

News Broadcasting & Digital Standards Authority

Order No 151 (2022)
Complainant: Mr. Indrajeet Ghorpade
Broadcaster: News18 India
Date of Broadcast: 6.4.2022

Since complainant did not receive any reply from the broadcaster within the time period stipulated under the News Broadcasting Standards Regulation, the complainant escalated the complaint to the second level i.e., NBDSA.

Complaint dated 10.4.2022

The complaint is in respect of a debate programme aired on News18 India on 6.4.2022. The complainant stated that Al Qaeda chief, Zawahiri, had praised Muskan Khan, a Muslim student from Karnataka for confronting a mob that heckled her for wearing the hijab earlier this year. Zawahiri also remarked that in India, Muslim people were facing atrocities and urged the international Muslim community to support the Indian Muslim women, who were fighting for their right to wear a hijab.

In the programme, the anchor referred to the Muslim students as "*Hijabi Gang*", "*Hijabwali Garzwa Gang*" and made a false allegations that they had resorted to rioting. He claimed that Zawahiri and terrorist organisations were behind the entire Hijab row and that in India, there are many "*Hijabi*" representatives of Zawahiri, and it's "*the Zawahiri gang*". Further, he added that Zawahiri was the face and the students were his mask.

During the programme, the anchor harangued Maulana Ali, a Muslim panellist, by trying to make him say that what Zawahiri was saying is right. The question whether Zawahiri is right or wrong, was raised more than ten times by the anchor in the programme. He also repeated multiple times during the broadcast that Zawahiri and Indian Muslims follow the same book and same ideology. Sangit Ragi, a panellist present on the show also remarked that "*there are 1000s of pockets in India that in future will conduct bomb blasts like they did in Kashmir. They are in West Bengal, Assam, Bihar, Maharashtra, UP, Karnataka, Kerala. They are his representatives; they represent his ideology.*" Subuhi Khan, another panellist stated that, "*Muslim intellectuals give a silent support to crime and terrorism. They don't fiercely oppose terrorism.*"

During the programme, the complainant stated that the anchor called Prof Shaikh, another Muslim panellist present on the show, "*Zawahiri gang member*" "*Zawahiri's ambassador*" and falsely claimed that Prof Shaikh was a "*big fan of Zawahiri*" and that "*Zawahiri is your God, you are his fan.*" He repeatedly asked Prof Shaikh if Zawahiri was right or wrong and whether he was with the "*Karnataka High Court or Zawahiri*".

The anchor also raised rhetorical questions like *"Muslims are unsafe in India?! It means Muslims are unsafe all around the world. All Muslims are coming to India, A-to-Z. Muslims around the world are coming to India. India is the most beautiful country for Muslims. If Muslims are unsafe in India, then they are unsafe everywhere. Are Muslim people in danger in India or is India in danger from Muslims?! You correct this. Are Muslim people in danger in India or is India in danger from Muslims?!"* to imply that Muslim people were safe in India and that it was India, which was in danger from the Muslim community.

When one of the panellist's asked Prof Shaikh to *"go to 'Pakistan' if we want that kind of Islam"*, the anchor added, *"he is holding Indian currency, Indian passport and feels unsafe in India"* and falsely claimed that Prof Shaikh did not like India. After which the anchor said *"let's forget Prof Shaikh, he won't listen to us, he will listen to Zawahiri, the terrorist Zawahiri."* Another panellist present on the show, also called Prof Shaikh an *"Al Qaeda member"*.

Panellist Nazia Khan also made generalised statements about Muslim men during the programme by saying, *"Muslim men have one thing fixed in their head that we want to do polygamy with Muslim women, we want to do halala, we want to birth 10 children, we have to make her a nanny, keep her in a hijab, lock her up in a sack, she can't fly in the sky, can't dream to become an engineer or doctor, swimmer, model, etc"*. She further defended the hecklers in the Karnataka college by saying that they did nothing wrong, they were only chanting the name of Ram, which was not a crime.

Furthermore, during the impugned programme, the following tickers were aired *"#AlQaedaGangExposed"*, *"Hijab ka fata poster, nikla Al Qaeda"*, *"Al Zawahiri found behind the hijab"* and *"Al Qaeda has planned the hijab controversy"*.

In view of the above, the complainant stated that by airing the impugned programme, the broadcaster had violated the Specific Guidelines covering Reportage ("hereinafter Specific Guidelines"), particularly, the Fundamental Standards, which require that *"A: All news reporting must be done in public interest"*, *"C: Content of matter broadcast should not be shown out of context"* and *"E: Broadcasters should exercise care and objectivity in featuring activities, beliefs, practices, or views of any racial or religious group in their content to prevent any negative impact thereof"* and the principles pertaining to Accuracy, Impartiality, Neutrality & Fairness, Good Taste & Decency and Racial & Religious Harmony under the Specific Guidelines.

Reply dated 12.5.2022

The broadcaster, denied the allegations made in the complaint and stated that it had not violated NBDSA's guidelines or any other applicable guidelines, rules or law. Its telecasts were consistent with the NBDSA's policy on accurate, impartial, fair and neutral reporting without affecting religious harmony.

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The broadcaster stated that the impugned show was based on the statement made in the video featuring Ayman al-Zawahiri, leader of Al-Qaeda, which is a multinational militant Sunni Islamic extremist network. The said video was already viral on the social media before the impugned broadcast. In the said video, Zawahiri had praised Muskan Khan, a student who had raised her voice in support of the hijab. Vide this debate, it had reported facts (publicly available and widely reported by other outlets) about the hijab controversy including the decision of the Karnataka High Court which stated that the hijab was not a part of Islamic tradition, and that students were not allowed to wear it in schools as part of the uniform.

The broadcaster stated that based on this, questions were being raised in the whole country, that those who are adamant on not following the order of the court, are they inspired / incited by some invisible power? Is the sudden rise of hijab controversy in the country part of any conspiracy, was also being asked by people from different sections of the society. After the entry of an organization like the terrorist organization Al Qaeda in the controversy, this question was also being asked on social media, as to whether the sudden rise of the hijab controversy is a sign of any anti-national preparation? The broadcaster stated that it had debated the issue in the impugned programme because it was important to make people aware of such events / opinions, which would affect public at large. That it had no intention to hurt feelings of anyone, through the debate, and in fact the purpose was to promote harmony among all religions.

As a responsible channel, it had invited people from all walks of life including of political background to participate in the debate and express their opinion which showed that there was a balanced approach taken while airing the program.

Its only interest in telecasting the impugned broadcast was to effectively disseminate newsworthy material to the public at large which concerns their well-being and safety.

In view of the foregoing, the broadcaster stated that it hoped that it had addressed the concerns of the complainant and assured of its continued commitment to the policy and guidelines of NBDSA.

Further Reply dated 7.6.2022

The complainant stated that the channel had in its response stated, "*questions were being raised in the whole country, that those who are adamant on not following the order of the court, are they inspired / incited by some invisible power?*". However, the complainant stated that he did not believe that the "*whole country*" was raising this question as suggested by the broadcaster. That people in India who value and advocate for constitutionally guaranteed freedom of expression, right to practice faith, right to education for all communities were not raising doubts about the intention of the girl students in Karnataka, protesting against the hijab ban and were certainly not speculating that some "*invisible power*" was inciting them to fight for their own rights

that their schools, fellow students, the state government and the Karnataka High Court had snatched. Only politically motivated spokespersons and certain notorious, Islamophobic channels, were raising questions about "invisible powers" through hour long "debates" and attempting to dismiss the fight put up from Muslim girls in Karnataka by portraying them as "anti-national".

The channel's response that, *"We had no intention to hurt feelings of anyone, through the debate, and in fact the purpose was to promote harmony among all religions"*, was a blatant and appalling falsehood. The contents of the initial complaint amply demonstrated how the anchor, multiple panellists and the tickers shown during the impugned "debate" compared Muslim people to terrorists, or called them terrorism sympathisers and implied that they are a threat to the nation. The complainant stated that he failed to see how the impugned debate promoted religious harmony.

He stated that the channel's reply *"invited people from all walks of life including of political background to participate in the debate and express their opinion which shows that there was a balanced approach taken while airing the program"* was false, as five out of the seven members on screen, including the anchor and the other four panellists opposed students right to wear a hijab and spewed anti-Muslim venom. No Muslim woman or student who wore the hijab was invited to express her views. Further, not only the anchor failed to curb the anti-Muslim hate speech, but in fact, he actively contributed to it.

The complainant prayed for NBDSA to take stringent action against the anchor for being a repeat violator and against the broadcaster for using its platform to spread anti-Muslim hate speech.

Decision of NBDSA taken on 31.5.2022

NBDSA considered the complaint and the response dated 12.5.2022 received from the broadcaster. NBDSA was of the view that a hearing was necessary to determine whether the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Guidelines issued by NBDSA. NBDSA, therefore, decided to call the complainant and the broadcaster for a hearing at the next meeting.

Decision of NBDSA taken on 15.6.2022

NBDSA noted that upon receiving the notice for hearing, the complainant requested for an adjournment, which was granted by NBDSA

Hearing on 30.9.2022

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

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Mr. Anshul Agarwal, Counsel

Mr. Praveen Shrivastava, Associate Executive Producer – Editorial

Submissions of the Complainant

The complainant submitted that the impugned programme was conducted after Ayman al-Zawahiri, Al Qaeda leader issued a video statement praising Muskaan Khan for standing up for her rights and claiming that women in India were in trouble. He submitted that the impugned programme was conducted in this background.

During the programme, the anchor referred to the Muslim students as “*Hijabi Gang*”, “*Hijabwali Gazwa Gang*” and “*the Zawahiri gang*” and further claimed that both Zawahiri and Indian Muslims follow the same book and have the same ideology. Further, the anchor targeted Prof. Shaikh, a panellist present on the show by branding him as a “*terrorist*” and as a “*member of Zawahiri’s team*”. In a bid to insinuate that Prof. Shaikh supports terrorists, the anchor also tactfully questioned Prof. Shaikh on the Hijab controversy, by asking whether he supported the statement made by the terrorist or the order passed by the Hon’ble Karnataka High Court.

The anchor also failed to intervene and stop the other panellists from making generalised statements about members of the Muslim community. Nazia Khan, a panellist present on the programme claimed that “*Muslim men have one thing fixed in their head that we want to do polygamy with Muslim women, we want to do halala, we want to birth 10 children, we have to make her a nanny, keep her in a hijab, lock her up in a sack, she can’t fly in the sky, can’t dream to become an engineer or doctor, swimmer, model, etc*”. Another panellist, Subhi Khan, also stated that “*Muslim intellectuals give a silent support to crime and terrorism. They don’t fiercely oppose terrorism.*”

Further, the following tickers “*#AlQaedaGangExposed*”, “*Hijab ka fata poster, nikla Al Qaeda*”, “*Al Zawahiri found behind the hijab*” and “*Al Qaeda has planned the hijab controversy*” were aired by the broadcaster during the programme.

The complainant submitted that the broadcaster airs an interesting compilation of shows with the objective of spreading communal disharmony and anti-Muslim sentiments in the country.

In view of the above, the complainant prayed for NBDSA to intervene in the matter and to stop violations of the Code of Ethics & Broadcasting Standards and Guidelines by repeat offenders.

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Submissions of the Broadcaster

The broadcaster submitted that the impugned show was based on a statement made in the video featuring Ayman al-Zawahiri, leader of Al-Qaeda, which is a multinational militant Sunni Islamic extremist network. The said video was already viral on the social media before its telecast. In the said video, Zawahiri had praised Muskan Khan, a student who had raised her voice in support of the hijab.

The broadcaster submitted that it had reported facts publicly available and widely reported by other outlets about the hijab controversy including the decision of the Hon'ble Karnataka High Court which stated that the hijab was not a part of Islamic tradition, and that students were not allowed to wear the same in schools as part of the uniform. In fact, the Hon'ble High Court had raised a question regarding some invisible power behind the Hijab issue.

The broadcaster submitted that in the impugned programme, it had questioned the motives of Al Zawahiri and had not made any comment in reference to the girls who were raising their voice in support of hijab.

NBDSA questioned the broadcaster regarding the narrative that was adopted by it in the impugned programme. The broadcaster submitted that as a responsible channel it had invited people from all walks of life including of political background to participate in the debate and express their opinion, which indicates that it had adopted a balanced approach while airing the impugned programme.

NBDSA questioned the broadcaster regarding the usage of terms like "*Hijabi Gang*" and "*Hijabwali Gazwa Gang*" during the broadcast. The broadcaster submitted that after the involvement of Al Zawahiri in the hijab controversy, questions were being raised in the whole country, whether those who were adamant on not following the order of the court, were they inspired / incited by some invisible power? And whether the sudden rise of hijab controversy in the country was part of a conspiracy. It asserted that the term "*Hijabi Gang*" was used by it for people who appeared to be behind the hijab controversy in India. That after the video statement of Al Zawahiri was released, Muskan Khan's father disclaimed the statement, and stated that it appeared to be an attempt to create division in the country. The broadcaster reiterated that it had used the term "*Hijabi Gang*" only for those people who were attempting to create division in the country by inciting people to raise the issue of Hijab. Further, it had added a question mark after the said term.

NBDSA further questioned the broadcaster regarding the branding of a panellist as a "*terrorist*" and "*member of Zawahiri gang*". In response, the broadcaster submitted that the anchor had in view of the fact that Muskaan's father had disassociated himself with Zawahiri, asked for the panellist's to respond to the statement made by Zawahiri.

NBDSA asked the broadcaster to explain the statement “*Are Muslim people in danger in India or is India in danger from Muslims?!*” made by the anchor during the programme and the generalization of the Muslim community in the programme. The broadcaster submitted that the anchor in every debate programme reaffirms that Islam is a peaceful religion. That it had no intention to hurt feelings of anyone, through the debate, and in fact the purpose was to promote harmony among all religions.

Decision

NBDSA went through the complaint, response of the broadcaster and also gave due consideration to the arguments of the complainant and the broadcaster and viewed the footage of the broadcast.

NBDSA noted that the impugned programme was a debate conducted by the broadcaster on the Hijab controversy that emerged in Karnataka following a ban imposed by the Government on wearing of Hijab in educational institutions.

NBDSA noted that the broadcaster had in its submissions stated that in view of the observations made by the Hon’ble Karnataka High Court and the statement issued by Ayman al-Zawahiri, leader of Al Qaeda, it had in the impugned programme, raised the question as to whether the issue of Hijab was being incited by some hidden international forces.

NBDSA noted that it was permissible for the broadcaster to have the debate on students wearing Hijab in educational institutions or not, after the issue was decided by the Hon’ble Karnataka High Court and it was also open to the broadcaster to address the issue as to whether some hidden international forces were inciting the people in this country and blowing the issue out of proportion. It is clarified that the NBDSA is not commenting upon the topic chosen by the broadcaster on which the debate was conducted as it comes within the freedom of expression of the broadcaster. However, NBDSA is primarily concerned with the fact as to whether the broadcaster/anchor, while running such a programme, adhered to the Code of Ethics & Broadcasting Standards and conducted the debate within the confines of the said Code. The programme run by the broadcaster is, therefore, examined on the aforesaid parameters.

It is reiterated that NBDSA did not have any issue with the subject of the debate. However, on examination of the matter, it found that the problem lay with the narrative and the tilt that was given to the programme.

NBDSA did not find merit in the broadcaster’s submission that the terms “*Hijabi Gang*”, “*Hijabwali Gazwa Gang*” and “*the Zawahiri gang*” were used only in respect of the invisible powers which were allegedly behind the controversy and not in respect of the students who were protesting in support of Hijab. NBDSA observed that while having a debate as to whether wearing of Hijab be allowed in the schools or not, there was no occasion to blow up the debate by making it a communal issue.

NBDSA strongly deprecated the tendency of the broadcaster to associate those panellists who were in favour of wearing Hijab by the students with Zawahiri and labelling them as "*Zawahiri gang member*" "*Zawahiri's ambassador*" , "*Zawahiri is your God, you are his fan.*". NBDSA also did not find any justification in linking those panellists/persons who were supporting Hijab with Al Qaeda by airing tickers stating "*#AlQaedaGangExposed*", "*Hijab ka fata poster, nikla Al Qaeda*", "*Al Zawahiri found behind the hijab*" and "*Al Qaeda has planned the hijab controversy*".

In view of the above, NBDSA observed that the anchor had not only acted in flagrant disrespect of the Code of Ethics & Broadcasting Standards and the Specific Guidelines Covering Reportage but had also failed to abide by the decision of the Hon'ble Bombay High Court in *Nilesh Navalakha & Anr. vs. Union of India & Ors* (2021) SCC Online BOM 56, which enjoins an anchor to apply his/her mind and avoid the programme from drifting beyond the permissible limits, including by muting the speaker who flies off the tangent. NBDSA noted that even the Hon'ble Supreme Court has on numerous occasions stressed on the role of the anchor in a news programme and stated that the anchor must maintain a balance between the panellists. However, in the instant case, not only had the anchor failed to stop the other panellists from crossing the boundary but had given them a platform to express extreme views which could adversely affect the communal harmony in the country.

Therefore, NBDSA held that the impugned programme was violative of the principles relating to Impartiality, Neutrality, Fairness and Good Taste & Decency under the Specific Guidelines Covering Reportage, apart from the Code of Ethics & Broadcasting Standards. NBDSA stated that the broadcaster would be well advised to guide and train its anchor on how to conduct debates on such sensitive issues.

Accordingly, after keeping in mind, the repetitive nature of the above violations, NBDSA decided to impose a fine of Rs. 50,000/- on the broadcaster and admonished the broadcaster for conducting such a debate, which was not in accordance with the Code of Ethics and/or the observations and judgment of the Hon'ble Bombay High Court in respect of the role of the anchor in a programme as mentioned above.

NBDSA also makes it clear that it has given abundant guidance as to how such programmes should run without violating the Code of Ethics and in case the NBDSA finds that in spite thereof such violations are repeated in future, it may have to direct the broadcaster to ensure the presence of the anchor Mr. Aman Chopra before the NBDSA .

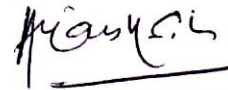
NBDSA further also directs the broadcaster to remove the video of the programme from its website and all platforms and the same should be confirmed to NBDSA in writing within 7 days of the Order.

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 the Order to the complainant and the broadcaster;
- (b) Circulate the Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host the 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: 21.10.2022

Certified True Copy
Anne Joseph