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January 22, 2020

Mr. Nasser Kabir

Group General Counsel
TV Today Network Ltd.
India Today Mediaplex,
FC 8, Sector 16 A, Film City,
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Dear Sir,

Re: Complaint dated 31.10.2019 filed by Citizens for Justice and Peace [CJP] - Aaj Tak on 16.10.2019 and (2) a tweet posted by verified Aaj Tak account

Since the complainant did not receive reply to the complaint, he escalated the complaint to NBSA, the second level on 31.10.2019.

The complaint was considered by the NBSA at its meeting held on 6.12.2019, and the gist of the complaint, response from the broadcaster and the decision taken are mentioned hereinbelow:

Complaint dated 17.10.2019 filed with channel:

1. Aaj Tak show aired and published on 16.10. 2019

The complainant stated that the title of the show is: *Ayodhya Dispute: "दश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ"*. In this show, an individual who was addressed as "Swami Karpatri Ji Maharaj", expressed some controversial and abhorrent views with respect to the Ayodhya case and declared "18 November se ayodhya me Shri Ram Janmabhoomi ka nirman hoga" and "jaisla nischittaur se hai, mere paksh me hai" (On November 18, the formation/ birth of Ram Janmabhoomi will begin; the Judgement will undoubtedly be in our favour.). Complainant stated that this is not just a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon'ble Supreme Court was still awaited; such statements tend to incite public disharmony and could lead to disruption of public order; such content has been aired despite of the NBSA issuing a special advisory, dated 16.10.2019, to all news channels to be extra cautious while conducting debates and stated that "it is incumbent on the news broadcasters to take extra care and be cautious while telecasting news relating to sensitive and emotive matters"; the guidelines of the NBSA have not been followed in broadcasting this content. The show aired on news channel, Aaj Tak, has also been uploaded also on the YouTube Channel of Aaj Tak on 16.10.2019 and had more than 3 lakh views.

Reply from the broadcaster

The broadcaster stated that any news debate telecasted by the channel is directed towards fostering civility in public discourse on the issues that are relevant in day to day lives of the people of this country. The debates aim towards bringing the people with different ideological background on one platform and put their opinion on an issue which can be solved by healthy exchange of opinion and intellectual deliberations. The debates also act as an educative tool to the masses. Swami Karpatri Ji Maharaj was one of the panelists in the debate aired by the channel who has inclination towards a particular ideology (which he represented on the panel) just like any other ideology that has been nourished in India on account of its pluralist society. The news channel promotes ideological diversity. The channel respects the freedom of speech and expression of every

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individual as enshrined in the Constitution of India, therefore, it was not appropriate to show a disclaimer as the same happened spontaneously. The statement of a panelist cannot be attributed to the news channel but solely to the narrator who expressed it. It should be highlighted that the news channel through its anchor only moderates the discourse and in no way expresses its own opinion without being meaningful and courteous.

Further reply from the complainant

The complainant in response stated that while that is a healthy practice, the debate that is being complained against, was in clear contravention of the Important Advisory issued by the NBSA, dated 16.10.2019 regarding "Reporting of Ayodhya matter pending in the Hon'ble Supreme Court" as also NBSA's Specific Guidelines Covering Reportage; the broadcaster cannot resort to and misuse the freedom of speech and expression bestowed upon by the Constitution of India under Article 19(1)(a) as the same is to be read, at all times, with Article 19(2) which imposes reasonable restriction on the freedom of speech and expression; these reasonable restrictions have been embodied in the aforementioned Advisory and Guidelines issued by the NBSA; these Guidelines and Advisory have been issued by the NBSA to keep this very freedom of speech and expression in check so that such a fundamental right is not misused to serve malafide intents of any broadcaster; the broadcaster has, thus, knowingly or unknowingly, endorsed the comments of the participant in the debate in the show titled "देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से **Rohit Sardana** के साथ" on 16.10.2019; this was not just a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon'ble Supreme Court was then awaited, but such statements tend to incite public disharmony and could lead to disruption of public order; the news channel has thus violated the Important Advisory issued by the NBSA, dated October 16, 2019, the principles of the Code of Conduct of NBSA which states that *news shall not be selected or designed to promote any particular belief, opinion or desires of any interest group, impartiality and objectivity in reporting, ensuring neutrality, endangering national security. Additionally, the channel has violated the Specific Guidelines Covering Reportage relating to Impartiality, Neutrality & Fairness, Law & Order, Crime & Violence and Racial & Religious Harmony.*

Decision of NBSA

NBSA considered the complaint, response from the broadcaster, further response from the complainants viewed the CD of the alleged broadcast. NBSA noted that while the broadcaster may have no control on what a participant in a programme may state, it definitely can avoid inviting persons who have ideological leanings, which the broadcaster is aware may result in provocative statements being made in a "live" programme, which is likely to offend the sensitivities of any religious group or may create religious intolerance or disharmony especially when the verdict, in such a sensitive and crucial matter, from the Hon'ble Supreme Court was still awaited.

NBSA decided to give a warning to the channel be more circumvent and careful in the future. In the event that such telecasts are repeated by the broadcaster, NBSA will take appropriate action under its regulations. NBSA however directed the broadcaster to remove the programme *Ayodhya Dispute: "देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से **Rohit Sardana** के साथ"* from the YouTube channel and report compliance to NBSA within seven days of receipt of such direction from the NBSA.

NBSA also observed that broadcasters would be responsible for violations of Broadcasting Standards and Guidelines in regard to the content of any programme aired on the channel; that neither any "disclaimers" before any programme nor the fact that offending statements/views

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expressed by independent anchors, invited guests or other participants, would relieve them from the liability/responsibility for violation of the Standards/Guidelines of NBA/ NBSA .

NBSA, therefore decided to inform the broadcaster and the complainant accordingly.

2. Complaint made with regard to the tweet that was posted through the verified Twitter account of Aaj Tak

The second complaint has been made to the tweet that was posted through the verified Twitter Account of Aaj Tak on 15.10.2019 wherein the graphic complementing the tweet contains the caption: "*Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*"?. This particular tweet, unquestionably, has been put out to provoke negative sentiments against one community and is an attempt to sensationalize the Ayodhya case news coverage. This violates the NBSA Advisory on Ayodhya. A news channel ought to be aware of the potent influence it has on public opinion and hence be cautious while putting out content which could even slightly tend to disturb public order and communal harmony. The channel appears to have put into jeopardy the secular ethos of the country. In view of this, it is in best interest, that the channel remove the above-mentioned content on the Twitter account.

Reply from the broadcaster

The complaint has been made to the tweet that was posted through the verified Twitter Account of Aaj Tak on 15.10.2019 wherein the graphic complementing the tweet contains the following caption: "*Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*"? It has been alleged that the tweet has been put out to provoke negative sentiments against one community and is an attempt to sensationalize the Ayodhya case news coverage and violation of the NBSA's guidelines. The channel has been asked to retract and remove it.

Broadcaster stated that the said caption "*Janmabhumi Hamaari, Ram Hamaare, Masjid Waale Kahan Se Padhare*" was not something that was coined and invented by the news channel especially for the purpose of telecast. Rather, the same was taken out of the discussion that took place in the courtroom during the course of hearing of the civil appeal in the Ayodhya dispute. Also, the premise of the arguments put by the Hindu Mahasabha before the Hon'ble Supreme Court was based on the same idea which the caption speaks of and that have been reiterated by them before the Hon'ble Apex Court. The channel therefore has done nothing but reproduced an argument that was already part of the record. Further the said caption was enclosed within two inverted commas (' ') which affirms the fact that it was reproduction of a statement/an argument made by someone which was quoted by the channel. Further, it was just a teaser of the program and never came into picture at any time during broadcast of the said story. The intention of the channel behind the present tweet was not to induce public to form a certain opinion but to bring before them the point of view of one of the parties to a dispute that has been going on for decades. Therefore, putting an impediment on the true and fair reporting with a whip will be nothing but unconstitutional.

Reply from the complainant

The complainant in response stated that the broadcaster has contended that the "caption is not something that was coined and invented by the News Channel especially for the purpose of the telecast; rather the same was taken out of the discussion that took place in the Courtroom during the hearing of Civil appeal in the Ayodhya dispute"; it was submitted that it was never their contention that the caption was coined by the channel; a news channel reports news to the people and it is the moral responsibility of a channel to "seek the truth and report it fairly with integrity" and also "ensuring that controversial subjects are fairly presented" and additionally ensuring that

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“selection of items of news shall be governed by public interest”; even if it is assumed that the caption was a quote picked from a Courtroom discussion, the same being highlighted by the channel in its Twitter post, as an advertisement or endorsement for its programme, does not uphold any of the principles mentioned hereinabove; these are fundamental principles which news channels/broadcasters ought to follow as a matter of principle and self-regulation, as members of the NBA; further the caption does not carry any disclaimer saying that this is not a view endorsed by the channel neither is the name of the person who made the comment appearing after the caption; even if it is assumed that the channel has simply quoted someone, the same is not at all clear from the Twitter post; The channel is only trying to back track from the views it has clearly endorsed, by posting such inflammatory and inciteful content which could and must have certainly hurt the religious sentiments of the Muslim Community in a secular country like India; the impact of the telecast and the social media post cannot but have a deleterious impact; this kind of targeted hateful content keeps growing its tentacles to reach every Indian living room and due to the reach of social media, every user of social media, without any opposition and is against the preambular goal of fraternity and integrity of the nation; such contents are aimed at fuelling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

Decision of NBSA

NBSA considered the complaint, responses of the broadcaster and counter response of the complainant. NBSA noted that since the broadcaster had confirmed that the image reproduced mentioning “Janambhoomi Hamari Ram Hamare Masjid Wale Kahan Se Padhare” were promoted only on social media, NBSA could not proceed further with the complaint as the content available on social media did not fall in the jurisdiction of the NBSA. Therefore, it could not proceed to take action under the NBSA Regulations.

NBSA, therefore decided to close the complaint and inform the broadcaster and the complainant accordingly.

Thanking you,

Yours faithfully,



Annie Joseph

For & on behalf of NBSA

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