

**News Broadcasting Standards Authority
Order No. 64 (2019)**

Order of NBSA on complaint dated 26.9.2018 filed by Dr. Manilal Valliyate, CEO, People for the Ethical Treatment of Animals [PETA] against Zee News for telecasting three programmes “Taal Thok Ke: Special Edition” at 6:00pm; “News Special”, aired at 8:15 pm and “DNA”, at 9:00 pm on 3.9.2018

Complaint:

Complainant (PETA) claims that it is a reputed organization working for the promotion and protection of animal welfare in India. It alleges that the broadcaster (Zee News Channel) had broadcast three programmes on 3.9.2018 (that is, a panel debate programme titled “Taal Thok Ke: Special Edition” at 6 pm, a “News Special” at 8.15 pm hosted by Mr. Sachin Arora and Mr. Aman Chopra and a programme titled “DNA” hosted by Mr. Sudhir Chaudhary at 9 pm), portraying and describing the complainant as “*Anti-Hindu*”. It is further alleged that a defamatory tagline “*#AntiHinduPETA*” was used in those programmes to sensationalize and promote the programme on social media even before the programme was aired; that the channel falsely and unjustly alleged that PETA advocated and appealed for adopting of environment-friendly/animal-friendly policies only during Hindu festivals, but was silent in regard to animal slaughter during festivals of other religions such as Bakrid; that the channel’s programmes deliberately attempted to portray the complainant as an anti-Hindu organization even though it is one of the largest organizations in the country working for animal rights and animal protection. The complainant also alleged that the broadcaster did not respond to its Notice dated 4.9.2018.

Response from broadcaster:

The broadcaster alleged that PETA was deliberately diverting from its objectives; that on 1.9.2018, PETA tweeted (on the social media platform Twitter) that Hindu festival Janmashami should be celebrated with vegan ghee; that during another Hindu festival – Nagpanchami – PETA released a statement stating that people should celebrate a “snake-free Nagpanchami”; that in this manner PETA has targeted the religious practices and beliefs of Hindu community practiced from time immemorial; and that on the other hand, on the occasion of Bakrid where goats are sacrificed and slaughtered as per tradition, PETA did not show any reaction except addressing a letter to the Government stating that killing and sacrificing of animals should be done in a slaughter house. The broadcaster stated that PETA’s statement at the time of Hindu festivals had attracted a huge backlash on the social media; that its programme “Talk Thok Ke Special Edition” was a panel debate where one of the representatives of PETA was also a panelist; and that the tweet that Vegan Ghee should be used during Janmashami insinuated that ghee offered as a Prasad to Lord

Krishna was not vegetarian thereby hurting and insulting religious sentiments of Hindus. It also contended that the “#AntiHinduPETA” tag was not initiated by the broadcaster, but was already being used in social media in regard to PETA. The broadcaster contended that bringing the one-sided activities of PETA for discussion in a public forum cannot be objected by PETA.

Notice of Hearing by NBSA

NBSA, at its meeting held on 17.1.2019, considered the complaint, its response from the broadcaster and had also viewed the CD. NBSA was of the *prima facie* view; (i) that it was not appropriate for the channel to use hashtag ‘#AntiHinduPETA’ while referring to PETA; (ii) that the tag was apparently used by the channel to sensationalise the subject matter of the programme and also to promote the programme on social media even before the programme had been aired and a panel discussion had taken place; and (iii) that the broadcaster had violated the Fundamental Standard (c) of the Specific Guidelines covering reportage, which states: “ ‘Content’ of matter broadcast should not be shown out of ‘context’ ”, Guideline No. 2.1 which states that “*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*”, Clause 1 of the Principles of Self-Regulation of the Code of Ethics dealing with Impartiality and Objectivity in Reporting – “*Channels should also strive not to broadcast anything which is obviously defamatory or libelous. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view. . . .*” and Clause 2 of Principles of Self-Regulation of the Code of Ethics Ensuring Neutrality which states: “*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.*” NBSA therefore decided to call both the parties for a hearing.

On being served with notice, the following persons were present at the hearing on 25.2.2019:

On behalf of Complainant:

Ms. Pritha Srikumar Iyer, Advocate

Ms. Arunima Kedia, Advocate

Ms. Swati Sumbly, Senior Legal Associate, PETA India

On behalf of Zee Media Corporation Ltd. [Channel: Zee News]

Ms. Ritwika Nanda, Counsel

Ms. Devika Chopra, Counsel

Ms. Annie, AR, ZMCL

Submissions on behalf of PETA India by its counsel

The complainant elaborated upon its grievances made in the complaint. It was submitted that the complainant posted a video on the social media sharing a recipe for vegan ghee, as a resource to help other vegans or interested persons celebrate Janmashtasami; that in response to the said post on social media by PETA, three broadcasts were aired by the channel; that mere sharing of such recipe could not be termed as “Anti-Hindu” nor can be considered as an appeal “against the Hindu religion” by any stretch of the imagination; and that the fact that PETA is well known for protecting cows and other animals and the fact that it shares vegan recipes on other days of the year, to act as a resource for those wishing to celebrate other festivals/holidays in a vegan fashion (such as Eid and Easter) was ignored/overlooked by the channel deliberately. The complainant contended that the said malicious programmes, along with the preceding and following social media campaign, were deliberately launched by the channel with a view to make the general public believe that PETA is ‘anti-Hindu’, it is involved in ‘anti-Hindu’ activities and that it is against Hindu festivals. The allegations by the channel were factually incorrect and *per se* defamatory; and that by no stretch of imagination, such inferences could be drawn from any conduct of PETA or any position advocated by PETA; that the repeated programmes of Zee News targeting PETA, that too in response to a routine and innocuous posting of a recipe, and the deliberate, relentless campaign to vilify PETA by baselessly insinuating communal motives demonstrated that Zee News and the anchors of these programmes conspired to incite disaffection against PETA for ulterior motives.

The complainant submitted that every news channel has an obligation to act fairly in its reporting and programming, and not to indulge in character assassination or defamation; that in violation of the said obligation, Zee News and its anchors, in an apparent attempt to increase its TRPs, tarnished the nation-wide goodwill and reputation enjoyed by the complainant, by deliberately denigrating and vilifying PETA and by sensationalizing and twisting facts and making defamatory misrepresentations. These telecasts, it is submitted, have grievously harmed PETA’s reputation in the eyes of the general public including PETA’s financial supporters.

The complainant next contended that the allegation of the broadcaster that there is any difference in the nature of PETA’s appeals on the occasion of Hindu festivals such as *Janmashtami* and *Nagpanchami* on the one hand, and the Muslim festival of *Baker-id* on the other, is totally false. The complainant pointed out that it tweeted

advocating vegan recipes on the occasion of *Bakr-id* also, just as it had tweeted the recipe of vegan ghee on the occasion of Janmashtami.

Complainant submitted that there was barely any reasonable debate or discussion during the programme telecast and the hashtag “#AntiHinduPETA” was promoted while PETA’s representative Mr. Nikunj Sharma was on air, thereby defaming him also personally, and putting him at risk of attack by members of the public who would have believed the broadcasters false allegations that the complainant is biased against Hindus. It was pointed out that the time allotted to view-points favoring Zee News predetermined tagline was highly disproportionate when compared to the time allotted to the complainant’s representative; and that the programme, instead of encouraging or having any genuine debate, orchestrated a shouting match characterized by hectoring and unwarranted abuse (which, according to complainant, has unfortunately become part of the so-called ‘debates’ on the channel).

Complainant drew the attention of the NBSA to various captions of the show ‘**Taal Thok Ke**’: It was submitted that the introduction to the programme ‘**Taal Thok Ke**’, was done in a biased manner portraying PETA as exclusively targeting Hindu festivals and traditions; that the questions framed for the debate also indicate bias and that **the channel was promoting the hashtag ‘#AntiHinduPETA’ prominently, during the entire programme, by asking viewers to tweet their opinion on this hashtag, and the following text was flashed on the screen throughout the show: ‘#AntiHinduPETA par karein tweet’ or ‘#AntiHinduPETA par rai tweet kijiye’; ‘While Vegetarian on Janmasthmi, PETA is silent on Bakr-eid?’ (‘Janmashtanmi Par Shakahari PETA ka Bakr-Eid Par Sannatta?’**. It was alleged that the presenter kept on interrupting the PETA representative, by accusing PETA of ‘double standards’ and the channel kept on flashing the following text on screen: ‘**On Krishna Janmashtami, PETA’s phony/hypocritical wisdom**’ (‘**Krishna Janmashtami par PETA ka ‘Pakhandi Gyaan’**). It was alleged that the channel gave prominence to another panellist who repeatedly called PETA as ‘**idiotic/stupid**’ and ‘**double-faced**’ and repeatedly accused the PETA representative of speaking ‘**nonsense**’.

Complainant submitted that in the second programme **News Special** (8:15 pm), the anchor characterised PETA’s campaign as being hypocritical/phony (**‘pakhandi’**) and the same was also flashed on screen and accused PETA of selective campaigning targeted towards Hindu festivals and traditions; and that the channel characterised PETA’s campaign as false and hypocritical by flashing the following text on screen:

‘PETA India’s phony/hypocritical wisdom’ (‘PETA India ka pakhandi gyaan’);

“On Krishna Janmashtami, PETA’s phony/ hypocritical wisdom Krishna Janmashtami par PETA ka pakandi gyaan”;

“Why should Hindustan follow this phony/hypocritical wisdom (Pakandi gyaan ko kyun maanein Hindustan)”

“PETA has let down Lord Krishna with phony/hypocritical wisdom (PETA ne pakahand se bhagwan Krishna ko naraaz kar diya)”.

The complainant next submitted that in the third programme (DNA), the channel flashed the following texts on screen:

A secular DNA test of ‘PETA’s hypocrisy on Janmashtami’ (‘Janmashtami par PETA ke pakhand ka sabse dharmanirpeksh DNA test’).

‘PETA’s tricks on Bakr-eid!’ (‘Bakr-eid par PETA ki chaalbaaziyan!’).

The complainant stated that the following statements of the anchor clearly amounted to accusing PETA as communal: (a) that PETA does not consider ghee made from cow’s milk to be purely vegetarian (‘shakahari’); (b) that either PETA’s intellectuals do not have any understanding of Indian culture, Lord Krishna or the festival of Janmashtami or their only intent is on making fun of people’s faith on the day of a festival; (c) that PETA has intentionally attempted to hurt religious sentiments of Hindus; (d) that PETA was adopting double standards by objecting to the unlawful killing (but not killing per se) of animals on festivals such as Bakr-eid and Durga Puja; and (e) that PETA and organisations such as PETA should follow the principle of secularism.

The complainant submitted that the objectionable content broadcast in the course of the three programmes violated the principles of neutrality, objectivity and fairness and were defamatory and demanded that the channel be directed to retract the defamatory, derogatory and false statements and the taglines telecast on the Channel, including all posts on social media using the defamatory tagline “#AntiHinduPeta” and variants thereof.

Submissions on behalf of the Broadcaster by its counsel

The broadcaster denied that it had broadcast any news item with an intention to harass, humiliate or malign ‘PETA’; that PETA was deliberately diverting from its objectives and purpose for which it has been created, which is apparent by the fact that on 1.9.2018 via social media platform twitter, PETA tweeted that the Hindu festival “Janmashtami” should be celebrated with vegan ghee; that PETA had also released a statement on another Hindu festival *Naag Panchami* that people should

celebrate a snake-free Naag Panchmi; that PETA thus targeted Hindu religious practices and beliefs practiced from time immemorial, while on the other hand on the occasion of *Bakar-Id*, wherein goats are sacrificed and slaughtered as part of tradition, did not express any reaction nor issue any advisory (except a letter to the government that “*killing and sacrificing of animals should be done in slaughter house and the order of the Hon’ble Supreme Court should be implemented*”).

The broadcaster submitted that the contents of its programme “DNA”, “Taal Thok Ke: Special Edition” and “News Special” were telecast to unfurl the bias of PETA towards a certain community, by downplaying the acts of slaughter of animals during their festivals: that on the other hand, PETA has been socially active in propagating thoughts on Hindu Festivals - be it Naag Panchmi, Durga Puja and now Janamasthmi, in a distorted manner; that on 1.9.2018, PETA had posted on twitter, a suggestion for the use of “Vegan Ghee” along with the recipe to make it, thereby deliberately interfering with the religious practices of Hindus. According to the broadcaster, the said suggestion insinuated that ghee or clarified butter which is a milk product offered as a religious practice (*prasad*) is not a vegetarian offering to Lord Krishna (or other deities) thereby hurting and insulting the religious sentiments of the Hindu Community and inviting a huge backlash on social media.

The broadcaster also pointed out that “Taal Thok Ke: Special Edition” dated 3.9.2018 was a panel debate programme, where a representative of PETA was a panelist, and nothing defamatory was said about PETA; that the said programme was an attempt to make the general public aware of the bias/prejudice shown by PETA by trying to meddle with the traditions and religious practices of Hindus.

According to the Broadcaster, the hashtag “*#AntiHinduPETA*” was not something that was initiated by Zee News in the programmes in question, but was something used from 2017 onwards as part of people’s social media campaign against PETA’s discriminatory practices; that PETA was attempting to mislead NBSA to believe that Zee News had given PETA an Anti-Hindu tag, whereas it had been the provocative actions of PETA that led to PETA being described as “Anti-Hindu” in the social media, which were simply brought to public notice by the channel in the programmes in question; and that as programmes in question presented different thoughts and opinions and was in accordance with the journalistic principles and NBSA guidelines. It was contended that as the programme was balanced, neutral, objective and correct in all aspects, the complaint was liable to be rejected.

Decision/Directions of NBSA:

NBSA considered the submissions made by both the parties and viewed the CD. NBSA is of the view that the action of PETA in canvassing and advocating conversion to or adoption of vegan way of life (or vegetarianism), or suggesting use

of vegan ghee during *Janmashtami* or other festivals or suggesting celebration of *Nagpanchami* without involving snakes, did not justify the channel to describe PETA as Anti-Hindu or to use the hashtag ‘#AntiHinduPETA’, while referring to PETA in its programmes. NBSA is also of the view that something allegedly said by some individuals or a hashtag used on social media cannot be a license to a news channel to repeat it or adopt it or highlight it in its news programmes. A news channel is bound by NBA/NBSA Regulations, Code of Ethics and Guidelines, while individuals expressing views on social media, are not.

NBSA noted that Hinduism is multilayered and multifaceted, known for its tolerance. Different beliefs, practices, faiths and view-points can co-exist and are in fact permitted in Hinduism. Among Hindus, different practices are followed in different regions and by different sects/communities. Merely expressing any view, or expressing a different view as to how festivals should be celebrated, or in what manner ‘prasad’ should be prepared or distributed or consumed, cannot be described as ‘Anti-Hindu’. Neither the practices followed during festivals of other religions, nor what PETA did or did not suggest with reference to the practices or festivals of other religions, are not relevant to consider whether the channel was justified in tagging PETA as ‘Anti-Hindu’.

NBSA therefore holds that the broadcaster violated Clauses 1 and 2 of Principles of Self-Regulation and Code of Ethics of NBA dealing with Impartiality and Objectivity in Reporting and Ensuring Neutrality and also the Guideline 2.1 of the NBSA Specific Guidelines Covering Reportage.

Directions of NBSA

(i) The broadcaster shall, prior to the commencement of the programme “**Taal Thok Ke: Special Edition**” at 6.00 PM on 9.4.2019 air the following text (static) on full screen in **large font size** with a clearly **audible voice-over (in slow speed)** expressing regret for the said telecast on their channel Zee News by stating the following in Hindi (**Text given below**):

“Zee News regrets the use of the wrong tagline “**#AntiHinduPETA**” as also the views expressed while referring to PETA as “**Anti Hindu**” during the broadcast of the programmes “**Taal Thok Ke: Special Edition**” at 6:00 pm; “**News Special**”, aired at 8:15 pm and “**DNA**”, at 9:00 pm on 3.9.2018. Zee News realises that in so doing, it has violated the Code of Ethics and Broadcasting Standards of NBA requiring broadcasters to maintain neutrality, impartiality, objectivity, accuracy and fairness. We clarify that there was no intention on our part to pre-judge the issue in any manner or bring disrepute to PETA”.

Text in Hindi:

“ज़ी न्यूज़ 03 सितम्बर, 2018 को शाम 6.00 बजे "ताल ठोंक के" के विशेष कार्यक्रम”, 8.15 मिनट पर “न्यूज़ स्पेशल” और 9.00 बजे “डीएनए” कार्यक्रम में गलत टैगलाइन “#Anti Hindu PETA” का उपयोग करने तथा पेटा को “हिन्दू विरोधी” बताया जाने के संबंध में व्यक्त किए गए विचारों पर खेद व्यक्त करता है।

ज़ी न्यूज़ यह महसूस करता है कि ऐसा करके उसने एनटीए की उस “नैतिकता और प्रसारण मानक संहिता” का उल्लंघन किया है जिसके जरिए प्रसारकों की तटस्थता, निष्पक्षता, वस्तुनिष्ठता, सटीकता एवं सत्यता को बनाए रखा जाता है।

हम स्पष्ट करना चाहते हैं कि पेटा के प्रति किसी भी तरह से पक्षपात करने का हमारा न तो कोई इरादा था और न ही इस संबंध में हमारी कोई दुर्भावना थी।”

(ii) The video of all the three broadcasts, if hosted on the website of Zee News or YouTube, or any other links, should be removed immediately. Compliance to be confirmed to NBSA in writing within seven days.

(iii) The broadcaster shall submit a compact disc containing the telecast with particulars of the date and time of the telecast, within one week of telecast, as proof of compliance. After such CD is submitted by the broadcaster, the matter will be closed.

It is clarified that any finding or observation by NBSA in this order is only in the context of examination as to whether there was any violation of Broadcasting Standards and Guidelines; and the order of NBSA shall not be construed as a finding against the broadcaster otherwise. Nor is the regret to be telecast by the broadcaster in pursuance of this order shall be construed as an admission by the broadcaster of any wrong doing giving rise to a civil or criminal liability.

NBSA directs the NBA to send: (i) A copy of this Order to the broadcaster and the complainant; (ii) circulate this Order to all Members, Editors & Legal Heads of NBA; (iii) host this Order on its website and include it in its next Annual Report. and (iv) release the Order to media.

Sd/-
Justice R.V. Raveendran (Retd)
Chairperson

Place: New Delhi
Date: April 2, 2019