

ONLY BY EMAIL

February 29, 2024

Mr. Indrajeet Ghorpade Email: jeetghorpade@gmail.com	Ms. Kshipra Jatana Compliance Officer NBDSA TV18 Broadcast Ltd. Express Trade Tower, Plot No. 15 & 16, Sector 16A Film City, Noida – 201301 Email: Kshipra.Jatana@nw18.com
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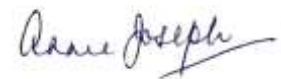
Dear Sir/Madam,

Re: Order of NBDSA in Complaint (No. 281) dated 22.11.2022 from Mr.Indrajeet Ghorpade against News18 India for airing programmes on 16, 20 & 21.11.2022

Attached please find Order dated February 28, 2024, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking you,

Yours faithfully,



Annie Joseph
For & on behalf of the
News Broadcasting & Digital Standards Authority

Encl: As above.

News Broadcasting & Digital Standards Authority

Order No. 176 (2024)

Complainant: Mr. Indrajeet Ghorpade

Channel: News18 India

Various Programme

Show No. 1 titled “*Love Jihad बहाना, एक मज़हब निशाना? Desh Nahin Jhukne Denge*” aired on 21.11.2022;

Show No. 2 titled “*Desh Nahin Jhukne Denge Shraddha murder case Aaftab / Mehrauli Murder*” aired on 16.11.2022;

Show No. 3 titled “*Aar Paar / Love Jihad / Shraddha Murder / Aftab Amin / Debate News*” aired on 16.11.2022; and

Show No. 4 titled “*Aar Paar / Shraddha Murder Case / Aftab Narco Test / Love Jihad*” aired on 20.11.2022

Since the complainant did not receive any response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulations the complaint was escalated on 1.12.2022 to the second level, i.e., NBDSA.

Summary of the Complaint

The complainant stated that the four shows broadcast on the channel in the last one week inter alia violated the Code of Ethics & Broadcasting Standards and Guidelines relating to neutrality, accuracy, fairness, religious harmony, sensationalisation of crime, negative stereotyping and good taste.

The complainant submitted that in the Shraddha Walker murder case, Shraddha and her partner, Aftab Poonawala, were in a consensual interfaith relationship. Aftab did not hide his religious identity. Yet, the channel used this case to flame communal fires by connecting it to the Islamophobic conspiracy theory of “love jihad”, which is promoted by the right-wing political ecosystem and its allies to fulfil its vested interests.

The channel selectively chose cases where victims were Hindu women and perpetrators were Muslim men and failed to mention the instances of violence committed by men of other faiths against women.

Show No. 1 titled “*Love Jihad बहाना, एक मज़हब निशाना? Desh Nahin Jhukne Denge*” aired on 21.11.2022

In the impugned broadcast, the anchor, while generalising the entire Muslim community, said, “*Generalise agar kiya ja raha hai toh kya generalise karna sahi hai ya galat hai? Mai toh bas sawal puch raha hun.*”

During the broadcast, Kapil Mishra, without naming claimed that several parliaments across the world had accepted that "Love Jihad" exists. The anchor accepted the aforesaid claim at face value by failing to seek clarification.

The anchor also failed to stop another panellist who spoke against interfaith marriages and said that the Muslim community must stop its people from entering interfaith marriages, announce it on loudspeakers and declare a fatwa.

Another panellist during the broadcast claimed that 25,000 Muslim Babur soldiers had caused an increase in the Muslim population in the Indian sub-continent from 0 to 55 crores. In response, the anchor said, "*Jab tak hum log bimari ko acknowledge hi nahi karenge toh uska ilaaj kaise hoga?*". The anchor repeatedly used the term 'bimari' in the impugned broadcast.

The anchor stopped a panellist who spoke about the need to address the larger issue of violence against women in India. He asked the panellists whether a Hindu perpetrator, Prince Yadav, had hidden his identity to harm a Muslim woman, even though in the main case here, Aftab, too, had not hidden his religious identity. The anchor then started yelling at the panellist.

The anchor also failed to stop a panellist, who, without any basis, claimed that "*the gist of today's debate is, in the last 10 years, how many Hindu men hid their identity and killed Muslim women and how many Muslim men hid their identity and killed Hindu women. On one side, we see 100s of cases of Muslim men killing Hindu women and on the other side we see zero.*"

Show No. 2 titled "Desh Nahin Jhukne Denge Shraddha murder case Aaftab / Mehrauli Murder" aired on 16.11.2022

In the second impugned broadcast, a panellist who opposed the use of the word "Jihad" and accused the channel of opportunism was forced by the anchor to address the family of the deceased and say, "*Love Jihad does not exist*", even though the panellist had said that currently the family was grieving, and he does not wish to make any comments directed towards the family. The anchor said, "*Aap bimari ko acknowledge ki jiye, aap denial mode mein hai*".

Panellist Shefali Vaidya also pushed a false narrative by stating that in interfaith marriages, the victim is always a Hindu woman, and the killer is always a Muslim man. She called this Love Jihad. When another panellist questioned her about her false claim, she said, "*Tata Institute ka research bhaad mein jaye, I have news articles to support my claims*". Instead of asking Shefali Vaidya to stop generalising, the anchor asked the Muslim panellist to give two examples of Muslim women being victims. Ideally, it was the anchor's responsibility to list these cases. However, he failed to do so, as his intention was to target the Muslims.

Another panellist, Syed Rizwan, said Muslim people had equated terrorism with Jihad and were to be blamed. He said that for 40 years, they did not oppose the use

of Jihad for terrorism and that Muslim people live a life telling lies; they reject truth and will not accept Love Jihad.

A panellist named Sadhvi Pragra Bharti equated interfaith marriages to Covid and falsely claimed that "*Hindu beheno ko samajhna hoga ki agar ek Muslim bhai ek gair Muslim ladki se shaadi karta hai toh usko convert karne ke alawa koi option nahi hai*". Further, she indirectly attempted to demean the entire Muslim community by saying, "*Aftab ek soch hai*", and was not stopped by the anchor.

The anchor shouted and shut down a panellist who said violence against women takes place irrespective of religion. The anchor asked him another question and decided to take a break without letting him answer.

The anchor remained silent while Shefali Vaidya once again spread false information by saying that all notices about interfaith marriages in newspapers have a Hindu woman and a Muslim man.

The anchor asked a Muslim panellist, "*aap ko nazar nahi aa raha maarne wale sabka ek chij common, woh hai religion? Don't you see a religion?*"

When a Muslim panellist said that it is important to be vigilant in interfaith cases, whether the boy is Hindu or Muslim, the anchor interrupted him and asked what was the need to be cautious if the boy is Hindu, thereby implying that Hindu men were harmless saints. He challenged the panellist to tell him about one case where the perpetrator was Hindu.

Panellist Syed Rizwan, during the broadcast, remarked that "*Muslim men who marry their uncle's daughter don't get access to flirt. They put hair gel and flirt with Hindu women in their colleges or jobs*". He said girls should be told to stay away from Muslim boys since class 4th; they must be told that our culture and thoughts are different. The anchor responded to the aforesaid remark by saying that "*Dr. Rizwan Jihadi Jalladon se nipatna hai*". The anchor failed to object to the response given by the panellist, "*Musalman aadmi ka haath churi par bada saaf hota hai, 8th-9th class mein hum bakra kaat dete hai, maine 9 saal ki umar mein 4 bakre kaate the, toh jitna keb raha hun utna karo, Musalman ladko se dur raho, baat khatam.*"

The anchor promoted a false narrative by stating, "*yahan toh one way traffic chal raha hai, saari marne wali betiyen Hindu*". He also spread false information that Hindu women must change their religion if they marry a Muslim man. He blamed this on the rigidity of Islam and said that conversion is not required if a Muslim woman marries a Hindu man. This information was false as the Special Marriage Act allowed inter-faith marriages in India without any parties changing their religion. When a Muslim panellist tried to explain this, the other panellists laughed at him.

The other panellists congratulated Syed Rizwan for his Islamophobic rant and also

laughed when a panellist talked about the Constitution and secularism. Further, the anchor asked one of the Muslim panellists, "*Aap anpad jaise kyun debate kar rahe hai? Pehli baar aye hai kya debate mein?*"

Show No. 3 titled "Aar Paar / Love Jihad / Shraddha Murder / Aftab Amin / Debate News" aired on 16.11.2022

The anchor asked a Muslim panellist to give examples of Hindu men harming women. In the impugned broadcast, several panellists selectively talked about cases involving Hindu female victims and Muslim perpetrators, which the anchor also reiterated.

The anchor interrupted and shouted at a panellist who said that the Central Government had in the parliament clarified that there were no cases of Love Jihad. Another panellist, Syed Rizwan, claimed that Muslim people have equated terrorism with Jihad and are to be blamed. For 40 years, they did not oppose the use of Jihad for terrorism. He said, "*denial mein rehne inn logo ka majhabi pesha hai*".

When a panellist gave the example of a Hindu man killing a woman, the anchor started shouting at him and shut him down. The anchor also yelled at another panellist who spoke about Hindu-Muslim love and unity.

When a panellist questioned the credibility of the Love Jihad conspiracy and mentioned that even the Parliament does not acknowledge it, the anchor interrupted and stopped him. The anchor remained silent when another panellist said that the panellist who deny Love Jihad must die. In the end, the anchor reiterated selective cases and claimed that this was the truth.

Show No. 4 titled "Aar Paar / Shraddha Murder Case / Aftab Narco Test / Love Jihad" aired on 20.11.2022

During the impugned broadcast, pictures of an injured Shraddha Walker were broadcast. Baseless statistics about the population of India were shared by a panellist who claimed that 25,000 Muslim Babur soldiers had caused an increase in the Muslim population from 0 to 55 crores in the Indian sub-continent. Another panellist claimed that Islam is all about how to marry Hindu women, use them for birthing children and convert their religion. The anchor was personally holding the mike to the said panellist and did not object to the comments made.

Further, one of the guests invited virtually baselessly stated that Aftab was maybe working as a part of a mission. He also baselessly speculated that this could be a part of a terrorist mission. He failed to explain why this murder was a part of a terrorist mission. Even the channel failed to make any statement countering such baseless speculations on a sensitive sub-judice case. Further, he said that he was 200% sure that Aftab alone was not involved; more people were trained as a part of a mission, which was another baseless claim.

In the broadcast, even an audience member advocated for the illegal fatwa system while the anchor personally held the mike. By remaining silent, the anchor neither objected nor sought clarification from the audience member.

In the context of the murder, a panellist also said that it was Muslim culture to brainwash minors to kill/chop.

Reply dated 1.12.2022 from the broadcaster:

At the outset, the broadcaster denied all allegations made in the complaint. It stated that its programmes were consistent with the applicable Code of Ethics & Broadcasting Standards, Guidelines, Advisories and applicable laws.

The complaint had been made without going through the programmes in their entirety. The first impugned programme was aired on 21.11.2022 based on the statement made by the Chief Minister of Rajasthan, who had claimed that the term 'Love Jihad' is a 'Jumla' whereas Shraddha Walker's father had expressed doubt regarding 'love jihad', which according to him may be a cause behind her death. Similarly, after Shraddha Walker's murder, another incident involving a girl who was reportedly thrown from the roof came to light, whose parents had also claimed that she was a victim of Love Jihad.

The term "Love Jihad" was viral in the social space after the murder of Shraddha Walker, and various statements and observations were being made by various people, including politicians, some of whom expressed that Love Jihad is a reality, whereas some denied it.

Since it was a heated issue at the time, a debate programme was conducted asking whether Love Jihad was a reality as was being claimed by certain people or whether it was a 'Jumla'. During the programme, some of questions asked were "लव जिहाद एक 'जुमला' है?"; "35 टुकड़ों वाला जल्लाद, नहीं होता 'लव जिहाद'?" and "लव जिहाद बहाना, एक मज़हब निशाना?", which clearly showed that the purpose of the programme was not to take anyone's side but was to genuinely question whether "Love Jihad" existed or whether it was a convenient way to target a particular community.

Further, the anchor during the programme also asked the panellists whether the term 'Love Jihad' was being misused to target a certain community. Since the impugned broadcast was a debate programme, the panellists put forth their views and statements, some in favour and some against.

In view of the above, the broadcaster denied the allegations raised against the broadcast and its anchor as being utterly baseless and malice. The broadcaster stated that the allegations regarding the aforesaid incident possibly being 'Love Jihad' were not a creation of the anchor. Rather, it was expressed by the family of Shraddha Walker and by various sections, including some politicians. Since the topic of the

debate was whether the incident involving Shraddha Walker was an incident of Love Jihad, the debate also involved discussion about other girls whose family members had also raised allegations of Love Jihad after their murder.

Therefore, the broadcaster stated that to claim that the channel or its anchor was against any particular sect or community was baseless and preposterous. It was incorrect to allege that the impugned programme glorified a crime and violated principles of neutrality, fairness, good taste and guidelines related to religious harmony. The impugned programme had only presented the facts and statements already available in the public domain. It sought to present the panellists' views on this issue to the public since this was an issue of public interest.

The broadcaster stated that the second broadcast, aired on 16.11.2022, was based on Shraddha Walker's murder and her family's claim that her murder should also be investigated from the angle of Love Jihad. Subsequently, there was another incident on 16th November in which a man was trying to convert a girl named Nidhi Gupta and, on her refusal, had allegedly killed her by throwing her from the roof. In fact, in recent years, there have been several incidents in which the girls and/or families had claimed that they had been victims of Love Jihad, due to which certain states like UP, MP, Gujarat, Uttarakhand and Himachal Pradesh had enacted laws. In fact, as recently as a few months ago, a District Court in Amroha, UP, had given its first sentencing on this issue wherein a man was accused of trying to force a woman to change her religion.

Since this was a heated issue, the debate programme was conducted to ask whether Love Jihad is a reality, as claimed by some. The impugned broadcast also talked about girls who were alleged to have been victims of Love Jihad in the last few years by their family members. Since the impugned broadcast was a debate programme, all the panellists were given a platform to express their views on this subject.

It reiterated that in the impugned broadcast, it had merely debated the issue based on the information already available in the public domain and statements being made by various people on this issue. The debate sought the opinions of the panellists, who comprised various representatives from different parties and sects, on the issue of Love Jihad.

The third impugned programme aired on 16.11.2022 was based upon the statement of the Central Minister who had claimed that in India, the term 'Love Jihad' has become a sort of a mission, whereby Hindu girls were first enticed and were then either left or killed, which was very unfortunate.

The Chief Minister of Assam had also given a statement claiming that Aftab had killed Shraddha and cut her into 35 pieces, and when the Police asked him why he used to bring Hindu girls, he responded by saying that they were emotional. He also

claimed that there are other Aftab and Shraddha, and the country needs a strict law against Love Jihad.

Based on the above statements, the programme, which was in the form of a debate, was conducted whereby the views of various people from different sects and parties were sought. It is pertinent to state that the issue of Love Jihad has been raised repeatedly by various people and it is an issue of public interest. Since the topic was about whether “Love Jihad was a reality, the cases where family members of the girls had alleged that they had been the victims of Love Jihad were highlighted.

The broadcaster stated that no specific allegations were made against the fourth impugned programme aired on 20.11.2022. Accordingly, since the general issue in this complaint was also related to the murder of Shraddha Walker, the broadcaster stated that its responses to the first three complaints should be deemed to be a response to this complaint as well.

Besides, it reiterated that since the issue was about the murder of Shraddha Walker and various allegations /statements being made about this being Love Jihad, it was a heated topic at the time and concerned public interest.

As a responsible channel, it invited people affiliated with various political parties to participate in the debate and provide their opinions on this issue, which shows that a balanced approach was taken while airing the programme.

Besides, it debated the issue in the above programmes because it was important to make people aware of the events /opinions that affected the public. Its interest in telecasting the above programs was in effectively disseminating newsworthy material to the public at large that concerned their opinions and well-being. The telecasts have been made in strict compliance with all the rules, regulations, guidelines, and all applicable laws, and any allegations to the contrary were false and vehemently denied.

Decision of NBDSA taken at its meeting held on 28.1.2023

NBDSA considered the captioned complaint with regard to the impugned broadcasts aired on News18 India, response of the broadcaster and, after viewing the footage of the broadcasts, decided to call both the parties for a hearing.

Hearing on 12.05.2023

On being served with notice, the following persons were present at the hearing on 12.05.2023:

Complainant

1. Mr. Indrajeet Ghorpade

Broadcaster

1. Mr. Puneesh Kochar, Counsel
2. Mr. Praveen Shrivastava, Associate Executive Producer – Editorial
3. Mr. Avanish Ojha, Associate Executive Producer – Editorial & Content

Submissions of the Complainant

The complaint was in respect of the news programmes broadcast on News18 concerning the gruesome murder of Shraddha Walker.

The complainant submitted that the broadcaster had been involved in propaganda techniques to dehumanize a minority group. In this case, falsehood about “love jihad“, which has been promoted by various channels and politicians over and over again, was repeated by the channel in the four impugned programmes. The subject of these broadcasts was the murder of Shradha Walker, who was not even a victim of love jihad. The conspiracy of love jihad claims that Muslim men fraudulently marry Hindu women by claiming to be Hindus and subsequently force Hindu women to change their religion. In this case, the deceased was well aware of the caste and the religion of Aftab Poonawalla. In fact, her parents had opposed their relationship due to their caste and religious differences. The deceased, however, had chosen to continue her relationship with Aftab Poonawalla, who, unfortunately, very gruesomely murdered her.

However, the channel has used this incident to further its falsehood about love jihad and paint all Muslim men as being demonic creatures whose sole mission in life is to fraudulently marry Hindu women and force them to convert their religion. The complainant reiterated the blatant violations of the Code of Ethics & Broadcasting Standards (Code of Ethics) and Guidelines in the impugned broadcasts, which were elaborated in detail in the complaint.

In the first broadcast, the anchor repeatedly violated the Code of Ethics and Guidelines by stating, "*Generalise agar kiya ja raha hai toh kya generalise karna sahi hai ya galat hai? Mai toh bas sawal puch raha hun.*"

From the statement made, the complainant submitted that it was clear that the anchor of the programme could not even acknowledge that generalizing such incidents was wrong and that such generalization is against the Code of Ethics. During the broadcast, falsehood is spread by the panellists. One of the panellists baselessly claimed that several parliaments across the world had accepted that love jihad exists. The complainant submitted that the claim of the channel that it had based on statements made by politicians on the issue of love jihad aired the impugned broadcast was in clear violation of certain directives issued by NBDSA in the past, which required the broadcasters not to be mouthpieces of the government. In the broadcasts, instead of rebutting/debunking the falsehood and misinformation spread by the politicians, the channel chose to amplify such misinformation to spread hatred amongst different religious communities.

The anchor referred to this issue as being a '*bimari*', which is one of the vilest forms of dehumanization and can result in communal disharmony and mob lynching. The anchor yelled at panellists who talked about women's security and advised women to be careful of the men they were dating regardless of their religion.

In the end, the anchor concluded the programme by baselessly stating that the gist of the debate is that "*in the last 10 years, how many Hindu men hid their identity and killed Muslim women and how many Muslim men hid their identity and killed Hindu women. One one side, we see 100s of cases of Muslim men killing Hindu women and on the other side we see zero*". The complainant submitted that repeatedly making such baseless allegations would result in some population regarding such falsehoods as the truth.

The second broadcast also followed a similar pattern of reporting, with the anchor again resorting to calling this issue a '*bimari*'. The anchor failed to stop a panellist, who pushed a false narrative by claiming that in interfaith marriages, the victim is always a Hindu woman and the killer is always a Muslim man and that this was love jihad. When another panellist questioned her false claim, she said, "*Tata Institute ka research bhaad mein jaye, I have news articles to support my claims*".

The complainant submitted that by now, all anchors are well aware of the guidelines laid down by the Hon'ble Bombay High Court in *Nilesh Navalakha v. Union of India & Ors*, including the duty of the anchor to stop the programme from drifting beyond permissible limits. However, in the instant case, instead of stopping the panellist from generalizing the incident, the anchor asked the Muslim panellist to give two examples of Muslim women being victims. He submitted that it was the anchor's responsibility to have such information available to him instead of asking for the same from a panellist. The anchor gave the impression that Hindu men commit no crimes against women.

During the programme, the panellists made vile claims equating Muslim people with terrorism and interfaith marriages with Covid-19. The complainant reiterated that no attempt was made to stop the panellists from making false statements during the broadcasts. Rather, the anchor himself said, "*aap ko nazar nahi aa raha maarne wale sabka ek chij common, woh hai religion?*".

Another panellist in the broadcast said, "*Muslim men who marry their uncle's daughter don't get access to flirt. They put hair gel and flirt with Hindu women in their colleges or jobs. He says girls should be told to stay away from Muslim boys since class 4th, they must be told that our culture, thoughts are different*". The anchor in response said, "*Dr. Rizwan Jihadi Jalladon se nipatna hai*". To which the panellist replied, "*Musalman aadmi ka haath churi par bada saaf hota hai, 8th-9th class mein hum bakra kaat dete hai, maine 9 saal ki umar mein 4 bakre kaate the, toh jitna keh raha hun utna karo, Musalman ladko se dur raho, baat khatam*". The broadcaster did not attempt to stop the panellist from making such statements on live television.

Later, during the programme, the anchor also spread false news by stating that Hindu women needed to change their religion if they married a Muslim man. When one of the panellists started highlighting other incidents of violence against women, including dowry deaths, the anchor responded by saying, "*Aap anpad jaise kyun debate kar rahe hai? Pehli baar aye hai kya debate mein?*"

He submitted that programme number 3 was also on similar lines. In this programme, every time any panellist tried to talk about the larger issue of crimes against women and state that this was not a religious issue, the anchor started screaming and took a break. The anchor remained silent when one of the panellists said to the other that those who deny love jihad must die. Further, in the broadcasts, a panellist was allowed to spread the lie that the Muslim population increased in the Indian sub-continent when Babur came to India.

In programme number 4, one of the alleged acquaintances of Shraddha and Aftab was invited who claimed that the murder was part of a terrorist mission. He failed to explain why this murder was a part of a terrorist mission. Further, he claimed that he was sure that Aftab alone was not involved and that more people were trained as a part of a mission. The complainant submitted that the broadcaster allowed such baseless claims without probing the panellist. An audience member during the programme advocated for the illegal fatwa system, while the anchor was personally holding the mike and did not object to the statement by remaining silent.

The complainant submitted that the broadcaster kept on making exaggerated claims of love jihad and baselessly claiming that while there were zero cases of violence against Muslim women, there are 100 cases of violence against Hindu women. The purpose of the impugned broadcast was to create hatred against the Muslim community by amplifying the voices of certain political parties and people who want to create tensions in society for their own benefit.

Submissions of the Broadcaster

At the outset, the broadcaster denied all the allegations levelled against it and the programmes broadcast. It submitted that the broadcasts emanated from the gruesome murder of Shradha Walker, which had come to light and was being widely debated and discussed. In respect of programme number 1, the broadcaster submitted that it was based on a statement made by the father of the victim, who himself had claimed that this was a case of love jihad. The statement made by the victim's father had become viral, and observations were being made by various politicians. Therefore, in the broadcast, it had attempted to find whether there was any element of truth to the statement made by the victim's father.

Based on the broadcaster's assertion that in the impugned programme, it had wanted to ascertain the veracity of the statement made by the victim's father, NBDSA questioned the broadcaster whether the programme was centered around that

theme. In response, the broadcaster submitted that it wanted to obtain the views of the various representatives on the issue.

The broadcaster stated that from the questions raised, "लव जिहाद बहाना, एक मज़हब निशाना?" it was clear that it had not accepted that love jihad was behind the incident instead it was also only questioning whether members of a particular community were being targeted on the premise of love jihad.

Apart from the statement made by Shradha's father, even the Police had stated that Aftab had relationships with several women who were all Hindus. Further, the polygraph report also showed that Aftab had no remorse for murdering Shradha. Therefore, in light of the above, the debate was conducted.

On the issue of love jihad, the broadcaster submitted that a few days before the incident, a District Court in Amroha, UP, had given its first sentencing against a man who was accused of trying to force a woman to change her religion. Further, in 2009, even the Kerala Police had submitted before the Hon'ble Kerala High Court that there was some group who was forcing women to convert their religion and that, based on the report submitted, Justice K. T Sankaran of the Kerala High Court had observed that there were indications of forceful religious conversion under the garb of love. Further, it submitted that several states had already enacted legislation against forceful religious conversions. Even the Indian Penal Code penalized forced religious conversions. In view of the aforementioned, the broadcaster submitted that in the programme, only a debate was being conducted to ascertain whether love jihad might be behind the incident. Furthermore, apart from the Shradha Walker case, several other incidents had come to light where the family members had alleged love jihad. In response to the allegation that the broadcasts were part of propaganda, the broadcaster submitted that since no one could with absolute certainty deny that such incidents were happening, the broadcasts could not be regarded as propaganda.

NBDSA asked the broadcaster to make its submissions with respect to the specific allegations made by the complainant. The broadcaster submitted that the programmes could not be regarded as propaganda as even the Police had admitted that Aftab Poonawalla had friendship with only Hindu women and had no remorse for murdering Shradha.

In respect of the allegation made regarding generalization by the anchor, the broadcaster submitted that it had only questioned whether love jihad happens or not. NBDSA questioned the broadcaster since the Code of Ethics & Broadcasting Standards and the Guidelines prevent the broadcaster from generalizing such issues, how did the broadcaster raise such topic in the broadcasts. The broadcaster submitted that it had not generalized the issue. Rather, the question raised in the debate was based on specific instances in Gujarat, Lucknow, Jharkhand and Madhya Pradesh.

In respect of the statement made by the anchor, "*Jab tak hum log bimari ko acknowledge hi nahi karenge toh uska ilaaj kaise hoga?*", the broadcaster questioned that when several incidents of forced religious conversions had come to light and even the High Court had acknowledged that there were religious conversions under the garb of love, whether we should not acknowledge such incidents as a result of which an entire community was being painted in bad light. Even PFI had addressed the issue of forced religious conversions in its vision document. Therefore, it submitted that there was nothing wrong in addressing forced religious conversion as a '*bimari*'. In any event, the broadcaster submitted that the term 'love jihad' was not coined by it or its anchors.

As far as the mention of Prince Yadav, who is accused of murdering a Muslim woman, was concerned, the broadcaster submitted that the family of the deceased woman had not accused him of murdering the deceased for any religious reasons. In the impugned broadcast, it had confined its analysis to only those individuals who were accused of love jihad by the family members of the women, such as Nidhi Gupta.

NBDSA asked the broadcaster to explain the context behind the statement "*aap ko nazar nahi aa raha maarne wale sabka ek chij common, woh hai religion?*" made by the anchor. The broadcaster reiterated that it had confined its analysis only to those incidents where the family members of the women had raised allegations of love jihad.

Concerning Programme No. 3, the broadcaster submitted that an FIR dated 24.11.2022 has been registered by Rajasthan Police (Bharatpur), regarding the debate held in the show, which is pending investigation. Accordingly, the matter is currently sub-judice. Hence, NBDSA should not consider the complaint in respect of the third broadcast.

In respect to Programme No. 4, the broadcaster submitted that the allegations raised by the complainant were unclear. Regarding the complainant's objection against the broadcast of pictures of Shradha Walker, the broadcaster stated that all news channels were widely broadcasting the pictures, and there was no embargo against the broadcast of the pictures of the victim.

NBDSA questioned the broadcaster whether it had blurred the pictures as required under the Guidelines. The broadcaster submitted that it had blurred the pictures, which submission was refuted by the complainant.

Regarding the statements made by the panellists, the broadcaster submitted that sometimes anchors do hold the mike for the panellists during the show. That it is difficult for broadcasters to stop a panellist from making statements in a live show. However, as a matter of practice, panellists are briefed before the show and advised to refrain from making any statement that can disturb the communal harmony in

the country. Further, at no instance in the programmes, the anchors supported any statement made by the panellists.

NBDSA asked the broadcaster whether the anchor had presented a counterview, himself or through other panellists. In response, the broadcaster submitted that it always has a balanced panel and in the impugned broadcasts, diverse points of view were presented. The broadcaster stated that the complainant had selectively picked certain statements made during the broadcasts.

The complainant, in rebuttal, submitted that according to the Code of Ethics & Broadcasting Standards and the Guidelines, it was the broadcaster's responsibility to ensure that accuracy is maintained. He submitted that it was not enough for the broadcaster to disclaim the statement made by the panellists; rather, the broadcaster was required to inquire into the accuracy and verify the statements made by the panellists.

Decision of NBDSA at its meeting held on 12.05.2023

In view of the submission made by the broadcaster that in respect of the debate held in Programme No.3 an FIR dated 24.11.2022 bearing No. 1131 had been registered by Rajasthan Police (Bharatpur), and that the matter is currently sub judice, NBDSA directed the broadcaster to submit a copy of the FIR for its consideration. NBDSA, therefore, decided to defer its decision in the complaint to consider the aforesaid FIR.

The broadcaster vide email dated 8.06.2023 submitted a copy of the FIR dated 24.11.2022 bearing No. 1131, which had been registered by Rajasthan Police (Bharatpur).

Decision

NBDSA considered the complaint, response from the broadcaster and gave due consideration to the submissions of the complainant and the broadcaster and viewed the footage of the broadcasts.

Before proceeding with its inquiry in the complaint, NBDSA noted that the third impugned broadcast aired on 16.11.2022 was the subject matter of an FIR No. 1131 dated 24.11.2022 registered in Bharatpur, Rajasthan. In this regard, NBDSA noted that under Regulation 7.2, read with Regulation 8.4.3 of the News Broadcasting & Digital Standards Regulations, it is not permissible or appropriate for the Authority to take up matters in respect of which any proceeding is pending in a Court of law or other Tribunal or Statutory Authority. Therefore, NBDSA held that in view of the aforesaid Regulations, it had no alternative but to not proceed further with the complaint in respect of the third impugned broadcast. NBDSA accordingly decided to confine its examination only to the other three broadcasts, which were also the subject of the present complaint.

NBDSA observed that while the media has the right to conduct debates on any topic of its choice, however, it may have been inappropriate for the broadcaster to have conducted several debates on the subject of “love jihad” while linking it to the Shradha Walker murder case. The broadcaster also has a right to hold debates on the Shradha Walker murder case however, it must be cautious in that the broadcast should not prejudice the rights of the accused and/or result in a media trial.

NBDSA noted that the first, second and fourth broadcasts were essentially based on the statements made by politicians and that while the broadcaster can hold a debate based on statements made by politicians/persons, it is important to emphasise that such persons have their own perceptions and understanding of an incident. Therefore, while conducting such a debate based on a statement, the anchor of the broadcast has to be neutral and impartial in order that the broadcast is compliant with the Code of Ethics & Broadcasting Standards (Code of Ethics), Guidelines and Advisories issued by the Authority.

On a perusal of the broadcasts and under the given circumstances, NBDSA is of the view that to link the Shradha Walker murder case with ‘love jihad’ and to have debates on it was inappropriate.

NBDSA also observed that the way the anchors conducted the so-called debates around love jihad was also inappropriate, as they used the premise to paint/target an entire community instead of blaming a few miscreants for murders and violence. This was evident from the statements made by the anchors during the impugned broadcasts, including the repeated references linking the term ‘love jihad’ to the Shradha Walker murder case and the usage of the hashtag “*Love Jihad Files*” in the second and fourth broadcasts in relation to a particular community.

NBDSA stated that the term “love jihad” should not be used loosely and should be used with great introspection in future broadcasts as religious stereotyping can corrode the secular fabric of the country, cause irreparable harm to a community and create religious intolerance or disharmony.

For the reasons stated above, NBDSA held that the broadcasts were not only violative of the principles of neutrality, impartiality and accuracy under the Code of Ethics but also violative of the Specific Guidelines covering Reportage relating to Racial and Religious Harmony.

Further, in the first and second broadcast, the following tickers were aired “35 टुकड़ों वाला जल्लाद, नहीं होता 'लव जिहाद' ?”, “*love jihad se kaise bachengi betiyan?*”, “*love ka 'dhikawa', jihad ke liye 'chalawa'?*”; “*Aftab, Shahrukh, Sufiyan, sabka 'jihadi' plan?*” and statements such as “*yahan toh one way traffic chal raha hai, saari marne wali betiyan Hindu*” were made, which also violated the Specific Guidelines for Anchors conducting Programmes including Debates.

In view of the above, in so far as the first, second and fourth broadcasts were concerned, NBDSA decided to admonish the broadcaster, particularly the anchors and to impose a fine of Rs.50,000/-.

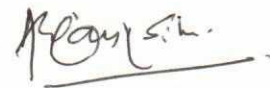
NBDSA further also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, and remove all hyperlinks, including access, which should be confirmed to NBDSA in writing within 7 days of the Order.

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 : 28.02.2024