

News Broadcasting Standards Authority
Order No. 77 (2020)

Order of NBSA on insensitive, gross, disparaging remarks against Indian Army on 17.6.2020 telecast on Aaj Tak news channel.

The Ministry of Information and Broadcasting vide letter dated 10.8.2020 had forwarded the complaint dated 20.6.2020 of Mr. Nilesh Navalakha.

Complaint:

The complaint was that on 17.6.2020 Aaj Tak news channel had a lengthy segment on the escalated situation in LAC at prime time and prominent news anchors Ms. Shweta Singh and Mr. Rohit Sardana of Aaj Tak channel made completely distasteful, disparaging and insensitive remarks on the Indian Army. Commenting on the “violent face-off” between India and China along the Line of Actual Control, according to the complainant in the telecast Ms. Shweta Singh, anchor stated as follows:

“This is the responsibility of the Army. You can’t blame the government for this” and “that Chinese incursion into the Indian Territory is not just governments fault, but also Army’s as patrolling the border are not government’s responsibility”. “This isn’t a situation where you ask questions after something has occurred. There are a few questions to be answered here. Firstly, if the People’s Liberation Army entered Indian territory and our soldiers were sleeping, then it’s on the Army and not on the government because the government is not on patrolling duty, the Army is.”

The complainant stated that the aforesaid broadcast clearly attacks the sovereignty and integrity of India, the security of the state, public order, decency or morality and is in no manner fits in the realm of freedom of press. Moreover, neither the channel nor its anchors are experts who could comment on the functioning, protocols, strategic decisions etc. morale, conduct, loyalty and integrity of the Indian Armed Forces. The channel is also not an authority or specialist to comment or remark on national security and national unity, and make any decisions on how to defend the nation from external aggression and internal threats. Further, in a tense situation, with the broadcast reaching crores of people, this is a deliberate attempt to spread a negative emotion against the Indian Armed forces, and in direct breach of the Programme Code.

The complainant stated that the Indian Army has time and again lived up to its tradition of valour, heroism, sacrifice and fortitude. It stands vigil along the border, watchful, prepared for any sacrifice so that the people of the country may live in peace and with honour and every soldier of the Indian Armed Forces are trained to protect its borders from external aggressions and also during natural calamities. Our

soldiers have time and again shown extraordinary courage and have sacrificed their lives for the motherland.

The channel and its anchors have insulted every hero of the Indian Armed Forces presently serving the nation, martyrs, their families, and every citizen of this nation by their insensitive, disparaging, gross, distasteful, disrespectful, unlawful, speculative and irresponsible remarks against the Indian Armed Forces for which the channel, its anchor and every such member associated with the broadcast apart from suspension/cancellation of the uplinking-downlinking license is also liable for criminal prosecution under relevant provisions of IPC, Army Act and any other provisions of law.

Response dated 15.9.2020 from Aaj Tak Channel

The broadcaster in its response submitted that it is very discouraging to come across such a complaint wherein allegations are raised wherein the news channel as well as its anchors/reporters are portrayed as anti-nationals and traitors. At the outset it is denied that the broadcast by the news channel attacks the sovereignty and integrity of India and that they have ever insulted heroes of the Indian Armed Forces. Broadcaster submitted that through their broadcast they have always focused to motivate and praise the Indian armed heroes.

The broadcaster submitted that the complainant has very conveniently cherry picked an excerpt from the comment which was made by their news anchor.

They submitted that the complainant's selective approach clearly shows his intention which is to take leverage of the concocted picture to suit his malicious purposes. Before stating anything further, the broadcaster reproduced the entire comment made by their news anchor during the telecast which was done in Hindi is mentioned as below: -

“सारी राजनितिक पत्रिकाओं को यः समझना होगा की यः कोई ऐसी घटना नहीं जो हो कर खतम हो गयी और उसके बाद ः प सवाल जवाब कर रहा हो। दो तीन चीज़ इसमें है की सबसेः पहलः अगर ः प पहलः दिन सः उन सवालों का विश्लेषण करें रोहित तो इसमें यः सवाल उठाना की चीनी सन्ना हमारी ज़मीन पर ः गयी है और हम सोतः रहः यः सरकार पर सवाल नहीं होता है यः सन्ना पर ही सवाल होता है क्यूंकि पट्रोलिंग की ड्यूटी सरकार की नहीं होती है सन्ना की होती है और हमाराः दश में सन्ना को इतनी ः ज़ादी है हमाराः अर्धसैनिक बालों को भी ः ज़ादी है की वो जो पट्रोलिंग ड्यूटी कर रहा है उसका लिए किसी पोलिटिकल मास्टर सः अपनी कमांः नहीं लक्षः हैं। अगर ITBP का हटनः का बाद वहां पः भारतीय सन्ना भी पहुंची

और प कहतहैं की चीन नहड़प ली हमारी ज़मीन तो यफिर सन्ना का ऊपर सवाल हो जाता है। और इस समय यबहोत संवदनशील समय है । जो लोग इस समय उस यूनिट का वहां पर मौजूद हैं वही जानतहैं की एक हो सकता है की युद्ध हो जानकी स्थिति कैसी होती है । जिन लोगो को अपनहाथो में हथियार थामना है वही लोग जानतहैं। लकिन मुझ लगता है की राजनीति को थोड़ी दख कलिए काँमा लगाना चाहिए अर्धविराम कम सकम लगाना चाहिए । और जब यमामला निपट जाए तो पको जितनसवाल पूछनहैं पूछिए।“

The broadcaster submitted that the abovementioned comment was made during the live news telecast on channel 'Aaj Tak' on 16.6.2020 at 3.00 p.m. in which the journalists were having a brief discussion with people dealing in politics about the Indo-China scuffle on the Line of Actual Control (LAC). The meaning and intention of the entire discussion was opposite to what the complainant has interpreted. Perusal of the video clip in its entirety will make it evident that they are supporting the Armed Forces and understand what situation they are dealing with. It is important to mention that nothing in the said telecast was offensive and whatever has been stated is nothing but truth. The statements of truth need not necessarily please everyone's senses.

Further, they believe that no organ or wing of the Government is immune from accountability and for functioning of a healthy democracy, it is important that the role of every organ in dealing with any crisis should be analyzed and deliberated upon. The right of inviting discussion and express opinion on an incident which has posed threat to national security cannot be curbed by any means.

Contrary to the complainant's allegations they have clearly stated that it is a sensitive time for our Armed Forces and in such circumstances we should neither question them nor their powers. Further, for clarity it is important to note that the sentence that the complainant has randomly picked up from the entire discussion is not a comment that is made by us against our Armed Forces. In fact, it was merely an analysis of the questions raised against our Armed Forces by certain politicians because they believe, by raising such questions they were indirectly questioning the capability and credibility of our Armed Forces which is not acceptable. The Press cannot be held at gun point and asked to stop channelizing discussions.

Broadcaster requested the Authority to review the entire clip and extract the positive meaning from the same because the Armed Forces are the pride of our country and should be given huge respect. The discussion on India-China war on LAC can in no manner be said to be an insult of the Indian Army heroes.

The complainant had filed the present complaint along with the complaint relating to Sushant Singh Rajput matter (SSR). Arising out of the Bombay High Court Order, NBSA had decided to call the complainant and others for a hearing relating to the SSR matter on 24.9.2020.

NBSA also decided to hear both the parties on 24.9.2020 with regard to the said complaint.

The following persons were present at the hearing:

1. Mr Nilesh Navalakha: **Complainant**
2. Mr Amit Pai, Advocate
3. Mr Rajesh Inamdar, Advocate
4. Mr Shashwat Anand, Advocate

Broadcaster:

1. Mr. Rajeev Panday Advocate
2. Mr. Aiman Hasaney Legal Counsel, TV Today
3. Ms. Shiuli Bhattacharya Legal Counsel, TV Today

The complainant submitted that for over a month there was a faceoff between India and China after Chinese troops crossed the Line of Actual Control (LAC) on 5.5.2020 and 6.5.2020 to occupy over several kilometers of Indian Territory at four locations – Pangong TSO, Galwan River, Demchok and Hot Springs. Several reports pertaining to the death of 20 Indian soldiers during a stand-off with China were published on various print and electronic media and the situation at LAC was tensed and sensitive and the nation's sympathies and sentiments were flowing towards the Indian Army whose brave soldiers lost their lives at LAC. After this attack on 15.6.2020 public outrage and sympathies started pouring for martyrs, several political and non-political reactions started coming, every citizen stood for Army but simultaneously they criticized Government for not taking the country into confidence and revealing actually what happened on 15.6.2020. Several political parties raised questions on the government. Instead of raising questions on the government, the anchor absolved the government of its responsibility and questioned the Indian army and attributed that what had happened at the LAC was due to the failure of the army.

It was submitted that on 16.6.2020, the Ministry of External Affairs had issued an official statement that India and China have been discussing through military and diplomatic channels the de-escalation of the situation in the border area in Eastern Ladakh. However, the Chinese media had issued contrary statement creating a situation of confusion, therefore political parties as well the citizens of the country started questioning government on social media platforms seeking an answer and

questioning the real situation at the LAC. In this background Aaj Tak telecast a show in which several panelists were called to give their opinions.

Anchor Rohit Sardhana seeks opinion from Anchor Shweta Singh. The relevant transcripts are as under:

—Shweta will ask question to Mr. J G Singh, but before that I want to ask Shweta one question, Indian will have to respond to China but at what level which will be decided by Indian Government. But before that Government/India will have to answer the political parties here first? In this situation political party should not understand that to criticise or to just make fun of the government by whoever but the fight is not against India vs China or BJP vs China it's Indian army vs china and those who are questioning are questioning bravery of Indian army.

Response of Ms. Shweta Singh

Of course, all political parties have to understand that this is not an incident that has ended and after that you doing question answer sessions. Our Army and even our paramilitary forces have so much freedom that that they do not have to take the command from our political master. If after the withdrawal of the ITBP, if the Indian Army had taken the control and you say that China has seized our land, then this is the question raised on Army.

The complainant submitted that the aforesaid telecast and the statements made by the anchor are in clear violation of freedom granted under Article 19 (1) (a) and governed by the restriction under Article 19(2) of the Constitution of India. It is submitted that the statements are/were not in the interest of the sovereignty and integrity of India, the security of the State, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

It was submitted that the statements made by the anchor are in clear breach of the Programme Code as enumerated under the Cable Television Networks Rules, 1994 and are also in clear violations of the principles of Self Regulations under the *Code of Ethics and Broadcasting Standards relating to 1). Impartiality and objectivity in reporting 7). Endangering National Security and the Guidelines for telecast of news affecting Public Order of this Authority which states that 1. All telecast of news relating to armed conflict, internal disturbance, communal violence, public disorder, crime and other similar situations should be tested on the touchstone of—public interest. 2. The media has the responsibility to disseminate information which is factually accurate and objective.*

It was submitted that the respondent or any other media channel are not experts who could comment on the functioning, protocols, strategic decisions, morale, conduct, loyalty and integrity of the Indian Armed Forces. Further, the channel is also not an authority, or an expert to remark on national security and make any decisions or speculate on how the Army has to defend the nation from external aggression and internal threats or what authorities and powers Army has during such

tense situations at the border. Further, in a tense situation, with the broadcast reaching crores of people, this is a deliberate attempt to spread a negative impression against the Indian Armed forces, and in direct breach of the Programme Code. It was submitted that there was an outpour of emotions on social media against the channel for such outrageous and disparaging comments made by the anchors.

The complainant submitted that considering the natural public sentiments they had also issued a legal notice to the channel to express its regrets and issue an apology to the nation for such comments against the Indian Army, however the channel has in its arrogance ignored the said request. The complainant only sought action against the channel for violations of the Programme Code, and principles of Self Regulations under the Code of Ethics and Broadcasting Standards and the Guidelines for telecast of news affecting Public Order.

The complainant submitted that — no organ or wing of the Government is immune from accountability and for functioning of a healthy democracy. It is important that the role of every organ in dealing with any crisis should be analyzed and deliberated upon, however, the complainant is appalled and dismayed at the fact that in the name of “discussion and expressing opinion” the Channel and Anchor in question, instead of asking questions to the Government and seeking accountability therefrom, they have chosen to malign the Armed Forces. In that, they portrayed the entire incident to be a fault of the armed personnel, committed with their lives to the security and service of the nation. The channel and anchor, by pointing fingers at the Armed Forces, as in their responsibility and lapses in patrolling, have committed serious and palpable contravention of the Programme Code, Journalistic Ethics and all tenets of justice and propriety.

The complainant denied that the statements made by the channel/Anchor were analysis of the questions raised against Armed Forces by certain politicians. It was submitted that the statements made were of the Anchor Ms. Shweta Singh to the question put by Mr. Rohit Sardana. — “Shweta usse pehle main aapse sawal puch raha huin” in response to which the disparaging statements were made.

The complainant submitted that while agreeing, that the media has the right as envisaged under Article 19(1)(a), however, the same is not absolute and subject to Article 19(2), inter alia, the sovereignty and integrity of India, the security of the State, public order, morality and defamation. The channel and its anchor by their veiled attacks on the diligence, steadfastness and competence of the Indian Army, have in essence assaulted the sovereignty of India, presenting the territorial integrity of India as vulnerable and weak, sullyng, smearing and slandering the entire armed forces and the Nation at large, in the eyes of the international community. Thus, the channel and its Anchor concerned, deserve the harshest forms of strictures to be passed within the domain of powers of this Authority.

The broadcaster, in its submissions stated that the complaint before the NBSA relates to the programme aired on 17.6.2020 on Aaj Tak news channel and anchored by Ms. Shweta Singh and Mr. Rohit Sardana. They denied that the anchor Shweta Singh had made insensitive, gross, disparaging remarks against the Indian army in the said broadcast. It was submitted that the statement made by the anchor regarding the *People's Liberation Army* entering the *Indian territory* was prefixed with the word "if". This clearly implies that the anchor was only posing questions to the participants which included retired army officers regarding the occupation of the Indian territory and stating that there was no political interference and the army was doing its duty. No politicians were invited to the said programme. The anchor also referred to various articles that had appeared in Indian and international newspapers of the possibility of war and she stated that there was need to put a full stop on the blame games by political parties that was being amplified in the public discourse. It was submitted that posing questions in a debate by an anchor was certainly in the realm of journalistic debates and also in the realm of free speech and cannot be said to an attack on the sovereignty and integrity of India, the security of the state, public order, decency or morality. The broadcaster denied that they had violated the *Code of Ethics and Broadcasting Standards relating to 1). Impartiality and objectivity in reporting 7). Endangering National Security and the Guidelines for telecast of news affecting Public Order of NBSA which states that 1. All telecast of news relating to armed conflict, internal disturbance, communal violence, public disorder, crime and other similar situations should be tested on the touchstone of—public interest. 2. The media has the responsibility to disseminate information which is factually accurate and objective.*

Decision of NBSA

NBSA considered the complaint, response from the broadcaster, submissions made by both the parties and also viewed the broadcast.

NBSA noted that the programme related to the incursions and the reports that the Chinese troops had crossed the Line of Actual Control (LAC) to occupy the Indian territory. Political parties in the opposition were questioning the government on how the Chinese had entered the Indian territory and stated that it was the failure of the government for which they had sought replies. NBSA agreed with the observations made by the broadcaster that instead of seeing the programme in its entirety, the complainant has chosen to complain about certain questions being asked by the anchor. NBSA found that the allegation that the anchor instead of questioning the government in power chose to put the blame on the army was not correct. On the contrary NBSA found that the anchor in her response has requested that there is need to put a full stop to this manner of discourse, which was creating a war like situation between the two countries and this was being reported by the media both domestically and internationally.

In view of the above, NBSA found that there was no violation as alleged by the complainant and decided to close the complaint.

NBSA directs the NBA to send:

1. A copy of this Order to the broadcaster and the complainant;
2. Circulate this Order to all Members, Editors & Legal Heads of NBA;
3. Host this Order on its website and include it in its next Annual Report and
4. Release the Order to the media.

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

Place: New Delhi

Date: 9.12.2020