

News Broadcasting & Digital Standards Authority

Order No. 197 (2025)

Complainant: Indrajeet Ghorpade

Programme: Desh Nahi Jhukne Denge धर्म छिपाकर धंधा, सही या गंदा? and

Desh Nahi Jhukne Denge श्याम हो या कामरान, सब बताओ नाम!

Channel: News18 India

Date of Broadcast: 18.07.2024 and 19.07.2024

Since the complainant was not satisfied with the response received from the broadcaster, on 06.08.2024, the complaint was escalated to the second level of grievance redressal, i.e., NBDSA.

Complaint dated 23.07.2024

The complaint concerned two programmes aired on 18th and 19th July 2024 on News18 India. The complainant stated that the programmes violated the Code of Ethics and Broadcasting Standards as they:

1. Implied that Muslim people are unclean, unhygienic, and impure. Referred to fake viral videos accusing Muslim men of spitting and urinating in food.
2. Insinuated that Muslim food vendors and eatery owners have malicious intent to hurt the religious sentiments of Hindu pilgrims by fraudulently hiding their religious identity by using religion-neutral names or names of Hindu deities and other Hindu-sounding names for their eateries.
3. Promoted the Uttar Pradesh government's communal, discriminatory, and unconstitutional order requiring eateries, tea, and fruit vendors to display the names of the owners and staff so that their religion can be identified, thereby leading to Muslim establishments being boycotted. The anchor said that this decision was secular, good, correct, beautiful, and necessary.
4. Made false and generalised statements that Hindu people never discriminate based on name and religion; Hindu people are the most tolerant and sensitive, and never discriminate.
5. Accused the opposition party members, actors, lyricists, and others who opposed this order of being "fake seculars" who do not respect Hindu pilgrims.

The following tickers were displayed during the shows, which were verbally repeated by the anchor as well:

1. Puchi pehchan, bhadke 'bhaijaan' (bhaijaan is a term repeatedly used by News18 India to refer to Muslim men)

2. Naam batane se 'jhatka'? (Jhatka is a colloquial term for meat from an animal killed by a single strike.)
3. Vivaad ka mauka, naam chipakar dhokha?
4. Dharm chipakar dhandha, sahi ya ganda?
5. Ab naam toh batana padega!
6. 'Dukan' hai chalana isliye pehchan chipana?
7. Dukan hai chalana toh naam hai batana!
8. Asli naam batane mein problem kya?
9. Sach ki 'name plate' lagani padegi!
10. Yogi ka faisala 'Atal' hai!

The background music of the show (rock guitar), visuals of flames behind the anchor and visuals of electric currents on the screen contributed towards sensationalising the matter and sowing seeds of communal hatred.

As a result, the following guidelines were violated: (1) Prevention of Hate, (2) Broadcast of Potentially Defamatory Content and (3) Specific Guidelines covering Reportage pertaining to Religious Harmony, Impartiality, Neutrality, Fairness, Accuracy.

Response dated 05.08.2024 from the Broadcaster

The broadcaster submitted that the allegations in the complaint are denied and it is clarified that the programmes were entirely consistent with the applicable NBDSA's guidelines/advisories and applicable laws.

The programmes were based on the controversial directive issued by the UP police asking all outlets selling food items on the Kanwar route to display the names of shops and the people working there. The said order of UP police had caught the public eye, and the issue was all over the media, including social media, much so after the same was challenged before the Supreme Court. The programmes questioned the need for such a directive/order and whether the said order was right or wrong. It was also categorically mentioned many times in the programmes that, according to UP police, this order had been taken as previously several incidents of name concealing were observed.

The allegations that the programme implied or insinuated the Muslim community as being unclean, unhygienic, and impure were vehemently denied. Further, no specific statement has been provided in the complaint.

The broadcaster stated that it had merely reported about this incident as it was gaining a lot of traction all over the country, with some people supporting the police decision, while others were opposing such a move as being communal. It was also

referred to in the program that the instructions given by the police are for everyone, which includes all sects and communities without any discrimination. It was also stated many times that the instructions given by the police were reportedly taken as a proactive measure, keeping in view the faith of Kanwariyas and to prevent any kind of dispute during the Kanwar Yatra in view of the earlier few incidents which might have created controversies.

People affiliated with various political parties were invited to participate in the programmes for their version and provide their opinion, which shows that there was a balanced approach taken while airing the programmes. These include the Congress party's Supriya Shrinete, who opposed the decision of the police in the programmes. Besides, the version and opinions of JDU leader, K.C Tyagi, and AIMIM's President, Asaduddin Owaisi were also shown prominently. The telecast has been made in strict compliance of all the rules, regulations, guidelines and all applicable laws and any other claims/allegations to the contrary were denied.

In view of the foregoing, the broadcaster stated that it hoped that it had addressed the concerns of the complainant and assured the complainant of its continued commitment to the applicable rules, regulations.

Decision of NBDSA at its meeting held on 13.12.2024

NBDSA considered the complaint, response of the broadcaster and after viewing the footage of the broadcasts, decided to call the parties for a hearing. NBDSA also decided that the anchor of the impugned broadcasts should be present for the hearing.

On being served with Notices, the following persons were present at the hearing on 22.02.2025

Complainant

1. Mr. Indrajeet Ghorpade

Broadcaster

1. Mr. Aman Chopra, Senior Editor – News18 India
2. Mr. Brajesh Kumar Singh, Group Editor
3. Mr. Gautam Dubey, Head Legal Counsel

Submissions of the Complainant

The complainant submitted that the anchor of the impugned broadcast had been issued fines and warnings in the past as well for broadcasts that spewed communal disharmony. However, there seemed to be no learning on the part of the anchor himself or the broadcaster, as is evident from the impugned broadcasts.

The complainant reiterated the contents of the complaint, in particular, the tickers and headlines aired during the impugned broadcasts. He submitted that in both impugned broadcasts, fake news concerning Muslim people spitting in food was repeated. Therefore, considering the previous orders and decisions passed by NBDSA, particularly concerning the broadcaster's reportage on Hindu-Muslim issues, the complainant requested that NBDSA take stringent action against the broadcaster.

Submissions of the Broadcaster

The broadcaster submitted that in the complaint, false accusations had been levied against the channel and anchor, alleging suggestions that were never made in the reports. As per the complaint, the reports implied that Muslim people are unclean, unhygienic, and impure. However, the broadcaster submitted that no such statement/remark was made in the report by the anchor or in the tickers.

The directive issued by UP Police asking all food outlets on the Kanwar route to display the names of owners/workers had sparked intense debate and discussions among politicians, religious leaders, and commoners. The reports carried by the channel gave comprehensive coverage to these diverse perspectives, prominently showing views of Opposition leaders, religious leaders from both Hindu and Muslim communities, vendors, and Kanwariyas.

The anchor submitted that no anti-Muslim or anti-minority statement was made in the impugned broadcasts. He had consistently emphasized that the UP Police directive, which required food outlets on the Kanwar route to display owner/vendor names, applied to all vendors regardless of religion. During the broadcast, several names that belonged to diverse religious communities were referred to, such as 'Shyam or Kamran,' 'Praveen or Parvez,' and 'Amar, Akbar, or Anthony.' No religious angle was given in the broadcasts, nor did the subject of hygiene have any connection with religion. He reiterated that at 8:08, he had clearly stated that the directive would apply to all vendors regardless of their religious identity: *"Matlab koi Hindu bhi hai, vo musalman naam se dukan chala rha hai to vo bhi asli pehchan batae"*. It appeared that it was the complainant who had given a communal angle to the broadcasts.

The complainant also alleges that the reports 'insinuated that Muslim food vendors and eatery owners have malicious intent to hurt the religious sentiments of Hindu pilgrims by fraudulently hiding their religious identity by using religion-neutral names or names of Hindu deities and other Hindu-sounding names for their eateries', whereas, the reports make no such assertion anywhere. The anchor has pondered over the possible reasons why food vendors use shop names that are different from their real names, asking if it is to attract larger crowds in order to increase sales and

profits. There's a huge difference in what the anchor/channel has said and what has been alleged in the complaint.

The broadcaster, submitted that the anchor of the impugned broadcast had a specific style of presentation. Every anchor/journalists has a different style of presentation, which can be different and may resonate differently with the viewers. Some viewers may indeed find one style more engaging than another.

NBDSA stated that it does not have any objection to the style of presentation, which the anchors have the right to select/choose. However, its concern was with the subject of the impugned broadcast and whether the broadcaster had adhered to the Code of Conduct while conducting its broadcast.

The broadcaster, submitted that if one considered all the broadcasts conducted by the anchor in the past two years, it would become evident that they were not confined to Hindu-Muslim issues; instead, a diverse range of subjects were covered in the broadcasts. To avoid any inflammatory utterances being made by panelists, the format of the show conducted by the anchor had also evolved from hardcore debates to predominantly monologues.

Further, the anchor submitted that the directive of the UP Government was widely debated across news channels. The anchor reiterated that during the broadcast, he had repeatedly stated that the directive was not related to any religion.

In rejoinder, the complainant submitted that in the first impugned broadcast, one of the panelists, Mr. Vinod Bansal from VHP, spoke about Muslim people spitting in food and called them the 'thook thook gang'. In the second broadcast, another panelist, Mr. Jagatguru Paramhans Acharya, also spoke about Muslim people spitting in food and the unsubstantiated and unverified videos thereof. The complainant submitted that the NBDSA itself had, in the past, also ordered against false viral videos that claimed that Muslim people spat in food. Further, while it was the submission of the anchor that there was no reference to religion in the broadcast, during the broadcast, the anchor himself stated that Hindus did not discriminate and were amongst the most tolerant people in the world. Apart therefrom, in the broadcasts, several stereotypical and generalized statements were made. Furthermore, it was insinuated that Muslim people were unhygienic and violent and were attempting to hurt the religious sentiments of the Hindu pilgrims. The complainant stated that while the order of the UP Police appeared to be religiously neutral, the purpose and implications of the order were well known. In the broadcast, the anchor targeted the Muslim community. One of the reporters from the channel, whose reporting was included in this segment, interviewed only Muslim fruit sellers and dhaba owners whose names were neutral or generic, like Aman and

Monu Dhaba. He interrogated such owners about their choice of names, implying that they lacked the freedom to name their establishments as they pleased. Therefore, it is evident that the broadcaster's submission that the impugned broadcast was not anti-minority lacked merit.

In rejoinder, the broadcaster submitted that the reporter had investigated the background of the order of the UP Government. Further, as far as the statements made by the panelists were concerned, the broadcaster submitted that it cannot pre-censor the panelists; it can only counter them subsequently.

The anchor clarified that unsubstantiated videos were not aired in the broadcasts. In this regard, he submitted that two videos had emerged from Ghaziabad, wherein FIRs had also been registered and action was taken by the police. Only the videos confirmed by subsequent FIR and police action were aired in the broadcasts.

NBDSA questioned the broadcaster whether it would have been prudent to inform viewers that an FIR had been registered and that the Court would determine the veracity of these videos. The anchor, in response, stated that it was clarified that these were mere allegations.

Decision of NBDSA at its meeting held on 22.02.2025

After considering the submissions of the parties, NBDSA decided to defer the decision in the complaint to examine the footage of the impugned broadcast in light of the submissions made during the hearing.

The broadcaster vide email dated 20.03.2025 was requested to submit the details of the videos along with the details of FIRs and police action for the consideration of NBDSA. In response, to the said email, the broadcaster vide email dated 25.03.2025 stated that no viral videos were aired during the programme(s) against which the complaints have been filed by Mr. Ghorpade. The anchor's submission during the hearing were in context and in response to complainant's vague and baseless allegations claiming that certain unsubstantiated viral videos were carried on the channel (without pointing to a specific incident), to which, the anchor had clarified that only substantiated videos are broadcast as part of the programme(s) after following due process for news gathering and dissemination based on police reports/police cognizance / FIRs etc. Further, it would like to submit that the anchor's clarification was only with regard to uncorroborated claims made by Mr. Ghorpade. The aforesaid viral videos, as referred to by the anchor, have nothing to do with the present complaint for which the hearing was conducted and thus are outside the purview of this particular complaint.

Decision

NBDSA considered the complaint, response of the broadcaster, gave due consideration to the arguments of the complainant and the broadcaster, and reviewed the footage of the broadcasts.

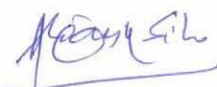
It can be argued that the Order/Directive issued by the UP Police/Government was controversial and generated a lot of debate. Presumably, that was the reason for the broadcaster to take it as a subject for discussion/debate. NBDSA finds that the persons who were chosen for interview represented both sides, those who supported the Order/Directive and those who condemned the Order/Directive of the Police/Government. On an issue like this, where both views may be possible, it is not for NBDSA to judge the validity of any of the views. Therefore, NBDSA decided to give a quietus to this complaint.

NBDSA decided to close the complaint with aforementioned observations and inform the complainant and the broadcasters 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 : 08.05.2025