

News Broadcasting Standards Authority
Order No. 95 (2021)

Order of NBSA on Complaint dated 7.4.2020/2.4.2020 from Mr. Montu Das against Zee News

The complaint was escalated to the second level of redressal, i.e., NBSA, as the complainant was not satisfied with the response received from the broadcaster.

Complaint:

This type of news telecast by Zee News that “*Tablighi Jamaat Ki Terror Kundali on 1.4.2020*”, and “*Tablighi Jamaat connected to terrorist*” is illegal, without proof and puts the blame on a community. This type of news flames communal riots. Immediate action be taken against this channel (Zee News). Please investigate and confirm. Immediately shut this channel.

Response dated 27.5.2020 from the broadcaster

At the outset, it is submitted that the complaint made by the complainant is not maintainable, in as much as the subject complaint is not in proper and requisite format, as prescribed under the News Broadcasting Standards Regulations. It is submitted that as per Regulation 8.1.1, the complainant is required to furnish, inter-alia, his complete address; however, the complainant herein has failed to provide his address in his complaint/email dated 7.4.2020. Further, the complainant has failed to specify in what manner the impugned broadcast violates or offends the Code of Conduct and/or is otherwise objectionable. Apart from the aforesaid, the complainant has also failed to furnish a declaration in terms of Regulation 8.4 of the NBSA Regulations in support of his complaint. In view of the aforesaid, the present complaint is liable to be dismissed at the outset.

The broadcaster vehemently denied all the allegations/insinuations and contentions raised by the complainant against its news report titled “*Tablighi Jamaat ki Terror Kundali*” aired on Zee News on 1.4.2020. The broadcaster submitted that the aforesaid news report was based on verifiable facts, and the claim of the complainant to investigate the facts presented in the news report was completely frivolous and baseless; it was submitted that as per the report of WikiLeaks published in 2011, the Tablighi Jamaat has a connection with Al Qaida, a terrorist organisation; as per the WikiLeaks documents, the Al-Qaida terrorist used the premises of Nizamuddin Markaz to hide themselves, and it was further claimed that one of the members of Al Qaida, Hamir Mohammad used Tablighi Jamaat to get Pakistan visa; it is submitted that the aforesaid facts along with several others showing connection of Tablighi Jamaat with the terrorist organisation have been widely reported by various news agencies and the same were based on reliable documents and sources. Some of the links of the news article showing the connection of Tablighi Jamaat with Pakistan based terrorist organisation are as under:

a.<https://www.outlookindia.com/newscroll/tablighi-jamaat-shareslinkswith-terror-outfits-ians-exclusive/1786829>

b.<https://timesofindia.indiatimes.com/india/tablighi-jamaat-shareslinkswith-terror-outfits/articleshow/74927011.cms>

c.<https://www.outlookindia.com/newswire/story/al-qaeda-usedtablighijamaat-to-get-visas-wikileaks/721387> .

The broadcaster submitted that even the present National Security Advisor, Mr. Ajit Doval, had also raised doubts on Tablighi Jamaat due to its secret working. Thus, in view of the aforesaid reports of WikiLeaks and other international documents, the broadcaster had fairly presented the aforesaid news report. The aforesaid report was on the basis of the verified facts and media reports, which in no manner can be said to be unreasonable or in violation of the Code of Ethics and Broadcasting Standards or Guidelines. The entire news report was completely uncolored from any motive, prejudice but was based on completely verified, accurate and established facts. The broadcaster had strictly adhered to the principles of neutrality, impartiality and fairness in the telecast of the aforesaid news report, and the complaint was completely baseless and without any merits.

Reasons for escalating the complaint to NBSA

The complainant vide letter dated 16.5.2020 stated that the broadcaster could not publish and broadcast this information on behalf of foreign news agencies like WikiLeaks.

Decision dated 10.7.2020

NBSA, at its meeting held on 10.7.2020, considered the complaint, response of the broadcaster, the reasons for escalating the complaint to NBSA and viewed the alleged broadcast. NBSA decided that the broadcaster and the complainant be directed to appear for a hearing at the next meeting of NBSA. NBSA was of the prima facie view that the broadcaster had violated Specific Guidelines Covering Reportage No 9. Racial & Religious Harmony, which states that “*Racial and religious stereotyping should be avoided*” and “*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*”.

The following persons were present at the hearing held on 22.9.2020.

Complainant: Mr. Montu Das

Broadcaster: Ms. Ritwika Nanda, Advocate

Ms. Annie, Asst. Manager, Legal, Zee Media Corporation Ltd.

The complainant stated that the title of the programme “*Tablighi Jamaat ki Terror Kundali*” is itself controversial. How has the broadcaster come to the conclusion that the Tablighi Jamaat is a terrorist organisation? Was it doing terror funding, and what

proof did the channel have to support its argument? He submitted that the programme was not based on independent investigations conducted by the channel rather, it relied upon a report of Wikileaks published in 2011 to establish that Tablighi Jamaat is a terrorist organisation and has a connection with Al Qaida. To highlight this fact, the picture of Osama Bin Ladin was shown in the broadcast. He desired to know what was the reason behind showing the picture of Bin Ladin when referring to the Tablighi Jamaat. The complainant stated that the manner in which the issues were highlighted in the programme, it was evident that a community was being targeted. He submitted that the media did not have the freedom to target any community.

The broadcaster denied that the programme was targeting a community. It submitted that various views were taken in the broadcast, and an analysis was done not to target a community but to create an association. It further submitted that several of the attendees of the Markaz who had tested positive escaped from police custody and went to various parts of the country, thereby breaking protocol when restrictions were imposed. The broadcaster stated that the terrorist link of the Jamaat Markaz was mentioned not only in Wikileaks but also in the Report of the Centre of Advanced Studies, which is part of Pentagon and was also published in Outlook and Times of India. The report also mentioned the views of Mr. Ajit Doval, the present National Security Advisor.

NBSA desired to know from the broadcaster the relevance/connect of the words “*Terror Kundali*” as the title of the programme. The word “*Kundali*” is associated with the community. One association cannot be symbolic to the entire community. What is the reference of using an issue of the past by showing the picture of Bin Ladin, terror etc., in the current programme which related to the Tablighi Jamaat? How reliable is Wikileaks to use as a source of information in a news broadcast and that too of the year 2011.

The broadcaster responded by stating that it believes that the impugned programme was fairly presented, and it had aired the aforesaid report on the basis of information available in the public domain.

Decision of NBSA

NBSA went through the complaint, response from the broadcaster and also considered the arguments of both the complainant and the broadcaster and reviewed the footage.

NBSA noted that while the broadcasters have the freedom to report on any news story, however by using the tagline “*Tablighi Jamaat Ki Terror Kundali*” and broadcasting that the Tablighi Jamaat were connected to terrorists, the broadcaster had tried to give the message that the Tablighi Jamaat had terror links, which

labelling was not acceptable. The tagline could have been avoided. NBSA was of the view that the title given to the programme was unwarranted.

NBSA reiterated that “*Racial and religious stereotyping should be avoided*” and “*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*”.

In view of the above, NBSA warns the broadcaster (Channel Zee News) to exercise greater care and caution in future while telecasting such news stories and taglines. If the observations of NBSA in its Order are not adhered to, any such future violations by the channel would be viewed seriously. .

NBSA also directed that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately and the same should be confirmed to NBSA in writing within 7 days.

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

NBSA directs the NBA to send:

- (a) 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.

It is clarified that any statement made by the parties in the proceedings before NBSA while responding to the complaint and putting forth their view points, and any finding or observation by NBSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be ‘admissions’ by the broadcaster, nor intended to be ‘findings’ by NBSA in regard to any civil/criminal liability.

Sd/-

Justice A. K Sikri (Retd.)
Chairperson

Place: New Delhi

Date: June 16, 2021