News Broadcasting Standards Authority Order No. 100 (2021)

Order of NBSA on complaint dated 16.4.2020 filed by Campaign Against Hate Speech against seven programmes aired by Suvarna News titled:

- 1. Coronavirus Infected Tablighi Jamaat Attendees Misbehave with Doctors In Bidar" dated 4.4.2020;
- 2. COVID-19; Police to Trace Financial Source For Tablighi Fund" dated 4. 4.2020;
- 3. Tablighi Jamaat: Maulana Saad's New Clip Goes Viral: 'Do Not Assemble, Follow Govt's Directive" dated 2.4.2020;
- 4. Corona Virus isn't an illness, its God's Gift to you'; Video of a young man goes viral" dated 2. 4.2020;
- 5. Audio Clip Allegedly of Chief Maulana Saad Goes Viral "Social distancing Not in Our Religion", dated 1.4.2020;
- 6. Disaster at Delhi's Nizamuddin: How Covid-19 spread from here", dated 31.3.2020;
- 7. Shafiullah Saheb Reacts to Closing Mosques Amid Coronavirus Crisis", dated 31.3.2020.

Complaint dated 16.4.2020:

The complaint dated 16.4.2020 against Suvarna News was filed before the District Level Monitoring Committee for private television channels by the Campaign Against Hate Speech, which was forwarded to NBSA by PIB Fact Check vide email dated 17.4.2020.

The complaint was filed against Suvarna News in regard to the above mentioned programmes for breaching the recognized ethical canons of journalistic propriety and taste and for targeting and spreading hatred towards a particular community, and also for violating the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994.

The complainant observed that the media is well recognized for being the fourth pillar of democracy. However, with such pronounced responsibility came heightened duty on the media to abide by the letter of the law, especially regarding hate speech. They asserted that to fulfil this responsibility, the onus was placed on media houses to distance themselves from the race of sensationalism and TRP. Unfortunately, the complainant noted that the broadcaster had blatantly violated these ethical and statutory responsibilities by airing the impugned programmes.

The complainant provided the details of the programmes as follows:

Programme 1 titled "Coronavirus infected Tablighi Jamaat attendees misbehave with doctors in Bidar", dated 4. 4.2020. In this programme, the news anchor states that the "Tablighi's infected with coronavirus and quarantined in Bidar" were demanding "luxury facilities", "would only eat non-veg food", or "would have to get home food". It claims that the "Tablighi's" have said, "give us luxury rooms, if it is not there, let us go". The anchor goes further to call their alleged actions "blackmail behaviour"; states that "infected persons should cooperate with the doctors, but here they are doing the opposite"; and also states that the doctors are "tired of the Tablighis' behaviour". No evidence whatsoever has been provided to these alleged statements of the attendees of the Tablighi Jamaat who are quarantined at Bidar.

Programme 2 titled "COVID-19; Police to trace financial source for Tablighi fund", dated 4.4.2020. The news anchor states that "the police are trying to investigate the source of funds of the Tablighi Jamaat", and that "the money might have come from the Gulf countries in great quantities". The anchor further states that the Delhi police are investigating where the money came from, as the Tablighi's have now become a "big headache".

Programme 3 titled "Tablighi Jamaat: Maulana Saad's new clip goes viral: 'do not assemble, follow Govt's directive", dated 2. 4.2020. In this programme, the news anchor states in a mocking tone, with regard to Maulana Saad releasing an audio stating that he is in self-quarantine, "what a great man you are". With regard to the alleged audio of Maulana Saad asking the followers to stay at the Jamaat and that they would not die of the virus, he says, "that is the same audio of you talking is it not, now you are saying you are in self-quarantine. You have to be fine, but the poor innocent and those who do not know, who regarded you as god and came, only they will get corona and run to the corners of the country and will die if they die, and give it to someone else, this is the job done by the leader". The anchor states that "an FIR is against you, first you have to come outside, only then this talk and stories" and in addressing the Maulana, the anchor states that "this is not a Bhagavad-Gita story". The anchor further sarcastically mentions the statements of Maulana Saad who is home-quarantined to fight against corona virus are "awesome". Subsequently, the anchor goes on to compare Maulana Saad with the Devil, "the same man who said this is in home quarantine today, appealing to everyone to support the fight against coronavirus. Isn't this a case of the devil quoting the scriptures?"

Programme 4 titled "Corona Virus isn't an illness, its God's Gift to you'; Video of a young man goes viral", dated 2. 4.2020. In this programme, the news anchor states that there is "nataka drama from some satans from where we are". Anchor states that "these people are more dangerous than the coronavirus"; that "the corona criminals in our country have been exposed"; and states that "Suvarna news will show you these details, it is the news traced by Suvarna, we will show you proof'. After having made these statements, a video is shown of a Muslim man named Sayyad Jameel, wiping his nose with what appears to be currency notes, saying, "there is no cure for corona, it is not a virus, it is a God given donation for you people".

Programme 5 titled "Audio clip allegedly of Chief Maulana Saad goes viral "social distancing not in our religion", dated 1.4.2020. The programme, on the Tablighi Jamaat at the Nizamuddin Markaz in Delhi states that "they conducted the programme without care for the Government's orders. For breaking the lockdown rules, about 100 people are infected with the coronavirus. Despite knowing they will get the Corona, Delhi mosque's Moulvi's gave sermons stating that if they are in the mosque they will not get the virus. The Delhi mosque's Moulvi's sermons are going viral'. The anchor expands on this audio in which the Nizammudin's Moulvi allegedly states, "If we are in the mosque we will not get the corona, do not stop our prayers. If you are going to die in the mosque, there is no better place to die than here. This is an attempt to stop Islamic practices in the name of corona. Those who stop our prayers are wrapped in sin." It goes on to play an audio, whose source remains unverified. The reporter, while reiterating a lot of the aforementioned statements, also states, "the mosque sermons continued despite the lockdown". The reporter also states, "250 foreigners who attended this event are hiding in different places. The reason is because they came on a tourist visa but were conducting missionary work, and their visa's were being violated. Despite telling them to come for the treatment first, they are refusing to do so and, in different mosques, in Delhi' they are hiding." No sources have been cited, and these statements remain unverified.

Programme 6 titled "Disaster at Delhi's Nizamuddin: How Covid-19 spread from here", dated 31.3.2020. In this programme, the anchor states that "Delhi's hell is partly in Nizamuddin mosque"; "they will spoil themselves, those who believe in them, and infect the innocent"; and that "this happened after the lockdown in Delhi, 2000 people were there". No evidence is provided, and these statements remain opinionated and unverified.

Programme 7 titled "Shafiullah Saheb reacts to closing Mosques amid Coronavirus Crisis", dated 31.03.2020. In this programme, the news anchor begins by stating, "if corona is to be controlled, first the time has come for a fatwa that mosques must be closed"; that "temples are closed, Bengaluru's Karaga is not happening, the Vairamudiutsava is not happening, in this country different fairs are not happening, but only in mosques 2000-3000 people, whenever it comes to their mind, are holding meetings. Why?"; and "Despite the lockdown, several mosques are still holding prayers and are conducting namaz". These statements have been made without any evidence being adduced.

The complainant stated that Suvarna News has violated basic ethics of journalism and was speaking/instigating hate against a particular community. The statements were factually incorrect as the Tablighi Jamaat program concluded before the announcement of the official lockdown from 23rd March 2020 in Delhi, and the subsequent imposition of a nationwide lockdown. However, due to the abrupt announcement of the lockdown, the attendees from different areas could not return home, and were forced to make alternative arrangements. Without regard for these unambiguous facts, the aforementioned statements clearly indicate that the news channel is prejudiced against the community and is inciting hate against and attacking

them without painting the facts in their entirety. By attempting to portray one community as the sole responsibility-bearer for spreading the disease, Suvarna News has engaged in fear-mongering, and rousing communal disharmony. These statements are a clear attempt to promote and incite hatred against communities and people on the basis of religion. Such statements are in direct violation of the basic principles of journalism, viz, to verify facts before presenting a news item.

The complaint alleged that by airing the impugned programmes, the broadcaster had not only flagrantly violated the Programme Code under the Cable Television Network Rules, 1994, but also the Code of Ethics and Broadcasting Standards and the Principles of Self-Regulation apart from violating the various sections under the Indian Penal Code, 1860.

In respect of the aforesaid programmes, NBSA considered only the violations of the Code of Ethics and Broadcasting Standards and the Principles of Self-Regulation, which falls under its jurisdiction and did not consider the violations in the context of the Programme Code under the CTN Rules or various sections of the IPC, which have been relied upon by the complainant.

The complainant asserted that through the broadcast of the impugned programmes, the broadcaster had violated the following Fundamental Principles under Section 1 in the Code of Ethics and Broadcasting Standards, i.e.:

A. Violation of Fundamental Principle 1

The broadcaster published several statements that were not grounded in facts specifically regarding the dates of the Jamaat, their alleged intentional violation of the lockdown, and the continued functioning of mosques even after the imposition of a lockdown and had by making such statements, therefore failed to hold itself accountable for its actions and consequently also failed to report the truth fairly with integrity and independence. Further, the broadcaster's reports, along with their audios, were also evidently biased and without verification.

B. Violation of Fundamental Principle 2

By publishing unverified and one-sided biased information that placed a particular community at the risk of discrimination, exclusion, and violence, the broadcaster failed to adhere to the highest standards of public service and integrity.

C. Violation of Fundamental Principle 4

The broadcaster failed to ensure that news was not selected merely to hinder any side of a controversial public issue and to promote a belief, opinion, or desire of an interest group. This tenet was violated as the news programmes had been cherry-picked to support the anti-Islamic side of the controversial issue of the Tablighi Jamaat, and to promote the dominant beliefs prevailing against Muslims without any factual records.

D. Violation of Fundamental Principle 5

By imposing opinions on Muslims, their leader's behaviour, the functioning of Mosques, and the nature of their alleged transgressions, the broadcaster provided a prejudiced picture without the complete set of facts and therefore failed to recognize that the fundamental purpose of disseminating news in a democracy was to educate and inform so that citizens of the country can understand the significance of the events and form their own opinions.

E. Violation of Fundamental Principle 6

The broadcaster by reporting news through their biased perspective with unverified facts and half-truths intended to misguide and misinform the viewers and failed to ensure full and fair representation of the news.

Additionally, the complainant stated that the channel has violated all the principles of self regulation in Section 2 which inter alia related to:

A. Violation of Principle 1 mandating impartiality and objectivity in reporting.

The complainant stated that the Code of Ethics and Broadcasting Standards accurately identified accuracy as being at the heart of the news television business. While viewers of 24-hour news channels expected speed, it was the TV news channels responsibility to give accuracy and balance precedence over speed. However, the programmes telecast by the broadcaster were contrary to this principle in its intent, content, purpose, tone, and tenor. It was further stated that there was no doubt that the impugned programmes must be taken off the air as the statements were aired without any reference to impartiality and were overtly prejudiced against a particular religion. Moreover, they were directed only against a particular community, and therefore lacked impartiality or objectivity.

B. Violation of Principle 2 mandating neutrality

The complainant asserted that the impugned programmes lacked neutrality as the broadcaster had sensationalized the Tablighi Jamaat issue without any sense of restraint, and with evident prejudice against a religion. It was reiterated that the entire programme was prejudicial, inflammatory, and crossed all boundaries of good taste and sensibility without any concern for the religious group's feelings.

The complainant stated that it was pertinent to also note that the impugned programmes were presented in a highly objectionable manner and could hardly be regarded as a news report. The impugned programmes were based on pure conjecture, and the tone, tenor and language used was crass, prejudiced and disrespectful. The complainant reiterated that the impugned programmes aimed to promote and incite hatred and make assertions that certain citizens did not have fundamental rights due to their religion.

The complainant brought to the notice of NBSA that hatred promoted and spread by the broadcaster had destroyed and damaged people's lives. As a result of the impugned programmes, miscreants had taken law onto their hands and forced the general public to not buy fruits/vegetables from Muslim street vendors; Resident Welfare associations had started boycotting Muslims in their apartments and colonies; Muslims were even stopped from entering specific areas, and even volunteers who were providing relief measures to the poor were stopped merely because they were Muslims. The impugned programmes have even resulted in a social and economic boycott of members of the Muslim community.

The complainant on the grounds mentioned above solicited urgent action of NBSA, as it said that failure to consider such violations seriously could result in genocide. The complainant stated that calls for a social and economic boycott were the precursors to genocide and similar is the case of hate speech which repeatedly dehumanizes an entire community by making them targets of vigilante violence. The complainant warned that failure to take strict action on the communal programmes aired by the broadcaster would be calamitous and therefore desired for urgent action in the matter.

The complainant prayed among other legal actions, that the broadcaster be asked to air an apology for violation of the Code of Ethics and Broadcasting Standards and for broadcasting prejudiced, unsubstantiated, malicious and vicious content and comments.

Response from the broadcaster:

The broadcaster through its reply dated 3.5.2020 denied the allegations levelled against them by the complainant. The broadcaster stated that the complainant had made false and frivolous allegations intending to demoralize them. That it had strictly complied with the professional ethics of journalism and the complainant had misinterpreted laws related to the Cable TV Networks (Regulation) Act 1995 and provisions of the Indian Penal code.

The broadcaster stated it had not violated any laws as alleged in the complaint. It aired news to only report facts along with video footage wherever available before the general public. Reporting of news is the basic duty of every journalist who followed the ethics of journalism. That from the complaint, it could be inferred that the complainant was targeting only the broadcaster with an ulterior motive of painting its channel as communal, which was incorrect.

The broadcaster submitted its reply to the allegations made on specific news stories as follows:

In respect of allegation made against programme titled "Coronavirus Infected Tablighi Jamaat Attendees Misbehave with Doctors in Bidar", dated 4.4.2020,

the broadcaster stated that the programme was based on information received from one of its sources working in the health sector in Bidar. Unfortunately, the incident was not captured on video and was reported based on the source. Similar stories were also reported by other news media channels across the country.

The broadcaster asserted that Mr. Abdul Razzaq, who was one of the participants of Tablighi Jamaat had himself admitted on television the fact that only five participants were the root cause for spreading the Covid-19 viral infection. Further Ms. Shobha Karandlaje, a BJP MP from Karnataka, had also accused Tablighi Jamaat of spreading COVID-19 in India and called them 'Corona jihadis'. She stated that "several Tablighi Jamaat members who had attended the congregation at the Nizamuddin Markaz in Delhi in March had fled to other parts of the country, carrying and spreading Corona virus and many of them had tested positive".

The broadcaster denied the allegation that its channel had targeted a minority community. It had also reported on people from Bihar, who had spread the viral infection in Hongasandra, Bangalore, and who had demanded Pan Masala and Gutka during the medical screening and in quarantine centres. Further, there was no violation of the Programme and Advertising Codes as alleged by the complainant.

The broadcaster reiterated that it had broadcast only facts before the general public and thereby upheld the professional ethics of journalism. That its anchor and the channel had made the impugned statements based on the above information and had not expressed any offensive opinions.

In respect of allegation made against programme titled "COVID-19; Police to Trace Financial Source for Tablighi Fund", dated 4.4.2020, the broadcaster stated that it had information that based on the offence registered by the Delhi Police, the Enforcement Directorate (ED) had registered a money laundering case against the Tablighi Jamaat chief Maulana Muhammad Saad and the Income Tax Department had also started scrutinizing Saad's accounts and those of other outfit members. The ED had also issued a notice in this connection to join the probe. Inquiries were underway for a while, and after scrutinizing the documents, a case was registered under PMLA. On the I-T front, the department studied the source of the funds received by Maulana and the Jamaat.

Therefore, the broadcaster asserted that its statement informing the public about the investigation of Delhi Police into the source of Tablighi Jamaat funds and their suspicion of funds having been transferred from Gulf countries was based on the above facts.

In respect of allegations made against programme titled "Tablighi Jamaat: Maulana Saad's New Clip Goes Viral: 'Do Not Assemble, Follow Govt's Directive", dated 2.4.2020 and Audio Clip Allegedly of Chief Maulana Saad Goes

Viral "Social Distancing not in our Religion", dated 1.4.2020, the broadcaster stated that the programmes were based on the information that the Delhi Police had registered an FIR and had started its investigation into the audio clipping of a speech purportedly given by Maulana Mohammad Saad, the head of Nizamuddin Markaz (Center) of the Tablighi Jamaat. In the audio, the Maulana who was not traceable was reportedly heard instructing his followers not to abide by government/medical guidelines regarding the Corona virus outbreak.

The broadcaster stated that it had an audio clip in its possession in which Maulana Mohammad Saad can be heard saying, "If you think you will die if you assemble in a masjid, let me tell you, there is no better place to die". It is assumed that thousands of people were inside the Nizamuddin Markaz of the Tablighi Jamaat when this speech was delivered and Saad can be further heard saying in the audio clip, "this was not the time when you left your prayers or meeting people just because doctors were saying. When Allah has given this disease, then no doctor or medicine can save us".

The broadcaster stated that the Delhi Government and Delhi Police had instructed the Markaz authorities to vacate the premises The Nizamuddin Markaz on 24th March 2020, had informed the police that they were following the Government's instructions and guidelines as far as Covid-19 was concerned. Therefore, the broadcaster reiterated that the statements made by its channel and the anchor in the impugned programmes were based on information received from sources in the Delhi Police and did not express any offensive opinions on the same.

In respect of allegations made against programme titled "Corona Virus isn't an illness, its God's Gift to you'; Video of a young man goes viral", dated 2.4.2020, the broadcaster stated that the impugned programme was based on a video which had gone viral on social media. In the video, a man could be seen taking a bunch of currency notes and licking them with his tongue and wiping his nose with them. He can also be heard saying that the coronavirus had no treatment because it is sent by 'Allah', implying that he would pass those currency notes around, to spread the disease. The man in the video used few 500 denomination notes to wipe his nose and mouth as he looked into the camera and said: "There is no cure for a disease like corona because it is the punishment of Allah, for you people." Subsequently, the person in the video was arrested by the Nasik Police and an FIR was registered against him.

In respect of allegations made against programme titled "Disaster at Delhi's Nizamuddin: How Covid-19 spread from here", dated 31.03.2020, the broadcaster stated that the programme was based on information received by it. That on 12.3.2020, the Health and Family Welfare Department, New Delhi, had issued an Advisory cautioning against mass gathering, to avoid the spread of Covid-19. However, the Markaz activities apparently went unhindered till 22.3.2020 when a Janata curfew was observed throughout India at the instance of Hon'ble Prime Minister. At the end of the Janata Curfew, a lockdown came into effect in Delhi.

The group said that it could move out around 1,500 people on the following days with some difficulty. On 24.3.2020, when a nationwide lockdown came into effect, the Markaz received a notice from the SHO of the Hazrat Nizamuddin Police Station (which is the next door neighbor of the Markaz) asking for the closure of the building. The following day, a Tehsildar with a medical team visited the Markaz, and many of the visitors were examined. On 26.3.2020, the group was called for a meeting with the District Magistrate. From 27.3.2020 onwards, small groups of visitors were taken for medical check-up. On 29.3.2020, the Markaz responded to a notice from the Assistant Commissioner of Police, Lajpat Nagar stating that it had abided by all orders and did not allow any new visitors to enter the premises during the lockdown.

Therefore, the broadcaster asserted that the impugned statements made in the programme were based on the above sequence of events and had not expressed any offensive opinions on the same.

In respect of allegations made against programme titled "Shafullah Saheb Reacts To Closing Mosques Amid Coronavirus Crisis", dated 31.03.2020, the broadcaster stated that the same was telecast based on news reports. The broadcaster stated that most Muslim clerics had issued a special Advisory for the community, asking them to avoid going to mosques for Friday prayers and to offer 'namaaz' in their homes or in small groups and requested mosques to not hold community programmes or seminars within their premises for the time being, as a precautionary measure. However, some mosques had allowed the people to have Friday prayers, which was telecast in various news channels, and even the impugned programme was based on the same. Thhat as a responsible channel it adhered to the standards set by the broadcasting authority in all its content that was telecast. Further, it stated that it had also broadcast a news item about Jatra Festivals held at Kalburgi District and questioned the Government's inaction and violation of Covid Guidelines by the Committee in conducting the festival in the temple. The broadcaster stated that it had also demanded the Government to initiate legal action against such violations.

The broadcaster reiterated that it was relevant to note that while the complainant had targeted/questioned the broadcaster for allegedly publishing news pertaining to one community, they were silent in their complaint on the news pertaining to violation of lockdown in Jatra festivals which was also covered by the broadcaster. Therefore, such actions of the complainant clearly indicates that the present complaint was not filed in public interest but with ill motive and to support a particular group by curbing the rights of a news channel. The broadcaster asserted that the complainants had suppressed several facts and therefore had not filed the complaint with clean hands.

With regard to legal provisions, the broadcaster drew the attention of NBSA to the various judgments to state that it was clear that journalists were free to express their opinion on social evils and social problems.

As a responsible news channel, that it was their primary duty to bring the social problem before the public by broadcasting actual facts and video footage of social evils. At the same time, the viewers and citizen also had the right to express their opinion on news using their intelligence, which would help develop democratic, social and political values. The broadcaster further observed that in a democratic country like India, people also had the right to know the situation in the country during Covid-19.

Further, in a democracy, freedom of speech and expression provided a platform for free discussion of issues. It implied that there should be a close link between the Government and the people. Freedom of speech plays a crucial role in the formation of public opinion on social, political and economic matters. The freedom of press is essential for the proper functioning of the democratic process. Democracy means Government of the people, by the people and for the people; it was obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential.

Therefore, the broadcaster submitted that the channel had not violated any Fundamental Principles enshrined in the Code of Ethics and Broadcasting Standards of NBA as alleged in the complaint and various sections of the Indian Penal Code, 1860 were not attracted as the allegations in the complaint were totally false.

The broadcaster reiterated that it had only broadcast violations of Corona Guidelines without targeting any particular community. This was clear from the fact that it had also questioned alleged violation by a temple Committee at Kalburgi District. The broadcaster again asserted that the complainant has selectively targeted it in support of few members of a particular community. Further, it reiterated that the complaint was filed with an ulterior ill motive merely to demoralize the broadcaster by making false allegations without any strong basis. Therefore, the broadcaster prayed that NBSA reject the complaint by upholding the right of freedom of the press, in the interest of justice.

Decision of the NBSA at its meeting held on 10.7.2020

NBSA considered complaint in respect of the above mentioned programmes, response dated 3.5.2020 from the broadcaster and also viewed the footage.

NBSA was of the prima facie view that the broadcaster had violated the Fundamental Principles of Impartiality, Objectivity and Neutrality in reporting and also the Guideline 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."

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

The hearings were held on 22.9.2020. The following persons were present at the hearing:

Complainant: Campaign Against Hate Speech represented by

1. Mr. Mohamad Afeef

2. Mr. Sidharth KJ

Broadcaster: Asianet News Network Pvt. Ltd. [Channel: Suvarna News]

represented by

1. Mr. Deepak Shetty, Advocate

2. Mr. Ajth Hanumakkanavar, Head News & Programmes, Suvarna News

Mr. Prasanth PR, Editor member representing Asianet News Network Pvt. Ltd. [Asianet News] in NBSA being an interested party, recused himself from the proceedings.

Submissions of Complainant

The complainant submitted that as stated in their complaint, the seven programmes had violated the following by not adhering to the same:

Advisory on use of Adjectives & Hyperbole dated 8th May 2012 -

Advisory on reporting COVID 19 Crisis dated 1st April 2020

Specific Guidelines Covering Reportage relating to Accuracy, Racial & Religious Harmony

Code of Ethics Broadcasting Standards - Fundamental Principles relating to impartiality and objectivity in reporting and ensuring neutrality

The complainant stated that they wished to bring before the learned Authority, the specific allegations levelled in respect of each of the programmes and the response of the broadcaster, which gave no justification to air programmes without verification, were half-truths, demonising a community that they were solely responsible for spreading the Corona virus and the crass language and presentation of the programmes of the anchors of the channel.

The complainant submitted that in Programme 1, the news anchor states that the "Tablighi's infected with the coronavirus and quarantined at Bidar" were demanding "luxury facilities", "would only eat non-veg food", or "would have to get home food". It claims that the

"Tablighi's" have said, "give us luxury rooms, if it is not there, let us go". The anchor goes further to call their alleged actions "black mail behaviour"; that "infected persons should cooperate with the doctors, but here they are doing the opposite"; and that the doctors are "tired of the Tablighi's' behaviour".

The complainant submitted that the broadcaster in their response stated that they received the information from an unknown source, and admitted that they had no evidence in terms of video to confirm such a story. Further, the broadcaster stated that similar stories were reported by other channels and that a Karnataka BJP MP Ms. Shobha Karandlaje had called the members of Tablighi Jamaat as 'Corona Jihadis'. Finally, the broadcaster also stated that it has accused certain persons from Bihar of spreading the virus as well.

The complainant submitted that the broadcaster in its reply failed to raise any averments to show that the content included in the impugned Programme 1 did not target, defame and malign members of the Tablighi Jamaat, a religious movement within Islam started around the year 1927. It was noted that the broadcaster had admitted that, "unfortunately the incident was not captured on the video" and was therefore prevented from raising the defense of truth. Further, the broadcaster also failed to present any evidence to corroborate the contents of the impugned Programme 1.

The complainant submitted that in the violative content in Programme No 2, the news anchor states that "the police are trying to investigate the source of the funds of the Tablighi Jamaat", and that "the money might have come from the Gulf countries in great quantities"; that the Delhi police are investigating where the money came from, as the Tablighi has now become a "big headache"; that "Out of the 184 cases recorded in Delhi, Tablighi Jamaat members account for 159; anda major reason for this sudden rise in cases is because of this meeting. Fourteen other States have now reported cases and there is great anxiety about it because of this Tablighi's." Thereby implying the increase in cases was solely the result of the said meeting at Markaz.

The complainant submitted that in response to allegations raised against Programme 2, the broadcaster had stated that the impugned programme was based on the fact that the Enforcement Directorate had registered a money laundering case against Tablighi Jamaat chief Maulana Muhammad Saad and the Income Tax Department had also started scrutinizing the accounts of Saad and other members of the outfit. However, in its reply, the broadcaster failed to raise any averments to substantiate the anchor's position that Markaz was responsible for increasing Corona virus cases in Delhi and other parts of the country. Further, the broadcaster stated that as per official reports of 1.4.2020, only 358 out of 2000 confirmed Covid-19 cases were linked to the Markaz. Therefore, the broadcaster's assertion that the outbreak of Covid-19 had been "unnecessarily increased" due to Markaz was not backed by a government report. The complainant reiterated that the broadcaster had failed to

portray facts in their entirety, and had cherry-picked facts to suit their discriminatory narrative.

The complainant stated that in Programme 3, the news anchor stateD in a mocking tone, with regard to Maulana Saad releasing an audio stating that he is in self-quarantine, "what a great man you are". With regard to the alleged audio of Maulana Saad asking the followers to stay at the Jamaat and that they would not die of the virus, the anchor states s "that is the same audio of you talking is it not, now you are saying you are in self-quarantine. You have to be fine, but the poor innocent and those who do not know, who regarded you as god and came, only they will get corona and run to the corners of the country and will die, if they die, and give it to someone else, this is the job done by the leader"; "an FIR is against you, first you have to come outside, only then this talk and stories". The anchor further sarcastically mentions Maulana Saad's statements that he is home-quarantined and to fight against the corona is "awesome". Subsequently, the Anchor goes on to compare Maulana Saad with the Devil, "The same man who said this is in home quarantine today, appealing to everyone to support the fight against coronavirus. Isn't this a case of the devil quoting the scriptures?"

The complainant stated that the broadcaster had defended the impugned Programme 3 by stating that it was based on an FIR which was registered by the Delhi Police and consequently investigated. However, the complainant submitted that the broadcaster had by its own admission conceded that the programme was based on a charge which was under investigation. Therefore, the complainant submitted that for the broadcaster to presume that the charge was true was violative of the Cable Television Network Rules and the Principles of Self-Regulation. It was further submitted that there was no evidence to corroborate that the voice in the audio recording in possession of the broadcaster was in fact of Maulana Mohammed Saad and even if it was, the broadcaster had by comparing Maulana to a Devil clearly maligned an individual.

The complainant submitted that the violative content in Programme No 4 was that the news anchor stated that there is "nataka drama from some satans from where we are; further, ,that the whole world is doing a circus to save themselves from corona, but some shaitaans (devils) among us are doing drama". She says "these people are more dangerous than the coronavirus......We will show on Suvarna news what this devil is more dangerous than corona virus. Corona criminals hiding in our country will be exposed. For now, we are showing stories of two criminals. See. Suvarna news has traced this news. These shaitaans are more dangerous than coronavirus. Suvarna News will place details about them in front of you. Suvarna news has traced this news. These people think corona is a weapon in their hands. These are the real criminals"; that "the corona criminals in our country have been exposed", and that "Suvarna news will show you these details, it is the news traced by Suvarna, we will show you proof". After having made these statements, the anchor shows a video of a Muslim man named Sayyad Jameel, wiping

his nose with what appears to be currency notes, saying, "there is no cure for corona, it is not a virus, it is a God given donation for you people".

As per the broadcaster this seems to be an isolated incident of man who did what was shown in the show and that Nasik police had arrested him and registered a FIR against the person after the said video went viral. The complainant submitted that the anchor had during the broadcast of impugned Programme 4 which included the viral video, referred to members of the Muslim community as "them", "these people", "these devils" etc. Further, in the impugned programme a clip of a person commonly understood to be donning a typical "Muslim outfit" was also played, to imply that there was a problem with "people" like the one shown in the clip. Therefore, the complainant stated that by using such terms and video, the broadcaster had clearly implied that Muslims are more dangerous than the virus itself.

The complainant stated that in Programme 5 the statements referencing an alleged audio clip of Chief Maulana Saad at the Nizammudin Markaz, stating that "the Muslims have "conducted the programme without a care for the government's orders. For breaking the lockdown rules, about 100 people are infected with the coronavirus. Despite knowing they will get the corona, Delhi mosque's maulvi's gave sermons stating that if they are in the mosque they will not get the virus. The Delhi mosque's maulvi's sermons are going viral", are a clear misportrayal of facts, and depict a biased picture without any evidence being adduced. The anchor expands on this audio in which the Nizammudin's Moulvi allegedly states, "If we are in the mosque we will not get the corona, do not stop our prayers. If you are going to die in the mosque, there is no better place to die than here. This is an attempt to stop Islamic practices in the name of Corona. Those who stop our prayers are wrapped in sin". The reporter states that "250 foreigners who attended this event are hiding in different places. The reason is because they came on a tourist Visa but were conducting missionary work, and their Visa's were being violated. Despite telling them to come for the treatment first, they are refusing to do so and, in different mosques, in Delhi's different mosques, they are hiding."

The complainant stated that these statements were made without regard for the Jamaat having been conducted before the imposition of the lockdown, and are therefore half-truths. The reporter's statement that "the mosque sermons continued despite the lockdown" was an open attack on the Muslim community. The complainant stated that there was no specific response by the broadcaster for this allegation.

The complainant submitted that in Programme 6, the anchor stated that "Delhi's hell is partly in Nizamuddin mosque"; "they will spoil themselves, those who believe in them, and infect the innocent"; and "this happened after the lockdown in Delhi, 2000 people were there". No evidence was provided, and these statements remain opinionated and unverified. Further, the statement "this happened after the lockdown in Delhi, 2000 people were there" is a half-truth not grounded in facts.

The complainant submitted that the broadcaster had based their stance on the Advisory issued by Government of India, Health and Family Welfare Department maintained that persons from the Jamaat had deliberately violated lockdown orders. Admittedly, the order came subsequently and not on 12th of March 2020. However, the complainant stated that such an assertion failed to portray facts in their entirety, and cherry-picked facts to suit a discriminatory narrative. The complainant stated that it was evidenced by several reports and official communications, that the Tablighi Jamaat event ended before the imposition of a nationwide lockdown on 24.3.2020, and the Janata Curfew on 22.3.2020 made it virtually impossible for the Jamaat members to leave the Markaz. This must be viewed as a chain of events, with the Union Ministry of Health and Family Welfare's official position as of 13.3.2020, that the "Coronavirus is not a health emergency".

Further, the Tablighi Jamaat event ended before the imposition of a nationwide lockdown on 24.3.2020, and that 1500 persons vacated the Markaz on 23.3.2020, are undisputed facts. Moreover, the event itself must be borne in the context of the Union Health Ministry's official stance as late as 13.3.2020 when the Jamaat event was being conducted, that the Coronavirus does not constitute a health emergency. Further, the Tablighi Jamaat leaders had from 21.3.2020 – 23.3.2020 sought the assistance of the police in vacating the premises in light of the nationwide lockdown that had effectively neutralised transportation services in the state. That the above stated-version was not even presented in the show, Therefore, without having duly engaged with these facts and portrayed the chain of events in their entirety, the programme must be considered biased, communally charged, and published without due verification.

The complainant submitted that with regard to Programme 7, the news anchor stated that "if corona is to be controlled, first the time has come for a fatwa that mosques must be closed"; that "Temples are closed, Bengaluru's karaga is not happening, the Vairamudiutsava is not happening, in this country different fairs are not happening, but only in mosques 2000-3000 people, whenever it comes to their mind, are holding meetings. Why?", and "Despite the lockdown, several mosques are still holding prayers and are conducting namaz". These statements have been made without any evidence being adduced.

The complainant submitted that by broadcasting the impugned programme, the broadcaster had attacked a particular religion and community and spread half-truths to incite hatred against a particular community. Such programmes were a clear attempt to disrupt communal harmony and incite hatred towards a particular community, and therefore must be considered to be in violation of the Rules in their entirety.

The complainant submitted that despite the Advisories and Guidelines issued by NBSA to the broadcasters to ensure that news is reported in a fair and balanced manner, by providing adequately verified information in order to help the public

form opinion on various issues; the respondent broadcaster continued to violate these guidelines by broadcasting news in a manner which was completely biased and blaming one particular religious community for the entire Corona virus crisis. This is evidenced by the fact that the broadcaster had been targeting and dehumanizing the Tablighi's for being part of a large gathering and thereby being exposed to the possibility of spread of Corona virus. However, the broadcaster failed to report on several other instances of large gatherings in the country and by doing so had clearly shown that it was biased towards one particular community or sub-group within the community.

The complainant submitted that while the media was busy showing their outrage against the Tablighi Jamaat, several other large gatherings took place in April. Such instances include devotees thronging temples across Bengal to observe Ram Navami. He stated that shortly after the Nizamuddin event, it was reported that thousands of Hindu devotees had crowded prominent temples in Gujarat. After toppling the Congress government in Madhya Pradesh, even Mr Shivraj Singh Chouhan held a public ceremony to take oath as the Chief Minister on March 23,2020. All these events were in public knowledge and reported by other mediums whereas the broadcaster chose to wilfully not cover these other events to singularly point to the Tablighi Jamaat. Therefore, the complainant submitted that the channel had failed to cover all facts that took place at the time neutrally and thereby violated Principle 1 of Code of Ethics and Broadcasting Standards related to neutrality.

The complainant further submitted that large proportion of overall positive cases that were linked to the Delhi Tablighi event was misleading, given that authorities did not aggressively trace and test people from other gatherings like it, which is termed as a sampling bias, since people from this one cluster had been tested at very high rates while the overall testing was low. Therefore, it was hardly surprising that a large proportion of overall positives were attributed to this cluster. Further in almost all other cases, only people with symptoms were being tested, in the case of the Tablighi event, even people without symptoms were tested. The complainant therefore stated by neglecting to provide such information the broadcaster had failed to soberly report news in a fair and balanced manner, by providing adequately verified information in order to help the public form opinion on various issues. In this context the complainant referred to the judgments of Hon'ble Bombay High Court in Konan Kadio vs. State of Maharashtra Criminal Writ Petition, Md.Kameual Islam vs. State of Madras CRL OP(MD)Nos.5769, 6018 & 6103 of 2020, Yashwant Sinha v. Central Bureau of Investigation, AIR 2019 SC 1802, Pravasi Bhalai Sangathan v Union of India, AIR 2014 SC1591,

The complainant therefore submitted that by broadcasting the impugned programmes the broadcaster had violated not only the Code of Ethics and Broadcasting Standards and Principles of Self Regulation but also NBSA's Specific Guidelines Covering Reportage and various other advisories issued by NBSA from

time to time. The complainant desired appropriate action to be taken against the broadcaster.

Submissions of the Broadcaster

The broadcaster in its submissions stated that the allegations made in the complaint are totally frivolous, contains false allegations and also with an ill motive to demoralize their esteemed institution which is following all the norms and regulations framed by the State and also strictly following the professional ethics of journalism. The complainant has totally misinterpreted laws related to the Cable TV Networks (Regulation) Act and provisions of the Indian Penal code. The channel has not violated any laws as alleged in the complaint. The channel carried out the news as alleged with the intention to bring the facts along with video footage before the general public. The telecast of truth before the general public is a duty of every journalist who follows the ethics of journalism. Therefore, it can be seen from the conduct of the complainant that it is only targeting the channel with an ulterior ill motive with support of some anti-social elements. It is relevant to note herein that Tablighi Jamaat is an organisation and not a religion. Criticizing or broadcasting news pertaining to a particular organisation does not amount to any religious hatred. Other news channels have also telecast similar incidents like news on Swami Nityananda of Bidadi Ashram and Ram Raheem of Dera Saccha Sauda Panth. It had broadcast news with accuracy, maintained neutrality and it does not select news for the purpose of either promoting or hindering either side of any controversial public issue. Neither has the channel selected or designed news to promote any particular belief, opinion or desires of any interest group nor has it broadcast any defamatory content.

The broadcaster submitted that with regard to allegation No.1 Mr. Abdul Razaq, one of the participants of Tablighi Jamaat himself admitted the fact that only five participants are the root cause for spreading the viral disease and Karnataka BJP MP Ms. Shobha Karandlaje had also accused Tablighi Jamaat of spreading Covid-19 in India and called them 'Corona Jihadis'; and that"several Tablighi Jamaat members who attended a congregation at the Nizamuddin Markaz in Delhi in March fled to other parts of the country, carrying and spreading coronavirus. Many have tested positive,". Further it was also reported that migrants from Bihar, who spread the viral infection in Hongasandra, in Bangalore had demanded Pan Masala and Gutka during the medical screening and in quarantine centers. The same news has been published in and carried by almost all major newspapers and channels of the country. The anchor and the channel were only making statements based on information and did not express any offensive opinions.

The broadcaster submitted that they would send the affidavits duly sworn in respect of their source through speed post with acknowledgement, which was agreed to. The broadcaster was directed to submit the same in a sealed cover addressed to the Chairperson, NBSA.

The envelope was opened and the contents thereof were noted. Thereafter, the affidavit was again put in sealed cover.

With regard to Allegation No.2, the broadcaster stated that the Enforcement Directorate registered a money laundering case against Tablighi Jamaat Chief Maulana Muhammad Saad and the Income Tax department had also started scrutinizing the accounts of Saad and other members of the outfit. The ED's action was based on the offence registered by the Delhi Police. The central agency after scrutinizing the documents registered a case under PMLA. The Income Tax Department was studying the source of the funds received by Maulana and the Jamaat. The channel had only stated that the Delhi Police were investigating the source of funds for the Tablighi Jamaat. The anchor also stated that the Police were suspecting the funding to have come from Gulf Countries.

With regard to Allegation No.3 & 5, the broadcaster submitted that the Delhi Police had registered the FIR and had started its investigation into the audio clipping of a speech purportedly given by Maulana Mohammad Saad, the head of Nizamuddin Markaz (Centre) of the Tablighi Jamaat. In the audio, he can reportedly be heard instructing followers to not abide by government/medical guidelines with regard to the Corona virus outbreak. The audio clip in possession of the channel Maulana Mohammad Saad can be heard saying, "If you think you will die if you assemble in a masjid, let me tell you, there is no better place to die. It is assumed that thousands of people were inside the Nizamuddin Markaz of the Tablighi Jamaat when this speech was delivered. Saad further can be heard saying, this is not the time when you leave your prayers or meeting people just because doctors are saying. When Allah has given this disease, then no doctor or medicine can save us". The Delhi Government and Delhi Police had instructed the Markaz authorities to vacate the premises.. The anchor and the channel were only making these statements based on information received from Delhi Police sources and not expressing any offensive opinions on the same.

With regard to Allegation No.4, Suvarna News had broadcast a video which had gone viral, showing a muslim man using a few 500 denomination notes to wipe his nose and mouth as he looks into the camera and says: "There is no cure for a disease like corona because it is the punishment of Allah, for you people, which resulted in the Nasik police arresting and registering a FIR against the said individual.

With regard to Allegation No.6, the broadcaster submitted that in view of the advisory issued by the Government of India cautioning against mass gathering(s), to avoid the spread of Coronavirus dated 12th March 2020 issued by Health and Family Welfare Department, New Delhi, the activities at the Markaz apparently went unhindered till 22 March 2020, when a Janata curfew was observed throughout India at the instance of the Hon; ble Prime Minister. At the end of the Janata Curfew, a lockdown came into effect in Delhi. The group said that it was able to move out

around 1,500 people on the following days with some difficulty. On 24 March,2020, when a nationwide lockdown came into effect, the Markaz received a notice from the SHO of the Hazrat Nizamuddin Police Station (which is the next-door neighbor of the Markaz) asking for the closure of the building. The following day, a Tehsildar with a medical team visited the Markaz and many of the visitors were examined. On 26 March,2020, the group was called for a meeting with the District Magistrate. From 27 March 2020 onward, small groups of visitors were taken for medical checkup. On 29 March 2020, the Markaz responded to a notice from the Assistant Commissioner of Police, Lajpat Nagar stating that it had abided by all orders and did not allow any new visitors to enter the premises during the lockdown. The anchor and the channel were only making these statements based on the above sequence of events and not expressing any offensive opinions on the same.

With regard to Allegation No.7, the broadcaster stated that most of the Muslim clerics had issued a special advisory to the community, asking them to avoid going to mosques for Friday prayers and offer 'namaaz' in their homes or in small groups and also requested mosques not to hold community programmes or seminars within their premises as a precautionary measure. Despite the advisory, some of the mosques had allowed people to attend Friday prayers, which was telecast on various news channels. The whole programme was made on the same basis.

The broadcaster stated that as a responsible channel which adheres to the standards set by the broadcasting authority in all the content that is telecast, the channel also had broadcast news pertaining to Jatra Festivals held at Kalburgi District and also questioned the Government inaction and violation of Covid Guidelines issued by Ministry of Home affairs for conducting Jatra Festival and demanded the government to initiate legal action against such violations.

The broadcaster reiterated that it was relevant to point out that the complainant had only targeted or questioned Suvarna news for broadcasting news pertaining to one community, but were silent on news broadcast pertaining to violation in Jatra festival.

The broadcaster also brought to the notice of NBSA that being a responsible news channel it had also broadcast news promoting harmony by airing a promo video of members of Tablighi Jamaat from Mangalore praising the services of Covid warriors i.e. the nurses and doctors, statement of Padmashri award winner Sri. Ibrahim Suta requesting citizens to follow government orders during Covid lockdown. Further, the broadcaster had also referred to a note of Central Government in Rajya Sabha which explicitly attributed Tablighi Jamaat as one of the reasons for the spread of Corona virus.

The broadcaster also relied on various judgements relating to the freedom of the press and its right to report. It pointed out that these judgments revealed that freedom of speech plays a crucial role in the formation of public opinion on social, political and economic matters. The freedom of press is essential for the proper functioning of the democratic process.

Therefore, the broadcaster stated that in the light of the above-mentioned submissions NBSA rejects the complaint by upholding the right of freedom of press.

Decision of NBSA

NBSA went through the complaint, response from the broadcaster, and also considered the arguments of both the complainant and the broadcaster and reviewed the broadcasts.

NBSA noted the broadcaster's submission that the media could certainly report on any news or topic of its choice but while broadcasting or reporting any news, which is sensitive in nature, the member broadcasters have to bear in mind the Code of Ethics and Broadcasting Standards and the Guidelines laid down by NBSA. It is very important that all news be reported accurately, impartially, objectively and with neutrality.

In so far as, the telecast of programme mentioned at Serial No.1 is concerned i.e., "Coronavirus Infected Tablighi Jamaat Attendees Misbehave with Doctors in Bidar" dated 4.4.2020, NBSA found that it was based on an information supplied by some source. Therefore, in respect of this programme, nothing objectionable was found.

On viewing the footage of other programmes, NBSA was of the view that the manner in which the reporting of the Tablighi's and other related programmes were aired on the channel, clearly indicated that the entire blame / cause of the spread of the Corona Virus was linked to the Tablighi Jamaat and in turn to a particular community.

The titles of the programmes had an insidious effect which would incite communal violence. The programmes had gone beyond facts and certainly crossed the limits of good taste and decency in reporting.

NBSA noted that members of a particular community were referred as "them", "these people", "these devils" etc. The statements made by the anchors in the programmes are reproduced hereinbelow:

1. "nataka drama from some satans from where we are. Further, That the whole world is doing a circus to save themselves from corona, but some shaitaans (devils) among us are doing drama". She says "these people are more dangerous than the coronavirus.....We will show on Suvarna news what

this devil is more dangerous than corona virus. Corona criminals hiding in our country will be exposed. For now, we are showing stories of two criminals. See. Suvarna news has traced this news. These shaitaans are more dangerous than coronavirus. Suvarna News will place details about them in front of you. Suvarna news has traced this news. These people think corona is a weapon in their hands. These are the real criminals. After having made these statements, she shows a video of a Muslim man named Sayyad Jameel, wiping his nose with what appears to be currency notes, saying, "There is no cure for corona, it is not a virus, it is a God given donation for you people".

2. "The same man who said this is in home quarantine today, appealing to everyone to support the fight against coronavirus. Isn't this a case of the devil quoting the scriptures?"

NBSA noted that there was certainly lack of balance, objectivity and impartiality in the programmes and the said programmes were overtly prejudiced against a particular religion.

NBSA noted that the programmes telecast by the broadcaster had promoted and spread hatred which may have affected people's lives. It has been reported in the media that the community had to face backlash during the Corona Pandemic due to the unobjective and inaccurate reporting. NBSA tends to agree with the observations of the complainant that hate speech dehumanizes an entire community by making them targets of vigilante violence.

NBSA also noted that the defense taken by the broadcaster of its right to free speech and the role of the media to report news was unacceptable. NBSA observed that the right to free speech came with reasonable restrictions. Since the broadcaster did not adhere to the Fundamental Principles of Impartiality, Objectivity and Ensuring Neutrality while broadcasting the aforementioned programmes the broadcaster had violated the Code of Ethics and the Fundamental Principles of Self Regulation. NBSA observed that it was necessary for the broadcaster to impart training to the anchors and ensure that broadcasting standards are improved by ensuring strict compliance of the Code of Ethics and Guidelines of the NBSA.

In view of the above, NBSA censures Suvarna News for airing the six broadcasts aired between 31.3.2020 to 4.4.2020 which lacked balance, objectivity and impartiality, were overtly prejudiced against a particular religion and community. The titles of the programmes had an insidious effect which could incite communal violence.

In view of the violations by the broadcaster of the Fundamental Principles of Impartiality, Objectivity and Neutrality, NBSA also decided to impose a fine of Rs 50,000/- payable to the News Broadcasters Association, within seven days of receipt of the Order.

NBSA also 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.

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

NBSA directs 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 in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statements made by the parties in the proceedings before the NBSA while responding to the complaint and putting forth their view points, and any finding or observations by NBSA in regard to the broadcasts, in its proceeding or in this Order, are only in the context of examination as to whether there are any violations of any broadcasting standards or 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