

Speed Post / Only by Email

November 15, 2021

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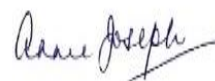
Dear Madam/Sir,

Re: Order of NBDSA (formerly known as NBSA) on the complaint dated 12.11.2020 filed by Citizens for Justice and Peace against News Nation for airing a programme titled ‘Conversion Jihad’

Attached please find Order dated November 13, 2021, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking you,

Yours faithfully,



Annie Joseph
For and on behalf of the
News Broadcasting & Digital Standards Authority

Encl: As above

CC: ajay.verma@newsnation.in, manoj.gairola@newsnation.in

News Broadcasting & Digital Standards Authority
Order No. 113 (2021)

Order of NBDSA (formerly known as NBSA) on the complaint dated 12.11.2020 filed by Citizens for Justice and Peace against News Nation for airing a programme titled 'Conversion Jihad'

Since the complainant did not receive any reply to their complaint dated 12.11.2020 filed with the channel, the complaint was escalated to the second level, i.e. NBSA on 1.12.2020

Complaint dated 12.11.2020 with the Channel:

The complaint is against a news programme titled '*Dharmantar Jihad*', which was aired by News Nation on 6.11.2020. The complainant alleged that in the impugned programme, the broadcaster invented their own terminology, and the anchor was seen talking about Conversion Jihad on national television, the clips of which were also uploaded by the anchor on his Twitter account.

The complainant stated that the impugned programme reported about one Memchand and his family from Mewat, Rajasthan, who had been allegedly forced to convert their religion, consume cow meat and threatened by Tablighi Jamaat members. In the impugned programme, the anchor questioned the '*secular gang*' of India and claimed to have exposed a conspiracy to completely wash away Hindus of India, "*Ek giroh iss Hindustan se hinduon ko mitaane ki saajish kbule aam kar raha hai*".

Further, the anchor also called Maulana Syed-ul Qadri in the show and kept shouting over Maulana's words asking for an explanation behind the alleged conversions. He also went one step further and asked Maulana Qadri to tender an apology on behalf of the entire Muslim community and referred to him as being "*Jhoot ki Factory*".

The complainant alleged that the anchor had blatantly allowed hate speech in the show. Even panellist representing Vishwa Hindu Parishad was provided a platform to propagate virulent Islamophobic ideas, who said, "*Yeh log maar maar ke musalman banana chahte hai. Sabse zyada aatankवाद, sabse zyada dharmantarn, sabse zyada utpeedan aur sabse zyada hinduon ka cheer baran, agar kisi ne kiya hai, woh islam ko maane wale logo ne kiya hai*". Further he accused Islamic people of playing the victim card and preventing Hindu's from raising their voice against this atrocity. This is Islam's "*asli chehra*", and there is a Jamaat that leads people to indulge in anti-national and anti-religion activities, he said on the show. The complainant asserted that throughout the programme, there was an attempt to vilify the Jamaat members. Further, it was pertinent to note herein that the Bombay High Court had rescued the Tablighi Jamaat members from further condemnation and had also acknowledged the disparaging reports on them.

The complainant stated that this malicious content was also uploaded on YouTube on 5.11.2020 and had since then received 19,798 views. Further, the comment section under the video reeked of anti-minority sentiments with people suggesting that the Islamic faith is the biggest enemy of humanity and the entire universe.

The complainant alleged that the anchor was selling hate by insinuating that the 'Hindustan' we are living in was no longer safe for Hindus. He appealed to his viewers that it was time to stand together against this injustice of forceful conversion of Hindus by Muslims. Throughout the show captions like "*Memchand Zinda hai...Jamaat Sharminda hai*", "*5000 Hindu kaise banaye Muslim?*" "*Mewat kya Pakistan ban gaya?*" and "*Maulana Gang exposed*" were aired. Further, the complainant stated that the anchor had already received 3,300 views and 1,200 retweets by netizens all across the country and seemed to be consolidating support through comments like "*Faasi do jibaadiyo ko*", "*I stand with you*" and "*secularism has ruined the country*" by users.

The complainant submitted that in another instance of shameful display of anti-Muslim content on News Nation, the anchor entertained a Delhi University professor of Political Science's idea of banning the Quran on 14.9.2020. The Professor claimed that the Quran teaches Muslims to practice violence against Hindus. He goes on to say that "*Islam aatankhwaad ka paryay bana hua hai. Islam har jagah aatankhwaad paida karr raha hai*". Allowed to run un-interrupted, Raagi also targeted Shaheen Bagh and said "*iss desh mein ek Shaheen Bagh nahi, saikro shaheen bagh khade kiye jaa rahe hai*". The complainant stated that a clip from the impugned show had also been posted on YouTube on 14.9.2020 and had received a whopping 35,489 views. The anchor's attempts to tarnish the reputation of Muslims were getting brazen validation through comments below the video.

The complainant alleged that it was not the first time that the anchor had indulged in this kind of 'reportage' on live television peddling hate against the minority Muslims of India. With its unethical reporting on the Delhi Riots, calling it a premeditated conspiracy to supporting the idea of a 'Population Control' law to restrict Muslims from having more than 2 children, the anchor is perpetuating dangerous polarization of the society.

The complainant stated that while such reportage defied all principles of morality, there were laws as well as standard ethical practices in place which made this kind of journalism a punishable offence. Firstly, in order to protect freedom of the press, news media has the onus of regulating itself under some guidelines as well as the Code of Ethics and Broadcasting Standards (Code of Ethics). The impugned programme had violated the Fundamental Principles 4, which required the broadcaster to ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue and 6 which directed full and fair presentation of news and the Principles of Self-Regulation

requiring neutrality under the Code of Ethics. Further, the impugned programme also violated Specific Guidelines Covering Reportage requiring Impartiality, Neutrality & Fairness and Racial & Religious Harmony.

The complainant stated that the Code of Ethics is required to be followed by TV news channels in India to uphold the true spirit of journalism and to avoid misuse of the freedom of speech bestowed upon by the Constitution of India. By indulging in hate speech and promoting social disharmony with the content of its Conversion Jihad show, the broadcaster had not only discriminated against Muslims but had also created a hostile environment for them. The show also contravened various sections of the IPC.

It stated that in order to respect the diverse religions and composite cultures of India, it was essential to keep a check on the unverified claims and hate propaganda against Muslims. Targeting a particular community fosters a spirit of discrimination and needs immediate attention to protect the secular fabric of India. The complainant asserted that it was due to such anti-Muslim narratives that viewers had developed animosity towards their fellow members of society, and even people who had been living in harmony started discriminating against families belonging to Muslim communities. It stated that inciteful speech had been recognised by innumerable Judicial Commissions adjudicating into communally targeted programmes (read “riots”) to have created a complicit public atmosphere where the wider social sanction can lead to killing, later extermination. Hate speech by supremacist/extremist groups played a role in the Gujarat genocidal pogrom of 2002. The complainant stated that “*commercial mainstream media*” indulging in such targeted sensationalism took the dangers to a new level.

It highlighted a recent incident, which happened a week ago, in Una, Himachal Pradesh, where Mohd. Dilshad, the only breadwinner of his family, committed suicide, leaving a note saying, “*I am nobody’s enemy.*” Mohd. Dilshad had been seen ferrying two people who had attended Tablighi Jamaat meet, on request, and since then, other villagers targeted him and his family. The villagers called the police, after which Dilshad was kept in quarantine and ultimately tested negative for Covid 19. The targeted social ostracization, however, continued as the villagers refused to buy milk from his family while he was gone. The complainant stated that such ostracization was probably one of the major causes for him taking the extreme step of ending his own life. Further, the complainant stated that it was such selective, sensational narratives created and promoted by the electronic media that influence social behaviour, legitimises the spread of exclusion and hate, and in extreme conditions leads to killing and violence.

The complainant stated that it would also like to bring to the attention of the broadcaster that such hate propaganda and bigotry of the media has been punished

as war crimes in Nazi Germany and Rwanda. Such a phenomenon has been analysed in international human rights jurisprudence as *Journalism as Genocide*. The theory being that consistent and targeted hate messages (against a section of the population, a community, caste, race or tribe) in the media have a direct effect on the dehumanisation of a population and create the conditions of the wider sections (majority) to consolidate and legitimise hatred against these sections. The onus must lie with the media to ensure that they engage in responsible journalism of presenting facts and complete information without any malicious intent so that the public can form their own opinions without selectivity, bias and prejudice.

Therefore, the complainant stated that in the interest of the wider public good and to avoid legal implications, the broadcaster should take down the video of the impugned show from all digital platforms and also issue an apology for publicizing such inflammatory content devoid of journalistic ethics and principles.

Complaint dated 1.12.2020 filed with NBSA:

The complainant reiterated the contents of its complaint dated 12.11.2020 filed with the broadcaster. The complainant stated that in order to respect the diverse religions and composite cultures of India, it was essential to keep a check on the unverified claims and hate propaganda against Muslims. Targeting a particular community fosters a spirit of discrimination and needs immediate attention to protect the secular fabric of India. In this regard, the broadcaster relied on the following: *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.), the Law Commission Report, 2017 regarding Hate Speech and *Firoz Iqbal Khan v Union of India*- W.P [Civ.] No. 956 of 2020).

The complainant stated that it had a bona fide intention to bring to the attention of this Authority the misuse of broadcasting by the anchor, which can be considered not just as an act against national integration but violative of the fundamental tenets and values as enshrined in the Indian Constitution-based at it is on fraternity, equality, non-discrimination and equality before law. Only if strict action is taken against such perpetrators, a strong message can be sent to personalities spitting venom on news channels and misusing the freedom of speech guaranteed by our Constitution. Free Speech is not Hate Speech, the complainant stated, as the latter often misuses positions of power and privilege to further marginalize and stigmatize a section that is structurally, socially and politically disadvantaged. The unchecked proliferation of such telecasts by the electronic media have the deleterious impact of misinforming and prejudicing public discourse, often as a precursor to social ostracization and even violence.

The complainant stated that the impugned broadcast was also prejudicial to the maintenance of harmony and has disturbed public tranquility as it blatantly promoted hatred, distrust, and discrimination against the minority community by

placing blame on them for some sort of deep-rooted conspiracy against rest of the Indians. In doing so, the statements attempted to displace harmony and exacerbate religious tensions by portraying Muslims as villains and wrongdoers.

The complainant submitted that the community subjected to this form of vicious hatred has been transformed from being persons to objects. This dehumanization has resulted in calls for the elimination of the community, and the same is nothing short of a call for genocide. The call to genocide is a violation of the right to life and personal liberty of an entire community under Article 21 of the Constitution and needs to be dealt with strictly. The calls for social and economic boycott being made are the precursors to genocide. Hate speech repeatedly dehumanizes an entire community, makes them targets of vigilante violence.

Response from the Broadcaster:

The broadcaster in its reply dated 5.12.2020 submitted that the allegations levelled against it, and the anchor of the show '*Desh Ki Bahas*,' were false, baseless and wrong, and it appeared that the concept and submissions of the show had been wrongly interpreted and misunderstood by the complainant.

The broadcaster stated that the impugned news segment was a live debate, the topic of which was taken on the basis of the viewer's choice. That a live debate is an uncontrollable event on which even the editor or the anchor of the show has no control over what is said by the panelists. It stated that in the impugned news segment, the anchor had not said anything against any particular community, and therefore, the allegation of the complainant was totally baseless.

The broadcaster stated that the said show was aired/telecasted to show the first hand ground report from Mewat regarding alleged forced religious conversion instigated by a certain group of people who reportedly enforced their ideology on innocent people, and the fear for life and liberty faced by the victims of such acts. There was no intent to showcase any kind of social or cultural divide, and the said show was not at all intended to hurt the sentiments of the society. The show was presented with full fairness and neutrality, and ample chance was given to the panellists to express their opinions. However, during the show, those panellists who attempted to justify such alleged heinous acts were definitely checked so as to not hurt the sentiments of a certain community through their vitriolic words from time to time. The anchor did not add or justify any of the statements made by the panellists, as it was the panellists' individual views, and the broadcaster did not subscribe to the same.

Further, utmost care was taken by it to confine the show to the reports which were received by it from the ground zero and the documents collected from the ground report were constantly displayed to substantiate the topic of discussion. The ground

report was based on the personal narratives of the citizens, and it was hence telecasted in a balanced and in the most responsible manner.

Further, the broadcaster submitted that neither the anchor nor the broadcaster was liable for the actions or choices of words used by the other panellist present in the impugned programme. However, despite it, the broadcaster stated it apologizes if anything or any statement had hurt anybody at any level. The subject show/report at no point of time delved into any kind of defamation nor targeted a particular community or religious group as alleged.

The broadcaster reiterated that neither its anchor nor its news channel had indulged in any hate speech during the broadcast of the show, and they had not violated the principles, guidelines and Code of Ethics & Broadcasting Standards issued by the NBSA and therefore were not liable for any penal action. It further denied that the anchor and the channel had failed to exercise care and objectivity while presenting the program and, in turn, had contributed to spreading hatred towards a particular community. It humbly submitted that it does not manufacture news and further aired only authentic and genuine news.

The broadcaster submitted that, however, as a goodwill gesture and to acknowledge the concerns raised by the complainant, it had removed the clips and related posts of the impugned show from all the social media and digital platforms of the broadcaster and the anchor.

Rejoinder dated 14.12.2020 from the Complainant:

The complainant stated that the broadcaster had in its reply asserted that it had not shown any derogatory or defamatory content against any person or group, or community. However, the complainant stated that in the live show titled '*Desh ki Bahas*', the broadcaster kept questioning the ulterior motive of Jamaat members who were allegedly trying to forcefully convert non-Muslim members.

Further, it stated that the broadcaster, in its response, had submitted that it had broadcasted the ground report from Mewat about one Memchand who was subject to forceful conversion and that there was no intent to showcase any kind of social or cultural divide and/ or hurt the sentiments of the society, however, the show had constantly showcased running captions regarding the alleged conversion. The complainant submitted that if the intention of the broadcaster was not to create any kind of cultural or social divide, it should have refrained from running such scandalous and dehumanizing captions for viewership.

Further, even if the broadcaster was attempting to bring out Memchand's first-hand report, it had callously allowed unverified claims to run, insinuating that 5000 Hindus had already been converted to Islam. That clearly, these captions were used

to draw public attention to selectively target the Muslim community that resides in Mewat and elsewhere in the country.

In response to the broadcaster assertion that the anchor had not said anything against any particular community, and the allegations made by the complainant were totally baseless, the complainant stated that it refused to accept this submission as the anchor, had openly targeted the Tabhligi Jamaat and said that *“one gang is openly plotting to do away with the Hindus of Hindustan.”* Further, it questioned that if indeed the anchor was trying to be neutral and fair, why did he ask Maulana Syed-ul Qadri on his show to tender an apology on behalf of the entire Muslim community and call him a *“Jhoot ki Factory”*.

Further, the complainant stated that the clarification offered by the channel, that the show host did not intend to defame or tarnish the reputation of a particular community held no value because, at the beginning of the show, the anchor had himself appealed to his viewers that only *“Hindus”* were unsafe in Hindustan and that they all have to stand together to fight the injustice of conversions forced upon by non-Hindu faith members. The complainant stated that as a journalist/news anchor, his job was to be absolutely impartial about reportage on sensitive issues instead of mass appealing to a particular community to stand together against another. Such reporting further created a hostile environment by vilifying a community, intending to portray that each person belonging to the Muslim community has unfounded motives to mislead people.

The complainant submitted that even if the topic of the live show was chosen on the basis of the viewer's choice, the tone of the show was extremely communal, and the panellists that could further add fuel to fire were chosen to speak on the topic of conversion. Further, the broadcaster had provided a platform to the panellist representing Vishwa Hindu Parishad who propagated virulent Islamophobic ideas.

The complainant submitted that very little was done to prevent the spread of hate, violence and resentment against a particular religion. Further, it relied on the decision of the Hon'ble Supreme Court of India recently, in *Amish Devgan v Union of India and Ors* (W.P [Cri.] No. 160 of 2020), to state that the anchor who enjoys huge following on Twitter, owed a duty to sensible and fair reportage. That the choice of words used on his show had the power to cause humiliation and alienation of the targeted group.

The complainant stated that the goodwill gesture of removal of the clips and related posts of the show in question from all the social media and digital platforms of the news channel and the anchor was insufficient as it had failed to acknowledge the ill effects of such discussions that can stigmatise an entire section that has been socially and politically disadvantaged. Further, it stated that it had come across a

video on YouTube that indulges in the topic “*Dharmantar (conversion) Jihad Part-2*”. Therefore, the complainant stated that channel’s assertion to NBSA was a blatant lie and was misleading.

The complainant submitted that it would like to bring to the notice of NBSA certain comments below the said video that are violently prejudicial to the harmony of our society and could generate an atmosphere of targeted mass violence. One comment puts out images (commonly known as emojis) of swords, hammer, axes saying that it is time to use them. The other comment openly says “*Maaro Tabhligi Jamaato ko*” (Hit the Tabhligi Jamaat members). Such hurtful and discriminatory ideas, ignited due to such shows has the potential to disturb public tranquility and promotes distrust against the minority community who are seen as the wrong doers.

Further, the complainant relied on decision in *Amish Devgan*(supra) to state that while discussions and debates on sensitive topics relating to religion, caste, creed, etc help in understanding different view-points and opinions, however they cannot be done in a way that leads to fragmentation of the secular fabric of the country.

The complainant further stated that it rebukes the channel’s response of stating that it was not possible for the anchor, in a live show, to regulate the opinions of other panelists or to monitor the words spoken by them. The show never carried a disclaimer or an uninterrupted ticker running throughout, outrightly exclaiming that this was not a view endorsed by the news channel. Even the anchor never made the effort to explicitly refrain the speakers from propagating condescending, discriminatory and venomous ideas about the Muslim community. The complainant submitted that the anchor of a TV show should exercise his duty with utmost responsibility and regulate the show in a manner where civility can be maintained but in the present case the anchor had failed to do so.

That as a responsible news channel, it is the prerogative of that channel to inform the masses without any bias or prejudice and pose question to the authorities of the place in question where the alleged conversion took place instead of blaming an entire community for the offence and suggesting that people belonging to a community are in danger because of the same. It is the duty of the broadcaster to question the law enforcers instead of encouraging Islamophobia amongst people.

In context of hate speech, the Hon’ble Court in *Amish Devgan* (supra) held that “*A speech by ‘a person of influence’ such as a top government or executive functionary, opposition leader, political or social leader of following, or a credible anchor on a T.V. show carries far more credibility and impact than a statement made by a common person on the street.*”

The complainant asserted that playing with this hateful narrative and conducting a live show in a manner has the potential of causing devastating effects on people’s

lives and hamper social progress. The show constantly targeted the Jamaat members holding them responsible for alleged illegal conversions and the ramification of such Jamaat member vilification has cost people's their lives. The media had reported a tragic and unfortunate incident of one Himachal Pradesh man who died by suicide after being socially boycotted for attending the Tabhligi Jamaat congregation in New Delhi.

Further, it stated that even the Central Government, has noted the recent instances of targeting the Muslim community and referred to another programme involving another kind of Jihad, namely 'UPSC Jihad', alleging a deliberate ploy on the part of the Muslim community to infiltrate the civil services.

Decision of NBSA on 18.2.2021

NBSA considered the complaint, response from the broadcaster, complaint filed with NBSA, rejoinder filed by the complainant and viewed the footage of the broadcast. NBSA decided that the broadcaster and the complainant be called for a hearing at the next meeting of NBSA.

On being served with notices, the following persons were present at the hearing today:

Complainant : Ms. Teesta Setalvad

Ms. Aditi Singh

Ms. Aparna Bhatt, Advocate

Ms. Karishma Maria, Advocate

Broadcaster : Mr. Ankit, Advocate

Mr. Kaustav Ritwik, Editorial Member

Submissions of the Complainant:

The complainant submitted that its complaint was in respect of the show "*Desh ki Bahas*" aired on 6.11.2020 regarding one Memchand and his family from Mewat, Rajasthan who were allegedly forced to convert their religion, consume cow meat and threatened by Tabhligi Jamaat members. The complainant reiterated its written submissions and stated that in the impugned programme there was an assertion that "*Conversion Jihad*" is taking place in the country. The narrative in the show kept questioning the ulterior motive of Jamaat members who were allegedly trying to forcefully convert non-Muslim members and constantly showcased running captions like "*Memchand zinda hai Jamaat sharinda hai*", "*500- Hindu kaise banaye Muslim?*" and "*Kya Mewat Pakistan ban gaya?*". The complainant submitted that if the intent of the show was to inform and discuss a one-off case of alleged forceful conversion, the broadcaster should have refrained from airing the unverified claims that 5,000 Hindus have been converted in the area.

The complainant submitted that the anchor was biased during the impugned programme, his gestures, language and tone were provocative. He not only spoke over the two panellists who represented the minority community but he also encouraged other panellists from the majority community to make inflammatory statements and ask provocative questions. Further since the impugned broadcast was an interactive programme, the comments made during the broadcast encouraged violence against the Muslim community. By airing the impugned show the channel and the anchor created a false and communally inciteful narrative, targeting the Tablighi Jamaat members which has the potential to damage the secular fabric of the country.

The complainant stated that vilification of Tablighi jamaat members was a thriving narrative of news channels throughout the year 2020 which concluded in vilification and targeting of the Muslim community at large whereby they faced ostracization at community level and there were incidents that did rounds on social media that they were being humiliated in public spaces with people forming prejudices against them for being responsible for spreading coronavirus in the nation. The complainant submitted that while this narrative was overused, the channel cashed in by inventing a term called "*Conversion Jihad*" with the clear intention of targeting the minority community. It relied on the judgment in *Amish Devgan v. Union of India & Ors.* (WP Crl No. 160 of 2020) and stated that the anchor of the impugned show, has large following on Twitter and his influence on people's minds is undebatable.

In response to the broadcaster's statement dated 5.12.2020 that it had removed the impugned videos from all of its digital platforms, the complainant stated that when it checked, there was another video "Dharmantar (conversion) Jihad Part 2" available on YouTube. Furthermore, it would like to clarify that even though the channel had taken off the clip of the show from all digital platforms, the impugned clip had already been viewed by people on the broadcasting channel as well as on social media and the damage was already done and by merely removing the show from their website and other platforms, the wrong does not get remedied.

Additionally, the complainant submitted that the broadcaster in its response had also stated that the anchor does not have control over what the other panellists say or means to monitor the same. However, the show never carried a disclaimer or an uninterrupted ticker outrightly exclaiming that the views of the panellists are not endorsed by the channel or the anchor. The anchor also never made the effort of refraining the speakers from propagating Islamophobic ideas. It submitted that this show is just one of the many such shows that ran the diatribe attacking sensibilities and religious sentiments of the Muslim community. The show is intermittently being used as a platform to spread hatred against the minority Muslim community which is evident in the comments that viewers have left on the video on the show in

question, such as: “Islam means aatankwaad (terrorism) and reading Gita to Hindu children and training them to use weapons in order to protect their sanathan dharm (Hinduism)”. These are just some of the ideas dropped in the comment box to further subdue Muslims.

Submissions of the Broadcaster

The broadcaster submitted that the impugned news segment 'Desh Ki Bahas' is a live debate whereby the topics are based on online polls released on the channel's social media accounts. It is a guest-based show where panellists are called from all the walks of life, irrespective of their social affiliation. This is to imply that live debate is an uncontrollable event on which the Anchor of the show has no control on the speech of the panellists. The broadcaster asserted that it does not report anything derogatory or defamatory against any person or group or community, and maintains utmost quality, diligence, etc. None of the news report or the subject show showed any person, group or community in bad light, and also did not intend to defame or tarnish anyone or target a particular community or group as alleged. Further, it does its best to maintain neutrality and to ensure that the content broadcast does not foster communal, religious or cultural divide and even the anchor of the impugned programme also did not say anything against any particular community.

The impugned show was aired to show the ground report from Mewat wherein a person had provided a first-hand account at length about his alleged forced religious conversation instigated by people who want to enforce their ideology at the cost of fear of life and liberty of certain victims. The broadcaster asserted that during the show, ample chance was given to the panellists to express their opinions, and those panellists who attempted to justify these forceful conversions were checked so as to not hurt the sentiments of a certain community through their provocative words. Furthermore, at various points, the anchor can be seen saying that the viewpoints of the panellists are completely their own and that the news channel does not subscribe to it. He also checked the panellists from airing words and making statements which were not socially acceptable, and this was done irrespective of the panellist's social or political affiliation. The anchor did not add or justify the statements of the panellists, and also did not show support to the views of the panellists. Utmost care was taken to show the reports and stories collected from ground zero, which was based on the personal narratives of the citizens.

It reiterated that the anchor tried his best to ensure that each panellist got a fair opportunity to put forth their opinion, and to counter hate speech. However, as during a live show, it was difficult to regulate the opinions of other panellists and to monitor the words spoken by them. Further, it is an element of democracy whereby each and every opinion deserved to be voiced and heard. The impugned show did not at any point of time delve into defamation or targeted a particular community or religious group as alleged. The show was telecast with full impartiality and the

reports in the subject show were accurate and in no way aimed to promote racial or religious disharmony.

The broadcaster submitted that the news channel and the anchor did not indulge in hate speech during the broadcast of the show and did not violate the principles, guidelines and Code of Ethics & Broadcasting Standards issued by NBSA and is therefore not liable for any penal action. Utmost care and objectivity were exercised while presenting the program and it did not intend to spread hatred against a particular community. Further, it stated that the channel does not manufacture news and airs only genuine and authentic news. However, the broadcaster stated that it had acknowledged the concern raised by the complainant, and consequently removed the clips and related posts of the subject show from all its social media and digital news platforms of the channel.

The broadcaster submitted that it follows strict criterion, and checks before airing or reporting any news, and maintains utmost quality and diligence, and would ensure the same is followed in the future. Furthermore, the broadcaster tendered its sincere apology if the said telecast has hurt the sentiments of the society or is against the prescribed norms as the same was an inadvertent and a bonafide error and assured the Authority that such errors are not repeated in future.

The broadcaster stated that the impugned programme was based on the statement of Memchand and members of different social groups were invited in the programme to discuss the allegations made by him. It submitted that the channel was in the process of undertaking remedial measures and ensuring that it behaves in an ethical manner and does not give anyone any reason to file a complaint against it in future.

Decision

NBDSA went through the complaint, response from the broadcaster and also considered the arguments of both the complainant and the broadcaster and reviewed the footage of the broadcast. NBDSA noted that whenever any news story is telecast by the broadcaster, the Code of Ethics and Broadcasting Standards, Principles of Self-Regulations, Fundamental Principles and Specific Guidelines Covering Reportage relating Impartiality, Neutrality and Fairness as also the Specific Guidelines Covering Reportage- Guideline No 9 relating to Racial & Religious Harmony, must be adhered to. NBDSA noted that the certain statements made by the anchor and captions *"Memchand zinda hai Jamaat sharminda hai"*; *"500- Hindu kaise banaye Muslim?"* and *"Kya Mewat Pakistan ban gaya?"* aired during the impugned programme violated the aforesaid Regulations, Principles and Guidelines.

NBDSA also noted that the broadcaster had in its response made generalized submissions stating that it ensures due diligence in its programme and at the same time it had also apologized in case the impugned programme had hurt the sentiments of the members of particular community. However, it had failed to submit any specific reply to the grievances of the complainant.

NBDSA observed that the broadcaster had in previous complaints and hearings submitted that it had done its due diligence before a programme was broadcast and had also expressed regret in case the impugned programme had violated the Code of Ethics and Guidelines. Furthermore, in previous hearings the broadcaster had submitted that it would strictly adhere to the aforementioned Code of Ethics and Guidelines and take corrective action.

In view of the above submissions by the broadcaster, NBDSA stated that there was need for introspection on the part of the broadcaster and it should take remedial actions/measures against anchors who fail to remain neutral and impartial during broadcasts. NBDSA also observed that training must be given to the anchors regarding the manner in which they conduct the programmes.

However, in view of the fact that the broadcaster had during the hearing tendered an unconditional apology and also assured NBDSA that it was in the process of undertaking remedial measures, the Authority decided to close the complaint by advising the broadcaster to be more careful in future while airing such programmes. The broadcaster is warned that in future if such programmes are telecast which violate the Code of Ethics and Guidelines, NBDSA will take suitable action against the broadcaster.

In view of the above, NBDSA, therefore, directed that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately, and the same should be confirmed to NBDSA in writing within 7 days.

NBDSA decided to close the complainant and inform the complainant and the broadcaster accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.



It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.


Justice A.K. Sikri (Retd.)
Chairperson

Place: New Delhi
Date: 13.11.2021

Certified True copy
Anne Joseph