



Date: June 23, 2021

To,
Justice (Retd.) A.K. Sikri Chairperson,
News Broadcasting Standards Authority
C/o News Broadcasters Association
Mantec House, C-56/5, 2nd Floor,
Sector 62, Noida - 201 301
(authority@nbanewdelhi.com)

Cc: Ms Annie Joseph,
For and on behalf of NBSA News Broadcasting Standards Authority
C/o News Broadcasters Association News Broadcasting Standards Authority

Sub: Complaint against Zee Media's channel Zee Hindustan over the "Vaccine Jihad show"

Dear Sir,

Citizens for Justice and Peace (CJP) is a human rights movement that is dedicated to upholding and defending our fundamental freedoms, in the courts and beyond. CJP has been actively campaigning against Hate Speech and believes in the constitutional values of harmony and equality.

We want to bring to your notice a very concerning show that was broadcast on Zee Hindustan on May 30 that misinformed viewers about an alleged vaccine wastage incident by a Muslim nurse from Jamalpur Primary Health Centre in Aligarh, Uttar Pradesh, when in reality that incident took place at a vaccination centre in Mucho Lote in Guayaquil, Ecuador!

In our letter dated June 4, 2021, we approached Zee Media Corporation Limited to bring to its notice the communal nature of its content and misinformed reportage regarding this vaccine wastage incident. We requested the news channel to remove the above-mentioned content from their Facebook page, other social media accounts, their own website and issue a public apology for the misinformed reportage of communal nature.

But as per the News Broadcasting Standards Authority (NBSA) guidelines, the broadcaster did not respond to our notice within the stipulated period of 7 days, hence compelling us to approach your esteemed authority.

CJP Complaint to the broadcaster Zee Media dated June 4, 2021 is marked and annexed hereto as Annexure A.

The show

Zee Hindustan aired a show on May 30, 2021, called कट्टरपंथिय सेसीधेसवाल करनेवाला बहुत बडा खुलासा | देश मेंकौन कर रहा है Vaccine वाला थिहाद? (Fanatics to be questioned on this big revelation. Who is involved in "Vaccine jihad" in the country?) It was about a breaking news story about ANM (auxiliary nurse midwife) called Niha Khan from Jamalpur Primary Health Centre in Aligarh, who was booked for allegedly disposing 29 syringes filled with COVID-19 vaccine without administering them to the beneficiaries.

During the show, there was a video being shown repeatedly, where a woman in a PPE kit inserts the syringe into the man's arms but does not administer it and disposes it. The hosts of the show, constantly used offensive and discriminatory terminology to give the alleged incident a communal angle: Some examples are:

- Saazish ki sanak ya mazhabi junoon (Conspiracy or religious fanaticism?)
- Nurse ki toolkit me kitni jihan? (How many "jihadis" in Nurse's toolkit?)
- Yogi ki UP me Vaccine Jihad (Vaccine Jihad in Yogi's UP)
- Kattarpanthiyo kab muh kohloge (When will fanatics speak up?)
- Vaccine jihad case me karyawahi (Investigation on in Vaccine jihad case)
- Vaccine wala jihad kattarpathiyo ab muh khologe? (Vaccine Jihad, Will fanatics speak up now?)
- Nurse niha khan chahti thi ki corona faile aur halaat bigde (Nurse Niha Khan wanted Corona (virus) to spread and for situation to get worse)

The clip of the show downloaded by Citizens for Justice and Peace (CJP), Mumbai, on June 4, 2021, is marked and annexed hereto as Annexure B.

But the video of a woman disposing of the syringe without administering has been fact checked by a news portal and fact checker called Alt News. They have tracked the video all the way to Ecuador where an Ecuadorian national, use the Twitter platform (microblogging site) and tweeted the video on April 25 and the Ministry of Health of Ecuador even gave a press release in the matter accepting that the said incident in the video took place at a vaccination centre in Mucho Lote in Guayaquil, Ecuador.

The Alt News fact check report can be read here: <https://www.altnews.in/zee-hindustan-links-video-from-ecuador-to-nurse-booked-in-up-for-throwing-vaccine-filled-syringes/>

The correspondent in the show questioned whether she did this on the bidding of some terrorist organization. The report in most parts relies upon the video and replays it multiple times throughout the show without verifying the source of the said video. The correspondent further says that the Anti-terrorist Squad should also enquire into this case and mentions the name of one Dr. Afreen who is believed to be involved in this incident. He compared the incident to one of a terrorist activity of a human bomb. Dhoka (cheating) is another term that has been used repeatedly to insinuate that Niha Khan was deceiving people.

The hosts of the show also raise questions as to how many such people who came for inoculation were not vaccinated at all by Niha Khan, the insinuation being that there could be 100s of such people thus creating unnecessary panic among the people residing in that area as well as public at large. The host even went on to say that it is possible that there are other such Centres where such practices are taking place and people are unaware of this.

The correspondent was also heard blaming one Doctor Afreen who was allegedly informed about the incident but she did not take any step. He kept reporting that this could be "a bigger conspiracy". The communal angle plays out quite brazenly through the entire show. As bad or worse, the panic that was being created by the hosts could feed into the low awareness about the vaccine and the vaccine hesitancy in remote rural areas or even small towns. Worse still, by targeting a young woman professional by name they have put at risk both her professional work and in a sense also opened up the possibility of a threat to her person.

Violations of NBSA principles

Here are some of the codes of ethics and principles of self-regulation as laid out by the NBSA, violated by Zee Media by airing this show:

Section 1 -Fundamental Principles

6) Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.

Section 1- Principles of Self-Regulation

1) **Impartiality and objectivity in reporting:** Channels should be transparent. Errors must be correctly promptly and clearly, whether in the use of pictures, a news report, a caption, a graphic or a script. Channels should also strive not to broadcast anything which is obviously defamatory or libellous. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view.

2) **Ensuring Neutrality:** TV News Channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though Neutrality does not always come down to giving equal space to all sides (news channel shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

9. Racial & Religious Harmony:

9.1 Racial and religious stereotyping should be avoided.

9.2 Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.

3. Law & Order, Crime & Violence

3.2 Content should not depict techniques of crime that may tempt imitation, especially with reference to terrorism and suicide.

3.3 Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, sub judice.

The code of ethics has established the fact that it is the job of news media to inform people of news around them, without bias and prejudices. While the news was that a nurse was suspended for allegedly wasting vaccines, Zee Hindustan, in its show had gone several steps further to allege a communal conspiracy and terrorist nexus, while showing a misinformed and false video. This further perpetuates biasness and prejudices against the minority community. Even if one goes by the claims made by the correspondent's reportage and an inquiry has been set up to investigate into the acts of Niha Khan, how this could be a larger conspiracy and affiliated with some terrorist activity is vitriolic and beyond comprehension.

Repeatedly using terms like "vaccine jihad" and flashing it on the screen throughout the show in big fonts, shows the malafide intentions of the channel and the host and exposes the propaganda of spreading hatred and vilifying the Muslim community at large. We all know what the print media

propaganda ended up doing towards the Tablighi Jamaat gathering members who were harassed and humiliated only to be acquitted by most state courts.

Tablighi Jamaat was vilified and blamed for the “larger conspiracy” of spreading the virus in the country. What followed thereafter were series of incidents, many of which remain under reported, where people from the Muslim community were discriminated against and ostracized from the society they have always lived in. People refused to take deliveries from them, they refused to buy fruits and vegetables from Muslim vendors and many were harassed on the streets openly, all because of the concerted vilification of Tablighi Jamaat and the implication by the news media that the spread of the pandemic was due to that one congregation of a handful people.

The Bombay High Court in *Crl. Writ Petition No. 548 of 2020*, while quashing FIRs against some Tablighi Jamaat members stated that the Jamaat members were made scapegoats by the government and the media followed suit. The court observed, “*There was big propaganda in print media and electronic media against the foreigners who had come to Markaz Delhi and an attempt was made to create a picture that these foreigners were responsible for spreading covid-19 virus in India. There was virtually persecution against these foreigners. A political Government tries to find the scapegoat when there is pandemic or calamity and the circumstances show that there is probability that these foreigners were chosen to make them scapegoats.*”

Violations of Indian Penal Code

Further, the inflammatory and unverified content of the show amounts to inciteful, hate speech which is a punishable offence under various sections of the Indian Penal Code (IPC):

Sections 153A [promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony],

295A [deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs],

298 [uttering, words, etc., with deliberate intent to wound the religious feelings of any person] and

505 (1) and (2) [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes].

In *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.) the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide.

The content of the show, with usage of words like *jihadan*, *dhoka*, *saazish*, *vaccine jihad*, was downright offensive, aimed at ridiculing one particular community, amounting to hate speech. In *Amish Deygn vs Union of India* W.P Crl. No. 160 of 2020, the Supreme Court had held that, “The content-based element involves open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society. It can include use of certain symbols and iconography. By applying objective standards, one knows or has reasonable grounds to know that the content would allow anger, alarm or resentment in others on the basis of race, colour, creed, religion or gender.”

Another element of hate speech is harm-based or impact-based that refers to the consequences of that hate speech, that is, “*harm to the victim which can be violent or such as loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena.*”



Dear Sir(s), in a democracy like ours, a person is entitled to a status as a social equal and a bearer of human rights and constitutional entitlements. In *Amish Devgn*, the top court held that “Loss of dignity and self-worth of the targeted group members contributes to disharmony amongst groups, erodes tolerance and open-mindedness which are a must for multi-cultural society committed to the idea of equality. It affects an individual as a member of a group.” Hence, it is important to stand against such reportage which continues with brazen impunity and false sources.

The link to this show is still available on YouTube (as of June 21, 2021) with 31,749 views and around 1,000 likes. The news content was also accepted and bought by many viewers and the comment sections is evidence enough. Some comments below the vaccine jihad show how unverified news strengthens hateful sentiments against Muslims. Some examples are:

- Niha Khan should be jailed for 29 years minimum.
- Yeh hai vaccine jihad (This is vaccine jihad)
- Doctor Kafil ka female version (Female version of Dr. Kafil Khan)
- She (Niha Khan) should not be treated in any Hospital whenever she falls sick. She should be dismissed from service and punished [by] law.
- We need to remove these radical Islamic People from India
- All should be careful from Muslim nurses and doctors

The images of the comment section below the show on YouTube is marked and annexed hereto as Annexure C.

Link: <https://www.youtube.com/watch?v=3NDS2DdsFuw>

Prayers

We humbly urge the NBSA to:

1. Direct Zee Media to remove this program from all their social media accounts and website.
2. Direct Zee Media to issue a public apology on its channel for promoting enmity and hurting the sentiments of a certain community.
3. Direct Zee Media to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.

Declaration to be given as per Regulation 8.4

The facts stated in the complaint are true and correct to the best of our knowledge and belief.

We have placed all relevant facts before the NBSA and have not concealed any material facts.

We confirm that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the NBSA.

We shall inform the NBSA forthwith if during the pendency of the inquiry before the NBSA the matter alleged in the complaint becomes the subject-matter of any proceedings in a Court of law or other Tribunal or Statutory Authority.



Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary

Annexures:

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| Annexure A | CJP complaint to broadcaster dated June 4 |
| Annexure B | Clip of the show downloaded by CJP on June 4 |
| Annexure C | CJP compiled screenshots of the comment section |