

News Broadcasting & Digital Standards Authority
Order No. 141 (2022)

Order NBDSA on complaint dated 4.8.2021 by Mr. Gulrose Shaikh against Zee News – programme aired on 3.8.2021

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

Complaint:

The complaint was regarding the recent show broadcast on Zee news and the tweets made regarding it. The complainant stated that news was regarding the "*escapade/palayan*", the word which was used by the broadcaster with a question mark at the end and the use of words like "*mazhabī*" in quotation marks as is evident from the taglines "*हिन्दू घरों पर मज़हबी कब्ज़ा?/ 81 हिन्दू परिवारों का पलायन क्यों?*" used in the programme. The news appeared to be very disturbing and was tweeted and broadcast again on 4.8.2021 in the morning, despite the clarification given by the Moradabad Police that nothing of that sort had happened which the broadcaster seemed to have shown in the program. In view of the clarification, the complainant questioned why the impugned programme was broadcast. The complainant questioned the broadcaster whether it was not required to check the reliability of the news before it was broadcast.

He questioned why words like "*मज़हबी*" were used in quotations followed by question marks? What was the broadcaster alluding to and aren't news channels supposed to show news in neutral way, and if, it was neutral then why such words were used? Despite the clarification made by the concerned police officers, why was the same news broadcast in the morning instead of issuing the apology? What's the purpose to use such words on religious lines instead of showing the news in proper and neutral way?

The complainant asked whether using question mark at the end and using words alluding to certain religion gave the broadcaster the right to write anything in the headline? And if that was the case then anyone would write anything with quotation marks and question marks to escape accountability?

The complainant stated that many news channels on TV mainstream media don't hold much value in terms of authenticity these days while Zee News is known to show only true news to its viewers. All news channels are supposed to unite the people of India rather than showing news with religious undertones, let alone fake news. The complainant questioned where would we lead our India if people watch news through different news channels which mislead them daily?

That it is expected from every news channel that they uphold such ethics of humanity above anything. And, on the other hand, Zee News has always come as a prime example of showing "*true and authentic news to its viewers and upholding the ethics of journalism to top level*". Therefore, the complainant stated that he expected the broadcaster to also uphold the Code of Ethics and Broadcasting Standards while showing its news in the future too.

In the programme, the complainant stated that the following Guidelines seem to be violated, which are - *Impartiality and objectivity in reporting* and the *Guidelines to prevent communal color in reporting* as there was *no accuracy or factual reporting* in the broadcast. From the name of the debate with use of words alluding to incite islamophobia like "मज़हबी" to debate with no neutrality at all, it was quite evident that the basic ethical guidelines given by respected News Broadcasting & Digital Standards Authority were not followed by the news channel. That this was not the first time that these guidelines were broken. From time to time many such debates were organized, be it debates on Tablighi Jamaat or any other happening. It is duty of news channels to ensure neutrality and impartiality and not use words which may create disruption in the Indian society or incite hatred towards anyone, but such news channels don't seem to think so. What's there to educate Indian children in these news channels? Are they entertainment channels or news channels? This time despite the clarification clearly made by police officials, the news was again reported next early morning. Is this the conduct a news channel has to follow? I sincerely request that news channels don't remain partial to any citizen, group or anyone of the country while reporting and not report a news in communal way. The use of terms should be strictly keep in mind. What's the meaning of using words like "mazhabi" in news reporting? What difference would it have made if they reported the same news without using such words? Is this how we expect Indians to think critically when this kind of nonsense is fed to them instead of proper news reporting. I would request that the news channels strictly follow the guidelines made by respected NBDSA which they don't seem to follow. There is no accuracy, no factual reporting and they did a whole evening debate with impartial phrases like "mazhabi" on a news which later clarified by the police.

Reply dated 7.9.2021 from the broadcaster

The broadcaster submitted that the contents of the programmes aired on Zee News on 3.8.2021 (Taal Thok Ke) and 4.8.2021, it had fairly and objectively reported a story from Moradabad, U.P., where 81 Hindu families of Shiv Mandir Colony were protesting and put '*house for sale*' posters outside their homes.

The broadcaster stated that the present complaint was not maintainable as it had not violated any of the guidelines, Code of Ethics and principles of self-regulations. The impugned programmes were completely neutral, objective, impartial and did not offend, in any manner, the religious feelings of any community.

The allegations levelled by the complainant in the present complaint were completely false and the contents of the impugned programmes were never intended to hurt the sentiments of any particular religion and to disturb the communal harmony.

The broadcaster submitted that in the impugned programmes, it had fairly and objectively reported a story from Moradabad, U.P. where 81 Hindu families had decided to migrate from Shiv Colony, for the reason, that people belonging to other religion, who had reportedly bought house in that colony, were causing harassment to them. In the programme, it had also shown the 'house for sale' posters put up by such families outside their house and the byte of some of the residents of Shiv Colony, who stated that they had decided to migrate from Shiv Colony. Further, it had also reported that the residents of Shiv Colony had submitted a complaint with the District Magistrate, who, in his byte, had stated that the administration has advised the residents to form a Resident Welfare Association.

The entire news report was based on bytes and interview of the residents of Shiv Colony and nowhere, it had reported any 'fake or false news', as alleged. It is relevant to mention here that in the programme, it had nowhere reported that 81 families have migrated from Shiv Colony. Nor it had reported anywhere that these families are being forced or put under pressure to sell their house.

In respect to the clarification issued by Moradabad Police on the aforesaid story, the broadcaster stated that after telecast of its programme on 03.08.2021, the Moradabad Police posted a clarification on its twitter account stating, *inter-alia*, that the residents of Shiv Mandir Colony want that without their consent no one should sell his/her house in that colony to any outsider and that the residents of Shiv Colony have decided to form a resident welfare association. The Moradabad Police had further clarified and confirmed that there is no situation of exodus and that some people on social media are trying to disturb the communal harmony.

The broadcaster stated that due to oversight and *bona fide* inadvertence, the aforesaid clarification issued by Moradabad Police could not be telecast while airing the programme on 04.08.2021 at 7:05 a.m. However, after getting the confirmation from the Moradabad Police, it had duly telecast their clarification, on Zee News at 10:24 a.m. In the said telecast, it had reported, in detail, the clarification issued by Moradabad Police and had also flashed on screen the said clarification. In view of the aforesaid, the broadcaster stated that it had adequately telecast the clarification issued by Moradabad Police in relation to the aforesaid story and as such, the allegations levelled by the complainant were completely false.

The Taglines used in the programme and objected to by the complainant in his complaint were completely in the context of the issues raised in the programme and nowhere, the contents of the programme or any of the taglines used therein intended to target or spread hate against any particular religion. Therefore, all the allegations

levelled by the complainant were completely frivolous, false and the present complaint was liable to be dismissed by the Authority.

Further, the broadcaster stated that reporting in the impugned broadcasts was completely uncolored from any motive, prejudice or notions and were based completely on verified, accurate and established facts and did not tend to promote disharmony or enmity between the different religions. It had self-restraint while conducting the analysis in the aforesaid show.

The broadcaster, therefore, stated that in the programme, it had not breached any of the guidelines or Code of Ethics. It had strictly adhered to the laid down principles of neutrality, impartiality and fairness in the telecast of the aforesaid news report.

Rejoinder dated 10.9.2021 by complainant

The complainant stated that the news channel had in its reply stated that the complaint was not maintainable since the programme was totally neutral and duly in accordance with Guidelines of respected NBDSA. The complainant questioned the broadcaster how a programme could be regarded as neutral when it had taken news bites from some people which may or may not have been false allegations but later clarified by the respected police authority that it was false.

Foremost, was it not the responsibility of the broadcaster to check the claims instead of showing them as news. The broadcaster did not verify the news instead it claimed the bite as a news. The complainant stated that he had not even once in the complaint stated that religious sentiments were hurt rather his complaint was plainly about showing news in a biased manner and the propaganda such biased news ensues and incites islamophobia.

The complainant questioned the broadcaster whether it does not consider the impact such news has on the society before doing such debates? How do different people react to such news? Is such news not liable to create rift in the society and disturb the harmony? How could the news channel assume that what people said was true and nothing else was right and did the whole media trial go right on that show?

Regarding the re-telecast of the show, the complainant questioned the broadcaster how could it simply call it "*oversight and bonafide inadvertence*." The complainant stated that he doesn't think the re-telecast was an "*oversight or bonafide inadvertence*".

The complainant stated that the broadcaster had in its response stated that it had later clarified the police statement on its show but he questioned how the clarification was even comparable. As the broadcaster had on one hand conducted a whole debate with words like "*mazhabi*", "*Land Jihad*" for an hour considering first hand that whatever allegation that had been put up by some people were right. The next morning aired a news report for few minutes on the clarification issued by the

respected police. The complainant questioned the broadcaster shouldn't it have acknowledged the previous debate and news report if it later turned out to be false as there was no condition of any exodus in the first place as clarified by the respected police?

Another objection raised by the complainant was regarding the use of words like "*Mazhabi and Land Jihad*" in the show. The complainant questioned the broadcaster what was the purpose of these words in a news report? Can't a person from any community buy a property in a free democratic country without a news channel popping up imaginary allegations on them and do a whole series, debate and news report on them?

The complainant requested for NBDSA to take a strict note of this point as the broadcaster had been using these Jihad allegations in various news reports and not only this one, without thinking about the consequences of such news reporting and debates. He stated that an entire series and a debate done solely on the basis of bytes given by few people and without ascertaining the facts cannot be considered to be an unbiased, impartial or true news.

Decision of NBDSA at its meeting held on 8.1.2022

NBDSA considered the complaint, response from the broadcaster and viewed the broadcast. NBDSA 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. Gulrose Shaikh

Broadcaster:

Ms. Ritwika Nanda, Advocate

Ms. Annie, Assistant Manager - Legal

Mr. Anurag Singh – Editorial Representative, ZMCL

Submissions of the Complainant:

The complainant submitted that the impugned programme titled "हिन्दू घरों पर मज़िबी कब्ज़ा?/ 81 हिन्दू परवारों का पलायन क्यों?" was not in accordance with journalistic standards and was violative of the Code of Ethics & Broadcasting Standards. Even recently, the broadcaster had followed the same pattern of news by claiming that there was exodus of people from a particular community which was subsequently fact checked.

Submissions of the Broadcaster:

The broadcaster submitted that the impugned telecast which was aired on 3.08.2021 was a debate programme. Prior to the debate, excerpts were shown to the effect that 81 Hindu families residing in Shiv Colony, Moradabad had protested and there were

rumour that there would be a 'mass exodus' in the colony. In the telecast, it had aired excerpts from 1:46 to 3:18, of five residents from the area who stated that on the occasion of Bakri Id, pieces of meat were found lying around the temple in the colony which was against our culture and that in the colony some people were indulging in obscene activities; that the eighty- one Hindu families were planning an exodus from the colony and that some residents had also complained to the District Magistrate who in response stated that there were no restrictions on selling property in the locality.

The broadcaster submitted that as a responsible news channel, it had interviewed residents of the colony and also attempted to reach out to the Police Administration for their comment. However, on the date the impugned programme, it was unable to obtain comments from the Police Authorities.

The broadcaster submitted that the debate which constituted major part of the impugned programme was well represented and had panellists who were well known representatives of various political parties. If the entire debate is seen in totality, the broadcaster submitted that in the programme, the anchor tried to extract answers from political representatives that why was the state administration not taking any action if certain people were aggrieved to ensure the safety of people and to mitigate the situation. In the programme, the anchor also cited various similar incidents of exodus that had taken place between 2018-2021 in Kairana, Meerut, Aligarh, Noorpur Moradabad and Bareilly.

The anchor said to the BJP Spokesperson "*main aap se aashvasan chahta hoon ki inme se ek bhi parivaar palayan ke liye mazboor nhi hoga yeh aashvasan aap dijiye maine toh bate suni hai betiya keh rhi hai waha se ashleel harkate kari jaa rhi hai hum ghar chod denge samuhik palayan ho rhai ashleel harkate ho rhi hai mass waghera sabh bahut zyada pareshan hai 81 families hai aap sochye kisiko apna ghar chodke jaana pade toh uspe kya guzarti hai UP main aapki Sarkar hai main aap se aashvasan chahta hoon hi aapki Sarkar hote hua UP main ek bhi parivaar ka dabaw main palayan nhi hoga*". That such statements were interspersed throughout the programme. The broadcaster therefore submitted that the impugned programme was not violative of the Code of Ethics and Broadcasting Standards.

However, on 4.8.2021, the very next day a clarification was put up by the Police Authorities who denied the rumour and stated that no incident of mass exodus had taken place. The broadcaster submitted that pursuant to the clarification it had also at 10:24 AM on 4.8.2021 aired the clarification that the information run by it on 3.8.2021 as per Police reports was incorrect. That although other news media had also covered the news in the same manner and its reports were based on bytes from local residents it had on receiving the Police clarification aired a clarification including the statement of the Moradabad Police.

During the hearing, NBDSA questioned the broadcaster regarding the taglines हिन्दू घरों पर मज़िबी कब्ज़ा?/ 81 हिन्दू परवारों का पलायन क्यों?" used in the programme. The complainant

also submitted that on one hand the broadcaster had aired an hour long programme on the issue and on the other hand it had aired a clarification for few minutes which was not comparable NBDSA asked the broadcaster why did it not verify the news before airing an entire debate on the incident.

The broadcaster in response submitted that a news agency is required to report news fast after verifying it. Its reporters on ground had interviewed various local residents whose bytes were aired during the programme. Further, it had also sought comments from Moradabad Police however, it was not able to obtain any comment. The impugned news programme was based on the interviews of the local residents and various other news channels had also reported on the incident. That while it had approached the Police Authorities they had declined to comment on the incident. That the news can only be verified from local residents and the Police Authority in the area, and it had approached both. The broadcaster reiterated that the debate was run to affix some responsibility to the Government. The Police clarification came after the broadcast of the impugned programme. The broadcaster submitted that it had due to oversight and *bonafide* inadvertence, not telecast the clarification issued by Moradabad Police in the programme aired on 04.08.2021 at 7:05 a.m. However, after getting the confirmation from the Moradabad Police, it had duly telecast the clarification at 10:24 a.m.

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 television news media is a powerful medium of expression and has an unparalleled ability to shape and influence public opinion. Therefore, news broadcasters should exercise this power by adhering to the highest standards of journalism.

NBDSA noted that the impugned programme was a debate conducted by the broadcaster on the alleged mass exodus of Hindus from Shiv Colony in Moradabad and was based on bytes from residents of Shiv Colony which narrative turned out to be false.

However, there were no factual assertions made by the broadcaster with regard to the above issue. The broadcaster did not verify the facts. It should have waited to get a clarification from the Moradabad Police before telecasting the programme which clarification came only the next day. There was no proper investigation conducted which was extremely necessary as the issue raised was of serious nature with serious implications. The impugned programme could disturb the racial and religious harmony. The Authority also noted that without verifying facts from other sources, the broadcaster could have avoided holding a debate on the said topic.

Furthermore, the NBDSA observed that the broadcasters must be mindful of their duty towards communities and telecast programmes which are accurate, balanced and impartial in accordance with the Code of Ethics and Broadcasting Standards and Guidelines.

NBDSA held that the impugned broadcast was violative of the principles of Accuracy, Impartiality, Objectivity and Neutrality as enshrined in the Code of Ethics and the Specific Guidelines Covering Reportage, relating to Accuracy and Racial and Religious Harmony.

NBDSA decided to issue a warning to the broadcaster not to hold such debates without verifying the facts of the topic which is being debated upon.

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