

News Broadcasting & Digital Standards Authority

Order No. 155 (2023)

Complainant: Indrajeet Ghorpade

Programme: Desh Nahi Jhukne Denge

Broadcaster: News18 India

Date of Broadcast: 29.9.2022

Since the complainant was not satisfied with the response received from the broadcaster, the complainant on 14.10.2022 escalated the complaint to the second level of redressal, i.e., NBDSA.

Complaint:

The complainant stated that the impugned news report about Muslim men being physically assaulted by Bajrang Dal members at Garba events violated various provisions of the Code of Ethics and Broadcasting Standards relating to accuracy, impartiality, neutrality, objectivity, glorification of crime, apart from the Specific Guidelines Covering Reportage relating to Racial and Religious Harmony.

During the impugned broadcast, the following Tickers were aired “कागज़ नहीं दिखाएँगे गरबा में आएँगे”; “गरबा में लव जिहाद”, “मेरे गरबे में तुम्हारा क्या काम है” and “मान ना मान गरबा में सलमान”, which were also repeated by the anchor. Further, the anchor also failed to condemn the violence meted out by Bajrang Dal goons.

In view of the above, the complainant requested the broadcaster to issue a public apology on its channel and its social media platforms for the above violations and to remove all copies of the impugned news report from all digital platforms at the earliest.

Reply from the broadcaster :

The broadcaster in its response dated 14.10.2022 stated that the news programme aired on 29.9.2022 on ‘News18 India’ covered recent incidents around ‘garba’ during the festival of Navratri.

At the outset, the broadcaster denied the allegations made in the complaint and clarified that its programme was consistent with the applicable guidelines/advisories of NBDSA and applicable laws. The broadcaster stated that the complaint had been made without going through the contents of the programme in its entirety.

It stated that the impugned programme was based upon a viral video which was already in the public domain and which showed certain miscreants being beaten up

for allegedly attending the garba celebrations in Ahmedabad, with notorious /ulterior intentions towards women. In the impugned programme other similar incidents that had taken place in Indore and Akola in Maharashtra were also reported.

During the reporting of the incident at Indore, which was breaking news at the time, the anchor specifically reported that the police had filed FIRs against seven persons who had allegedly entered the garba festivities after hiding their actual identity. It also reported the statement made by the Culture Minister of Madhya Pradesh, who had stated that the garba festivals would not be allowed to become a place for love jihad, and reported that the same was being claimed by Bajrang Dal members as well.

The broadcaster stated that with respect to the first video, which showed a man being beaten by Bajrang Dal representatives, the anchor repeatedly stated that the man was beaten mercilessly and that the police should not have taken the law into its own hands. The anchor further clarified that there were allegations that one of the miscreants, who was caught making videos of women/girls who were part of the celebration without their permission, had falsified his true name from 'Salman' to 'Raju' to gain entry into the celebrations. Therefore, it stated that it was incorrect and baseless for the complainant to allege that the impugned programme/video glorified a crime and thereby violated the Specific Guidelines covering Reportage relating to Religious Harmony. It stated that in the impugned programme only facts which were already available in public domain were presented.

The broadcaster stated that at no point in the programme did the anchor condone the violence meted out by the representatives of Bajrang Dal. In fact, as stated before, the anchor specifically stated that the accused was '*mercilessly*' beaten by the representatives of Bajrang Dal and during the panel debate, reiterated that an FIR has also been filed against the representatives of Bajrang Dal for their illegal acts.

The broadcaster denied the complainant's allegations that it had through the impugned programme given the issue a communal angle and stated that the same was false and preposterous. It reiterated that it had merely reported on the issue as it had taken place including the various statements being made on this issue and had also sought opinions on the same from the panel in the debate which comprised of representatives and people from all walks of life.

Decision of NBDSA at its meeting on 28.10.2022

NBDSA considered the complaint in respect of the programme aired on 29.9.2022, response from the broadcaster and viewed the footage of the broadcast. NBDSA decided to call the broadcasters and the complainant for a hearing.

Hearing

On being served with notices, the following persons were present at the hearing on 11.11.2022:

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Mr. Anshul Agarwal, Counsel

Mr. Praveen Shrivastava, Associate Executive Producer – Editorial

Submission of the Complainant:

The complainant submitted that the following tickers “कागज़ नहीं दिखाएँगे गरबा में आएँगे”; “गरबा में लव जिहाद”; “भेरे गरबे में तुम्हारा क्या काम है” and “मान ना मान गरबा में सलमान” were aired during the programme to portray all Muslim men as criminals, trying to harm/deceive Hindu women. From the beginning of the show itself, the anchor baselessly stated that “*garba mein ghusne se pehle pehchan patra dikhana hoga par uska virodh ho raba tha, ki kagaz nahi dikhayenge, garba mein jayenge*”. He then started the ‘debate’ by asking, “*7 logo pe FIR, Akola mein bhi Ahmedabad mein bhi Indore mein bhi, aur fir kehte hai Kagaz nahi dikhayenge*”. During the show, a panellist falsely stated that Teesta Setalvad and Medha Patkar were CM candidates for Congress and AAP in Gujarat elections, which misinformation was not corrected by the anchor. Further, during the programme, tickers such as “*Khabar kya hai? Garbe mein ladkiyon ki photo lene par pitai, pakde gaye sabhi 4 yuvak vishes samuday ke, Ahmedabad mein 2 Muslimon ki pitai*”, which presented accusations as facts/convictions were broadcast, as the ticker that stated that these were merely accusations disappeared in less than one second time period. The entire Muslim community and in particular the men were demonized in the impugned broadcast.

Submissions of the Broadcaster

The broadcaster submitted that the impugned programme was based on viral videos of three incidents that showed certain miscreants being beaten up for allegedly attending the garba celebrations for making videos of women without their consent. In one of the cities, an FIR was also filed against such individuals. The broadcaster stated that the aforementioned incidents were newsworthy as there were allegations that people were withholding or falsifying their identities in order to gain entry into the garba events. The broadcaster stated that in the impugned programme it had not condoned violence. In respect to the tickers “गरबा में लव जिहाद” and “कागज़ नहीं दिखाएँगे गरबा में आएँगे” aired during the programme, the broadcaster submitted that the same were based on the statement made by the Minister of Culture, Madhya Pradesh and were followed by a question mark. It submitted that other news channels had also aired the viral videos and the incidents were widely reported by various newspapers as well. That it too had in the impugned programme raised the question whether it was wrong for the members of the Muslim community

to attend the Garba celebrations and why people were entering the event with falsified documents.

In view of the above, the broadcaster questioned how the impugned broadcast could be considered communal or amount to hate-mongering as alleged by the complainant. The broadcaster submitted that the incident seven persons allegedly entering the Garba festivities at Indore after hiding their identity was breaking news at the time. In response to the said incident, it was the Culture Minister of Madhya Pradesh who had claimed that Garbas had become a medium of Love Jihad. Further, the broadcaster stated that the demand for showing identity proof prior to attending the garba celebrations was raised by the Samitis to ensure a safe environment for women and to maintain the law and order situation.

It reiterated that nowhere during the programme, did the anchor or the channel advocate or support the police action. The broadcaster submitted that the impugned broadcast was only in respect of such miscreants who had entered the garba events after falsifying their identity and it did not target the Muslim community at large as alleged.

In rebuttal, the complainant submitted that nowhere during the impugned broadcast it was mentioned that the tickers aired during the broadcast were based on statements made by the Cultural Minister of Madhya Pradesh.

Decision

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

NBDSA noted that the impugned broadcast was a news report on certain viral videos from Ahmedabad, Indore and Akola, which showed certain miscreants being physically assaulted for allegedly attending Garba celebrations.

NBDSA was of the view that while the broadcaster had merely reported the said incidents as transpired in Ahmedabad, Indore and Akola. However, the language used in the tickers such as "कागज़ नहीं दिखाएँगे गरबा में आएँगे"; "गरबा में लव जिहाद"; "मेरे गरबे में तुम्हारा क्या काम है" and "मान ना मान गरबा में सलमान" aired during the programme gave a communal tilt to the broadcast and created an impression that men from a certain community were miscreants and/or criminals who were trying to harm/deceive women of another community. In view of the above, NBDSA decided to caution the broadcaster against using such tickers in future broadcasts and also advised the broadcaster to avoid giving a communal colour while reporting such incidents

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.

Sd/-

**Justice A.K Sikri (Retd.)
Chairperson**

Place: New Delhi

Date : 27.02.2023