

From: News Broadcasting Standards Authority

<authority@nbanewdelhi.com>

Date: Tue, 19 Nov 2019 at 12:19

Subject: Order of NBSA on Complaint dated 13.3.2019 filed by Mr. Sharad Shah on a programme titled "Congress Bharat Mata Claim" aired by Republic TV on 12.3.2019 at 10 pm

To: S Sundaram <sundaram@republicworld.com>

Cc: Sheena Iype <Sheena.Iype@republicworld.com>, Mohit Dhamne <mohit@republicworld.com>, Girish Parab <Girish.Parab@republicworld.com>, Vikas Khanchandani <vikas@republicworld.com>

Dear Mr Sundaram,

The preparation of the NBSA agenda for the meeting scheduled shortly has begun. You are requested once again to kindly provide the formation sought in the mail below to report compliance to the NBSA.

Please acknowledge receipt of the mail.

Regards,

Annie Joseph

For & on behalf of NBSA

News Broadcasting Standards Authority

Mantec House,

2nd Floor, C-56/5, Sector 62,

Noida - 201 301

Phone: 0120-4129712

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From: News Broadcasting Standards Authority

<authority@nbanewdelhi.com>

Date: Wed, 30 Oct 2019 at 13:58

Subject: Order of NBSA on Complaint dated 13.3.2019 filed by Mr. Sharad Shah on a programme titled "Congress Bharat Mata Claim" aired by Republic TV on 12.3.2019 at 10 pm

To: S Sundaram <sundaram@republicworld.com>

Cc: Sheena Iype <Sheena.Iype@republicworld.com>, Girish Parab <Girish.Parab@republicworld.com>, Vikas Khanchandani <vikas@republicworld.com>, Mohit Dhamne <mohit@republicworld.com>

Dear Mr. Sundaram,

Vide Order No. 70 (2019) you were directed by NBSA to air an unconditional apology on 14.10.2019 at 10 pm as per the text given in the said Order and you were requested to submit a CD containing the telecast with particulars of the date and time of the telecast, within one week of telecast, as proof of compliance; and after such CD is submitted by the broadcaster, the matter will be closed.

Further, vide Order No. 71(2019) you were requested to remove the video of the programme, if hosted on the website of Republic TV or any other links, and should be confirmed to NBSA in writing within seven days.

We shall be grateful if you could kindly provide us the above mentioned information to enable us to report the compliance to the NBSA.

Please acknowledge receipt of the mail.

Regards,

Annie Joseph
For & on behalf of NBSA
News Broadcasting Standards Authority
Mantec House,
2nd Floor, C-56/5, Sector 62,
Noida - 201 301
Phone: 0120-4129712
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**News Broadcasting Standards Authority
Order No. 70 (2019)**

Order of NBSA on Complaint dated 13.3.2019 filed by Mr. Sharad Shah on a programme titled “Congress Bharat Mata Claim” aired by Republic TV on 12.3.2019 at 10 pm

The complainant escalated the complaint to NBSA on 22.3.2019 and 10.4.2019 as the complainant did not receive a reply to his complaint dated 13.3.2019.

Complaint:

Complainant stated that in the telecast “*The Debate 2 - #The Congress Bharatmata Claim*” where the anchor with ample support of RSS “ideologues” and BJP Spokesperson pilloried Shri Karim Baig, Muslim participant in the debate, to say “*Bharatmata Ki Jai*” implying that he was not a patriot if he did not say that on the program. The complainant stated that Shri Karim Baig was invited to debate the “*Congress Bharatmata claim*” and not to say “*Bharatmata ki Jai*” to prove that he was a patriot as if that was a litmus test of patriotism. The complainant contends that such debates cannot be used for inquisition and that the program clearly violated the following Guidelines Covering Reportage of News Broadcasters Association 9. *Racial & Religious Harmony; 9.1 Racial and religious stereotyping should be avoided and 9.2 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.*

Response from Broadcaster:

The Broadcaster in its reply dated 27.3.2019 to the complainant stated that “*Bharatmata ki Jai*” is a patriotic slogan which is chanted in India since time immemorial; and that it means that we are all equal irrespective of caste, creed, religion and language and are children of this country; that this chant was used during the freedom struggle against the British empire and that even today the slogan is used often by the Indian Army. The Broadcaster also stated that each anchor and news presenter have his/her own unique way of presenting news, stories or of hosting debates; and that in all debates there will always be people representing different views and the aim of the debate is to address the issues at hand and have a constructive dialogue.

On receipt of the response from the broadcaster, the complainant stated that his objection is only to the anchor insisting on one of the participants chanting a particular slogan and that it was no way to have or conduct a constructive dialogue. The reply does not adequately address his concern.

Consideration by NBSA at its meeting held on 1.5.2019:

NBSA considered the complaint, response of the broadcaster and viewed the broadcast. NBSA was of the prima facie view that the anchor browbeating, hectoring and insisting that a panelist in the programme should say or repeat something stated by the anchor violated the principles of the Code of Ethics relating to “Impartiality & Objectivity in reporting” and “Neutrality”. NBSA was also of the view that the anchor insisting that a panelist should say something particular in a programme, challenged/deprived the panelist’s right to freedom of speech and expression guaranteed by the Constitution of India to all citizens.

NBSA therefore, decided to call both parties for a hearing at the next meeting of the NBSA, which was intimated vide letter dated 14.6.2019. NBSA also decided to convey to the broadcaster that in case it desired to submit any further documents in its defence, it may do so within seven days of receipt of the communication.

Consideration/Decision by NBSA at its meeting held on 10.7.2019:

NBSA noted that the broadcaster responded to the email dated 14.6.2019 and sent another email on the day of the hearing i.e. 10.7.2019 at 11:26 stating that ***“We will not be present for this hearing as we deem this as a scurrilous complaint tendered by a serial complainant on a matter which carries no merit to warrant such intense pseudo-judicial oversight”***. Mr. Sharad Shah (complainant) vide email dated 15.6.2019 expressed his inability to attend the hearing.

NBSA considered the mail received from the broadcaster. It strongly objects to the language used in the mail which shows scant regard to the NBSA. The broadcaster is a member of the NBA and being its member, it is the bounden duty of the broadcaster to abide by regulations framed by the NBA. It is the NBA which has created NBSA as an autonomous independent body. The function of NBSA is to look into the complaints preferred against any broadcaster who are members of NBA and take a decision thereupon. Whenever a complaint is filed and to examine the veracity thereof, the complainant as well as the concerned broadcaster are called for hearing by the NBSA, this process is followed as a part of principles of natural justice. The purpose is to give hearing to both the parties and thereafter to examine whether the complaint filed by the complainant against a broadcaster is tenable or not. It is, thus, the function of the NBSA to examine the merits of the complaint. The broadcaster against whom the complaint is preferred may come out with a plea that such a complaint is frivolous or scurrilous complaint and support that plea with cogent reasons. However, ultimately, it is for the NBSA to decide the matter. Merely because the broadcaster feels that a particular complaint is scurrilous in nature cannot be a reason to not appear before the NBSA for hearing such a stand/stands of the broadcaster amounts to an act of indiscipline and undermining the authority

and dignity of the NBSA. It is the bounden duty of the broadcaster to abide by the regulations and comply with the decisions of the NBSA.

In view of the above, NBSA decided that the broadcaster be directed to air an unconditional apology for the words used by it with regard to the NBSA's decision in its mail dated 10.7.2019 as per the text to be furnished by NBSA on the date and time indicated by NBSA. The Order of NBSA in respect of the unconditional apology will be released to media.

The broadcaster shall **on 14.10.2019 at 10 pm** air the following text (**static**) on full screen in **large font size** with a clearly **audible voice-over (in slow speed)** express an unconditional apology on their channel Republic TV by stating the following:

“Republic TV tenders an unconditional apology for the use of the language in the email dated 10.7.2019 which carried the words ***“carries no merit to warrant such intense pseudo-judicial oversight”***, with regard to NBSA's decision dated 1.5.2019 at the time when it was called for a hearing on 10.7.2019 in respect of the complaint with regard to a programme titled **“Congress Bharat Mata Claim” aired by Republic TV on 12.3.2019 at 10 pm**. We would like to state that it was never our intention to undermine the authority of the NBSA in any manner. We have the highest regard for the NBSA, its Chairperson and Members. Kindly accept this unconditional apology for closure of the same.”

The broadcaster shall submit a CD 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.

NBSA further directs the NBA:

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

Sd/-
Justice A. K. Sikri (Retd.)
Chairperson

Place: New Delhi
Date: Oct. 7, 2019