

**News Broadcasting & Digital Standards Authority**  
**Order No. 131 (2022)**

**Order of NBDSA on complaint dated 30.11.2020 filed by Mr. Indrajeet Ghorpade against India TV, Aaj Tak, Zee News and Zee Hindustan regarding the media trial of Umar Khalid**

Since the complainant did not receive a response from the broadcasters, vide complaint dated 7.12.2020. he escalated the complaint to the second level of grievance redressal, being NBDSA.

**Complaint:**

**Violations by Zee Hindustan in the programme aired on 24.11.2020:**

The complaint is about the potential violations committed by the broadcaster while reporting about the supplementary charge sheet filed by the Delhi Police related to the Delhi riots accused, Umar Khalid. The complainant stated that the impugned broadcasts had violated: Sub-sections 4 and 6 of Fundamental Principles and Sub-section 1 and 2 of Principles of Self-Regulation under NBSA's Code of Ethics.

The complainant stated that the headline of the impugned programme from 2:17 onwards stated, "*It is time to destroy the tukde gang*" and the tickers read, "*The country will burn the plot of those who burnt Delhi*", "*Umar Khalid is the Mastermind of Delhi riots*", "*Umar wanted to burn Delhi?*", "*The masks of tukde-tukde gang is coming off*", "*Umar wanted to burn the capital of the country?*", "*CAA was an excuse, the goal was to burn the nation*". Thereafter, the anchor repeated the above tickers and headlines through his speech and stated, "*It is now clear that JNU's liberal gang member Umar Khalid is the Mastermind behind the plot to destroy and burn the country*." From 6:20 onwards, the anchor said, "*Umar Khalid is part of the liberal gang that is always engaged in anti-national activities*." Further, even the title of the YouTube video read "*Delhi Riots big expose - Umar Khalid, Sharjeel Imam's plan*".

The complainant stated that the impugned programme neither presented the version of Umar Khalid/his lawyer/ his representative nor did it air the response from any of the persons who were critical of how the Delhi Police had responded to the riots and carried out the investigation. In the programme, allegations had been portrayed as facts and charges as an act of guilt. Additionally, the broadcaster inaccurately used the term '*tukde-tukde gang*' to describe Umar Khalid and others who hold liberal views, despite the clarification issued by the Ministry of Home Affairs, while responding to an RTI query, that there was no '*tukde tukde gang*'.

The complainant alleged that the channel had by airing headlines "destroy the '*tukde gang*'", attempted to make a call for violence against Umar Khalid and all those who held liberal views. It was relevant to note that Umar Khalid had already escaped an

assassination attempt once, and such headlines posed a real danger to his life and the lives of others who hold liberal views.

### **Violations by Zee News in the programme aired on 24.11.2020:**

The complainant alleged that the broadcaster had, by airing the impugned programme about the supplementary charge sheet against Umar Khalid, violated the NBSA's Code of Ethics. During the impugned broadcast the headline "*Remote-controller of Delhi Riots*" was aired along with a picture of Umar Khalid. Further, following tickers were also aired during the impugned programme which stated, "*Umar Khalid plotted the Delhi riots*", "*Conspiracy to form Muslim-nation by causing Delhi riots?*", "*Those called Intellectuals are making plans of riots?*", "*He burnt Delhi, he is not a comrade, he is a rioter*", "*Citizenship an excuse, goal was to burn the nation?*"

Apart from the headlines and ticker mentioned herein above, the complainant stated that the anchor also made several remarks during the impugned programme, namely:- "*We kept saying Delhi riots was an excuse, the real plan was to destroy the nation*", "*Delhi riots wasn't a coincidence, but a planned act?*", "*Delhi riot was a plot to make a Muslim-nation?*", "*Those called Intellectuals are making plans of riots?*", "*Khalid is guilty for causing riots in Delhi?*". The anchor then proceeded to host a debate in which he stated, "*To me, Delhi riot seems like the tip of the ice-berg, in 2016 the plan was made, Delhi riots were remote-controlled*", "*Asgar saab aren't you ashamed that in your name, in the name of innocent Muslims of Shabheen Baug, Umar Khalid got a crowd from outside to break India and used Delhi riots? It is clearly written on the charge sheet. Are you ashamed you supported these people?*". "*I am ashamed that a man planned riots since 2016 and caused the riots in Delhi and says I will destroy India and make a Muslim-state. I am ashamed.*"

Further, when a panellist asked the anchor, "*Is your name Sachin Arora or Honorable Justice Sachin Arora*" while criticizing him for treating the charge sheet as a verdict, the anchor responded, "*Tob kya aarti utare?!*". He continued saying, "*rioters have been exposed, couldn't burn the nation.*"

Thereafter, the panellist who requested the anchor to wait for the Court's verdict was muted from 16:04 onwards. Furthermore, in the programme, other panellists who supported the anchor's biased opinion were never muted and kept interrupting the others who were pleading not to pronounce guilt before the judgment of the Court. The panellist who was being interrupted even asked the anchor to intervene, but the anchor remained silent and allowed the interruptions, thereby not allowing all viewpoints to be fairly presented. Then the anchor said to one of the panellists who was muted earlier, "*When Khalid comes out, hug him, take him to your house, feed him biriyani.*" Then he once again muted the panellist and allowed others who supported his opinion to speak. In his closing comments, the anchor also called one of the panellists a "*partner in crime*" with Umar Khalid.

In view of the above, the complainant, stated that the impugned programme had by portraying allegations as facts, charges as an act of guilt, by running a one-sided debate, disallowing alternative viewpoints, and vilifying the accused violated Sub-section 4 & 6 of Fundamental Principles and Sub-section 1 & 2 of Principles of Self-regulation of NBSA's Code of Ethics.

#### **Violations by Aaj Tak in the programme aired on 24.11.2020:**

The complainant stated that the headlines in the impugned programme read "*Command of the movement (anti-CAA movement)...plan for a riot*" and was accompanied by a picture of Umar Khalid and Sharjeel Imam. The complainant also highlighted several remarks made by the anchor and the reporter in the impugned programme. He stated that the anchor without mentioning the word charge sheet stated that "*There's a big expose about the Delhi riots. 300 Bengali speaking women were used in the riots, brought in buses, they were wearing burkhas, they ate at Shaheen Bagh, all the planning was done by Umar Khalid.*". It was only in the end that the anchor clarified that all this was mentioned in the charge sheet. Even the ticker read, "*Why were 300 burkha clad women brought?*", "*Riot-planning in the name of protest?*".

The reporter in the impugned programme stated "*Who was the Mastermind of Shaheen Bagh? Who plotted Delhi riots? We will give you the answers to these questions with proof.*". meanwhile pictures of Umar Khalid and Sharjeel Imam were shown on the screen, and the ticker read "*Umar Khalid is a terrorist?*". The reporter further stated that "*The so called intellectuals who used a protest as a shield to plot a riot have now been fully exposed*" after which at 7:03, the anchor asked the reporter to inform its viewers about the facts of the Delhi riots.

The complainant also highlighted the interaction between the anchor and the panellist, who opposed her point of view. The anchor tried to push her biased opinion by stating that "*If you are refuting the findings of the police, then you tell us how the riots took place?*". When one of the panellists mentioned the names Kapil Mishra and Anurag Thakur, the anchor interrupted the panellist by saying that "*You are stuck on 2 statements by them, did 2 statements lead to the death of so many? Who incited the people?*". Furthermore, in the impugned programme, the anchor frequently muted the panellists opposing her viewpoint.

In view of the above, the complainant stated that the broadcaster had, by portraying allegations as facts, charges as an act of guilt, by running a one-sided debate, muting alternative viewpoints, violated Sub-section 4 & 6 of Fundamental Principles and Sub-section 1 & 2 of Principles of Self-regulation of NBSA's Code of Ethics.

#### **Violations by India TV in the programme aired on 25.11.2020**

The complainant stated that the anchor started the show by stating, "*Today I will tell you the full truth of the conspiracy of Delhi riots, complete facts. The evidence has come out today.*"

*Who were the actors involved, who were the people behind the conspiracy, Delhi police has exposed. With evidence, they have been exposed". In the impugned programme, the ticker read, "Who burnt Delhi in the name of traffic jam?", "Jamia, Shaheen Bag, Jafarabad, Riots Gang exposed", "Explosive revelation on Umar Khalid, Sharjeel Imam", "Big expose on the mastermind of Delhi riots", "Riot-plan exposed, with evidence" and in the name of Muslims, Umar-Sharjeel plan riot", "The secret message of Shaheen Baug has been decoded".*

Further, the headline in the impugned programme stated *"Who is the mastermind of Delhi riots?"* and was accompanied by a picture of Umar Khalid and Sharjeel Imam at the top. The title of the YouTube video stated, *"How Sharjeel Imam, Umar Khalid plotted violence in Jamia, Shaheen Bagh, Aligarh over the volatile issue".*

The complainant submitted that in the impugned programme, the broadcaster neither presented a response from Umar Khalid, his lawyer or his representatives nor did it air response from any of those who were critical of the way Delhi Police had responded to the riots and were carrying out the investigation. The complainant further submitted that the broadcaster had attempted to portray allegations as facts and charges as an act of guilt through the programme.

In view of the above, the complainant stated that the broadcaster had violated Sub-sections 4 & 6 of Fundamental Principles and Sub-sections 1 & 2 of Principles of Self-regulation of NBSA's Code of Ethics.

**Reply dated 7.12.2020 by India TV to the complainant:**

The broadcaster stated that a perusal of the contents of the complaint revealed that the complainant had either not watched its telecast or had misunderstood its contents. The broadcaster submitted that it had merely reported the contents of the charge sheets filed by the police authorities and the outcome of the police investigation. The programme did not travel beyond the charge sheets filed by the Police or assert any facts or conclusions not found in the charge sheets. Therefore, no question of violation of any of the NBSA's guidelines or rules, as alleged in the complaint arose.

**Reply dated 18.12.2020 by Aaj Tak to the complainant:**

The broadcaster submitted that the impugned broadcast in relation to CAA Agitation was aired based on the inputs received from highly credible sources of Special Cell, Delhi Police and on the contents of the charge sheet as filed by Delhi Police in the Delhi Riots wherein the Delhi Police had themselves invoked the anti-terror law in the charge sheet against Umar Khalid and Sharjeel Imam.

The broadcaster submitted that the debate aired by the broadcaster was neither one-sided nor were alternative viewpoints made by the panellist muted. The debate was entirely unbiased, and the views and inputs/submissions of all the panellists were

taken into consideration. However, it stated that one of the panellists on the debate Mr. Suneet Chopra was muted as he interfered a couple of times when the other panellists were asked for their views on the debate topic, despite several requests by the anchor to allow the other panellists to present their views.

**Reply dated 24.12.2020 by Zee News to the complainant:**

The broadcaster stated that the complainant had raised various false, frivolous, unsubstantiated and motivated allegations against the contents of its programme '*Taal Thok Ke*' aired on 25.11.2020. In the impugned programme, it stated that it had fairly reported the allegations levelled against the former JNU student leader Umar Khalid and Sharjeel Imam by the Special Cell of Delhi Police in its supplementary charge-sheet filed in a case related to the alleged conspiracy in communal violence in North East Delhi in February 2020 and in no way violated any of the Guidelines or Code of Ethics and Broadcasting Standards

The broadcaster denied the allegations of media trial of Umar Khalid and Sharjeel Imam in the Delhi riots case levelled in the complaint. It reiterated that in the impugned programme, it had fairly and objectively reported the fact of filing of supplementary charge-sheet by Delhi Police against Umar Khalid and Sharjeel Imam and also reported the findings contained in the said supplementary charge sheet and the evidence collected by Delhi Police. In the programme, it had conducted a debate/discussion with panellists on various important questions arising from the allegations contained in the Supplementary Charge sheet. Its reportage was completely fair and objective and was aired without any preconceived notion or biased. The panellists were given a fair chance to present the views of both sides, and therefore, the allegations levelled against it for conducting a biased and one-sided debate were completely false and baseless.

The broadcaster stated that nowhere in the impugned broadcast it had attributed guilt or formed a conclusive opinion against Umar Khalid and Sharjeel Imam. Its entire reporting was based on the findings recorded in the Supplementary Charge Sheet filed by Police in the case. Further, during the broadcast, even a copy of the said Supplementary Charge Sheet was shown. The broadcaster stated that the complainant had miserably failed to show how and in what manner the impugned broadcast amounted to a 'media trial' and interfered with the administration of justice. The impugned news programme was part of legitimate and lawful investigative journalism and was based on reliable and authentic sources. Nothing was published or telecast in the impugned programme, which in any manner created a substantial risk of obstructing, seriously impeding or prejudging the due administration of justice.

Furthermore, the broadcaster stated that freedom of press is the cornerstone of our democracy and therefore the primary function of the press is to provide comprehensive and objective information on issues, including the events related to

the police investigation of criminal cases involving larger public interest. The taglines/tickers used in the programme were based on the evidence collected and findings recorded by Delhi Police in its supplementary charge-sheet, and none of the tagline/tickers was aired to suggest the guilt of the accused persons. The broadcaster stated that the taglines were used only to raise the question as to whether Umar Khalid and Sharjeel Imam were the masterminds behind the incidence of riots that took place in North East Delhi in February 2020. The allegation that the impugned programme portrayed allegations as facts and charges as an act of guilt was false.

The broadcaster submitted that citizens have a right to be informed of the findings recorded by Police in the charge sheet. Further, it stated that it was a matter of record that Umar Khalid and Sharjeel Imam, along with others, are accused of hatching a conspiracy to cause riots in Delhi, and the Delhi Court also took cognizance of the charge sheet filed by the Delhi Police accusing Umar Khalid and Sharjeel Imam as a master-mind. In view of the aforesaid facts, as a responsible media house, it had conducted a fair and transparent debate/discussion on the allegations levelled by Police in its investigation report while displaying a copy of the charge sheet on the screen on a number of times. It neither pronounced anyone guilty of committing any offence nor had any intention to do anything which may cause interference in the administration of justice. Mere discussion/debate on the police report cannot be said to have given a 'conclusive opinion' or conducted a 'media trial', and the aforesaid debate/discussion was completely in the realm of 'press freedom' defined by various courts of the country.

The broadcaster stated that the allegation that the panellists who supported the anchor's opinion were never muted is completely baseless, false and hence denied. That each and every participant on the impugned programme was given a fair and reasonable chance to speak without any biases, and further, the allegation that the anchor had intentionally muted Mr. Syed Abbas was also completely false. The broadcaster stated that during a debate programme, the voice of the panellists is required to be muted so that the viewers can clearly listen to the opinion from both sides without interruption. Thus, the allegations levelled by the complainant were completely baseless and false.

The broadcaster further submitted that the impugned broadcast was balanced, fair, neutral and objective and was in accordance with NBA/NBSA guidelines and journalistic ethics, and the allegations raised in the complaint against the broadcaster were completely false and hence denied.

**Reply dated 24.12.2020 of Zee Hindustan to the complainant:**

With regard to the said complaint, the broadcaster reiterated its submissions made in respect of the complaint against Zee News. It stated that the complainant had

raised various false, frivolous, unsubstantiated and motivated allegations against the contents of its programme aired on Zee Hindustan on 24.11.2020.

With respect to the allegation that the anchor stated that "*it is now clear that JNU's liberal gang member Umar Khalid is the master-mind behind the plot to destroy and burn the country*", the broadcaster stated that the aforesaid version was completely based on the charge sheet filed by the Delhi Police and immediately after stating the aforesaid, the anchor categorically stated and clarified that as per the investigation done by Delhi Police, Umar Khalid is the master-mind of the incidence of violence. After referring to the charge sheet, the anchor read out the findings of the Delhi Police recorded in the charge sheet. Thus, in the entire programme, the anchor had referred to the 'charge sheet' filed by the Police.

### **Decision of NBSA on 18.2.2021**

NBSA considered the complaint, response from the broadcaster and viewed footage/CD of the broadcast. NBSA noted that the present complaint relates to the media reportage of an ongoing criminal investigation in the Delhi Riots. NBSA decided that the guidelines laid down by the Hon'ble High Court of Bombay in the matter of *Nilesh Navlakha & Others. Vs. The Union of India & Others* should be circulated to the broadcaster to ensure compliance while reporting on any ongoing criminal investigation/ related matters.

NBSA also noted the objections raised by Zee News and Zee Hindustan on the failure on the part of the complainant to comply with requirements under Regulation 8.1.1 and 8.4. It was brought to the notice of NBSA that the complainant had stated that he would not like to disclose his sensitive personal details to the broadcaster as he feared that he might face retaliation from the channel for repeatedly making complaints against them. NBSA noted the complainant's request and decided to dispense with requirements under Regulation 8.1.1, as the same were available with the Authority.

The Authority held that as far as the declaration under Regulation 8.4 was concerned, the same was a mere procedural irregularity that could be corrected at any stage of the proceeding. Nonetheless, NBSA decided that the complainant should be directed to comply with the requirements of 8.4 after which the broadcaster and the complainant should be called for a hearing.

In accordance with the directions of NBSA, the complainant submitted the declaration under Regulation 8.4.

On being served with notices, the following persons were present at the hearing on 16.7.2021:

**Complainant:**

Mr. Indrajeet Ghorpade

**Broadcasters:****1. Zee Media Corporation Ltd. [Channels – Zee News, Zee Hindustan]**

Ms. Ritwika Nanda, Advocate

Ms. Annie, Assistant Manager Legal

**2.Independent News Services Pvt. Ltd. [Channel: India TV]**

Ms. Ritika Talwar, Legal

Mr. Rohan Swaroop, Advocate

**3.TV Today Network Ltd. [Channel – Aaj Tak]**

Ms. Meenakshi Midha, Advocate

Ms. Pritika Juneja, Advocate

**Submissions of the Complainant**

The complainant submitted that in the impugned broadcasts allegations were portrayed as fact and charges as guilt; individuals involved were not provided equal opportunity to present their point of view. Further, the broadcasters had promoted or hindered one side of the controversial issue and failed to ensure that controversial subjects were fairly presented, and adequate time was allocated fairly to each point of view. In view of the above violations, the broadcaster submitted that the broadcasters had by airing the impugned broadcasts not only violated the Code of Ethics but also the Specific Guidelines Covering Reportage.

**Submissions of Zee News and Zee Hindustan**

Before proceeding on merits, the broadcaster made a preliminary submission on the maintainability of the complaint. The broadcaster brought to the notice of the Authority, that Mr. Umar Khalid, who was the subject matter of the impugned broadcast, had himself raised the issue of media trial in the District Court Delhi. That Orders dated 22.1.2021 and 2.3.2021 were passed in the matter by the Ld. CMM in Case FIR No. 101/2020 titled "*State Vs. Umar Khalid*" and by the Ld. Additional Sessions Judge, in SC No. 163/2020 titled "*State Vs. Tabir Hussain & others*". Further, it submitted that there is another matter pending in the Delhi High Court regarding the alleged leak of information pertaining to the Delhi riots case to the media by the Delhi Police. Therefore, the broadcaster submitted that since the matters are *sub judice* there may be possibility of conflict if an Order is passed by NBSA in the complaint.

On the merits of the complaint, the broadcaster submitted that the present complaint had been filed against the contents of a programme aired on Zee News and Zee Hindustan on 25.11.2020 and 24.11.2020, wherein the channels had fairly,



impartially and objectively debated and reported about the supplementary charge sheet filed by the Delhi Police in respect to the accused, namely, Umar Khalid and Sharjeel Imam and the evidence collected by the Delhi Police. In the impugned programmes, the broadcaster submitted that it had not levelled any accusations nor has portrayed any charges as guilt or given conclusive findings on the same. It merely reported the allegations levelled in the charge sheet without any bias or prejudice.

Further, the taglines/tickers used in the programme were also based on evidence collected and findings recorded by Delhi Police in its supplementary charge sheet. None of the taglines/tickers were aimed to suggest the guilt of the accused persons rather, they were used only to raise questions as to whether Umar Khalid and Sharjeel Imam are the masterminds behind the incident of riots that took place in North East Delhi in February 2020.

In view of the aforesaid, the broadcaster submitted that the impugned programme is in conformity with the Code of Ethics and has not breached any of the Principles of Self-regulation and Fundamental Principles as alleged.

### **Submissions of India TV**

The broadcaster submitted that the broadcast "*Aaj Ki Baat*" aired on India TV on November 25, 2020, merely reported on the contents of the charge sheets filed by the police authorities related to the Delhi Riots against Umar Khalid and Sharjeel Imam. The impugned broadcast did not include anything beyond the facts or conclusions mentioned in the charge sheet filed by the police authorities. This being the position, the broadcaster submitted that there was no question of violation of any of the NBSA's Guidelines or Rules, as alleged by the complainant.

The broadcaster asserted that the anchor specifically mentioned prior to the commencement of the program that the information provided is solely based on the facts and conclusions of the charge sheet filed by the Police authorities. By relying on an isolated quote made by the anchor and not looking at the context of the entire news story, the broadcaster submitted that the complainant was attempting to present an incorrect view of the impugned news story.

The complainant however submitted the impugned broadcast began with the anchor stating that "*Today I will tell you the full truth, the full reality about Delhi riots conspiracy. The conspiracy that was hatched to defame India by inciting riots in Delhi during the visit of American President Donald Trump to India, the evidence of that conspiracy has come out today. Who were the actors involved, who were the people behind the conspiracy, Delhi police has exposed. With evidence, they have been exposed*". Further, even the caption of the video uploaded on YouTube read "*How Sharjeel Imam and Umar Khalid plotted the violence in Jamia, Shaabeen Bagh and Aligarh over...*".

### Submissions of Aaj Tak

The broadcaster denied the allegations raised against it namely of portraying allegations as fact and charges as guilt; failing to provide individuals involved equal opportunity to present their point of view; and ensuring that controversial subjects are fairly presented, and adequate time is allocated fairly to each point of view. It submitted that the impugned broadcast "*Halla Bol*" aired on 24.11.2020 was on the anti-CAA protests and the alleged plan for riots. The broadcast was reportage and a debate over the supplementary charge sheet filed by the Delhi Police charging Mr. Sharjeel Imam and Mr. Umar Khalid for orchestrating the Delhi riots.

The broadcaster submitted that the Constitution guarantees the media the freedom to inform, distil, and convey information, any attempt to deny the same should be frowned upon. Therefore, the broadcaster submitted that it is at liberty and even obligated, to report on matters of public and national importance, such as the Delhi riots. It was its duty to inform citizens about the findings recorded by Delhi Police in their charge sheet and that it is a matter of record that Umar Khalid and Sharjeel Imam have been accused and charged with hatching a conspiracy to cause and are masterminds behind the riots in Delhi. The impugned broadcast did not make any determination on the guilt or innocence of the accused and only disclosed details from the police charge sheet that was based on legitimate and lawful investigative journalism, with inputs from highly credible sources of the Special Cell, Delhi Police.

The broadcaster asserted that it had hosted a fair and non-partisan debate on the allegations levelled by Police in its charge sheet. The headline stating that the '*commandeers of the anti-CAA movement (Sharjeel Imam and Umar Khalid) had also planned a riot*' was only representative of the allegations made in the charge sheet and, therefore, cannot be construed as a pronouncement of guilt. In fact, while the complainant had focused on the statement "*300 bengali speaking women were used in the riots and brought in buses; they were wearing burgas... and all the planning was done by Umar Khalid*" as being reflective of a determination of guilt, he had entirely missed the point that prior to this comment, the broadcaster made it clear through the graphics at 2:37 that certain allegations have been made in the charge sheet.

Additionally, the headline was supplemented by the show hosts asking and not stating, "*Kya Shaheen Bagh ke andolon ke daruan dilli dangon ki saazish rachi jaa rahi thi? Kya jinke bath mein andolan ki command thi unhone hi dangon ka plan tayaar kiya?*" The complainant's reference to the ticker "*Umar Khalid is a terrorist?*" also admittedly had a question mark at the end, making it clear that there was no determination of guilt, but rather an open question left for the viewers to decide. All the taglines/tickers used in the impugned programme were based on the information recorded by Delhi Police in its supplementary charge sheet. It is evidently clear that none of the taglines/tickers run on the impugned show were aimed to "*portraying allegations as facts*" or "*charges as acts of guilt*".

The broadcaster reiterated that there was clear and express references to the chargesheet throughout the programme and the reportage was accurate and balanced as prescribed in Clauses 1 and 2, of the Principles of Self-regulation.

The complainant's allegation that the broadcasters reportage was violative of Clause 4 of the Fundamental Principles of the NBSA's Code of Ethics and Broadcasting Standards is baseless, vague, and unsubstantiated. Merely broadcasting information about a "*controversial*" issue does not constitute violation of the clause, the reporting also needs to be "*promoting or hindering a particular side*". While the complainant focused on the anchor's statement at 7:03, he missed the preceding line of the anchor, where she asked the reporter "*tell us the facts about Delhi riots*" based on "*jo yeh charge sheet se baat saamne aayi hai*".

The complainant's allegations against the panel are completely unsubstantiated. The programme had a diverse panel with representatives having differing political viewpoints and ideologies, which in fact, promotes neutrality.

The broadcaster submitted that sometimes on television debates the voice of the panellist(s) is required to be muted so that the viewers can clearly listen to the opinion from both the sides without interruption, and, therefore, the allegation that the anchor had intentionally muted panellists is completely false.

In view of the aforesaid facts and circumstances, the broadcaster submitted that the impugned broadcast was balanced, fair, neutral and objective and was in accordance with NBSA Code and Guidelines.

### **Decision of NBSA at its meeting held on 16.7.2021**

NBDSA went through the complaints, response from the broadcasters and also considered the arguments of both the complainant and the broadcasters and reviewed the footage of the broadcasts.

NBDSA noted that the subject matter of the impugned broadcasts which is raised in the complaints is not the subject matter in the Court proceedings. One complaint even stands disposed of and the matter is not pending any longer.

NBDSA, therefore decided to hear the complaints on merits. Notice in this behalf shall be sent to the parties.

On being served with notices, the following persons were present at the hearing on 4.2.2022:

**Complainant:** Mr. Indrajeet Ghorpade

**Broadcasters:****Zee Media Corporation Ltd. [Channels – Zee News, Zee Hindustan]**

Mr. Ritwika Nanda, Advocate

Mr. Piyush Choudhary, Senior Manager - Legal

Ms. Annie, Assistant Manager - Legal

**TV Today Network Ltd. [Channels– Aaj Tak]**

Ms. Vrinda Bhandari, Advocate

Ms. Shiuli Bhattacharya, Legal Counsel

Mr. Manish Kumar, Senior Executive Editor

**Independent News Services Pvt. Ltd. [Channel: India TV]**

Ms. Ritika Talwar, Legal head, India tv

Mr. Tejveer Bhatia, Advocate

**Submissions of the Complainant:**

At the outset, the complainant reiterated the contents of the complaint and the submissions made during the hearing on 16.7.2021. The complainant submitted that the impugned broadcasts were not neutral, and there was a disproportionate allocation of time amongst the panellists in the broadcasts. Through the tickers, headlines and questions posed by the anchors, charges were presented as a fact. Further, the broadcasters had very tactfully added a question mark after such statements first to put out their own narrative, which was clear from the pictures of the alleged perpetrators who are under trial and the use of terms like "*tukde tukde gang*" and "*mastermind*" and then mitigate by claiming that they were merely asking questions to the viewers.

**Submissions of India TV:**

The broadcaster submitted that the two programmes impugned in the complaint were based on the charge sheet filed by the Police and accepted by the Court. In that charge sheet itself, both Umar Khalid and Sharjeel Imam were described as "*mastermind of riots*", and words used in the charge sheet were used by in the impugned programmes by exercising its editorial discretion. Further, it had attempted to contact both the accused persons; however, unfortunately, they were untraceable at that time.

It submitted that the Delhi Riots and the consequent filing of the FIR and charge sheet were newsworthy events that were reported by the broadcaster. That from the complaint and the submissions, it appears that there are no allegations against the impugned programme apart from the contents thereof being defamatory.

**Submissions of Zee News and Zee Hindustan**

The broadcaster submitted that the complainant had filed the present complaint against two programmes aired by it in relation to the charge sheet filed by the Delhi

Police before the Hon'ble Karkardooma Court. That on the last date of hearing, it had presented an Order dated 2.3.2021, passed by the Hon'ble Court, which had recorded the filing of the charge sheet and, wherein informal observations on the issue of media trial and directions to the broadcasters and news agencies to exercise caution regarding the publication were issued. Further, the broadcaster submitted that these publications were made in November and December 2020 and thereafter, the Hon'ble Bombay High Court had on 18.01.2021 issued detailed guidelines on media trial, and the matter had also been dealt with by the Hon'ble Karkardooma Court. The broadcaster stated that it has been complying with the aforesaid Orders and had not engaged in anything which may constitute a violation of these Orders. In so far as the impugned programme aired on Zee News was concerned, the broadcaster submitted that the programme was a panel discussion wherein four panellists were present and questions and statements based on the contents of the charge sheet were broadcast. Questions based on the Police observations in the charge sheet were also raised in the panel discussion. The broadcaster denied that there was any disproportionate allocation of time during the broadcasts.

In respect of the objections raised by the complainant regarding the tickers aired during the impugned programme, the broadcaster submitted that they were specifically based on the statements made by the panellists during the discussion and the contents of the charge sheet.

NBDSA questioned the broadcaster regarding its use of the headlines and tickers which read *"It is time to destroy the tukde gang, "The country will burn the plot of those who burnt Delhi", "Umar Khalid is the Mastermind of Delhi riots", "Umar wanted to burn Delhi?", "The masks of tukde-tukde gang is coming off", "Umar wanted to burn the capital of the country?", "CAA was an excuse, the goal was to burn the nation."*. In response, the broadcaster submitted that the aforesaid headlines were only an allegation and based on the charge sheet wherein it was stated that *"Umar Khalid is the Mastermind of Delhi riots"*. NBDSA also questioned the broadcaster regarding the following statements *"It is now clear that JNU's liberal gang member Umar Khalid is the Mastermind behind the plot to destroy and burn the country." "Umar Khalid is part of the liberal gang that is always engaged in anti-national activities"* made during the broadcast. The broadcaster submitted that the impugned programme was for a duration of only 25 minutes and the aforesaid statements were only part of the ticker, which were based on charge sheet. That if one views the programme holistically, it would become clear that all the tickers aired during the programme stated *"as per the chargesheet"*.

### **Submissions of India Today**

The broadcaster reiterated its broad submissions made during the hearing on 16.7.2021. In response to the specific allegations made by the complainant, the broadcaster stated that the impugned programme was broadcast on 24.11.2020, one day after the supplementary charge sheet was filed by the Police. Therefore it

submitted that the impugned programme was a discussion on the contents of the charge sheet. The broadcaster invited the attention of the Authority to time stamp 9:35 of the impugned programme, wherein the reporter stated *"let us see whether the chargesheet would be accepted by the Court"*; therefore, the broadcaster submitted that there was no affirmation of the charge sheet in the broadcast as alleged.

The broadcaster denied the allegation of the complainant that the anchor started the programme by saying, *"There's a big expose about the Delhi riots. 300 Bengali speaking women were used in the riots, brought in buses, they were wearing burkhas, they ate at shabeen baug, all the planning was done by Umar Khalid"* without mentioning the word charge sheet, and that it was only, in the end, did she mentioned that her statements were based on the charge sheet. The broadcaster submitted that the anchor in the impugned programme repeated the statement that the allegations made in the programme were based on the charge sheet multiple times during the broadcast. Further, the same was also prominently displayed in the ticker, which was continuously aired during the impugned programme.

In response to the complainant's allegation that the anchor during the impugned programme incorrectly stated that the charge sheet was made by "Special Court" and then corrected herself by saying "Special Cell" without mentioning which organization the Special Cell belonged to, the broadcaster submitted that there is a general understanding amongst the public that Special Cell referred to the Special Cell Delhi Police. In any case, it was not aware of the violation committed by it merely mentioning Special Cell during the broadcast.

The questions *"Who was the Mastermind of Shabeen Baug? Who plotted Delhi riots? We will give you the answers to these questions with proof"*, were raised based on the charge sheet, which was also highlighted in the headlines aired during the programme.

During the programme, the anchor referred to Sharjeel Imam as an accused and explicitly questioned the evidence that the investigation agencies had against Umar Khalid, thereby making it clear that it was the evidence of the investigating agencies. During the programme, no reference was made to the *Tukde Tukde Gang*.

The broadcaster submitted that the complainant had cherry-picked statements made during the impugned programme, that while the anchor does at 7:00, state *"tell us the truth about Delhi riots."*, however, the anchor specifically stated that the truth of the Delhi riots has to be adjudged based on the charge sheet filed by the investigating agencies.

Furthermore, the broadcaster submitted that in the impugned it had conducted a debate/discussion with the panellists on the important questions that arose from the

allegations contained in the Supplementary Charge sheet and the panellists participating in the programme were given a fair chance to present their views.

In response, the complainant submitted that reliance on the supplementary charge sheet was flawed as it implied to the viewers that the contents of the charge sheet were facts when in reality, the same had not been proven in a Court of law.

### **Decision**

NBDSA looked into the complaints, response from the broadcasters and also gave due consideration to the arguments of the complainant and the broadcasters and reviewed the footage of the broadcasts.

At the outset, NBDSA noted that the common thread in the complaints filed against the four channels, i.e., Zee News, Zee Hindustan, India TV and Aaj Tak was the alleged media trial conducted by the channels against Umar Khalid in the Delhi riots investigation. Having considered the broadcasts in their entirety, NBDSA observed that the thrust of the programmes was on the discussion of the allegations made/contents of the supplementary charge sheet filed by the Special Cell, Delhi Police before the Hon'ble Karkardooma Court. At the same time, the NBDSA also finds that there is some variation in the contents of the programmes aired by these channels. Allegations in the complaints are considered, keeping in mind the contents of each of the programmes and the tenor thereof.

A general comment which NBDSA wishes to make is that the media has the freedom to report on any subject matter concerning public interest. It is a fact that riots took place in Delhi. It is also a fact that Umar Khalid was arrested by the Police, and the Police have filed a charge sheet alleging that Umar Khalid was the mastermind behind these riots. It can also be assumed that these riots would amount to anti-national activities. Therefore, airing news on the channel about riots and about the alleged involvement of Umar Khalid as per police report was within the rights of the news channels. However, an important question that arises at this stage is whether the media has the right to treat the police report as gospel truth and on that basis, proceed to discuss the programme as if charge of inciting violence leading to riots stands proved against Umar Khalid? Obviously, that is not permissible and if the media proceeds on the basis that investigation into the matter by the Police and stating that there is sufficient evidence against Umar Khalid is to be considered as charges having been proved against Umar Khalid, that would amount to trial by media and holding a person guilty of charges even when it is yet to be proved in a court of law. Had the panel discussion been confined within the realm of allegations against Umar Khalid as per Police viz. the police charge sheet has indicted Umar Khalid with categorical clarification that these are only charges which are yet to be proved before the court of law, that would have been permissible being in the realm of journalistic freedom which is guaranteed under Article 19(1)(a) of the Constitution. However, the moment this line is crossed and the message conveyed

is that Umar Khalid has been proved guilty or there is sufficient evidence against him to prove him guilty, it would become media trial which is not permissible in law. Law in this behalf has been authoritatively laid down by the Hon'ble High Court of Bombay in the matter of *Nilesh Navlakha vs Ministry of Information & Broadcasting, UOI & Ors. (2021) SCC Online BOM 56*. On the basis of that judgment, NBDSA has also issued Advisories on "Media Trial" dated 6.11.2020 and 20.2.2021 while reporting on any ongoing criminal investigation/ related matters.

In view of the aforesaid, NBDSA took serious objection to the sensationalist taglines and tickers aired during the broadcasts such as "*Umar Khalid is the Mastermind of Delhi riots*", "*Umar Khalid plotted the Delhi riots*", "*He burnt Delhi, he is not a comrade, he is a rioter*", "*Umar Kahlid and Sharjeel Imam biggest Masterminds*", "*Sharjeel-Umar incited violence*", "*In the name of Muslims, Umar-Sharjeel plan riot*", "*Command of the protest (anti-CAA)...plan for a riot*"; "*Umar Khalid is a terrorist?*" which gave an impression that the accused had already been declared guilty. In view of the same, the broadcasts violated the principles of Impartiality, Objectivity and Neutrality enshrined under the Code of Ethics & Broadcasting Standards and Guidelines issued by the Authority.

No doubt, some of the taglines contained question marks. If all taglines were with question marks along with specific contents that these were charges only and yet to be proved, the matter would have been different. Insofar as the programmes in question are concerned, when viewed in entirety, the broadcasters cannot deny the fact that these taglines create a certain perception amongst the public. Therefore, it is important that taglines and/or hashtags be used carefully especially in controversial matters.

In view of the above, these broadcasters/channels are advised to exercise restraint and not to broadcast such taglines and/or hashtags which project the accused in a manner as if he/she is guilty.

NBDSA also directs that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, be removed immediately, and the same should be confirmed to NBDSA in writing within 7 days of receipt of the Order.

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

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.



It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.

**Sd/-**

**Justice A.K Sikri (Retd.)  
Chairperson**

**Place: New Delhi**

**Date : 13.06.2022**