

News Broadcasting & Digital Standards Authority

Order No. 178 (2024)

Complainant: Mr. Indrajeet Ghorpade

Programme: Love तो बहाना है... Hindu बेटियां निशाना है

Channel: Times Now Navbharat

Date of Broadcast: 31.5.2023

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 11.6.2023 and 19.6.2023 to the second level of redressal i.e., NBDSA.

Complaint dated 3.6.2023

The complainant stated that the impugned broadcast violated the Code of Ethics & Broadcasting Standards and the principles relating to impartiality, objectivity, neutrality, and accuracy apart from the Guidelines for:

- a) Prevention of Hate Speech,
- b) Anchors conducting Programmes, including Debates and
- c) Prevention of communal colour in reporting crime, riots, rumours, and such related incidents.

During the broadcast, tickers and headlines containing generalized statements and allegations were cited as the "*Truth of the Country*", which were aimed at demonizing and spreading hatred against the Muslim community. Some of the tickers and headlines aired during the broadcast are given herein below:

Love तो बहाना है... Hindu बेटियां निशाना है Jihadiyo se Beti Bachao

Desh mein Love Jihad ka Sach: Church ka dava, 10,000 isali ladkiya bani shikar

Desh mein Love Jihad ka Sach: VHP Ke muatbik 2009-2022 mein 400 case

Desh mein Love Jihad ka Sach: Sirf 2023 mein Love jihad ke 153 case

Desh mein Love Jihad ka Sach: Hyderabad mein 2000 ladkiya gayab, love jihad ka shak

The anchor incorrectly cited Shraddha Walker as an example of "love jihad". In her case, her partner and the murderer did not hide his religion and caste, nor did he change his name, nor is there any information in the public domain about him forcing her to change her religion.

The anchor loudly screamed at a panellist who urged him to stop spreading Hindu-Muslim enmity and did not allow him to state his point about the changes that need to be made in the law to address fraudulent marriages.

In the broadcast, a panellist stated that if a Muslim woman is killed, "*Sar tann se judaa ke naare lagne lagte hai, kya kya haal kar dete hai ye log, jageh jageh maar kaat machti hai*" thereby depicting the entire Muslim community as being barbaric and not law-abiding.

Another panellist baselessly claimed during the broadcast, "*Aapke yahan (in the Muslim community) kalava legal bhi nahi hota, aapke yahan haram mana jata hai kalawa bandhna.*" To refute this claim, one of the Muslim panelists showed her a thread that he was currently wearing.

Shraddha Walker was again incorrectly cited as an example of Love Jihad.

Further, during the broadcast—false generalized statements were made to target Muslim men, by stating, "*Kyun har jageh, Hindu naam rakh ke ek Hindu ladko fasane ka kyun aata hai saamne ye bataiye? Aisa kyun hai ki jo ladki fasti hai woh Hindu hai aur jo ladka maarta hai woh Muslim nikalta hai baad mein? Kyun dhoka diya jata hai iss tarah se?*"

Another panellist baselessly claimed that "*This is an organized crime against our (Hindu) women*". The anchor failed to refute these false, unproven claims; instead, he seemed to believe this falsehood and even repeated the aforesaid claim in the broadcast.

Panellist Bilal Khan, who was speaking about overall crimes against women and the need to move away from the Hindu-Muslim/Love Jihad angle, was not allowed to speak as the anchor, and the two other panellists kept interrupting him.

While a panellist, Majid Haidari, was speaking against the anchor, he was continuously interrupted by other panellists and by the anchor and he could not clearly state his points. The anchor failed to control other panellists who were interrupting.

When another panellist started giving examples of Muslim people being victims, she too was interrupted by the anchor and other panellists, who did not let her state the examples.

The complainant asked the broadcaster what actions it would take to undo the damage caused to the social fabric of India by the violations committed during the show.

Reply dated 22.6.2023 of the broadcaster.

In response to the allegations raised regarding the said broadcast in the complaint, the broadcaster stated that as a responsible news medium, it strives to present all its programmes on a factual basis in an unbiased manner. The purpose or intent of airing any program is not in any way to create social or communal disharmony, as has been alleged. The debate in question was based on the allegations made by a

model from Jharkhand and several instances of love jihad reported from across the country, in which the affected women had alleged that youths from the Muslim community lured women into a love trap by hiding their identity. The topic of the debate was relevant and based on reported information of a recent incident.

During the broadcast, the anchor referred to love jihad in reference to Sahil (Sunny), Tanveer (Yash), while victims of a few cases, Shraddha and Sakshi, were mentioned in the context of love and murder. The anchor raised a very clear question, what is it like to hide the identity and trap someone in a love trap?

It reiterated that the primary basis of the impugned debate was the allegations of Manvi Raj, who had accused Tanvir of love jihad. Therefore, the entire debate should be seen in the context of this allegation. The rest of the names and incidents taken during the debate were in the context of different Q&A.

That the opinions expressed by guests on a live debate are their own, and the channel or the anchor has no control over what a guest is likely to say in response to a question raised. While the anchor may intervene and prevent offensive behaviour, it is practically impossible for the anchor or the channel to cross-check every statement a guest makes live on a debate.

During a live debate, every attempt is made to allow all participants to speak and exchange their views to have an interesting and meaningful discussion. But at times, giving equal time to all may not be plausible. Therefore, the allegation that the channel deliberately gave more time to a certain faction was baseless. Further, there was no intention to prevent any guest from speaking.

The broadcaster stated that the complainant had taken a very narrow view of how the debate had progressed. The broadcaster denied the allegations raised in the complaint and requested that the show to be seen in the relevant context and not be given a communal twist.

Counter reply dated 22.6.2023 from the complainant:

The complainant stated that he was not satisfied with the response of the broadcaster, as it had, in its response, denied all violations committed during the impugned broadcast.

He stated that despite the Specific Guidelines for Anchors conducting Programmes, including Debates and Guidelines laid down by the Hon'ble Bombay High Court in *Nilesh Navalakha v. Union of India & Ors*, the broadcaster, in its response, had stated that, "*Opinions expressed by guests on a live debate are their own and the channel or the anchor has no control over what a guest is likely to say in response to a question raised. While the anchor may intervene and prevent offensive behaviour, however it is practically impossible for the anchor or the channel to cross check every statement made by a guest live on a debate.*" This admission by the broadcaster clearly demonstrates that it had failed to read and adhere to

NBDSA's guidelines or the Guidelines laid down by the Hon'ble Bombay High Court in Nilesh Navalakha.

He reiterated that by airing the impugned programme, the broadcaster had violated the principles of impartiality, objectivity, neutrality, and accuracy and Guidelines for Prevention of Hate Speech, Anchors conducting Programmes including Debates and the Guidelines for Prevention of communal colour in reporting crime, riots, rumours, and such related incidents.

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 were present at the hearing on 3.8.2023:

Complainant

Mr. Indrajeet Ghorpade

Broadcaster

1. Mr. Kunal Tandon, Advocate, Tandon & Co.
2. Ms. Kirtima Maroovar, Compliance Officer
3. Ms. Niti Jain, Advocate
4. Mr. Utkarsh Singh, News Editor

Submission of the Complainant

The complainant submitted that the impugned programme was titled *"Love तो बहाना है... Hindu बेटियां निशाना है"*. By airing the tickers such as *"Desh mein Love Jihad ka Sach"*, it appears that the broadcaster was claiming to bring the truth regarding 'love jihad' in the country. In the broadcasts, several unverified and baseless claims such as *"Hyderabad mein 2000 ladkiya gayab, love jihad ka shak"*, *"VHP Ke muatbik 2009-2022 mein 400 case"* and *"Desh mein Love Jihad ka Sach: Sirf 2023 mein Love jihad ke 153 case"* were aired. The anchor screamed and shut down panellists who were trying to say that this was a more significant issue concerning the safety of women in India. Without any facts, the anchor claimed that this was an organized criminal conspiracy against Hindu women. Several panellists also claimed the same.

The anchor did not allow opposing viewpoints to be presented during the broadcast. The panellists were extremely wild and made gross, generalized statements against the larger Muslim community, painting them as people who were out there to fool Hindu women, mislead and murder them.

In the broadcast, Shraddha Walker's name was used despite it being well-known that her partner and murderer had not hidden his religious identity from her. The complainant, therefore, questioned how Shraddha Walker could be cited as an

example of love jihad. He submitted that according to these channels, love jihad involves Muslim men changing their names to lure and fool Hindu women and later force them to convert to Islam, none of which had happened in Shraddha's case. Despite this, the broadcaster repeatedly mentions Shraddha's name because her case is well-known and extremely gruesome.

Further, he submitted that if one were to search the number of broadcasts that the channel had carried in the past year on the topic of "love jihad", there would be an infinite scroll of such broadcasts, which shows that countless such programmes had been done on the subject by the broadcaster.

The complainant reiterated that during the broadcast it was repeatedly claimed this was "*love jihad ka sach*". He submitted that the NBDSA is well aware of the consequences of demonizing a single community. Despite understanding that love jihad is an Islamophobic theory, channels such as Times Now Navabharat keep on promoting such theory.

The complainant submitted that the channel, in its response, had stated that it was not responsible for the views and opinions expressed by the panellists and that in a live debate, it cannot fact check panellists, which response of the broadcaster is in contravention of NBDSA's own guidelines as well as the guidelines laid down by the Hon'ble Bombay High Court in the *Nilesh Navalakha v. Union of India & Ors*, which the channel would be very much aware of. That there was an intention of malice, and such panellists were deliberately invited in the impugned broadcast.

Submission of the Broadcaster

The broadcaster submitted that the backdrop of the impugned broadcast was not the Shraddha Walker murder case or any other cases but how the identity of an individual is hidden, which is evident from the investigations in several cases, wherein it was revealed that the identity was hidden. Shraddha Walker was merely cited as an example during the broadcast. The issue and debate was on how the person's identity is not disclosed to the other side.

The impugned broadcast had a balanced panel, which expressed views on both sides of the issue. That the broadcast was in complete adherence to the principles of impartiality, neutrality and objectivity. During the impugned broadcast, the anchor did not express his views; rather, he only raised questions. Further, it submitted that the manner of presentation is the prerogative of the anchor. The panellists, Mr. Bilal Khan and Mr. Haideri were present in the broadcast to express their views. Therefore, it submitted that the channel could not be considered to have violated any standards and/or guidelines in the broadcast.

On the issue of whether the impugned broadcast could be regarded as being provocative, the broadcaster submitted that the issue of love jihad has been discussed by several State Governments and by the Central Government. Infact

there are also laws being discussed to curtail it. In any event, this issue was not only raised by it but also by several other broadcasters. Furthermore, the Code of Ethics & Guidelines only prevents the broadcaster from carrying any programme which is provocative and does not preclude the broadcasters from discussing a provocative topic.

NBDSA asked the broadcaster to explain the tickers and headlines aired during the impugned broadcast. In response, the broadcaster submitted that tickers and headlines were merely carrying statements made by certain groups, including VHP, and it had presented factual figures in the broadcast. NBDSA also asked the broadcaster whether it had presented the other side's views. In response, the broadcaster stated that two panellists were representing the community.

That the main basis of the impugned broadcast were the allegations made by Ms. Manvi Raj, who had accused Tanvir of love jihad. Further, it had not reported that 2000 missing girls were on account of love jihad as a matter of fact rather, the ticker only mentioned that there was suspicion of love jihad. It is well settled principle that the impugned broadcast must be considered as a whole as opposed to cherry-picking certain statements and tickers.

The broadcaster reiterated that it could not be held liable for the views expressed by the panellists and submitted that neither the anchor nor the channel had attempted to justify the views expressed by the panellists.

In rejoinder, the complainant submitted that while the broadcaster had during the submissions stated that the impugned broadcast was objective and neutral and claimed that the anchor did not express any views during the broadcast, it was the anchor who had baselessly claimed that this was organized crime.

Further, while Muslim panellists were invited to the programme, they were not given adequate opportunity to express their views rather they were screamed and shouted at.

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 observed that the media has the right to conduct debates on any topic of its choice. However, on a perusal of the impugned broadcast, it appears that at the very beginning of the broadcast, the anchor has concluded that men from a certain community lured women from another community by hiding their religious identity and then committed violence or murders against such women and every such violence or murder committed on women of a certain community related to 'love jihad'. This is evident from the questions raised and statements made by the anchor

during the impugned broadcast. When some of the panellists expressed their concerns regarding the communal angle being given to such alleged incidents and regarding selective cases of violence against women where the perpetrator belonged to a particular community, the anchor shouted them down and did not allow them to express their views.

NBDSA also observed that there may be some instances where boys from a particular community married Hindu girls. However, some such instances should not lead to making generalized statements regarding inter-faith marriages by giving it a communal colour. Every citizen, from whichever religion, has a right to marry a person of his/her choice, irrespective of the religion to which he/she belongs. Merely because a Hindu girl married a boy of another faith would not tantamount to love jihad unless it is established that such a Hindu girl was duped or coerced into the marriage. Further, because of few incidents of such forced marriages, an entire community cannot be branded. Thus, it was not proper to generalize the incidents with the tickers such as *“Love तो बहाना है... Hindu बेटियां निशाना है”, “Jihadiyo se Beti Bachao”*. Had incidents been discussed/debated by themselves, it would have come within the norms of journalistic freedom. It is the generalization of these incidents by targeting the entire community, which is found to be violative of the principles of Impartiality, Objectivity and Neutrality under the Code of Ethics & Broadcasting Standards (“Code of Ethics”) and the Specific Guidelines covering Reportage relating to Racial and Religious Harmony. In the impugned broadcast, the anchor had also violated Clauses (f) and (h) of the Specific Guidelines for Anchors conducting Programmes including Debates.

NBDSA states that the term “love jihad” should be used with serious introspection in future broadcasts as religious stereotyping amounts to a violation of the Code of Ethics.

In view of the above violations, NBDSA decided to impose a fine of Rs.1 lakh on the broadcaster.

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