

**News Broadcasting Standards Authority
Order No. 109 (2021)**

Order of NBSA on Complaint dated 8.5.2020 filed by Mr. Indrajeet Ghorpade against a programme aired by ABP Majha Marathi on the practice of Bhendwal Bhavishyawani on 27.4.2020

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

Complaint dated 27.4.2020

The complainant stated that ABP Majha Marathi on 27.04.2020 at 3:30 PM, had broadcast a news report on a superstitious practice called "*Bhendwal Bhavishyawani*", which is used to make an annual forecast about crop produce and weather in Maharashtra. During the broadcast of the impugned news report, the channel failed to issue any disclaimer providing a warning to the viewers that this practice was unscientific and therefore not credible. He asserted that the impugned news report also failed to present any counter views of Maharashtra's rationalists who staunchly opposed this practice, thereby violating the Fundamental Principles laid out by the NBSA. He brought to the broadcaster's attention, the Maharashtra Andhashraddha Nirmulan Samiti, founded by Dr. Narendra Dabholkar, the man behind the Anti-Superstition Act who declared "*Bhendwal Bhavishyawani*" to be a hollow and superstitious practice. Thus, the impugned news report violated Section 1 Point Number 6 of the Fundamental Principles laid out by NBSA and also Section 1, Point Number 8 of the Code of Ethics and Broadcasting Standards which refrained news channels from broadcasting any matter advocating or encouraging superstition and occultism. The complainant further asked the broadcaster what measures it will take for damage control.

Response from the Broadcaster

The broadcaster vide its response dated 4.5.2020, stated that the impugned news clip highlighted one of the oldest traditions called "*Bhendwal Bhavishyawani*" which was broadcast for a mere duration of 1:37 minutes on 27.4.2020 at 3:30 PM. According to the broadcaster, the practice has been keenly followed all over Maharashtra for more than 350 years, and it is a tradition which farmers in Maharashtra eagerly await. Further, every year the tradition was covered by media from all over Maharashtra.

The broadcaster stated that the impugned news clip did not glorify superstition and occultism in any manner and further lacked any intention to either advocate or encourage superstition and occultism under Section – 1 Principles of Self-Regulation issued by NBA. Additionally, the broadcaster also brought to the notice of the complainant, Section 12(1)(7) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic

Act 2013 which reads as *“For the removal of doubt, it is hereby declared that nothing in this Act shall apply in respect of the following, namely - The advice in regard to Vastushastra, advice by Joshi- Jyotishi, Nandibail wale Jyotishi and other astrologers and in regard to source of groundwater”* and therefore explicitly excluded *“advice by Joshi-Jyotishi and other astrologers”* from its ambit.

The broadcaster reiterated that there was nothing superstitious in the impugned news report. The practice was covered by many other news channels, newspapers and Digital platforms. The broadcaster appreciated the valuable feedback provided by the complainant and also assured the complainant that while reporting news, ABP Majha shall continue to abide by all the applicable rules/regulations/ directions/orders and shall take due care and precaution.

Further reply by the complainant

The complainant vide reply dated 4.5.2020, agreed that the report did not glorify the superstitious practice. However, he reiterated that by failing to present credible counter views, such as those of late Dr. Narendra Dabholkar, (the founder of Maharashtra Andhashraddha Nirmulan Samiti), who staunchly opposed this practice, the news report indirectly encouraged/advocated the superstitious practice. He also stated that although the superstitious practice was followed for hundreds of years, it was not scientific and still merely a superstition. Further, the Act cited by the broadcaster in its reply was the work of Dr. Narendra Dabholkar, whose organisation declared the practice of *“Bhendwal Bhavishyawan?”* as a superstition. He asserted that merely because the practice was not deemed to be a crime did not make it scientific. The complainant stated that coverage of the event by other channels merely highlighted the colossal failure of Indian media in preventing the spread of rational and scientific thought. Therefore, the complainant urged the channel to clarify that the practice was unscientific and present Maharashtra Andhashraddha Nirmulan Samiti's stance.

Complaint dated 8.5.2020 escalated to the second level of grievance redressal i.e., NBSA

The complainant stated that he was not satisfied with the broadcaster's response. The channel cannot defend the news report by stating that : (1) the practice is carried out since hundreds of years, (2) the reporting was done by various other news channels too and (3) the practice is not a criminal offence. The complainant reiterated that the news report violated Section 1 - Principles of Self Regulations, point number 8, *which requires news channels to refrain from Advocating or Encouraging Superstition and Occultism by stating that News Channels will not broadcast any material that glorifies superstition or occultism in any manner. In broadcasting any news of such genre, news channels will issue disclaimers to ensure that viewers are not misled in believing or emulating such beliefs or activities. And Section 1 - Fundamental Principles, point number 6 of the Code of Ethics requires Broadcasters to ensure a full and fair presentation of the news as the same is the*

fundamental responsibility of each news channel. Realising the importance of all view points in a democracy, broadcasters must ensure that controversial subjects are fairly presented with time being allotted fairly to each point.

Decision of NBSA at its meeting held on 10.7.2020

NBSA considered the complaint, response from the broadcaster and also viewed the broadcast. NBSA was of the prima facie view that the broadcaster had violated the Specific Guideline for Reportage No 7.2 related to Supernatural, Occultism & Paranormal which states that “*Belief in superstition, occultism, exorcism, divination and the paranormal should not be promoted*”. NBSA, therefore, decided to call the broadcaster and the complainant at the next meeting of the NBSA.

On being served with notices, both parties appeared for a hearing on 26.11.2020. The following persons were present at the hearing:

Complainant: Mr. Indrajeet Ghorpade

Broadcaster:

Mr. Arunabha Deb, Counsel

Ms. Disha Sachdeva, Senior Executive-Legal

Submissions of the Complainant

The complainant in his submissions stated that it was necessary that there should have been a disclaimer prior to the broadcast as the practice followed for hundreds of years, was not scientific and still merely a superstition. He stated that merely because the practice was not deemed to be a crime did not make it scientific. He drew the attention of NBSA that as per the crime records, nearly 3927 farmers had committed suicide. Such programmes were in no way helping the farmers. On the contrary, it was preventing the spread of rational and scientific thought. He submitted that the impugned news report violated Section 1 Point Number 6 of the Fundamental Principles laid out by NBSA and also Section 1, Point Number 8 of the Code of Ethics and Broadcasting Standards which refrained news channels from broadcasting any matter advocating or encouraging superstition and occultism. He demanded that the broadcaster air an apology of a longer duration and that appropriate training should be given to the journalists.

Submissions of the Broadcaster

The advocate for the broadcaster submitted that this practice was going on for over 350 years. The intent of the programme was not to validate the practice. The practice had a cultural connotation and had to be seen in the correct perspective. As a responsible news channel, the general idea is to promote science and rationality. However, what is intrinsic to cultures cannot be denied and it is a tradition which farmers in Maharashtra eagerly await. It submitted that the programme should be

seen in its context. It was only a reportage, which is done every year, which is eagerly awaited by the farmers. The intention of the programme was not to promote superstition. He submitted that to make the reporting more balanced it would have been advisable that the programme also carried a different point of view and a disclaimer.

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 broadcaster in its submissions has admitted that the disclaimer should have been broadcast. NBSA was of the view that the programme lacked due diligence and the programme while reporting on the age-old practice could have brought in aspects which would develop the scientific temper for the viewers watching the programme. The broadcaster should have taken other view points as well.

NBSA decided to close the complaint with a warning to the broadcaster to be careful in future while telecasting such programmes. NBSA also advises the broadcaster to conduct its due diligence while airing such programmes and to present other persons versions so that the programme is balanced in its reporting.

NBSA also directs that the video of the said broadcasts, if still available on the website of the channels, 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 standard 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**