

News Broadcasting & Digital Standards Authority
Order No. 132 (2022)

Order of NBDSA on complaint dated 30.6.2021 by Mr. Saurav Das against Zee News for airing a programme titled “Jabran dharmantaran Aatankwad?” on 29.6.2021 at 4.55 pm

Since the complainant did not receive a reply from the broadcaster within the stipulated period, he escalated the complaint to the second level i.e. NBDSA.

Complaint dated 30.6.2021 filed with the channel:

The complainant stated that the channel, on 29.06.2021 at 4:55 pm., aired a show with the following title- “*Jabran dharmantaran = Aatankwad?*” (*Forced conversion = Terrorism?*). In the impugned show, the broadcaster raised several questions with sensationalist headlines, some of which are reproduced below-

1. “*Dharmik jehadiyo ko bhi ‘ghar me ghuskar’...?*”
2. “*Dharmantaran jehad par ‘operation all out’?*”

Further, the graphics used in the show suggested the utmost malafide intentions of the channel to portray a particular minority community, i.e., Muslims, in a bad light. For instance, showing the accused and mosques together portrayed Muslims in a bad light. Furthermore, the words “*Jihad*” and “*Jihadi*” were repeatedly used throughout the show, along with highlighting the Muslims and Mosques to present an inaccurate portrayal of Islam and Jihad.

The complainant stated that the term “*Jihad*” is not used by many Muslims because they see it as wrongly associating a noble religious concept with illegitimate violence. The complainant alleged that using the aforesaid graphics along with sensational headlines highlighting terror and Mosques together had the potential to inflame communal passions in the state of UP. The complainant alleged that this was being deliberately done due to the upcoming UP elections, and should be nipped in the bud.

Violation of Hon'ble Bombay High Court Judgment

Further, the complainant stated that the Hon'ble High Court of Bombay had in its judgment dated 18.1.2021 in *Nilesh Navlakha & Others. Vs. The Union of India & Others*¹, barred the media from conducting a media trial through any sort of debate on a case under active investigation. The judgment laid down a list of ‘*indicative but not exhaustive*’ list of reports which tend to cause prejudice to on-going investigation and also held that “*The erring media house could make itself liable to face an action in contempt, i.e., criminal contempt within the meaning of section 2(c) of the Contempt of Courts Act which, as and when initiated, would obviously have to be decided by the competent court on its own merits and in accordance with law*”.

¹Public Interest Litigation (ST) No. 92252 of 2020

The complainant stated that the broadcaster must carefully note the Guidelines, particularly as the alleged conversion was under active investigation by the Police. He reiterated that the broadcaster ought not to have commented on the character of the accused by labelling them as "*Jihadis*" which may present an inaccurate image of those Muslims practising Jihad in the noble religious concept of an individual's internal struggle against baser instincts and/or the struggle to build a good Muslim society. That painting the entire community with the same brush as the accused persons was absolutely unacceptable and was done with utmost malafide intentions.

The impugned show was run in such a manner, including the sensational graphics, which depicted the accused arrested as guilty even before a Court of law decided the matter. Therefore, the complainant stated that in the impugned show, the channel acted as the judge, jury and prosecutor, all in one in this case, despite this practice being specifically barred by the Hon'ble Bombay High Court.

Inciting Violence

The complainant stated that by airing headlines which says "*ghar me ghuske*" and cunningly leaving "... " after the said line, the broadcaster incited the public to create violence and take the law into their own hands against such people who were allegedly doing forced conversions despite knowing fully well how volatile the law and order situation is in UP. The broadcaster irresponsibly went ahead and created an atmosphere of fear for Muslims by inciting the public to enter such 'people's house, without caring for the rule of law and with scant regard to whether such allegations were indeed true or not, and as the original saying goes "*goli maaro*". The complainant stated that this, along with the portrayal of Muslims and the accused with pictures of Mosques, in toto, was extremely dangerous and had been deliberately done to create such violence in UP that will ultimately result in polarisation before UP elections.

Further, the show also had a headline which was repeated several times by the anchor, which read *Dharmantaran jehad par' operation all out'?*" literally asking for such people allegedly carrying out conversions to be killed just like done by the Army against terrorists. The complainant stated that this was dangerous since terrorism and crime of forced conversion were different. Despite knowing this fully well, the broadcaster ran a public campaign asking for "*operation all out*" against such people, giving way to communal fires and hatred against the entire Muslim community. The complainant questioned that even if, for argument's sake, such alleged forced conversion against the accused is proven in a court of law, will anyone have the right to take such people's lives by entering their houses and conducting "*operation all out*"?

Anchor's unethical conduct

The complainant stated that the anchor had no sense of objectivity and neutrality and was blinded by his stereotypes and prejudices, which was evident by his following conduct during this "debate" show., The anchor said "*Anurag sabi hain*

(referring to the Samajwadi Party Spokesperson). Gaurav (BJP Spokesperson), aap dharmanantaran jihadiyon ke khilaaf taal thokenge ge toh unko (Anurag) bura lagega. Aap unka dard samajhye” and went on to repeat it several times. The complainant stated that this showed how the anchor let his biases and prejudice take over neutrality and objectivity while running this so-called debate show.

Further, in the programme, the anchor even laid bare his malafide agenda to hound a particular minority community, i.e. Muslims, instead of addressing the issue of alleged conversion in UP, by saying- “Anurag me aapka dard samajhta hu. Hum aapke votebank ke khilaaf bolenge toh aapko bura lagega” [Votebank here refers to the Muslims]. The anchor, while addressing another panelist, a “BSP Supporter”, remarked “Ye aapke jitney aapke Jinnah factory waale hain na, ye conversion waale, ye convert karke aur dangerous bana dete hain”, which again suggested the biased, malafide intentions of the anchor to portray the BSP as the ones owning such “conversion factories”, without any proof or facts.

In view of the aforesaid, the complainant submitted that the impugned broadcast aired on 29.6.2021 was in violation of the Hon’ble Bombay High Court’s judgment and had been aired with the sole intention of causing hate and enmity between two religious groups- Hindus and Muslims. He alleged that this had been a pattern in several such vile shows aired on this ‘news’ channel.

Therefore since the impugned show was factually incorrect, portrayed the accused as guilty even before the investigation was completed and trial was concluded, delivered judgement, spread bigotry and hate against a minority community, had been sensationalised by using graphics and headlines, stigmatised the entire Muslim community as the community of Jihadis, spread communal colours, failed to ensure neutrality, impartiality, objectivity, and finally since the so-called anchor incorrectly, with bias & zero objectivity and deliberately portrayed two opposition parties as Jihadi sympathisers, the channel should apologize for running such a show with communal intentions.

The complainant requested the channel to be careful while airing such shows in the future since they had the possibility of stirring communal passions in the state of UP and could jeopardise the law and order situation in the State.

Complaint dated 16.7.2021 filed with NBDSA:

The complainant reiterated the contents of his complaint to the channel and stated that the impugned programme, also violated the Guidelines of NBDSA as mentioned herein below:-

Specific Guidelines Covering Reportage

- i. **Guideline 2.1** – “For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, **without giving undue prominence to any particular view.**”

ii. **Guideline 3 Law & Order, Crime & Violence-**

“3.3 Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, sub judice.

3.4 No publicity should be given to the accused or witnesses that may interfere in the administration of justice or be prejudicial to a fair trial.

3.5 Identities of victims should not be disclosed in cases of sexual crimes and violence on women and children.”

iii. **Guideline 4.1-** *“In selecting content, broadcasters should abide by current norms and mores of decency and taste, in visuals, language and behaviour, keeping in mind the context in which any visuals, language or behaviour occurs, including the broadcast time, type of content, target audience, use of parental advisories, cautions and content classification.”*

iv. **Guideline 9- Racial & Religious Harmony**

“9.1 Racial and religious stereotyping should be avoided.

9.2 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.”

NBDSA Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents:

*“1. In broadcasting the commission of crime etc., it must be borne in mind that any communal colour to it has no relevance and, therefore, **any reference to the community of the accused** corrodes our secular fabric.*

*2. It must also be remembered that **any communal colour in reporting such news or in the programmes does irreparable harm to the community**, even when the trial ends in an acquittal of the accused. The damage done to the plural society, meanwhile, cannot be remedied.*

*3. In reporting all such news/ programmes the focus must only be on the objective facts of the incident. **Great care is required in this behalf, particularly when the accused belong to a minority community.***

*4. **Care should be taken not to reveal the names of the accused and the arrested with their photographs, visuals and details of their families to ensure that the reporting does not violate a citizen’s right to privacy or expose him/her to any harm.**”*

NBDSA Guidelines on Broadcast of Potentially Defamatory Content:

*“5. A news anchor/journalist/presenter **should not make any derogatory, derisive or judgemental statements** as part of reporting or commentating.*

8. Before reporting any accusation or allegation the version of the person affected must be obtained and aired simultaneously with the accusation or allegation to give a complete picture to the viewer. *In the event of inability to obtain the version of the affected person(s) within a reasonable period, the same should be aired simultaneously and authentic contemporaneous records of the effort made should be maintained.*

10. In the choice of panels for discussions, the channels must ensure that their programmes do not become a platform for spreading acrimony.”

The complainant requested for NBDSA to conduct an appropriate inquiry in the captioned complaint and hold the channel responsible under various Codes and Guidelines.

Response from broadcaster:

The broadcaster, in its reply dated 27.7.2021, stated that the complainant had in his complaint dated 30.06.2021 levelled various false, misleading and motivated allegations against the contents of the programme ‘*Taal Thok Ke*’ aired on Zee News on 29.06.2021, wherein it had conducted a fair and objective news debate and analysis on the issue of *forced religious conversion*’.

At the outset, the broadcaster denied each and every allegations, averments and insinuations levelled in the complaint, and stated that the impugned programme, including the headlines objected by the complainant, did not in any manner violate any of the guidelines or journalistic code and that even the complaint filed was not in consonance with the provisions of the News Broadcasting Standards Regulations.

The broadcaster stated that the impugned programme was completely fair, objective and neutral, and the taglines used therein and objected were completely in the context of the issue raised in the programme and were never meant to even remotely suggest that the entire Muslim community is responsible for forced religious conversion taking place in the country, as falsely alleged.

The contents of the impugned programme, including the headlines objected to, were never intended to portray Muslim Community in bad light or to incite people to enter the house of the persons accused of forced religious conversion. As a responsible media house of the country, it has the utmost respect for the Constitution of India and its values and as such, treats all the religions, class, and communities alike and telecasts each and every news report with objectivity and without any flavour of bias or partiality. Therefore, the allegation levelled, to the effect, that, by way of the impugned programme, it had created an atmosphere of fear in Muslims was completely false and baseless.

In reply to the allegations levelled in the complaint, the broadcaster stated that the impugned programme was a fair and objective debate and panel discussion on the

important issue of *Forced Religious Conversion*, which came into light when the Uttar Pradesh ATS arrested two persons, i.e. Umar Gautam and Mugti Qazi Jahangir for allegedly forcing over 1000 people to change/convert their religion. Further, in the programme, it had conducted a fair analysis of the statement of Mr. Ravi Kishan, Member of Parliament, who stated that – “*terrorism has taken a new form i.e. forced conversion*”.

The broadcaster clarified that it had only in view of the aforesaid statement made by Mr. Ravi Kishan, Member of Parliament, raised important questions in the show, i.e. *forced conversion is equal to terrorism?* And if yes, then whether the person found guilty of forceful conversion of one’s religion deserves the same treatment as received by the terrorists like “*operation all out*”, etc. That the aforesaid questions were not at all related to any particular religion but specifically referred to those few people who were indulging in forceful religious conversion of innocent and poor people. That in the impugned programme, it had raised the larger issue of forced religious conversion and the need for a stringent central law to prevent such conversion.

That so far as the allegations of *Media Trial* was concerned, it stated that nowhere in the impugned broadcast it had formed a conclusive opinion against the accused persons. It reiterated that its reporting was based on the discussion on the larger issue of *forced religious conversion*. Further, in the programme, it had neither discussed the facts of the case registered against Umar Gautam and Mufti Qazi Jahangir nor discussed the evidence collected by the Police in the aforesaid case. As such, nothing was telecast in the programme that in any manner created a substantial risk of obstructing, impeding or prejudging the due administration of justice. Therefore, it stated that the contents of the impugned programme were in conformity with the law laid down by the Hon’ble Bombay High Court in the case of “*Nilesh Navlakha Vs. Union of India & others.*”

That in the impugned programme, it had invited the guests to share and express diverse opinion on the aforesaid issue of forced religion conversion –It is relevant to mention here that during the aforesaid programme, the panelists, including the anchor hosting the show, condemned the act of forced religious conversion on the behest of a few extremist elements and nowhere, in the aforesaid show, any of the panelists or the anchor, made any comment or statement which put the Muslim Community in a bad light, as falsely alleged by the complainant.

So far as the allegations of the anchor being biased was concerned, it stated that the anchor followed all the journalistic norms and did not breach any of the guidelines. The objectivity and fairness of the anchor were also clearly demonstrated in the programme.

The broadcaster stated that the categorical and unequivocal statements made by the anchor during the programme clearly proved that the impugned programme was never intended to target any religion and the anchor hosting the show followed all the journalistic norms and did his best to not divert or connect the issue of *'forced religious conversion'* to any particular religion. The aforesaid programme was in due compliance with the journalistic norms, applicable code of conduct and the relevant guidelines.

Further, it stated that it was pertinent to mention herein that since the impugned programme was a live debate and was not a pre-scripted programme, it had during the programme repeatedly ran a disclaimer on the screen, in a the form of a ticker, clearly stating that *"the views expressed by the panelists on the show are their personal views and Zee News has nothing to do with the views/comments made by the panelist and the panelist will personally be liable for the comments made by them during the show."* The Disclaimer further stated that *"Zee News do not intend to hurt the sentiments of anyone"*. In view of the aforesaid disclaimer, the broadcaster stated that the channel neither endorsed nor could it be made liable for the statements/comments made by any of the panelists.

The broadcaster reiterated that it had imposed self-restraint while conducting the analysis in the aforesaid show, and strictly adhered to the laid down principles of neutrality, impartiality and fairness in the telecast of the impugned news report, complaint ought to be dismissed.

Decision of NBDSA at its meeting held on 8.1.2022

NBDSA considered the complaint, response from the broadcaster, and viewed the footage of the broadcast. NBDSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Specific Guideline Covering Reportage. NBDSA, therefore, decided to call the complainant and the broadcaster for a hearing at the next meeting of NBDSA.

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

Complainant: Mr. Saurav Das

Broadcaster: Ms. Ritwika Nanda, Advocate
Mr. Piyush Choudhary, Senior Manager - Legal
Ms. Annie, Assistant Manager Legal

Submissions of the Complainant:

At the outset, the complainant submitted that the broadcaster is a repeat offender and the present complaint was in respect of a sensational and communal

programme, “*Jabran dharmanantaran = Aatankwad?*” (*Forced conversion = Terrorism?*) which was aired on Zee News on 29.6.2021.

The complainant submitted that in the impugned show, the broadcaster raised several questions with sensationalist and communal headlines, such as “*Dharmik jehadiyo ko bhi ‘ghar me ghuskar’...?*” and very cunningly left “...” after the said line thereby inviting violence against a minority community. In respect of the second headline, “*Dharmanantaran jehad par ‘operation all out?’*”, the complainant submitted that the term “*operation all out*” is generally used during Army operations. He submitted that seeking such action against the alleged perpetrators of forced religious conversion was dangerous and could result in giving way to communal fires and hatred against the entire Muslim community.

He asserted that during the broadcast, the anchor multiple times mentioned that certain political parties were supporting these accused people. Further, the graphics of the accused and mosques together were broadcast in a sensational manner to portray Muslims in a bad light as if the entire Muslim community was responsible for forced religious conversion.

By depicting the accused arrested as guilty even before a Court of law decides the matter, the channel had acted as the judge, jury and prosecutor by terming the two accused and several other people in the show as being guilty of the crime. That this was a way to polarize the people before the UP elections, and by airing the impugned programme, the channel had incited violence by asking people to “*ghar me ghuske goli maar do*” or “*to conduct out an operation all out*”. He questioned that even if for argument’s sake if the accused were proven guilty in the matter before a Court of law, can they be executed by an operation all out which the channel was demanding in the impugned show.

The complainant submitted that the impugned programme violated the Guidelines laid down by Hon’ble Bombay High Court in *Nilesh Navlakha & Others vs. The Union of India & Others Public Interest Litigation (ST) No. 92252 of 2020*, particularly by “*referring to the character of the accused/victim and creating an atmosphere of prejudice for both and pronouncing on the merits of the case, including pre-judging the guilt or innocence qua an accused or an individual not yet wanted in a case, as the case may be*”.

The complainant reiterated that the broadcaster had by putting the pictures of the accused and continuously highlighting them, created an atmosphere of prejudice, as if the accused were actually the perpetrators of the crime even before a Court of law had taken cognizance of the matter. From the broadcast, it appeared that the broadcaster had already pronounced the two accused to be guilty of forced religious conversion and as per their own headlines the broadcaster wanted them to be executed.

Furthermore, the words “*Jihad*” and “*Jihadi*” were repeatedly used by the anchor throughout the show to represent inaccurate portrayal of Islam and to insinuate that

the entire Muslim community practices Jihad. The complainant questioned whether the broadcaster was aware of the meaning of jihad and questioned what kind of jihad was it referring to in the show. The broadcaster was trying to portray a jihad where violence and anti-social acts were first, and the entire community was being painted with the same brush. That while the anchor in the show does say that the debate was not against Islam, his conduct was not neutral and objective.

Submissions of the Broadcaster:

The broadcaster submitted that the impugned news telecast was aired on 29.06.2021. The question raised in the telecast was whether “*Jabran dharmantaran = Aatankwad?*”. The broadcaster clarified that the question for discussion, i.e., whether any form of forcible religious conversion amounted to terrorism or not, arose from a statement made by Mr. Ravi Kishan, Member of Parliament, stating that forced religious conversion is a new form of terrorism.

The impugned programme was a panel discussion . During the programme, the anchor stated that in India, forcible religious conversion is illegal as per law in eight states, so the figures/numbers reported are according to those state laws and in reference to those states only. Since there is no state or central law in the remaining states, most of such incidents go unreported. Therefore, the question raised in the debate was whether a central law prohibiting forced religious conversion should be enacted and what its benefits are.

The broadcaster denied that it had in the impugned programme violated the Guidelines laid down by the Hon’ble Bombay High Court in *Nilesh Navlakha & Others vs. The Union of India & Others Public Interest Litigation (ST) No. 92252 of 2020*. The broadcaster clarified that it had only at one instance in the programme mentioned that “*Uttar Pradesh ATS arrested two persons, namely, Umar Gautam and Mufti Qazi Jahangir for allegedly forcing about 1000 person to convert their religion*”.

The broadcaster submitted that therefore in view of the above, the debate was not aimed or targeted against any particular community. Further, when one of the panelist made a statement quoting Rabindranath Tagore, the anchor immediately clarified that the debate is not on Islam, but on the issue of ‘forced religious conversion’ . He further stated that the debate is not related to any religion rather the issue under discussion is an issue of national security and law and order and that people practising forced religious conversion were enemies of even Islam. The broadcaster denied that any communal color was given to the programme. The broadcaster reiterated that the discussion in the show was on how the issue of forced religious conversion can be addressed and whether a national law should be passed on the subject. That since most panelists were representatives of political parties, the discussion was also on why there was no central or state law on the issue. Furthermore, as a matter of fact the show was aired in June and the impugned programme had not incited violence as was being made out in the complaint.

In response, the complainant submitted that in its submissions, the broadcaster had not referred to the ticker or graphics that were broadcast during the show or the videos of the accused, which were shown in a loop that was also posted on Twitter.

Decision

NBDSA looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of the complainant and the broadcaster.

NBDSA observed that all programmes whether debates or otherwise must be presented in an impartial, objective and neutral manner and news should not be selected or designed to promote any particular belief, opinion or interests.

NBDSA observed that Article 25 of the Constitution confers freedom of conscience and free profession, practice and propagation of religion. As per this provision, every person is allowed to profess religion of his/her choice. That would not mean that a person is forced or coerced or lured by illegitimate means to convert into another religion. Choice of a religion has to be an independent and an informed choice. Therefore, if it comes to the notice of a broadcaster that there are forced conversions, it would come within the journalistic freedom of the channel to broadcast news in respect of the same. However, there has to be definite material and sufficient evidence with the broadcaster before it proceeds to discuss such an issue.

NBDSA finds that the programme in question was aired without having sufficient investigation or finding sufficient material to project that there was forced conversion of people from one religion to another. In this backdrop, on viewing the footage of the broadcast, NBDSA found the following terms "*Dharmik jehadiyo ko bhi 'ghar me ghuskar'...?*" , "*Dharmantaran jehad par 'operation all out'?*" and "*Jabran dharmantaran = Aatankwad?*" (*Forced conversion = Terrorism?*) were inapt and these have a tendency to promote sensationalism and tended to be communal and judgmental in nature.

In view of the above, the broadcast violated the principles of Objectivity and Neutrality as enshrined in the Code of Ethics & Broadcasting Standards as well as the Specific Guidelines to prevent Communal Colour in reporting Crime, Riots, Rumours and such related Incidents and the Specific Guidelines Covering Reportage, Clause 9 relating to Racial and Religious Harmony.

It is true that on the issue of '*Forced Religious Conversion*' which recently came into light, the Uttar Pradesh, ATS arrested two persons i.e. Umar Gautam and Mugti Qazi Jahangir for allegedly forcing over 1000 people to change/convert their religion. However, mere arrest does not prove the charge of forced conversion nor have they been held guilty by any competent court of law. Therefore, at this juncture, the debate could have been around the said arrest with a clear message that these were only allegations and mere arrest of the two persons does not partake the character of guilt of the persons arrested. The broadcast, thus, violated the principles

of Media Trial laid down by the Hon'ble Bombay High Court in *Nilesh Navlakha vs Ministry of Information & Broadcasting, UOI & Ors. (2021) SCC Online BOM 56* and NBDSA's Advisories on "Media Trial" dated 6.11.2020 and 20.2.2021.

NBDSA also refers to the Specific Guideline For Reporting Court Proceedings which is as under: "6. *After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing investigation or evidence collected or produced before a Court, Tribunal or other judicial forum*"

Therefore, NBDSA decided to issue a warning to the broadcaster in respect of the impugned broadcast and decided to direct the broadcaster to exercise caution while airing such programmes and not to repeat the aforementioned violations in future.

In view of the above, NBDSA, therefore, directed that the video of the said broadcast, 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 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