

News Broadcasting & Digital Standards Authority

Order No. 158 (2023)

Complainant: Mr. Matin Mujawar

Programme: PFI's Protest Against Raids in Pune

Broadcaster: Times Now

Date of Broadcast: 23.9.2022

Since the complainant did not receive a response from the broadcaster within the time stipulated under the News Broadcasting Standards Regulation, the complaint was escalated vide email dated 28.9.2022 to the second level of redressal i.e., NBDSA.

Complaint:

विषय : पाकिस्तान जिंदाबाद के नारे लगा रहे है ऐसा झूठा दावा करके, अफवा को देशभर फैलाकर अल्पसंख्यक, इस्लाम धर्म और मुस्लिम समाज के विरोध में वरगलाने वाली भाषा से द्वेष निर्माण करना, समाजों में टेड निर्माण करके देश में मुस्लिम विरोध में जेनोसाइड (नरसाहर) का खतरा निर्माण करना, धार्मिक, सामाजिक और सांप्रदायिक तनाव को उत्तेजि करके राष्ट्रीय एकात्मता को बाधा पहुंचाने की कोशिश करना आदि के जुर्म में Times Now के प्रमुख संवाददाता और न्यूज एंकर, डायरेक्टर और पुरे टीम पर भारतीय दंड संहिता और साइबर लॉ इस कानून के तहत कार्रवाई के मांग हेतु।

केबल टेलीविजन नेटवर्क (विनियमन) अधिनियम 1995 की धारा 19 और 20 और टेलीविजन चैनलों नीति निर्देशों के खंड 8 के अनुसार बेनेट कोलेमन एंड कंपनी लिमिटेड (I.V डिवीजन) पर कठोर कार्रवाई तथा टाइम्स नाउ चैनल की मान्यता/लाइसेंस खारिज करने के लिए.

Times Now द्वारा You Tube पर शेर किये वीडियो का पूरा समय १२:१७ सेकंड है. जिस में शुरुआत से लेकर अंत तक *News Break Here First* के नाम आंदोलन करता पाकिस्तान जिंदाबाद के नारे लगा रहे है ऐसा झूठा दावा किया गया है और खबरों के साथ साथ हेड लाइंस लगातार चलाई गई है.

देशभर में पॉप्युलर फ्रॉन ऑफ इंडिया के १०० से ज्यादा पदाधिकारियों पर नॅशनल इन्वेस्टीगेशन एजन्सी (NIA) द्वारा रेड दाली गयी और इन सब को NIA ने अपने ताबे में लिया जिस पर देश भर में NIA के इस कार्रवाई के विरोध में PFI द्वारा आंदोलन हुए थे. लोग रास्ते पर उतरे थे.

इस विषय को लेकर Times Now ने पुणे में कलेक्टर ऑफिस के सामने हुए आंदोलन को ब्रेकिंग न्यूज में "*News Break Here First*" के नाम आंदोलन करता "पाकिस्तान जिंदाबाद" के नारे लगा रहे है ऐसा झूठा दावा किया और अफवा को फैलाया है. जब की आंदोलक पॉप्युलर फ्रंट जिंदाबाद के नारे लगा रहे थे.

इस अफवा को देशभर में पहुंचाने का कार्य सर्व प्रथम Times Now के प्रमुख संवाददाता और न्यूज एंकर ने किया है. PFI के समर्थकों में बहुसंख्या मुस्लिम थे इस अफवा के कारण देश भर में मुस्लिम समाज अन्य समाजों में गलतफैमी का शिकार हो गया. नफरत फैली और लोगों में हिन्दू मुस्लिम इस चर्चा को गति मिली।

Times Now के इस झूठ और फर्जी दावे का परिणाम यह हुआ के ये अफवा बाकी न्यूज माध्यम द्वारा सोशल मीडिया पर रफ्तार से शेर हुई है. इसे बाकी समाचार माध्यमों ने भी बताना शुरू कर दिया। देश

भर के राजनैतिक नेताओं सहित लोग ने अपनी तिकी प्रतिक्रिया दी और सोशल मिडिया पर लोग गालिया बकने लगे.

इस तरह झूठ दावा कर के देश भर में सरकारी व्यवस्था और जाँच एजेंसी पर दबाव निर्माण करने के खातिर Times Now ने PFI पाकिस्तान जिन्दावाद के नारे लगा रहा है ऐसे खबरे दिखाई है. जिसके नफरती परिणामो का भुगतान अल्पसंख्यकों को उठाना पढ़ा है.

Times Now ने समाचार माध्यम का इस्तेमाल अफवा फैलाकर देश में हिन्दू मुस्लिम दंगा भड़काना चाहा है. देश में अशांति फैलाने का और इस तरह देश के विरुद्ध युद्ध पुकारने का काम Times Now ने किया है, टाइम्स नाउ इस तरह के अफवाओं से देश में अल्पसंख्यक मुस्लिम समाज के विरोध में जेनोसाइड का माहौल बनाना चाह रहा था. और यह इस की एक साजिश का हिस्सा था.

पुणे पोलिस, "The Wire" लोकमत, ऑल्ट न्यूज और अन्य समाचार माध्यमों द्वारा Times Now के इस झूठ का पर्दाफाश हुआ है. सभी ने कहा ऐसा कोई भी नारा लगा नहीं है.

Times Now ने अपराध दंगे अफवाह और ऐसे घटनाओ की रिपोर्टिंग में सांप्रदायिक रंग आने से बचने के दिशानिर्देश का उलंघन किया है, जिस तरह से Times Now ने एक अफवा फहला कर गलत तरीके से पॉप्युलर प्रंट के विषय को पाकिस्तान जिन्दावाद इस नारे का रूप देकर पेश करने का प्रयास किया है इस से सोशल मिडिया फसे बुक, ट्विटर और अन्य सोशल मिडिया पर मुस्लिम और अल्पसंख्यकों प्रति जो प्रतिक्रियाए उमठी है वो नस्ली एवं धार्मिक सद्भाव को भी चोट पहुंचने वाली है.

Reply from the broadcaster:

The broadcaster in its reply dated 14.10.2022 stated that the impugned news report was aired on Times Now on 24.09.2022. The impugned news report was regarding the protests by PFI supporters/members in Pune outside the District Collector's Office, wherein it was reported that slogans of 'Pakistan Zindabad' were allegedly raised during the protest. It was also reported that the local police had accessed videos and that the same were being examined.

The said incident was also reported by ANI and PTI and ANI in its story had stated that due to high ambient noise the slogans (pro-Pakistan) were faint at some points and that the information was further corroborated by reporters at the spot. The broadcastser stated that nowhere did these news reports attribute any source or details to Times Now's coverage of the protests.

That the Chief Minister as well as the Deputy Chief Minister of Maharashtra had also tweeted on this incident and stated that stringent action would be taken. Once again there was no attribution to its coverage in these tweets.

The broadcaster stated that even the Pune Police had in response to queries stated that they had filed FIRs and the concerned tapes were being sent for forensic examination. The Police Commissioner of Pune had said that charges under Sections 124A (sedition), 153A (promoting enmity between groups), 153B (imputations, assertions prejudicial to national integration), 120B (criminal conspiracy), and 109 (abetment) of the Indian Penal Code have been invoked. Later, the police were not applying Section 124A. The decision of not invoking the provision was in the light of a Supreme Court ruling asking the Union and State governments to restrain from registering cases under 124A.

Considering the above, the allegation against it that its reporting targeted minority community and that the atmosphere was vitiated by such reporting were denied as baseless. The broadcaster stated that the news story did not target any community but only referred to supporters/members of the PFI who were protesting. There was no accusatory reference to any religion, so the allegation that the Muslim community was somehow maligned by the impugned coverage was completely baseless.

The impugned news report was a significant news story and was covered by the channel in an objective manner, in public interest. Further, it reiterated that this incident was also covered by several other media platforms including agencies like ANI and PTI.

The broadcaster denied all the allegations made by the complainant against the channel, its anchors and reporters with respect to the aforesaid news story.

Counter reply from the complainant:

In its counter reply dated 17.10.2022, the complainant submitted that it was News Laundry, a fact check website which had claimed that the broadcaster was the first news channel who reported that the protestors were shouting pro Pakistan slogans. On the contrary, News Laundry reported that the police had denied the claim that the protestors were shouting pro Pakistan slogans.

That Alt News also claimed that BJP and news media had made false allegations against PFI for raising Pakistan Zindabad slogans and that Times Now was the first news channel to claim the same in a breaking news. The complainant stated that it was the broadcaster who had shared the impugned news story as breaking news on twitter and on social media which then became the subject of headlines for other news channels and newspapers across the country.

The false claim and fake news broadcast by Times Now had defamed the minorities throughout the country. The news also caused defamation, hatred and damage to the reputation of Minorities and made Muslims the victims of stern political reactions all over the country.

That the reply of the broadcaster in lieu of the notice was baseless and it seems that the broadcaster was attempting to escape from the clutches of law. In view of the above, the complainant prayed for the NBDSA to consider his complaint in respect of the impugned news report.

Decision of NBDSA taken at its meeting held on 28.10.2022

NBDSA considered the complaint with regard to the broadcast aired on Times Now on 23.9.2022, response of the broadcaster and after viewing the footage of the broadcast decided to call both the parties for a hearing at the next meeting.

Hearing

On being served with notices the following persons were present at the hearing on 11.11.2022:

Complainant:

Mr. Matin Mujawar

Broadcaster:

Mr. Kunal Tandon, Advocate

Ms. Kirtima Maroovar, Compliance Officer NBDSA

Mr. Swaprem, News Editor

Mr. Siddhartha Talya, Senior News Editor

Submissions of the Complainant:

Times Now ने पुणे में कलेक्टर ऑफिस के सामने हुए आंदोलन को ब्रेकिंग न्यूज़ में "News Break Here First" के नाम आंदोलन करता "पाकिस्तान जिंदाबाद" के नारे लगाने का झूठा दावा करके :-
अफवाह फैलाकर अल्पसंख्यकों की मानहनी की है इस अफवाह ने दर्शकों में निश्चित धारणा पैदा की है जैसे की वो दोषी है. देश के सेक्युलर ढांचे को नुकसान पहुंचाया है. देश के सुरक्षा व्यवस्था पर दबाव निर्माण किया है. सोशल मीडिया पर चर्चे का विषय बनाकर नफरत पैदा की है. सब कुछ गलत इरादे से दर्शकों के सामने पेश किया गया. अल्पसंख्यकों के विरोध में एक साजिश की है. यह देश में हिंसक वातावरण निर्माण किया है जिस के कारण नस्ली एवं धार्मिक सद्भाव को भी चोट पहुंची है. इन सारे काम के लिए प्रसार माध्यम का दुरुपयोग किया है. राष्ट्रीय एकता और अखंडता को नुकसान पहुंचाने का प्रयास किया है.

Times Now Navbharat ने न्यूज़ ब्रॉडकास्टर्स एंड डिजिटल एसोसिएशन के नीति संहिता और प्रसारण मानकों का उल्लंघन किया है. खंड एक "मौलिक या बुनियादी सिद्धांत १,४,५ का उल्लंघन किया है तथा खंड २ आत्मनियंत्रण का सिद्धांत १, २ का उल्लंघन किया है.

Submissions of the Broadcaster:

The broadcaster submitted that the impugned news report was broadcast by the channel on 24.9.2022 at 10:06 AM and the viewers were informed that it was a developing story. That on the same day at 11:46 AM, ANI and PTI also independently tweeted the story. The broadcaster stated that the tweets were not based on its story. In the tweets, the agencies stated that Pakistan Zindabad slogans were raised outside the District Collector's office in protest of the NIA and ED raids against the outfit and arrest of many PFI leaders. In the tweet, it was also stated that due to high ambient noise in the original video feed, some parts of the slogans were faint and the information about the slogans being raised was further corroborated by reporters at the spot.

The broadcaster submitted that it had no reporters on ground for the story and the information that *Pakistan Zindabad* slogans were raised was received from sources, based on which it had reported in the impugned broadcast that the said slogans were raised during PFI Protest in Pune. Further, a first information report was registered by Pune Police, 40 persons were detained and 60 were booked. That the Chief

Minister and Deputy Chief Minister had also tweeted about the slogans being raised and directed authorities to take appropriate action.

The broadcaster stated that none of these independent tweets, and action taken by the authorities were based on its reporting. That it is a fact that PFI was banned as an organization by the Government of India on 27.0.2022 and notified on 28.9.2022. That the issues which were reported were issues of extreme public importance, national interest and had to be reported as current affairs. The Pune police had also issued a press note dated 25.9.2022, which shows that the FIR was registered under Section 341, 141, 143, 145, 147, 149, 188 IPC read with Section 37(1)(3) of Maharashtra Police Act, and that additional sections including Section 153A, Section 153B and even criminal conspiracy under Section 120B had been included in the FIR and investigations were ongoing.

Furthermore, it submitted that no summons had been issued to its reporter. That the impugned broadcast and the reporting by its anchor were conducted in an open and objective manner and did not cause any incitement of communal bias, or influence or mislead the viewers in any manner whatsoever. It was merely a discussion, and advocacy on an issue related to public interest, importance and national interest.

The broadcaster submitted that in view of the tweets shared by it and the news reports cited by the complainant, the question whether slogans of Pakistan Zindabad were or were not shouted during the protest was a question of fact which could only be determined in a trial. The broadcaster reiterated that by filing an FIR, the Authorities of Law had also corroborated that such an incident had taken place. The entire broadcast focused on the protests and there was no prejudice or even an attempt to target any community or religion.

In rebuttal, the complainant submitted that the tweets cited by the broadcaster were a result of the impugned news story which was aired for the first time by the broadcaster. He submitted that as a result of the impugned broadcast, the minority community were targeted and the broadcast had a tendency to disturb communal harmony in the country.

The broadcaster referred to the tweets of the Chief Minister of Maharashtra and reiterated that the said tweets were not attributed to its reporting.

Decision of NBDSA taken at its meeting held on 11.11.2022

NBDSA went through 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 broadcast. In view of the fact that the broadcaster was the first to report and had submitted during the hearing that it did not have a ground reporter for the story, NBDSA wanted to know on what basis did the broadcaster claim during the broadcast that the slogans of Pakistan Zindabad were raised by PFI in Pune. NBDSA therefore decided to defer its decision in the complaint to consider

the response of the broadcaster. NBDSA decided to inform the broadcaster accordingly.

Response dated 22.11.2022 of the Broadcaster

The broadcaster stated that its news reporting was based upon information received from various sources including news agencies like ANI, PTI and other free-lance reporters on the ground as it is not always possible for a channel's reporter to be present at all relevant times at the incident location. These sources provide information to news channels to report relevant incidents and happenings. The subject broadcast on the channel as referred to in the complaint displayed video footage of the PFI protests in Pune as accessed from reliable sources on ground that day.

That a journalist has privilege from disclosure of these sources which stems from Article 19(1)(a), the only reasonable restriction can be placed under Article 19(2) and none else. The 93rd and 185th Law Commission Report recognises this right of the journalist. This is further recognised under Section 15(2) of the Press Council Act, 1978

The broadcaster further stated that the Pune Police was currently investigating the entire issue, after adding offences punishable under various sections of the Indian Penal Code. Thus, it was a question of fact which is disputed by the complainant. This question of fact, at least at the prima facie stage that the Hon'ble Authority was concerned with, stands in favour of the Channel Times Now.

Furthermore, the tweet of ANI also shows that it was made based on information received and corroboration by the reporters on ground and not based on its broadcast. In fact, all tweets made by the Chief Minister and Deputy Chief Minister of Maharashtra, were also done independently and not based on its broadcast.

Written submissions by Senior News Editor, Times Now.

As the news anchor for the concerned broadcast, the anchor rebutted the substantive aspect of the complaint that the impugned coverage was deliberately aimed at maligning the Muslim community through the propagation of what the complainant described as a 'rumour'. He stated that as already mentioned, the slogans themselves were in the realm of investigation, and none other than the Chief Minister of Maharashtra had referred to them being raised in his tweets and statements, without any attribution to any specific channel or media platform.

The anchor stated that in his interaction with the reporter, he had raised the following questions which pertained to:

- a) Asking the reporter about the "sloganeering that was heard"
- b) This is followed by asking if there has been violence reported
- c) This is followed with a question about whether legal action will be initiated
- d) This is followed by a question about the sequence of the video

Throughout, the impugned programme the purpose was to ascertain what had happened. The complainant had relied on three sources in his statement to claim that “fact-checking websites” had confirmed that Pro-Pakistan slogans were not raised. The anchor stated that these websites were not certifying authorities and could not testify about the authenticity of the video, or the audio being broadcast. They were not forensic experts. In fact, the Pune Police had said the videos will be sent for forensic examination.

In his complaint, the complainant had also cited a statement made by a senior police inspector at Bund Nagar police station in Pune to digital portal News Laundry that the slogans raised were Popular Front Zindabad, not Pakistan Zindabad. The anchor stated that this article was dated 24.9.2022 and that the same police station had issued a press release on 25.9.2022, adding Sections 153A (promoting enmity between groups), Section 153B, and even Section 120B (criminal conspiracy) of the Indian Penal Code, 1860 to the FIR, which clearly indicated that the complainant’s references were selective.

He stated that importantly, and this is something that once again points to the complainant’s selective viewing of the overall coverage on this issue, on 25.9.2022, the broadcaster had carried an elaborate news-capsule updating the viewers about the investigation, even adding a disclaimer about the authenticity of the video, and once again informing the viewers that the videos were being investigated. However, he stated that this coverage was completely ignored by the complainant.

Finally, in response to the malicious allegation that the coverage amounted to defaming the Muslim community, the anchor stated that nowhere during the conversation between him and the reporter reference was made to the Islamic identity or the Muslim population at large. While the protest in question preceded the ban on PFI, the Kerala High Court in its *Arshika Vs State of Kerala* judgement of 5.5.2022, referred to the PFI as an extremist organisation indulging in serious acts of violence. The exact quote reads: *“No doubt, SDPI and PFI are extremist organisations indulging in serious acts of violence. All the same, those are not banned organisations.”* The conflation of the Muslim identity with an extremist organisation, now banned, had been done by the complainant in his complaint and not by the channel in its coverage. This malicious association by the complainant of a religion with its bonafide coverage about the raids on the PFI and their protests spelled danger to press freedoms especially pertaining to reportage on matters of national security.

In view of the above, the anchor urged the Authority to dismiss the complaint.

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 broadcast.

NBDSA noted that the present complaint emanates from a Times Now broadcast aired on 24.9.2022 regarding Popular Front of India's (PFI) protest in Pune, where it projected that "Pakistan Zindabad" slogans were raised by the members of PFI outside the District Collector's Office during the said protest.

NBDSA observed that it was the broadcaster's submission that apart from it, ANI and PTI had also reported on the said story and that the Chief Minister of Maharashtra had also referred to the said slogans being raised during the protest in his tweet. NBDSA, however, was of the view that as admitted by the broadcaster in the impugned broadcast as well as during the hearing, it was the first to report on the story at 10:06 AM, which story was subsequently reported by ANI, PTI and others.

NBDSA also noted that several fact checking websites had fact checked the said news report by stating that it was not "Pakistan Zindabad" but slogans of "PFI Zindabad" which were raised during the said protest.

Further, on perusing the impugned broadcast, NBDSA was of the view that there would have been no problem with the impugned broadcast, if the broadcaster had merely reported that slogans of "Pakistan Zindabad" were allegedly raised during the PFI protest and issued a disclaimer warning the viewers about the authenticity of the video as it had done in its subsequent broadcast aired on 25.9.2022.

While in the instant case, not only had the broadcaster run tickers such as "News Break Here *First 'Pakistan Zindabad' slogans at PFI stir*", "*Pak slogans by PFI workers*" and "*Pak Zindabad slogans raised*", the anchor had also emphasized the same during the broadcast, thereby conclusively claiming that the said slogans were raised by PFI workers during the protest.

NBDSA noted that the broadcaster should have been careful in telecasting the impugned broadcast and if it was unsure of the slogans shown in the video, it should have run a disclaimer in respect of the authenticity of the video. Furthermore, the impugned broadcast appears to have been telecast on account of negligence and in haste.

In view of the above, NBDSA decided to caution the broadcaster to be more careful in future while reporting such stories.

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