

News Broadcasting & Digital Standards Authority

Order No. 193 (2025)

Complainant: Election Commission of India

Programme: Aar Paar

Channel: News18 India

Date of Broadcast: 18.04.2024

Communication dated 26.04.2024 received from Election Commission of India (ECI) regarding violation of NBDSA Guidelines

The ECI forwarded a complaint dated 18.04.2024 received from Communist Party of India (Marxist) and requested NBDSA to examine the matter under extant guidelines of NBDSA, for suitable action, as deemed fit.

In the complaint, the link to a broadcast aired on News 18 India was forwarded and it was alleged that the anchor in the course of the entire programme resorted to polarizing the voters and appealing them to vote on communal lines. This was in blatant violation of the Model Code of Conduct. Further, the ECI was urged to take immediate action against this channel, so that the other news channels would also exercise caution while presenting news and television programmes. It was stated that such telecasts were completely vitiating the atmosphere of free and fair poll.

Decision of NBDSA

Chairperson NBDSA considered the communication received from the ECI and decided to direct the broadcaster to submit its response to the complaint and appear for a hearing.

Reply dated 03.05.2024 from the broadcaster

At the outset, the broadcaster denied any violations of the model code of conduct ("MCC"), as alleged in the complaint.

The complainant had failed to provide or point out any specific statements or contents of the programme which could be seen as a violation of the MCC, in absence of which, it was unable to respond to the complaint, on merits. This was without prejudice to its legal rights which remain fully reserved. The broadcaster submitted that the programme in question was conducted in compliance with applicable laws. The topic of the programme was decided after political leaders made statement on the occasion of 'Ram Navami'. All participants, who were invited from different walks of life, were given a fair chance to represent their opinion. Nowhere in the programme, the anchor made any remarks against any specific religion or asked viewers to vote on communal lines.

On being served with the Notice, the following persons were present for the hearing on 01.07.2024:

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Telefax: 0120-4129712, **Email:** authority@nbdanewdelhi.com, **Website:** www.nbdanewdelhi.com

Broadcaster

1. Mr. Puneesh Kochar, Senior Counsel – Legal
2. Mr. Avanish Ojha, Associate Executive Producer – Editorial & Content

Submissions of the Broadcaster

The broadcaster submitted that as stated in its reply, no specific allegations had been raised in respect of the impugned programme in the complaint.

NBDSA stated that it seemed that an objection has been raised with the entire subject of the impugned programme. NBDSA therefore, questioned the broadcaster the basis for the impugned broadcast and whether by drawing a connection between the elections and the Ram temple, had it not given a communal fervour to the elections.

In response the broadcaster submitted that since there were a lot of reactions coming on the occasion of Ram Navami, with the opposition claiming that the voters were being polarized in the name of Ram, it had chosen the impugned subject for the programme. Further, even in South, a controversy had emerged over a statement made by a politician seeking abolition of Sanatan Dharma. Therefore, in the impugned programme, it had also raised a question as to whether the voters were being polarized and whether seeking abolition of Sanatan Dharma during elections was appropriate.

Decision of NBDSA at its meeting held on 01.07.2024

After considering the reply of the broadcaster and the submissions made during the hearing, NBDSA decided to grant the broadcaster an additional opportunity to file its detailed response to the complaint and the questions raised during the hearing.

Written Submissions dated 08.07.2024 of the Broadcaster

The broadcaster denied any violations of the Model Code of Conduct ("MCC"), as alleged in the complaint. It stated that the impugned programme which was in the form of a debate was on the issue of Ram temple and the politics which has traditionally been associated with it. The reason behind choosing this issue for the debate was the various statements made by big political leaders during Ram Navami. Some of the statements were as follows:

Narendra Modi, Prime Minister

Lord Ram's birthday has come after 500 years, when he was born in his own house, I am fortunate to celebrate a birthday.

Mamata Banerjee, CM, West Bengal

Today (on Ram Navami) they (BJP) plan to cause riots. Be careful, be careful. BJP has no work other than rioting and lying.

Sudhanshu Trivedi, MP, BJP

Mamta Banerjee wrote about Ram Navami in a tweet that you maintain peace. This means that you are linking this festival with unrest. This is a direct insult to the festival of Ram Navami.

Ram Gopal Yadav, Member of Parliament, Samajwadi Party

I have never worshipped anyone I say God's name, I am such a devotee of God. I don't pretend, I'm not a hypocrite Hypocrites do all this.

The above statements were already trending at the time of the debate as they were covered by majority of the news channels while various debates around these statements were also conducted. The issue was also widely reported in the media, be it print media, websites, etc. Considering the above, it had also conducted a debate. Further, the broadcaster stated that nowhere in the programme, the anchor made any remarks against any specific religion or asked viewers to vote on communal lines.

During the debate, panellists were invited from various political affiliations to have a balanced debate and ensure that equal and fair opportunity was given to all to represent their opinion. Details of panellists are:

1. Mr .Ajay Alok, Spokesperson, BJP
2. Mr.Swami Dipankar, Dharma Guru
3. Mr. Tauseef Khan, Political Analyst
4. Mr. Ameeq Jamei, Spokesperson, SP
5. Mr.Vivek Srivastava, Leader, Left

It reiterated that the impugned programme was conducted in compliance with all applicable laws and guidelines.

Decision

NBDSA considered the complaint and response of the broadcaster, reviewed the footage of the broadcast and considered the submissions of the broadcaster.

NBDSA noted that at the beginning of the impugned broadcast, statements made by several politicians in the run-up to the general assembly elections, including statements made by the Chief Minister of West Bengal and the response of the BJP spokesperson, which have been reproduced by the broadcasters in its written submissions were aired.

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NBDSA observed that if the broadcaster had confined its analysis to these statements, there would have been nothing objectionable in the broadcast.

However, the problem lay with the anchor's analysis of "सियासत में 'राम नाम' के प्रभाव का विश्लेषण", in the broadcast. In the analysis conducted by the anchor in the broadcast, graphics were shown correlating Lord Rama with an increase in the vote share of the BJP and the consequent decline of Congress, thereby giving a communal colour to the debate. The broadcast/anchor appeared to have created a narrative which was biased. It appeared that the anchor led the debate in a direction, which violated the Guidelines 2 and 9 of the Guidelines for Election Broadcasts and the Specific Guidelines for Anchors Conducting Debates including Programmes.

In view of the above violations, NBDSA decided to issue a warning to the broadcaster.

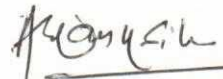
NBDSA further also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, and remove all hyperlinks including access which should be confirmed to NBDSA in writing within 7 days of the Order.

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

NBDSA directs NBDA 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 NBDA;
- (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 NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA 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 NBDSA in regard to any civil/criminal liability.


Justice A.K. Sikri (Retd.)
Chairperson

Place: New Delhi

Date : 24.01.2025