

News Broadcasting & Digital Standards Authority

Order No. 177(2024)
Complainant: Mr. Indrajeet Ghorpade
Programme: Black and White
Channel: Aaj Tak
Date of Broadcast: 31.03.2023

Since the complainant did not receive a response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulations, the complaint was escalated on 14.4.2023 to the second level of redressal, i.e., NBDSA.

Complaint dated 4.4.2023

The complainant stated that the impugned show violated the Code of Ethics & Broadcasting Standards and Guidelines pertaining to accuracy, neutrality and fairness, religious harmony, negative stereotyping, good taste and decency.

In the programme, the anchor failed to mention that a mosque was burnt down in Nalanda, Bihar, that Muslim shops and houses around the mosque were also burnt down and that the cops did not arrive for several hours while the burning was taking place, and when they did arrive, they misbehaved with Muslim women and looted the houses. The anchor kept blaming Muslims for the violence. The complainant relied on the articles published in Maktoob Media to support its submission.

In the impugned programme, tickers with inaccurate and exaggerated claims such as “*Aaj Muslim ilaake, Kal Muslim Bharat*”; “*Aaj ilaaka, kal zilla, parso desh*”; and “*Aapne kabhi sikh ya parsi ilaaka suna hai?*” were used to target and create hatred and fear against the Muslim community.

During the broadcast, the anchor falsely claimed that there are only Muslim areas in India where you are not allowed to enter. He said, “*you have never heard of Hindu areas, Parsi areas, Sikh areas or Christian areas*”. He subsequently used the term LOC and brought up Pakistan and China to compare these borders with Muslim areas and said that if anyone crosses these borders, the Muslims burn down houses and shops and are ready with petrol bombs and rocks.

The aforesaid false claim regarding there being no Hindu areas in India was repeated several times during the broadcast. The anchor further falsely claimed that there had been no cases where people from other religions were prevented from entering these areas and said that this happened only in Muslim areas.

The anchor again falsely claimed that this was a plan to break India into lakhs of pieces and that there were no Muslims in the Indian subcontinent before 1206.

The complainant stated that across India, areas have been divided based on caste and religion. A simple search on Google Maps for terms like Jain Colony, Hindu Colony, Sindhi Camp, Brahman Colony, and Parsi Colony would find many such locations. Even if areas are not named after a particular religion or caste, ghettoization is rampant across India.

There are innumerable reports of Dalit and Muslim people being denied housing, access to earn a livelihood, access to roads to carry out marriage processions, access to drinking water, etc., in 'Hindu areas'. Yet the broadcaster chose to look away from the rampant discrimination that Dalits and Muslims face. Instead, it ran a show portraying Muslim people as rioters and Muslim areas as mini-Pakistan.

Reply dated 14.4.2023 from the broadcaster:

The broadcaster stated that it was important to understand Aaj Tak's reportage process in the run-up to its broadcasts, including the impugned broadcast. Aaj Tak team conducts comprehensive research in support of its broadcasts. At first, the editorial team attempts to collect information from official sources (responses in Parliament, Ministerial reports etc). It then considers books, journals and cross-verifies with other secondary resources. In case it is unworkable, the team then contacts its ground reporters and assignments to collect information, as was done in the present case.

The impugned broadcast contained a reportage and analysis of the incidents of communal violence involving stone pelting, loot and arson that took place around the festival of Ram Navami (30.03.2023) in Sasaram (Bihar) and Nalanda (Bihar), Vadodara (Gujarat), Sambhaji Nagar (Maharashtra) and Howrah (West Bengal). Further, it contained critical commentary on the hazards of demarcating areas based on religion.

It is well settled, as reiterated by the Hon'ble Supreme Court in *LIC v. Manubhai Shah*, (1992) 3 SCC 637, that the Constitution guarantees that the media has the freedom to inform, distil, and convey information and any attempt to deny the same should be frowned upon. Therefore, the broadcaster stated that it was at liberty, and even obligated, to report on matters of public and national importance, such as the communal violence around Ram Navami. In fact, it was its duty to inform the citizens about the communal violence.

In the complaint, it has been alleged that the impugned broadcast had violated guidelines on "1. Accuracy, 2. Neutrality and Fairness, 3. Religious Harmony, 4. Negative Stereotyping, 5. Good Taste and Decency"; however, the relevant guidelines or the specific provisions were not mentioned in the complaint, preventing it from replying comprehensively.

Before delving into the specific allegations, the broadcaster stated that it was imperative to understand the context of the impugned broadcast. The critical

commentary on certain areas being demarcated as “*Muslim areas*” and the hazards of doing so was in light of the statements by political leaders of standing, such as Ms. Mamata Banerjee (Chief Minister, West Bengal), who had advised persons to avoid Ram Navami celebration in and around “*Muslim areas*”.

In the complaint, it was averred by the complainant that the impugned broadcast did not cover the alleged incident of burning of Madrasa Azizia in Nalanda, Bihar. The complainant made the aforementioned averment based on the articles published in Maktoob media. The broadcaster stated that even according to the said articles, the allegations of the burning down of Madrasa Azizia and misbehaviour by police in Bihar Sharif reportedly happened on 31.03.2023, on the very day of the impugned broadcast. As a result, requisite information about the alleged incidents was not available at the time of the broadcast. This information was also not carried on mainstream national media at the time of the impugned broadcast.

It was also alleged in the complaint that the impugned broadcast “*falsely claims that there are only Muslim areas in India where you are not allowed to enter*” and that “*that there are no Hindu areas in India*”. However, the broadcaster stated it had in the impugned broadcast earnestly denounced the attempt of labelling some areas as “*Muslim areas*” and promoting further ghettoization of Muslims as being against secularism. It was claimed that, by and large, there are no areas where entry of non-residents is prohibited for belonging to another community/ religion. It fairly conceded that there are exceptions, though not everywhere. In this regard, attention was invited to what the anchor stated “*Bharat mein aaj tak kisi ilaake ko Hindu ilaaka nahi maana gaya, aur yeh nahi kaha gaya ki Hindu ilaako se Muslim samudaye ke log apna juloos nahi nikaal sakte, waha se guzar nahi sakte. Pehli baat toh yeh hain ki aapne sunna hi nahi hoga kisi ilaake ke baare mein ki yeh hindu ilaaka hain. Kuchh jagah aisi koi ghatnaein zaroor hui hogi lekin badhe paimaane par kabhi bhi kisi ilaake ko Hindu ilaaka bata kar, doosre dharmo ke logo ke aane par kabhi koi paabandi nahi lagayi gayi. Upvaad zaroor hain, main manta hoon ki kuchh upvaad zaroor hue honge aur hote bhi hain. Lekin yeh upvaad harr jagah nahi.*”

Further, the complainant has also objected to the tickers' broadcast for being “*inaccurate and exaggerated*”. The broadcaster stated that the tickers used in the impugned broadcast were completely in the context of the issue raised therein and should not be assessed in isolation. The contents of the impugned broadcast or any taglines used therein were not intended to target or spread hate against any particular religion. There was no intention to promote communal disharmony or religious stereotypes.

Without prejudice to the above, it stated that the impugned broadcast merely raised some thought-provoking issues and contentious questions, such as “*Aapne kabhi sikh ya parsi ilaaka suna hai?*” or “*Aaj Muslim Ilaka, Kal Muslim Desh?*” , “*Aaj ilaaka, kal zilla, parso desh*”. The historical context of these statements was the history of separate electorates in India, the Morley Minto Reforms of 1909, and the demand for partition.

In response to the allegation that the impugned broadcast “uses the terms LOC and brings up Pakistan and China too and compares these borders with Muslim areas. Says that if anyone crosses these borders, the Muslim burn down houses and shops and are ready with petrol bombs and rocks”, the broadcaster stated that this was a significant misinterpretation of the contents of the impugned broadcast.

The comparison made was limited to the seriousness of brutalities committed in areas surrounding international borders and brutalities committed domestically during communal riots. The impugned broadcast nowhere placed the blame for committing brutalities on any specific religion, as is evident from the transcript reproduced below. In fact, the impugned broadcast solemnly criticized the practice of labelling areas as belonging to a specific religion for being against the values of secularism. The impugned content, by no stretch of imagination, portrayed “Muslim areas as mini Pakistan”. The relevant portion of the transcript is given below:

22:40- 24:06

“aur aap LOC aur LAC ke baare mein sunte rehte hain. Humare jo border hain, koi Pakistan se lagta hain, koi cheen se lagta hain, yeh dono humare dusman desh hain. Inn borders ke baare mein toh aap sunte rehte hain jaha par- jin seemao par humare jawaan tenaat hain lekin humare desh ke andar hi aisi khatarnaak seemayein bana di gayi hain jaha par log patthar aur bomb lekar taiyaar khadhe hote hain. Aur agar koi inn seemao ko langhne ki koshish karta hain, toh yeh log gharo aur dukaano ko jala dete hain aur fir patharon se hamla karte hain. Chinta ki baat yeh hain ki desh ki seemao ki Raksha karne ke liye, humare paas itni badhi sena hain, humare jawaan jo apni jaan tak kurbaan kar dete hain. Lekin jo seemaein humne apne desh ke andar bana li, woh bharat ko ek rashtra ke roop mein chunauti de rahi hain- woh humari ekta ko chunauti de rahi hain. Aur isse bh zyada dukh ki baat yeh hain, ki aaj ka bharat,- jo aaj ka bharat hain, us bharat ka koi dharam nahi. Lekin poore desh ko, jo ilaake hain, ilaako ka dharam bana diya gaya hain. Sochiye, desh ka koi dharam nahi hain, lekin desh ke jo ilaake hain, unhe dharam ke naam par baant diya gaya hain. Humare desh mein aap yeh nahi keh sakte- humare desh ke samvidhaan mein likha hain ki yeh hinduon ka desh hain, musalmanon ka desh hain ya isaiyo ka ya sikhon ka desh hain. Kabi nahi likha. Lekin ilaako ko zaroor dharam ke naam par baant diya gaya hain- yeh musalmaano ke ilaake hain.”

The complainant has alleged that the impugned broadcast wrongly claimed that “there were no Muslims in Indian subcontinent before 1206”. In response, the broadcaster stated that it was claimed that the Muslim population was negligible and not that they were not present before 1206. Further, it contained a comprehensive chronology of the spread of Islam in India along with figures of population based on religion (from Census 2011). The relevant portion of the transcript has been reproduced below for an instant reference:

29:00-29:20

“Varsh 1206 mein jab dilli sultanat ki sthapna hui, use pehle bharat mein Muslim abaadi na ke barabar thi. Baat humesha yaad rakhiyega, 1206 ki hum baat kar rahe hain. Use pehle bharat mein, bharatvarsh mein, Muslim abaadi na ke baraabar thi. Musalmaan the hi nahi.”

Moreover, from 29:00-29:30, based on the article titled “*India in the World; The World in India 1450–1770*” (Howard Spodek and Michele Langford Louro), the display flashed that the population of Muslims in 1206 when the Delhi Sultanate was established was around four lakhs.

Therefore, the complainant’s assertion that the impugned broadcast claimed that there were no Muslims in India before the year 1206 was completely incorrect.

The impugned broadcast employed a hypothetical to convey that it would be calamitous if India were to be divided by places of religious worship. Further, it was stated that such divisive politics was not new to India, implicitly referring to the reservation of electorates based on religion (The Indian Councils Act, 1909) and the subsequent partition of British India into India and Pakistan based on religion. The relevant portion of the transcript has been reproduced below:

28:15- 28:53

“sochiye 3 lakh masjide hain aur 6 lakh mandir hain, toh kya 9 lakh tukde bharat ke ho jayenge. Mandiro ki sankhya hain 6 lakh 48 hazar 9 sau. Saadhe 6 lakh maan li jiye aur masjid ke sankhya hain lagbhag 3 lakh. Yeh khatarnaak tareeke ka bahut badha sharyantra hain jisse bharat ke 1-2 nahi laakho tukde karni ki koshish ki jaa rahi hain aur yeh pehli baar nahi ho rahi. Aapko aaj bharat ke background mein prisht bhoomi mein itihaas mein bhi jaana hoga”

The impugned broadcast also criticized the current political discourse, which has facilitated the purported demarcation of areas based on religion, for being against the constitutional value of secularism and threatening India’s unity and integrity. The relevant portion of the transcript has been reproduced below:

21:50- 22:23

“kya humare desh ke neta, Muslim tushtikaran ke naam par yeh sab chahte hain? Chahte toh yahi the, aur unhone kaafi hadd tak yeh karke bhi dikha diya. Bharat ka sanvidhaan humare desh ko Swatantra aur dharm nirpeksh desh ka darja deta hain. Aur aisa kahi nahi likha- kaunsa ilaaka musalmano ka hoga, aur kaunsa hinduon ka, kaunsa ilaaka sikho ka hoga, kaunsa parsio ka hoga, kaunsa isaaiyo ka hoga”

Conclusion

Therefore, the broadcaster requested that the impugned broadcast be considered in its entirety. It respectfully submitted that the impugned broadcast was in accordance with the Code of Ethics & Broadcasting Standards and Guidelines as it was balanced, fair and objective. Further, it stated that the impugned broadcast had not and could not cause any prejudice to any person or religion.

As a reputed and reliable media house, the broadcaster stated that it was necessary to bring out true facts before the public in relation to the tragic incidents of communal violence in the country and the same was made *bona fide*.

Decision of NBDSA at its meeting held on 6.7.2023

NBDSA considered the complaint, response of the broadcaster and after viewing the footage of the broadcast, decided to call both the parties for a hearing.

On being served with Notices, the following persons were present for the hearing on 31.10.2023:

Complainant

Mr. Indrajeet Ghorpade

Broadcaster

Ms. Vrinda Bhandari, Advocate

Mr. Manish Kumar, Managing Editor, Aaj Tak Output

Ms. Dipali Rai, Legal Counsel

Mr. Vishal Pant, being an editor member representing TV Today Network Ltd. in NBDSA recused himself from the proceedings.

Submissions of the Complainant

The complainant submitted that the impugned broadcast attempted to create fear against the Muslim community by showing how Muslim families in the country live in ghettos and make such places dangerous for people of other religions and sects to pass through. It also commented on how these ghettos were increasing and spreading across the country.

The complainant invited the attention of the Authority to some of the tickers “*Aaj Muslim ilaake, Kal Muslim Bharat*”; *Aaj ilaaka, kal zilla, parso desh*”; and “*Aapne kabhi sikh ya parsi ilaaka suna hai*” which were aired during the impugned broadcast. He submitted that during the broadcast, the anchor stated that there were Muslim areas in the country where other people were not allowed to enter. He also referred to LOC, the borders of China and Pakistan and compared these borders with the borders of these ghettos and claimed that if anyone crossed these borders, people were ready to burn down houses, use petrol bombs etc.

The anchor repeatedly questioned whether anyone had heard of “*Hindu, Sikh, Jain, Parsi or Christina areas*”, which question was inaccurate as across the country and states, there are several areas and regions where people of a particular caste or religion predominantly live together in a specific area. He submitted that several examples of areas where Muslim and Dalit people were not allowed to enter were given in his complaint. Further, several such cases had come to light even in Mumbai, and there was also litigation concerning the exclusion.

In the impugned broadcast, the anchor was attempting to create a narrative regarding how Muslim families were capturing areas in the country and how soon there would be Muslim Bharat and Muslim areas in the country. Also, while reporting the incidents of violence, the anchor failed to report how Muslim shops were burnt

down, a mosque was attacked and the allegations of the Muslim women regarding the police authorities. Instead, the focus of the impugned broadcast was only on how Muslim families were encroaching on areas in the country.

The complainant submitted that the broadcaster could not rely on the defence that in the impugned broadcast, merely the anchor's or the channel's opinion were expressed. That Islamophobia cannot be construed to be an opinion as it was hate speech which could result in segregation, exclusion and violence. There was a need to separate opinion from harmful and hateful speech, which cause real-world damage.

The complainant urged the NBDSA to levy stringent penalties on the broadcaster for repeated violations of the Code of Ethics & Broadcasting Standards and Guidelines.

Submissions of the Broadcaster

The broadcaster submitted that the impugned broadcast contained a reportage and analysis of the communal violence involving stone pelting, loot and arson that took place around the festival of Ram Navami in Sasaram (Bihar) and Nalanda (Bihar), Vadodara (Gujarat), Sambhaji Nagar (Maharashtra) and Howrah (West Bengal).

The broadcaster invited the attention of the Authority to a tweet posted by Ms. Mamata Banerjee (Chief Minister, West Bengal), who had famously advised people to avoid the Ram Navami celebration in and around “Muslim areas”. Considering the aforesaid, the broadcaster submitted that it was the Chief Minister who had used the term “Muslim areas”.

In respect of the allegation raised by the complainant that it had not covered the burning of Madrasa Azizia in Bihar in the impugned broadcast, the broadcaster reiterated that even according to the articles relied upon by the complainant, the mosque was burnt on 31.03.2023, i.e., the day of the impugned broadcast. Therefore, there was no way for it to cover the burning of the mosque in the broadcast. Further, at the time the broadcast was being filmed, the incident was not covered by the mainstream media, and there was only one article on Maktoob Media; therefore, it did not cover the incident as it happened around the time of the impugned broadcast.

In respect of the allegation that it had in the broadcast claimed that there were restrictions in only entering ‘*Muslim areas*’, the broadcaster submitted that it had in the broadcast earnestly denounced the attempt to label some areas as ‘*Muslim areas*’ and promoting further ghettoization of Muslims.

In the impugned broadcast, it was claimed that by and large, there are no areas where entry of non-residents was prohibited for belonging to another community, wherein the anchor had said that, in general, there are no Muslim or Hindu areas and that we

do not want any segregation. The broadcaster submitted that ghettoization is very different from segregation. The context of the broadcast was not whether there was ghettoization or not, but the context was the statement made by the Chief Minister. The broadcaster submitted that it had in the tickers impugned by the complainant only raised questions such as “*Aaj Muslim ilaake, Kal Muslim Bharat*”; “*Aaj ilaaka, kal zilla, parso desh*”; and “*Aapne kabhi sikh ya parsi ilaaka suna hai?*” and it clarified that these were not statements made by the anchor.

NBDSA questioned the broadcaster about the intention behind airing the aforesaid tickers. The broadcaster submitted that these tickers must be considered in the context of the subject raised in the programme and were fleetingly flashed during the programme only for a few seconds.

The footage of the violence was alarming, and the anchor had in the broadcast only raised the question of why, instead of condemning the violence, the issue of separate areas was raised. It reiterated that the historical context of these statements was the history of separate electorates in India, the Morley Minto Reforms of 1909, and the demand for partition. The tickers were not related to what the anchor was saying in the broadcast and were flashed quickly. The broadcaster reiterated that it had merely raised questions for debate through the tickers.

In respect of the alleged comparison being drawn by the anchor with LOC and the borders of China and Pakistan, the broadcaster submitted that the anchor had categorically stated that India has no religion and condemned any division or segregation of areas based on religion. The anchor had not drawn any comparison with LOC or the borders of China and Pakistan. In the broadcast, he had only mentioned that there were external borders and that we are now dividing the country internally. In view of the above, it submitted that the statement made by the anchor must be considered in entirety without cherry-picking certain extracts.

By no stretch of the imagination, the broadcast portrayed “*Muslim areas as mini Pakistan*”. In the impugned broadcast, it was only claimed that Muslim population was negligible, and not that they were not present before 1206. The broadcaster submitted that the impugned broadcast never claimed that there was a plan to divide India into lakhs of pieces.

Decision

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

NBDSA noted that it was the submission of the broadcaster that the impugned programme contained a reportage and analysis of the incidents of communal violence involving stone pelting, looting and arson that had taken place around the

festival of Ram Navami. Further, it contained a critical commentary on the hazards of demarcating areas based on religion.

NBDSA observed that there would have been no problem with the broadcast if the broadcaster had confined its analysis to the incidents of communal violence. However, by broadcasting the following tickers "*Aaj Muslim ilaake, Kal Muslim Bharat*"; "*Aaj ilaaka, kal zilla, parso desh*"; and "*Aapne kabhi sikh ya parsi ilaaka suna hai*" during the programme, a completely different colour had been given to the programme.

NBDSA noted that it appears that in the broadcast, the incidents of communal violence committed by a few miscreants had been generalized by the anchor to target a particular community. This is evident from the statements made by the anchor in the broadcast.

Further, during the programme the anchor also made statements such as "*.....hume lagta hai ki aaj itihaas khud ko do raha hai isliye aap jin khabro ko mamuli se hinsak ghatnaon ki khabhar samajh rhe hai, woh asal main hamare desh ki joh prashtabhoomi main jayege toh yeh khabare aapko uss roop main nazar ayegi*", for which there is no foundational basis.

In view of the above, NBDSA held that by broadcasting the impugned programme the broadcaster had violated the Code of Ethics & Broadcasting Standards, Specific Guidelines covering Reportage relating to Racial and Religious Harmony and the Specific Guidelines for Anchors conducting Programmes including Debates, which requires anchors to "*Not make any derisive or derogatory statements about individuals, communities or religious beliefs and practices while reporting, commenting, analyzing or debating on any issue or topic in any programme/s including debates*". NBDSA accordingly decided to warn the broadcaster to be careful while airing future broadcasts.

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 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.

Sd/-

Justice A.K Sikri (Retd.)

Chairperson

Place: New Delhi

Date : 28.02.2024