

News Broadcasting & Digital Standards Authority

Order No. 149 (2022)

Complainant: Mr. Utkarsh Mishra

Programme: Taal Thok Ke Live: 'नरसंहार' पर हिंदू-मुसलमान?

Broadcaster: Zee News

Date of Broadcast: 18.3.2022

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

Complaint dated 25.3.2022:

The complainant stated the anchor was hosting a show on a critical issue of identity politics in Kashmir while condemning any attempts to downplay the violence against the Kashmiri pandits demonstrated in the movie. In the programme, videos of certain politicians who had expressed their criticism against the movie were broadcast.

The anchor stated - *Yahan par app ye bhi soch sakte hai ki ye woh log hai jo aksar abhiyakti ki azadi ki baat karte hai. Kashmiri panditon ke dard se itni dukh keyu ho rahi hai.* Thereafter, she conducted an interview with Mr. Vivek Agnihotri, who expressly stated that his intention was to project his understanding of contemporary and recent socio-political scenarios such as Shaheen Bagh and the hijab ban into the narrative of the movie. This is followed by the anchor who said “*Ek taraf dard, dusri taraf siyasat . Narsanbar ke naam par hindu musalman keyun*”

The anchor professed to support the view held by the Director that the movie is about 2022 and that the militants in the movie are the same as those who were present in Shaheen Bagh and those who are protesting against the hijab ban in Karnataka, clearly expressing in intent and method of portraying the militants in a manner that will influence the viewers' opinion on the above-said issues.

The complainant stated that it is precisely because of these statements that criticism has been levelled against the Director for using the tragedy of the Kashmiri pandits as a platform to reflect his extremist and polarizing opinions on contemporary socio-political issues. That multiple interviews are on record to demonstrate how contemporary political narratives have been framed in the movie, such as the ANU-JNU relation and Nivedita Menon's speeches.

In the impugned programme, the anchor remarked, “*Us samay ballat hue, woh film me dikhane ka daava kiya gaya hai. aap isme ye dikhane ki koshish keyu karte hai ki community visheh ko target karne ki koshish ki ja rahi hai.*” Ironically, the clip shown at the beginning of the programme answers the question posed by her and demonstrates the attempt

of the Director to target communities based on their participation in contemporary socio-political movements.

Thereafter, the anchor stated that "*Agar sach dikhaya jaye, toh isme dikhat kya hai? Chubbne kyu lagta hai sach?*". The complainant stated that questions regarding the erasure of narratives, including those of the Kashmiri Pandits, are valid and need to be made sense of. However, the anchor at the very outset of the debate establishes her support for the Directors' views in terms of contemporary politics. During the show, any attempts made by the panellists to address the viral reactions of people shouting anti-Islam slogans were shut down by the anchor. While every panellist expressly condemned the grave injustices committed against Kashmiri pandits, however, any subsequent statements made by them to critique the movie were purposefully misconstrued by the anchor as an attempt to downplay or whitewash the testimony of Kashmiri pandits that this movie professes to give. The conduct of the anchor in the impugned programme violated neutrality to be observed by her, particularly in light of the movie director's pro-BJP stances on several contemporary socio-political issues. That repeated allegations of politicizing the issue had been placed upon every panellist, despite the fact that the initial clip played by the anchor demonstrates Vivek Agnihotri's attempts to impress his understanding of contemporary politics into the plight of the Kashmiri Pandits. Incidentally, the reference to Shaheen Bagh is similar to the opinion expressed by Parvesh Kumar Verma during the run-up to the Delhi 2020 elections.

Thus in the impugned programme, the anchor has violated the following guidelines and must apologize for the same.

1) Fundamental principle number 4 which "*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.*"

2) Principles number 1,2 of Self Regulation regarding impartiality and objectivity in reporting and ensuring neutrality, respectively.

Reply dated 2.4.2022 from broadcaster :

The broadcaster stated that various false, misleading, frivolous, and motivated allegations had been levelled against the contents of the news programme wherein it had fairly and objectively conducted a panel discussion and debate on the issues and controversy surrounding the movie 'Kashmir Files'.

The present complaint was not maintainable as the impugned programme did not violate any of the guidelines, Code of Ethics and principles of self-regulation. The impugned programme was completely neutral, objective, and impartial and as such, the present complaint was nothing but an attempt on the part of the complainant to

muzzle the voice of a responsible media from reporting the truthful account of important facts and events. The complaint had been filed based on surmises and conjectures, and nowhere in the complaint had the complainant been able to prove any of the contents of the impugned programme being violative of any of the applicable guidelines.

Without prejudice, it is stated that the allegations levelled in the subject complaint were completely baseless and motivated as the contents of the impugned programme were never intended to violate the principles of neutrality or to suppress the diverse views on the issue involved. The anchor conducted the debate in the most neutral and unbiased manner and further ensured that diverse views on the issue were presented to the viewers. The anchor, throughout the programme, followed the principles laid down by the Hon'ble Bombay High Court in the case of '*Nilesh Navlakha Vs. Union of India*' and as such, the allegations levelled were completely baseless and motivated as the anchor had nowhere misconstrued the opinions of the panellists in the impugned programme, as falsely alleged.

In the impugned programme, it fairly, objectively, and without any biases or preconceived notions, conducted a debate and panel discussion on the important issue regarding the plight of Kashmiri Pandits, which have been raised in the movie 'Kashmir Files' and controversy and diverse political views that emerged from the aforesaid Movie. In the programme, it presented the views of the Director of the movie and of the actor, Mr. Anupam Kher. It also presented the views and opinions of the leaders/members of different political parties without creating any sensationalism or targeting any particular community. Further, throughout the programme, the anchor raised concerns over the plight of the Kashmiri Pandits and raised questions to the ruling party as to what steps are being taken by the Government to deliver justice to the victims of mass genocide.

The anchor hosting the show, without any biasness, further condemned those persons/political leaders who were politicising the issue of Kashmiri Pandits for their personal gain. In the programme, the following panellists – Mr. Rajiv Jaitely (Spokesperson, BJP), Mr. Amit Raina (Kashmiri Pandit), Mr. Waqar Bhatti (Political Analyst), Mr. Badal Debnath (Spokesperson, TMC), Mr. Sayed Tarik (Spokesperson, Congress) were invited to present their views of the plight of Kashmiri Pandits and the controversy surrounding the movie 'Kashmir Files'. The anchor fairly granted all the panellists sufficient time to present their views on the specific issue raised and further took all reasonable steps to avoid any sensationalism of the present issue and an unwarranted attack on any particular community. Thus, the anchor, while acting responsibly and following all the journalistic norms, ensured that the debate in the programme did not deviate from the issue involved and did not offend the sentiments of any particular community. Therefore, the allegations levelled, to the effect, that, in the impugned programmes, it had attempted to shun down the views of the panellists and had supported the views of the Director of the said movie were false and vehemently denied.

The anchor, time and again, stopped each panellist from going off the topic since the purpose of the debate was only to bring out to the viewers the opinions of various political parties and institutions with respect to the politicization of the said movie. The anchor held an unbiased opinion in the entire programme since she corrected and stopped panellists from going off-topic and gave the panellists an equal opportunity to present their opinions. She silently listened to the panellists and only spoke to correct them when they said something objectionable or off-topic.

Further, the said programme was devoid of any bias and did not support any one community. In the impugned programme, the anchor can be seen questioning the fact that the movie was being targeted based on communities rather than feeling the pain of a certain community that has suffered for decades. Furthermore, the anchor had in no manner shown any support to the views of the Director. She tried to keep the debate very crisp and confined to the topic during the entire duration of the impugned programme. Merely showing the clip from some other programme with respect to the opinion and views of the Director of the said movie can in no manner be construed as supporting the said views. Further, the anchor has shown the video clips of the people criticising as well as the ones supporting the said movie.

The broadcaster stated that the channel keeps the right to choose the topic for the debate, and the topic in the impugned programme is not something that was created by it to either promote or hinder either side of any controversial public.

Further, since the aforesaid programme was a live debate and was not a pre-scripted programme, it had also repeatedly aired a *disclaimer* on the screen in the form of a ticker. In view of the aforesaid disclaimer, the channel neither endorsed nor can be made liable for the statements/comments made by any of the panellists.

The telecast was solely based on the ongoing issue over a particular movie, and it had only tried to bring different opinions in front of its viewers. The impugned programme was completely impartial, neutral and objective.

In view of the aforesaid, it submitted that it had not breached any of the fundamental principles of NBSA, as alleged.

Decision of NBDSA

NBDSA, at its meeting held on 31.5.2022, considered the above complaint and the response dated 2.4.2022 received from the broadcaster. NBDSA 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:

At the outset, the complainant submitted that it was essential to lay down the genesis of the Kashmir Files. The movie Kashmir Files was produced and distributed by Zee Entertainment Ltd, and the debate programme was aired on Zee News which is owned by Zee Media Corp. Ltd., and Essel Group holds a stake in both entities. The complainant submitted that in the programme, however, there was no clarification made either by the anchor or the group in respect of their financial relationship. In the debate, criticism of the film has been conflated with criticism of Kashmiri Pandits and the Government. The debate began with the interview of the filmmaker, wherein his version is regarded by the anchor as the absolute truth. The anchor in her statement accepted the Director's version, and any criticism or comment to the contrary was rejected and dismissed, which is also evident from the manner in which she responded to the comments made by other panellists in the programme.

NBDSA asked the complainant to explain his grievance in respect of the particular programme. The complainant stated that the broadcaster, in its reply dated 2.4.2022 stated :- *"The anchor hosting the show, without any biases, further condemned those persons/political leaders who are politicizing over the issue of Kashmiri Pandits for their personal gain."*

The complaint is limited to the manner in which the anchor has only focused on the politicization of the plight of the Kashmiri Pandits by the political opposition or by the dissidents of the present political executive.

The basic questions raised by the anchor at the beginning of the debate were why are people critiquing the movie? and why is politics over the movie happening? Focusing on just the political narrative, she conflated the two issues by projecting only those individuals who were critiquing the movie as those individuals doing politics over the same.

The complainant submitted that the debate was regarding the criticism of the film mainly on two grounds first, the factual nature of the film and the Director's intentions. The complainant submitted that the impugned programme was biased, which was also clear from the statements made by the anchor during the broadcast

"Film par siyasat dikhi dard nahi". The programme began with the interview of the filmmaker, who accepted that the movie attempts to influence the present socio-political narrative.

In the programme, panellists were not given any opportunity to refute the claims made by the filmmaker, and any criticism of the movie was regarded as being sympathetic to the militants. Further, the anchor refuted that there were any political motivations behind the film. Rather, the manner in which the politicization of the issue and the impact of the movie had been promoted in the impugned programme gave the impression that it is the critique of the movie which was entirely politically motivated. In the programme, vague questions were asked by the anchor, such as *"what is the problem in showing the truth"*.

Furthermore, the anchor repeatedly proclaimed that *"Ek taraf dard, dusri taraf siyasat . Narsanbar ke naam par hindu musalman kyun"*, she only selectively targeted the critics of the film for making this a Hindu Muslim issue and failed to address the references made by the filmmaker himself in the interview or the anti-Muslim slogans being raised in the theatres.

The pain of the Kashmiri Pandits is thus used to discredit any criticism being levelled upon the movie and its Director. Despite the fact that the very first clip played by the anchor of her interview with Vivek Agnihotri bears out the manner in which the Director himself seeks to politicize the movie and narrative to influence the debate on contemporary socio-political issues, the entire programme only focused on the politicization being done by the opposition leaders and individuals critical of the movie.

In the debate, Mr Vivek Agnihotri states “ जो ये शाहीन बाघ हुआ था, वो क्या था, वो तो बर्तमान मे, सहान बाग पूरा इस्लामिक कसप जो वहन का आतंकवाद है वो उसका मोड्युल है? हिजाब, नवाब, बुर्का की जो विवाद चल रही है, कश्मीरमा कार्बन प्रतिलिपि भएको ठ्याक्कै त्यस्तै कुराको एक हिस्सा हो। यो कुरामा इस्लामिक आतंकवाद कसरी आयो। तो ये इतिहास नहीं है, क्या मै मत रहीये, और मेरी फिल्म भी जो है वो इतिहासिक, ऐतिहासिक नहीं है, वो २०२२ की फिल्म है।”

While the debate topic was focused on the manner in which the exodus and genocide of the Kashmiri Pandits was being whitewashed or downplayed by a certain sect, the panellists themselves used this as a starter to reflect upon various other issues. Furthermore, the anchor repeatedly, during the programme, proclaimed that this debate was regarding closure for the Kashmiri pandits. However, as is borne by the interview shown and the questions posed at the beginning and the scrolls aired throughout the show, the anchor herself repeatedly referred to the movie itself. The scope of the programme included the impact of the movie on its audience. The manner in which the politicization of the issue and the impact of the movie had been promoted gave the viewers the impression that the critique of the movie was entirely politically motivated.

Despite this, the anchor repeatedly shut down any individual who tries to bring up the multiple instances of the audience in theatres shouting anti-Muslim slogans after the show was over.

While the anchor, at several moments, called out individuals from every party for not acknowledging the pain of the Kashmiri pandits, she carried out biased reporting within the scope of the impact that the movie is having on contemporary politics.

The complainant reiterated that the anchor has thus violated guidelines regarding impartiality and objectivity in reporting and ensuring neutrality, respectively and must apologize for the same.

Submission of the Broadcaster:

The broadcaster clarified that there is no financial relationship that exists between Zee Entertainment Enterprise Ltd and Zee Media Corporation Ltd.

The broadcaster stated that the complainant has mainly raised and pointed out the following allegations/violations:

1. That the programme violates principles of neutrality/ suppresses the diverse views on the issue involved.
2. That the programme violates the guidelines, Code of Ethics and principles of self-regulations
3. That they have shunned the views of the panelists and have supported those of the Director of the movie.

The broadcaster submitted that in the programme, they have fairly and objectively reported and conducted a panel discussion and debate on the issues and controversy surrounding the movie 'Kashmir Files'.

The telecast was in relation to the debate and panel discussion on the important issue regarding the plight of Kashmiri Pandits, which had been raised in the Movie 'Kashmir Files' and controversy/ diverse political views on the aforesaid Movie. In the programme, they presented the views of the Director of the movie and that of Actor, Mr. Anupam Kher and also presented the views and opinions of the leaders/members (panelists) of different political parties without creating any sensationalism or targeting any community. Throughout the programme, they raised concerns over the plight of the Kashmiri Pandits and questioned the ruling party with respect to the steps being taken by the Government to deliver justice to the victims of mass genocide.

The broadcaster submitted that since the panel was represented by the spokesperson of various political parties', the anchor explicitly stated that she was going to try and fix accountability or question each political party as to their role in the past and in the present in the programme. In this regard, she questioned the spokespersons of

various political parties present on the show. She asked the spokesperson for TMC to respond to the tweet posted by its party member ridiculing the movie. She also questioned the spokesperson of Congress regarding the various letters that were written to Mr Rajiv Gandhi. The anchor even sought accountability from the BJP spokesperson. Therefore, the broadcaster asserted that in the impugned, it had not aligned itself with any political party as alleged.

Further, the anchor, while hosting the programme, had followed the principles laid down by the Hon'ble Bombay High Court in the case of 'Nilesh Navlakha vs. Union of India' and ensured that all the panellists were granted sufficient time to present their views on the specific issue raised in the impugned programme and further took all reasonable steps to avoid any sensationalism of the present issue and an unwarranted attack on any particular community.

Thus, in view of the aforesaid, the broadcaster stated that the impugned programme is in conformity with the Code of Ethics framed by the NBDA and has nowhere breached any of the Principles of Self-regulation and Fundamental Principles. Therefore, they requested the Authority to dismiss the present complaint.

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 observed that in the impugned programme, the anchor gave equal opportunity to each panellist to express their views on the topic of debate. That it is a matter of record that due to the statements made by the panellist in the impugned programme, the debate turned acrimonious. However, NBDSA found that no fault could be attributed to the anchor or channel. NBDSA observed that it was unfortunate that the debate had taken such an acrimonious turn instead of being a healthy discussion on the topic. In the absence of any fault on the part of the anchor or the channel, NBDSA found no specific violation of the Code of Ethics & Broadcasting Standards and Guidelines in the broadcast.

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 : 30.07.2022