

News Broadcasting & Digital Standards Authority

Order No. 156 (2023)

Complainant: Utkarsh Mishra

Programme: *Desh Nahin Jhukne Denge with Aman Chopra Live | Praveen Nettaru Murder | Accused Zakir Arrested*

Broadcaster: News18 India

Date of Broadcast: 28.7.2022

Since the complainant was not satisfied with the response received from the broadcaster, the complainant vide email dated 16.8.2022 escalated the complaint to the second level of redressal i.e., NBDSA.

Complaint dated 3.8.2022:

The complaint was filed against a programme titled *Desh Nahin Jhukne Denge with Aman Chopra Live | Praveen Nettaru Murder | Accused Zakir Arrested* aired on News18 India for violating Fundamental principle number 4 and the Principle of Self-Regulation relating to impartiality and objectivity in reporting and ensuring neutrality under the Code of Ethics & Broadcasting Standards.

The complainant stated that between 19- 28th July, in a span of nine days, three communally motivated murders had taken place in Dakshin Kannada :- Masood B, 19, Praveen Nettaru, 32, and Mohammed Fazil. Out of these three murders, the primetime broadcasts however focused only on the death of Praveen Nettaru by primarily debating theories which supported the claim that the murders were due to the rise of the “*sar tan se juda gang*”.

The coverage at the outset promoted the theory that the murder was done in relation to a month-old Facebook post. During the programme, the anchor conducted a media trial and came to such conclusion despite the viability of the notion that a killing of a Muslim man in a hotbed off communal polarization could have also inspired the deaths.

However, developments that happened during the same period or in recent times that account for the role of the Hindu vigilante groups and state support being provided to them were not covered at all. These developments which bear out greater context to the factors that can account for Praveen’s murder were as follows:-

- a) Masood B, 19, was killed on 20th July by a gang, which included local members of the right-wing Bajrang Dal. There was information with the police of possible retaliation against right-wing Hindutva outfits, say members of groups such as Bajrang Dal and Hindu Jagaran Vedike. No further information was provided regarding these murders.

- b) Praveen's father made the following statement regarding the Sangh Unions *"I'm Praveen's dear one and relatives. Good boy, good personality and was brought up with good values and has earned good name. Poor boy was involved himself in sangh(unions) and has destined to this"* .
- c) Rishi Kumar Swami during a live interview on News 18 on 29.7.2020 also made the following statements which had the potential to disturb the communal harmony and create law and order issues *"If that was (murder of Fazil in Mangalore) done by our people then I'm happy and 9 heads will be pending. There must be 10 heads against 1 head"* also said *"If police cannot encounter accused then give us the guns, we will show you how it's done"* .
- d) The All India Lawyers Association for Justice (AILAJ), issued a legal notice to Bengaluru Police for failing to initiate action against the Hindutva groups for inciting hatred against Muslims during their protests held on 28th July in the city's Town Hall. Right-wing group Hindu Hitarakshana Samithi had gathered in large numbers at Town Hall and held a protest holding anti-Islam placards, which read, *"Beware of Islam"*, *"Beware of Quran"*.
- e) The following statement was made by Mahesh Shetty Timarodi former president of VHP Belthangady taluk while visiting #PraveenNettaru's family. *"We are on the wrong side today. Why? Because are the ones who began all these in the name of #Hindutva"*

The complainant stated that the broadcaster's failure to report these developments which offered greater context to the trends of communal polarization that has been increasing in the country, and for the purpose of this particular complaint, the coastal Karnataka region over the past few years, violated the principles of objectivity and neutrality in reporting. The coverage was framed primarily to discuss the role of Muslim extremism as opposed to religious polarization, despite the fact that two of the victims were Muslims. Further, during the programme, following screen titles *"Zakir ne pravin ko kyun kaata"*; *"Pravin ki Hatya Akrosh me hindu"*; *"Gazwa e hind- 50 % pura?"* and *"Kanhariya ka samarthan, kat gayi gardan"* were aired.

In view of the above, the complainant stated that the anchor must apologize for his biased coverage in the impugned broadcast.

Reply of the broadcaster :

The broadcaster in its reply dated 14.8.2022 denied all the allegations made in the complaint and clarified that its programme was entirely consistent with the applicable NBDSA's guidelines/advisories and applicable laws.

The broadcaster stated that based on the recent murder case of Praveen Nettru which had become a major cause of tension in Karnataka, it had decided to conduct a debate on the topic in the impugned program. Mohammed Zakir and Mohammed

Shafiq, residents of Karnataka, were accused of killing Praveen, who had supported Nupur Sharma. Therefore, a question was raised in the impugned programme whether Praveen was murdered because he had written a post in support of Nupur Sharma? The question was of imminent importance because there were many publicly available reports of attacks, death threats and beheadings for supporting Nupur Sharma in many places in the country. There was tremendous outrage in Karnataka also over the said incident. The Chief Minister had also demanded NIA investigation in the matter. Union Minister Prahlad Joshi had also said that there could be an SDPI-PFI link in Praveen's murder.

The broadcaster stated that in the said debate, the anchor had in the opening statement itself opposed the growing bigotry in India and had raised the question whether the country should get used to this cut-throat bigotry? The impugned programme was a reflection of the questions raised about the bigotry after the Kanhaiya murder case in Udaipur.

The impugned programme was a newsworthy item having a public interest which it had reported in a non-biased and fair manner, without trying to sensationalize in any manner.

Its interest in telecasting the impugned programme was in effectively disseminating newsworthy material to the public at large which concerned their opinions and well-being. The programme in question was also telecast with this interest in mind alone. The telecast had been made in strict compliance of all the rules, regulations, guidelines and all applicable laws and any allegations to the contrary were false and vehemently denied.

Decision of NBDSA taken at its meeting held on 28.10.2022

NBDSA considered the complaint with regard to the broadcast aired on News18 India on 28.7.2022, response of the broadcaster and after viewing the footage of the broadcast has decided to call both the parties for a hearing at the next meeting. Accordingly, both the parties were called for a hearing on 11.11.2022. However, the complainant sought for adjournment, which was granted by the Authority.

On being served with notices the following persons were present at the hearing on 15.12.2022:

Complainant:

Mr. Utkarsh Mishra
Ms. Vidya Mittal

Broadcaster:

Mr. Anshul Agarwal, Counsel
Mr. Praveen Shrivastava, Associate Executive Producer – Editorial

Submissions of the Complainant

The complainant submitted that in the impugned programme, controversial issues like communal violence, Ghazwa-e-Hind, the Udaipur beheading which had happened in response to the statement made by Nupur Sharma and hate speech were discussed. Based on the coverage, the complainant submitted that Popular Front of India (PFI), Islamic extremists and BJP were identified as interest groups in the impugned broadcast and the views of one interest group who believed that the Praveen Nettaru's murder was due to a pattern of Islamic jihad similar to the Udaipur beheading was promoted. He submitted that in the impugned broadcast, the broadcaster sought to inform about the motive and intent behind Praveen's murder and the reason behind growing polarization in Karnataka. Further, in the broadcast, Praveen's support of Nupur Sharma was promoted as the reason behind the murder.

During the impugned broadcast, a panellist on the show also speculated on the intention behind the murder and stated that the same appeared to be part of reaction against the statement made by Ms.Nupur Sharma and involved concerns regarding national security for which he demanded an NIA investigation.

The complainant reiterated that jihad was promoted as the intention behind the murder. That it was relevant to note herein that there were several factors of concern including law and order concerns and localized incidents of communal violence which may have been the reason behind the incident. In this regard, he submitted that it may be noted that between July 19th to 28th, i.e., within a span of three days three communally related murders had taken place in Karnataka. That after the first murder of Maqsood who was killed by a Hindu mob, there was information available with the police that there would be some retaliation against Hindu outfit after which Praveen was murdered and then Mohammad Fazil was murdered. However, the broadcasters only focused on the murder of Praveen Nettaru and primarily debated the theory that '*sar tan se juda gang*' was behind the murder. The broadcaster failed to also inform the viewers that Dakshin Kannada was a hotbed of polarization and that such murders were a regular occurrence.

The complainant submitted that since the broadcaster was attempting to inform the viewers regarding the intent behind the murder of Praveen Nettaru, it was also required to inform the viewers about the aforesaid circumstances. The broadcaster also failed to inform the viewers about the statement made by Praveen's father wherein he claimed that Praveen was a part of the Hindu right wing outfit and he was destined for this and that there was little possibility of justice as he was part of such outfits.

Submissions of the Broadcaster

The broadcaster submitted that in the impugned broadcast, it wanted to bring to the attention of the viewers the bigotry of communally foreign funded organizations which had caused instances of violence including the murder of Praveen Nettaru.

That all the people involved in the said murder were linked with the banned outfit PFI and even the Union Minister had asked for NIA investigation to ascertain the cause behind the murder as the people involved were linked to PFI.

NBDSA questioned the broadcaster why did it not cover the two other murders including that of Maqsood and Mohammad.

The broadcaster submitted that while its endeavour is to cover as many events as possible, however it is not always possible for news channels to cover all events. The murder of Maqsood and others were investigated and were determined to involve issues pertaining to law and order and were not linked with terrorism. However, after the murder of Praveen immediately a connection was drawn with PFI as it was believed that Praveen was murdered for supporting Nupur Sharma. Further 15 arrests had taken place in the case and since the murder involved alleged involvement of PFI, Praveen's murder could not be equated with the other murders. That as per NIA Report Praveen was murdered to create tension in the community and that PFI associated political party SPDI was raided, and a reward of Rupees 14 lakhs was offered.

The complainant rebutted the submission of the broadcaster by questioning the broadcaster that in the absence of any knowledge regarding the reason behind the murders, how did it come to the conclusion that some murders were only a law and order issue especially since the broadcaster itself had admitted that NIA was still investigating the matter. He submitted that it was the broadcaster who had in the impugned broadcast incited hate against a community. During the broadcast one panellist who made a point on larger issue of polarization was summarily cut by the broadcaster who acted as a judge, jury and investigator without waiting for investigation reports of NIA.

Furthermore, the complainant submitted that being from the region they were experiencing a regular pattern of communal violence and the impugned broadcast promoted a polarizing narrative that was inciting hate in the society.

Decision

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

NBDSA observed that it was not commenting upon the topic of the debate chosen by the broadcaster which falls within the realm of freedom of speech and expression of the broadcaster. The broadcaster conducted a debate on the murders of some persons belonging to the Hindu community, which murders were allegedly committed by persons belonging to the Muslims community. The programme also showed the people coming out on streets condemning these incidents. To this extent, there may not be any objection in respect of airing the impugned programme. However, NBDSA noted that while reporting on the incident of Praveen's death/murder, during the debate the anchor instead of blaming a few miscreants

for the murders and violence in fact blamed the religion for the violence that occurred. The anchor's agenda in this behalf was clear and he did not allow the debate to go on objectively by interrupting a panellist who wanted to put his point across and did not allow him to speak. NBDSA is not commenting on whether the panellist was right in his comments, however he should have been allowed to project his point of view.

Therefore, NBDSA observed that by using unacceptable language and preventing the panelist from putting his view across, the broadcaster had violated the Code of Ethics & Broadcasting Standards relating to Neutrality and Impartiality and Clause 9 of the Specific Guidelines Covering Reportage pertaining to Racial and Religious Harmony.

In view of the above, NBDSA expressed strong disapproval with respect to the impugned broadcast and advised the broadcaster to not repeat the aforementioned violations in future.

NBDSA further also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, and remove all hyperlinks including access which should be confirmed to NBDSA in writing within 7 days 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 : 27.02.2023