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29th May, 2026.

The Director-General,
National Broadcasting Commission (NBC),
Asokoro,
FCT, Abuja.

COUNTER PRESENTATION IN OPPOSITION TO THE PETITION OF T.V. RAMNAP, ESQ DATED 25TH MAY, 2026.

RE: THE CONTINUED BROADCASTING OF BIG BROTHER NAIJA ON DSTV BY MULTICHIOCE NIGERIA LTD

1. INTRODUCTION

We are Solicitors and Advocates with key interest in constitutional, digital and public interest matters, and we write based on this regards.

The above subject matter hereby refers.

2. PRELIMINARY REMARKS

This counter-presentation is submitted in response to the petition lodged by the aforementioned Petitioner demanding the suspension of Big Brother Naija (hereafter the programme or BBN) from DStv's broadcast platform. With the greatest respect to the petitioner, we submit that the demand for suspension is legally unsound, constitutionally questionable/epileptic, disproportionate as a regulatory response, and

contrary to public interest. We urge the National Broadcasting Commission (hereafter Commission) to decline the demand for suspension and instead, where necessary, exercise its regulatory powers through proportionate, targeted, and legally defensible mechanisms. We shall proffer our reasons accordingly.

2.1 THE CONSTITUTIONAL FRAMEWORK IS DOUBLE-EDGED

In his petition, the Petitioner relied on Sections 21, 22, and 23 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (hereafter 1999 Constitution), which relate to the Directives of the Nigerian culture, Obligation of the Mass Media, and National ethics. With respect, the petitioner's constitutional interpretation is selective and incomplete.

The same Constitution, in Chapter IV dealing with Fundamental Rights, particularly sections 36, 37, and 38, guarantees fundamental rights that are directly engaged by any attempt to suspend BBN. For purposes of completeness, we shall replicate these sections without prejudice to their various sub-sections as follows:

Section 36(1) of the 1999 Constitution dealing with the Right to Fair Hearing provide thus:

"In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a manner as to secure its independence and impartiality."

Therefore, any regulatory action against Multichoice Nigeria Ltd (including any other broadcasting platform) that results in suspension of the programme without a full, fair, and transparent hearing would violate the right to fair hearing of the broadcaster. The pre-action notice issued by the petitioner cannot substitute for the Commission's own independent

hearing and disciplinary process. Suspension without hearing would be procedurally invalid and judicially vulnerable.

Section 37 of the 1999 Constitution dealing with the Right to Privacy provide thus:

"The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected."

The housemates of BBN are consenting adults who have voluntarily entered the programme with full knowledge of its format. Their autonomy as adult citizens to participate in a legal entertainment format is a constitutionally protected interest.

Section 38(1) of the 1999 Constitution dealing with Freedom of Thought and Expression provides thus:

"Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."

The section guarantees every person the right to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference. A blanket suspension of a television programme, as opposed to targeted editorial regulation of specific content, constitutes a disproportionate interference with this constitutional right.

The Commission is not merely a guardian of cultural values; it is a constitutional machinery bound by its full weight, including its fundamental rights provisions. It can not selectively apply Chapter II dealing with fundamental Objectives and Directive Principles of State Policy, while ignoring Chapter IV of the same Constitution. That would be preposterous, to say the least.

2.2 THE STATUTORY FRAMEWORK DOES NOT SUPPORT OUTRIGHT SUSPENSION

In his petition, the petitioner invoked sections 2(1)(b) and (c) of the National Broadcasting Commission Act (hereafter NBC Act), being the regulatory repository powers of the Commission, and the NBC Code 6th Edition, and thereafter called for outright suspension. It is submitted that the position of the Petitioner is legally unsustainable and would not stand judicial scrutiny. With respect, such argument is *non sequitur*.

A careful reading of the NBC Act and the Code (6th Edition, 2016, and its 2020 Addendum) reveals that the Commission's regulatory arsenal includes; warnings, directives to correct or remove content (otherwise called Take-down Order, Block or a Shut-down Order), fines, suspension, and revocation of license, depending on whether the broadcast violation falls under CLASS A or CLASS B offences in line with the NBC Code (6th Edition, and its 2020 Addendum). These remedies exist on a spectrum precisely because the legislature recognised that proportionality, due process, and progression are cardinal principles of regulatory action.

It should be parenthetically noted that while the Code's 6th Edition, 2016 is still operational, **Prof Armstrong Idachaba**, the then Acting Director General of Commission, in the preface to the Code's 6th Edition 2020 Addendum, noted that; ***"While some provisions in the Addendum to the 6th Edition of the Nigeria Broadcasting Code are entirely new, others are replacing existing provisions with the same numbering in the Nigeria Broadcasting Code, 6th Edition."*** Therefore, we shall be largely guided by the Code's 6th Edition, 2020 Addendum, especially as regards sanctions.

Straightaway, in order to cure the curiosity that may arise from my position, it should be noted that throughout the provisions of the Code's 6th Edition, 2016, and even the 2020 Addendum, no provision classified indecent, obscene, pornographic, vulgar, foul, nasty, filthy, or dirty words, expression, presentation, or representation under CLASS A offences, whose sanctions in Chapter 15, paragraph 15.1.2.1, of the Code's 6th Edition, 2016 are; (a) immediate order of suspension of broadcast services; (b) suspension of licence and immediate shut down/seal up of

transmitter; or (c) revocation of licence, seizure, and forfeiture of transmitting equipment.

In fact, the correct position is that the same Code's 6th Edition, 2016 in Chapter 3 dealing with General Programming Standards, particularly in paragraphs 3.5.1(a) and 3.6.1(a), on 'Good Taste and Decency' and 'Morality and Social Values' respectively, classified these violations in CLASS B. The sanctions for violation of CLASS B have been amended in the Code's 6th Edition, 2020 Addendum, particularly in paragraphs 15.2.2 to read:

'The sanctions for Class B are: (a) Written warning to remedy/rectify a breach within a reasonable time frame, failing which a penalty shall be imposed. (b) Failure to comply with the provision of "a" above shall attract a reduction of daily broadcast hours for a given period. The recommencement of full broadcast hours shall be subject to a heavy penalty for public and commercial broadcasters and light penalty for Community broadcasters'.

To corroborate this position, paragraph 2.12.7.2 of the 2020 Edition provides that:

"Where a service provider or a platform owner breaches any or all of the provisions of the Code, sanctions as provided in the Code, including Take-down Order, Block or a Shut-down Order shall apply."

At this juncture, one may wonder where the Petitioner drew his conclusion from. Even paragraph 2.12.7.1, which deals with contents relating to hate speech and fake news is classified under CLASS B, talk less of indecency which can be largely and easily controlled.

The demand for outright suspension leapfrogs the entire spectrum of these principles. Accordingly, it is trite law that where a statute or law provides a procedure, same must be complied with. See with approval the case of **OPDC Properties Ltd v. The People of Lagos State (2025) 14 NWLR (P.315, paras. B-E) SC.**

There is no evidence that the Commission has first issued a formal warning to Multichoice, directing the editing or alteration of specific offending segments, imposing financial sanctions, or requiring the implementation of enhanced content controls. Suspension at this stage, before any of these intermediate measures have been exhausted, would be legally indefensible and would not survive judicial review.

Further, BBN is not a free television. It is broadcast on DStv – a paid, subscription-based platform that requires a PIN to access. This means that only people who have deliberately chosen to subscribe and pay for the services can watch it. It is not the kind of content that any member of the public can accidentally stumble upon. DStv subscribers make a deliberate, adult, financially-informed choice to access the platform. The programme is further broadcasted with due consideration to age-restriction classifications and during watershed hours. Watershed hour (or safe harbour) means "the time when TV programmes which might be unsuitable for children can be broadcast."

The main reason the NBC Act and Code exist is to protect ordinary members of the public from stumbling upon unregulated content unexpectedly. That concern is much weaker when the content is on a paid subscription platform like DStv, because viewers have to deliberately choose and pay to access it - it does not come to them uninvited. The Commission's regulatory response, if any, should be tailored to this reality. Enhanced access controls, stronger parental advisory warnings, and stricter watershed enforcement are proportionate responses. Suspension is not.

2.3 THE ECONOMIC AND PUBLIC INTEREST DIMENSION

It is no doubt that that BBN is a significant economic asset. It is one of Nigeria's most commercially significant entertainment properties, especially for the youths. It generates substantial advertising revenue, supports thousands of direct and indirect jobs, ranging from producers, crew, marketers, digital content creators, and drives significant economic activity in the creative economy market. It has made the entertainment

culture globally visible and has launched careers that now represent Nigeria on the international stage.

The NBC Act requires the Commission to exercise its regulatory functions in a manner that is consistent with the public interest. The economic contribution of this programme to Nigeria's creative economy is a public interest consideration that the Commission is obliged to weigh in its regulatory calculus. Suspension, which would cause immediate and severe economic harm to a large number of Nigerians (especially youths, considering the rate of unemployment), can not be ordered on the basis of a single petitioner's moral objection without true legal scrutiny.

BBN consistently attracts tens of millions of Nigerian viewers and generates some of the highest voting participation numbers of any television programme in African history. This scale of voluntary, enthusiastic public engagement is itself a public interest consideration. It reflects a genuine demand by a large segment of the Nigerian population for this form of entertainment. The Commission must be cautious about substituting the moral preferences of one petitioner for the demonstrated entertainment choices of millions of Nigerian citizens.

2.4 THE CULTURAL ARGUMENT IS OVERSTATED

The petitioner argues that BBN undermines Nigerian cultural values. This argument, while understandable from a particular moral standpoint, rests on a monolithic and static conception of Nigerian culture that does not reflect the reality of the nation's extraordinary cultural diversity.

Nigeria, according to Prof. Onigu Otite, has 374 ethnic groups, speaking over 500 languages with wide spectrum of social values. There is no single, uniform "Nigerian cultural standard" against which a television programme can be measured; I beg to be correct on scholarly and practical precision, if any. What is adjudged culturally offensive in one community may be unremarkable in another. The NBC Code's reference to conduct that "offends good taste and decency" must be interpreted in light of this diversity, not in light of the most conservative position

available within it, such as that of the Petitioner who does not represent any percentage in this arithmetic, mathematically speaking.

Nigerian culture is not static. It evolves, as all living cultures do, in response to social change, generational shift, and exposure to global ideas. Regulatory intervention that attempts to freeze cultural expression at a particular moment is not the preservation of culture. It is its calcification, ossification, or fossilization.

3. ALTERNATIVE REGULATORY RECOMMENDATIONS

In the light of the foregoing, rather than suspension, we respectfully urge the Commission to consider the following proportionate regulatory responses:

- i. **Enhanced Content Classification:** Mandate Multichoice (and by extension, other broadcasting platform) to strengthen the age-rating and content advisory framework for BBN, including mandatory on-screen warnings before each broadcast.
- ii. **Watershed Enforcement:** Directing that the most sensitive content be broadcast only during the watershed hour, with strict enforcement and financial penalties for non-compliance.
- iii. **Editorial Standards Directive:** Issuing a specific directive to these platforms identifying the categories of content that must be edited, pixelated, or removed before broadcast, with clear technical standards.
- iv. **Financial Sanctions for Specific Breaches:** Where specific, and identified broadcast segments are found to violate the NBC Code, imposing graduated financial sanctions proportionate to the severity of the breach may be appropriate.
- v. **Mandatory Access Controls:** Directing these platforms to implement or strengthen parental control mechanisms, ensuring

that subscribers must actively opt in to content above a defined age classification.

- vi. **Industry Dialogue:** Convening a formal multi-stakeholder dialogue between the NBC, broadcasting platforms, civil society organisations, consumer groups, and the creative industry to develop an updated content standards framework that reflects Nigeria's contemporary social landscape.

4. CONCLUSION

The Petitioner's petition, while raising legitimate questions about broadcast standards, does not provide a legally or constitutionally sufficient basis for the suspension of BBN. Suspension would be disproportionate, constitutionally questionable, economically damaging, and contrary to the demonstrated entertainment preferences of millions of Nigerian citizens, especially the youths.

The Commission's mandate is not suppression - it is regulation. The distinction is constitutionally and legally fundamental. We urge the Commission to exercise its regulatory powers thoughtfully, proportionately, and in a manner that upholds both the cultural sensitivities of the Nigerian society and the constitutional rights of broadcasters, content creators, and the viewing public. The can and should be regulated. It should not be silenced.

To say more, would be otiose.

Accept the best regards of our chambers.

**Yours faithfully,
FOR: CML**



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