistan will not broadcast content to the UK that was libellous and/or a breach the Code.*

We do not hold information on the arrangements between New Vision TV and the providers of content for ARY Pakistan.

12. *Is Ofcom aware that over the past year NVTV has lost or settled three major defamation cases after broadcasting defamatory content from ARY Pakistan. If so, what has been Ofcom's response, if any. If none then why not. If no response then why not.*

13. *Ofcom is aware that NVTV, ARY Network and ARY Digital have each lost many libel cases and/or had had complaints upheld against them as a result of broadcasting ARY Pakistan programmes. What consideration has been given this fact and if not why not.*

We do not consider questions 12 and 13 to be requests for information.

14. *Details of all complaints upheld against each of NVTV, ARY Network and ARY Digital.*

The attached excel spreadsheet shows the relevant Standards and licensing investigations and Fairness and Privacy adjudications taken against the listed licensees.

15. *What if any penalties and/or sanctions have been threatened or undertaken against the NVTV, ARY Network and ARY Digital, their directors and/or shareholders.*

The attached excel spreadsheet shows the relevant sanctions imposed on the listed licensees.

I would like the above information to be provided to me as paper and electronic copies.

As we have only your email address we have responded by email.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF