

**News Broadcasting Standards Authority
Order No. 98 (2021)**

Order of NBSA on complaint dated 14.5.2020 from Mr. Matin Rafiuddin Mujawar against India TV for airing a news on 13.5.2020

The complaint was escalated to the second level of redressal, i.e., NBSA as the complainant was not satisfied with the response received from the broadcaster.

Complaint dated 14.5.2020 filed with the broadcaster:

अ) प्रोग्राम का नाम : स्पेशल रिपोर्ट

प्रोग्राम का विषय : "प.बंगाल के हुगली में दो समुदायों के बीच हिंसक झड़प; घरों-दुकानों में आगजनी, इंटरनेट सेवा बंद"

प्रोग्राम तारीख : १३ में २०२०

प्रोग्राम समय : दोपहर २:००

प्रोग्राम की न्यूज़ एंकर : एंकर सुशांत सिन्हा

NEWS LINK <https://youtu.be/qcnPxxTzhRM>

करना के काल में प.बंगाल के हुगली के तेलिनीपारा जो हुबली का सब से ज्यादा संक्रमित इलाका है इस में दो समुदायों के बीच हिंसक झड़प; घरोंदुकानों में आगजनी, इंटरनेट सेवा बंद इस शीर्षक की खबर दिखाई गई

इन खबरों के हेडलाइंस साम्प्रदायिक तनाव को भड़काने वाले और सामाजो के बिच नफरत फैला कर हिंसा को उत्तेजित करने वाले है.

उपद्रवियों/आगजनी फैलाने वालो का कोई भी मजहब नहीं होता वो इंसानियत के नाम पर कलंक है इन सब बातो की जानकारी बतौर एक पत्रकार इंडिया TV को होते हुए भी आग भड़काने वाले वाले बयानों से और ब्रेकिंग न्यूज़ से हिंसा को बढ़ाने का काम इंडिया TV ने किया है.

ब्रेकिंग न्यूज़

हिंसा के बाद हिन्दू पलायन कर रहे है. कई दुकानों को आग के हवाले कर दिया गया

हुगली में खुनी हिंसा से टेंशन, हिन्दुओं का पलायन

(फिर मुस्लिम समुदाय के खिलाफ हिंसा भड़काने वाला वीडियो के साथ साथ उस वीडियो में बात कर रहे व्यक्ति का अनुवाद TV स्क्रीन पर दिखाया जा रहा था जो आग में तेल भड़काने वाला और इस प्रकार है.

"भाइयों मुसलमान लोगो ने काली मंदिर से हमारे दुकानों में आग लगादी है"

पोलिस कुछ नहीं कर रही है, हम लोग कितने मजबूर है, हमारी मद्दत कीजिये, प्रशासनवहापर खड़ा है कुछ भी नहीं कर रहा, मुसलमान लोग बम मार रहे है.देखिये घर कितना जला दिया है. धुँआ धुँआ पूरा होगया है. पोलिस प्रशासन उन लोगों का ही साथ दे रहे है. पोलिस खड़ी है बम चल रहे है. पोलिस के सामने बम पेट्रोल सब चल रहा है. फायरिंग हो रहा है. हम लोगो के एक नागरिक कृष्ण राम को गोली मार दिया गया है. पोलिस ने गोली मारा है, देखिये क्या कर रही है पोलिस। पोलिस ने गोली मारी है.

इस तरह मुस्लिम समुदाय और पोलिस प्रशासन के प्रति नफरत फैलाने वाली खबरे इंडिया TV ने प्रसारित की है. इस तरह लोगो के वहा से जाता हुआ दिखाया गया.

फिर वहा से गुजरने वाले व्यक्ति से कितनी पूछताछ बताई जाती है.

आप लोग कहा जा रहे है ? भरदेश्वर जा रहे है. घर छोड़ कर क्यों जा रहे हो ? क्या करे घर में आग लगा दी है ...

इसी लिए जा रहे हो. कितने आदमी है आप लोग ? १०० आदमी से ऊपर; क्यों आप लोग जा रहे है;

क्या करेंगे दंगा में, कमाने आए है या दंगा करने भागने के सिवाय कोई उपाय नहीं।

खबरों सार इस तरह था के हमेशा हिंदुओं पर अत्याचार होता है. और लोग वहा से पलायन कर है. उन्हें हमेशा दबाया जाता है.

पूरा काला धुँआ उठा रहा है... लोग बम मार रहे है; यहाँ पर किसी को अटैक किया है; फिर अम्बुआने भी घुस रही है; आज दोनों तरफ से अटैक हुआ है. दोनों तरफ से बम मार रहे है; लगातार काला धुँआ उठ रहा है.

In regard to the aforesaid broadcast, the complainant observed as follows:

१) INDIA TV किसी कट्टरवादी संगठन और पक्ष से प्रेरित होकर इस तरह समाज में नफरत और साम्प्रदाइक तनाव बढ़ाने वाले और आपसी भाईचारे को खत्म करने वाली खबरे लगातार दिखाने में जुटा है यही इससे साबित हो रहा है. INDIA TV समाचार माध्यम का गलत इस्तेमाल कर रहा है. ऐसे भड़काऊ खबरे लोकतंत्र के लिए एक कलंक और घातक है.

२) INDIA TV देश में मुस्लिम समाज के प्रति नफरत और एक साम्प्रदाइक तनाव उत्तेजित करने की कोशिश कर रहा है ये इक कानूनी जुर्म और अपराध और देश के अखण्डता के हित में धोका है.

३) ऐसी खबरों को बार बार दिखा कर मुस्लिम समाज के प्रति नफरत की भावना, बदनामी और मुस्लिम समाज को देश के नजरो में अपराधी के कटघरे में खड़े करने की कोशिश की जा रही है.

४) ऐसे खबरे दिन से दिन नफरत और देश में हिंसा को उत्तेजित कर रहे है.

५) INDIA TV के सांप्रदाई तनाव बढ़ाने वाले और नफरत फैलाने वाले इन खबरों का असर दुनिया भर उभर आया है. गल्फ में काम करने वाले ३४ लाख भारतीयों की नौकरी धोके में आचुकी है.

६) आपसी बहाईचारे को खत्म करने वाले और नफरत फैलाने वाले खबरों की वजह से देश विदेश में इस का असर उभर आया है, दो मुल्को के संबंधो में दरार पैदा हो चुकी है. जिस का असर देश के अर्थ व्यवस्था पर पड़ रहा है. बेरोजगारी बढ़ रही है.

७) INDIA TV ऐसे खबरों से देश में हिंसक स्थिति बनाने की कोशिश में जुटा है. जो देश के स्थिरता और अखंडता को नुकसान पहुंचाने वाली साजिश है. **Which is a conspiracy to damage the stability and integrity of the country.**

८) INDIA TV द्वारा कोरोना के फैलाव के लिए तब्लीगी जमात और मुस्लिम समाज के बारे में फैलाये गए अफवाओं और नफरत भरी खबरों का असर ऐसा हुआ है के अब फल और सब्जी बेचने वालो को हिन्दू या मुसलमान ये धर्म की पहचान साबित करने के लिए केसरी झंडे या हिन्दू या मुसलमान लिखना पड़ रहा है. इस तरह से न्यूज माध्यम का गलत इस्तेमाल करके साम्प्रदाइक हिंसा को उत्तेजित करने का प्रयास INDIA TV द्वारा किया जा रहा है.

९) आये दिन ऐसे खबरे दिखा कर हिन्दू मुस्लिम हिंसा को बढ़ावा दिया जा रहा है. INDIA TV, ऐसे खबरों द्वारा मुस्लिम समाज का नरसहार करने वाली स्थिति को उत्तेजित कर रहा है ये इस से स्पष्ट हो रहा है. INDIA TV की ऐसी खबरे, देश में दंगे फैलाने और साम्प्रदाइक तनाव को बढ़ावा देकर, देश को अस्थिर करने के लिए चलाई जा रही है ये इस से स्पष्ट हो रहा है. यह बहुत संगीन अपराध है.

१०) INDIA TV ने सांप्रदायिक झगड़ों से भारतीय मुस्लिमों और उनके मौलिक और मानवाधिकारों को लक्षित किया है. मुस्लिम समाज की मानहानि करके उसे निचा दिखाया है.

INDIA TV प्रसार माध्यम भड़काऊ खबरों द्वारा राष्ट्रीय एकता के लिए खतरा निर्माण कर रहा है. देश के विरुद्ध युद्ध पुकारने के बराबर अपराध किया जा रहा है.

INDIA TV द्वारा प्रसारित होने वाली इस किसम की खबरे केबल टेलीविजन नेटवर्क (विनियमन) अधिनियम 1995 की धारा 19 और 20 और टेलीविजन चैनलों नीति निर्देशों के खंड 8 के अनुसार कानूनी कार्रवाई के लिए पात्र. भड़काऊ बयानबाजी के लिए INDIA TV प्रसार माध्यम की मान्यता रद्द हो और भारी जुर्माने की भी मांग है।

राज्य में मुस्लिम समुदाय और विभिन्न धर्मों और समुदायों प्रति नफरत फैलाने के जुर्म में एंकर सुशांत सिन्हा तथा अन्य पर भारतीय दंड संहिता धारा १५३, १५३ A, २९५A, २९८, ५००, ५०५(२), ५०६, ५११, १२० बी, १२४अ, ४९९, और अन्य सेक्शन के तहत अदालत में मामला दायर करने जा रहे

Reply dated 18.5.2020 from the Broadcaster

The broadcaster in its response, denied all allegations in the complaint, without exception. It stated that the complaint appears to be based on a preconceived notion and a sense of bias against its channel. The news program on the riots in West Bengal in Telinipara area was based on facts and information received from reliable sources and also information available in the public domain. The impugned news was widely reported on almost all news platforms. Political leaders posted video clips of the riots on Twitter. There was no attempt made by the channel to communalize the issue. The anchor had only used the words 'Do Guton' and made no reference to any religion. 'Do Guton' only refers to 'two groups' and has no religious or communal implication. The words 'Hindu' or 'Muslim' were used by the individuals/victims in the video clips, which were telecast during the news programme and which were also already available on the internet. The victims were also blaming the Police force for inaction. Neither the anchor nor the reporter blamed any particular community or the Police for the riots. It was the victims who were expressing their grief, pain and frustration. Whatever was stated in the news report was based on facts and information gathered and the visuals were also telecast from the location of the riots. It is also a matter of record that more than 70 people had been arrested in connection with the riots in West Bengal in Telinipara area, and the State Government had pledged to take strict action against the culprits. The video clips were broadcast in their first telecast at 01 PM on 13.5.2020 and in subsequent telecasts, at 7:30 PM on 13.5.2020, thereafter these video clips were not replayed. All portions where any person was heard making a reference to any religious community or group, or authority were removed from the subsequent news reports. The bald allegation that its news reports on Tablighi Jamaat have led to communal hatred against any religious community is totally baseless. The programmes/ broadcast on the event at the Nizamuddin Markaz were based on information received from reliable sources,

statements of Police and other officials, as also information shared by the Government of Delhi. The programmes also fall within the domain of fair comment and are protected by journalistic privilege. The broadcaster has time and again highlighted the positive role played by some of the recovered patients of Coronavirus who were also members of the Tablighi Jamaat. As regards the vegetable vendors who were facing discrimination from certain individuals, not only the channel but the Chairman of India TV himself strongly condemned the said actions in the 'Aaj Ki Baat' programme, which is hosted by him. It is also relevant to point out the content of the programme falls within the right to freedom of speech and expression enjoyed by the broadcaster under Article 19(1)(a) of the Constitution of India. It is well settled that freedom of 'Press' is an inseparable limb of freedom of speech and expression and, in fact, enjoins a larger credence being of public importance. The allegation that the programme was spreading communal hatred is an attempt to suppress this constitutionally guaranteed freedom.

Reasons for escalating the complaint to NBSA

The complainant vide letter dated 26.5.2020, stated that NBSA needs to go through the news and ascertain how the statements and the headlines were provoking communal unrest in the society and supporting and igniting situations. All the statements of the broadcaster in its reply were false and fabricated. The telecast is a violation of the Specific Guidelines Covering Reportage No 9 Racial & Religious Harmony, the Cable Television Networks (Regulation) Act 1995 and also Clause 8 of the Policy Guidelines for Up linking of Television Channels.

Decision dated 10.7.2020

NBSA, at its meeting held on 10.7.2020, considered the complaint, response from the broadcaster, the reasons for escalating the complaint to the NBSA and also viewed the alleged broadcast.

NBSA was of the prima facie view that the fundamental principles of Impartiality, Objectivity and Neutrality in reporting was not adhered to. NBSA was also of the view that the broadcaster needed to explain the broadcast in the light of the Specific Guideline Covering Reportage No. 9 relating to Racial & Religious Harmony.

NBSA decided to call the broadcaster and the complainant for a hearing at the next meeting of NBSA.

Hearing held on 22.9.2020

The following persons were present at the hearing:

Complainant: Mr. Matin Rafiuddin Mujawar

Broadcaster: Mr Rohan Swarup, Advocate

Ms Ritika Talwar, Legal Consultant

The complainant stated that he had pointed out the violations in the aforesaid broadcast which was inciting communal violence and hatred between two communities. He stated that Muslims constitute 14 % of the population of this country, which country belongs to all and everyone has to live in harmony and brotherhood. It is unfortunate that one community is being targeted because of an illness, which is a human rights violation. He referred to the judgment passed by the Aurangabad Bench of the Bombay High Court wherein the court had observed that there was big propaganda in print media and electronic media that those who had come to Markaz Delhi were responsible for spreading the Covid-19 virus in India.

The broadcaster submitted that in respect of the allegations made by the complainant that there was a bias in reporting of the incident between Hindus and Muslims, it reiterated that what was broadcast was factually correct that there was violence in the area, shops were burnt and people were forced to leave their homes. There was no misinformation being spread by the channel. The reporting was being done from the ground and what was happening was being reported. The broadcaster did not name or blame any community and the words used was “*Do Guton*”, which means “*two groups of people*”. It also submitted that the use of the word “*Palayan*” cannot be objectionable as it only means “*run away*”. The broadcaster stated that hard facts need to be shown which can be very distressing and there is no bar on reporting about religion. It submitted that the focus of the reporting was the failure of the Police and the Government to stop the violence. There was no violation of any guidelines.

The complainant did not agree with the submissions made by the broadcaster and stated that if there was breach of law, the Government and the Police must take action irrespective of caste, creed or religion. However, what he had complained about was that one community was being targeted with provocative titles /headlines.

The broadcaster submitted that the headlines were not provocative, the reporting was factually correct of the clash between two groups of people. There was no fabrication of facts. The main focus of the report was the inaction of the Government and the Police. The reporting led to action and arrest of persons. The broadcaster submitted that it is important that this kind of reporting is done to awaken the authorities so that the people of the country get justice and it cannot be said that the broadcaster should only paint a rosy picture. No action can be taken on the perception of a complainant. This incident was reported by print as well as other electronic media channels. No other complaints have been filed in respect of this telecast.

Decision of NBSA

NBSA thoroughly looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footage.

NBSA noted that the reporting by the broadcaster in this case was factually correct and the sequence of events/ violence that occurred in the area was not due to the reporting by the broadcaster. However, it has been noticed that only the version of one side was telecast by the reporter. In view of the above, NBSA found that the broadcast lacked neutrality and impartiality. NBSA, therefore, directs the broadcaster to ensure that while reporting on sensitive news stories, particularly where the impact is on the social and secular fabric of the country it should be careful and telecast the version of both sides to bring balance to what is being reported upon. The broadcaster is advised to adhere to the Code of Ethics & Broadcasting Standards while telecasting its news stories.

NBSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBSA directs the NBA 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 NBA;
- (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 NBSA while responding to the complaint and putting forth their view points, and any finding or observation by NBSA 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 NBSA in regard to any civil/criminal liability.

Sd/-

Justice A. K Sikri (Retd.)
Chairperson

Place: New Delhi

Date: June 16, 2021