NBDSA
NEWS BROADCASTING & DIGITAL STANDARDS AUTHORITY

Speed Post / Email

July 26, 2022

Citizens for Justice and Peace Email: cjpindia@gmail.com	**Ms. Kshipra Jatana** Compliance Officer NBDSA TV18 Broadcast Ltd. Express Trade Tower, Plot No. 15 & 16, Sector 16A Film City, **Noida – 201301** Email: Kshipra.Jatana@nw18.com

Dear Sir/Madam,

Re: Order of NBDSA on complaint (No. 46) dated 21.2.2022 from Citizens for Justice and Peace against News18 India for airing a programme on 15.2.202

Attached please find Order dated 23.7.2022, 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: Gautam.Dubey@nw18.com, Apurv.Narula@nw18.com, Rachna.Chauhan@nw18.com, brajesh.singh@nw18.com

News Broadcasting & Digital Standards Authority
Order No. 148 (2022)

Complainant: Citizens for Justice and Peace
Programme: "Toh Hijab Ke Liye Bam Barsenge? / Danke Ki Chot Par"
Broadcaster: News18 India
Date of Broadcast: 15.2.2022

Since the complainant was not satisfied with the response received from the broadcaster, the complaint was escalated to the second level, i.e., NBDSA.

Complaint dated 21.2.2022

The complaint was regarding the show titled "*toh hijab ke liye bam barsenge? / Danke ki chot par*" aired on February 15, 2022, on News18 India. The complainant stated that the entire show was based on false news and was aired with the intention of misinforming the viewers, spreading hatred and demeaning the Muslim community. The host began the show with communally polarizing questions: "*kya hijab ki ladayi bambazi par aa chuki hai?, Toh ab hijab ke liye bam barsenge?*" "*danke ki chot par puch rahi hu kya bam barsayenge, shiksha mei shariyat layenge?*".

In the programme, the broadcaster had given a distorted view of the incident that occurred in a school in Murshidabad. The anchor falsely claimed that "*desh ke kayi hisso mei pradarshan kari itne ugr ho chuke hai, haalat itne kharab ho gye hai ki hijab pehen kar aane se mana karne par school mei pathtar bazi ki gayi, tod phod kiya gaya, dawa kiya bam bhi yahan phenke gaye*"., when in reality there had been no reported case of hurling of bombs.

The complainant stated that false news aired on national television, which is accessible and within reach of a huge number of people, had a huge societal influence which could lead to a negative impact and disturb the peace and tranquility by spreading hatred and result in communal violence.

The host further questioned "*sawal ye hai ki hijab ke bahane shiksha mei shariyat lane ki koshish kya ho rahi hai?*". The complainant stated that remarks such as these, especially those that alleged a conspiracy, were clearly aimed at not just giving a communal angle but also painting the entire Muslim community with the same brush despite the fact that there are clear voices within the Muslim community who have also challenged the notion that the hijab/niqab/burqa is/are an "*essential practice(s) of the Muslim faith.*"

In the programme, the host clearly did not want to listen to the leader of the Trinamool Congress (TMC) Mr. Badal, when he said, "*Bengal mein hijab ko pehenne ka*

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ya nahi pehenne ka aisa koi rules nahi hai " "ek school ka teacher, jo hijab pehenkar jar aha hai usko mana kyun kiya? Mein unko kehna chahta hun aapke channel ke madhyam se koi hijab pehe ke koi aatankwadi school mei jar ha hain? .....hijab pehen ne mei problem kya hai samasya kya hai?"

At this point, the host, clearly not interested in allowing different points of view to be aired, immediately moved towards Shehzad Poonawala from the BJP. This was when the TMC leader warned that if he was not given a fair chance to voice his opinion, he would walk away from the show. To which the host replied by saying, "*mujhe samajh aa gaya aapka stand*" which also appeared to be clear evidence of the ill will of the host and how she wanted the show to be conveyed to the viewers.

The complainant stated that the entire telecast appeared to be one-sided and partisan, violating the principles laid down by the News Broadcasting & Digital Standards Authority. (NBDSA). That while a host is expected and supposed to be a neutral person, in the impugned programme, the host appeared to be biased towards the panellist from BJP. The host and the BJP spokesperson had teamed up against the other panellists, who were at least individually making different points.

Statements like "*hijab ki ladayi bambazi par aayi*", "*toh hijab ke liye bam barsenge*" in large fonts were broadcast across the screen throughout the show on the ticker, which showed the malafide intentions of the channel and the host. It also exposed their propaganda of spreading hatred and vilifying the Muslim community by equating the entire community with intemperance and terrorism at large. That the violations are even more problematic since the news of the hurling of bombs was misinformed and fake, which the news channel did not bother to verify at all. The complainant questioned the broadcaster whether the news channel had its own staff at the spot when these bombs were allegedly being hurled? If not, the complainant asked the channel did it verify this information through any credible source? The complainant stated that if the channel was running an entire show based on this one 'incident', then they should have obtained a confirmed report that this had taken place, for which the channel remains answerable.

The anchor and a panellist made various objectionable statements during the show, such as *"hijab ke liye bam barsayenge"*; *"shiksha mei shariyat layenge"*; *" hijab pehenkar aane par mana karne par school mein pattharbazi ki gayi, tod phod kiya gya"*; *"dawa kiya gya bam bhi phenke gaye"*; *"hijab samarthakon ne sthaniya school mei jam kar tod phod kardi"*; *"iske pehle Karnataka mein hijab samarthakon ne hungama machaya"*; *" school jo kahenge wahi karna hai"*; *"hijab brigade ke log"*; *"Vakeel Devadatt Kamat, Kapil Sibbal, P.V Srinivasan, jinka koi lena dena nahi is vishay se, isko bhadkane k liye court tak pahunch gye aur iss mamle ko uthane lage"*; and *"hijab ke naam par dangayion ko khuli chhut di gyi"*. Further, the news was reported maliciously to give the incident a communal angle. That while a media house has a duty to follow the Code of Ethics and Broadcasting Standards, however,

the same had been violated by the channel by airing the impugned broadcast.

The complainant stated that by airing the impugned programme, the broadcaster had violated the Code of Ethics and principles of self-regulation, particularly Section – 1, Fundamental Principles and principles relating to impartiality and objectivity in reporting, ensuring neutrality, racial & religious harmony and law & order, crime & violence. Further, the inflammatory and unverified content airing during the show amounted to inciteful hate speech, which is a punishable offence under various sections of the Indian Penal Code (IPC).

The content of the show including the usage of words like *hijab brigade* (term used for sub dividing muslim women wearing scarf or covering their head), *saazish*,(conspiracy) *shiksha mei shariyat*,(personal law over education) *dangayiyo* (rioters) was downright offensive and aimed at ridiculing one particular community, which amounted to hate speech and could instigate communal violence.

Therefore, the complainant stated that the broadcaster should be advised to remove the above-mentioned content from all its social media accounts and from its own website and issue a public apology for misleading, misinforming and providing biased information to the general public or the audience in general.

Reply dated 11.3.2022 from broadcaster:

The broadcaster denied all the allegations made in the complaint and clarified that its program was consistent with the basic principles of journalism as per NBDSA's guidelines/advisories and applicable laws. That the controversy around the wearing of a Hijab in educational institutions has been gaining a lot of political and judicial attention lately. While the Courts are yet to completely adjudicate on the issue, as an interim measure, the Courts have suggested that all students follow the rules of their educational institutions with regard to wearing dresses while attending educational institutions. However, recently an incident came to light in Murshidabad where some commotion had taken place due to the Hijab issue in which stone-pelting took place, and school premises was also damaged. On the very incident, there were statements and tweets made by BJP leaders claiming that bombs were also used during such commotion and stone-pelting while a teacher was also taken hostage. The broadcaster stated that based on the claim of the BJP leader, it had in the impugned programme, posed a question in the debate and let the public decide that despite the Court's suggestion of people adhering to the dress code as prescribed by the educational institutions, should people resort to incidents such as the one they resorted to and shouldn't incidents such as these be condemned by the political parties as a whole. It felt that it was important for it to discuss and debate this issue which posed a public interest issue.

The broadcaster stated that it had invited people affiliated with various political parties to participate in the debate and provide their opinion, which shows that there was a balanced approach taken while airing the program. Representatives of all parties were given equal prominence and chance to speak in the debate making their own views on this issue.

Besides, it also debated the issue in the programme because it was important to question why people were still protesting about the Hijab issue despite the Court's orders. That till the ruling on this matter, everyone should adhere to and comply with the Court's direction for students to follow the rules of their educational institutions with regard to wearing of dresses in such educational institutions.

The broadcaster stated that it had no intention of hurting the feelings of anyone through the debate, and in fact, the purpose was to promote harmony among all religions by urging everyone through the debate to follow the court's directions on the Hijab issue. Its interest in telecasting the programme was in effectively disseminating newsworthy material to the public at large, which concerned their opinions and well-being. The programme in question was also telecast with this interest in mind alone. The telecast has been made in strict compliance with all the rules, regulations, guidelines and all applicable laws, and any allegations to the contrary were false and vehemently denied.

Complaint dated 15.3.2022 filed with NBDSA:

The complainant stated that it would like to bring to the notice of the Hon'ble Authority that it had sent its complaint to the channel on 21.2.2022 and that it received a response from the broadcaster on 11.3.2021, i.e., beyond the limitation period. As the channel had denied any violations of the guidelines and the law, the complainant stated that it was filing this complaint with NBDSA.

The complainant reiterated the contents of its complaint dated 21.2.2021 filed with the broadcaster and stated that the entire show was premised on false news, which was prejudicial to one community and was telecast with the intent of misinforming the viewers, spreading hatred and stigmatizing and demonizing the Muslim community. The said show had themes of misinformation and communal hatred throughout its narrative. In the programme, communally polarizing questions were asked, and the host gave a distorted view of the incident, which took place at a school in Murshidabad, West Bengal. The telecast stigmatized the opposition-ruled Bengal, and its dealing with the significant minority population.

The host, in further violation of the NBDSA guidelines and Indian law, misinformed its viewers by providing false information claiming that bombs were hurled at the school in Murshidabad when in reality, there has been no such reported case of hurling of bombs.

The debate show appeared more like a partisan political campaign than a news room debate where the host is supposed to take a neutral stand, introduce a neutral theme and not side with a particular worldview/community to put any other community on the spot. This can have a negative impact which can also disturb the peace and tranquillity by spreading hatred and thereby result in communal violence.

The host further continued with its communally polarizing questions "*sawal ye hai ki hijab ke bahane shiksha mei shariyat lane ki koshish kya ho rahi hai?*" . Remarks such as these, especially those that alleged a conspiracy, were clearly aimed at not just giving a communal angle but also painting the entire Muslim community with one brush. As the recent debate on the issue has shown, there were clear voices in the Muslim community who have also challenged the notion that the hijab/niqab/burqa is/is an "essential practice(s) of the Muslim faith."

In the programme, only views and ideologies expressed by the anchor were broadcast. The telecast appeared to be one-sided and partisan, violating the basic principles of journalism and those laid down by the esteemed NBDSA.
The broadcaster has, in its response, attempted to establish its balanced approach to the program based on the fact that it invited people affiliated with various political parties to take part in the debate. However, the complainant stated that a mere invitation to the debate program does not prove the channel's balanced approach. Even though the broadcaster claims that all parties were given equal prominence and a chance to present their own views on the issues, the obvious partiality on behalf of the channel towards the BJP spokesperson is quite evident through the impugned video. From the video, it can be seen that whenever a spokesperson from the opposition party would even attempt to make valid arguments, the host would immediately divert to another participant.
Moreover, in its response, the broadcaster questioned the need to protest by the people about the issue when the matter is still pending in Court. The complainant stated while there is no objection to circling a healthy and objective discussion on the said protest, however, the point of argument here is the manner in which such discussion was conducted. Headlines such as "*hijab ke liye bam barsayenge*" *and* "*shiksha mei shariyat layenge*" were absolutely out of line and unnecessary. The show was in no manner an unbiased debate but one that was driven completely by a narrative that was pre-decided by the host and had clear propaganda to pitch Hindus against Muslims.

The content of the show and the usage of words like *hijab brigade*, *saazish*, *shiksha mei shariyat*, *dangayiyo* were downright offensive, aimed at ridiculing one particular community, amounting to hate speech and instigating communal violence. Therefore, the complainant stated that by airing the impugned programme, the

broadcaster had violated the Code of Ethics, the programme Code under Rule 6 of the Cable Television Networks Rules, 1994 and the Indian Penal Code, 1860.

The complainant relied on the judgment of the Hon'ble Supreme Court in the case of *Amish Devgan vs. Union of India and others* [Writ Petition (Criminal) No. 160 OF 2020 decided on December 7, 2020] and in *Pravasi Bhalai Sangathan v. Union of India* (Writ Petition (C) No. 157 of 2013) decided on March 12, 2014.

The complainant, therefore, urged Authority to take cognizance of this show aired by News18 and take necessary action against them for spreading misinformation and fake news and also, in the process hurting the religious sentiments of the minority community. It prayed for the Authority to:-

1. Direct News18 to remove this program from all their social media accounts and website.
2. Direct News18 to issue a public apology on its channel for spreading misinformation and fake news while abdicating its duty to present verified news to its viewers. This apology should be widely telecast and displayed commensurate to the coverage and promotion of the initial broadcast itself.
3. Direct News18 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.
4. Take any other action against News18 that it may deem appropriate

Decision of NBDSA

NBDSA at its meeting held on 31.5.2022, considered the above complaint, response dated 11.3.2022 received from the broadcaster, and the complaint filed with NBDSA. NBDSA decided to call the complainant and the broadcaster for a hearing at the next meeting to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines issued by NBSA.

On being served with the notices, the following persons were present for the hearing on 15.6.2022:

Complainant:

Ms. Teesta Setalvad
Ms. Aparna Bhat, Senior Counsel Supreme Court

Broadcaster:

Mr. Puneesh Kochar, Counsel-Legal
Mr. Praveen Shrivastava, Associate Executive Producer

Submissions of Complainant:

The complainant submitted that the complaint pertained to a broadcast aired by News 18 India on 15.02.2022 called '*Toh hijab ke liye bam barsaenge- Danke ki chot par?*'. That the subject matter of the impugned broadcast emanated from an incident that took place in West Bengal, wherein a head of a school did not permit a student to wear a Hijab in the school, as a result of which, there were isolated incidents of stone-pelting and to control the situation the Police had resorted to lathi-charge and tear gas. Post this incident, leaders of some political parties posted a tweet speculating that a bomb was hurtled at the school, and there was a bomb blast.

In the news programme, there was an assumption that there was a bomb squad, and a narrative was being created that certain political parties were so anxious to promote the Hijab that they were willing to go to any lengths and resort to violence including hurtling bombs at schools. The narrative of the host was very critical, and she continuously reiterated during the programme that a bomb blast had taken place in West Bengal. The complainant submitted that the impugned news had been fact-checked by various news agencies the next day, which clearly stated that there were no reports of a bomb blast.

The complainant submitted that the incident had taken place in a predominantly Muslim area and that one of the students was not permitted to enter the school because she was wearing a Hijab. Throughout the programme, an unsubstantiated and unverified narrative that now there will be bomb blasts for Hijab was being promoted based solely on the tweets of certain political leaders. There was generalization of the Muslim community in the programme, and communally polarizing questions such as "*hijab ke bahane shiksha mei shariyat lane ki koshish kya ho rahi hai?*" were asked by the anchor during the programme.

The complainant submitted that besides airing unverified news, the broadcaster nowhere during the impugned broadcast aired a *disclaimer* saying that the news was unverified or provided any source for the news. In the programme, the anchor repeatedly points to a visual of a policeman to falsely claim that he was hurtling a bomb. The policemen pointed out during the video were actually the riot control police.

The complainant asserted that despite the fact that no bomb blast had actually occurred, the broadcaster continued to air the fake news without any remorse. In the programme, panellists aligned to the channels view point were given more space to voice their views. The anchor did not behave in a neutral manner during the programme and made objectionable statements such as *"hijab ke liye bam barsayenge"*; *"shiksha mei shariyat layenge"*; *" hijab pehenkar aane par mana karne par school mein pattharbazi ki gayi, tod phod kiya gya"*; *"dawa kiya gya bam bhi phenke gaye"*; *"hijab samarthakon ne sthaniya school mei jam kar tod phod kardi"*; *"iske pehle Karnataka mein hijab*

samarthakon ne hungama machaya"; during the broadcast. There was no semblance of truth in the broadcast. The complainant submitted that the impugned broadcast had a tendency to disturb the religious harmony in the country.

Submissions of Broadcaster:

The broadcaster submitted that at the time of the impugned broadcast, the controversy around the wearing of Hijab in educational institutions had been gaining a lot of political and judicial attention lately. While the Courts were yet to completely adjudicate on the issue, as an interim measure, the Hon'ble Karnataka High Court had suggested that all students should follow the rules of their educational institutions with regard to wearing of dresses while attending educational institutions.

NBDSA asked the broadcaster where did it receive the information that there was a bomb blast. The broadcaster submitted that on the day of the impugned broadcast, there were no verified reports. That it had become aware of an incident in Murshidabad where some commotion had taken place due to the Hijab issue and the school premises were damaged. Regarding this incident, certain statements and tweets were made by BJP leaders claiming that bombs were also used during such commotion. During the impugned broadcast, its anchor reported this statement merely as an allegation and neither accepted nor denied the statement.

NBDSA observed that from the statements made by the anchor in the programme, it appears that the channel treated the claim that there was a bomb blast in Murshidabad to be true and then proceeded to conduct a programme on that basis. The Authority questioned the broadcaster as to where during the programme it was stated that the claim was only an allegation.

The broadcaster stated that its anchor had only raised a question based on the statement made by politicians. That it could not obtain a confirmation from the Police or the Government despite its repeated attempts to contact them. That even the print media accepted that no information was received from the Police Authorities regarding the incident. Further, the claim was neither denied by the Police Authorities nor by the Government. The broadcaster reiterated that its only purpose in the broadcast was to question whether the claim made by certain BJP politicians was correct or not, which was clear from the questions *"dawa kiya bam bhi yahan phenke gaye"; " kya hijab ki ladayi bambazi par aa chuki hai?, Toh ab hijab ke liye bam barsenge?"* raised by its anchor in the programme.

The complainant, in rebuttal, submitted that nowhere during the programme the broadcaster mentioned that its statements/questions were based on the statement given by BJP leaders.

Decision

NBDSA considered the complaint, response from the broadcaster and also gave due consideration to the arguments of the complainant and the broadcaster and viewed the footage of the broadcast.

At the outset, the Authority noted that the principle of Impartiality and Objectivity enshrined under the Code of Ethics & Broadcasting Standards requires news broadcasters to give accuracy and balance precedence over speed otherwise, there is a danger of broadcasting "fake news".

NBDSA noted that the impugned broadcast was a debate conducted by the broadcaster on an incident that took place in Murshidabad, where some commotion had taken place after the school head had prevented a student from wearing a Hijab in school premises. In the programme, it was claimed that bombs were hurled at an educational institution based on statements and tweets made by certain political leaders, which news later turned out to be false.

NBDSA observed that since the issues raised in the programme were of serious nature and had serious implications, the broadcaster should have waited to obtain a clarification from the Police or Government Authorities or conducted a proper investigation and verified the news from different sources before telecasting the programme. The impugned programme had a tendency of disturbing racial and religious harmony. The Authority observed that since the broadcaster had not verified the facts and checked the veracity of the tweets before conducting a programme based solely on the said tweets, it had violated the principles of Accuracy, Impartiality, Objectivity and Neutrality enshrined under the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage. Furthermore, NBDSA also took serious objection to the language used by the anchor in the programme. The Authority observed that the broadcasters must be mindful of their duty towards communities and telecast programmes which are accurate, balanced and impartial and in accordance with the Code of Ethics and Broadcasting Standards and Guidelines.

In view of the above, NBDSA decided to issue a warning to the broadcaster not to hold such debates without verifying the facts and therefore, NBDSA 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 of receipt of the Order.

NBDSA decided to close the complaint with the above observations 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 : 23.07.2022

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