

**News Broadcasting Standards Authority
Order No. 56 (2018)**

**Order of NBSA on complaint dated 22.3.2018 from Mr. Md. Iqbal Ansari
regarding airing of programme Aar Par on News18 India**

Complaint:

1. The complainant alleged that the following five “AAR PAR” programmes aired by News18 India were based on religion and were divisive and intended to spread hatred among communities and spread the poison of ethnicity:

Sr. No	Programme Title.	Date of broadcast
1.	मुह्रम के लिए दुर्गापूजा पर पाबंदी क्यों?	24th August 2017
2.	इस्लामिक आतंकवाद पर नेता चुप क्यों?	20th September, 2017
3.	टेन्ट से निकलेंगे 'राम लला'?	8th February, 2018
4.	राम मंदिर वहीं, मस्जिद और कहीं!	9th February, 2018
5.	9 मन्दिरों की 'घर वापसी'?	1st March, 2018

2. The complainant sent the videos along with screenshots of the videos and YouTube links of the said programmes.

Response from Broadcaster:

3. On the complaint being forwarded, broadcaster in its response dated 19.4.2018 stated that it had no intention whatsoever to endanger the national security and that the object of airing such programmes was to keep the viewers informed about issues affecting the public. The broadcaster stated the following to be the rationale behind airing each of the aforesaid programmes:

A. “मुह्रम के लिए दुर्गापूजा पर पाबंदी क्यों?”- The object of airing this debate was to bring to the knowledge of the public, the decision taken by the Government of West Bengal under the leadership of Ms. Mamata Banerjee, regarding Durga Pooja and Muharram, which would have led to division of the society based on religions/ beliefs. It was stated that the entire programme was based on factual reportage and the participants were from various walks of life.

B. “इस्लामिक आतंकवाद पर नेता चुप क्यों?” – The topic of the debate was decided pursuant to the statement made by the President of United States of America, Mr. Donald Trump, that 'radical Islamic terrorism' should be eradicated. It was pointed out that a few days ago, a former Hizbul Militant Zakir Musa had suggested that “Islamic Rule” should be enforced in Kashmir. The intention behind the debate was to

highlight the need to oppose terrorism based on religion. The debate also emphasized that such issues should not be politicized or used for political gains.

C. “टेंट से निकलेंगे 'राम लला'?”– The issue surrounding “Ram Mandir” has been under political discussion for years now. The topic of the debate was decided based on statements and views expressed by Sri Ravishankar and many prominent personalities. Many Muslim associations had also shown acceptance towards building Ram Mandir at the disputed place/venue. Moreover, through affidavits filed before the Supreme Court, the Shia Wakf Board had submitted that they were in favour of having Ram Mandir built at the disputed place/venue. The rationale for the debate was to have discussions and invite opinions on whether any concrete solution could be found through discussions on Ayodhya issue, especially when Supreme Court had also expressed that if an out of court solution could be reached it would be willing to support and endorse the same.

D. राम मंदिर वहीं, मस्जिद और कहीं!: Mr. Salman Nadvi, Member of Muslim Personal Law Board had made a claim that as per Islam, the place of Masjid could be shifted to another location and Ram Mandir could be built at the disputed place/venue. In the month of February, many theories/formulas were discussed. It was when Mr. Salman Nadvi presented a formula on the Ayodhya issue, it was decided to air the subject programme and examine the question whether some individuals were considering this as an ego issue. Views and comments from all stakeholders / individuals from various walks of life were invited and were given opportunity to present their views, during the programme.

E. “मन्दिरों की घर वापसी”: Mr. Rizvi Wasim Sayed, Chairman of Shia Central Wakf Board had stated that 9 Masjids were built/constructed pursuant to demolition of big temples. Various personalities of Muslim Personal Law Board, Ministers of Central Government and various people of different walks of life had expressed their views on the said issue. Based on these views/expressions, it was decided to have a debate on this issue.

4. Broadcaster stated that the issues debated in the aforesaid programmes have been under public discussion/deliberation for quite some time, before the channel decided to have a debate on those issues; and that the channel ensured that the stakeholders/people from various walks of life had an opportunity to express their views and opinions through these programmes.

5. Complainant countered by stating that while attempts should be made to build the awareness among the public about the problems and issues linked with their welfare, it was not proper to debate any issues related to a particular religion, that too those which evoke strong reactions/emotions. He contended that the

programmes only created tension in the society and spread animosity between the two communities. He pointed out that the language used by some hardliners during discussions on the channel hurt the sentiments of a particular religious community.

6. NBSA at its meeting held on 24.5.2018 considered the complaint, response and also viewed the broadcasts and decided to call both parties for a hearing in the next meeting of NBSA. Accordingly, both the parties were called for a hearing on 11.7.2018. At the request of complainant, the hearing was postponed and taken up on 30.10.2018.

7. The following were present at the hearing:

On behalf of complainant:

Mr. Md. Iqbal Ansari (**Complainant**)

Mr. Md. Irfan Ansari

On behalf of TV18 Broadcast Ltd. [Channel: News18 India]:

Mr. Gautam Dubey, AVP Legal

Mr. Apurv Narula, Manager - Legal

Mr. Avanish Ojha, Senior Producer

8. Complainant stated that he had sent two complaints dated 20.4.2018 and 5.7.2018, to which he did not receive any reply from the broadcaster and that the broadcaster only responded to his third complaint dated 20.7.2018; and as he was not satisfied with the response, he had approached the NBSA for redressal. He stated that the channel, through these "AAR PAR" programmes appear to implement a special agenda to divide the country on religious lines i.e. Hindu / Muslim which would endanger the harmony and brotherhood among citizens of the country. He reiterated his contentions in his complaint that such programmes only created tension and spread animosity between the two communities. He stated that the programmes had the effect of spreading misleading rumours among people who were absolutely unaware of what transpired or about decisions of the government (like the decision of Ms. Mamata Banerjee regarding Muharram and Durga Pooja).

9. According to him, when the channel was of the view that the decisions of Ms. Mamata Banerjee were intended to divide the society and the country on religious lines and had the potential to create tension between the two communities, the channel ought not to have taken up such a sensitive issue as a topic for discussions.

10. With reference to the programme based on the statement of the President of America, he submitted that the title to the programme given by the channel - *'Why leaders are silent on Islamic terrorism'*, implied that the religion of Islam had links with

terrorism and provoked / prompted some leaders to repeat the term 'Islamic terrorism' and thereby mislead people. He submitted that spreading rumours and fermenting hatred among followers of different religions were offences punishable under Sections 153 (Wantonly giving provocation with intent to cause riot), 153A (promoting enmity among different groups on grounds of religion, etc.) and 505 (making, publishing, circulating statements conducive to public mischief) of the Indian Penal Code.

11. He submitted that the channel deliberately invited some hardliners and persons with extreme orthodox views to the debate and provoked them to heap insults on the religions of others. He also submitted that the language used by some hardliners during discussions on the channel was deliberately intended to hurt the sentiments of a particular religious community and give shape to a concrete agenda. He stated that the channel was working under a particular agenda which could become a major challenge for the country's security, unity, integrity and social harmony.

12. According to the complainant, the five programmes with provocative titles were aired merely based on the statements/observations by some persons; and that the broadcasts were under a specific agenda to hurt the religious sentiments of the people belonging to a particular religion and generate hatred and animosity between the Hindus and the Muslims. He pointed out that the title of the five programmes deliberately referred to Muharram, Durga Pooja, Islam, Ram Mandir and Masjid. He stated that there were also other programmes broadcast earlier by the channel which were designed to hurt religious sensibilities and spread hatred in the country. He requested the NBSA to look into the issue as such programmes creates a divide between two communities.

13. Broadcaster denied the allegations and contentions of the complainant and stated that it was never their intent to hurt the sentiments of any community or create any divide between communities. The broadcaster reiterated the contentions put forth in its response that it had no intention of endangering the security or harmony of the country; that the object of airing such programmes was to keep the viewers informed about issues affecting the public at large; that in its response, it had clarified the rationale and object behind airing each of the aforesaid programmes; that it was quite evident that the issues debated in the aforesaid programmes were already under public deliberations, much before the channel decided to have debates on those issue(s); and that the channel ensured that views and opinions of all relevant stakeholders/people from various walks of life were given an opportunity to express their respective views through the programmes.

Decision:

14. NBSA, on considering the complaint, response of broadcaster, submissions made by the parties at the hearing and on viewing the CDs, was of the view that the channel used the term “Islamic terror” repeatedly and unwarrantedly and the nature of the debates in question may have the effect of creating/accentuating a division between “Hindus” and “Muslims”. NBSA Guidelines require channels to avoid tagging the name of any religion to ‘terror’, as terror has no religion. The programmes sensationalized the issues and was likely to provoke enmity amongst sections of the society. NBSA was of the view that if the channel did not take corrective measures and tone down the negative nature of the broadcasts, it may lead to serious law and order problems.

15. NBSA also noted that the broadcaster despite being warned while considering an earlier complaint regarding another ‘Aar Par’ programme (*Complaint dated 18.4.2017 from Mr. Owais Nabi Matto regarding airing a programme titled “AAR PAAR” on News18 India on 30.3.2017: considered by NBSA at its meeting held on 3.10.2017*), has failed to take corrective steps to comply with the Guidelines.

16. NBSA found that the broadcaster in relation to the above broadcasts had violated the Specific Guidelines Covering Reportage, Fundamental Standards B which states that ***“Reporting should not sensationalise or create panic, distress or undue fear among viewers”*** and Guideline 9.2, which states that ***“Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony”***.

17. Directions of NBSA:

(i) The broadcaster shall, prior to the commencement of the programme **AAR PAR at 7 pm on 10.1.2019** 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 by stating the following in Hindi: **(Text given below)**

“News Broadcasting Standards Authority has held that five AARPAR programmes aired on 24.8.2017, 20.9.2017, 8.2.2018, 9.2.2018 and 1.3.2018 by News 18 India, were in breach of the Specific Guidelines Covering Reportage, Fundamental Standards B which states that *“Reporting should not sensationalise or create panic, distress or undue fear among viewers”* and Guideline 9.2, which states that *“Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony”*. We clarify that there was no intention on our part to sensationalize the issues and provoke enmity amongst sections of the society.”

Text in Hindi:

"न्यूज ब्रॉडकास्टिंग स्टैंडर्ड्स आथोरिटी ने पाया है कि न्यूज 18 इंडिया चैनल पर 24.8.2017, 20.9.2017, 8.2.2018, 9.2.2018 और 1.3.2018 को प्रसारित "आर पार" के पांच कार्यक्रमों से घटनाओं की रिपोर्टिंग करने के संबंध में विशिष्ट दिशा निर्देश के मूलभूत मानक बी और दिशा निर्देश 9.2 का उल्लंघन हुआ है। मूलभूत मानक बी में कहा गया है कि "रिपोर्टिंग ऐसी होनी चाहिए जिससे सनसनी अथवा दर्शकों में बेवजह डर, घबराहट; या चिंता नहीं फैले।" दिशानिर्देश 9.2 में कहा गया है कि "ऐसे विषयों की रिपोर्टिंग में अत्यन्त सावधानी बरती जानी चाहिए, जिनसे किसी नस्ल या धार्मिक समूह की संवेदनाओं को ठेस पहुंच सकती हो, उनकी छवि मलिन हो सकती हो या उससे धार्मिक असहिष्णुता या वैमनस्य फैल सकता हो।" हम स्पष्ट करते हैं कि मुद्दों को सनसनीखेज बनाने और समाज के विभिन्न वर्गों के बीच शत्रुता भड़काने का हमारा कोई इरादा नहीं था।"

(ii) A warning is issued to the channel News18 India to exercise greater care, caution and discretion in future while formulating news stories. Any future violations would be viewed seriously and action would be taken against the broadcaster.

(iii) The video of the said five objectionable broadcasts, which were considered by NBSA, if still available the website of the TV channel, or YouTube, or any other links, should be removed immediately and confirmed to NBSA in writing within 7 days.

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

18. It is made clear that this order has considered and decided only the complaint as to whether the broadcaster had violated any Broadcasting Standards/Guidelines by airing the said programmes. This order shall not therefore be construed as containing any discussion or finding on the allegation of the complainant that the aforesaid AAR PAR programmes were aired by the broadcaster with any specific 'agenda' of creating a divide between communities or the allegation that the broadcaster, by airing such programmes, committed any offence punishable under IPC or any other law.

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

Date: 31.12.2018