

News Broadcasting & Digital Standards Authority

Order No. 159 (2023)

Complainant: Indrajeet Ghorpade

Programme: “Taal Thok Ke :Kya Jansankhya Badhotari ke liye ek dharma ko zimmedar thehrana jayaz hai?”.

Broadcaster: Zee News

Date of Broadcast: 12.7.2022

Since the complainant was not satisfied with the response received from the channel, the complainant on 25.7.2022 escalated the complaint to the second level of redressal i.e., NBDSA.

Complaint

The complainant stated that on 13.6.2022, NBDSA had passed an order cautioning the broadcaster to be careful while airing programs on UP-Population Control Bill, while deeming the concerned show as violative of the Code of Ethics & Broadcasting Standards (Code of Ethics) related to impartiality, objectivity and balance. However, in complete disregard to the said Order and the Code of Ethics, the broadcaster ran an identical debate on the same issue on 12.7.2022.

In the impugned programme, statements made by the same Samajwadi Party MP were again used to vilify the entire Muslim community. Further, similar visuals of large Muslim crowds were shown and statistics about the Hindu-Muslim population were selectively chosen to project the Muslim community as being responsible for the population explosion and all other associated social issues, even though there has been a significant decline in the population growth and the fertility rate of the Muslim community over the past decades. However, the anchor failed to mention these facts in the 1 hour ‘debate’.

In the programme, the anchor who ‘moderated’ the earlier violative debate as well, yelled at panellists she disagreed with and aggressively shut down panellists who were trying to share statistics and show the relationship between literacy rate and fertility rate. The anchor was furious since the beginning of the show and at times resorted to almost juvenile tantrums against the panellists who politely requested her to hear them out without constant interruptions.

The complainant stated that by airing the impugned programme he believed that the broadcaster had violated Fundamental Standards E, which requires broadcasters to “*exercise care and objectivity in featuring activities, beliefs, practices, or views of any racial or religious group in their content to prevent any negative impact thereof*”, the principles of Impartiality, Neutrality & Fairness and Fundamental Standards concerning Racial & Religious Harmony under the Specific Guideline covering Reportage. The impugned

broadcast also violated the principles relating to Impartiality, Objectivity and Neutrality under the Code of Ethics.

In view of the above violations the complainant requested the broadcaster to delete all instances of the impugned show from the web and air a public apology for the recidivist behaviour.

Response from the broadcaster

The broadcaster stated that in the programme titled Taal Thok Ke, a discussion was conducted on “*Kya Jansankhya Badhotari ke liye ek dharm ko zimmedar thebrana jayaz hai?*”. The impugned programme aimed to promote debate over the prevailing issue of population control and the related comments made by the Chief Minister of Uttar Pradesh by inviting views from guest speakers of diverse backgrounds.

At the outset, the broadcaster denied every allegation, averment and insinuation levelled in the complaint as false, frivolous and misleading. In reply to the allegations contained in the complaint, the broadcaster stated as under:

1. That 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 engaging in holistic debates and discussions over crucial socio-developmental issues in public interest.
2. That the allegations levelled in the subject complaint were completely baseless and motivated and the complainant had completely mis-construed and misunderstood the contents of the impugned programme. Throughout the debate and in the questions posed to the viewers, it was evident that the intent of the debate was to assess the attempts made by various political leaders to give the issue of population control, a religious and communal edge by misconstruing it as an attack towards a particular community.
3. That it is the constitutional duty of the press to raise and highlight the important issues concerning general public. The intent of the impugned programme was to address the viewpoints and issues pertaining to the UP-Population Control Bill including the political undertones and societal understanding associated with the same. The impugned programme sought to highlight the misleading statement made by the MP of a particular political party and discuss the impact of such statements on the perception of the general public towards the sensitive socio-developmental issue of over-population.

4. That the anchor at multiple instances made sure that the debate does not digress by making appropriate interruptions and raising relevant questions to the speakers. Furthermore, the anchor made sure that the debate does not get twisted or sensationalised in any manner that might promote hatred towards any community. On multiple instances, during the programme, the anchor re-emphasized overpopulation as an issue which has no correlation with any community.
5. That in the impugned programme, it had exercised due care and caution to ensure that it does not feature activities, beliefs, practices, or views of any racial or religious group and/or project any community in bad light. The debate was centred around the possibility of communal colour given to U.P. Population Control Bill by certain politicians, as showcased in the impugned programme.
6. That it acknowledges and understands that broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any view. It had moderated the debate in a fair, adequate and neutral manner. The anchor of the debate accorded due time to all the speakers to put forward their opinions and was unbiased in her moderation in as much as due opportunity was given to all and the viewpoints of all speakers were critically analysed and questioned. Further, the anchor continuously endeavoured to redirect the tone of the debate towards a non-communal discussion over the impact of the highlighted misleading statements despite the relentless attempts made by multiple speakers in the debate to pose the same as an attack against a particular community. Furthermore, in the impugned programme speakers from relevant backgrounds who could represent diverse viewpoints were also invited.
7. That the impugned programme was not broadcast with the aim of vilifying a particular community, but to hold the concerned politician accountable for his statements and expound on the need of measures to control population.
8. That the debate and discussions in the impugned broadcast was completely uncoloured from any motive, prejudice or notions and did not tend to manipulate and project the criticism of any community. It had imposed self-restraint while conducting the impugned debate and had strictly complied with the principles of self-regulations.
9. That in view of the aforesaid, it stated that it had neither breached any of the fundamental principles under the Code of Ethics nor had it disregarded the Order dated 13.6.2022 passed by NBDSA. It had strictly adhered to the laid down principles of impartiality, objectivity, and balance in the broadcast of the impugned programme and that it has always abided by journalistic principles of

fair and neutral reporting and conformed to all guidelines provided under law therefore, the complaint ought to be dismissed.

Decision of NBDSA at its meeting on 28.10.2022

NBDSA considered the complaint, response of the broadcaster and after viewing the footage of the broadcast decided to call both the parties for a hearing.

Hearing

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

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Ms. Ritwika Nanda, Advocate

Ms. Annie, Assistant Manager Legal

Mr. Rajnish Ahuja, Editor Member representing the broadcaster in NBDSA (Zee News), being an interested party, recused himself from the proceedings.

Submissions of the Broadcaster

The broadcaster at the outset, invited the attention of the Authority to the complaint filed at the first level of redressal i.e., with it. In the complaint, the broadcaster submitted that the complainant had only raised three issues i.e., the impugned broadcast being aired in alleged violation of NBDSA's Order No. 133 (2022), statement made by the same Samajwadi Party spokesperson Mr. Shafiqur Rahman being used again to vilify the Muslim population and the anchor/debate moderator who "moderated" the earlier violative debate as well, yelled at the panellists she disagreed with. The broadcaster submitted that the taglines/tickers which were impugned in the written submissions of the complainant were not impugned in the complaint and therefore, the broadcaster had no opportunity to respond to them. Therefore, the broadcaster requested the Authority to grant it additional time to file its further written submissions in respect of the new grounds raised by the complaint by way of his written submissions.

Submissions of the Complainant:

The complainant denied raising additional grounds in the written submissions. He submitted that the grounds raised in the written submissions were an elaboration of the issues raised by him in the complaint. That on 13.6.2022, NBDSA had passed an Order cautioning the broadcaster to be careful while airing programs on UP population control, however, in complete disregard to said Order and the Code of Ethics, the broadcaster ran an identical debate on the same issue on 12.7.2022.

The complainant submitted that in the impugned broadcast, the statement made by the same Samajwadi Party spokesperson and unrelated visuals of large Muslim gatherings were broadcast again in order to blame the entire Muslim community for population explosion. The anchor began the debate by asking the spokesperson for Samajwadi Party, "*Bachche Allah ki den hai Sir?*". In response, the panellist stated that as per National Family Health Survey, five states with more than 20% Muslim Population, had fertility rate less than the national average. However, the anchor shut the panellist down by saying, "*Sunn li jiye Sir, debate karne aye hai aap, bhaashan dene nahi aye hai*" and yelled "*Bachche toh Allah ki den hai, unko roji roti dena kiski zimmedari hai? Aap taiyyar hai uske liye?*". When the said panellist started sharing statistics related to literacy rate and its relation with fertility rate, thereby emphasising on the importance of awareness and literacy, the anchor interrupted and stopped him again. The anchor again interrupted Samajwadi Party's spokesperson when he said even Sakshi Maharaj and Giriraj Singh had said, "*4 bivi 10 bachche paida karo*" and questioned the anchor whether she had not heard this statement.

During the impugned programme, an AIMIM Spokesperson while responding to the statement made by the Chief Minister of Uttar Pradesh stated that "*population explosion will not further occur in India, India's national fertility is an indicator that the population growth is stabilising*". He gave the example of Sri Lanka and said "*that anarchy is caused by poverty, unemployment, inflation, etc. not necessarily by population growth*". He further said, "*Yogi is wrong in saying the the moolniwasi will be pareshan and arajakta will spread*" and stated that 90% of Muslim people are also moolniwasi of India, at which point the anchor interrupted him and asked, "*How do you see religion in this? Tell me population should be controlled or not? Is India's population large or not? Who is responsible for it? Don't find religion in this. Don't give a speech, go do a scientific study.*"

The complainant submitted that the anchor in the impugned programme also interrupted another panelist who said that if there is a provision in the constitution to bring a population control law, then it must be enacted, however, if there is no such provision, such law cannot be enacted. When the anchor asked the panellist an unrelated question i.e., "*Should Uniform Civil Code be brought?*" on hearing his response, the anchor proceeded to accuse the panellist of having double standards and stopped listening to him.

Apart from the above, the complainant submitted that during the impugned broadcast, statistics about the Hindu-Muslim population were selectively chosen and repeatedly broadcast to project the Muslim community as being solely responsible for population explosion and to instil a fear against Muslim people. During the broadcast the population growth rate of Hindu and Muslim community was shown side by side and it was claimed during the broadcast that in 2050 India will have 31cr Muslim people. It was also claimed that India has the 3rd highest Muslim population. The complainant stated that the impugned broadcast however, failed to emphasise

the fact that the population growth rate and the fertility rate of the Muslim community had been significantly decreasing over the past decades.

Further, during the broadcast, the display on the screen noted that as per an online survey, 80% of the respondents supported a population control law. This display however failed to provide any details of the survey and about the participants. Tickers/headlines stating “*Hungama hai yun barpa, Allah ki marji hai?*”; “*Bachche Allah ki den toh daal roti?*”; “*Population plan se kaun pareshan ?*”; and “*Zyada bachche kudrat ka kanoon kaise?*” were also aired and at the end of the impugned broadcast, the broadcaster displayed that as per a "Public Poll", 97% people agree that it is fair to hold one religion responsible for population explosion. This claim was again made without sharing the data on the participants, methodology, duration, etc. of the poll.

Decision of NBDSA at its meeting 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 request made by the broadcaster seeking time to file its further written submissions in response to the additional grounds raised by the complainant by way of his written submission, NBDSA decided to defer further hearing in the complaint and granted the broadcaster seven days' time to file its further written submissions. NBDSA decided to inform the complainant and the broadcaster accordingly.

Hearing

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

Broadcaster:

Ms. Ritwika Nanda, Advocate

Mr. Piyush Choudhary, Chief Manager, Legal

Submissions of the Complainant

The complainant was not present in the VC hearing however, he sent his recorded video submissions. In the video submissions, the complainant reiterated the oral submissions made by him during the hearing scheduled on 11.11.2022. He submitted that in June 2022, NBDSA had passed an order against Zee News for violating the principles of neutrality and fairness in a programme aired by it on the UP-Population Control Bill. That within a month of passing of the said Order, the broadcaster again ran an identical show using the same template, thereby committing the same violations. In the impugned broadcast as well, the broadcaster continued to show unrelated visuals of large Muslim gatherings from around India while repetitively mentioning that the subject of the debate was not in respect of any particular religion. The complainant brought to the attention of the Authority some of the

visuals and tickers which were aired during the impugned broadcast. From the tickers aired during the impugned programme, he submitted that it appeared that the broadcaster was expressing its own thoughts on the subject in the form of questions raised during the programme. In the programme one religion was being blamed for population growth.

During the impugned programme, graphics relating to population growth were also shown from which it was clear that between 1951-61 to 1981-91 there was a population growth across all religions which subsequently declined between 1981-91 and 2001-11. However, the manner in which the said graphics were projected during the programme it appeared that only Muslim population was growing. During the broadcast based on Pew Research, the broadcaster also projected that by 2050 the Muslim population would be nearly 31 crores. However, it failed to mention that the Report of the Pew Research Centre also projects the Hindu Population to be around 130 crores by 2050. The complainant reiterated that the impugned programme appeared to target the Muslim community and attempted to instil fear against them.

Further, he submitted that unrelated graphics indicating the countries in the world having the highest Muslim population were also broadcast during the programme. In this regard, the complainant submitted that while it is possible that India may surpass other countries in the world such as Indonesia and Pakistan which have the highest Muslim population however the same was solely attributable to the sheer size of the total population in India. He reiterated that during the programme evils of population explosion were shown in order to paint the Muslim community as being solely responsible for the increase in population. The programme appeared to promote anti Muslim sentiments which was also evident from the public poll conducted during the programme which raised the question whether it is fair to blame one religion for population growth. The result of the public poll which indicated that 97% of the respondents agreed that it was fair to blame one religion for population explosion was broadcast without any data on the participants, methodology, duration, etc. of the poll being shared. Throughout the programme, one community was blamed for population explosion. Further, the anchor shut down Muslim panellists who talked about decline in fertility and growth rates.

In view of the above, the complainant submitted that by running a similar programme the channel had failed to abide by the Order of NBDSA. Therefore, keeping in mind the repetitive nature of violation, the complainant requested the Authority to take stringent action against the broadcaster.

Submissions of the Broadcaster

The broadcaster submitted that the present complaint was in respect of a debate organised on the occasion of World Population Day celebrated on 11.07.2022 to

dissect, analyse and debate on the statements made by political leaders *inter alia*, the Chief Minister of Uttar Pradesh and the reaction elicited from various political leaders including Mr. Shafikur Rahman Barq, Political Leader, Samajwadi Party (SP). The impugned programme was not a scripted programme rather it was a debate programme.

During the programme, the anchor attempted to moderate panellists to ensure that the debate was not given a communal colour and at several instances the anchor interjected the panellists not to give the issue a communal colour. At 00:1:22-00:1:32, the question “*Jansankhya Badhotari ke liye ek dharma ko zimmedar thebrana kya jaya hai?*”, which was also the poll question was raised and in response the anchor at the end of the debate at around 01:04:38 Timestamp answered the poll question by saying, “*Aur hum apko ye dikha rabe hai k kaise 97% logo ne ye kaha ki isse jaya nahi thebraya jaa sakta hain*” which clearly evidences that the poll question was answered in negative, i.e., no one community can be held responsible for population control.

In response to the submission of the broadcaster, NBDSA stated that contrary to the statement made by the anchor, the result of the public poll aired during the programme stated that 97% of the respondents agree that one religion can be blamed for population explosion. The broadcaster admitted that the ticker was incorrect however, it submitted that the anchor during the programme clarified the position that 97% of the respondents replied that one religion cannot be blamed for population explosion.

In response to Order No. 133 dated 13.6.2022 relied upon by the complainant, the broadcaster submitted that the said Order only deprecated certain taglines and tickers that were run during the impugned show and at no point in time it was stated that the subject of the telecast could not be aired. Further, it submitted that the impugned telecast was broadcast keeping in mind the observations made by the Authority in the aforesaid Order.

The broadcaster submitted that the taglines and tickers aired during the impugned programme were completely neutral. It submitted that the tickers/ headlines impugned by the complainant in the written submissions emanated from the statements made by political leaders who had allegedly given a religious angle to the issue of population growth in the country. The tickers/ headlines were broadcast to question the view points of the leaders and to seek accountability from their respective party representatives who were part of the debate. The tickers/ headlines were specifically used to open a debate on the issue of growing population that is a concern for the entire country and to expose the political parties who attempt to reduce important issues like population control into triviality and try to give every issue a communal angle to politicise the same. Therefore, the broadcaster submitted

that the tickers/ headlines used in the impugned telecast were completely neutral, balanced, objective and were used only to set the purpose and object of the debate.

Moreover, the observation made by the Authority in its earlier Order, regarding the statement made by Mr. Shafikur Rahman Barq being projected as the view of the entire community, it had in the impugned programme, repeatedly enquired and questioned the spokesperson of SP that in the light of the statement given by their leader, what was the stand of the party and whether the views expressed by Mr. Rahman were endorsed by the party or not, which clearly evidences that the broadcaster/ anchor had clearly cross questioned the opinion/ viewpoint of Mr. Shafikur Rahman and had not taken the same to be the view point of the entire community. This aspect was further clarified during the debate by the panellist, who stated that the views expressed by Mr. Barq were not the views of the entire party.

The broadcaster submitted that the role of the anchor in a live debate is to moderate and conduct the debate in a balanced and objective manner. In the impugned broadcast, the anchor interjected the panellists when they digressed from the topic of the debate and asserted her voice only to control the panellist who used foul language and made derogatory remarks about other panellists. Further, the anchor did not make any comment or statement targeting any particular religion as being solely responsible for the increasing population in the country and in fact condemned the statement of the aforesaid political leaders who gave a religious angle to the aforesaid issue.

In respect of the complainant's submission regarding unrelated visuals of large Muslim gatherings being shown in the programme the broadcaster submitted that the complainant had cherry picked visuals of Muslim gatherings shown during the impugned broadcast. At various instances general graphics/ images of market places, roads, footpaths with large crowds, college students, etc. were shown throughout the impugned telecast to show overcrowding and overpopulation and to impress the need of population control in the country. It therefore stated that the visuals were not shown to portray any particular community including the Muslim community as the reason behind the rising growth of population. NBDSA questioned the necessity of showing visuals pertaining to only one community and questioned why the broadcaster did not show images of neutral places only. Further, NBDSA also questioned the broadcaster why only a part of the Report of the Pew Research Centre was aired during the programme.

In response the broadcaster submitted that during the programme it had shown statistics pertaining to both Hindus and Muslims for different census years to highlight the population growth in different years. The purpose of the debate was not to instil fear in any community but to go to the root cause of population growth. It reiterated that it was an estimate of Pew Reserch Center that according to the

current population rate, the Muslim population would increase to 31 crores in the year 2030. Further, the research showed that Indonesia has the largest Muslim population in the world, Pakistan is on the second and India is on the third. Therefore, it submitted that during the broadcast not only had it shown correct statistics but had also displayed the sources, i.e., Pew Reserch Center to disseminate correct information to the public at large. Further, since the impugned telecast was a live debate which had many parts, some of which were covered through questions and answers, catchlines, graphics, and through pictures, therefore only those statistics and figures whose veracity was confirmed were aired along with their source.

The broadcaster submitted that it had only reported the increased in the Muslim population because it was the highest percentage increase in any category. It reiterated that the complainant had picked extracts from the programme in a piece meal manner and had not viewed the debate in a complete, wholistic manner to understand the tone, tenor, purpose and objective of the impugned telecast.

In view of the aforesaid, the broadcaster submitted that the impugned programme was in conformity with the Code of Ethics and Broadcasting Standards and had not breached any of the Fundamental Standards as falsely alleged. Therefore, the broadcaster requested the Authority to dismiss the present complaint.

Decision

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.

NBDSA noted that the impugned programme was a debate conducted by the broadcaster on the issue of population growth based on statements made by various political leaders on the occasion of World Population Day.

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. However, NBDSA was primarily concerned with the fact as to whether the broadcaster/anchor, while running such a programme had adhered to the Code of Ethics & Broadcasting Standards and conducted the debate within the confines of the said Code and Guidelines issued by it. Therefore, the impugned programme was examined by NBDSA on the aforesaid parameters.

NBDSA was of the view that while it was permissible for the broadcaster to conduct a debate on the issue of population explosion, however, on a perusal of the impugned programme it appears that the broadcast lacked objectivity and neutrality as it disproportionately focused only on one religion/community as being solely

responsible for the population growth. By airing unrelated visuals of Muslim gatherings and by selectively sharing statistics about the Hindu-Muslim population, NBDSA observed that it was the broadcaster who had given the issue of population explosion a communal colour. In this regard, NBDSA observed that while it was permissible for the broadcaster to report the statistics available in the Pew Report which projected the Muslim population to be approximately 310 million by 2050. However, in order to ensure balance and neutrality in the programme, it would have been appropriate for the broadcaster to also report the complete statistics given in the said Report which showed that the growth in the Hindu population, would be approximately 1.3 billion by 2050. NBDSA also observed that while reporting such statistics, it would have been factually correct and accurate for the broadcaster to also inform the viewers about the fact as to the growth rate of the various communities, which found mention in the Report instead of selectively picking up the statistics from the said Report.

NBDSA was of the view that by selectively presenting the statistics, the broadcaster had failed to abide by the principles of Impartiality, Neutrality and Fairness enshrined under the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage. Further, NBDSA also noted that the broadcaster had violated the principle of accuracy and corrigendum by running the ticker showing that the result of public poll conducted by it stated that 97% of the persons interviewed during the poll stated that it was fair to hold one religion as being solely responsible for population explosion whereas the poll results were just the opposite, which was mentioned by the anchor as well. However, as mentioned above the ticker wrongly projected just the opposite.

Keeping in mind the above violations, NBDSA therefore decided to caution the broadcaster to not repeat the aforementioned violations in future broadcasts and also directed the broadcaster that in accordance with the News Broadcasting & Digital Standards Regulations, it shall publicize NBDSA's Order mandatorily on the ticker of its channel Zee News once every hour starting from 8:00 AM on 6.3.2023 to 8:00 AM on 7.3.2023 (24 hours) in the following manner:

“NBDSA has found that the broadcaster has violated the Code of Ethics & Broadcasting Standards and Specific Guidelines Covering Reportage by telecasting programme titled Kya Jansankhya Badhotari ke liye ek dharma ko zimmedar thebrana jaya? aired on 12.7.2022 and by displaying selective data during the programme”.

NBDSA also decided the broadcaster shall submit recording of the ticker aired on the channel between 8:00 AM on 6.3.2023 to 8:00 AM on 7.3.2023 within a week of its airing.

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 aforesaid observations and inform the complainant 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**