

## News Broadcasting & Digital Standards Authority

**Common Order No 168 (2023)**

**Complainant: Citizens for Justice & Peace and Mr. Matin Mujawar**

**Programme: Black and White**

**Channel: Aaj Tak**

**Date of Broadcast: 30.09.2022**

Since the complainants did not receive any response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulation, on 14.10.2022 and 20.10.2022 the complaints were escalated to the second level of redressal, i.e., NBDSA.

### **Complaint of Citizens for Justice and Peace**

The impugned news programme had themes of communal divide throughout its narrative, which the channel did not try to mask in any manner, with the anchor manipulating facts and actively participating in the communal diatribe. The show was flagged off with a communally polarizing question: "*Muslim yuvaon ka garba ke pandolon mei jaane ka makshad akhir hai kya?*". The opening remark itself was brazenly divisive, and the narrative of the show carried on with the same to a whole another level. By questioning why Muslims should take an interest in participating in a festival that Hindus celebrate, the anchor made no attempts to mask his and the channel's prejudice against Islam and its followers. The concept of unity in diversity had been lost by both the channel and its anchor. They seemed to have forgotten that in India, all festivals are celebrated by households and in the public sphere by people of all religions. In fact, one can find more stories of harmony in festivals than at any other time of the year, and festivals bring people together irrespective of their religious background or otherwise.

### **Extracts from the show:**

0:15-1:27 minutes time stamp

*Breaking news to aapne bahut suni hogi, lekin aaj hum aapke liye ek breaking vishleshan karenge. aaj hum aapko garba pandalo mein muslim ladkon ki maujudagi par ho rahe vivaad ke baare mein bataen jiske baare mein desh mein log baat kar rahe hain charcha kar rahe hain.*

*..lekin koi bhi samachar channel aap ko iske baare mein bata nahi raha navratri ke dauran ahmedabad aur indore ke kai garba pandalo se ye shikayate ayi ki vah kuchh muslim ladke apna hindu naam rakh kar een pandalo mein ghuss gaye.*

*..aur jab unki sandigdh paristhitiyon ko dekhate hue unhen pakade gaye toh hindu mahasabha ke logon ne pita and iske baad unhen police ke havale kar diya gaya*

...aur jab unki sandigadh paristhitiyon ko dekhate hue unhe pakade gaye toh hindu mahasabha ke logon ne pita. iske baad unhen police ke havale kar diya gaya

aur praves se pahle logo ke id card ki janch karen ja rahe hain. jab ki sthaniye logo ka samal ye hai ki ye muslim ladke apna dharm chhupa kar akhir vah kiss mansha se aana chahte hain.

#### 8:00 minutes time stamp

...breaking news to aapne बहुत suni hogi, lekin aaj hum aapke liye ek breaking vishleshan karenge. us khabar ka vishleshan karenge ji par hamare desh mein aaj kal बहुत bahas ho rahi hai.

...aur vah khabar hai garba karyakramon mein muslim yuvakon ke upar lagayi gayi rok.

...Pichle hafte se ab tak 7 se zada aise mamle saamne aa chuke hai jahan muslim yuvako ke saath ya toh maar peeth ki gayi hai ya police ne unhe giraftaar kar liya hai.

...inn sab ghatnaon ke baad humare desh ka ek khaas varg yeh keh raha hai ki muslim yuva ka garba karyakramon mein jaan apradh kese ho sakta hai?

...Humara toh dharam nirpeksh desh hai, humare desh mei ek samvidhan hai aur uss samvidhan ke tebaet aise desh mei muslim yuvaon ko aise apna nishana kese bana sakte hain?

...Inn baton ko sunkar aapko bhi aisa lagega ki humare desh mei hindu tyoharo ke naam par muslim samuday par atyachaar shuru ho gaya hai. Lekin kya yeh sach hai ya iska koi dusra pehlu bhi hai. Toh dusra pehlu kya hai yahi batane hum aapke saamne aye hai.

...yeh muslim yuva akhir garba pandalo mei jana kyu chahte hai aur kya iske peeche love jihad ka maksad ho sakta hai? Kyuki abhi tak jitney bhi aaropi mile hai unhone apna naam badal kar hindu naam rakh kar inn karyakramo mei hissa liya hai.

...Inn ladko ko naam badal kar chori chipe jaane ki kya zarurat hai. Inn garba pandalo mei muslim ladke hi kyu jaa rahe hai? Muslim ladkiyan kyu nahi?

...Garba koi sanskritic karyakaram ya live concert nahi hai. Garba navratri ke tyohaar se juda ek dharmic anushthan hai jisme hindu deviyon ki aarti se pehle unhe prashan karne ke liye nritya kiya jata hai, jo dharmic bhavnao se juda hua hai.

...Lekin aaj kal agar aap dekhenge toh humare desh ka ek khaas varg isse aise pesh kar raha hai jese inn dharmic anushthano mei muslim yuvayon ka hona unka ek samvidhanic haq hai aur yeh adbhikar unse cheena jaa raha hai.

...Aaj jo log keh ki muslim yuvayon ka i-card check karna gaerkanoni hai. Aaj hum unn tamam logo se yeh puchna chahte hai ki jab delhi ke shaheen bagh mei naye kanoon ke khilaaf, nagrikta kanoon ke khilaaf andolan ho raha tha, aur vaha aane wale logo ka bhi i-card check kiya jaa raha tha, tab yeh sawaal kyu nahi uthaya gaya?

...Main aapko apna tajurba bata sakta hu jab maine khud shaheen bagh mei jaane ki koshish kit hi toh mujhe jaane nahi diya gaya tha. Aur tab maine yeh prashn uthaya tha ki shaheen bagh ki uss sadak par jana mera samvidhanik adhikaar hai, toh humme kese roka jaa sakta hai. Lekin tab nahi jaane diya.

...Aur sochiye, jin logo ko bharat mata ki jai kehne mei aapatti hai aur jo log rashtra gaan par khade hone se inkaar karte hai, aaj vahi log garba pandalo mei jaane ki maang kar rahe hai.

#### 12:10 minutes time stamp

....Pichle dino Ahmedabad mei aayojit ek karyakaram mei bajrang dal ke karyakartaon ne kuch muslim yuvaon ke saath maar peeth ki.

...Inn logo par aarop tha ki apni pehchaan ko chipa kar hindu naamo ke saath iss aayojan mei pravesh kiya aur baad mei iss karyakarm ke dauran apne mobile phone se yeh kuch hindu ladkiyon ke videos bana rahe the.

...Lekin durbhagya dekhiye iss khabar ko leke humare desh mei bas itni charcha hui ki Ahmedabad mei kuch Muslim ladko ko garba karyakaram mei shamil hone se roka gaya aur jab who shamil hue toh unhe peeta gaya.

...Lekin aapko kisi ne nahi bataya hoga ki yeh ladke apna naam badal kar, pehchaan badal kar aur dharam badal kar kyu gaye aur vaha jaa kar yeh kar kya rahe the.

...Ahmedabad ki tarah indore ke jis pandal se inn ladko ko police mei hirasat mei liya, unn sabhi ladko ne abhi apne galat naam register mei likhwaye the aur aarop hai ki yeh ladke bhi inn pandalo mei hindu ladkiyon ki videos bana rahe the, tasveerein kheench rahe the, jiske baad logo ko inn par shaq hua aur logo ne inhone pakda aur police ke hawale kar diya.

Halaki inn saari ghatnaon ke baad ab naubat yeh aa gayi hai ki Madhya Pradesh ke garba pandalon ki police ne suraksha badhayi hai.

...Indore aur Bhopal mei pandalon ke bahar hindu rashtriya sanghathon ke log poster leke khade hai ki yaha gaer hindu logo ke pravesh par paabandhi hai. Gujarat ke kayi pandalon ke bahar tilak kiya jaa raha hai.

*...Yaha ek sawal yeh bhi hai ki islam dharam mei jis naach gaane ko, sangeet ko varjit mana gaya hai aur murthi pooja ko islam ke khilaaf bataya gaya hai, akhir uss islam ko manne wale ladke inn pandalo mei kyu jana chahte hai.*

*...Kyuki inn pandlon mei toh murti pooja bhi hoti hai, garba bhi hota hai, naach bhi hota hai aur gaana bhi hota hai. Iss baat ko pata karne humari team ke 2 log Madhya pradesh ke pandaalon mei gaye jaha jaake unhe 2 baatein pata chali.*

*...Pehli ki yeh saare ladke garba khelne nahi balki vaha hindu ladkiyon se dosti karne ke liye vaha par aate hai kyuki jo garba nirtya hai wo ek group mei kiya jata hai aur uss dauran yeh ladke hindu ladkiyon ke beech aaram se ghul mil jaate hai aur fir unse dosti karne ki koshish karte hai. Aur yeh pehli baar nahi ho raha hai.*

*...Aaj jab humne iss issue par research kiya, toh humne paya ki varsh 2002, 2004, 2009, 2012 aur 2021 mei bhi aisi kayi ghatnaein ho chuki hai jaha muslim ladko par love jihad ke aarop lage hai aur har saal iss mudde par kaafi behas hoti hai lekin iss saal iss mudde ko ek alag hi rang de diya gaya hai.*

*...Saudi arab ke jis mecca mei islam ki utpatti hui, jo islam dharam ka Kendra hai, aaj vaha gaer musalmon ko pravesh karne ki ijazat nahi hai. Lekin yahi log chahte hai ki unhe hindu dharam ke tamam anushthano mei bina kisi apatti ke shamil hone diya jae.*

*...Yaani yeh log isse apna samvidhanik adhikaar samajh rahe hai jabki yeh mamla dharmik bhavnao se juda hua hai.*

*...Muslim samuday ke jo log apne dharam ki auraton ke liye hijab ko zaruri mante hai aur unhe pardah mei rakhna chahte hai, aaj wo khud keh rahe hai ki agar muslim ladko ne garba ke pandon mei hindu ladkiyon se dosti kar bhi li toh konsa bada pahad tot gaya.*

In the show, utterly brazen remarks along communal lines were made by the anchor, which was not only against the ethics of journalism and the principles of self-regulation but also threatened to destroy the secular fabric of the country, which in any case had been under threat because of shows like these.

### **The channel and impact**

The complainant stated that the channel's YouTube had a reach of 53.8 million subscribers, and the video in question had over 3.5 lakh views in less than a week, along with 194 comments. Most of these comments hailed the vile contents of the show, which was indicative of the influence that the anchor and the channel had on their viewers and subscribers. In a country like India, where people from multiple cultures and religions have been living together as one nation since independence,

shows with content like these seek to divide them along communal lines to destroy the harmony that has largely prevailed all these years.

### **What the show entailed**

Unwarranted and baseless questions like “*Inn garba pandalo mei muslim ladke hi kyu jaa rahe hai? Muslim ladkiyan kyu nahi*” were raised in the show. The complainant questioned whether the anchor knew how many Muslim girls participated/played *garba* in these pandals and whether there was any data to back up such claims made on national television.

Another contentious comment made by the anchor was, “*Aur sochiye, jin logo ko bharat mata ki jai kehne mei aapatti hai aur jo log rashtra gaan par khade hone se inkaar karte hai, aaj vahi log garba pandalo mei jaane ki maang kar rahe hai.*” The complainant stated that clearly, this presumptuous comment laid bare the prejudice of the anchor and his intention to alienate the minority community and create feelings of hatred against it. One was not required to read much into this comment other than that it was meant to incite Hindus against Muslims. Through every comment, the anchor appeared to be pushing his and the channel’s communal agenda and had left no stone unturned to portray the Muslim community in a bad light.

The anchor also questioned the entire religion and its philosophy by stating, “*Yaha ek sawal yeh bhi hai ki Islam dharam mei jis naach gaane ko, sangeet ko varjit mana gaya hai aur muthi pooja koi slam ke khilaaf bataya gaya hai, akhir uss Islam ko manne wale ladke inn pandalo mei kyu jana chahte hai*” during the programme.

The anchor also presented “*data*” that the channel’s team went to the pandals and found that Muslim boys were befriending Hindu girls. By any measure, the complainant questioned whether making friends across the religious divide was a crime and whether boys and girls becoming friends was a point of news. The anchor also made ludicrous comments about non-Muslims not being allowed at Mecca and questioned why Muslims wanted to participate in Garba. It was apparent how the anchor was trying to grab every straw that allowed him to incite hatred and communalise certain reported incidents.

The anchor also said - *Yaani yeh log isse apna samvidhanik adhikaar samajh rahe hai jabki yeh mamla dharmik bhavnao se juda hua hai.* He made contentious comments against Muslim community such as - *Muslim samuday ke jo log apne dharam ki auraton ke liye hijab ko zaruri mante hai aur unhe pardah mei rakhna chahte hai, aaj who khud keh rahe hai ki agar muslim ladko ne garba ke pandon mei hindu ladkiyon se dosti kar bhi li toh konsa bada pabad tot gaya.*

By airing the impugned programme, the complainant stated that the broadcaster had violated Fundamental Principles 1, 3, 4 and 6 of the Codes of Ethics & Broadcasting Standards (Code of Ethics) and the principles of self-regulation relating to Impartiality and Objectivity in Reporting and Ensuring Neutrality. The impugned broadcast had also violated the Specific Guideline Covering Reportage relating to Racial & Religious Harmony and Law & Order, Crime & Violence.

Usage of words like hijab brigade (term used for subdividing Muslim women wearing a scarf or covering their head), saazish, (conspiracy), shiksha mei shariyat, (personal law over education) and dangayiyao (rioters) was downright offensive and aimed at ridiculing one particular community, it amounted to hate speech and could instigate communal violence. The complainant stated that it expected the channel to take responsibility for the grievances raised herein and act upon the same responsibly.

The complainant prayed NBDSA to take cognizance of the impugned show and take necessary action against the broadcaster for spreading misinformation and fake news and, in the process, for hurting the religious sentiments of the minority community.

### **Complaint of Mr. Matin Mujawar**

खबरों का पूरा समय मिनट १०:१० सेकंड है जो इस इस नोटिस और विवाद का मुद्दा है. इस पुरे समय में गरबा पंडालों में पायेगये कुछ मुस्लिम युवकों को लेकर खबरों को सांप्रदायिक रंग देने और हिन्दू मुस्लिम विवाद बनाने की साजिश ये साफ़ नजर आती है जो आज तक न्यूज चैनल ने अपने प्रोग्राम Black And White के जरिये की है. खबरे हिन्दू मुस्लिम धुवीकरण करने के हतु से चलायी गयी है. जिस में एकतरफा अल्पसंख्यक मुस्लिम समाज को निशाना बनाया गया है और इस तरह हिन्दू मुस्लिम बटवारा करने की कोशिश की गयी है. समय मिनट १०:१० सेकंड में से कुछ खबरे और उस में इस्तेमाल की गई भाषा को आगे समय सहित प्रस्तुत किया गया है

आज हम आप को सब से पहले तीन बातों के बारे में बताएंगे।

सवाल नंबर १ : ये मुस्लिम युवा गरबा पंडालों में जाना क्यों चाहते है ?

मुस्लिम युवाओं का गरबा पंडालों में जाना क्यों चाहते है ? और क्या इसके पिछे लव जेहाद का मकसद हो सकता है ? क्यों के अब तक जितने युवा मिले है उनमे आरोपियों ने अपने नाम बदल कर, हिन्दू नाम रख कर इन कार्यक्रमों में हिस्सा लिया है. लेकिन बाद में ये सरे लड़के पकड़े गए और बड़ी बात यह है की इन गरबा पंडालों में मुस्लिम लड़के ही क्यों जा रहे है? मुस्लिम लड़किया क्यों नहीं जा रही है. तो बड़ा सवाल है के पहले आप सोचियेगा के पहली बाद हम सवाल उठा रहे है वो ये है की इन लड़को को नाम बदल कर चोरी छिपे जाने की क्या आवश्यकता है ? क्यों जाना चाहते है समय ०१:१७ से ०१:५६ ०३:४५ तक

ये मुस्लिम युवा गरबा पंडालों में जाना क्यों चाहते है ? ये सवाल दर्शको के सामने रख कर आज तक ने ये दवा किया है के पकड़े गए लोग लव जिहाद करने आये थे. लव-जिहाद' का इस्तेमाल हिंदुओं और मुस्लिमों का धुवीकरण करने के लिए और मुस्लिम समुदाय प्रति देश में अविश्वास पैदा करने के लिए किया गया है जो असंविधानिक है. आज तक ने मुस्लिम समाज के विरोध में भड़काऊ भाषा का इस्तेमाल किया है. इस तरह प्रसार माध्यम का दुरुपयोग किया है.

वो जो भी युवा आये थे वो किस लिए आये थे, उनका मकसद क्या था ये पुलिस के जांच का मामला है और इस का फैसला करना कोर्ट का काम है इन सब की जानकारी होते हुए भी सुधीर चौधरी द्वारा मिडिया ट्रायल चलायी गई है जो गैर कानूनी है।

सवाल नंबर २ हिन्दुओं के धार्मिक अनुष्ठान में शामिल होना मुस्लिमों का संविधानिक अधिकार ?

दूसरी बात मुस्लिम लड़के ही पकड़े जा रहे हैं मुस्लिम लड़कियां नहीं पकड़ी जा रही ? दूसरी बात गरबा ये सांस्कृतिक कार्यक्रम या लाइफ कॉन्सर्ट नहीं है। गरबा नवरात्रि के तेवहार से जुड़ा एक धार्मिक अनुष्ठान है। जिस में हिन्दू देवियों की आरती से पहले उन्हें प्रसन्ना करने के लिए नृत्य किया जाता है और ये मुद्दा धार्मिक भावनाओं से जुड़ा हुआ है लेकिन आज कल अगर तुम देखेंगे तो हमारे देश का एक खास वर्ग इस मामले को ऐसे पेश कर रहा है जैसे धार्मिक अनुष्ठानों में मुस्लिम युवाओं का शामिल होना उनका एक संविधानिक अधिकार है और ये अधिकार उन से छिना जा रहा है। समय ०१:५६ से ०२:३५

सवाल नंबर २ से सीधे सीधे दर्शकों को भड़काया है।

अनेकता में एकता यह ही भारत की खूबसूरती है, जिस भड़काऊ अंदाज में आज तक न्यूज़ द्वारा ये हेडलाइन पेश की गई है उस से साफ़ जाहिर होता है के आज तक न्यूज़ चैनल हिन्दू मुस्लिम करवा कर मुस्लिम समाज के प्रति देश में नफरत और अविश्वास पैदा करना चाहता है। पकड़े गए किसी एक, या दो, या कुछ युवकों से पुरे अल्पसंख्यक समाज को एक साजिश के तहत खुले आम टारगेट करके गुन्हेगार के कठड़े में खड़ा किया है, यह काम सुधीर चौधरी आज से नहीं बल्कि ZEE NEWS में जब नौकरी करता था तब से करता आया है, इस तरह के रिपोर्टिंग के वजह से सुधीर चौधरी कई बार NBDSA द्वारा फटकारा भी गया है।

सवाल ३ : शाहीन बाग़ में ID कार्ड देखना सही तो गरबा पंडालों में गलत कैसे

आज जो लोग यह कह रहे हैं के गरबा कार्यक्रमों में शामिल होने वाले मुस्लिम युवाओं का आय कार्ड चेक करना गैर कानूनी है। आज हम उन तमाम लोगों से ये पूछना चाहते हैं के जब दिल्ली के शाहीन बाग़ में नए कानून के खिलाफ, नागरिकता कानून के खिलाफ आंदोलन हो रहा था और वहाँ आने वाले लोगों का भी आई कार्ड चेक किया जा रहा था तब ये सवाल क्यों नहीं उठाया गया। मैं आप को अपना तजरुबा बता सकता हूँ जब शाहीन बाग़ में ये आंदोलन चल रहा था और शाहीन बाग़ में मैंने खुद जाने की कोशिश की थी तो मुझे जाने नहीं दिया गया था और मैंने तब सवाल उठाया था के उस आंदोलन में या सड़क पर जाने का मेरा संविधानिक अधिकार है लेकिन तब नहीं जाने दिया।

सोचिये जिन लोगों को भारत माता की जय कहने में आपत्ति है और जो लोग राष्ट्रगान पर खड़े रहने से इंकार करते हैं। आज वही लोग गरबा पंडालों में जाने की मांग कर रहे हैं। आप ने ब्रेकिंग न्यूज़ तो बहोत सुनी होगी इस लिए आज इस ब्रेकिंग मुद्दे पर विश्लेषण भी सुनिए और हमतो ये कहेंगे अपने दोस्तों और अपने परिवार के लोगों को भी सुनाइये। समय समय ०२:३५ से ०३:३८

भारत माता की जय और राष्ट्रगान इन विषयों से सीधे मुस्लिम समाज के विरोध में दर्शकों को भड़काया गया है। यहां पर आज तक न्यूज़ चैनल ने मुस्लिम विरोधी साजिश और अल्पसंख्यक सामाज के विरोध में नरसंहार (जेनोसाइड) का षडयंत्र रचा है। सुधीर चौधरी को शाहीन बाग़ में आने से भी मना किया गया था। सुधीर चौधरी ने अपने इस जाती विषय को लेकर दर्शकों को भड़काया है। मुस्लिम समाज से बदला लेने की भावना दर्शकों में निर्माण की है। “हिन्दू मुस्लिम नफरत फैलाने वाली भड़काऊ भाषा का इस्तेमाल किया है। साथ साथ ऐसी भड़काऊ खबरे लोगों को भी शिथिल करने की बिनती की है”)।

आज तक न्यूज़ चैनल TV Today Network Ltd, ने न्यूज़ ब्रॉडकास्टर्स एंड डिजिटल एसोसिएशन के निति संहिता और प्रसारण मानकों का उलंघन किया है। खंड एक "मौलिक या बुनियादी सिद्धांत १,४,५ का उलंघन किया है तथा खंड २ आत्मनियंत्रण का सिद्धांत १, २ का उलंघन किया है

आज तक न्यूज चैनल ने देश में अशांति फैलाने वाली, सामाजिक तथा धार्मिक भवनाओं को चोट पहुंचाने वाली, समाजों में द्वेष निर्माण करने वाली, कट्टर और देश को हिंसा के तरफ लेजाने वाले भाषा का प्रयोग किया है और लगातार करता आया है।

आज तक न्यूज चैनल ने न्यूज माध्यम का गलत इस्तेमाल करके देश में हिन्दू मुस्लिम तनाव बनाकर देश में हिन्दू मुस्लिम हिंसा करवाने की साजिश की है और इस तरह के भड़काऊ खबरों से मुस्लिम समाज का नरसंहार (जेनोसाइड) करवाना चाहता है।

**Reply from the broadcaster :**

The broadcaster stated that in the complaints, it had been alleged that the 'Black and White' Show, aired on Aaj Tak' on 30.09.2022, showcased content that violated the Code of Ethics & Broadcasting Standards (Code of Ethics).

In response, the broadcaster stated that the news report referred to in the complaints depicted the correct and unbiased account of the events reported. Therefore, there was no question of it violating the Code of Ethics.

The broadcaster stated that it was relevant to place the true facts and circumstances in which the alleged news report was telecast on its news channel. The BJP MLA from Madhya Pradesh and Minister of Culture, had, in an interview dated 8.9.2022, requested all the visitors of the 'Garba' Ceremonies to enter the pandal with their identity cards and only after disclosing their true identities. When the interviewer asked her if this was advice or a mandate to the people, she clarified that it was an advice for the attendees to enter the 'garba' with their identity cards. She further said that the organisations knew how these 'garbas' had become a hub to promote 'love jihad'. Therefore, it had become necessary for everyone visiting the 'garba' pandals to disclose their identity.

On 30.9.2022, there was widespread uproar in various pandals across the cities of Ahmadabad, Gujarat and Indore, Madhya Pradesh, after several men, mostly practising Islam, were caught entering with fake identities and false names. Questions were raised when they were caught misbehaving with several girls attending the 'garba' ceremonies, including by recording their videos. Upon enquiry by the locals, it was found that they were all Muslim men who had changed their names to enter the 'garba' pandals.

The question in such a circumstance was as to why these men had changed their names in the first place. It was found that they not only posed as someone else but had also falsely identified themselves as Hindus to enter the garba pandals. The issue escalated because they were also found misbehaving with females participating in the 'garba'. This led to an uproar amongst the locals, who were infuriated by these men who had lied to enter the pandals and misbehaved with women.

The contents of the news report were the true and correct reporting of the facts of the issue as stated hereinabove. Additionally, the anchor of the show, analyzed how this had an impact on society. From a neutral perspective, the anchor also reported that many people across the nation had been questioning why the entry of Muslim men in the 'garba' pandals was an issue. It would not be out of place to state here that with this neutral opinion, it could only be concluded that Muslim people, in general, cannot be targeted. This point of view has been properly reported and analyzed by the anchor in the news report.

It is in furtherance of the analysis of the different points of view of the public at large and as a result of these past events that took place in the garba pandals in Madhya Pradesh and Gujarat that the anchor went on to state the other point of view, which has been impugned.

That it was essential to view the impugned news report in its entirety and in the context of the present reply. The main question raised was, *"what was the need for the Muslim men to change their names in the first place before entering the 'garba' pandals? Why did they pose as Hindus before entering the pandals, instead of going as their true selves?"*. The broadcaster stated that this question was not out of place and needed to be pondered upon in view of the facts and circumstances of the incidents reported. The anchor constantly stressed that it is not denied that festivals are a means to bond with people and propagate love. Only when people begin to come to such festivals with an ulterior motive are these questions raised and need to be asked.

It needs to be highlighted that out of the 10-minute programme, an entire minute was spent clarifying the above. This was done in the interest of fair and unbiased reporting and to give clear context to the issue. The anchor, in the programme has highlighted the need to protect diversity in India while also coming together during festivals of all religions alike. For the complainant to state that there is a prejudice against Muslims participating in a Hindu festival or that the concept of unity in diversity is lost on the anchor and on the channel, is not just misleading but a clear misinterpretation of what has been stated by the anchor. The anchor was merely making an attempt to analyse if these men had an ulterior motive while attending the pandals. The crux of the story was on the fake identities being used and the motive for it.

Further, it was wrong to state that the YouTube reach of the news channel 'Aaj Tak' and the comments therein indicated the influence the anchor and the channel had on their viewers and subscribers. It was not out of place to state that the majority of the top comments on the video were made by fans of the anchor, praising him or appreciating his work and not showing their hatred for the community.

Furthermore, the anchor did not state that Muslim women do not go to the ‘garba’ pandals. He had instead analyzed the events in context, as stated above. It appears that only certain Muslim men were found to have changed names and posed as Hindus when they entered the pandals. Muslim women/girls did not pose as Hindus or change their names before entering the pandals. This fact, coupled with the act of misbehaving, raised certain questions. This is where the anchor attempted to analyze whether these men had an ulterior motive for entering the pandals. The crux of the story was the fake identities being used and the motive with which this was done.

The news report analysed the ground reality and the viewpoints of people locally associated with these celebrations. It is denied that any ‘communal divide’ was promoted through the show, as alleged.

In the show, the anchor had shown how the reporters had collected true and correct data from grass-root level. The clips of these documented interviews shown in the telecast cannot be considered to be biased or baseless reporting in any manner.

The broadcaster stated that it was not wrong to deny the allegation that the anchor had made presumptuous comments. Further it was denied that the anchor had any prejudice. It is also denied that the anchor had any intention to alienate the minority community or create feelings of hatred against it. It is also denied that the anchor, through every comment, was pushing his and the channel’s communal agenda to the teeth. It is also denied that he had left no stone unturned to portray the Muslim community in a bad light. It is baseless as well as unwarranted for the complainant to allege that the news channel had a communal agenda. As mentioned hereinabove, the telecast was based on recent events with sufficient evidence to back the story.

Additionally, it was important not to look at any statement made in the show in isolation, especially when ample time had been spent throughout the course of the reported telecast, to set the context for the events being covered in the news report. The anchor had expressed his thoughts clearly on the need for all sections of society to come together and celebrate festivals as a community. He had also reiterated how the underlying issue in all instances was of fake identities being used.

At this point, it was also essential to state and submit that issues raised in the alleged telecast were grave. For this, it relied on several articles which have been published and circulated across the nation, reporting the mentioned incidents.

In the impugned broadcast, it had questioned whether or not the real reason behind these men entering the pandals, was actually to enjoy the festivities or to propagate ‘Love Jihad’. The anchor had repeatedly reiterated in the report that the issue was

not Muslim men entering the ‘garba’ pandals, but rather certain men entering the garba pandals under fake names and fake religious identities.

**Rejoinder dated 3.11.2022 by the complainant Citizen for Justice & Peace:**

The complainant stated that the channel, in its response, stated that it had based the facts and circumstances presented in their news report on the interview given by BJP MLA, who had advised the attendees of the garba pandals to carry their identity cards. She further spoke about how these pandals had become a ground for spreading ‘love jihad’. However, the complainant stated that the views of BJP MLA were not definite or conclusive enough to be presented on a national news show. The defence used by the channel that it had sourced the video from another interview and the allegation of “*misinformation*” was inapplicable, does not stand.

Further, it stated that the widespread uproar in various pandals in Gujarat and Madhya Pradesh did not give the channel the right to polarize the issue, create a communal divide and put forth questions with the aim of targeting a minority community in a democracy.

Throughout the show, the anchor stated with utmost certainty that there were ulterior motives behind Muslim men wanting to participate in the Garba celebrations. There was no use of words like ‘allegedly’, which are part of accepted responsible media practice. Thus, the impugned broadcast amounted to conducting a media trial. In the impugned programme, the channel was driving home the message that Muslim men were trying to enter the pandals to befriend the Hindu women present there and create chaos, with complete certainty, which was not responsible reporting.

The complainant also contested the broadcaster’s assertion that in the impugned show, the anchor analysed the issue of Muslim men being denied entry at garba pandals from a different and neutral point of view. In the complaint, some of the contentious comments made by the anchor while anchoring the show were extracted and highlighted. From bringing up questions as to why Muslim women were not participating in the garba dance to mocking the preaching of Islam, the opinions showcased by the anchor were biased and communal.

The ‘grassroots data’, referred to by the channel in its reply, did not portray a neutral basis. It is ironic and almost intentional that the show created a communally biased narrative and then questioned why such a narrative existed in a secular country where every person has the right to celebrate each festival.

The complainant relied on the judgment of the Hon’ble Bombay High Court in *Nilesh Navalakha v. UOI and ors* (PIL (ST) No. 95156/2020). Further, it stated that in

*Ashwini Kumar Upadhyay v. Union of India & Ors (WP (Civil) No. 943/2021), the Hon'ble Supreme Court of India while hearing a batch of writ petitions which sought directions to regulate hate speech, had observed that "The Anchor's function is crucial. Either on mainstream television or on social media, hate speech is a problem. Most social media platforms are uncontrolled. When it comes to mainstream television channels, where we still have power, the job of the Anchor is crucial because it is the Anchor's responsibility to instantly ensure that he doesn't let someone who is spewing hate speech to continue. Unfortunately, when someone wants to speak, at times they are silenced, given little time, or even treated rudely"*

The various terms used throughout the show aimed to give the entire incident a communal colour. Using words such as 'Love Jihad' amounts to labelling and with a clear intention of promoting enmity towards the Muslim community. These terms were aimed at wounding the religious feelings of the community. They could cause public mischief, enmity, hatred or ill will, all of which are offences under the Indian Penal Code. Moreover, the channel has re-asserted the 'Love Jihad' narrative and tried to justify the same, which is preposterous and demonstrates the channel's ingrained bias and prejudice against the Muslim community. The imaginary phenomenon of 'Love Jihad' is not only disgraceful and denigrating to the Muslim community but also a blot on the values of secularism and violative of the minority community's right against discrimination (Article 15) and right to life (Article 21) under the Constitution.

The channel does not believe that raising questions about the motives of the Muslim youth was unjustified at all and, at the same time, denies giving a communal colour or indulging in targeting a religion.

**Rejoinder dated 29.10.2022 by the complainant Mr. Matin Mujawar:**

The complainant stated that the broadcaster's response was misleading and an attempt on its part to escape from the clutches of law.

The impugned news programme propagated a communal angle, which defamed the minorities and caused hatred and damage to their reputation. A communal agenda was broadcast to incite violence against the minorities of India, and the broadcaster was using its media platform to provoke hate speech.

By airing the impugned show, the complainant stated that the broadcaster had failed to follow Section – 1 Fundamental Principles 1,4,5, Section – 2 Principles of Self-Regulation 1, 2 of the Code of Ethics and Broadcasting Standards.

**Decision of NBDSA taken at its meeting held on 28.1.2023**

NBDSA considered the captioned complaints with regard to the broadcast aired on Aaj Tak on 30.09.2022, response of the broadcaster and after viewing the footage of the broadcast, decided to call the parties for a hearing.

**Hearing on 11.03.2023**

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

**Complainant****A. Citizen for Justice & Peace**

1. Ms. Aparna Bhat, Advocate
2. Ms. Karishma Maria, Legal Representatives

**B. Mr. Matin Mujawar****Broadcaster**

1. Mr. Manish Kumar, Managing Editor, AajTak Output
2. Ms. Vrinda Bhandari, Advocate
3. Mr. Aiman Hasaney, Legal Counsel

Mr. Vishal Pant, Editor Member representing the broadcaster in NBDSA (Aaj Tak), being an interested party, recused himself from the proceedings.

**Submissions of the Complainant, Citizens for Justice & Peace:**

The subject complaint was regarding a programme aired by the broadcaster on the participation of young Muslim men in the Garba festival in Gujarat. At the outset, the complainant reiterated the contents of the complaint and the rejoinder and submitted that in the programme, a narrative was created that Muslim men were trying to enter the Garba festivals by falsifying their identity. Throughout the programme, the anchor insinuated that this was being done for some illegal purposes and questioned, “*yeh muslim yuva akhir garba pandalo mei jana kyu chahte hai aur kya iske peeche love jihad ka maksad ho sakta hai?*”. Further, during the programme, the anchor claimed that those who refused to stand for the national anthem today were demanding to go to Garba pandals. He also stated that Garba is not a cultural event but a religious programme and questioned why people from other religious communities wanted to participate in Garba and whether people believed that it was their fundamental right to participate in religious events like this.

The complainant submitted that the anchor was not presenting the news in the impugned programme but was posing questions that created a communal narrative. The way the show began, with a question regarding the inclusion of Muslims in a

Hindu festival, suggestively showed his divisive attitude and intention to create a bias, if not animosity, amongst his viewers.

While the Garba festival is celebrated only by the Hindus, the Garba programme is an event where people from other religious communities come together to participate in the celebrations. Singling out a particular religion amounted to a divisive narration of facts and was extremely polarized. Further, in the programme, an entire community was stereotyped for the actions of a few people.

The complaint submitted that news channels are aware of their impact on public opinion. In the instant case, it seemed that the channel had misused its public influence and reach to create a divide in society, which is antithetical to the standards of journalism.

It submitted that fair presentation of news was lacking from the show in question. The anchor presumed the accused's intention without presenting facts or on-ground reporting. He claimed to have sent a team to do 'research', but no visual representation of the same or details thereof had been given in the programme. By picking up two-three instances of alleged 'false identity' and eve teasing, the channel had again downgraded the debate into a Hindu vs. Muslim narrative on its own accord. No journalistic value was added to this purported piece of news, and the news has been shaped in a way that fits the narrative of the channel.

The complainant further submitted that while the channel had, in its response, relied on the freedom of speech and expression of the media and the statement made by BJP MLA from Madhya Pradesh and Minister of Culture, to justify the impugned programme. However, the response failed to address the divisive manner in which the anchor presented the news programme and cast aspersions against the Muslim community.

### **Submissions of the Complainant, Mr. Matin Mujawar:**

सवाल नंबर: १ ये मुस्लिम युवा गरबा पंडालों में जाना क्यों चाहते हैं?? यह सवाल दर्शको के सामने रख कर आज तक ने ये दवा किया है के पकड़े गए लोग लव जिहाद करने आये थे. लव-जिहाद का इस्तेमाल हिंदुओं और मुस्लिमों का ध्रुवीकरण करने के लिए और मुस्लिम समुदाय प्रति देश में अविश्वास पैदा करने के लिए किया गया है जो असंविधानिक है. मुस्लिम समाज के विरोध में एक झुठ नरेटिव निर्माण करके एक समाज को दूसरे समाज और उसके धर्म के विरोध में भड़काया गया है. देश के सेकुलर ढांचे को चोट पहुंची है

सवाल नंबर: २ हिन्दुओं के धार्मिक अनुष्ठान में शामिल होना मुस्लिमों का संविधानिक अधिकार?

अनेकता में एकता यह ही भारत की खूबसूरती है, जिस भड़काऊ अंदाज में आज तक न्यूज़ द्वारा ये हेडलाइन पेश की गई है उस से साफ़ जाहिर होता है के आज तक न्यूज़ चैनल हिन्दू मुस्लिम करवा कर मुस्लिम समाज के प्रति देश में नफरत और अविश्वास

पैदा करना चाहता है. पुरे अल्पसंख्यक समाज को एक साजिश के तहत खुले आम टारगेट करके गुन्हेगार के कठड़े में खड़ा किया है,

सोचिये जिन लोगों को भारत माता की जय कहने में आपत्ति है और जो लोग राष्ट्रगान पर खड़े रहने से इंकार करते हैं. आज वही लोग गरबा पंडालों में जाने की मांग कर रहे हैं. आप ने ब्रेकिंग न्यूज़ तो बहोत सुनी होगी इस लिए आज इस ब्रेकिंग मुद्दे पर विश्लेषण भी सुनिए और हमतो ये कहेंगे अपने दोस्तों और अपने परिवार के लोगों को भी सुनाइये।

“हिन्दू मुस्लिम नफरत फैलाने वाली भड़काऊ भाषा का इस्तेमाल किया है. साथ साथ ऐसी भड़काऊ खबरे लोगों को भी शियर करने की बिनती की है” यह काम सुधीर चोधरी आज से नहीं बल्कि ZEE NEWS में जब नौकरी करता था तब से करता आया है,

समाचार पक्षपात करने वाला है. समाचार तोड़ मरोड़ कर, झूठ और गलत तरीके से पेश किया गया है. समाचार में समाचार से ज्यादा भड़काने का उद्देश्य साफ़ जाहिर होता है. नियमानुसार किसी समुदाय या धर्म से संबंधित समाचारों को संवेदनशील तटस्थ और वस्तुनिष्ठ तरीके से प्रसारित किया जाना चाहिए जो नहीं किया है. समाचार का प्रसारण साम्प्रदायिकता भड़काने की प्रवृत्ति से किया गया है। ब्रॉडकास्टर ने मुस्लिम समाज प्रति एक निर्णायक झूठा और भड़काऊ नैरेटिव तैयार किया है और एक समाज के प्रति दूसरे समाज को भड़काया है. इस तरह ब्रॉडकास्टर ने निष्पक्षता और तटस्थता के सिद्धांतों का भी उल्लंघन किया, ब्रॉडकास्टर ने NBDSA की आचार संहिता और उसके प्रसारण मानकों का उलंघन किया है नस्ली एवं धर्मक सदवभाव को चोट पहुंचाई है. अपने कार्यक्रम से एक विशेष समाज को निशाना बनाया है आज तक न्यूज़ चैनल TV Today Network Ltd, ने न्यूज़ ब्रॉडकास्टर्स एंड डिजिटल एसोसिएशन के निति संहिता और प्रसारण मानकों का उलंघन किया है. खंड एक "मौलिक या बुनियादी सिद्धांत १,४,५ का उलंघन किया है तथा खंड २ आत्मनियंत्रण का सिद्धांत १, २ का उलंघन किया है

### **Submissions by the Broadcaster:**

The broadcaster submitted that the impugned broadcast covered the unauthorized entry of persons belonging to one religion into the religious festivities of another by concealing their identity and creating disturbances. This topic was of public importance and was reported widely across all media outlets and the broadcaster's coverage also followed a similar pattern. The subject incident was reported fairly and with integrity.

The broadcaster submitted that it was neutral, impartial and accurate; therefore, no violation of S.2(1) and S.2(2) of the Code of Ethics & Broadcasting Standards could be made out. The broadcast was an attempt to give the viewers an objective view of the matter and explain all possible viewpoints. In fact, the anchor set out the points and counter-points on the issue right at the beginning of the impugned broadcast, thus giving audiences a fair idea of competing narratives. In this regard, the broadcaster relied on the statement made by the anchor at time stamps 00:35- 01:24, wherein he factually explained what was happening by stating, “Navratri ke dauraan, Ahmedabad aur Indore ke kahi garba pandalon se yeh shikayat aayi ki waha kuch muslim ladke apna hindu naam rakhkar inn pandalon mein pahuch gaye aur jab inki aur jab inki sandigdba

*gatividhiyan ko dekhkar inhe pakadha gaya toh hindu sangathano ne inki pitaya ki aur inhe police ke hawale kar diya”.*

NBDSA questioned whether the broadcaster had verified whether such incidents had happened. The broadcaster, in response, submitted that the impugned broadcast was based on ground reporting and that several FIRs had been filed. Further, it submitted that the complainant’s grievance was not that the impugned broadcaster was wrong factually but was regarding the manner in which the incident had been portrayed in the programme. It reiterated that even the complainant had not disputed the existence of such incidents and their only grievance was with respect to how it was portrayed, which manner of presentation is part of the editorial discretion of the broadcaster.

Further, from the following comments *“Doosre warg ka aarop yeh hain ki hindu katarwadi sangathan, garbe ki aadh mein, muslim yuvako par atyachaar kar rahe hain. Aur naubat yaha tak aa gayi ki kayi garba pandalo ke gate par yeh likha jaa raha hain ki yaha muslim ladko ke liye pravesh nishedh hain aur pravesh se pehle logo ke I-card check kiye jaa rahe hain. Jab Ki sthaniye logo ka sawaal yeh hain ki yeh muslim ladke apna dharma chhupa kar aakhir waha kis mansha se aana chahte hain”* made by the anchor, the point of view of both the sides was presented in the programme. It was also pointed out during the programme that the men were beaten up.

The broadcast was not speculative but based on thorough investigation and ground-level reports. In any event, the broadcaster reiterated that the complainant had not made any attempt to disprove factual assertions contained in the impugned broadcast, including that there was widespread uproar in various pandals across Ahmadabad (Gujarat) and Indore (Madhya Pradesh) where several men, mostly practising Islam, were caught entering using false names, or that several pandals had banned the entry of Muslim men.

The broadcaster submitted that since the broadcast was in favour of religious harmony and did not promote any religious stereotypes, there was no violation of S. 2(9) of the Code of Ethics & Broadcasting Standards and Cl. 9 of Specific Guidelines Covering Reportage (“Guidelines”). The broadcast has been purposefully misconstrued to allege that it promotes a communal divide. To avert this very misinterpretation, the anchor had clarified in the beginning by saying that *“hum yaha yeh bilkul nahi keh rahe yeh spasht karde ki hindu tyoharo se muslim samudaye ko door rehna chahiye. .... jo tyohaar hota hain woh todhne ka nahi, jodhne ka kaam karte hain”*, which has been deliberately overlooked. The anchor’s concern was not regarding the participation of Muslim community members in the religious festivals but the falsification of identities to enter the festival. Additionally, the anchor had also expressed concern about the simmering communal discord by remarking, *“aaj hum*

*yeh nahi keh rahe jo ban laga hain ya jo yeh baatein ho rahi hain woh sahi hain. Ho toh sab kuchh galat raha hain, aisa nahi hona chahiye tha”.*

Further, it submitted that the allegation that the anchor “mocks” Islam or questions “its philosophy” is patently incorrect. All assertions about Islam/ Muslims, *inter alia*, that Islam prohibits idol worship, a section of Muslims believe dancing/ singing is prohibited in Islam, and non-Muslims are not allowed inside Masjid al-Haram (Mecca), are factually correct and do not constitute mocking/ stereotyping of the religion.

The broadcast neither condoned nor glorified any possible violations of law, including taking unauthorized entry into private venues, harassing girls at religious festivities or beating up persons. It was outright in its condemnation of all unlawful activities. Further, it did not depict any technique of crime that may tempt imitation.

The broadcast did not pre-judge the matter or constitute a “media trial”. When viewed in entirety, it made distinction between facts and allegations amply clear, as can be demonstrated from the use of the words “*shikayat*” (complaint) [00:40], “*aaropiyo*” (accused) [09:31] and “*aarop*” (allegations) [12:17]. The observations made about the non-observance of protocol during the national anthem and the checking of ID cards during the protests at Shaheen Bagh (Delhi) were made in the larger context of socio-political discourse and did not allude to the entire Muslim community.

It submitted that the grave allegations about the broadcast instigating “communal violence” were utterly baseless. A significant amount of time has already passed since the programme was aired on 30.09.2022, and no violation of public order and tranquillity has been attributed to it till date.

NBDSA questioned the broadcaster on what basis it was claimed during the broadcast that Muslim men were falsifying their identity to do ‘love jihad’. In response, the broadcaster submitted that it was necessary to see the context given by the anchor at the beginning of the programme. The statement was only used to provoke. The anchor’s emphasis was only on why Muslim men were falsifying their identity, and the said question had only been raised in this regard.

The complainant, in rejoinder, stated that it had not contested the statement made by the anchor alleging that these incidents had happened because its focus was on the narrative that the anchor had built after introducing that these incidents occurred. In the programme, which lasted about 20 minutes, every alternative statement made by the anchor was for attacking a particular minority community. It neither admits nor denies that the aforesaid incidents happened or did not happen as it is not the main subject of its complaint.

## Decision

NBDSA considered the complaints, response from the broadcaster and also gave due consideration to the submissions of the complainants and the broadcaster and viewed the footage of the broadcast.

NBDSA noted that the impugned programme concerned news reports from Ahmedabad and Indore, wherein it was alleged that men from a certain community had falsified their identities for entering the garba celebrations and were caught misbehaving with women.

NBDSA was of the view that there would have been no problem with the broadcast if the broadcaster had reported these alleged incidents as they had transpired. However, in the impugned broadcast, the broadcaster had generalized the alleged incidents by presuming that every person from a particular community who wanted to attend the Garba had *malafide* intentions and that all these persons were otherwise anti-national or attempted to enter the pandals without even believing in these festivals, which generalization NBDSA had strong objection with.

Further, NBDSA questioned the basis on which the broadcast claimed that “*Pehli ki yeh saare ladke garba khelne nahi balki vaha hindu ladkiyon se dosti karne ke liye vaha par aate hai kyuki jo garba nirtya hai wo ek group mei kiya jata hai aur uss dauran yeh ladke hindu ladkiyon ke beech aaram se ghul mil jaate hai aur fir unse dosti karne ki koshish karte hai. Aur yeh pehli baar nahi ho raha hai*”.

While forming the aforesaid opinion, no study or analysis was conducted by the broadcaster with regard to the alleged incidents and general statements were broadcast without any supporting material. NBDSA held that by making baseless statements and by generalizing the alleged incidents, it was the broadcaster who had given a communal tilt to the incidents, which was violative of the Code of Ethics & Broadcasting Standards and Specific Guidelines Covering Reportage including Racial and Religious Harmony and Accuracy.

Furthermore, by airing the impugned broadcast, NBDSA stated that the broadcaster had also acted in gross violation of the Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents, which enjoins broadcasters to focus only on objective facts and exercise great care while reporting such incidents.

NBDSA decided to warn the broadcaster not to repeat such violations in future and telecast the programme in more objective manner, as indicated above.

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 complaints with the above observations and inform the complainants 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 : 2.11.2023**