

**News Broadcasting Standards Authority
Order No. 99 (2021)**

Order of NBSA on complaint dated 5.4.2020 filed by Mr. Farooque Imam against Aaj Tak

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 5.4.2020

आजतक... आज 07:31 PM: दिल्ली में कुल 503 मरीजों में 320 मरकज़ के (जो कल आज तक ने 405 कहा था 445 में शाम के 06:59 में) आजतक... आज 07:35 PM: दिल्ली के कोरोना पॉजिटिव में जमाती 90% अगर दिल्ली के कुल 503 में से मरकज़ के 320 का प्रतिशत निकाला जाए तो होता है 63.61%

Response dated 22.4.2020 from broadcaster

The broadcaster stated that the complaint dated 6.4.2020 received by NBSA is against their news channel “Aaj Tak” for allegedly showing incorrect news. It was stated that while dealing with the news relating to Corona, the broadcaster has strict guidelines from the appropriate authorities with regard to the news aired by it and whatever information was being received from the authorities was being aired by the broadcaster, and therefore there may have been chances that there were some miscalculations as pointed out by the complainant. The broadcaster would like to assure the complainant that these were innocent calculation mistakes, and there never was any intention of showing any wrong news or deceiving the viewers into believing something which is not true. The broadcaster is a law-abiding news channel which complies with the various guidelines issued by NBSA and MoI&B and that nothing against the laws has been aired by it.

The broadcaster stated that it is its endeavor with utter sincerity to perform its duty as the fourth pillar of the Indian democratic structure. The media exists to inform society, and the broadcaster believes and holds it as a principle not to be biased against anyone. The broadcaster holds no personal grudge against any class, color or religion and presents before the world what is reasonable and true and any error that might have come up was purely an oversight by its editorial team, and there was never any malafide intention to air wrong news. Further, the broadcaster also submitted that it was unable to locate the program referenced by the complainant and hence unable to verify his allegations.

Reply dated 12.5.2020 from the complainant to the broadcaster:

Upon receipt of the response from the broadcaster, the complainant stated that since the broadcaster had mentioned in the response that it was unable to locate the

program referenced by him and therefore is unable to verify his allegations. The contents were again given again as follows:

Program Date: 05th April 2020 Broadcast Time:07:31 PM to 07:35 PM (19:31 to 19:35) Summary of Allegations: 07:31 PM : दिल्ली में कुल 503 मरीजों में 320 मरकज़ के (जो 04 अप्रैल 2020 को आज तक ने दिखाया थ 445 में 405 जमात के लोग 06:59 PM में, जबकि ये भी ग़लत फैक्ट था) 07:35 PM :: दिल्ली के कोरोना पॉजिटिव में जमाती 90% (अगर दिल्ली के कुल 503 में से मरकज़ के 320 का प्रतिशत निकाला जाए तो होता है 63.61% और बताया गया 90%).

Is this miscalculation or innocent calculation mistake which is repeated again and again?

The complainant further stated that after the complaint was lodged before NSBA, “Aaj Tak” has removed videos of time between 07:23 PM to 07:59 PM dated 05th April 2020 from all its platforms viz YouTube, Facebook, Twitter and Web Portal. After all, why has “Aaj Tak” removed the video of the aforesaid time? What was the reason? Please Clarify. Will “Aaj Tak” upload the entire deleted video again on all its platforms? If NO, then Why? It seems that the facts which were aired by "Aaj Tak" had an intention to develop hatred in the minds of the people against a particular community in this type of extraordinary situation of Covid-19 pandemic, which resulted in many types of social boycott faced by the people of the community as can be seen from the treatment of Sabji Wala's of a particular community. This is the time to fight this Covid-19 pandemic together and not to spread hatred amongst the public. If this is only a miscalculation or innocent calculation mistake, “Aaj Tak” should apologize in writing for that mistake and air it on the channel for at least 60 seconds.

Reasons for escalating the complaint to NBSA vide letter dated 16.5.2020

The complainant submitted that in response to his complaint dated 5.4.2020, which was forwarded to “Aaj Tak” on 6.4.2020, he got clarification on 12.5.2020 when he sent a reminder on 11.5.2020 from the Compliance Officer of “Aaj Tak” that “there are chances that there may have been some miscalculations as pointed out by you, but we would like to assure you that these were innocent calculation mistakes and there never was any intention of showing any wrong news or deceiving our viewers into believing something which is not true.”

The complainant drew the attention on content “Aaj Tak” broadcast on 05th of April and also 04th of April 2020

Program Date: 05th April 2020

07:31 PM :: दिल्ली में कुल 503 मरीजों में 320 मरकज़ के

07:35 PM :: दिल्ली के कोरोना पॉजिटिव में जमाती 90%

(अगर दिल्ली के कुल 503 में से मरकज़ के 320 का प्रतिशत निकाला जाए तो होता है 63.61% और बताया गया 90%, ये कोई मामूली अंतर नहीं है, 63.61% को "आज तक" ने दिखाया 90% जिसका अंतर होता है लगभग 27% जो पूरी तरह से भ्रामक है)

Program Date: 04th April 2020

6:59 PM: दिल्ली के कोरोना के 445 केस, मरकज़ के 405 लोग।

7:02 PM: दिल्ली में कोरोना के कुल 386 केस, मरकज़ के 256 लोग।

(04 अप्रैल 2020 को दोपहर के 3 बजे तक दिल्ली में कुल केस 386 था जिसमें मीडिया के हिसाब से मरकज़ के 256 लोग थे। शाम के 7 बजे दिल्ली में कुल केस 445, जिसमें जो बढ़ा वो हुआ 59, अगर सारे के सारे केस मरकज़ के ही बढ़े तो 256+59 होता है 315... और "आज तक" दिखा रहे 405, जबकि दिल्ली सरकार द्वारा जारी 04 अप्रैल 2020 की हेल्थ बुलेटिन में मरकज़ के कुल केस उस दिन के 42 नए सहित बताये हैं 301 (लिंक :

<http://health.delhigovt.nic.in/wps/wcm/connect/3329a9804dcea23081eaf7982ee7a5c7/HB04A.pdf?MOD=AJPERES&lmod=1227137031&CACHEID=3329a9804dcea23081eaf7982ee7a5c7>) और इसके अलावा दिल्ली के मुख्यमंत्री 04 अप्रैल 2020 को अपने PC (लिंक : <https://www.facebook.com/AAPkaArvind/videos/665921670862560/>) में कह रहे थे की 445 में दिल्ली के केवल 40 केस हैं और बाकी केस विदेशों से आये हुए और मरकज़ के लोगों का है जबदक "आज तक" यह बता रहा था दक 445 में 405 केस मरकज़ के ही हैं, आज तक ने 405 के फिगर को बताते हुए CM केजरीवाल द्वारा कहे गए विदेश से आये हुए बात को नहीं बताया या छुपाया, जो पूरी तरह से भ्रामक है।

The complainant reiterated what was stated in the complaint, whether these were miscalculations or innocent calculation mistakes, which is repeated again and again, with an intention to develop hatred in the minds of the people against a particular community in this type of extraordinary situation of COVID-19 pandemic, which resulted in many types of social boycott faced by the people of the community.

Further, despite giving all the details viz dates of programs, time of broadcast, a summary of allegations and also the screenshot of the broadcast in the initial complaint dated 5.4.2020, which is available in the document of correspondence with "Aaj Tak", the Compliance Officer of "Aaj Tak" mentioned that it was unable to locate the program and hence unable to verify the complainant's allegations. After the complaint lodged by him, the broadcaster has removed videos of time between 07:23 PM to 07:59 PM of 5.4.2020 from all its platforms viz YouTube, Facebook, Twitter and Web Portal. After all, why "Aaj Tak" removed the video of the aforesaid time? What was the reason? If it was unable to locate the program, then how it can be removed?

Decision dated 10.7.2020

NBSA, at its meeting held on 10.7.2020, considered the complaint, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA noted that after giving a justification to the complainant about the figures shown on the channel regarding the coronavirus cases and then stating that the broadcaster is unable to

locate the program to verify the allegations and to also remove the videos from all its platforms viz YouTube, Facebook, Twitter, and Web Portal was unacceptable. NBSA was of the view that the action taken by the broadcaster was not correct and did not in any manner strengthen self regulation, which the broadcasters had chosen to adhere to itself.

NBSA was of the view that further hearing would be necessary to address the issue as to whether targeting a particular community was in violation of 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.*” Such reporting could affect the communal harmony between communities and may lead to a law-and-order problem. NBSA decided to call the broadcaster and the complainant for a hearing by Video Conference at the next meeting of NBSA.

Hearing held on 7.9.2020

The following persons were present at the hearing:

Complainant: Mr Farooque Imam
Mr Md Ahmar Zeya Warsi

Broadcaster: Mr Hrishikesh Baruah, Advocate
Mr Aiman Hasaney, Legal Counsel

During the arguments, Mr. Hrishikesh Barua, Advocate, representing the broadcaster, informed NBSA that the complaint dated 4.4.2020 was not received by the broadcaster and hence the reply could not be given. In view of the above, the hearing was deferred to 22.9.2020.

NBSA directed the complainant to inform the broadcaster of the details of the complaint. Accordingly, vide email dated 9.9.2020. NBSA shared all the documents received from the complainant, response to each of the complaints and the CDs of the programmes dated 4.4.2020 and 5.4.2020. The broadcaster was requested to confirm in writing the receipt of the documents and also to come prepared with its response to the complaints in respect of both the broadcasts on 4.4.2020 and 5.4.2020.

Hearings on 22.9.2020

The following persons were present at the hearing:

Complainant: Mr Farooque Imam

Mr Md Ahmar Zeya Warsi

Broadcaster: Mr Aiman Hasaney, Legal Counsel, India Today Group
Ms Nikita Sachdeva, Legal Counsel

Complainant submitted that in continuation of the complaint dated 5.4.2020 against "Aaj Tak", he appeared in the hearing dated 7.9.2020. During the arguments, Chairperson, NBSA had asked him if there were any other mistakes in the broadcast other than what has been submitted before NBSA. Accordingly, he submitted the mistakes in the broadcasts on 4.4.2020 and 5.4.2020, which were as follows along with screenshots and videos:

1. Broadcast Date: 04.04.2020 Broadcast Time: From 18:59:31 to 18:59:35
Broadcasted Audio: दिल्ली में 445 बीमार हैं जिनमें मरकज़ से जुड़े 405 लोग हैं।
2. Broadcast Date : 04.04.2020 Broadcast Time : From 18:59:45 to 18:59:49
Broadcasted Visual : "दिल्ली में कोरोना के 445 केस, मरकज़ के 405 लोग"
Broadcasted Audio : "दिल्ली में कोरोना के 445 केस, मरकज़ के 405"
3. Broadcast Date: 04.04.2020 Broadcast Time: From 19:00:06 to 19:00:09:
Broadcasted Audio : "लेकिन अचानक दिल्ली के तबलीगी मरकज़ से निकले हुए लोगों ने कोहराम मचा दिया"
4. Broadcast Date: 04.04.2020 Broadcast Time: From 19:02:09 to 19:02:14 :
Broadcasted Audio " इसमें दो राय नहीं की जमातियों की वज़ह से देश में कोरोना संक्रमण के मामले बेतहाशा बढ़े हैं"
5. Broadcast Date: 04.04.2020 Broadcast Time: From 19:02:15 to 19:02:47
Broadcasted Visual : "जमातियों ने बढ़ाई महामारी ! 4 अप्रैल दोपहर 3 बजे तक के आंकड़ें दिल्ली: कुल-386, जमाती-256, पंजाब: जमाती-5, हरियाणा: जमाती-8, यूपी: कुल-174, जमाती-47, राजस्थान: कुल-196, जमाती-41, तमिलनाडु: कुल-411, जमाती-364"
Broadcasted Audio : दिल्ली में 04 अप्रैल की दोपहर तक 386 पॉजिटिव केस थे जिनमें से 259 मामले तबलीग जमात के हैं। UP में कुल 174 केस हैं जिनमें से 47 जमातियों के हैं राजस्थान में 196 में से 71 केस तबलीगी जमात के लोगों के हैं। तमिलनाडु में तो हाल और बुड़ा है यहाँ कुल 411 में से 364 केस जमात वालों के हैं। वहीं हरयाणा में 8 पंजाब में 5 पॉजिटिव केस सामने आ चुके हैं।
6. Broadcast Date: 04.04.2020 Broadcast Time: From 19:05:04 to 19:05:14
Broadcasted Visual : "देश को कोरोना में फंसाकर मौलाना फरार !" " सेल्फ़ क्वारन्टीन" के नाम पर अंडरग्राउंड"
7. Broadcast Date: 04.04.2020 Broadcast Time: From 19:06:48 to 19:06:53
Broadcasted Audio: "सेल्फ़ क्वारन्टीन के नाम पर मौलाना साद डरग्राउंड है, दिल्ली पुलिस तलाश कर रही है।"
8. Broadcast Date: 04.04.2020 Broadcast Time: From 19:07:09 to 19:07:19
Broadcasted Visual: "दिल्ली पर जमात का कोरोना प्रहार!" "राजधानी में जमातियों से कोरोना 'विस्फोट'"

9. Broadcast Date: 05.04.2020 Broadcast Time: From 19:33:12 to 19:33:14
Broadcasted Visual: मरक़्ज़ वालों ने मामला बिगाड़ डाला
Broadcasted Audio: मरक़्ज़ वालों ने मामला बिगाड़ डाला
10. Broadcast Date: 05.04.2020 Broadcast Time: 19:33:45 (Repeated many times)
Broadcasted Visual: कहाँ जाकर रुकेगा तबलीगी जमात का "कोरोना कहर" ?
11. Broadcast Date: 05.04.2020 Broadcast Time: From 19:34:30 to 19:34:32 -
Broadcasted Audio: किन किन लोगो तक जमातियों ने वायरस फैलाया है।
12. Broadcast Date: 05.04.2020 Broadcast Time: From 19:35:14 to 19:35:24
Broadcasted Visual: जमातियों ने क्या कर डाला! दिल्ली के कोरोना पॉजिटिव में जमाती 90 %.
Broadcasted Audio : दिल्ली के कुल कोरोना संक्रमितों में से करीब 90 फीसदी तो मरक़्ज़ वाले ही हैं चूंकि आम लोगों की संख्या कम है, इसलिए ग़म थोड़ा कम कर सकते हैं।
13. Broadcast Date: 05.04.2020 Broadcast Time: From 19:36:24 to 19:36:35 -:
Broadcasted Audio: खैर शासन प्रशासन सिर्फ़ इस बात का रोना नहीं रो सकता कि मरक़्ज़ ने कितना कबाड़ा किया है खासकर तब जब उसपर आरोप है कि वो निजामुद्दीन में छिपे जमातियों को वक्त से पहले हटा नहीं सके।

The complainant submitted that the above broadcasts were in violation of the Specific Guidelines Covering Reportage” Number 1.3, which states that “*Allegations should be reported accurately as made.*”, Number 1.5, which states that “*Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).*” Number 1.6, which states that “*Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.*” Number 2.2, which states that “*In editing content, broadcasters should ensure that there is no distortion of the facts and events being reported or of the views expressed.*” Number 5.2, which states that “*Persons should not be featured in content in a manner that denigrates or discriminates against sections of the community on account of race, age, disability, sex, sexual orientation, occupation, religion, cultural or political beliefs.*” Number 9.1, which states that “*Racial and religious stereotyping should be avoided.*” and Number 9.2, which states that “*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.*”

These broadcasts were also in violation of the Guidelines on Broadcast of Potentially Defamatory Content Number 1, which states that “*Broadcasters must always be conscious of the power and impact of the audiovisual medium and the phenomenal reach of their news channels, which can cause incalculable harm if not accurate and objective.*” Number 3, which states that “*Any sensitive matter that is broadcast in any form by the broadcaster should be strictly vetted and edited*”, and Number 5, which states that “*A news anchor/journalist/presenter should not make any derogatory, derisive or judgmental statements as part of reporting or commentating.*”

The broadcasts were also in violation of the Guidelines to prevent communal colour in reporting crime, riots, rumors and such related incidents, Number 2, which states that “*It must also be remembered that any communal colour in reporting such news or in the*

programmes does irreparable harm to the community, even when the trial ends in an acquittal of the accused. The damage done to the plural society, meanwhile, cannot be remedied.”, Number 3, which states that *“In reporting all such news/programmes the focus must only be on the objective facts of the incident. Great care is required in this behalf, particularly when the accused belong to a minority community”* and Number 5 which states that *“In particular while reporting the victims of any such incidents, care should be taken to prevent description of their identity based on their caste, religion or any other distinction.”*

The broadcasts were also in violation of the Specific Guidelines for Reporting the Injured and the Ill, Number 2, which states that *“No broadcaster shall invade the privacy or violate the dignity of persons who are affected, injured and/or under treatment in hospitals and other similar places. When otherwise justified in public interest, care should be taken to record both audio and video in a way which minimizes intrusion and privacy of the patient. However, in case of objection, by the patient or any other person on his or her behalf, a broadcaster should not do any audio or video recording”* and Number 6, which states that *“In case showing the patient is justified, the face and sensitive parts of the body should invariably be masked.”*

Further, the complainant stated that all the above broadcasts show that through the aforesaid broadcast of 4th and 5th April 2020, “Aaj Tak” commits following acts: 1. Promotion of Enmity 2. Intentional to create hype 3. Agenda Based Journalism and also is in violation of Section 153A of IPC, which states that *“Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony...”*

The complainant stated that the information in the said broadcast was incorrect as the Govt. of NCT of Delhi, Directorate General of Health Services, Delhi State Health Bulletin for Containment of COVID-19 (No. 32/ April 4th 2020) had stated that of the cumulative positive cases in Delhi on 4.4.2020, the figure was 445 and the positive cases of Markaz Masjid was 301.

The broadcaster submitted that in relation to the grievance made about the ‘alleged removal of video’ of the program on 5.4.2020, it was informed during the course of hearing that the complaint submitted was dated 6.4.2020, and in the said complaint, it was stated that the broadcast had taken place on 5.4.2020, but the wording of the complaint was not clear, and therefore, the said submission was made that the video could not be located. The broadcaster had located the video, and it had already submitted the link of the said Program to NBSA. This was done after it received a clarification email dated 12.5.2020 from the complainant.

The broadcaster stated that during the course of the hearing dated 7.9.2020, the complainant had relied upon the program dated 4.4.2020. However, this was not the basis of his original complaint. Therefore, NBSA had given an opportunity to explain the statements made in the said program. In this regard, the broadcaster stated as follows:

1. The news channel does not promote any hatred between any communities. It seeks to report the news as available and place it before the public at large.
2. During the Covid pandemic (at least during the initial period) there were several restrictions in movement. This had created difficulties in the assimilation of news as well as in their dissemination. During this period, if a bulletin was issued by the concerned authority, there was very little scope for further verification and ascertainment of facts. Therefore, the reporting of facts, at least in relation to the Covid pandemic, was entirely based on the information supplied by the Government.
3. In the aforesaid backdrop, the news program was broadcast on 4.4.2020 under the segment named and styled as 'Desh Tak'. The link to the said program has been provided to NBSA.
4. The said program dealt with the sudden increase of Covid 19 positive cases in India. It is not out of place to mention that there was a sudden spurt of Covid positive cases in India, and a large section of such cases were related to Markaz. At 06:59 PM, the news program stated that in the entire country, there are around 2,902 Covid 19 positive cases, out of which 1023 cases related to Markaz. This information has been provided by the Ministry of Health and Family Welfare, Government of India, in its press conference. The relevant byte of the said press conference is at 07:02 PM. It was also pointed out that only 35% of the total cases are related to Tablighi Jamat or Markaz.
5. In the said program, at around 06:59 PM, it was stated that in Delhi, there were 445 cases, out of which 405 cases are related to Markaz. These figures have been taken from the Press Conference of Mr. Arvind Kejriwal, Chief Minister of Delhi, wherein he had stated that out of 445 cases in Delhi, only 40 cases are related to Delhi, and the others (405 cases) are related to Markaz as well as foreigners. This position was further clarified at 07:02 PM, wherein India wide figures had been posted. In the said graphic, figures were superimposed on the Indian Map. It is stated in the map that the total cases in Delhi was 386 out of which the total cases relating to Markaz was 256. The said graphic had a disclaimer that the figures disclosed till 03:00 PM. were taken from the Bulletin of the Delhi Health Department as on 3.4.2020. It is not out of place to mention that till 9.5.2020, the Delhi Government used to issue the Bulletin late at night, and it was not available at the time of making the news broadcast.
6. A perusal of the Health Report issued by the Delhi Government on 3.4.2020 shows that out of the total cases of 386, around 259 cases were related to Markaz. The figure stated in the news broadcast indicates a slightly less amount, i.e., 256 (instead of 259).

7. Therefore, the figures pointed out by 'Aaj Tak' in the above program 'Desh Tak' were primarily taken from the figures as disclosed by the concerned government authorities. The broadcaster stated that the program as a whole has to be taken into consideration. In its understanding, one line here and there should not be the basis of any determination, as sought by the complainant. A holistic look at the program clearly demonstrates that the figures are essentially and primarily founded on information supplied by the Delhi Government. The news broadcast is essentially fair and accurate.
8. There has been no attempt to malign any community. The news broadcast only seeks to place the facts before the public at large.

Decision

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 observed that the media has the complete freedom to report on the Covid pandemic; however, such reporting must be done with accuracy, impartiality and neutrality, keeping in mind the issue that the subject that is being dealt with is sensitive in nature. Therefore, while reporting or telecasting any programme on the above issue, it is expected that the broadcasters will strictly adhere to the Code of Ethics and Broadcasting Standards, Guidelines and the Advisories issued by the Government in this regard.

NBSA noted that the broadcaster had submitted that the figures pointed out by 'Aaj Tak' in the program 'Desh Tak' were primarily figures as disclosed by the government authorities. NBSA also noted that the broadcaster had admitted that there may have been chances that there were some miscalculations as pointed out by the complainant, which were inadvertent, and the broadcaster had no intention to communalize the issue or malign any community.

As there may have been errors in the figures telecast in the programme "Desh Tak", NBSA directs that the video of the said broadcasts, 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 NBSA in writing within 7 days.

In view of the above statement made by the broadcaster, NBSA decided to close the complaint 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