

**News Broadcasting Standards Authority
Common Order No. 96 (2021)**

On

Complaint dated 12.4.2020 filed by Mr. Juned Ansari against India TV

AND

Complaint dated 20.4.2020 filed by Mr. Ajay Garg against India TV

Since the complainants were not satisfied with the response received from the broadcaster, the complaints were escalated to the second level, i.e., NBSA.

I. Complaint from Mr. Juned Ansari:

The complaint relates to a news report broadcast on 10.4.2020 at 8:00 PM and 11.4.2020 at 6:30 PM by India TV, which had quoted Advocate Faiz Syed out of context by selectively including a small portion of a long video clip of a speech made by Adv. Syed in the broadcast. The complainant stated that the speech was taken out of context, which speech had been made in respect of evil thoughts which came to a person's mind during prayer in the masjid. The person being referred to in the video as the person to the left in the masjid is another Muslim. Therefore, the complainant asserted that the speech was taken out of context to malign Islam by demeaning it to such a low level. The complainant stated that neither Islam teaches nor preaches that anyone should spit on someone and, therefore, questioned how the broadcaster could use the speech as proof to insinuate that the lecture inspired Tablighi people to spit on other people's faces. The complainant further stated that the allegation that people in the Tablighi Jamaat were spitting has not yet been proved. Even if it was, the same was merely attributable to their own deluded understanding of Islam. Neither Islam nor Advocate Faiz Syed encouraged spitting on others. Further, Islam is a tolerant religion.

As per the complainant, amidst the Tablighi Jamaat issue, the broadcaster used the opportunity to its advantage as many others as a license to malign a specific religion. The complainant further stated that he is not defending the speech of Adv. Faiz Syed, as the words used in the speech, belonged to the beloved Prophet. The complainant stated that if the media is not reigned in now, then the day is not far off when the media may blatantly and fearlessly label the Prophet of mercy himself as the one who taught Muslims to spit on the face of other people. The complainant reiterated that Islam prohibits causing harm to others, irrespective of their religion and to spit on someone is far from their imagination.

1. The complainant asked the broadcaster to answer from whom Gaurav Vohra of Delhi learned to spit on a woman's face?
2. In a country of 130 billion, where people are obsessed with spitting wherever they found a clean space, why did Tablighi people not learn from these "chain spitters" and why was it aired that they learned it from Adv. Faiz Syed. As per Indian Railways, the complainant stated that nearly 100 crores are spent cleaning the spit stains on

the railway stations and its surroundings. That such people can not only spread Coronavirus but also cost the exchequer unnecessarily, as it is the tax payer's hard-earned money that goes for cleaning such stains.

3. Almost all the cases of Tablighi people spitting on doctors or nurses or elsewhere has been nothing more than a false hoax.

4. Saint Yamunacharya, in the commentary of Bhagavadgita at 5:24, stated that "*When evil thought comes, it is permissible to spit*", therefore, the complainant said that the text could also be considered responsible for spreading Coronavirus. However, it is not a text from the Quran.

5. Islam says; there should not be harming nor reciprocated harm in return.

6. Spitting is not always the case. When you have people standing to your left, one is advised to spit in tissue or handkerchief or one's own clothes as then you cannot harm others.

7. Spitting is not the kind of spitting as is known to people. As a relief, the broadcaster will have to apologize for cherry picking portions of the speech of Faiz Syed to prove that Tablighi's learnt this from him.

The complainant further stated that he had not received any response from India TV. However, it had silently made that objectionable video private. The broadcaster cannot get away with just removing the video. It will have to publicly apologize for the way it ran this programme which was out of context news.

Reply dated 18.4.2020 from the broadcaster:

The broadcaster stated that the said news report is still available on YouTube. The allegations are completely false and seem to be an attempt to dramatize the issue. As regards the complaint, it stated that the complainant had misinterpreted the news program. The broadcaster stated that it respects all religions alike and has no intention whatsoever of hurting the religious sentiments of any person or community. It remains committed to maintaining an objective, informative and neutral media platform. The broadcaster serves all its viewers, who come from all walks of life, by disseminating information, opinions and ideas which are of current significance. The whole country is dealing with the Covid 19 virus and it's spread in various parts of the country. Attempts are being made by the Government, and it's agencies to contain the virus and try and save the lives of innocent citizens across the country. However, there have been various reports from different parts of the country of some individuals, groups who are openly flouting the directions of the Government and putting not only their lives at risk but also the lives of other people. One such case happened in Punjab a couple of days back where a person chopped off the hand of a policeman who was trying to enforce the lockdown. The broadcaster's news report telecast on 11.4 2020, was based on the premise that FIRs and cases have been registered in various parts of the country against individuals who have openly violated the quarantine rules and other directions of the Government. It has been reported that some patients who are followers of the Tablighi Jammats have resorted to spitting on doctors and nurses in an attempt to

openly challenge and endanger the medical fraternity and violate not just the guidelines issued by the Government but also norms of normal civil social conduct. There are various video clips available of such acts, and the same are in the public domain. The impugned news report highlighted such incidents and also reported on how some individuals are misusing their religious teachings to endanger the lives of other persons. The broadcast did not criticize the religious preachings and had no intention of hurting the sentiments of any person, group or community. It even quoted verses that provided the rationale behind the religious practice of spitting and highlighted how the same is being misused by some unscrupulous individuals.

Further Response dated 18.4.2020

The complainant, in response stated that whatever the broadcaster had written has nothing to do with the relief he was looking for. He wants to know “how the lecture given by Advocate Faiz Syed in 2017 fits into this situation? How the Jamaat people learnt “spitting” from Faiz Syed? Even he has seen this video (of 2017) and he never felt like spitting on anyone and millions of Muslims must have seen it and they aren’t spitting. Not only Faiz Syed, but the complainant could provide videos of many other Urdu speaking scholars who have covered this topic “how to get rid of whispers of Shaytaan”, and they have quoted the same Hadeeth. Tablighi people spitting on the medical staff is again an issue that still needs authentication. There are no soundproofs in this regard that they ever spat with the intention of spreading the Corona Virus. If the broadcaster is unable to defend itself, it should accept its fault, and take down all the instances of the video uploaded on the channel spreading hatred and venom in the society against Islam and apologize. The broadcaster vide email dated 25.4.2020 informed the complainant that in furtherance of its stand and to place the matter beyond any doubt or dispute, a clarification has been run on the channel, as set out below:

IMPORTANT INFORMATION:

10 अप्रैल को रात 8 बजे और 11 अप्रैल को शाम 6.30 बजे इंडिया टीवी पर प्रसारित स्पेशल प्रोग्राम में हमने ये बताने की कोशिश की थी कक अस्पताल और क्वॉरंटीन सेंटर में भती कुछ लोग थूककर डॉक्टरों-नर्सों की मुश्किलें बढ़ा रहे हैं। इस कार्यक्रम में तेजी से वायरल हो रहे मुस्लिम स्कॉलर मौलाना फैज़ सईद के एक वीडियो का इस्तेमाल ककया गया था। मौलाना फैज़ सईद के वीडियो के जरूर हमने ये ददखाने की कोशिश की थी कक थूकना और कोई बुरा ख्याल आने पर 'थुकथुकाना' में अंतर होता है। हम ये बताना चाहते थे कक कुछ लोग मौलानाओं की धाशमयक बातों का गलत अथय ननकालकर दूसरों की शजंदगी के शलए भी खतरा पैदा कर रहे हैं। हमारा इरादा ककसी भी व्यक्त या समुदाय की भावनाओं को आहत करना नहीं था। बशकक हमारा मकसद कुछ लोगों द्वारा अस्पताल में थूकने के पीछे की घटना का सच सामने लाना था...

Further Response by Complainant dated 25.4.2020:

Upon receipt of the response, the complainant stated that the anchor was clearly saying at 01:38 onwards “*jamaat ko thuk ki bimaari kahan se lagi?*” (*from where did the jamaat got infected with “the spitting” disease?*) Immediately after this, the video of Faiz Syed saying “**Which Maulana taught the lesson of spitting to Jamaat**”. **What can be construed from this?** His question remains as it is. How

Faiz Syed is the one who taught them to spit? If at all someone misinterprets something, how is it that Faiz Syed is made responsible for it? The incidents of Tablighi people spitting on the medical staff were brought to light by media houses, and they are far from the truth. The broadcaster will have to take down the video and apologize OR prove how Faiz Syed taught them spitting.

II . Complaint from Mr. Ajay Garg

Reason for escalating the complaint to NBSA

The complainant stated that the reason for escalating the complaint was the showing of a wrong and irrelevant video during the reporting. In the reply by the broadcaster, it was not mentioned that the video played by the channel was right or wrong. The channel played a 3- year-old video which had nothing to do with the Coronavirus to show that people from certain communities were spreading Coronavirus. The channel has not responded about the accuracy of its reporting with respect to this video.

The complaint relates to a show name **कोरोनाक_जमात** which was broadcast by India TV on 11.4.2020 at 6:30 PM. In the impugned show, the complainant stated that the broadcaster played a video of an Islamic preacher saying, *“To save yourself from the clutches of demons, read the Surah Al-Ikhlās and spit thrice on the left-hand side,”* the video was then paused before the preacher could finish what he was saying. Then the anchor said, *“If you do not believe what you saw and heard, watch again and hear with your ears wide open so that no confusion is left.”* The video is played for a second time as per the complainant, and then the anchor goes on to ask questions that would have sounded ridiculous to the sane mind, namely – *“Why do Jamaatis spit?”* He further says that there have been reports of Jamaatis spitting on doctors and nurses in isolation wards. The anchor introduces the preacher as Faiz Syed and asks, *“Does religion teach to spit on doctors and nurses?”*

The complainant stated that the video played by India TV in the impugned news report was of Faiz Syed, an Islamic preacher and the founder of Islamic Research Centre (IRC), and was shared on the YouTube channel of IRC TV on 27.10.2017. That as per the complainant, Faiz Syed, in the speech first quoted a Hadith (sayings of Prophet Mohammad) and then advised on what people should do if their minds were riddled with evil thoughts on the existence of Allah. The preacher asks people to recite from the Surah Al-Ikhlās (112th chapter of the Quran) – *“He is Allah, [who is] One, Allah, the Eternal Refuge. He neither begets nor is born, nor is there to Him any equivalent”* – and then spit three times on the left-hand side. India TV had dug up a three-year-old video of the Islamic preacher and falsely claimed that he was advocating the spread of Coronavirus by spitting. It is a violation of Code of Ethics and Broadcasting Standards. The channel did not maintain the principles of due accuracy and impartiality.

Response dated 17.4.2020 from the Broadcaster

The broadcaster, in its response stated that it respected all religions alike and had no intention whatsoever of hurting the religious sentiments of any person or community. The broadcaster stated that it remained committed to maintaining an objective, informative and neutral media platform. It served all its viewers, who come from all walks of life, by disseminating information, opinions, and ideas of current significance. The news report was premised on FIRs and cases registered in various parts of the country against individuals who had openly violated the quarantine rules and other directions of the Government. The broadcaster stated that it had been reported that some patients who were the followers of the Tablighi Jamaat had resorted to spitting on doctors and nurses in an attempt to challenge and endanger the medical fraternity openly and violated not just the guidelines issued by the Government but also norms of normal civil social conduct.

The broadcaster asserted that the impugned news report was telecast only to highlight such incidents and report how some individuals were misusing their religious teachings to endanger others' lives. It even quoted verses which provided the rationale behind the religious practice of spitting and highlighted how some unscrupulous individuals are misusing the same. The broadcaster stated that various video clips of such acts were available and were in the public domain.

Decision of NBSA at its meeting held on 10.7.2020:

NBSA, at the above meeting, considered both the complaints, response from the broadcaster and also viewed the CD of the alleged broadcast. NBSA was of the prima facie view that the broadcaster had violated the Fundamental Principles of Impartiality, Objectivity and Neutrality in reporting and also the Guideline No 9 relating to 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.”*

NBSA decided that the broadcaster be asked to submit its response to the following questions to the NBSA:

1. How was a 2017 video used for the alleged broadcast?
2. What was the verification done to come to the conclusion that the lecture given by Advocate Faiz Syed in 2017 fits into the situation of the Tablighi Jamaat incident?
3. What was the verification done to come to the conclusion that the members of the Tablighi Jamaat were spitting on the people?
4. The anchor introduces the preacher as Faiz Syed and asks, “Why do Jamaatis spit?” “Does religion teach to spit on doctors and nurses?”. Explain as to whether the said statements were verified for its veracity and correctness.
5. The accuracy of their reporting with respect to this video.

NBSA also decided that the broadcaster and the complainant be directed to appear for a hearing at the next meeting of NBSA.

Reply of the broadcaster dated 27.8.2020 to the queries raised by NBSA on the complaints filed by Mr. Juned Ansari and Mr. Ajay Garg

The broadcaster stated that NBSA at its meeting held on 10.7.2020 arrived at a *prima facie* view that the impugned telecast by India TV was violative of “the Fundamental Principles of Impartiality, Objectivity and Neutrality in reporting and also the Guideline No 9 relating to Racial & Religious Harmony”. In this regard, NBSA has sought India TV’s response to five queries. Before proceeding to the pointwise response to queries, the broadcaster made certain preliminary submissions:

1. The *prima facie* observation of the Ld. Authority that India TV has violated the principles of impartiality, objectivity and neutrality is erroneous. The impugned news report is balanced and has an overarching public purpose. Those who seek to spread communal and religious hatred would have this Ld. Authority believe that even the issue of the global pandemic, Covid -19 is really about Hinduism versus Islam. In order to defend the secular and democratic fabric of our nation, as a responsible flag bearer of the fourth pillar of the Indian democracy, India TV published the impugned news report to dispel the false notion about shaky justifications being given by communal persons regarding the spread of Covid -19. India TV’s report was to expose those who would hide behind religious doctrine to justify illegal and immoral acts. The report clarified that Islam does not promote “spitting” as an acceptable practice. The report and news anchor were at pains to point out that those seeking justification from the viral video of Mr. Faiz Syed were wrong. Instead of understanding the message behind the news report, the complainant seems to have instituted the present complaint, not for any bonafide grievance.
2. It is persons like the complainant who make even the mention of religion a taboo topic. In a healthy democracy, every aspect of public life must be debated, weaning out the chaff and keeping the finest grain. However, due to communal elements such as the complainant, a chilling effect is overcoming the media where even a mention of religion is met by violent protests and threats. Such complaints, which are in reality nothing more than thinly veiled threats, need to be nipped in the bud by this Ld. Authority, lest the media succumbs to these communal pressures.
3. Further, not only a clarification regarding the broadcast in question was promptly issued by India TV, but also Mr. Faiz Syed was offered to feature in one of its broadcasts to express his opinion on the matter. In continuation of

its bonafide, India TV had also removed the clip from YouTube. This fact was also communicated in its earlier response. It is not India TV which has broadcast any communal news as alleged by the complainant; rather the complaint is an outcome of the communal mindset of the complainant himself.

4. The complaint is misconceived inasmuch as India TV tried to show what, in fact, the complainant himself is trying to say, i.e. Islam does not teach to spit on anyone, and the concept of spitting, which finds mention in The Holy Hadith, is being misconstrued by certain persons. The same was also clarified by India TV.
5. Without prejudice to above, it may further be pointed out that all news, reports, broadcast, including the views expressed by the anchors, reporters, correspondents etc. fall within the right to freedom of speech and expression guaranteed by Article 19 (1) (a) of the Constitution of India. It is well settled that freedom of the Press is an inseparable limb of freedom of speech and expression. The Hon'ble Supreme Court of India, on various occasions, has recognized the freedom of the press as an integral part of the freedom of speech and expression.

Response to the queries:

Q 1. How was a 2017 video used for the alleged broadcast?

The video of Mr. Faiz Syed, Advocate and religious preacher was viral and available in the public domain and was relevant in the context of the news clip in question.

Q 2. What was the verification done to come to the conclusion that the lecture given by Advocate Faiz Syed in 2017 fits into the situation of Tablighi Jamaat incident?

India TV had researched on the issue by consulting experts on the subject and it transpired that the lecture given by Mr. Faiz Syed is based on religious preaching of the 'Hadis' (experts). Further, if the entire broadcast is seen holistically it brings out that the broadcast refers to the 'Hadis' as well as refers to information received from persons having knowledge of the 'Hadis'. The same is part of religious preaching is also admitted by the complainant herein. Thus, there was no doubt that spitting on evil or on ill-thought is part of religious preaching. The broadcast attempts to clarify that such assumptions may not be correct as per the teachings itself.

As the broadcast interprets the video of Mr. Faiz Syed, it concludes that spitting is permitted in the Hadis only under three conditions (i) when someone has ill thought (jab shaitan man mein bure khayal dale to thuknekaadeshhai), (ii) when someone creates doubt about existence of Allah (jab shaitan Allah ke bare mein shak paida karne to thukne kaadeshhai) and (iii) when someone stops you from offering prayer

(jab shaitaan namaaz mein khalall dale tab bhithu knekaadeshhai). “The video of Mr. Faez Syed is followed by Maulana Saad where he is heard saying that even if someone’s life is in danger in the mosque, he shall not leave the mosque and continue to discharge his religious duties unhindered by spread of any disease” raising a feeling amongst the person moved out of the congregation that they are being prevented from discharging their religious duties, therefore, so many similar incidents of spitting were being reported. It clearly records that the persons shifted to quarantine centres are being stopped for gathering together or offering prayers together and it raises the question as to whether such protocols are giving them a feeling that ‘shaitan ’is hindering their religious duty. The broadcast further clarified that the religious text does not provide for actual spitting but only a symbolic spiting (it is not ‘thukna ’but ‘thukthukana’). It further quotes the religious experts who were referred by India TV to translate the Holy Text. The text in the relevant screen shots are as under:

Image 1:

Top Text – लॉकडाउन की सबसे कमजोर कड़ी कैसे बन गई जमात?

GFX top Text – जमात की थूक... मौलाना की व्याख्या

GFX body Text - 1. जब शैतान मन में बुरे ख्याल डाले तो थूकने का आदेश है

Image 2:

Top Text – लॉकडाउन की सबसे कमजोर कड़ी कैसे बन गई जमात?

GFX top Text – जमात की थूक... मौलाना की व्याख्या

GFX Body Text – 2. जब शैतान अल्लाह के बारे में शक पैदा करने तो थूकना चाहिए

Image 3:

Top Text - पूरा हिंदुस्तान लॉकडाउन है... जमात का क्या नया प्लान है?

GFX top Text – जमात की थूक... मौलाना की व्याख्या

GFX Body Text – जब शैतान नमाज पढ़ने में खलल डाले तब भी थूकने का हुक्म है

Image 4 :

GFX top Text – मरकज़ का ऑडियो....

GFX Body Text - ये ख्याल बेकार है की मस्जिद में जमा होने से बीमारी पैदा होगी...

Image 5 :

Top Text- पूरा हिंदुस्तान लॉकडाउन है... जमात का क्या नया प्लान है?

GFX top Text - मरकज़ का ऑडियो....

GFX Body Text - कि मस्जिद में आने से आदमी मर जाएगा तो इससे बेहतर मरने की जगह कोई और नहीं सकती...

Image 6

Top Text – जमात को थूकने का LESSON किस मौलाना ने पढ़ाया?
GFX top Text – अस्पतालों में क्यों थूकते हैं जमाती?
GFX Body Text - अस्पतालों में इकट्ठा होने से रोका जाता है

Image 7

Top Text – जमात को थूकने का LESSON किस मौलाना ने पढ़ाया?
GFX top Text - अस्पतालों में क्यों थूकते हैं जमाती?
GFX Body Text – इकट्ठे होकर नमाज करने से मना किया जाता है

Image 8

Top Text- लॉकडाउन की सबसे कमजोर कड़ी कैसे बन गई जमात?
GFX top Text – अस्पतालों में क्यों थूकते हैं जमाती?
GFX body Text - क्या यह सब देखकर शैतान का क्या ख्याल आता है?

Image 9

Top Text- जमात को थूकने का LESSON किस मौलाना ने पढ़ाया?
GFX Text - थुकथुकाने और थूकने का अंतर
थुकथुकाना थूकना
एक तरह का टोटका एक आदत

Image 10

Top Text - लॉकडाउन की सबसे कमजोर कड़ी कैसे बन गई जमात?
GFX Text - थुकथुकाने और थूकने का अंतर
थुकथुकाना थूकना
थूक या स्लाइवा बाहर नहीं आता स्लाइवा बाहर आता है

Image 11

Top Text- पूरा हिंदुस्तान लॉकडाउन है... जमात का
GFX Text - थुकथुकाने और थूकने का अंतर
थुकथुकाना थूकना
बीमारी नहीं फैलती कोरोना फैलता है

Image 12

Top Text - लॉकडाउन की सबसे कमजोर कड़ी कैसे बन गई जमात?
GFX Text – अरबी शब्द वतफिल 'का मतलब क्या?
अंग्रेजी - Spit
हिंदी - थूकना
असल अर्थ – थुकथुकाना

Q 3. What as the verification done to come to the conclusion that the members of the Tablighi Jamaat were spitting on the people?

That at the time of Nizamuddin Markaz incident, while the members of the Jamaat were being shifted to quarantine centres and hospitals, it was reported that the members of the 'Markaz' spat on the medical and administrative staff trying to move them from the Markaz to quarantine centre/ hospital. It was also reported by the railways authorities, Tughlakabad (which was one of such quarantine centre) through their twitter handle that the members of the Tablighi jamaat had spat on the staff therein. The same was also reported by India TV (Aaj Ki Baat) on 1.4.2020. The broadcaster also stated that similar reports were also carried by other news channels.

It was also reported that the members who have been shifted to quarantine centres / hospitals spat on medical staff posted for their caretaking at these centres. Complaints were also filed with the police authorities regarding this and certain staff had also admitted to the incidents during their interview by media. The said statements/ interviews and complaints are in public domain. Moreover, the complainant has failed to place any material on record that indicates to the contrary. In any event, the Ld. Authority is empowered to record evidence of parties and experts for veracity of this aspect.

Q 4 The anchor introduces the preacher as Faiz Syed and asks, "Why do Jamaatis spit?" "Does religion teach to spit on doctors and nurses?". Explain as to whether the said statements were verified for its veracity and correctness.

A. As apparent, the above is not a statement but question put to oneself and the broadcast in its entirety deals with and attempts to find answers for these questions itself.

Q 5. The accuracy of their reporting with respect to this video.

As explained in response to query 2, if the broadcast is seen holistically in its context and the message that it carries i.e. 'the religion does not preach spitting on anyone', the report is accurate. Furthermore, it is relevant to see that Mr. Faiz Syed has chosen not to file any objection before this Ld. Authority in respect of the video in question.

The broadcaster stated that in view of the above submissions NBSA may reject the complaint and close the present proceedings.

Rebuttal dated 7.9.2020 by Mr Junaid Ansari to the response given by the broadcaster

The complainant stated that he was neither defending Faiz Syed nor justifying the act of the Tablighi Jamaat people as both are competent enough to defend themselves. He is objecting to the irrelevant connection being established and

portrayed between the video of 2017 and the spitting incidences of Tablighi Jamaat people in 2020 or the Coronavirus spread in India. In the light of the CORONA crisis, there is no doubt that such gathering/events should have been cancelled, however, to call Tablighi Jamaat Markaz as HOTSPOT and epicentre of Covid -19 (Refer @07:05) as was and is being portrayed over the news channels including India TV and hence the objection. It is as though, had it not been for Tablighi Jamaat people, there would not have been a single case of Corona in India.

What should “a person clouded by communal hatred like me”; as is alleged by India TV, construe when the anchor says @05:30 “lekin maulaanaa kee theology kehti hai, shaytaan ko door karne ke liye thukna chahiye.”? Who gave India TV the right to interpret texts of a religion which they do not know at all? Human intellect is limited, and it is beyond human capabilities to understand many things and hence it does not legitimize questioning religious texts by anyone in the name of half-cooked research.

What should “a communal element such as me” construe when the anchor says @07:05 “maulanaa saa’d ke shagirdon ne use pure desh me phela diya”.

Who is seeking justification from this viral video? How can you correlate this Hadees and video to the incidence of Tablighi Jamaat J people spitting on doctors and nurses?

Amidst the Tablighi issue, news channels got a nice hot agenda to roast to their advantage. The mentioned points were presented as a counter argument, which I still question that “Gaurav Vohra was trained by which Maulana?”. You have the audacity to browse through the pages of Hadees and teach us the difference between wet and dry spitting, while my counter-argument is communal mindset!!

He objected to the fact that Tablighi Jamaat people are spitting on the basis of mistaken understanding of the Hadees. You may go and ask them why are they spitting? You are nobody to conclude that Hadees is being misinterpreted and then implemented. The Hadeeth is about specific matter, that too a rare instance.

The clarification above does not match with the intentions with which the episode was broadcast . Who asked you to provide a clarification between “thuknaa” and “thukthukaanaa”? Why don’t you make an episode on some maulaanaa explaining a recommended way to slaughter an animal during EID and teach us proactively, that there is a difference between animal slaughtering and stabbing someone with the same knife!!! India TV could become a nice platform to propagate Islamic teachings in their own way.

He sought the following relief:

1. Take down the said video from their server.

2. Apologize; specifically, for linking the video to the alleged spitting incidences (many of them are FAKE as well) accepting that their “research” was no more than an entertaining soap opera and was based on assumptions.
3. Record a program with Adv Faiz Syed to clarify Islam’s viewpoint in such situations and similar calamities. I may join, if needed, upon prior intimation & availability

On being served with notices, the following persons were present at the hearing held on 7.9.2020.

Mr Ajay Garg sought adjournment from being present at the hearing on 7.9.2020. He appeared on 22.9.2020.

Complainant: Mr Junaid Ansari
Broadcaster: Mr. Jayant Mehta, Senior Advocate
Mr Rohan Swarup, Advocate
Ms. Ritika Talwar, Legal Consultant

Mr. Amrendra Pratap Singh, Editor member representing Independent News Services Pvt. Ltd. [India TV] in NBSA being an interested party, recused himself from the proceedings.

Submissions of the complainant Mr. Juned Ansari

The complainant submitted before NBSA that the issue in the matter did not pertain to whether followers of Tablighi Jamaat were guilty of spitting or not, as the issue would be adequately adjudicated by the judiciary rather relate to the fate of unfortunate viewers who have to rely on perception created by the channel based on so-called research and investigation.

The complainant brought to the notice of NBSA that while the broadcaster asserted that its news report was based on FIRs and complaints filed against Tablighi Jamaat, the official release and statements made by the Police Information Cells on Twitter denied the existence of such FIRs and consequent news coverage on them. The complainant admitted that while exceptional incidents of spitting might have taken place, the same can neither be linked to the video of Adv. Faiz Syed nor the tenets of Islam. The complainant stated that no objection would have been raised if the impugned news report actually investigated allegations of spitting made against members of Tablighi Jamaat. However, to the dismay of the complainant, the impugned news report broadcast by the channel on 10.4.2020 and 11.4.2020 questioned, “Why are the Tablighis spitting?”. Further, the news report based on assumptions imputed that “Tablighis are spitting after misinterpreting the lecture of Adv Faiz Syed”, without any proof.

The channel has also contradicted itself by stating on one hand that there was no correlation between the impugned video and Tablighi Jamaat issue and on the other hand by defending the program by stating it to be an attempt to educate Tablighi's to not spit. The complainant asserted that the broadcaster has failed to establish any correlation between the alleged spitting by followers of Tablighi Jamaat and the speech of Adv. Faiz Syed. The complainant also questioned the broadcaster that in the absence of such correlation, who asked them to provide an interpretation of the Hadeeds.

The complainant also brought to the notice of NBSA another instance by which the broadcaster had contradicted itself. The complainant stated that if the intentions of the channel were to promote the fact that no religion teaches spitting then why did the headline in the impugned report asked *kis maulaanaa ne jamaat ko thukne ka paath padhaaya?* The complainant also denied the allegations made by the broadcaster that the complainant was being clouded by communal hatred.

Submissions of the Broadcaster

Mr. Jayant Mehta, Advocate submitted that the Tablighi's had to be quarantined and spitting was reported widely by the media and FIR's had been lodged regarding these incidents. The programme was not to cast aspersions on the Tablighi's. He submitted that no sect / group preaches or promotes spitting. The reference to Adv Syed in the program was only to place before the viewers the interpretation that spitting is allowed, and it is a metaphorical and symbolic reference. The broadcast interprets the video of Mr. Faiz Syed, that spitting is permitted in the Hadis only under three conditions. The interpretation of the Hadees was given in this context. He clarified that the religious text does not provide for actual spitting but only symbolic spitting ,it is not 'thukna' but 'thukthukana'.

On questions put to the Counsel by NBSA that the presumption is that the Tablighis are spitting and creating a problem during the Covid 19 pandemic as no religion teaches to spit. What was the verification done by the channel? Other media reports cannot be a justification to carry the news. Would it not have been appropriate to interview the persons spitting? The programmes drew an implicit link between religion and the Tablighi's spitting. The programme shows how things like the presence of shaitan etc. are interpreted in the present context of medical workers etc. India TV gave clarification later which is good and prominent. But the overall impression is that the Tablighi's got the direction to spit from the maulana, even if they got it wrongly to say that the teachings were misinterpreted. What was the reason to use the 2017 video and not a recent video? What was the reason for the selective picking of the Hadees to justify the spitting? There can be no denying of the fact that the impact such broadcasts can have on a community as it will promote ill will and enmity between communities and portraying them in such a manner has a communal angle. There is no objectivity and neutrality in the programme

The counsel submitted that there were no religious overtones and the news reporting had to be seen in its entirety to understand the context. The channel had done its due diligence. It is a fact that the Tablighi's had spat on health workers while in the quarantine centres during lockdown in April 2020, and various police complaints were filed, which resulted in the filing of FIRs as the Government regulations were flouted. He submitted that the spitting reference had to be seen in the context of the teachings of Islam. He submitted that the complainant is trying to forge a link when none exists, and he is nobody to decide the manner in which a programme is structured.

Hearing on 22.9.2020

Complainant : Mr Ajay Garg

Broadcaster : Mr Rohan Swarup, Advocate

Ms Ritika Talwar, Legal Consultant

Mr. Amrendra Pratap Singh, Editor member representing Independent News Services Pvt. Ltd. [India TV] in NBSA being an interested party, recused himself from the proceedings.

The complainant stated that the channel played a 3- year-old video and showed that people from certain communities were spreading corona. While this video is 3 years old, it has nothing to do with Coronavirus. The channel has not responded about the accuracy of its reporting with respect to this video.

The counsel for the broadcaster stated that an identical complaint was listed on 7.9.2020, and the arguments were made by Mr Jayant Mehta, by the broadcaster's counsel, and the same submissions hold good for this complaint also. He submitted that the video was not shown to state that Adv Syed was influencing people to spit. The channel had issued a clarification in this regard. There were various reports including the Railways about spitting by the Tablighis and the filing of FIRs. The video was only used in the programme to give an interpretation of thukna /thukthukana. The reference was only metaphorical .

Decision of NBSA

NBSA thoroughly looked into the complaints, response from the broadcaster, and also gave due consideration to the arguments of both the complainants and the broadcaster and reviewed the footage.

While NBSA observed that the broadcaster was within its right to report on the Tablighi Jammah issue, however, the reporting had to be within the boundaries of the Code of Ethics and Broadcasting Standards and the Guidelines issued by NBSA. The broadcaster when reporting on any news item, must be objective, impartial, neutral and accurate in its reporting .

NBSA noted that the channel had aired a report of spitting by Tablighi's without ascertaining the accuracy of the same. The broadcaster merely asserted that all channels were showing it so India TV aired it too. However, this act of spitting is unduly highlighted without cross verifying the truth and accuracy, and a false innuendo is created by asking the question in headlines, "*who taught them how to spit ?*" and juxtaposing a three-year-old video (without mentioning that it is archival material) in which the Maulana explains the scriptural references in the Hadis about spitting. The broadcast had a tendency to stigmatize a community. The act of spitting by a few individuals in an isolated case was thus magnified and presented as a planned conspiracy by the Muslim community to spread Corona through spitting. The juxtapositioning of the video of a Maulana preaching about the context of spitting with headline such as "*jamaat ko thuk ki bimaari kahan se lagi?*" was likely to incite communal feelings, disharmony and discord. Moreover, a fine distinction between "*thukna and thukthukana*" was mentioned merely in a headline in the programme and a delayed clarification was issued, i.e., 12 days later by the broadcaster. The broadcaster sought to justify the entire broadcast by saying that it was merely highlighting the difference between "thukna and thuk thukana". However, NBSA found there was no reason or logic to connect and examine the writings in the scriptures with the alleged and isolated actions of some individuals. NBSA found that the explanation and justification given by the broadcaster for the broadcast was not sufficient. The video of Adv Faiz is a three-year-old video, and the justification given by the broadcaster for the use of the video in the said programme is not acceptable.

NBSA, therefore, censures India TV for airing a broadcast on 10.4.2020 and 11.4.2020 that contained false insinuations and innuendos, which was likely to incite communal feelings, disharmony and discord. It appears that the programme was broadcast without due verification. In view of the above, the broadcasts violated the Code of Ethics and Broadcasting Standards, the Principles of Self-Regulation relating to Impartiality, Objectivity, Ensuring Neutrality and also the Specific Guidelines Covering Reportage - No 9 relating to 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."

NBSA also directs that the video of the said broadcasts, if still available on the website of the channels, 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 complaints with the above observations and inform the complainants and the broadcaster accordingly.

NBSA directs 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 in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statements made by the parties in the proceedings before the NBSA while responding to the complaint and putting forth their view points, and any finding or observations by NBSA in regard to the broadcasts, in its proceeding or in this Order, are only in the context of examination as to whether there are any violations of any broadcasting standard or 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