

News Broadcasting & Digital Standards Authority

Common Order No. 160 (2023)

Complainants: by Citizens for Justice & Peace & Mr. Anuj Dubey

Programme: Desh Nahi Jhukne Denge – हिंदुओं के खिलाफ महागठबंधन?’

Broadcaster: News18 India

Date of Broadcast: 18.1.2022

Since the complainants were not satisfied with the response of the channel, the complaints were escalated to the second level of redressal, i.e., NBDSA.

1. Complaint dated 22.1.2022 by Citizens for Justice & Peace:

The complainant stated that the impugned news debate show had themes of communal divide throughout its narrative. The channel did not try to mask this in any manner, with not just the participants of the debate but also the anchor of the show actively participating in the communal diatribe.

The anchor flagged off the show with a communally polarizing question “*Hinduon ke khilaf Uttar Pradesh me Mahagathbandhan tayyar ho raha hai, aur jab 80 vs. 20 ki baat ki thi Yogi Adityanath ne toh wo sahi thi?*”. That while the spokesperson for BJP had at the beginning of the show tried to explain what the Uttar Pradesh Chief Minister meant by “80 vs. 20” was that the Assembly election would be pitted with 80% of the population who are pro-development on one side and 20% who are against the development of the State on the other side, however, the debate was eventually steered towards a communal angle.

The complainant cited specific quotes made by the anchor during the impugned show, his reactions and some tickers that were aired during the show, which pointed towards the narrative of spreading religious disharmony in the pre-election phase of UP, that the show wanted to promote.

Extracts from the show

The anchor during the broadcast said: “*Jis jis ne hinduon ke narsanghar ki baat kari sab logo ko party me ticket di ja rahi hai*” and in the background picture of Priyanka Gandhi and Taukir Raza Khan and few others was aired. Thereafter, a hate-inciting and communally inflammatory video of Taukir Raza Khan was aired wherein Mr. Raza could be seen threatening Hindus, after which the host exclaimed that “*Ye 80 ke khilaf hai mahagathbandhan*”

Thereafter, the following tickers “*15% Muslim 85% Hindu par bhari*”; “*Jab Yogi Modi chale jayenge, tumhe kaun bachayega?*” and “*Hinduon ke khilaf sab mil gaye hai?*” were aired during the show. The anchor then brought Mr. Raza on air to get his side of the story about the speech he had given. During this dialogue, Mr Raza questioned why the host was blaming Congress for his speech and said that he should have been

arrested if he had done something wrong. Further, Mr Raza admitted that during Yogi Adityanath's term, there were no riots in Uttar Pradesh and stated that during Akhilesh Yadav's term riots were committed everywhere. The anchor responded to the said statement by stating that "*Yogi ji ke rehte danga nahi kar paa rahe ye dard hai aapka?*"

During the show, when Samajwadi Party's Tariq Ahmed Lahiri called Yogi Adityanath a 'Gunda' and went on debating with a BJP spokesperson, the anchor responded by saying, "*Wo accept kar rahe hai ki unko Hinduon se problem hai. Wo 80 ke khilaf hai.*" Taukir Raza Khan's inflammatory speech and extracts were transcribed and displayed repeatedly on the ticker during this heated exchange. The anchor also said that since the Samajwadi Party had given a ticket to Nahid Hassan, Mohram Ali and Tejinder Virk, if they were elected, there would be a repeat of the Sahranpur riots and Muzaffarnagar riots.

Meanwhile, on the ticker, the following names were displayed with the following description on repeat:

Taukir Raza Khan: *Hinduon ke khilaf bhadkai bayan*

Nahid Hassan: *Kairana se Hindu palayan ka mastermind*

Mohram Ali: *Sahranpur Sikh dango ka aaropi*

Abu Azmi: *15% Muslim 85% Hindu par bhari*

A ticker later also mentioned these names and the accompanying text:

Rafiq Ansari: History sheeter

Aslam Chaudhari: Fraud

Haji Younus: Gangster

Amarpal Sharma: Murder

Madan Bhaiyya: Mafia

Assaduddin Owaisi: Jab Yogi Modi chale jayenge, tumhe kaun bachayega?

During the broadcast, when Congress Leader, Salman Nizami referred to Taukir Raza Khan's speech and expressed "*ki galti ho gai?*", the anchor responded by saying, "*Galti toh ho nahi payegi na. Yogi raj hai, Lath padenge, dande padenge, bull dozer chalega. Galti nahi ho payegi?*". Nizami then said there were issues like unemployment and other development issues and that despite the triple talaq law and Ayodhya judgement, no one from the Muslim community had raised his voice. To which the anchor responded by saying "*Baat hindu musalman ki hai hi nahi. Ye aadmi Hinduon ke narsanghar ki dhamki de raha hai uska aap samarthan le rahe hai. Aapko Hinduon se problem hai?*".

The complainant stated that from the extracts mentioned above, it was clear that the impugned debate show appeared to be more like a political campaign debate than a newsroom debate. In a news programme, the anchor is supposed to take a neutral stand, introduce a neutral theme and not side with a particular community to put any other community on the spot, which did not happen in the impugned broadcast. The anchor was keen on leading the debate with the question whether

Congress party and its alliance were against the Hindus of UP. Throughout the show, he repeatedly used the phrase “80 vs 20” in order to pit Hindu voters against the State's Muslim voters. As the anchor of a show on a news channel, that is supposed to have a neutral and unbiased theme, the anchor did not even attempt to have any non-communal theme. During the show, the narrative was not even questioned as to why, if at all, the election theme was pitting one religion against the other. The anchor let his bias and prejudices against the Muslim community cloud the role he was supposed to play in a debate show by making it evident that he was batting for the Hindu majority and was offended by the fact that some persons with a criminal background were included in the Congress party and its alliance members.

Throughout the show, the anchor insinuated that the Congress and Samajwadi Party were against the Hindus, an allegation vehemently denied by the Spokespersons of the parties present on the show. The political affiliation of the anchor was apparent in the show, and he made no attempts to mask the same. Throughout the show, he kept reiterating that the Opposition parties, including the Congress and Samajwadi Party, were against the Hindu population. Thereby making the election a communal battleground that the political parties were refrained from creating by the Election Commission.

The complainant stated that the impugned show violated the constitutional principles and the orders of the Supreme Court and the High Courts. Further, the show was also promoted on the social media handles of the channel by using poster that could incite communal hate.

By airing the impugned broadcast, the broadcaster acted in complete violation of the Model Code of Conduct for the Guidance of Political Parties and Candidates issued by the Election Commission of India, NBDISA's guidelines, as well as the Code of Ethics & Broadcasting Standards and few other guidelines on maintenance of religious harmony. The impugned programme also amounted to certain offences related to hate speech, misinformation and promoting enmity under the Indian Penal Code. Therefore, the complainant stated that it expected the channel to take responsibility for the grievances raised herein and act upon the same responsibly.

In view of the above, it stated that the channel should remove the impugned content from all social media accounts and its website, and issue a public apology for its misinformed reportage, which was communal in nature.

2. Complaint dated 23.1.2022 and 6.2.2022 from Mr. Anuj Dubey:

The complainant stated that the impugned debate programme was very provocative, offensive and could cause communal hatred in the society. He stated that the broadcaster should ensure that the contents of such debate shows are regulated and don't cause further harm as they already have in the past. The complainant sought an explanation for the above misconduct by the anchor. Further he stated the show was constantly violating the parameters of journalism and creating unrest towards a

particular section of the society. The impugned show was violative of NBDSA Guidelines pertaining to Racial & Religious Harmony. In view of the above, the complainant prayed for NBDSA to issue a warning to the broadcaster along with a fine to ensure that it does not repeat this kind of narrative in future.

Reply dated 3.2.2022 from broadcaster:

The broadcaster denied the allegations made in the complaints and clarified that its programme was entirely consistent with the applicable NBDSA's guidelines/advisories and applicable laws.

The broadcaster stated that since there were recent incidents /statements made by certain people against a particular community ('Hindus'), and these people were then chosen by certain political parties for standing in the elections, it had decided to conduct a debate on this topic. The debate questioned and let the public decide if people making the such kind of statements should be chosen as representatives of people by political parties. The debate was conducted in public interest as it questioned why the representatives chosen by political parties should not be clean and be without prior baggage /agenda of any sort, including any untoward statements such as hate statements made against a particular religion. Thus, in a way, the show emphasized the need to have politics which is clean from religious issues and instead being one which promotes peace and harmony.

The broadcaster stated that as a responsible channel it had invited people affiliated with various political parties to participate in the debate and provide their opinion, which showed that a balanced approach was taken while airing the programme. Besides, it debated the issue in the programme because it was important to make people aware of such events /opinions which would affect the public at large and question if they would like to see such candidates fielded by political parties who have a clean image and who respect all communities regardless of religious or other matters. It had no intention of hurting anyone's feelings through the debate, and in fact, the purpose of the debate was to promote harmony among all religions.

That its interest in telecasting the impugned 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 and had 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.

Further submissions dated 15.2.2022 filed by Citizens for Justice & Peace

The complainant reiterated the contents of the complaint and further stated that the channel, in its response had stated that it had "*decided to debate on this topic since there were recent incidents / statements made by certain people against a particular community ('Hindus') and these people were chosen by certain political parties for standing in elections. The debate questioned and let the public decide if people making the above kind of statements should be chosen*

as representatives of people by political parties.”. However, the complainant stated that the narrative of the debate programme showed how the opposition in the State of UP was forming an alliance against the Hindu community, thereby creating divisions along communal lines in the election campaign phase of the Assembly elections. The tone and tenor of the show were not neutral rather it placed complete blame upon the opposition party for fielding candidates of Muslim identity.

The channel’s malafide intentions were also clear from the language used throughout the show and the comments displayed, such as “*Jab Yogi Modi chale jayenge tumhe kaun bachayega*”, “*15% Muslim 85% Hindu par bhar?*” and “*Ye 80 k khilaf hai mahagathbandhan*”. The complainant stated that even the comments made by the anchor were objectionable and brazenly violative of most journalistic standards particularly when he questioned, “*Yogi ji ke rehte danga nahi kar paa rahe ye dard hai aapka?*” and said, “*Galti toh ho nahi payegi na Yogi raj hai, Lath padenge, dande padenge, bull dozer chalega. Galti nahi ho payegi?*”, which was more of a threat and intimidation tactic and clearly showed where the anchor was politically inclined.

Despite the spokesperson of Congress denying the allegations regarding the formation of any such grand alliance against Hindus or the allegation of being against Hindus, the anchor kept asserting that the party had an issue with Hindus and had the agenda of acting against Hindus. The impugned show could in no manner be regarded to be an unbiased debate rather it was driven completely by a narrative that was pre-decided by the host and had clear propaganda to pitch Hindus against Muslims.

The impugned broadcast stood in violation of the Code of Ethics and Broadcasting Standards particularly Section 1 -Fundamental Principles and the Principles of Self-Regulation pertaining to Impartiality and Objectivity in reporting and Ensuring Neutrality. The broadcast also violated the Specific Guidelines Covering Reportage and the Guidelines for Election Broadcasts, which make it amply clear what the channel is required to follow, especially in terms of broadcasts that are related to elections after the election dates are announced. Yet, the channel, in complete disregard for the same, resorted to airing a show that had communal tones, which it not only allowed but also brazenly propagated on its own and also promoted by aligning itself to a particular political agenda.

Decision of NBDSA

NBDSA at its meeting held on 31.5.2022 considered the complaints and response of the broadcaster. NBDSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines issued by NBDSA. NBDSA, therefore, decided to call the complainant and the broadcaster for a hearing at the next meeting.

On being served with Notices, the following were present for the hearing on 14.6.2022:

Complainant:

1. **Mr. Anuj Dubey**
Mr. Hamdan Weldon, Advocate
2. **Citizens for Justice and Peace**
Ms. Teesta Setalvad
Ms. Aparna Bhat, Senior Counsel Supreme Court

Broadcaster:

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

Submissions of the Complainant Mr. Anuj Dubey

The complainant submitted that in the impugned show, the anchor deliberately and with mala fide intentions, used words and phrases and made statements that maligned the name and image of the Muslim community as a whole. The entire demeanour of the said show was conducted in such a manner that, if viewed by the common public, had the tendency to cause unrest, create communal disharmony and build hatred amongst the members of the Hindu-Muslim community.

That the whole agenda of airing the said show was to give it a communal flavour and cause division amongst the members of the Hindu-Muslim community. The entire premise of the show revolved around creating a negative image of the Muslim community to instigate the members of the Hindu community to develop hatred for Muslims. Throughout the show, the anchor indulged in racial and religious stereotyping towards the Muslims. No caution of whatsoever nature or restraint was exercised by the anchor, or the channel whilst airing the said show.

The complainant brought to the attention of NBDSA, statements made during the impugned broadcast, which, if viewed in its entirety, make it evidently clear that the whole purpose of airing the show was to divide the society on communal grounds.

The complainant submitted that in the beginning of the show, an introduction was played wherein it was shown - "*Zebrila Molana, Congress ka divana*" and there after - "*Hinduo kay khilaaf sab mil gaye hai*". A bare perusal of the said tag lines creates a negative impression of the Muslim community in the mind of the public. He asserted that the purpose of displaying the said tag lines was nothing but to showcase that the Muslims are against Hindus, thus creating communal disharmony.

Thereafter, the anchor attempted to put words in the mouth of the guests on the show by repeatedly saying "*Bomb kon karta hai*". During the course of the show, the

channel repeatedly showed the tag line such as *"Haath kay saath Zebrila Molano"* and *"Zebril Mohlana Congress ka dulara"*. It begs logic as to what the channel and the anchor were trying to achieve by repeatedly using the word Molana.

Further, he submitted that the anchor left no stone unturned to make statements and use phrases such as *"Yehi Zebrila Molano tha sabse bada"*, *"Taukir raza kban k jaisey zebriley kattar molana ka samrathan berozgari mehngai ispar charcha kamey k liye lia hai?"*, *"Appko koi parltex nni liai aisey Kattarnwadi virus sey"* and— *"Jo Hinduo ko bliagaye ga wo ticket payga"* which were extremely disgraceful in nature . Furthermore, the tag line - *"15% Muslim 85% Hinduo par bhaari"* was displayed on the screen. The complainant questioned the purpose behind broadcasting the said tagline.

The complainant submitted the anchor badgered the guests/panellists on the show and made statements that were incorrect. The anchor was adamant in interpreting his own version, contrary to what was being said by the guest appearing on the show. The anchor stated that *"Wo keh ray lwi kay unhey Hinduo sey problem hai aur wo 80 kay khilaaf hai"*.

He submitted that during the programme, Mr. Raza, repeatedly tried his best to explain himself. However, the anchor kept on interrupting him and prevented Mr. Raza from explaining his statement, after which Mr. Raza left the debate.

By airing the impugned broadcast, the complainant submitted that the broadcaster had brought disrepute to journalism as a profession. That this was not the first time when the said channel had aired a show which was communal in nature. In this regard, the complainant invited the attention of the Authority to an earlier Order No. 105 (2021) dated 16th June 2021, passed by it in respect of complaints received against programmes aired on CNBC Awaaz, News18 India and News18 Bihar/Jharkhand which had a tendency to provoke and create tension and religious disharmony between two communities.

Submissions of the complainant Citizens for Justice and Peace

The complainant submitted that its complaint was in respect of the show titled 'Desh nahi jhukne denge - हिंदुओं के खिलाफ महागठबंधन?' aired on 18.01.2022 . The complainant submitted that the title of the show itself was misleading and inflammatory. It questioned the broadcaster regarding the purpose behind airing the speech made by Mr Raza and submitted that by repeatedly airing and referring to the speech, the broadcaster had invited riotous behaviour. In the impugned programme, when Mr. Raza mentioned that he admits that during the term of Yogi Adityanath, there were no riots in Uttar Pradesh and that during Akhilesh Yadav's term riots were committed everywhere, the host responded by saying, *"Yogi ji ke rehte danga nahi kar paa rabe ye dard hai aapka?"*. During this heated exchange, Taukir Raza Khan's inflammatory speech and its extracts were transcribed and displayed repeatedly on the ticker. Further, when Salman Nizami, a Congress leader, referred to what Taukir Raza Khan had said in his speech and expressed "ki *"galti ho gai"*, the host responded

by saying “*Galti toh ho nahi payegi na. Yogi raj hai, Lath padenge, dande padenge, bull dozer chalega. Galti nahi ho payegi*” When Nizami said there were issues like unemployment and other development issues and that despite the law on triple talaq and the Ayodhya judgement, no one from the Muslim community had raised their voice. The host responded by saying “*Baat hindu musalman ki hai hi nahi. Ye aadmi Hinduon ke narsanghar ki dhamki de raha hai uska aap samarthan le rabe hai. Aapko Hinduon se problem hai.*”

Additionally, the ticker mentioning the following names and accompanying text “*Rafiq Ansari: History sheeter; Aslam Chaudhari: Fraud; Haji Younus: Gangster; Amarpal Sharma: Murder; Madan Bhaiyya: Mafia and Assaduddin Owaisi: Jab Yogi Modi chale jayenge, tumhe kaun bachayega?*” was aired during the broadcast.

The complainant submitted that an anchor of a news show is required to be responsible. However, throughout the impugned programme, a communal narrative was being built by the anchor to instigate people.

Submissions of the Broadcaster:

The broadcaster denied the allegations levelled by the complainants. The broadcaster submitted that the impugned programme was consistent with the applicable NBDSA’s guidelines/advisories and laws. It had decided to conduct a debate on this topic since certain political representatives /people had made statements against a particular community (‘Hindus’) who were subsequently chosen by certain political parties to stand as their representatives in the election.

The broadcaster submitted that the debate questioned and let the public decide whether people who were making untoward statements about a particular religion should be chosen as representatives for election and whether they can be considered free and fair candidates for elections. That the debate was aired in the public interest as it questioned why the representatives chosen by political parties should not have any agenda and should not be guilty of making any untoward statements, such as hate statements against a particular religion. Thus, in a way, the show emphasized the need to have politics that is clean of religious issues and one that promotes peace and harmony.

NBDSA asked the broadcaster to make its submissions in respect of the taglines broadcast during the programme and asked the broadcaster how it came to the conclusion that there was “*हिंदुओं के खिलाफ महागठबंधन*”? and why communal touch was given in the broadcast. In response, the broadcaster submitted that the question raised in the programme was based on the statement made by BJP spokesperson in response to the political party Congress giving a ticket to Mr. Raza, who had made a statement targeting the Hindu community. Further, it stated that the taglines/tickers impugned by the complainant carried statements made by politicians like Mr. Abu Azmi and Mr. Owaisi and were not the opinion of the channel. That it had during the programme highlighted the statements made by certain political leaders

along with their names in the ticker. The broadcaster clarified that the impugned programme was not against an entire community but only against certain members of the community.

NBDSA questioned the broadcaster whether it was clarified during the programme that the tickers carried the statements made by the politicians themselves. The broadcaster submitted that in the programmes, the taglines were accompanied by the name of the political persons who made the said statements. On the day the impugned programme was broadcast, many events had transpired, including statements issued by various political leaders, tickets being given to people who made inflammatory statements and the BJP Press Conference on the issue. It submitted that the impugned programme was not against a community as alleged but was only in respect of certain people who were communal in nature. The programme was only against a particular maulana who had made inflammatory statements targeting a community.

NBDSA also questioned the broadcaster whether the debate was well-rounded or whether the broadcaster had merely picked statements made by leaders of a particular community. In response, the broadcaster submitted that it had also aired a programme on Dharam Sansad.

In rebuttal however, the complainant Mr. Dubey submitted that during the impugned broadcast, the anchor questioned the panellist about why people had a problem with Mr. Yati Narsinghanand. Further, the impugned programme was aired during the election period when the sentiments of the public are high and can be easily influenced.

Decision

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

NBDSA observed that the thrust of the programme had religious undertones. By starting the debate on the premise that 20% people were ganging up against Hindus constituting 80%, the anchor had given the debate a thrust, which is communal in nature and not appropriate. No doubt, even those elements belonging to minorities who give inflammatory speeches against the people of other religions/majority, have to be condemned. If the debate had been confined with such an objective in mind, probably there would have not been any problem with the same. However, utterances of few such individuals belonging to a particular community should not lead to communal divide.

NBDSA noted that the show was flagged off by the anchor with a communally polarizing question: “*Hinduon ke khilaf Uttar Pradesh me Mahagathbandhan tayyar ho raha*

hai, aur jab 80 vs. 20 ki baat ki thi Yogi Adityanath ne toh wo sahi thi?”. During the programme, the anchor had also crossed threshold of impartiality by making certain statements during the programme such as *“Ye 80 ke khilaf hai mahagathbandhan; and “Wo keh ray hwi kay unhey Hinduo sey problem hai aur wo 80 kay khilaaf hai”*. NBDSA observed that while conducting a debate an anchor needs to be objective, impartial and neutral.

NBDSA was therefore of the view that the programme violated the fundamental principles of Impartiality, Objectivity and Neutrality in reporting and the Specific Guidelines Covering Reportage No. 9 relating to Racial & Religious Harmony, which states that *“Racial and religious stereotyping should be avoided”* and *“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”*.

In view of the above violations, NBDSA decided to issue a warning to the broadcaster to be more careful in future, decided to impose a fine of Rs. 50,000 and also directed the broadcaster that in accordance with the News Broadcasting & Digital Standards Regulations, it shall publicize NBDSA’s Order mandatorily on the ticker of its channel ‘News18 India’ once every hour for 24 hours starting from 8:00 AM on 6.3.2023 to 8:00 AM on 7.3.2023 in the following manner:

“NBDSA found that the programme titled “Desb Nahi Jhukne Denge – हिंदुओं के खिलाफ महागठबंधन?” aired on News18 India dated 18.1.2022 had violated the Code of Ethics & Broadcasting Standards relating to Impartiality, Objectivity and Neutrality and Specific Guidelines Covering Reportage relating to Racial & Religious Harmony”

NBDSA also directed the broadcaster to submit recording of the ticker aired on the channel between 8:00 AM on 6.3.2023 to 8:00 AM on 7.3.2023 within a week of its airing.

NBDSA further also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, and remove all hyperlinks including access which should be confirmed to NBDSA in writing within 7 days of the Order.

NBDSA decided to close the complaints with the above observations and inform the complainants and the broadcaster accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainants 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.

Sd/-

**Justice A.K Sikri (Retd.)
Chairperson**

**Place: New Delhi
Date : 27.02.2023**