

## News Broadcasting & Digital Standards Authority

Order No 152 (2022)

Complainant: Mr. Indrajeet Ghorpade

Broadcaster: News18 India

Date of Broadcast: 20.4.2022

Since the complainant did not receive any reply from the broadcaster within the time period stipulated under the News Broadcasting Standards Regulation, the complainant escalated the complaint to the second level i.e. NBDSA.

### Complaint dated 23.4.2022

The complaint is filed in respect of a news debate aired on News18 India on 20.4.2022. The complainant stated that the impugned programme, started with the anchor glorifying the alleged illegal anti-encroachment drive in Delhi by saying "*Desh nahi jhukne denge, Bulldozer nahi rukne denge*"; "*India with Bulldozer*" and "*Desh mange Bulldozer Raaj*". He called the people affected by the alleged illegal anti-encroachment drive "*rioters*", "*jihadi*", "*Rohingya*" and raised the question "*Inn dangaiyon ke, jihadiyon ke, in rohingyaon ke, kitne vaqeel?*". The anchor also made the following statement "*Paththar jihadiyon par karvai, bobot dukhi hai dangai*", during the programme, implying that all affected people were rioters. Further, he wished a Muslim panellist present on the show, "*Ramzan ki Ram Ram aapko*".

The anchor then began a one-sided debate by making baseless statements like, "*Hinduon se zada rohingya ke aadhikar hai, yahi iss desh ki kboobi hai. Hindu refugee hai Sir*", "*No Hindu festival in India can be celebrated in India without stones*", "*petrol bombs were thrown from the terrace of a mosque*", "*There are no Hindu ghettos, Hindu lanes, WE Hindus have the habit of living together in harmony*". He repeated, "*Rohingyas have more rights than Hindus. We (Hindus) are mere guests. Hindu is a tenant in this country. The real refugee is Hindu. All rights are for rohingya*".

The anchor also expressed an extremely problematic personal opinion that terrorists such as Kasab being provided legal aid was the misfortune of our country. Such opinions go against the essence of the Constitution of India. Again, he called the affected people '*jihadi*' and stated "*I am questioning the lawyers who reach the courts to protect the jihadi*".

When one panellist remarked that if Hindu takes out a procession with swords, then they are "*dangai*" and if someone is throwing stones, they are "*dangai*" too, the anchor responded to the panellist by repeatedly saying, "*Hindu is not rioter. Hindu is not rioter. Hindu is not rioter. Hindu is not rioter. Hindu is not rioter. Hindu is not rioter.*"

Further, the complainant stated that the following tickers "*JCB = Jihad Control Board*", "*# India With Bulldozer*", "*Desh mange Bulldozer Raaj*", "*Desh nahi jhukne denge, Bulldozer*"

*nahi rukne denge”, “Patthar jihad par chadhai, pareshan dangai”, “Bulldozer wali karwai desh de raba hai badhai”, “Paththar jihadiyon ke kitne vaqeel?” and “Paththar jihadiyon ko kamuni cover fire kyon?”* were aired during the impugned programme.

The complainant stated that by airing the impugned programme, the broadcaster had violated the Specific Guidelines Covering Reportage (“hereinafter Specific Guidelines”), particularly, the Fundamental Standards, which require that “B. Reporting should not sensationalise or create panic, distress or undue fear among viewers” and “C. ‘Content’ of matter broadcast should not be shown out of ‘context’” and the principles relating to Racial & Religious Harmony, Impartiality, Neutrality & Fairness, Accuracy and Law & Order, Crime & Violence under the Specific Guidelines.

### **Reply dated 12.5.2022**

The broadcaster denied the allegations made in the complaint dated 23.4.2022 and stated that it had not violated the NBDSA’s guidelines or any other applicable guidelines, rules or law. Its telecasts were consistent with the NBDSA’s policy on accurate, impartial, fair and neutral reporting without affecting religious harmony.

The broadcaster stated that after Municipal Corporation of Delhi chose to carry out a drive against illegal constructions in Jahangirpuri, Delhi. MCD went ahead and sent its officials with JCB machines (“bulldozer”) to remove encroachments from Jahangirpuri area. On the same day, the Hon’ble Supreme Court had ordered stay on the drive against illegal constructions by MCD and the same was enforced in Jahangirpuri area. Pursuant to this anti-encroachment drive of the MCD and subsequent stay order passed by the Hon’ble Supreme Court, a lot of questions on this incident were being raised by the general public on social media and otherwise. Therefore, it decided to discuss this issue as a part of its debate.

In response to the complainant’s objection regarding the tickers used in the impugned broadcast, the broadcaster stated that the ticker “JCB = Jibad Control Board”, had been taken from a Tweet made by Member of Parliament and BJP leader Mr. G.V.L. Narasimha Rao, which was also widely reported and publicly discussed on 20.4.2022. That as far as the ticker “Desh Mange Bulldozer Raj” was concerned, the same was used because it had been trending on social media on 20.4.2022 and a large number of people had through their social media handles supported the anti-encroachment drive and use of bulldozers in pursuance of the same.

Moreover, the broadcaster stated that Mr. Narottam Mishra , Home Minister, Madhya Pradesh had also supported the bulldozer action. He went on to state that it is the government’s responsibility to take appropriate action so as to convey strong message to those who violate the law. Further with respect to the complainant’s objection to the statement: *‘how many lawyers are there for rioters, Jihadis, Rohingyas’*, the broadcaster stated that the same was said as it was alleged by many BJP leaders on the day of the impugned programme, that Rohingyas and Bangladeshis had illegally

settled in the Jahangirpuri area where the procession was pelted with stones. It was also alleged that those who were involved in the stone pelting incident were trying to save them.

In response to the complainant's objections to the statements "*Robingyas have more rights in this country*" and "*Hindus being refugee in their own country*", the broadcaster stated that such comments were based on the circumstances after the stone pelting on the processions. In Madhya Pradesh where the Hindu community was pelted with stones, there were reports of Hindu exodus and the same thing had happened in Karauli, Rajasthan.

The broadcaster stated that it had no intention of hurting feelings of anyone, through the debate, and in fact the purpose of the impugned programme was to promote harmony among all religions. As a responsible channel, since the programme was a live debate, it had invited people from all walks of life including those with political background to participate and express their opinion on shows. A balanced approach was taken by it while airing the programme. Its only interest in telecasting the impugned broadcast was to effectively disseminate newsworthy material to the public at large which concerned their well-being and safety.

#### **Reply dated 7.6.2022 from the complainant**

The complainant disagreed with the claim of the channel that the impugned programme was broadcast with the intention to promote religious harmony and that the debate was balanced and stated that the channel's response appeared to be a part of a response template and was far from the truth.

#### **Decision of NBDSA on 31.5.2022**

NBDSA considered the complaint and the response dated 12.5.2022 received from the broadcaster. NBDSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines issued by NBDSA. NBDSA, therefore, decided to call the complainant and the broadcaster for a hearing at the next meeting.

#### **Decision of NBDSA on 15.6.2022**

NBDSA noted that upon receiving the notice for hearing, the complainant requested for an adjournment, which was granted by the NBDSA.

#### **Hearing on 30.9.2022**

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

#### **Complainant:**

Mr. Indrajeet Ghorpade

#### **Broadcaster:**

Mr. Anshul Agarwal, Counsel

Mr. Praveen Shrivastava, Associate Executive Producer – Editorial

## **Submissions of Complainant**

The complainant submitted that the impugned programme started with the anchor stating "*Desh nahi jbukne denge, Bulldozer nahi rukne denge*"; "*India with Bulldozer*" and "*Desh mange Bulldozer Raaj*". The following tickers "*JCB = Jihad Control Board*", "*# India With Bulldozer*", "*Patthar jihad par chadhai, pareshan dangai*", "*Bulldozer wali karwai desh de raba hai badhai*", "*Paththar jihadiyon ke kitne vaqel?*" and "*Paththar jihadiyon ko kanuni cover fire kyon?*" were also aired during the impugned programme".

The complainant submitted that during the programme, the anchor without any basis claimed that people afflicted by the demolition drive were "*jihadi*", "*Robingya*" and "*dangai*", who were seeking "*kanuni cover fire*". The anchor behaved in a juvenile manner during the programme, which was also clear from his action of wishing a Muslim panellist "*Ramzan ki ram ram*".

During the programme, the anchor claimed that "*Robingyas have more rights than Hindus. We (Hindus) are mere guests. Hindu is a tenant in this country. The real refugee is Hindu. All rights are for rohingya*". Further, the anchor expressed an extremely problematic personal opinion that providing terrorists such as Kasab with legal aid was the biggest misfortune of our country. The complainant questioned how an anchor of a prime-time show can question the basic ethos of our constitution.

He submitted that the impugned programme was not only one sided but was also riddled with baseless commentary such as "*Hinduon se zada rohingya ke aadhikar hai, yahi iss desh ki kboobi hai. Hindu refugee hai Sir*", "*No Hindu festival in India can be celebrated in India without stones*", "*petrol bombs were thrown from the terrace of a mosque*", "*There are no Hindu ghettos, Hindu lanes, WE Hindus have the habit of living together in harmony*" and "*Hindu is not a rioter*".

## **Submission of Broadcaster**

The broadcaster submitted that the Municipal Corporation of Delhi had decided to conduct a drive against illegal constructions in Jahangirpuri, Delhi, pursuant to which MCD went ahead and sent its officials with JCB machines ("*bulldozer*") to remove encroachments from Jahangirpuri area. On the day the drive was to be conducted, the Hon'ble Supreme Court had ordered a stay on the drive. As a result, lots of questions were being raised on this incident by the general public on social media and otherwise. Even IANS C – Voter had conducted a survey to determine how many people were in support of the demolition drive. Therefore, the broadcaster submitted that it too had decided to conduct a debate on the said issue.

That as far as the ticker "*JCB = Jihad Control Board*" was concerned, the broadcaster submitted that the said ticker was based on a Tweet of Mr. G.V.L. Narasimha Rao, Member of Parliament and BJP leader which was widely reported and publicly discussed on 20.4.2022.

In the impugned programme, the broadcaster submitted it had also conducted a debate on the correctness of the said tweet by Mr. Narasimha Rao and questioned

whether the demolition drive should be equated with *Jihad Control Board* or not. The broadcaster clarified that the anchor did not use the term *Jihad Control Board* during the programme and the same was merely run as a ticker.

Further, with respect to the complainant's objection to the statement: '*how many lawyers are there for rioters, Jihadis, Rohingyas*', the broadcaster submitted that it was alleged by many BJP leaders on the day of the programme, that Rohingyas and Bangladeshis had illegally settled in the area of Jahangirpuri where the Shobha Yatra procession was pelted with stones. It was also alleged that those who were involved in the stone pelting incident were trying to save them.

In response to the objections raised by the complainant in respect of the statements made during the programme like "*Rohingyas have more rights in this country*", "*Hindus refugee in their own country*", the broadcaster submitted that said comments were based on the circumstances after the stone pelting on the processions. In Madhya Pradesh where the Hindu community was pelted with stones, there were reports of Hindu exodus and the same thing had occurred in Karauli, Rajasthan. The broadcaster clarified that the statements made during the impugned programme were made in respect of only those people who were involved in the stone pelting incidents.

### **Decision**

NBDSA considered the complaint, response of the broadcaster and also gave due consideration to the arguments of the complainant and the broadcaster and viewed the footage of the broadcast.

NBDSA noted that the impugned programme was a debate conducted by the broadcaster on the demolition drive carried out by the Municipal Corporation of Delhi against illegal constructions in Jahangirpuri. NBDSA observed that the broadcaster had in its submissions also stated that it had in the impugned programme, questioned the correctness of a tweet made by Mr.G.V.L Narasimha Rao, Member of Parliament and a leader from BJP, equating the demolition drive with JCB i.e., Jihad Control Board.

NBDSA observed that while it had no issue with the subject of the debate, however, the problem lay with the narrative and the tilt that was given to the programme.

NBDSA was of the view that since television is a powerful medium of expression, the broadcaster should exercise extreme care and caution while reporting any event, so as to not disturb the communal harmony in the country. In light of the above, NBDSA strongly deprecated the tendency of the broadcaster to generalize sensitive issues and, in the process, used offending ticker like "*Jihadi*", which was totally unnecessary. Had the debate confined to the menace of illegal constructions and the steps that are required to contain such illegal constructions, there could not have been any problem. However, the narrative of the programme gave an altogether

different tilt and in the process violated the guidelines prescribed in the Code of Ethics & Broadcasting Standards which was impermissible.

NBDSA held that the impugned programme violated the Code of Ethics & Broadcasting Standards, Guidelines on Broadcast of Potentially Defamatory Content particularly Clauses 2 and 5 which state “*Broadcasters must remain aware of the risk of being culpable in accordance with law for any defamatory matter that may be carried in their news/programmes, even if the offending matter is a repetition by them of a statement made by someone else*” and “*A news anchor/journalist/presenter should not make any derogatory, derisive or judgemental statements as part of reporting or commentating.*” The broadcast had also violated the principles of Impartiality, Neutrality, Fairness and Good Taste & Decency as stipulated under the Specific Guidelines Covering Reportage.

Accordingly, after keeping in mind, the repetitive nature of the above violations, NBDSA expressed strong disapproval in respect of the broadcast, which was not in accordance with the Code of Ethics & Broadcasting Standards.

NBDSA also directed the broadcaster to remove the video of the programme from its website and all platforms 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 the Order to the complainant and the broadcaster;
- (b) Circulate the Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host the 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 : 21.10.2022**