

**News Broadcasting & Digital Standards Authority**  
**Order No. 145 (2022)**

**Complainant: Mr. Utkarsh Mishra**

**Programme: DNA: Birbhum files - नरसंहार पर चुप्पी क्यों है?**

**Broadcaster: Zee News**

**Date of Broadcast: 23.3.2022**

Since the complainant was not satisfied with the response received from the broadcaster, the complaint was escalated to the second level, i.e., NBDSA.

**Complaint dated 30.3.2022:**

The complainant stated that in the impugned programme, reporting had been done in a manner to hinder or discredit the protests against the specific instances of sectarian violence that had occurred in BJP-ruled states, such as the Hathras rape and other cases of Hindu Muslim violence. The anchor, as usual, was treating the broadcasting channel as his own personal opinion board, making extreme generalizations regarding the alleged silence of those who protested against Hathras rape case on the Birbhum violence.

The complainant stated that the impugned news was factually incorrect as several individuals who had protested against the Hathras rape case had, in fact, raised their voices against the violence in Birbhum. The anchor, however, made an explicit play to communalize and politicize the issue by stating that only if the incident had been between a Hindu and Muslim, then the issue would have been raised by those raising issues against crimes in BJP-ruled states, particularly the Hathras case.

The complainant submitted that in the programme, the anchor stated as follows: *"For this purpose, we take you to the village named "Bhirbham" in West-Bengal where 6 women and 2 children were locked in their houses and burnt alive. You all cannot even begin to comprehend the sheer brutality of this act wherein the people were locked inside their houses and burnt alive. What is even more disturbing is the fact that for vast number of the people in the country, neither is the constitution under threat nor is democracy. These people had no chance of survival.*

*What is interesting here is that both the killers and the ones killed belong to minority communities of this country. If people had found a Hindu-Muslim angle to this crime, by now the news would achieve sensational status not only in India but also globally. By this time not only would our constitution be purportedly under threat but also our democracy.*

*The violence began when in Bhirbhum Village, a TMC neta was murdered. The accusation is that on the evening of 21<sup>st</sup> March, Bhadu Shiekh, a TMC leader was attacked by bike born assailants with bombs and subsequently killed. Bhadu Sheikh was a deputy president of the Gram Panchayat in the Village. Subsequently, TMC netas set 12 houses on fire. The accusation is also that the perpetrators first threw stones inside to break the windows of the houses in order to check if people*

were present. When the presence of people was indeed confirmed, they locked the people in their houses and set each house on fire.

-If the same thing had happened in a BJP ruled state than by now media would be everywhere conducting photo sessions. No one part of the "intellectual community" in India have expressed rage over this incident. I'll tell you why these people are silent, please understand that they are people who keep silent, they are silent because both the people who killed and the one who were killed belong to minority communities

What is surprising is that all important people are silent regarding this incident including the chief minister Mamata Banerjee. The passion with which people talked about the Hathras gang rape in Uttar Pradesh seems to absent here for some reason.

- Mamta Banerjee, hamare desh ke liberals, buddhijeeri, vipashidal aur eke khas vichardhara ke logon ki aakhri umeed hai, inki man pasand neta bhi hai aur shayad is wajah in logon ke liye birbhum me hui hinsa koi maine nahi krakhti ya maine rakhti bhi hogi to woh khamosh hai. Lekin ek loktantrik desh hone ke naate aaj hum kuch sawal puchna chahte hai?"

The questions and criticism raised by the anchor against other political parties were valid in light of the greater immunities enjoyed by these parties on account of any official positions held by them in various states. However, his targeting of specific thought processes/ identities and communities in a manner that supports the BJP's point of view in contemporary political debates

The complainant stated that the anchor was reporting the news to hinder the criticism that was projected upon the UP governments and UP police's handling of the Hathras case. The notion that human rights activists were "silent" upon this issue is based on conjecture. Furthermore, the comparison to Hathras was unfounded in light of the more obvious manner of a government cover-up, such as the police forming a human chain before the victim's funeral pyre that was visible in the Hathras case making it a far clearer case of alleged police complicity. Therefore, in the impugned programme, the anchor has violated the following guidelines: -

1) Guidelines no 3 of Guidelines to Prevent Communal Color in Reporting Crime, Riots, Rumors and such Related Incidents, which states "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."

2) Fundamental principle number 4 which states "broadcasters shall in particular ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group."

3) Principle number 1,2 of self-regulation regarding impartiality and objectivity in reporting and ensuring neutrality, respectively.

**Reply dated 15.4.2022:**

The broadcaster stated that in the complaint, various false, misleading, frivolous, and motivated allegations had been raised against the contents of its news programme 'DNA' aired on the channel Zee News on 23.03.2022, wherein it had fairly and objectively reported the incidence of violence and massacre which happened in Birbhum District of West Bengal on 21.03.2022, where six women and two children were burnt alive in their house. Further, in the programme it had conducted a detailed and fair analysis on the silence of the leaders of different political parties, including the ruling party in West Bengal, on the aforesaid incident.

The broadcaster stated that the complainant had completely misconstrued and misunderstood the contents of the impugned programme. The programme 'DNA' (Daily News and Analysis) is their prime-time news show and is a special segment where while reporting the important news of the day, they conduct a detailed and fair analysis of the said news for the viewers. Thus, in the impugned programme, it had reported and conducted a detailed, fair and objective analysis of the important news of that day which related to the brutal killings by burning the women and children in a village situated in the Birbhum District of West Bengal and despite the occurrence of gruesome violence, various political parties/leaders, including that of the ruling party in West Bengal and the selected media houses remained silent and failed to raise their concern and condemned the aforesaid incident. As a responsible media house, it had raised questions to the leaders of the political parties, including TMC, who, in other similar incidents that happened in other States, visited the place of such incidents and expressed their sympathies to the families of the victims.

It is a matter of fact that when similar incidents occurred in other states prior to the recently held Assembly Elections, various political leaders like Mr. Rahul Gandhi, Ms. Priyanka Gandhi, Mr. Akhilesh Yadav personally visited the place of the incident and met the relatives of the victims. However, in the present case, the aforesaid leaders remained silent, and none of them visited Birbhum after the violence. Thus, merely raising questions upon the political parties, including the opposition leader, does not in any manner imply that the broadcaster is running a narrative in favour of the BJP, as falsely alleged. Raising questions to the aforesaid leaders nowhere implied or meant that it had attempted to discredit the protests against specific instances in the BJP States. The aforesaid allegations were merely an imagination of the complainant, which were far away from the truth.

The programme was never intended to violate the principles framed by NBDSA and in the programme; it had not selected the news for the purpose of either promoting

or hindering either side of the aforesaid issue. Thus, the allegations that the programme lacked impartiality and objectivity were vehemently denied.

Merely by questioning the aforesaid political leaders over their silence, it had not attempted to discredit the protests in a similar incident that occurred in BJP ruled State, but only raised a genuine and important question that what are the reasons that the aforesaid politicians chose not to visit Birbhum and meet the family members of the victims. It had only questioned the selective approach of the aforesaid political parties and the reasons for the same, which is a dangerous trend for the country's democracy. The impugned programme did not violate guidelines pertaining to the neutrality and impartiality. Further, in the '*Hathras Incident*', not just the Chief Minister of West Bengal conducted a protest, but a few TMC leaders also visited the place of incident, whereas till its programme was telecast, no political leader had visited the place of incident thereby raising serious questions. Moreover, in the programme, it had also telecast the version of the Chief Minister of West Bengal wherein she had informed her plans to visit the place of the incident. The anchor had fairly reported the entire incident as per the facts available in the public domain and had, in fact, condemned both the opposition and the ruling party in West Bengal for sitting silently over such a gruesome incident.

In view of the above, the broadcaster stated that it had abided by the principles of news reporting, broadcasting and journalistic norms and the complainant had failed to establish any deviations therefrom by ZMCL. Thus, the complaint ought to be dismissed at the outset.

### **Decision of NBDSA**

NBDSA at its meeting held on 31.5.2022 considered the above complaint and the response dated 15.4.2022 received from the broadcaster. NBDSA, therefore, decided to call the complainant and the broadcaster for a hearing at the next meeting to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines issued by NBSA

On being served with the notices the following were present for the hearing on 14.6.2022:

### **Complainant**

Mr. Utkarsh Mishra, Advocate  
Ms. Suroor Mander, Advocate

### **Broadcaster:**

Ms. Ritwika Nanda, Advocate  
Mr. Piyush Choudhary, Chief Manager, Legal  
Ms. Annie, Assistant Manager - Legal

Mr. Anurag Singh – Editorial Representative, ZMCL

### **Submissions of the Complainant:**

The complainant submitted that the following statements made by the anchor during the impugned programme bear out the scope of his unfounded commentary :-

- a) देश के बहुत सारे विपक्षी नेताओं और मीडिया के एक वर्ग को
- b) इस सन्नाटे का कारण यह है कि इस हत्याकाण्ड में मरने वाले और मारने वाले दोनों ही अल्पसंख्यक वर्ग के हैं, दोनों ही एक धर्म विशेष के हैं। अगर इन लोगों को इनमें हिन्दु मुस्लिम ऐंगअल मिल जाता तो अब तक यह खबर भारत ही नहीं दुनिया की सबसे बड़ी खबर बन चुकी होती। अब तक लोकतंत्र भी खतरे में आ चुका होता, हमारा संविधान भी खतरे में आ चुका होता।
- c) लेकिन पश्चिम बंगाल में इतनी बड़ी घटना होने के बावजूद हमारे देश के जो लिबरल लोग हैं, बुद्धिजीवी हैं, मीडिया का एक खास वर्ग है, और हमारे देश के विपक्षी नेता जो बात-बात पर धर्मनिरपेक्षता की दुहाई देते हैं, जो बात-बात पर लोकतंत्र की दुहाई देते हैं, ये कोई वहां पर नहीं पहुंचा और न ही किसी ने अभी तक कोई दुख जताया और शायद इस चुप्पी की एक बहुत बड़ी वजह यह है- अब यह भी जान लीजिये कि यह सब लोग चुप क्यों हैं। ये तो चुप रहने वाले लोग हैं नहीं। तो इस बार इतना सन्नाटा क्यों छाया हुआ है और ये चुप क्यों हैं। इनके होंठ इसलिये सिले हुए हैं, क्योंकि इस मामले में हत्या करने वाले और जिन लोगों की हत्या हुई है वे दोनों ही अल्पसंख्यक वर्ग से आते हैं और ये दोनों ही एक धर्म विशेष के लोग। इस मामले में जिन लोगों की हत्या की गयी है, उनकी जिन्होंने हत्या की है..
- d) हैरानी की बात यह है कि इस हिंसा पर एक खास विचारधारा के लोग पूरी तरह से खामोश हैं

The anchor's vocabulary, tone and tenor clearly establish that he is not simply calling out the political parties for their hypocrisies ( as he should ) but painting entire communities, particularly those who have been critical of the BJP's regime, with malicious and communal motivations.

The complainant submitted that after repeatedly admonishing Mamata Banerjee, the anchor proceeds to entire communities as being in support of her. The anchor said “ममता बैनर्जी, हमारे देश के लिबरल्स, बुद्धिजीवी, विपक्षीदल और एक खास विचारधारा के लोगों की आखरी उम्मीद हैं, उनकी मन पसन्द नेता भी हैं और शायद इस वजह से इन लोगो के लिये बीरभूमि में हुई हिंसा कोई मायने नहीं रखती या मायने रखती भी होगी तो वह इस समय खामोश हैं। लेकिन एक लोकतांत्रिक देश होने के नाते आज हम कुछ सवाल पुछना चाहते हैं?”.

The complainant submitted that these statements had no basis in fact and were clear evidence of the anchor targeting individuals with a specific thought process that is critical of the BJP and to discredit specific narratives that have been put forth by individuals other than the opposition. Attributing a point of view to a specific political party is an effective way of ensuring that it is discredited. Therefore, the complainant submitted that the reporting thus amounted to an attempt to unduly influence contemporary socio political debate regarding the allegations that have been placed by civil society groups upon the present government of large scale violations of fundamental rights of its citizens, thereby endangering the constitution and democracy; creating communal strife and enmity between religious communities particularly the Hindus and Muslims. The reply of the broadcaster

demonstrates a pattern of misunderstanding and conflating opinions of the public with opinions of the political opposition.

### **Submissions of Broadcaster**

The broadcaster submitted that the impugned programme was a Daily News Analysis that emanated in the backdrop of a very unfortunate incident in Bhirbhum Village, where following the murder of a TMC leader, TMC supporters set ablaze various houses in which several children and two women were burnt alive. That there is no dispute on this incident, as the Hon'ble High Court of Calcutta had *suo moto* taken cognizance of the incident, and an SIT probe has been directed. The broadcaster denied that it had compared the aforesaid incident of violence with the Hathras case. The broadcaster submitted that the comparison with the Hathras case was made in the backdrop of a clipping of the Chief Minister of West Bengal wherein she had stated that during the Hathras case and during NRC, they had sent an SIT team to investigate, which was not allowed, however, she and members of her political party would welcome SIT probe into the incident from other states. The anchor tried to emphasize that the incident that had happened in Bengal was an atrocious incident that had occurred in blatant violation of human rights. However, members of the political parties, including the opposition and party in power and the civil society groups, were silent on this incident. The anchor also, in passing, said various political parties had opposed and initiated an investigation in the Hathras case. However, no such measure was adopted during the Bhirbhum violence. The entire analysis was based on the said incident, and the broadcaster had not favoured any political party during the broadcast.

In rebuttal, the complainant submitted that the broadcaster had only selectively sought accountability from certain political parties and connotations were made in the programme, which had a detrimental impact on the viewers.

### **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 viewed the footage of the broadcast.

NBDSA observed that the broadcasters have absolute editorial freedom to report on any topic of their choice. However, the editorial policy has to be in compliance with the well-established standards laid down under the Code of Ethics and Broadcasting Standards, Guidelines and Advisories.

NBDSA noted that during the programme the anchor had given a tilt to the programme in as much as, the anchor states throughout the programme that “इस सन्नाटे का कारण यह है कि इस हत्याकाण्ड में मरने वाले और मारने वाले दोनों ही अल्पसंख्यक वर्ग के हैं, दोनों ही एक धर्म विशेष

के हैं। अगर इन लोगो को इनमें हिन्दु मुस्लिम ऐंगअल मिल जाता तो अब तक यह खबर भारत ही नहीं दुनिया की सबसे बड़ी खबर बन चुकी होती। अब तक लोकतंत्र भी खतरे में आ चुका होता, हमारा संविधान भी खतरे में आ चुका होता।” and “हत्यारे हिन्दू होते तब भी ये सन्नाटा होता?”.

The above is a violation of the principles of Neutrality as enshrined under the Code of Ethics and Broadcasting Standards and in view of the above, NBDSA cautions the broadcaster not to broadcast such programmes which do not adhere to the Code of Ethics and Broadcasting Standards.

NBDSA also directed the broadcaster to remove the video, if still available on the website of the channel or YouTube, or any other links. NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly. 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 : 23.07.2022**