

**News Broadcasting Standards Authority
Order No. 51 (2018)**

Order of NBSA on complaint dated 24.11.2017 received from Mr. M. Mohamed Ali Jinnah, General Secretary, Popular Front of India, against Times Now for telecasting news on 7.10.2017 and 5.11.2017.

Complaint:

1. The complaint relates to a news telecast on 7.10.2017 (4.00 pm and 9.00 pm), on 5.11.2017 (4.00 pm) by Times Now, about the Grand Conference conducted by Popular Front of India (for short "PFI") at Kerala. The complainant alleged that in the said news report on 7.10.2017, the channel showed the hash tags: **"Incubator of Hate Parades"**, **"Muslim hate group given free run?"**; that on 5.11.2017 (4 pm), the news channel used the hash tags: **"#BanPFI"** and **"When will Centre #BANPFI?"**; that the channel had telecast false news item against his organization Popular Front of India with false allegations; that the channel portrayed mere allegations as facts and conducted a media trial by equating the charges against PFI/its members as proved offences/acts of guilt, which was unfair and against principles of natural justice; that the reputation and dignity of his organisation was damaged through political vendetta by spreading false propagandas against PFI; and that attempts were made to create religious hatred among the public. The complainant demanded unconditional apology to be aired and withdrawal of the false allegations.

Response of Broadcaster:

2. The broadcaster responded on 18.12.2017 to the complainant and stated that the news report aired on 7.10.2017 focused on the rally of PFI grand conference in Kerala and raised certain questions, as for instance, how the State Government of Kerala which refused permission to allow Mr. Mohan Bhagwat, Chief of RSS, to unfurl the national flag on 15.8.2017, allowed the PFI to conduct a grand conference in Thiruvananthapuram, where over 5,000 PFI members marched on the streets, protesting the probe by the National Investigating Agency (NIA) into their functioning; that the references to allegations of terror links of the PFI were based on NIA reports and a dossier prepared by the Ministry of Home Affairs (MHA), as accessed by the channel, which clearly claimed that PFI is allegedly indulging in acts detrimental to overall national security of India and are purportedly pursuing a secret agenda inspired by radical Islam; that the Tribunal under Unlawful Activities (Prevention) Act (UAPA) had referred to PFI's links with banned terror group SIMI; that these allegations and charges documented were of a serious nature and it was in public interest that such allegations were highlighted; that it was in this context and

background that the said news report on 7.10.2017 was carried while covering the PFI grand rally in Kerala; that the News Report aired on 5.11.2017 focused on the mega rally held by PFI at New Delhi, where controversial, provocative and inflammatory comments/speech were made by a retired judge against a section of Hindus described as 'Aryawadi Brahmins'; and that the News Report further covered the fact that despite the refusal of permission from the Delhi Police for holding the rally, the local authorities had permitted the PFI to carry on with the grand conference. The news report also carried views of various factions on the subject, including Hon'ble Justice BG Kolsepatil, Retd. Judge of the Bombay High Court, Mr. Shahryar Khan, an Islamic Scholar, senior member of the PFI, amongst others, who reacted to the inflammatory remarks made at the rally. The broadcaster contended that in order to maintain objectivity and balance to the reporting on this subject, the said news reports also covered as part of the overall coverage of the news reports, the slogans raised by the PFI Members, clarifying that PFI was not a terror organisation or an extreme Islamic fundamental organisation and that they were targeted by the Central Government; and the claims that PFI is not against any religion, but against Hindu fascist forces like the RSS. The broadcaster denied that its news reports contained any false allegations against PFI and further denied allegation that it had conducted a media trial. The broadcaster stated that the matter covered by the said news reports was of significant national interest and the same was carried in public interest by placing pertinent issues surrounding the allegations before the public; and the channel carried an objective coverage and discussion on the issue based on reports available with representatives of all possible factions being given due opportunity to react to the said news reports.

3. NBSA at its meeting held on 20.1.2018 considered the complaint against Times Now, and also viewed the CD. NBSA decided to call the parties for a hearing at the next meeting of NBSA. Accordingly, the following persons appeared for the hearing fixed on 16.3.2018:

On behalf of Popular Front of India [Complainant]

Mr. A. Mohamed Yusuff, Advocate

Mr. Saifan Shaikh, Advocate

Mr. Aitmad, Advocate

Mr. Ameeruddin, Assistant

Bennett, Coleman & Co. Ltd. [Channel: 'Times Now']

Ms. Jyothi S. Kumar, Authorised Legal Representative

Mr. Vivek Narayan, Executive Editor

Mr. Anand Narasimhan, Senior Editor

[Note: Ms. Navika Kumar, Member of NBSA, representing Times Now channel, did not participate in the hearing or the deliberations.]

Submissions by Complainant:

4. The complainant reiterated the submissions made in his complaint. The complainant stated that in the news reports shown on 7.10.2017 and 5.11.2017, the channel had telecast **Hash tags: “Incubator of Hate Parades”, “Muslim hate group given free run?”; “#BanPFI” and “When will Centre #BANPFI?”**. The complainant stated that these hash tags were defamatory in nature. Furthermore, the complainant argued that by using these hash tags the said channel had flouted the NBSA guidelines of “impartiality and neutrality” and had telecast news stories that were biased. It was also contended that their version was not taken. The complainant alleges that as a result of such unverified broadcast, the Jharkhand Government banned the PFI under the Criminal Law Amendment Act 2017 on 20.2.2018. The next morning and evening (on 21.2.2018), the broadcaster telecast a news item with flash news ‘ **# PFI Crackdown, Times Now Investigation Impact ‘ PFI Organisation Banned’, first on Times Now**’, which demonstrated that the airing the false and unverified reports by the broadcaster resulted in disastrous consequences for PFI.

Submissions by Broadcaster:

5. The broadcaster reiterated the submissions made in its response to the complaint and stated that it had based its news story on the confidential NIA reports, police reports and MHA advisory. The channel also stated that the “freedom march” conducted by the PFI (which was telecast) showed that PFI had a Syrian participant in the march. The channel reiterated that it had not violated the NBSA Guidelines of “impartiality and neutrality” as it had invited the members of PFI in its panel discussions, but they had refused to participate. It was stated that the views of Mr. Shahryar Khan, a senior member of PFI and an Islamic scholar, were carried in the news reports. The channel also stated that news reports had also shown the slogans raised by the PFI Members that PFI was neither a terrorist organisation nor an extremist Islamic fundamental organisation and that they were targeted by the Central Government which showed that there was no bias in reporting by the channel.

6. Not being satisfied with the explanation/stand of the broadcaster, NBSA required the channel to submit the material on which it had based its news reports. NBSA decided to take a decision after considering the documents submitted by the broadcaster. In pursuance of the said direction given on 16.3.2018, the broadcaster had submitted the following documents:

1. An extract of alleged NIA Report.
2. Police Affidavit (with 6 pages translated text from Malayalam to English).
3. NIA Charge sheet.
4. Extracts of NIA report filed in NIA Court in Cochin.

Deliberations and decision of NBSA:

7. NBSA at its meeting held on 24.5.2018 considered the submissions and contentions of the complainants and in particular the **Hash Tags** aired, that is “**Incubator of Hate Parades**”, “**Muslim hate group given free run?**” shown during the telecast on 7.10.2017; and the hash tags: “**#BanPFI**” and “**When will Centre #BANPFI?**” shown during the telecast on 5.11.2017; and the hash tags: **#PFI Crackdown, Times Now Investigation Impact, ‘PFI Organisation Banned’, “first on Times Now”** shown during the telecast on 21.2.2018.

8. NBSA noted that there is only a charge sheet and no finding by any court of tribunal that PFI is an incubator of hate or is a “Hate Group”, nor had the government declared PFI as a terror organisation or an organisation indulging in unlawful activities. The use of the hash tags on the assumption that PFI is a hate group which required to be banned would amount to a trial and judgment by media on unverified hearsay material. NBSA was therefore of the view that the broadcaster had violated the Regulations and Guidelines of NBA/NBSA relating to the need to maintain neutrality, impartiality and fairness and reporting of matters which are *sub-judice* or under investigation. The said Regulations are extracted below:

“Code of Ethics & Broadcasting Standards:

Section 1 – Fundamental Principles: 4. Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.

Section 2 – Principles of Self-Regulation:

2. Ensuring neutrality: TV News channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

3. Reporting on crime and safeguards to ensure crime and violence are not glorified: Television news has greater reach, and more immediate impact than other forms of media, and this makes it all the more necessary that channels exercise restraint to ensure that any report or visuals broadcast do not induce, glorify, incite, or positively depict violence and its perpetrators, regardless of ideology or context. *Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory.....* News channels will ensure that such reconstructions will not cross boundaries of good taste and sensibility.....

Specific Guidelines covering Reportage:

1. Accuracy: 1.6. Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

2. Impartiality, Neutrality & Fairness: 2.1. For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

3. Law & Order, Crime & Violence: 3.3. Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, *sub judice*.

Specific Guidelines for Reporting Court Proceedings:

2. In reporting any Court proceedings, whether in a civil or criminal matter, a news channel shall not identify itself with, or project or promote, the stand of any one contesting party to the dispute.

3. Conjectures and speculation shall be avoided in news reports relating to proceedings pending in a Court, Tribunal or other judicial forum.

4.... no news channel shall broadcast anything:

(ii) Which purports to report a journalist's or the news channel's own opinion, conjectures, reflections, comments or findings on issues that are *sub judice* or which tend to be judgmental in relation to the subject matter that is pending in a Court, Tribunal or other judicial forum;

(iii) Which is a comment on the personal character, culpability or guilt of the accused or the victim; or

(iv) Which otherwise interferes or tends to interfere with, or obstructs or tends to obstruct, the course of justice in connection with any civil or criminal proceeding pending in a Court, Tribunal or other judicial forum;

6. After registration of a First Information Report (FIR) in respect of any crime, a news channel shall not broadcast any report that may evaluate, assess or otherwise give their own conclusions upon, or in relation to, ongoing

investigation or evidence collected or produced before a Court, Tribunal or other judicial forum.”

9. NBSA was of the view that while investigative journalism and media activism may be a catalyst for ensuring proper investigation by Investigating Agencies, a very thin line separates it from reportage bordering on media pressure/media trial, interfering with due process of investigation. The tendency of the media to hold parallel investigation or to telecast unverified views, opinions, rumours & allegations, as factual findings, apart from putting tremendous pressure on investigating agencies in high profile or sensitive cases, may adversely mould public opinion about the guilt or otherwise of persons/ institutions, thereby destroying their reputations and credibility and interfering/prejudicing pending trials in courts of law.

10. While investigative journalism to uncover wrongdoings and crimes is a meaningful crusade for the media, there is a corresponding responsibility upon the media to act within the well-defined and well-recognised limits. Media, howsoever *bona fide* its intentions are, cannot act as the Judge, Jury, Prosecutor and Investigator, in regard to any matter pending before a court or under investigation. In the minds of the public, the impact of the media accusation and media trial findings against any person or institution is strong and long lasting and any ingrained prejudice caused by the earlier media trial may have an adverse impact on the court trial. While the media should expose crime and wrongdoing, it can neither act nor be seen as acting as a *vigilante*.

11. In view of the above, NBSA finds that the telecast violated Sections (1) (2) and (3) of the Code of Ethics & Broadcasting Standards and Guidelines (1), (2) and (3) of Specific Guidelines Governing Reportage and Guidelines (4) and (6) of Specific Guidelines for Reporting Court Proceedings.

12. NBSA therefore decided to impose the following sanctions upon the broadcaster and close the complaint:

(a) broadcaster is hereby warned to exercise more care and caution while reporting about matters pending trial/investigation or in using objectionable hashtags in regard to such reports which may give an impression that the broadcaster is indulging in a media trial / prejudice against the person/ institution being reported upon.

(b) NBSA also directs the broadcaster that the video of the said programme, if hosted, on Times Now Website, YouTube or any website or any other links should be removed immediately and confirmed to NBSA.

13. It is clarified that the findings of NBSA are not findings about the guilt or innocence of PFI or its officer bearers/members. The decision of NBSA is solely in the context of an examination as to whether the broadcast violated any Broadcasting Standards and Guidelines. The order shall not be construed as any finding against the broadcaster of any wrong-doing giving rise to a civil or criminal liability upon the broadcaster.

14. NBSA further directs the NBA:

- a) To send a copy of this Order to broadcaster and the complainant.
- b) To circulate this Order to all Members, Editors & Legal Heads of NBA.
- c) To host this order on its website and to include it in its next Annual Report.
- d) To release the Order to media.

Sd/-

Justice R.V. Raveendran (Retd.)
Chairperson

Date: 30th May, 2018