**News Broadcasting & Digital Standards Authority**
**Order No. 136 (2022)**

## Order of NBDSA on complaint dated 4.11.2021 by Mr. Matin Mujawar against News18 India programme on 29.10.2021

Since the complainant did not receive a response from the broadcaster within seven days, the complaint was escalated to the second level, i.e., NBDSA.

### Complaint:

सड़क पर नमाज पढ़ी ही नहीं गयी थी फिर भी News 18 इण्डिया ने एक साजिश के तहत पूरी खबरे चलायी हैNews 18 इस पुरे डिबेट को सेकुलरिज़्म, हिन्दू मुस्लिम, सड़क पर कब्जा और नामज इन चार विषयों से चलकर देश के सेक्युलरिज़्म को समाप्त करने की और सांप्रदायिक तनाव निर्माण करने का षड़यंत्र रचा गया है.

News18 इण्डिया ने गुरुग्राम पोलिस प्रशासन के ट्वीट अकाउंट का स्क्रीन शॉट शेर किया है जो कहता है "सार्वजनिक स्थानों पर नमाज दोनों समुदायों द्वारा आपसी समझ के बाद तय किए गए है और यह जगह उन में से एक है. सांप्रदायिक सद्भाव और शांति बनाए रखना हमारी सबसे बड़ी जिम्मेदारी है और हम इसे सुनिश्चित करेंगे।"

सडक पर नमाज पिढी हि नाही गायी इस बात कि जाणकारी होते हुए भी खबरों की शुरुआत में हीanchor ने

*"सड़क नमाज के लिए है क्या ?" "सड़क पर नमाज मजहब या मनमानी?" हो सकता है इस सवाल को कही लोक सांप्रदायिक मानते है. मन में सवाल आता होगा लेकिन पूछने में आप लोग डरते होंगे के भाई सांप्रदायिक बतादिया जायेगा। कह देंगे के आप तो कम्युनल है. लेकिन पूछना बहुत जरुरी है. सड़क नमाज के लिए होती है क्या? सड़क पर नमाज मजहब या मनमानी ये पूछना इस लिए जरुरी है क्यों के ये धार्मिक मुद्दा नहीं है हमारी नजरो में ये जबरन अतिक्रमण का मुद्दा है. ये सड़क पर गैरकानूनी कब्जे का मुद्दा है. इस तरह बरगलाया है.*

*हरियाणा के गुरुगाओं में सेक्टर १२ और सेक्टर ४७ में नमाज के मुद्दे को लेकर बजरंग दल द्वारा गरमाये हिंसक और सांप्रादियक माहौल को* News18 India *ने अपने लाइव डिबेट द्वारा बढ़ावा दिया है. जब की हरियाणा पोलिस ने विरोध करने वालों के खिलाफ कार्रवाई भी की और नमाज पड़नेवालो को सुरक्षा प्रधान की है. ऐसे होते हुए भी मिडिया ट्रायल चला कर पोलिस प्रश्न के कार्रवाई को गलत साबित करने की हिम्मत की है. इस तरह कानून व्यवस्था और पोलिस प्रशासन के विरोध में भी जनता को बरगलाया है. सरकारी काम में रूकावट पैदा करके कानून व्यवस्था को चैलेंज किया है*

News18 India *ने गुरुग्राम पोलिस प्रशासन के ट्वीटर अकाउंट का स्क्रीन शॉट शेर किया है जो कहता है "सार्वजनिक स्थानों पर नमाज दोनों समुदायों द्वारा आपसी समझ के बाद तय किए गए है और यह जगह उन में से एक है. सांप्रदायिक सद्भाव और शांति बनाए रखना हमारी सबसे बड़ी जिम्मेदारी है और हम इसे सुनिश्चित करेंगे।"*

पर anchor ने दवा किया है के उसने पोलिस प्रशासन को शान्ति और सद्भाव बनाये रखने वाले इस ट्वीट को डिलीट करने पर पोलिस प्रशासन को मजबूर किया है अब वो ट्वीट डिलीट किया गया है. इस तरह समाचार माध्यम का दुरूपयोग करके बजरंग दाल जैसे संघठन द्वारा हिंसक स्तिथि को पनपाने में बढ़ावा देने का गैरकानूनी कार्य News18 India ने किया है.

इस तरह anchor ने प्रसार माध्यम का दुरूपयोग करके पोलिस प्रशासन पर गैरकानूनी दबाव लाकर प्रशासन के काम में रूकावट पैदा की है.

News18 India द्वारा *बार बार सड़क पर नमाज मजहब या मनमानी इस शिरक्षक से एक विशेष समाज के प्रति नफरत और देश में हिंसा फ़ैलाने की साजिश की है.* ये अल्पसंख़्यक मुस्लिम समाज के प्रति अन्य समाजो में नफरत पैदा करने की साजिश की है. पुरे खबरों में News18 India ने सांप्रदायिक तनाव पैदा करने वाले भाषा का लगातार प्रयोग किया है. ये भाषा पत्रकारिता के अचार

और सिद्धांत के विरुद्ध है. देश में हजार मंदिर जो तोडे गए और उन पर बने हजारो मस्जिद का साबुत आगे कानूनी कारवाई के लिए पेश करे." यह स्टेटमेंट देश भर में रहने वाले १४% अल्पसंख्यकों के विरोध में एक साजिश की तरह खुले आम इस्तेमाल किया गया है

यह स्टेटमेंट भड़काऊ है. इस स्टेटमेंट ने मस्जिदों के बारे में समाज में नफरत फैलाई है। इस्लाम मजहब को बदनाम किया है. इस तरह के डिबेट्स और स्टेटमेंट देश भर में मुस्लिम समाज के विरोध में नफरत फ़ैला रहे है तथा सांप्रदायिक दंगों के लिए जिम्मेदार है. त्रिपुरा जैसे शहर में हुए दंगे, आगजनी और मस्जिदों में लगाए गये आग के लिए इस तरह के डिबेट्स और स्टेटमेंट जिम्मेदार है.

*ऐसे खबरों से News18 India ने सरकारी काम में रूकावट पैदा की है और पोलिस प्रशासन पर मिडिया ट्रायल चला कर दबाव निर्माण किया है और पोलिस प्रशासन द्वारा गिरफ्तार बजरंग दल के दंगाइयों का समर्थन करके जनता के नजरो में पोलिस प्रशासन को निचा दिखाया है.

*News18 India द्वारा चलाये इस खबर को सोशल मिडिया माध्यम जैसे YouTube और फेस बुक पर १० हजार बार शेर किया गया है जिस में लोगों ने अल्पसंख्यको प्रति गालिया, खूनखराबा करनेवाले विचार , आगजनी फ़ैलाने वाली भाषा का इस्तेमाल किया है. फेस बुक और YouTube की लिंक जानकारी के लिए ऊपर शेर की गयी है. यही हाल YouTube का है. ये बात पत्रकारिता के अचार और सिद्धांत के विरुद्ध है. लोगों के कमेंट्स इस बात का साबुत है के ये खबरें नफरत पैदा करने वाली और सांप्रदायिक हिंसा को बढ़ावा देने वाली है जो देश हित में घातक और राष्ट्र को मजहबो में बांटने की गहरी साजिश है

*News18 India की खबरे राष्ट्रीय एकात्मता और अखंडता के हित में घातक और नुक्सान पहुंचानेवाली साबित हो रही है.

* News18 India ने सांप्रदायिक इरादों से भारतीय मुस्लिम समाज तथा उनके मौलिक और मानवाधिकारों को लक्षित किया है. मुस्लिम समाज की मानहानि करके उसे निचा दिखाया है.

*इस से पहले anchor के खिलाफ NBDSA में इस तरह के कई शिकायते दर्ज है. ऐसा होते हुए भी anchor ने सांप्रदायिक तनाव उत्तेजित करने वाली खबरों से इंडियन पीनल कोड तथा NBDSA को चैलेंज किया है. *डिबेट में चलायी गयी पुरे खबरों में News18 India ने भारतीय दंड सरिता १८६० के मानक और नियमों का भी अनादर किया है.

*इन चीजों का खुलासा अगर News18 India ने ७ दिनों में नहीं किया तो News18 India को अपराध मान्य है ये समज कर News18 India, के खिलाफ NBDSA तथा न्यायलय में मानहानि सहित कानूनी कार्रवाई की मांग करेंगे जिस से निर्माण होने वाले सभी परिणामो के लिए News18 India,पूर्णता जिम्मेदार रहेगा.

The complainant stated that the news was communally reported with the intention of disturbing the communal harmony of the State. The intention of the news programme was to defame Islam and the Muslims in India therefore, the programme was violative of Guidelines pertaining to *Racial & Religious Harmony.*

**Response dated 15.12.2021 from the broadcaster:**

The broadcaster denied all the allegations made in the complaint and clarified that the programme was in conformity with the applicable Guidelines/Advisories and applicable laws.

The broadcaster stated that it had decided to conduct a debate on this topic since the issue was of public importance and various reports of the general public protesting against Namaz being offered in the open spaces/streets of Gurugram were already widely reported by other media houses. The content shown as part of the debate programme was based on factual events that had already transpired and were available in public domain and at no point were glorified.

The broadcaster stated that it had invited people from all walks of life to participate in the debate and provide their opinion. It had also shown in the programme the comment made by some people that Namaz was being offered on the street after obtaining the necessary permission. Besides, the broadcaster stated that it had debated the issue in the programme because it was important to make people aware of such events which affect the public at large such as the one in which people had gone to the streets to protest against the inconvenience caused to the residents of Gurgaon.

It had no intention to hurt feelings of anyone through the debate. Its interest behind telecasting the impugned programme was to effectively disseminate newsworthy material to the public at large, which concerned their well-being and safety and the programme in question was telecast with this interest in mind alone.

**Rejoinder dated 29.12.2021 from the complainant:**

The complainant stated that the reply submitted by the broadcaster was nothing but an attempt to escape from the clutches of law. The complainant stated that he was escalating his complaint to the Authority for the following reasons:

He stated that Namaz was not being offered on the street rather it was being offered in an open space. The broadcaster itself had shared a tweet from the Gurugram police which stated that the Namaz was being offered in the open space with the consent of both the communities.

The complainant alleged that by spreading false and malicious news, the broadcaster had created a space for the right-wing activists to disturb communal harmony of the region, which amounted to inciting violence amongst the citizens and could disturb public tranquillity and that this was an act of instigating violence against the Government. Further, by spreading false information the broadcaster had also created panic amongst the public and disturbed public peace. The broadcaster had also failed to produce evidence of 30,000 temples that had been allegedly converted into Mosques.

The complainant invited the attention of the broadcaster to the specific statements made by the anchor during the impugned programme *"(सूरजपाल अम्मू (BHP) कहता है के) आप लोगों ने सेक्युलरिज़्म का साइनाइड फर्जी सेक्युलरिज़्म का सायनाइड चाट लिया !! किस की सरकार है हरियाणा में. "आप लोगोने उनको अंदर कर दिया जो विरोध कर रहे है. अंदर करिये उनको जो सड़क घेर कर बैठे हुए है ?."; "कर लिया ? होगयी अप्पति, चल दिए ? TV डिबेट ख़तम हो जाएगी, ऐसा करियेगा ९ बजे टीवी डेबिट ख़तम जोजाएगी, आप भी घर जाईयेगा सोजाइयेगा, हो गयी आपत्ति आप की ? अगले हफ्ते फिर यही होगा, पांच हफ्ते होगये, क्या किया आप लोगों ने? हर हफ्ते यही होता है."; "मस्जिदों में जगह कम पड़ रही है मतलब जनसंख्या तेजी से बढ़ रही है. कंट्रोल करिये ना फिर."; "*(शोएब जमाई से) *"सवाल सर इस चीज का है शोएब जब मस्जिदों में पड़नी ही नहीं थी नमाज तो क्यों इतने तिस हजार, हजारो मंदिर तोड़ कर मस्जिदे बनाई, जब पड़नी ही नहीं थी नमाज तो क्यों इतने हजारो साल मंदिर तोड़ कर मस्जिदे बनई."*

The complainant stated that from the impugned programme, it was clear that the broadcaster had intentionally used provocative and inciting language to create rage against the minorities to create communal unrest in the state. The broadcaster had disrespected

the law, and the news itself appeared to be as communally hatched agenda and/or a criminal conspiracy to create disharmony in the state. The broadcaster had intentionally tried to defame minorities and intended to cause danger and harm to the life and democratic rights of minorities as well as to disturb the communal harmony of the state.

The broadcaster had been frequently targeting minority community by airing such provocative news and that hatching communal conspiracy has become part of the work to motivate the masses, which needed to be stopped

**Decision of NBDSA at its meeting held on 8.1.2022**
NBDSA considered the complaint, response from the broadcaster, rejoinder of the complainant and viewed the footage of the broadcast. NBDSA decided to call the broadcaster and the complainant for a hearing.
On being served with notices the following persons were present at the hearing on 22.3.2022:

**Complainant:**
Mr. Matin Mujawar
Mr. Ashish Kachave, Advocate

**Broadcaster :**
Mr. Puneesh Kochar, Counsel-Legal
Mr. Manish Kumar, Associate Executive Producer

**Submissions of the Complainant:**
The complainant submitted that under Regulation 8.1.6 of the News Broadcasting Standards Regulations (Regulations), the broadcaster had failed to submit its response within the period of seven working days prescribed under the Regulations. Further, it had also failed to submit its written submissions within the time period stipulated by the Authority.

The complainant submitted that through the impugned programme the broadcaster had attempted to spread communal disharmony in the country. The programme started with a warning from the anchor, who stated that truth is always bitter. The complainant stated that the "truth" being referred to by the anchor in the programme was *"सड़क पर कब्जा", "सड़क पर नमाज आस्था या अफिक्रमण",* which referred to unauthorized and/or illegal occupation. However, the complainant submitted that there was no unauthorized and/or illegal occupation of public property as was being alleged in the impugned broadcast, as, Namaz was not being offered in an open space but was being offered at a space designated by the Haryana Government. Therefore, the complainant submitted that the broadcaster had falsely alleged in the programme that Namaz was being offered on roads when in reality Namaz was being offered at a dedicated space given by the government. The complainant relied on other news reports in support of its submissions.

The complainant submitted that a group of Bajrang Dal workers had disrupted Namaz from being offered in the designated space by raising slogans of *"Jai Shri Ram"*. The complainant stated that as per CIA, Bajrang Dal is a religious militant organization and it was this organisation, whose stand was being promoted by the broadcaster in the impugned broadcast. That post this incident, the Police Authorities had released a tweet stating *"सार्वजनिक स्थानों पर नमाज दोनों समुदायों द्वारा आपसी समझ के बाद तय किए गए है और यह जगह उन में से एक है. सांप्रदायिक सद्भाव और शांति बनाए रखना हमारी सबसे बड़ी जिम्मेदारी है और हम इसे सुनिश्चित करेंगे।"*. However, by conducting a media trial and by questioning the credibility of the police investigation into the incident, the broadcaster had attempted to mislead the public, as a result of which the Police Authorities were forced to delete the said tweet.

That during the impugned programme, the anchor made following statements *" आप लोगों ने सेक्युलरिज़्म का साइनाइड फर्जी सेक्युलरिज़्म का सायनाइड चाट लिया !! "किस की सरकार है हरियाणा में. आप लोगोने उनको अंदर कर दिया जो विरोध कर रहे है. (बजरंग दल) अंदर करिये उनको जो सड़क घेर कर बैठे हुए है ?"; "नहीं नहीं रज्जाक खान ऐसे कब्जा नहीं हो जाता, अतिक्रमण नहीं होजाता ऐसा, नहीं नहीं ये तो अतिक्रमण होजाता है, कब्जा हो गया ना ये और मस्जिदों में जगह कम पड़ रही है मतलब जनसंख्या तेजी से बढ़ रही है. कंट्रोल करिये ना फिर"* to defame a minority community and to disturb the communal harmony in the country.

Further, in the impugned programme, the anchor stated "जब मस्जिदों में पड़नी ही नहीं थी नमाज तो क्यों इतने तिस हजार, हजारो मंदिर तोड़ कर मस्जिदे बनाई, जब पड़नी ही नहीं थी नमाज तो क्यों इतने हजारो साल मंदिर तोड़ कर मस्जिदे बनई." The complainant questioned the broadcaster on what basis did it claim that temples were destroyed to create mosques. The complainant reiterated that inflammatory language was used, and insinuating statements were made by the anchor in the impugned programme. The complainant asserted that the broadcaster had misused its platform as a news broadcaster, and the language used by the anchor was reprehensible. The impugned programme violated NBSA's Guidelines relating to *Race and Religious Harmony* as a communal conspiracy was hatched to create unrest in the country.

**Submissions of the Broadcaster:**

The broadcaster submitted that the impugned programme was aired in public interest. It had become aware of the incident as people were commenting on social media against Namaz being offered in the streets of Gurgaon. It had first reported the said incident as news and after obtaining sound bytes from the people present, had conducted the impugned programme which was a panel discussion. The broadcaster submitted that it had invited people from all walks of life, including lawyers in the programme as panelist and consensus was reached in the programme that the issue needs to be discussed with the Government. The broadcaster reiterated that in the programme, it had only tried to report on happenings around the capital and provide a platform to all sides.

During the hearing, the Authority observed that there was no problem if the broadcaster had merely reported the news but the problem with the impugned broadcast was that the

news was factually incorrect. The Authority therefore, asked the broadcaster whether it had before airing the impugned programme, verified whether Namaz was actually being offered on road or not. The broadcaster submitted that it had received varied accounts and the impugned programme was based on the allegations made by people, including those who were saying that Namaz was being offered after obtaining permission. Therefore, it submitted that based on the allegations which were also aired in the programme, it had raised questions in the broadcast. Further, it submitted that several videos showed the encroachment on the road as a result of the space being over capacity.

The Authority also questioned the broadcaster regarding the statement "जब मस्जिदों में पड़नी ही नहीं थी नमाज तो क्यों इतने तिस हजार, हजारो मंदिर तोड़ कर मस्जिदे बनाई, जब पड़नी ही नहीं थी नमाज तो क्यों इतने हजारो साल मंदिर तोड़ कर मस्जिदे बनई" made by the anchor in the broadcast. The broadcaster submitted that its intention was to provide a platform to debate on the issue, and it was possible that during a heated debate, certain statements may have been made by the panelist in the programme. The complainant however, submitted that the impugned statement was made by the anchor himself and not by a panelist in the programme.

**Decision**

NBDSA went through the complaint, response from the broadcaster, and also gave due consideration to the arguments of the complainant and the broadcaster and reviewed the footage of the broadcast.

After considering the arguments of the parties, NBDSA was of the view that through the impugned broadcast, the broadcaster had misinformed the viewers about the place in which Namaz was being offered. It did not broadcast the fact that the place in which Namaz was being offered was a space designated by the Haryana Government, thereby creating a false narrative. The Authority observed that the impugned broadcast had distorted facts and was therefore not neutral, accurate and objective.

NBDSA also observed that news relating to a community and religion must be telecast in a sensitive, neutral and objective manner, as it has the propensity to incite violence, if the news broadcast is inaccurate, biased or sensational.

Further, NBDSA raised serious objection to the language used by the anchor in the impugned programme. NBDSA observed that the statements "आप लोगों ने सेक्युलरिज़्म का साइनाइड फर्जी सेक्युलरिज़्म का सायनाइड चाट लिया !! "जब मस्जिदों में पड़नी ही नहीं थी नमाज तो क्यों इतने तिस हजार, हजारो मंदिर तोड़ कर मस्जिदे बनाई, जब पड़नी ही नहीं थी नमाज तो क्यों इतने हजारो साल मंदिर तोड़ कर मस्जिदे बनई", "मस्जिदों में जगह कम पड़ रही है मतलब जनसंख्या तेजी से बढ़ रही है. कंट्रोल करिये ना फिर" etc. promoted sensationalism, communalism and were judgmental in nature.

In view of the above, the NBDSA noted that the impugned broadcast violated the principles of Objectivity and Neutrality as enshrined in the Code of Ethics & Broadcasting

Standards as well as the Specific Guidelines Covering Reportage, Clause 9 relating to Racial and Religious Harmony.

NBDSA therefore 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.

NBDSA also 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**