

News Broadcasting & Digital Standards Authority**Order No. 188(2024)****Complainant: Citizens for Justice & Peace****Programme: Black And White:****Soren परिवार का विश्लेषण | Hemant Soren | Champai****Channel: Aaj Tak****Date of Broadcast: 31.01.2024**

Since the complainant was not satisfied with the response received from the broadcaster, the complaint on 21.02.2024 was escalated to the second level of redressal, i.e. NBDSA.

Complaint dated 6.02.2024

The complaint concerned a debate aired on Aaj Tak on 31.01.2024 surrounding the former Chief Minister of Jharkhand Hemant Soren and his family. The former tribal CM had been arrested by the Enforcement Directorate (ED) on February 1 on alleged charges of money laundering. It was on the previous night, when Soren was being questioned by the ED for hours, that the said programme was broadcast. It is also essential to note that it was on the evening of January 31 that Mr Soren, the leader of the Jharkhand Mukti Morcha (JMM), had tendered his resignation to the Raj Bhawan. While reporting on these events surrounding the political scenario in Jharkhand, the anchor focused on attacking the opposition leader for his tribal identity, questioning whether a tribal leader should retain his identity after having enjoyed wealth, making accusatory and stigmatizing comments against Soren.

The anchor in the 50-minute 'Black and White' show targeted the tribal minister for his purported wealth, cars and lifestyle and was seemingly less concerned with the charges of money laundering levied against him. Justifying the title of the show, which purported to examine the Soren family, the host put forth a distorted image of a tribal family enjoying wealth by misusing the votes given to the tribal politician based on his identity. There was not even an attempt to impartially examine what were the "charges" against him, given that in his defense, the former Chief Minister had stated—as had his Supreme Court counsel—that his name does not figure (not does his family member's) in the alleged "land scam" which dates back to 2008-2009. The show concentrated on "examining" the wealth of the Soren family, and while criticizing Soren, Chaudhary used casteist language based on his tribal (Adivasi) identity. For example, he said in one controversial remark that the former tribal minister would find it difficult in jail, as he used to live (just) 40 years back in the jungle (forest) as Adivasi, but now he is used to a luxurious life. Such portrayal not only violates every standard of neutrality but, worse, it works to degrade further and stigmatize a leader from India's indigenous (Adivasi/Tribal) communities.

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These statements were ethically problematic and also attracted criminal sections of the Indian Penal law as standalone statements, especially when adjudged with the accompanying offensive words used by the anchor. The tone and tenor of these statements showed that the anchor was targeting Soren due to the wealth he enjoyed despite his marginalized identity.

On February 3, a complaint was filed by the Adivasi Sena in Ranchi seeking an FIR against the anchor under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, for the indecent and derogatory comments made by him against Hemant Soren. Pursuant to the filing of the complaint, an apology was issued by the anchor on February 4 on social media.

Contents of the show:

The show began with the anchor commenting on the resignation of former CM and leader of Jharkhand Mukti Morcha (JMM) Hemant Soren and the nomination of party loyalist and state transport minister Champai Soren as his successor. During the show, visuals of Hemant Soren being accompanied by a few people in a car and entering the Raj Bhawan to submit his resignation were played on a loop. At one point, the anchor pointed to the smile that could be seen on Soren's face, referring to the same, as a new scene that can be noticed now, where leaders of the opposition who are accused of corruption seem proud of themselves and think of themselves as '*sher* (lion)'.

The show then discussed the resignation move of Hemant Soren and the case of ED against Soren. Another reporter could be heard explaining the "water-tight" case that ED has against Soren, as well as the proofs and evidence that have been accumulated by the state agency linking Soren with the scams and investigation by ED. As per the report, when Soren was asked about his crores worth of *benaami* wealth, Soren was left with no answer. It was at this point that the anchor began targeting the now-arrested leader for his lifestyle. He could be heard saying, "*Soren is known for his lifestyle, big cars, and private planes.*"

The anchor then started "*dissecting the history of the corrupt Soren family*". He started detailing the "*cash for vote*" scam allegations that had been put against Hemant Soren's father, claiming that this family has always been in the news for their corrupt practices. It is essential to note that these allegations are yet to be proven, something which the anchor also mentioned. However, it did not stop him from deeming the whole family corrupt. Pursuant to this, the family tree of the Soren family and the different allegations that have been put forth against each of them were shown, claiming scams to be a "*normal thing*" for the family.

The anchor trivialized the whole Adivasi movement led by the Soren family and the

struggle behind the formation of the state of Jharkhand by saying, *"It is important to note here that this family makes the issues of poor and Adivasis their politics. First, they started a movement for separate State and separate identity. They say that they want to come into politics for the welfare of the Adivasi community, formed their stated and formed their party. But what they deem as 'Bhalai' is actually 'malai'. These politicians stay in big houses, travel in luxurious cars, travel in private planes and live a lavish life. But when they go out, they say that they are an Adivasi politician, they are fighting for the cause and for the upliftment of the Adivasi community*

Continuing with his diatribe against the Soren family and his Adivasi identity, the anchor said *"the Adivasis in Jharkhand vote for the Soren party so that Hemant Soren becomes their CM, and this is what they get. Just think, this family who calls themselves as Adivasi and have even filed a case against ED under the SC/ST Act, do you think they have the right to call themselves poor? Or do you think they should get the right to demand reservation for themselves? Do you think this family should get the benefit of reservation? Do you think that their power should be allowed to be increased under the SC/ST Act?" "These people are not Adivasi, these people are the residents of big bungalows. These people are not working for the benefits of Adivasis, they are just reaping the benefits."*

Again, after a gap of three minutes, the anchor repeated his anti-caste slurs and stance and stereotypically targeted the tribal identity of the Soren family by stating, *"In reality, the Soren family has nothing that can deem them to be an Adivasi".* He further stated, *"Soren's family leads a luxurious life. If you look at the Soren family, especially Hemant Soren, you will not be able to see the Adivasi touch*

The above-mentioned comments were clearly meant to degrade, demean, stigmatise and slur a particular ethnic group, in this case, India's most vulnerable and marginalised, the Adivasis/Indigenous.

After this, the anchor continued with his obsession with dissecting the salary of Hemant Soren and his lifestyle. The anchor, while referring to his colleague, made the following statement: *"Chitra aap hume ye bataiye ki Hemant Soren bahar aaye ya nahi aaye aur ab Aaj ki raat unki kaha betegi.. unhe toh shandar lifestyle ki aadat hai aur wo private planes me chalte Hain.. badi badi gadiyon me chalte Hain...Aaj unke liye ek tarike se waise hi hoga jaise woh bees tees chalis saal pehle wapis apne kisi Adivasi ke taur par kisi jungle mei chale jaye. Aaj ki raat kafi mushkil hone wali hai."*

What the show entailed:

It is clear from the extracts mentioned above that throughout the show, the anchor had dragged the most marginalised ethnic and minority community unnecessarily into an issue that did not warrant any scrutiny of the caste of the politician. Not only had he trivialized a whole Adivasi movement and struggle for their identity and basic rights, but he had also declared a family not to have the *"Adivasi touch"*

owing to the wealth they enjoy and the cars they travel in. In a country where caste plays a major role in the position you acquire, the anchor had declared an Adivasi family of not being “Adivasi” enough to demand reservation and own their tribal identity in view of the power they held and the private plane they apparently ride. As the anchor of a show on a news channel that is supposed to have a neutral and unbiased theme, the host did not even attempt to have any non-communal theme on the show.

The true image that the anchor held of the Adivasi community came out towards the end as he stated that Soren would be *“going back by 20/30/40 years, by spending the night in jail, when an Adivasi used to live in the jungle.”* The obsession with the wealth acquired by the Soren family since the beginning of the show depicted the “shock” that the anchor felt at an Adivasi family enjoying some luxury. To him, these luxuries required the Soren family to “shed” their caste. The complainant stated that these slurs that were telecast on a popular channel like Aaj Tak worked to discriminate further and marginalise the Adivasi/Tribal community.

Not once did the anchor show any impartiality and question the allegations levied against the Soren family; rather, he repeatedly implied that the Soren family had a corrupt history and had misused the trust put into them by the large tribal community of Jharkhand. The anchor let loose his biases in a diatribe and used stigmatising language and imagery as also innate prejudices (among the caste privileged) against the Tribal community to cloud the role he is supposed to play in a news show that has a big viewership and following.

Many politicians, eminent leaders, powerful businessmen and others have had allegations of corruption against them in India, and this was not a new phenomenon. According to the recent Transparency International report, India ranked 93 on the global corruption perceptions index for 2023 out of a total of 180 nations. This corruption was not limited to one caste, community or class. It was also not a new pattern for India to see opposition political leaders being targeted by the ruling political parties by state agencies, more so in the recent ten years. However, the complainant questioned whether the arrest of a political leader based on certain allegations, the constitutionality of which has already been challenged in the Court, gives a journalist the right to target the caste and identity of the accused. As per the journalistic duties defined and specified by the courts and commissions in the past, the anchor's conduct was unbecoming and misleading. This not only violated the guidelines issued by the NBDSA from time to time, of which the channel is a member but also violated our constitutional principles.

Apology of words and not of action:

The anchor had, after a complaint had been filed against him under the SC/ST Act,

released an unconditional apology statement on social media for unintentionally hurting the sentiments of the Adivasi community. In the statement, he said, *"I am pained to see baseless charges of insulting tribals directed against me. Criticising Hemant Soren does not tantamount to criticism or insult of tribals. My show focused on how tribal votes are being misused by rich netas. The short video clip being shared by vested interests changes the context of my story to give a misleading message. I have always supported and respected tribals and they have always shown their love to me and my shows."*

He has further stated that *"I'm not answerable to everyone who has a Twitter (X) account, but I feel it is my duty to explain myself to my Adivasi brothers and sisters. If I have unintentionally hurt their sentiments, I unconditionally apologise to them."*

The anchor had not only brushed aside all the onus of attacking a tribal family for their identity while discussing a case of allegations of money laundering, but he had also termed the charges against him as being "baseless".

As a journalist, he had failed to take responsibility for making such casteist and stigmatizing statements.

The main issue that needs to be emphasized is that after the issuance of the apology, the contentious show has yet to be removed from the official YouTube channel of Aaj Tak. Over 2 lakh people have viewed the show.

In addition to this, a 5-minute clip of the anchor dissecting the wealth of the Soren family and uttering preposterous and demeaning statements of Soren living in a jungle 40 years ago and getting used to his lavish lifestyle was still available on the 'X' (formerly Twitter) account of Aaj Tak.

As per the guidelines issued by the NBDSA, the broadcasters are given the responsibility that *"News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language."* However, the channel acted in complete violation of this directive, as well as the Code of Ethics & Broadcasting Standards and certain specific guidelines relating to conducting debates on TV news channels.

As such, in view of the elaborate and detailed complaint made herein above, the complainant stated that it expects the broadcaster to take responsibility for the grievances raised herein and act upon the same responsibly.

Further, it was pertinent to mention that even in the year 2023, two orders had been delivered by NBDSA against the anchor on complaints filed by CJP. In both these orders, the respected authority had reprimanded the host for his colourable journalism and for using stigmatising words loosely.

Violations

By airing the impugned programme, the complainant stated the broadcaster had violated the Code of Ethics and Broadcasting Standards and, in particular, Section – 1, Fundamental Principles 1, 4, 5 and 6 and Section – 2, Principles of Self Regulation relating to 2. Ensuring neutrality, and 9. Racial & Religious Harmony. The programme also violated Rule 6 of the Cable Television Network Rules.

Further, the inflammatory and unverified content of the show amounted to inciteful hate speech, which is a punishable offence under various sections of the Indian Penal Code (IPC).

On January 13, the bench of Justices KM Joseph and BV Nagarathna (Supreme Court of India), while hearing a batch of petitions seeking action against hate speech, observed that news anchors who promote or indulge in hate speech should be punished by imposing a fine and taken off air. The bench also said that the news media must realise that they occupy a position of great strength and what they are saying impacts the whole country. *"They should realise that they have no right to speak their minds whichever way they want,"* said Justice Joseph. The bench also said that news channels were creating a rift in the society.

The complainant relied on the judgments of the Hon'ble Supreme Court in *Amish Devgan vs. Union of India and others* [Writ Petition (Criminal) No. 160 OF 2020 decided on December 7, 2020] and *Pravasi Bhalai Sangathan v. Union of India and Ors.*, AIR 2014 SC 1591 in support of its complaint.

The complainant stated that if the channel truly cared about the values of secularism and fraternity, it would abide by them.

The broadcaster would be aware of the recent matters pending in the Hon'ble Supreme Court, wherein specifically, the role of television channels and anchors has come in for sharp questioning. In view of this, the complainant stated that above-mentioned content should be removed from all social media accounts of the channel and the broadcaster's website, and a public apology should be issued for the casteist and stigmatizing reportage.

Reply dated 04.03.2024 from the Broadcaster

The broadcaster submitted that the impugned show was in complete compliance

with (i) Code of Ethics & Broadcasting Standards dated 01.04.2008; (ii) Guidelines for Prevention of Hate Speech dated 30.01.2023; (iii) Advisory regarding 'Hate Speech' dated 11.11.2022; and (iv) Specific Guidelines for Anchors conducting Programmes including Debates dated 28.10.2022. In the complaint, the complainant had asserted that the broadcaster should issue '*a public apology for the casteist and stigmatizing reportage*' and had also demanded the removal of the aforesaid programme from its channel as well as the website. The broadcaster stated that the reportage was fair, uninfluenced, and adhered to the requirements of the Code of Ethics & Broadcasting Standards. Therefore, there was no requirement to remove the aforesaid content. Further, there was no basis or foundation on which a claim could be made for a public apology, let alone for casteist or stigmatizing reportage. The complaint in question smacks of political 'opportunism'. The complaint was made by a Human Rights Group asserting neutrality in reporting. However, the complaint, instead of raising the issue of freedom of speech and expression, was more concerned with Shri Hemant Soren, former Chief Minister of Jharkhand. The complaint under response had been submitted for oblique political motives and, therefore ought to be dismissed at the threshold.

The programme 'Black and White' deals with current affairs. On 30.01.2024, one of the most important developments was the arrest of the former Chief Minister of the State of Jharkhand Shri. Hemant Soren. This arrest was extremely important for the country's polity. Therefore, the entire episode of Black & White broadcast on 31.01.2024, comprising 50 minutes and 4 seconds, dealt with the said issue. The said programme dealt with the issue comprehensively and had 5 segments, which are as follows: -

The first segment dealt with the arrest of Shri Hemant Soren, Former Chief Minister of Government of Jharkhand. In this segment, the host of the programme dealt with the issue of the arrest of a sitting Chief Minister of a particular State. In the said segment, the host pointed out that there can be 2 views in this regard. One of the said views was that the opposition parties were being harassed by the said arrest. He also pointed out the other view, which is that a person who is guilty of an offence is being taken into custody. The neutrality of the host could be seen from the fact that he was pointing out the two possible views available. In this context, the host had pointed out that the ED had issued at least 10 summons. It was further pointed out that Shri Hemant Soren recently travelled to Delhi by chartered flight. However, he came back via road.

In the second segment, the host dealt with the position, consequent to the arrest. In this regard, the host pointed out that Champai Soren (now Chief Minister of the State of Jharkhand) was designated to take over the reins of the government. It was clarified therein that although the surname is the same, Champai Soren is not a

relative of Shri Hemant Soren. The said segment also dealt with the background, qualifications and years of struggle of Shri Champai Soren for the cause of Jharkhand.

In the third segment, the programme dealt with 2 aspects. First, it showed a video clip of Shri Hemant Soren coming to the Governor's House, Ranchi. Secondly, it showed a video clip. This was after Shri Hemant Soren visited the Governor's House. The video clip showed Shri Champai Soren, along with 2 other persons, walking towards the Reporters from the Governor's House. Thereafter, an impromptu press conference was held. In the said press conference, the said persons had asserted that they have demanded that they are in majority in the Legislative Assembly and, therefore they should be called to form a new government.

The fourth segment dealt with the reasons for the arrest of Shri Hemant Soren by the Enforcement Directorate. In this regard, the host asked one reporter as to why Shri Champai Soren was selected. In the report, he pointed out that the term of the Legislative Assembly was below 1 year, and therefore there may be legal complications. He further stated that to be on the safe side, they had chosen Shri Champai Soren. Thereafter, the host again asked the reporter as to what extent the case of the ED was 'watertight'. In response thereof, he pointed out that in the recent raid at the Delhi residence of Shri Hemant Soren, the (i) ED had raided the Delhi house and found substantial material; (ii) the ED had informed that various bureaucrats have stated that Shri Hemant Soren was involved in corruption; and (iii) that several crores of properties (Benami) were discovered. On such discovery, the ED had asked Shri Hemant Soren about the same. However, he had no answer. Thereafter, he had discussions with the other 2 reporters. These reporters pointed out the various reasons given by the Enforcement Directorate for the arrest.

The fifth segment was the conclusion segment. In this segment, the host pointed out that the cause that Shri Hemant Soren fights for is the upliftment of the Adivasi people. However, in stark contrast, the said Shri Hemant Soren had a very affluent lifestyle. In ultimate conclusion, the host pointed out that such politicians, by taking advantage of their posts, were abusing the trust and faith of the common public at large. In this regard, the host specifically pointed out that the general condition of the public in states like Jharkhand was not in line with the exorbitant lifestyle of Shri Hemant Soren.

The Courts have been vigilant in protecting the media's freedom of expression as infractions of the same lead to a bigger problem of the public not knowing about the said information. The Hon'ble Supreme Court [*Madhyamam Broadcasting Limited vs. Union of India & Ors. (Reported in: (2023) 10 SCR 595)*] dealt with the position of an independent press.

The complainant has stated that the said programme focused on '*attacking the opposition leader for his tribal identity*', which is factually incorrect. At no point in time did the programme attack Shri Hemant Soren because he was a leader with a tribal identity. On the contrary, the programme dealt with the issue of depravement of the Adivasi population of the State of Jharkhand and how the extravagant lifestyle of Shri Hemant Soren was not in touch with the realities of life.

In relation to the second allegation that the host had put forth a distorted image of a tribal family enjoying wealth by misusing the votes given to the tribal politician based on his identity, it was important to point out that there was no attempt to distort a tribal family image. In this regard, the host pointed out the lavish lifestyle led by Shri Hemant Soren. The said lifestyle was contradistinguished with the circumstances of the general population of the state of Jharkhand. There was no attempt to use '*casteist language*' as asserted by the complainant in the paragraph under reply. Further, there was no attempt to impartially examine the charges or to defeat the defense of the former Chief Minister.

In relation to the third allegation found in the second unnumbered paragraph, he '*used to live just 40 years back in the jungle as Adivasis*', which is completely unfounded. In the broadcast in question, the host pointed out that Shri Hemant Soren would have a difficult time after the arrest more so when he had been enjoying the luxuries of life. The said broadcast has to be seen in the context in which it is reported. In this context, it was pointed out that the difficulties that Shri Hemant Soren finds himself in are the same difficulties that an Adivasi person would have faced some 40-odd years ago. There was no intention to demean or, derogate or malign an Adivasi. In this regard, the anchor had also issued an apology dated 03.02.2024 wherein he had pointed out that baseless charges of insulting tribals had been made against him. He had pointed out that there was no intent to do so.

In relation to the fourth allegation, the complainant had asserted that the broadcast had shown Shri Hemant Soren to have enjoyed wealth despite his '*marginalized identity*'. In this regard, a reference had been made to one FIR against Shri Sudhir Chaudhary. This allegation was also incorrect. A holistic understanding of the programme would show that in segment 5, the issue of Shri Hemant Soren enjoying a lavish lifestyle was raised. Questions were being raised as to whether it is correct for a politician to have such a lifestyle in view of the general condition of the population he represents. There is no concept of '*marginalized identity*' as asserted by the complainant. In relation to the FIRs, it is important to point out that according to its knowledge, there are 3 pending First Information Reports. The details of which are as follows:-

Sl. No.	FIR No.	Date of Registration	Police Station
1.	007/2024	02.02.2024	SCST Police Station, Ranchi, Jharkhand
2.	002/2024	04.02.2024	SCST Police Station Jamshedpur, Jharkhand
3.	0012/2024	05.02.2024	SCST Police Station Deoghar, Jharkhand

The broadcaster stated that it has been informed that the anchor had taken appropriate steps in this regard, for quashing of the same. The matter is presently pending adjudication before the Hon'ble High Court of Jharkhand at Ranchi.

In relation to the first allegation, submitted by the complainant under the heading '*contents of the show*', it was asserted that the show was unfair or biased scrutiny of Shri Hemant Soren and his family, which was not correct. It is important to point out that neither Shri Hemant Soren nor any of his family members had asserted that the reporting was unfair or biased. In fact, the reporting was based on facts which were already in the public domain.

In relation to the next allegation, the complainant, under the heading '*contents of the show*', had asserted that the report indicated that there was a 'smile' on the face of Shri Hemant Soren. This allegation again was unfounded and has been mischievously placed by the complainant. The said statement was made in the context of a video clipping of Shri Hemant Soren coming inside the Governor's House. The programme pointed out the irony of a person who is being caught in a money laundering case and is seen smiling at the time of his arrest.

In relation to the allegations under the heading '*contents of the show*', it was asserted that the broadcast was not fair, which is factually incorrect. In relation to the statements made by the reporter, it was specifically asserted that the ED had alleged these to be the facts. There was no affirmation by the host or any reporter of these allegations.

In relation to the allegation relating to the '*cash for vote scam*', it was important to point out that the said allegations were never proved in a Court of Law. The host of the programme specifically mentioned this fact. However, there are several allegations in the public domain, some of which have been affirmed by courts. It is incorrect to state that the host of the programme had deemed the whole family corrupt. In any event of the matter, these were allegations that could be asserted by Shri Hemant Soren or his family members and could not be asserted by the complainant.

In relation to the other allegations, which were basically based on the extracts of the programme, the broadcaster stated that it does not agree with the extracts quoted in the aforesaid complaint. It stands by the programme and the statements made therein. It was incorrect to state that the anchor had in any manner trivialized the whole Adivasi movement as asserted by the complainant or even otherwise. The complaint was not able to assert one violation of the Code of Ethics and Broadcasting Standards. The programme is in complete compliance with the regulatory framework provided by the NBDSA. The programme in no way demeaned, degraded or stigmatized any community, let alone the Adivasis. The programme focused primarily and solely on a politician (Shri Hemant Soren) who was already in the public eye for a long period of time primarily because he was summoned by the Enforcement Directorate at least 10 times before he was finally arrested on the night of 30.01.2024.

The programme in no way depicted or put the Adivasi people in a light that negatively portrayed them as marginalized or as the kind of people who were not capable of enjoying any sort of luxury or depicted any kind of prejudice or biasness against the Adivasi or for that matter any community in general.

In relation to the allegations under the heading, 'what the show entails', A perusal of the programme would show that there was no intention to 'drag' the marginalized ethnic community or to trivialize the whole Adivasi movement. It was incorrect to state that the programme was not neutral or had an unbiased theme.

In relation to the allegation that the show was biased against Shri Hemant Soren's family. It is incorrect to state that the anchor used stigmatizing language and imagery against the tribal community. The complainant, as a human rights group is more concerned about the assertions made in the programme against Shri Hemant Soren and his family. This is without any foundation or basis. The complaint under response has to be rejected on this ground itself.

In relation to the complainant's assertion that the arrest of a political leader cannot give a right to a journalist to target the caste and identity of the accused is also unfounded. The allegations made by the ED were specifically pointed out, stating that these are the allegations, with a clear understanding that these have not been proved in a court of law. It is incorrect to state that the conduct of the anchor was unbecoming or misleading. It is further incorrect to state that these violated the principles laid down by NBDSA.

In relation to '*Apology of words and not of action*', on 03.02.2024, a letter was circulated by the anchor, a perusal of the said letter shows that there was no criticism or insult to any tribals in the said show. However, a narrative is sought to be given that the

anchor has criticized tribals/Adivasis. The said letter was issued to clarify the position of the anchor and cannot be considered an apology letter, as the complainant sought to do. The anchor made no casteist or stigmatizing statements. It is important to point out that there were no demeaning statements made by the anchor in the programme. The guidelines of NBDSA referred to by the complainant were not violated at any point in time. The assertion that the said approach amounted to '*hate speech*' was completely misleading and without any basis.

In relation to the allegation concerning the violation, it is pointed out that there was no violation of the Code of Ethics and Broadcasting Standards nor any guidelines or advisories issued by the NBDSA. Therefore, the request of the complainant to take down the video and to issue a public apology has to be rejected.

Decision of NBDSA at its meeting held on 14.03.2024

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

On being served with Notices, the following persons were present at the hearing on 10.04.2024:

Complainant:

1. Ms Karishma Maria, Legal Representative
2. Ms. Teesta Setalvad
3. Ms. Tanya Arora

Broadcaster:

1. Ms. Vrinda Bhandari, Advocate
2. Mr. Manish Kumar, Editorial Member, AajTak
3. Ms. Dipali Rai, Legal Counsel

Submissions of the Complainant

The complainant submitted that its complaint was in respect of a news segment aired on 31.01.2024 as part of the Black & White Show. In the impugned broadcast, Hemant Soren's family was examined in light of ED's questioning of Heman Soren and his imminent arrest. On 31.01.2024, prior to the impugned broadcast being aired, there were visuals of Hemant Soren going to the Governor's House in Ranchi to tender his resignation.

Its grievance with the impugned broadcast was with respect to how Mr Soren's Adivasi identity and tribal background were attacked, stigmatized and degraded in a manner that was inter alia violative of principles of neutrality.

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During the impugned show, demeaning statements were made against the caste identity of a politician accused by a central agency of money laundering. Instead of focussing on the case made against Jharkhand ex-CM Hemant Soren, the host indulged in trivialising the whole Adivasi movement and struggle for their identity and fundamental rights while also declaring a family not to have the “Adivasi touch” owing to the wealth they enjoy and the cars they travel in.

The show began with the anchor commenting on Mr. Soren’s resignation and his questioning by the ED. The show then goes on to discuss that ED has certain evidence and proof against Mr. Soren. After another reporter explained the ED’s case against Mr. Soren, the anchor made a targeted remark by stating that Heman Soren was known for his lifestyle, big cars and private planes. The anchor goes on to dissect the history of the Soren family, including the allegations of “Cash for Vote” scam, which were raised against Mr. Soren’s father. At no point during the broadcast does the anchor mention during the broadcast that these were sub judice issues and that none of these allegations had been proven.

To trivialise Mr. Soren’s Adivasi background, the host stated that *“it is important to note here that this family makes the issues of poor and Adivasis their politics. First, they started a movement for separate state and separate identity. They say that they want to come into politics for the welfare of the Adivasi community, formed their stated and formed their party. But what they deem as ‘Bhalai’ is actually ‘malai’. These politicians stay in big houses, travel in luxurious cars, travel in private planes and live a lavish life. But when they go out, they say that they are an Adivasi politician, they are fighting for the cause and for the upliftment of the Adivasi community.”* It is undisputed that Mr. Soren belonged to the Adivasi community. However, in the impugned broadcast, the host tries to insinuate that because Mr. Soren has amassed such wealth, he needs to shed his Adivasi community and is misleading the Adivasi community.

Even though the accusations levied against Hemant Soren are far from proven, the host deemed the Soren family to be corrupt, using their identity card to make a fool of the Adivasi community of Jharkhand to seek their votes. Furthermore, while dissecting the wealth acquired by the tribal minister and the private planes used by them to travel, the host declared the Soren family not to be “Adivasi” enough to demand reservation and own their tribal identity.

The anchor continued with his diatribe against the Soren family and his Adivasi identity; he stated that *“the Adivasis in Jharkhand vote for the Soren party so that Hemant Soren becomes their CM, and this is what they get. Just think, this family who calls themselves as Adivasi and have even filed a case against ED under the SC/ST Act, do you think they have the right to call themselves poor? Or do you think they should get the right to demand reservation for themselves? Do you think this family should get the benefit of reservation? Do you think that their*

power should be allowed to be increased under the SC/ST Act?" He further stated that, *"In reality, the Soren family has nothing that can deem them to be an Adivasi"*. The complainant submitted that under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 such utterances and comments against the identity of a tribal person are deemed to be criminal. In fact, it may be pertinent to mention herein that on 04.04.2024, an FIR was filed against the anchor, pursuant to which the anchor had also issued an apology.

In response, the complainant submitted that its complaint concerned the failure on the part of the broadcaster to adhere to the principles of neutrality, impartiality etc., in the impugned broadcast. The complainant submitted that its grievance in respect of the broadcast was not only limited to the manner in which Mr. Soren's Adivasi identity was being portrayed, but it was also the manner in which the anchor was discussing the ED's case against Mr. Soren, as a result of which the elements of neutrality and impartiality were lost. Its objection was also to the normalization of stigmatizing language used against an Adivasi person and the depiction of Mr Soren's family as being criminal while being an Adivasi family.

The complainant invited the attention of the Authority to the derogatory and slur remarks being made by the anchor, who, while referring to Mr Soren spending a night in jail, said: *"Aaj unke liye ek tarike se waise hi hoga jaise woh bees tees chalis saal pehle wapis apne kisi Adivasi ke taur par kisi jungle mei chale jaye."* Its issue was with how the anchor had used the impugned broadcast to cast a slur against the entire Adivasi community.

During the show, the anchor let loose his biases in a diatribe, used stigmatising language and imagery and also innate prejudices against the tribal community, cloud the role he is supposed to play in a news show that has a big viewership and following.

Submissions of the Broadcaster

The broadcaster submitted that, as admitted by the complainant, the anchor, while claiming that Hemant Soren's family has always been in the news for their corrupt practices, stated that the same were merely allegations that are yet to be proven. The broadcaster submitted that there was nothing in the impugned broadcast, which suggested that the anchor had deemed Mr. Soren's whole family as corrupt. Further, the complainant had also not been able to highlight any statement made by the anchor in the broadcast to that effect.

The context of the show was probity in public life. The broadcaster invited the attention of the Authority to the statements made by the anchor at the beginning of the show itself, wherein the version of Mr. Soren that they were the victims of

political opportunism and that this action was being taken at the behest of BJP was explicitly reported.

Further, the anchor presented the two narratives, i.e., of the opposition and the ED. Thereafter, the ground reporter clarified that, according to ED, the arrest was based on evidence. The anchor specifically stated that these were only allegations, and it remains to be seen how ED would be able to prove these allegations in the Court.

In view of the above statements made by the anchor, the broadcaster submitted that it had not damned Mr. Soren because of his tribal identity. It clarified that in the impugned broadcast, it had not deemed all Adivasis as being criminal or corrupt.

The broadcaster admitted that it had spoken about Mr. Soren's identity as an Adivasi, which was important because his political identity was predicated on him being an Adivasi. Mr. Soren himself talks about his tribal identity. Therefore, it was fair for a journalist/ anchor to question whether Mr. Soren was living up to the Adivasi identity and whether the values he was proclaiming supported the identity he espoused. It had not demeaned the Adivasi in general.

The complainant, in its submissions had relied on the clarification issued by the anchor, which made it evident who the intended audience was. The broadcaster reiterated that it had not conflated all Adivasis with Mr. Soren, as the comments were made only on the lifestyle of Mr. Soren. Nowhere had the anchor declared Mr. Soren to be a criminal.

In respect of the FIRs filed against the anchor, the broadcaster submitted that NBDSA does not have jurisdiction to consider the violations of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, which the relevant judicial authorities would determine. Further, proceedings in the FIR have been stayed by the Hon'ble Supreme Court.

In rebuttal, the complainant submitted that regardless of the FIRs filed against the anchor, it was the jurisdiction of NBDSA to determine whether certain casteist and stigmatizing language used by the anchor violated the Code of Ethics & Broadcasting Standards and Guidelines and whether the requirement of Impartiality and Neutrality were adhered in the impugned broadcast.

Decision

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

NBDSA noted that the broadcaster, in its reply, had informed the Authority that three FIRs had been filed against the anchor in respect of the impugned broadcast under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and the proceedings in the FIR had been stayed by the Hon'ble Supreme Court.

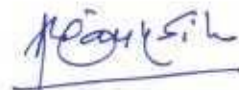
In view of the above, NBDSA noted that under Regulations 7.2 read with Regulation 8.4.3 of the News Broadcasting Standards Regulations, it is not permissible or appropriate to take up matters in respect of which any proceeding is pending in a Court of law or other Tribunal or Statutory Authority. Therefore, NBDSA decided to close the decision in the complaint until the matter is decided. NBDSA decided to inform the complainant and the broadcaster accordingly.

NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.



Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi

Date : 04-11-2024