

News Broadcasting & Digital Standards Authority
Order No. 139 (2022)

Order of NBDSA on complaint dated 21.11.2021 from Mr. Indrajeet Ghorpade against News18 India - programme dated 16.11.2021

Since the complainant was not satisfied with the reply of the broadcaster, the complaint was escalated to the second level i.e., NBDSA.

Complaint dated 21.11.2021

The complainant stated the show “*Desb nahi zukne denge with Aman Chopra, Khane mein thukna, jihad ya jabalat?*” (*Spitting in food, jihad or barbarism?*) violated the principles relating to Accuracy, Impartiality, Neutrality & Fairness, Good Taste & Decency and Racial & Religious Harmony under the Specific Guidelines Covering Reportage.

The programme included a debate on the topic “*Spitting in food, jihad or barbarism?*”, which was started by the anchor who stated that “*this is not about religion*”, however, the very fact that the title of the show included the word “*jihad*” which was used frequently by politicians for promoting anti-Muslim hate speech and that this word was used several times in the programme along with the phrase “*Thook Jihad*” (*spit jihad*) by the anchor, showed the hateful and divisive intent of the show.

The complainant highlighted the following discussions in the programme between the anchor and the panelists :

The anchor started the show by saying, “*Have you been a victim of thook jihad? Look this, these visuals are horrifying. Is this a habit or a ritual or an ideology? Look at this, he is spitting on fruits, he was caught. They have not spared anyone, they are spitting in the houses, they are spitting on fruits, vegetables, breads, water, food, naan, roti, biriyani. Is this thook jihad? Religion does not teach this, but how is it that everyone who is getting caught, their religion is the same? Is this a coincidence or a religious idea?*” And the Panelist 1 says, “*If a maulana, maulvi, or anyone, without reading the quran has trained your mind this way, that doing so is service to God, you are converting others, you are destroying Hindu people's faith and by doing so you are doing service to god. Jihad means fight against the Kafirs.*”

The anchor interrupted the panelist by saying, “*But Muslim people also eat at Muslim hotels*”. To which panelist 1: “*When this is your education, then even you sometimes become the victim?*” Thereafter, the anchor asked a Muslim panelist: “*Have you ever been victim of this? No, you escaped?*”. In response, to which, the panelist clarified that this was not about religion. There are many food vendors who practice unhygienic practices and then gave examples and asked why aren't we discussing this instead of dividing people now that UP elections were near.

The anchor interrupted the panelist by saying , “*Will you eat thook naan, thook paratha, thook chicken, thook daal? You are saying this is not about religion. What is common between the following names: Naushad, Anwar, Khalid, Shabrukh, Irshad, Mohammad aur Abul Salaam? There are arrested. What is common between them? Their religion is common. Naushad, Anwar, Khalid, Shabrukh, Irshad, Mohammad aur Abul Salaam.*”

The Muslim panelist then referred to a video being shown on screen and educated the audience that they were not spitting on the utensils, this is a ritual, a matter of faith. That

as per a fact-checking article by the broadcaster itself, *"the video depicts members of the Dawoodi Bohra sect. The community believes in zero food waste. The people seen in the video were part of one such Dawoodi Bohra Daana committee and were not licking clean plates but rather the plates they were eating in before washing the utensils. Licking plates clean after eating from them is a ritual practices by the community to ensure that no food is wasted and that all morsels of food are consumed before washing utensils one eats with."*

However, the anchor mislead the audience by misinterpreting the words of the Muslim panelist and started his attack, *"For your faith, why should I eat food with spit in it? He has agreed, he has accepted, he has accepted (loudly). Maulana, you also have a restaurant, a dhaba where you spit and serve that food. Look at this, Maulana Asadi has agreed that he has a restaurant where he must be spitting and feed such food to people. You just said its your ritual, its your faith. This is very dangerous. I thought this was nothing about religion but Maulana Asadi has proved me wrong by telling that this is their faith - spitting, spitting in roti, biriyani, rice and water. (sarcastically) Gautam ji, you have to respect their faith and eat the food with spit in it. (asks the Muslim Panelist) How many thook jobad dhabas are you running?"*

Later the anchor said, *"For these people (Muslim), the food will be halal-certified by spitting in it.* The complainant stated that in the programme, several visuals were aired with the claim that these were Muslim people spitting in food. That two of the videos aired in the programme were fact checked by the broadcaster itself in 2020, including Video #1 and Video #2 in the article, which were aired in the show. Another video aired in the show was not even from India, it was from Philippines and was viral online in 2020 as "Spit Jihad".

The complainant stated that there are many videos viral on social media about unhygienic practices carried out by food vendors in India and around the world. However, the anchor deliberately chose specific videos and read out specific names that are mostly common in the Muslim community without giving any background or context about the videos or the names, in order to spread anti-Muslim venom in the society.

The anchor deliberately misinterpreted Maulana Asadi's words and misled the audience even though he was trying to educate the audience about the falsehood about one of the videos being aired. The anchor falsely accused him of running restaurants where food with spit in it was served. Further the anchor made blatant hate speech against the Muslim community by saying that for Muslim people spitting in food is halal-certification.

The complainant stated that since these were gross violations, he urged the channel to air detailed clarifications and an apology on its channel.

Reply dated 2.12.2021 from broadcaster:

The broadcaster stated that the complainant has alleged that the reporting misled the audience and promoted hate speech against the Muslim community and was in violation of NBDISA's policy on reporting accurately, impartially, fairly and neutrally and also violative of racial and religious harmony.

The broadcaster denied the allegations made in the complaint and stated that it had not violated the NBSDA's guidelines or any other applicable guidelines, rules or law. The

telecasts were consistent with the NBDISA's policy on accurate, impartial, fair and neutral reporting without affecting religious harmony.

It stated the impugned show was conducted after a video of a cook spitting on the dough at a hotel in Loni, Ghaziabad came to light. The cook was detained by the police for questioning after he was seen spitting in the video. The said video was already viral on the social media before the impugned telecast. Another similar video had also surfaced around the same time in which a man named "Tamizuddin" was seen spitting at a Roti in a Dhaba in Ghaziabad.

The broadcaster stated that as far as the allegations of violating the policies was concerned, the complainant had rightly acknowledged that the anchor had on multiple occasions in the show clarified that the show was not directed towards any community or religion, but to get to the depth of the issue as to who are the people who are doing such kind of acts such as spitting on roti, food and why are they doing it, thereby playing with the health and hygiene of the public especially in the current times of Covid-19 which could prove lethal for health and hygiene. Its only interest in telecasting this news show was to effectively disseminate newsworthy material to the public at large which concerned their well-being and safety. The story in question was also telecast with this interest in mind alone.

Decision of NBDISA at its meeting held on 8.1.2022

NBDISA went through the complaint, response from the broadcaster and viewed the footage of the broadcast. NBDISA decided that the broadcaster and the complainant be called for a hearing.

On being served with notices the following persons were present at the hearing today:

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Mr. Puneesh Kochar, Counsel-Legal

Mr. Manish Kumar, Associate Executive Producer

Submissions of the Complainant:

The complainant reiterated the contents of the complaint and submitted that the impugned programme was aired two months prior to the elections in Uttar Pradesh. The impugned programme was Islamophobic and in the programme a debate was conducted on how Muslims were spitting on food.

The complainant submitted that in the impugned programme, the anchor started the debate by saying that this is not about religion, however, later in the programme questioned why members of particular religions were doing this. Further, the anchor questioned the panelists *"Have you been a victim of thook jibad? Look this, these visuals are horrifying. Is this a habit or a ritual or an ideology Look at this, he is spitting on fruits, he was caught. They have not spared anyone, they are spitting in the houses, they are spitting on fruits, vegetables, breads, water, food, naan, roti, biriyani. Is this thook jibad? Religion does not teach this, but how is it that everyone who is getting caught, their religion is the same? Is this a coincidence or a religious idea?"*

He submitted that in the programme, Muslim panelists were treated as punching bags and their statements were twisted and taken out of context. The complainant invited attention of the Authority to specific statements and questions asked by the anchor to the panelist in the impugned programme. The anchor also misled the audience by misinterpreting the words of a Muslim panelist regarding members of the Dawoodi Bohra sect and started his attack by saying, *"For your faith, why should I eat food with spit in it? He has agreed, he has accepted, he has accepted (loudly). Maulana, you also have a restaurant, a dhaba where you spit and serve that food. Look at this, Maulana Asadi has agreed that he has a restaurant where he must be spitting and feed such food to people. You just said its your ritual, its your faith. This is very dangerous. I thought this was nothing about religion but Maulana Asadi has proved me wrong by telling that this is their faith - spitting, spitting in roti, biriyani, rice and water. (sarcastically) Gautam ji, you have to respect their faith and eat the food with spit in it. (asks the Muslim Panelist) How many thook jobad dhabas are you running?"*.

Further, in the programme one of the panelists, Ashwini Upadhyay said, *"Could it be that since dal and sabzi are yellow, they have urinated on them?"* and that these practices were connected to only one particular religious community. Another panelist on the impugned programme remarked, *"In western UP, 75 percent of the food, milk and vegetable market is controlled by this thooku gang. These are the people feeding us. If they mix some virus, the disease could spread widely"*.

The complainant submitted that in the programme, several unverified visuals were also aired to support the broadcaster's claim that Muslim people were spitting in food, including two videos which were fact-checked by News18 itself in 2020. While the channel pretended that the impugned programme stemmed from their concern about food hygiene. However, in the programme specific videos and specific names were read out that are mostly common in the Muslim community were used without giving any background or context about the videos or the names, in order to spread anti-Muslim venom in the society. Further, in the programme the anchor blatantly made hate speech against the Muslim community by saying that for Muslim people spitting in food is halal-certification.

The complainant submitted that as a result of such programmes, anti-Muslim sentiments were being provoked, which needed to be stopped by strict action against the broadcaster.

Submissions of the broadcaster:

The broadcaster submitted that it had come across a video of a cook spitting on the dough at a hotel in Loni, Ghaziabad who was subsequently detained by the police for questioning. That another similar video had also surfaced around the same time in which a man named "Tamizuddin" was seen spitting at a Roti in a Dhaba in Ghaziabad. The broadcaster submitted that the impugned programme emanated from these two incidents.

During the hearing, NBDSA asked the broadcaster why it had aired unverified videos in the impugned programme. In response, the broadcaster submitted that not all videos aired during the broadcast were fake. That as per media reports, it became aware that some videos aired during the impugned broadcast were fake.

NBDSA also questioned the broadcaster regarding the language used by the anchor in the impugned broadcast. In response, the broadcaster submitted that the anchor has his own style of presentation and had raised questions in his own manner.

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.

NBDSA noted that if the broadcaster had merely reported these two incidents as news, there would have been no problem with the broadcast. However, the issue with the impugned broadcast was that the debate was conducted by generalising the issue and the targeting of a particular community. Further, the broadcaster itself has admitted that in the programme fake videos were aired.

NBDSA further observed that the role of the anchor in a debate is to maintain balance and therefore it is important that the anchor be cautious of the kind of questions put to the panelists and the observations that the anchor makes during a debate.

While viewing the footage, the Authority noted that the language used by the anchor and the panelists in the impugned programme were completely unacceptable.

“Have you been a victim of thook jihad? Look this, these visuals are horrifying. Is this a habit or a ritual or an ideology Look at this, he is spitting on fruits, he was caught. They have not spared anyone, they are spitting in the houses, they are spitting on fruits, vegetables, breads, water, food, naan, roti, biriyani. Is this thook jihad? Religion does not teach this, but how is it that everyone who is getting caught, their religion is the same? Is this a coincidence or a religious idea?”

"Will you eat thook naan, thook paratha, thook chicken, thook daal? You are saying this is not about religion. What is common between the following names: Naushad, Anwar, Khalid, Shabrukh, Irshad, Mohammad aur Abul Salaam? There are arrested. What is common between them? Their religion is common. Naushad, Anwar, Khalid, Shabrukh, Irshad, Mohammad aur

Could it be that since dal and sabzi are yellow, they have urinated on them?”

“In western UP, 75 percent of the food, milk and vegetable market is controlled by this thooku gang. These are the people feeding us. If they mix some virus, the disease could spread widely”.

NBDSA took strong objection to the narrative that was being created by the broadcaster in the impugned broadcast which could disturb religious harmony, incite communal passions and was sensational and judgmental.

NBDSA noted that while a broadcaster has the right to conduct debates and discussions on any topic of its choice however, it must keep in mind and adhere to the Code of Ethics and Broadcasting Standards and the Guidelines issued by the Authority while conducting such debates. There would have been no issue with the impugned programme if the focus of the debate had been on issues of hygiene.

NBDSA also noted that the broadcaster had admitted that some videos shown in the impugned programme were fake.

In view of the above, NBDSA observed that the impugned programme violated the Code Ethics and Broadcasting Standards and Specific Guidelines Covering Reportage relating to Clause 9- Racial and Religious Harmony which states “ *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 therefore issued a warning to the broadcaster to be careful in future while holding such debates and expressed disapproval in respect of the impugned programme.

Further, NBDSA 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