

News Broadcasting & Digital Standards Authority

Order No. 167 (2023)

Complainant: Utkarsh Mishra

Programme: Various Broadcasts aired between 28.6.2022 and 5.9.2022

Channel: Times Now and Times Now Navbharat

Complaints were filed in respect of thirty broadcasts which were aired between 28.06.2022 and 5.09.2022.

Summary of the Complaints:

The complainant stated that in the impugned broadcasts, the following issues were inter alia debated:

- i. Nupur Sharma's statement made on Times Now;
- ii. The lynching of Hindus for supporting Nupur Sharma;
- iii. Hon'ble Supreme Court's comment on Nupur Sharma;
- iv. Open letter against the Hon'ble Supreme Court's comment;
- v. The founder of Altnews, Zubair's arrest and bail hearing;
- vi. Research paper about the rise of Hinduphobia;
- vii. Mohua Moitra and Leena Manimekmalai's alleged 'anti-Hindu' statements; and
- viii. Alleged safronized school syllabus change of the Karnataka Government.

The impugned broadcasts violated Fundamental Principle Number 4, which requires the Broadcasters to "*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*" and Principles Number 1 and 2 of Self-Regulation relating to impartiality and objectivity in reporting and ensuring neutrality. He stated that the aforesaid principles essentially relate to selective coverage of issues and presenting issues in a partisan manner.

In the broadcasts, three Interest Groups were broadly identified, i.e.,

1. Interest Group 1- BJP and Hindu extremist groups like RSS, VHP, Bajrang Dal etc.
2. Interest Group 2 - Opposition parties and the Supreme Court
3. Interest Group 3 - The "lobby"/ "ecosystem"/ "secularist"/ "Islamists". Depending on the issue being reported, these terms are interchangeably used by the broadcaster to include not only terrorists and terror sympathizers but also actors and writers. The only common thread amongst them is that they are constant critics of the current political executive.

He stated that the titles appearing on-screen throughout the broadcasts bear out the manner in which the broadcaster, instead of reporting the key developments that objectively inform the viewers' opinion of an issue, reported the positions taken up by the concerned interest groups on the said developments.

In the broadcasts, controversial public issues such as the intent, thought process and sentiments of interest groups who are prima facie accountable for incidents of free speech abuse, state arbitrariness, religious intolerance/ communal violence and socio-economic disenfranchisement or vulnerability of Hindu/ Muslims were reported. The aforesaid incidents prima facie falls under the ambit of Sections 153A, 505A, 293 A of the Indian Penal Code, 1860 and the various anti-terror laws which prosecute attempts to spread enmity between different communities and other acts prejudicial to national integration. Establishing the intent of the accused interest group is essential for conviction under the relevant laws.

Since intent, motive, sentiment, and thought process are inherently tenuous and subjective aspects, they allow for a greater degree of generalization, conjectures, suggestive guilt and attribution of extremist intent during the debates. A cursory comparison of the questions asked to the two interest groups in the impugned broadcast reveals how accountability for intent/sentiment/ thought process was overwhelmingly sought only from one interest group over the other.

On the occasions that accountability has been sought from the BJP or the Right Wing groups, the framing of the debate avoids generalizations and only holds BJP or the specific fringe group accountable.

In the broadcasts, the complainant stated that the opinions and beliefs of Interest Group 1 are promoted, and that of the opposition are hindered in the following manner in respect of the above-mentioned issues and reports:-

1. Intent :- Anti Indian

The primary opinion, belief or desire being promoted for one side is the one held by the BJP that the dissidents are politically motivated, and their actions seek to undermine the integrity, malign India, and undermine democracy. Particularly vague, highly subjective and arbitrary questions of whether the intent of the stakeholders of the controversial public issue being discussed was “*Anti-Indian*” in nature are reserved for dissenters. In the broadcasts, the selective focus on the *mens rea* of one interest group allowed for a greater degree of speculation, conjecture, generalization, and suggestive guilt to be affixed upon them by the panellists from the BJP, its allied interest groups and the anchors. An act falling under the relevant laws that prima facie holds dissidents accountable was deliberated as an intentional attempt to defame the country, while similar acts by Interest Group 1 were debated as primarily law and order issues. This added dimension of threat to the State, which forms the basis for prosecution under the relevant law, particularly the anti-terror laws was thus

projected upon by the dissidents. The broadcasts promoted the point of view of Interest Group 1 regarding intent, as is evident from a cursory analysis of the charge sheets filed by the Government against its dissidents. The accused in these chargesheets such as Umar Khalid, Mohd Zubair, Teesta Setalvad, whose names often come up during these debates, have been accused of vaguely defined anti-national and anti-India charges.

In the broadcasts, utterly unfounded and grave political charges were promoted by simply adding a question mark. Since accountability for '*Anti-Indian*' intent was only ever demanded from one interest group, the viewers eventually associate suggestive guilt for the said issues only upon one group over a period of time. The political charge was thus turned into a social movement, made actionable by charging the dissident interest groups under threat to national security laws instead of the IPC, on the basis of their intent. Panellists from Interest Group 1 were conveniently not invited in cases while debating the controversial public issues wherein accountability could be *prima facie* affixed onto them.

2. **Thought process - Hypocrisy**

The controversial issue that had taken up the maximum debate time was the deniability of Hinduphobia, the selective outrage and double standards in calling out hate crimes. For eg:- Mohd. Zubair is accused of using draconian laws to call for locking up his adversaries, and thus as not having the moral immunity to protect himself. In the broadcasts, the Panellists from Interest Group 1 repeatedly use their screen time to promote their allegiance to progressive constitutional goals despite mounting records of them abusing state machinery to stifle dissent, and were rarely interrupted or asked to account for their statements. The hypocrisy of the Interest Group 1 is not called out.

The denial or selective outrage of the dissidents had been specifically termed as "*Intellectual terrorism*", as borne out by a statement of the Panelist Binya Singh that "*this dual standard is called intellectual terror*". This term was used by the anchor against a TMC Panellist, who is a regular guest on the show. The anchor accused the panellist of "*intellectual terrorism*" for defending himself, when he objected to the anchor saying "*you want to behead me, then behead me*", while debating the beheadings. This concept of dual standards and hypocrisy was used by anchors to claim duplicitous intent of the dissident interest groups in acts of communal or terrorist violence. However, on the rare occasions the right wing was held accountable, their hypocrisy was limited to being labelled as political opportunism or ignorance. The broadcasts followed a pattern of promoting the acts and statements of the opposition with the added dimension of a national security threat such as terrorism.

3. Binary context setting

- a) **Communal violence (Beheadings)** - The religious polarization since 2014 which had been accounted as one of the factors that led to beheadings was promoted by the anchor as the justification of the beheadings. The panellists were repeatedly heckled to answer complex issues of socio-cultural strife in a yes or no manner, while panellists from Interest Group 1 were given ample time to establish any context they wished.
- b) **Free Speech** - The coverage of the Nupur/Zubair/Leena/Mahua statements controversy had been reported with an agenda to promote the binary point of view that either these statements are all equally condemnable or not condemnable at all. The broadcasts repeatedly attempted to promote the intent of the statements made by Ms. Nupur Sharma as reasonable religious inquiry and claimed that because she had to apologize for her statements, everybody else should also apologize for theirs. The failure to condemn certain statements made by these people in the anchor's words was cause enough for him to discredit their entire statement, and label them as hypocrites. The broadcasts followed a pattern of framing political questions and debate in extreme binaries. The anchor's point of hypocrisy hinged on his personal opinion that what Mohua Moitra and Leena said and what Nupur said were either equally condemnable or not condemnable at all, demonstrating his inability to understand nuance and the concept of reasonable restrictions upon free speech, taking into consideration the facts and circumstances of each case.

4. Sentiment:

- a) **Nationalism** – Interest Group No.1's promotion of its political opponents as being fundamentally against the interests of India was also evident in the manner in which they engaged in political debate by routinely referring to their critics and political opposition as terror sympathizers, anti-India, anti-national, defaming India lobby. The ticker aired during the debates concerning Mohua Moitra, Mohd Zubair, Leena also referred to their statements as being "*Anti Indian*". This opinion and belief was also repeatedly expressed by BJP or its allied interest groups or representatives during the debates, while they were allowed to go on long uninterrupted rants.

b) **Religious Polarization**

During the broadcasts, the point of view that Hindus in the country were being disenfranchised and there is a rise in Hinduphobia and Hindu hatred as established by research papers, and the beheadings and comments made by certain individuals is promoted. While the other point of view that Muslims in the country were being disenfranchised and there has been a rise in communal violence since 2014, with Muslims bearing the brunt of it was hindered. Further, the broadcaster also repeatedly claimed that the point of view that Muslims are vulnerable and scared was false and was being promoted by a highly motivated lobby of activists and politicians.

c) Associative Guilt –

In the broadcasts associative guilt is expressly fixated upon the dissenters. For eg, the anchor explicitly stated in a broadcast that if the condemnation of the calls for Nupur's beheadings had happened from the ominous and vaguely defined lobby, then perhaps Kanhaiya would have been alive today.

The complainant stated that in the broadcasts the anchors while moderating the debates on polarising socio religious incidents, held interest groups to account for their acts of commission or omission, that are prejudicial to national integration. In this regard, they overwhelmingly reported only the incidents that demonstrate weaponization of the Muslim faith to commit such acts , while expressly whitewashing or not reporting trends and patterns that bear out increasing majoritarian violence over the past few years and the state impunity being granted to those who commit such acts.

An analysis of the broadcaster's coverage on issues since 2015 would reveal that there is a prima case of bias, selectivity and news is reported to hinder a point of view as is evidence by the following:-

a) The questions asked by the anchors to NDA representatives. The questions do not address impunity being provided by the NDA to Hindu vigilante groups, to the same or similar extent as they address the alleged cover fire being provided by certain interest groups, particularly opposition parties to Muslim vigilante groups.

b) The failure to report incidents prejudicial to national integration , which is punishable under section 153 B of the IPC , whereby accountability would prima facie be affixed upon the NDA and hindu vigilante groups. Eg:- lynchings happening in BJP ruled states.

c) Anchors and panelists using expansive historical context to bear out one side of the arguments, while whitewashing/ neglecting to acknowledge incidents or establish context that account for the legitimacy of the point of view of the other interest group.

Response of the Broadcaster:

1. The broadcaster denied all allegations / contentions / averments made by the complainant. The broadcaster stated that in the complaints frivolous and baseless allegations were made regarding the compliance of the Guidelines issued by the Authority. It stated that through the complaints, the complainant had blindly questioned the conduct of reputed anchors and journalists without reviewing the context and entirety of the topic being debated and also the right of the media to raise difficult questions on relevant and current events in the country. Such an attempt not only undermines the editorial freedom of the Respondent channel but also casts baseless

aspersions on the credibility of reputed anchors and journalists and therefore must be deprecated outrightly.

2. The complaints are not maintainable as the broadcaster had not violated any rules and regulations. The subject programmes were debate programmes ‘*News Hour Debate*’ and ‘*India Upfront Debate*’, which are in the nature of ‘live’ shows that invite comments/views and responses from various guests/speakers, experts on a specific, pointed and focused issue. The programmes provide an equitable platform to panellists to put forth their views freely. In the programmes, questions and issues that have gained public importance and are of national interest which have an impact on the nation and the public at large are raised. These issues are predominantly current issues keeping in mind public interest and significance of such news items in a democracy.
3. The debates/ programmes impugned in the complaints do not violate Code of Ethics and Broadcasting Standards and the Guidelines in any manner whatsoever as alleged or otherwise or at all *inter alia* on the following counts:
 - i. That the impugned debates have to be viewed in context of the questions raised.
 - ii. That in the complaints selected comments made by the anchor (s) are highlighted to level these allegations and appears to be targeting the anchor (s) in their individual capacities as journalists.
 - iii. That the complaints focus only on one side of the spectrum and do not appreciate that a counter argument is equally relevant, important and critical for viewers to form their opinions, specifically when popular beliefs and criticisms are challenged. Further, viewers have a right to know an alternative argument to such popular beliefs on significant matters.
 - iv. That raising pertinent, strong and pointed questions cannot be brushed aside with the allegation that they ‘peddle a narrative’.
 - v. That Islamophobia and Hinduphobia both need to be freely and fearlessly discussed and debated, especially when they can influence the views of the public.
4. The impugned broadcasts by no stretch of imagination violate Guidelines on court proceedings as alleged or otherwise or at all, as the above said information were in public domain, and as such, publication of the same cannot be challenged nor restricted in any manner whatsoever.

5. The debate programmes did not contain any attack on religion, community or words contemptuous of religious groups which promote communal attitudes as alleged or otherwise or at all. There were no obscene, defamatory, deliberate, false, suggestive innuendos and half-truths stated therein. There was no criticisms or slanderous discussion or maligning of any individual, groups, or segments as alleged or at all.
6. The broadcaster denied that there were any half-truths in the programmes which could incite hatred against a particular community as alleged or otherwise or at all. Further, it denied that such debates were a clear attempt to disrupt communal harmony and incite hatred towards a particular community as alleged or otherwise or at all.
7. The channel or the anchors by way of such debates had not violated any guidelines or regulations as alleged or otherwise or at all. The broadcaster stated that the debates 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.
8. It reiterated that the aforesaid programmes by no stretch of imagination could be deemed to have outraged religious feelings of any class or community, created or promoting enmity or promoting enmity, hatred or ill- will between classes or violated fundamental principle or principles of self-regulations under the Code of Ethics.
9. That media freedom is an essential pillar of a free democracy and plurality of views and opinions, however strong and direct they maybe, must be allowed to protect this sanctity.
10. It is a settled law that the media and press should not be unnecessarily restricted in their speech as the same may amount to curtailment of expression of the ideas and free discussion in the public on the basis of which a democratic country functions. It has been held by the Hon'ble Supreme Court that the freedom of speech and expression includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation, without which the publication would be of little value. The Hon'ble Supreme Court has also held that the liberty of the press is an essential part of the right to freedom of speech and expression and that this liberty consists of allowing no previous restraint upon publication.
11. Apart from the right of the Broadcaster to disseminate, to the public at large, the citizens of India have the right to know about the current affairs of the country, and the right to know, is also another aspect of free speech and

democracy. The freedom of speech and expression include the right to hold opinion without interference and to seek, receive and impart information and ideas to any media and regardless of frontiers. It has been observed by the Hon'ble Supreme Court of India that when the freedom of expression is put to use by the mass media, it acquires additional dimensions and becomes freedom of information. It has been held that the constitutional guarantee of freedom of speech is not so much for the benefit of the press as it is for the benefit of the public. The freedom of speech includes within its compass the right of all citizens to read and be informed. The aforesaid programmes were one such criticism, and a fair one.

12. That the framers of our Constitution recognized the importance of safeguarding the right under Article 19(1)(a) since the free flow of opinion and ideas is essential for the collective life of the citizenry.
13. That it is settled law that the press is entitled to make fair comments on issues that impact the public at large, which is a right guaranteed under Article 19(1)(a) of the Constitution of India. This is an integral part of right of free speech and expression and the same must not be whittled away.

Decision of NBDSA at its meeting held on 28.11.2022

NBDSA went through the captioned complaints filed by the complainant, the response filed by the broadcaster and decided to call both the parties for a hearing to consider complaints. The Authority noted that since some complaints were barred by limitation at the second level of redressal and are yet to be condoned. On the date of hearing, the condonation in respect of those complaints will be heard first and subsequently, if the delay is condoned in respect of these complaints, these complaints will be heard along with the other complaints.

On being served with Notices the following persons were present at the Hearing on 15.12.2022

2. Complainant:

Utkarsh Mishra

3. Broadcaster

Kunal Tandon, Advocate

Kirtima Maroovar, Compliance Officer NBDSA

Decision of NBDSA at its Meeting held on 15.12.2022

On the date of hearing, the complainant sought for an adjournment to place on record the rejoinder filed by him which was granted by the Authority. Accordingly, the Authority adjourned the hearing in the complaint to a later date to consider the rejoinder filed by the complainant and give the broadcaster an opportunity to respond to the rejoinder.

The broadcaster vide email dated 5.4.2023 requested the Authority to consider the response and written submission already on record as its response to the rejoinder filed by the complainant.

Decision of NBDSA at its Meeting held on 12.5.2023

Keeping in mind the email dated 5.4.2023 received from the broadcaster, NBDSA decided to call the parties for a hearing at the next meeting of the Authority.

On being served with Notices the following persons were present at the Hearing on 16.06.2023

1. Complainant:

Mr. Utkarsh Mishra
Ms. Suroor Mandar

2. Broadcaster

Mr. Kunal Tandon, Advocate
Ms. Niti Jain, Advocate
Ms. Kirtima Maroovar, Compliance Officer NBDSA

A. On the issue of delay in filing six complaints

Submissions of the Complainant:

In respect of the six complaints barred by limitation at the second level of redressal, the complainant requested for the Authority to condone the delay in filing the complaints, as the delay in filing the complaints was not significant and was done keeping in mind the best interest of all parties to ensure brevity in arguments, as these complaints had nearly identical grounds of violation. Therefore, keeping in mind the principles of natural justice and the need to strengthen self-regulation, the complainant requested for the Authority to condone the delay.

Submissions of the Broadcaster

In response, the broadcaster denied that there were identical grounds of violation in the complaints. It was submitted that since the complaints were unconnected there was no reason why the complaints could not be filed in time the Authority to strictly view the delay in filing the complaints as non-compliance with Regulation 8.2.

B. Submission on Merits

Submissions of the Complainant:

The complainant submitted that Fundamental Principle No.4 requires the broadcaster not to project selective coverage of issues and inform the viewers' understanding of the issues in a partisan manner. The principle imposes an obligation on the broadcaster to place the relevant facts on record to objectively inform the viewer's opinion of these issues. He stated that the complaints filed illustrate how the debates have been framed on the most subjective aspects of the

issues while selectively placing facts on record in a manner which promotes the opinion of Interest Group 1 over Interest Groups 2 and 3.

The complainant submitted that the subject of the broadcasts impugned in the complaints *inter alia* included comments made by Nupur Sharma in respect of the Prophet Mohammad whilst she was invited as a panellist on a Times Now show, further, the incident involving Mohd. Zubair, who was the first to tweet on the statement made by Nupur Sharma and was subsequently arrested based on a few old tweets, was also the subject of the broadcasts. Furthermore, the Poster showing Goddess Kali smoking, which was posted by Leena Manimekalai and offended many Hindu Community members, was also the subject of the broadcasts impugned in the complaint. In the broadcasts, Mohua Moitra MP, TMC, who had tweeted in support of Leena, was also discussed.

The complainant submitted that most of the debates aired by the broadcaster on the said issues were on abuse of free speech, appeasement politics, blasphemy, communal polarization, threatening the integrity of the nation and maligning the country, which are generally prosecuted under Sections 153 A and B of the Indian Penal Code, 1860. His primary grievance was regarding the broadcaster's line of questioning in the impugned broadcasts.

The complainant submitted that in the broadcasts, three obvious interest groups had emerged, namely Interest Group 1, which included BJP and Hindu extremist groups like RSS, VHP, Bajrang Dal etc., Interest Group 2, which included Opposition parties and the Supreme Court and Interest Group 3 which included "lobby"/ "ecosystem"/ "secularist"/ "Islamists" and even terrorists and terror sympathizers. He submitted that in Interest Group 3, the critics of the current political executive have been included. Further, he submitted that a YouTube search of "Lobby Times Now" would reveal that the broadcaster has exclusively used the term lobby to describe Members of the Muslim Community or the opposition. In the broadcasts, issues involving Interest Groups 2 and 3 are linked to a larger Anti-India conspiracy.

NBDSA questioned the complainant whether the channel could not comment on or debate the statements made by the critics of the Government. The complainant submitted that while there can be no objection to debates being carried out on the public statements made by the critics of the Government, however, his grievance was regarding the use of the terms "lobby", "ecosystem", etc., by the broadcaster. The complainant stated that these generalized terms include entire communities formed based on socio-political issues, and such generalised categorisations are never used regarding Interest Group 1. By making such generalised categorizations, the broadcaster had, in its broadcasts, sought accountability from the entire community for small acts committed by a few. In contrast, in respect of Interest Group 1, accountability was sought by the broadcaster only from fringe elements or the individual.

The complainant submitted that the line of questioning adopted by the broadcaster in respect of Interest Groups 2 and 3, along with the selective placement of facts in the broadcasts, clearly shows how the broadcaster has violated Fundamental Principle No.4 by hindering the beliefs of Interest Group No. 2 and 3 while promoting the opinion of Interest Group 1.

The complainant brought to the notice of the Authority certain tickers which were aired by the broadcaster during its coverage of Leena Manimekalai's incident, such as “#LeenaMalignsIndia, 'India Bashing' by Maker, Tags India 'Largest hate machine', 'Whole nation has deteriorated': Leena, 'Largest democracy to largest hate machine': Leena”, which attempt to project malafide intent on the part of the Director. He stated that the anchor attributed extremist positions to Leena by stating, *"Do you think it has become convenient to blame the country when you are at fault. First basically provoke people and then play victim. And say, India is hateful not me, India is hateful."* Further, any criticism of Interest Group 1 was projected in the broadcasts as criticism of the nation.

NBDSA questioned the complainant about how criticism of the Kali Poster could be projected as having promoted the interest of Interest Group 1. In response, the complainant submitted that while it is very valid and natural for others to feel offended by the Poster, his objection is with the broadcaster's promotion of opinions expressed by Interest Group 1 as facts. During the broadcast, the broadcaster promoted the point of view of the panellist from Interest Group 1 that Leena was part of a coalition that is Anti-Indian. Based on Ms. Leena's criticism of the people criticising her, the broadcaster cannot conclude that Leena was maligning the country. The complainant submitted that his grievance was regarding the portrayal of intent as being mala fide in sensitive issues.

NBDSA noted that since all panellists from all divergent groups were allowed to project their point of view, as far as the complainant's grievance was concerned he was aggrieved by the conduct of the anchor who according to him was projecting or promoting only the concerns, beliefs and opinions of one interest group.

Submission of the Broadcaster

The broadcaster submitted that in respect of the debates conducted by it on the Kali Poster, a discussion was carried out on the tweets posted by Leena, which included statements like the nation has turned into a hate machine. In the broadcasts, the debate itself started with the poster and the tweets posted by Leena on several occasions were also aired. Further, it submitted that all media had covered this issue, print or otherwise, in India and abroad.

It was necessary that the debate programmes be viewed as a whole, and not on the basis of breaking and dissecting a sentence or a stanza to show any adverse effect, without contextually understanding why that statement or sentence or stanza came about. In the instant case, the complainant has cherry-picked a few words, stanzas and statements in great detail, which is impermissible. The broadcaster submitted

that, in any event, the words and stanzas cherry-picked by the complainant were statements made by panellists. The complainant has been unable to show the Authority that the anchors had made any untoward or wrong statements.

The broadcasts have to be analysed in view of the following principles :

1. The broadcasts have to be judged from the perspective of an ordinary man and not a hypersensitive man.
2. That mere irritation, annoyance or displeasure of a particular party cannot be construed as a violation; only incitement can be construed as a violation. In the impugned broadcasts, there was no incitement, only a discussion and, at best, advocacy was carried.
3. The panellists' views cannot be construed as the channel's views. In the broadcasts, the Anchors maintained neutrality by asking various panellists questions from time to time.
4. The object and context in which a particular debate has been settled are essential. In the instant case, the debates were based on Tweets posted by Leena, wherein she herself had used terms such as "*Largest Hate Machine*". "*Constitution of India is dead*". These tweets were also aired simultaneously during the debates.
5. The purpose of dissemination of news is to give information in an accurate and fair manner. Nobody can dictate the news to be played, which is the discretion of the channel.
6. The manner of presentation, topic, and relevance is part of the editorial discretion.
7. That the restrictions on a news channels are contained only under Article 19(2).

Regarding the complainant's objection to using the term "lobby", the broadcaster submitted that picking up dictionary meanings and alleging offence is not permissible, and the programme as a whole has to be considered. Further, it denied the allegation that in the broadcasts interest of the alleged Interest Group No.1 was being promoted.

Rejoinder by Complainant

The complainant submitted that his objection is not to the usage of the word lobby rather, it is to the usage of this word only to describe Interest Groups 2 and 3, which allows the broadcaster to have far more generalized discussions. The word lobby is used to frame a debate regarding Interest Groups 2 and 3, that the term allows the broadcaster to seek accountability from the entire community for the actions of a few fringe elements. The broadcasters' line of questioning of Interest Groups 2 & 3 is far more generalized than Interest Group 1, who are asked only specific questions. No questions regarding intent are raised in respect of Interest Group 1. In the

broadcast, by saying Leena Maligns India, the Anchor promoted the opinion of Interest Group 1. The anchor's biasedness is revealed in how he treats an issue and through the tickers aired during the broadcasts. He submitted that in the broadcast aired on 8.6.2022, the title "*Why death threats for truthful comments?*" itself projects that the anchor is claiming that the statement made by Nupur Sharma was true.

During the broadcasts, the anchor allowed Interest Group 1 to speak uninterruptedly, while Interest Groups 2 and 3 were interrupted and unable to express their views. Further, he reiterated that relevant facts were not kept on record during the broadcasts.

Rejoinder by Broadcaster

The broadcaster denied the allegation of the complainant that the programmes were conducted in a biased manner. It stated that the complainant was dissecting the programmes, which was impermissible. During the broadcasts, the anchor raised questions to all the panellists. That the manner in which such questions were raised could be different; however, the same cannot be construed as a violation of the Code of Ethics, particularly Fundamental Principle Number 4. It submitted that the freedom of speech and expression allows the anchor to present the debate in a manner he/she deems fit. Further, it submitted that since divergent panellists were present in the programme, no question of biasedness could be raised.

After the hearing, the complainant, vide email dated 28.06.2023, submitted a short note on the "*bias*" of the broadcaster in the impugned broadcasts. He reiterated that from the questions asked by the broadcaster to Interest Group 1, the broadcaster's bias was evident. In the programme, the instructions given by the judiciary to the media to be careful and not target individuals in respect of whom any matter is pending before a Court of law were purposefully misconstrued. Further, in the impugned broadcasts, there was a failure to report the developments that inform the beliefs of Interest Groups 2 and 3 regarding the impunity being granted by the BJP to Hindu extremist groups. In the broadcasts, the beliefs of Interest Groups 2 and 3 were repeatedly hindered as they were labelled as politically motivated or anti-national, which amounts to the designing of news to hinder the beliefs of one interest group.

The broadcaster, vide email dated 16.6.2023, submitted its response to the note on "*bias*". It stated that the complainant had tried to mislead the Authority by highlighting that the respondent had, in all the debate programmes impugned in the complaint, selectively promoted the malafide intent of certain interest groups. The broadcaster reiterated that it had neither promoted or impinged any malafide intent on any of the interest groups as alleged nor had it selectively placed on record or distorted any facts, thereby being guilty of targeting the secular fabric of the country. It stated that no allegation of "*bias*" can be levelled against it in framing debates, choosing panellists, allotting screen timing to the panellists and choosing the line of questioning done to the panellists. It is pertinent to mention that the said are all

within the domain of freedom of speech and expression as envisaged under Article 19(1)(a). That no person can dictate or regulate the content in the manner that is being sought by the complainant. Further, it reiterated that the principles of law postulate that the standards for judging the news programme should be that of an ordinary man of common sense and prudence and not that of a hypersensitive man.

Decision

NBDSA considered the application for condonation of delay, reply of the broadcaster and the submission of the parties. In view of the fact that the delay in escalating the complaint to the second level of redressal was not significant and was satisfactorily explained, NBDSA decided to condone the delay and decided to hear all the complaints on merits.

NBDSA noted that in the complaints filed by the complainant, a general allegation is the narrative in the impugned news broadcasts which pertained to promotion of the belief and opinion of one particular interest group. Further, NBDSA also noted that the complainant had in support of his allegation made in the complaint stated that the broadcasts either promoted or hindered one side of a controversial public issue and that the anchors of the said broadcasts attempted to lead the debate in a certain direction to promote the beliefs of a particular interest group.

NBDSA also noted that the response of the broadcaster was that it had not violated the Code of Ethics & Broadcasting Standards (Code of Ethics) and NBDSA Guidelines and that the broadcasts had to be judged from the perspective of an ordinary person and not that of a hypersensitive person. NBDSA also noted that the broadcaster had submitted that the broadcasts have to be viewed as a whole and a complainant could not take individual statements to allege that the broadcasts had violated the Code of Ethics.

After going through the complaints, responses filed by the broadcaster, and after giving due consideration to the submissions of both the parties, NBDSA observed that in the impugned broadcasts panel discussions were conducted by the anchors with diverse panellists who were given an opportunity to project their point of views and therefore, the versions of various parties were put forth in the broadcasts. Merely because an issue is controversial it cannot be held that the broadcaster cannot debate on the said issue and therefore, NBDSA found no violation of Code of Ethics & Broadcasting Standards and Guidelines in the impugned broadcasts.

NBDSA decided to close the complaints 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 : 26.07.2023**