

News Broadcasting Standards Authority
Order No. 72 (2019)

Order of NBSA on complaint dated 26.3.2019 filed by Mr. Ishwar Singh Latwal, Mr. Debasish Kar, Mr. Nirupam S and Mr. Ishwar Singh regarding a programme 'Khabardar' aired on Aaj Tak channel on 23.3.2019

Not being satisfied with the response of the broadcaster to his complaint, the complainant Mr. Ishwar Singh Latwal requested NBSA to take action in regard to his complaint.

Complaint:

The complainant alleged that on March 23, 2019 at around 9.12 PM, while reporting about an incident in Gurugram, Haryana (in which, following a cricket match dispute, the family members of one group of people were beaten up with sticks by the other group), the correspondents of Aaj Tak threw all norms of responsible journalism to the winds; that the correspondents of Aaj Tak blamed '*Hindutva*' for this incident without any rhyme or reason; and that the channel's correspondents used the word '*Hindutva*' nearly a dozen times in an insulting and derogatory way, brazenly holding '*Hindutva*' responsible for this act. According to the complainant, '*Hindutva*' had nothing to do with the incident, nor did it support or advocate such action; that the channel was simply playing to the gallery with an evil motive; that every pause during the hyperbolized and devious narration of the incident was dramatically followed with the chant of '*Bharat Mata ki Jai*' as if this sacred patriotic slogan justified heinous acts; and that it was clear that these correspondents were working with a sinister agenda to defame and vilify Hinduism and malign the country's patriotic legacy; and that has hurt the feelings and sensitivities of millions of Hindus.

Complaint of Mr. Debasish Kar

The complainant stated that the video showing violence in respect to a religious dispute may further instigate the religious hatred and create violence.

Complaint of Mr. Nirupam S

Complainant stated that the channel in its programme 'Khabardar' on 23.3.2019 aired the same clip and was repeated multiple times in the same program with extremely vitriolic speech by the anchor. According to the complainant, the said broadcast was violation of 1. Guidelines to prevent giving communal colour to the violence (voice shouting Allah Allah not muted and vitriolic speech by background anchor) 2. Against National Security 3. Glorifying violence in video clip 4. Depiction of violence or intimidation against children and women 5. Guidelines for telecast of news affecting public order 6. Guidelines on sexual assault.

Complaint of Mr. Ishwar Singh

The contents of the complaint received is the same as received from Mr. Ishwar Singh Latwal and mentioned above.

Response from Broadcaster:

The broadcaster stated that the broadcast was aimed at hooligans who repeatedly took law in their own hands, in the name of public safety and the country's security. The impugned news item was aired in public interest to highlight such issues and bring it to the attention of the state government. Moral policing poses one of the greatest threats to a country like India where people in the name of governance, themselves take the law in their own hands. Mercilessly beating up people, anywhere and anytime is a poignant issue and any such attacks need to be emphatically condemned by the media. It was stated that the broadcaster categorically condemned the criminal attack by such hooligans much in line with the democratic norms. It was never its intention to hurt the sentiments of any particular section/society/group or religious entities in the said broadcast that has been found to be allegedly derogatory; and that the word "*Hindutva*" was only used to point out, how people were misusing their rights and liberties. It was never the broadcaster's intent to make disparaging comments against anyone and religion.

Consideration by NBSA at its meeting held on 1.5.2019:

NBSA considered the complaints, response of the broadcaster and viewed the broadcast. NBSA was of the prima facie view that the broadcast was in violation of "*Guidelines to prevent communal colour in reporting crime, riots, rumours and such related incidents dated 13.12.2012*", "*Principles of Self-Regulation No 2 : Reporting on crime and safeguards to ensure crime and violence are not glorified*, No 4 : *Depiction of violence or intimidation against women & children*", *Specific Guidelines Covering Reportage No 3 Law & Order, Crime & Violence (3.1, 3.3.3.7 & 3.8)*, No 8 *Children's Interests (8.1) and No 9 Racial & Religious Harmony No 9 (9.1 & 9.2)*.

NBSA considered the complaints and the responses and decided to call all the four complainants and the broadcaster for a hearing at the next meeting of the NBSA.

On being served with notices, the following persons were present for a hearing on 10.7.2019:

On behalf of TV Today Network Ltd. [Channel: Aaj Tak]

Dr. Puneet Jain, Head Legal
Mr. Manish Kumar, Executive Editor
Mr. Setu Niket, Advocate
Ms. Esha Mazumdar, Advocate

Complainants were not present at the hearing

1. Mr. Ishwar Singh Latwal
2. Mr. Debasish Kar
3. Mr. Nirupam S
4. Mr. Ishwar Singh

Arguments of the Broadcaster:

The broadcaster submitted that that the programme 'Khabardar' aired on 23.3.2019 in fact criticized the concept of 'Hindutva' which is a completely different concept from Hinduism. The term 'Hindutva' means a political movement to establish a Hindu state. The program did not disparage Hinduism at all. The term "Hindutva" which was referred to, was used to distinguish Hinduism and Hindutva and to point out, how people in the name of "Hindutva" were misusing their right and liberty. The program also condemned such hooliganism. Furthermore, the said program showed how the perpetrators of the violence shouted the slogan "Go to Pakistan". The gory visuals of violence were blurred and the reporting was factual. Many such instances had occurred in Gurugram especially during the run up to the elections. It was because of the telecast that the police took cognizance in the matter. It was not the intention of the broadcaster to hurt any person's religious sentiments. The program was telecast to inform the public and in public interest. The broadcaster exercised its right to freedom of speech and expression under Article 19(1) (a) of the Constitution.

Decision:

After going through the complaints, the response of the broadcaster and having heard the arguments on behalf of the broadcaster, NBSA was satisfied with the explanation and justification put forth by the broadcaster. There was no violation of NBSA's guidelines and the matter was closed.

NBSA decided to close the complaint with the above observations and inform the broadcaster and the complainants accordingly.

NBSA directs the NBA to send:

- (a) A copy of this Order to the complainants 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.

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

Place: New Delhi
Date: Oct. 7, 2019