

Speed Post / Only by Email

November 22, 2021

<p>Mr. Piyush Choudhary Compliance Officer NBSA Zee Media Corporation Ltd No 19, Film City, Sector 16A Noida 201301 Email <piyush.choudhary@zeemedia.esselgroup.com></p>	<p>Mr. Indrajeet Ghorpade Email: jeetghorpade@gmail.com</p>
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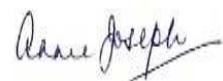
Dear Sirs,

Re: Order of NBDSA (formerly known as NBSA) on the complaint dated 25.1.2021 and 29.1.2021 received from Mr. Indrajeet Ghorpade against Zee News regarding programmes aired on 19.1.2021, 20.1.2021 & 26.1.2021 with regard to farmers' protest

Attached please find Order dated November 19, 2021, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking you,

Yours faithfully,



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

Encl: As above

CC: *Annie.1@zeemedia.esselgroup.com, sudhir.chaudhary@zeemedia.esselgroup.com,*
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News Broadcasting & Digital Standards Authority
Order No. 121 (2021)

Order of NBDSA (formerly known as NBSA) on the complaint dated 25.1.2021 and 29.1.2021 received from Mr. Indrajeet Ghorpade against Zee News regarding programmes aired on 19.1.2021, 20.1.2021 & 26.1.2021 with regard to farmers' protest

Complaint dated 25.1.2021:

The complaint was in respect of two programmes related to the farmer's protest titled "Taal Thok Ke: Khalistan से कब सावधान होगा किसान?" and "Taal Thok Ke: नहीं माने किसान तो क्या Republic Day पर होगा 'गृहयुद्ध'?" respectively which were aired on Zee News on 19.1.2021 and 20.1.2021. The impugned programmes allegedly violated the following NBSA Guidelines:

1. Reporting should not sensationalise or create panic, distress or undue fear among viewers.
2. Do not select news for the purpose of either promoting or hindering either side of any controversial public issue.
3. Information should be gathered first-hand from more than one source, if possible.
4. Facts should be clearly distinguishable from, and not be mixed up with, opinion, analysis and comment.
5. Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).
6. For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.
7. Reporting of events which erodes public confidence in the capacity of national institutions meant to protect them should be avoided during the occurrence of the event.
8. Belief in superstition should not be promoted.

Further, the complainant stated that in both the programmes, unverified videos from social-media, of tractors with modifications were aired. The anchor mentioned that these tractors belonged to the protesting farmers and were being readied for 26th January tractor-march. One of these videos showed tractors decorated with festive lights from of a charity event held in Germany in December 2020, this was fact-checked by multiple agencies. However, the complainant stated that the broadcaster has still not apologized for misleading its viewers.

The complainant also highlighted some of the alleged headlines and tickers that were aired during the impugned programmes:

- *War against the Republic*
- *Civil War on Republic Day*
- *Tractor march or War*
- *Conspiracy of a War against the republic*
- *Terror Tractor-Trailers in the protest*
- *Trailer of the conspiracy, movie on 26th January*
- *#ThreatOn26Januray*
- *Tractors are modified into armoured vehicles*
- *Shadow of Terror in the Protest*
- *Khalistan dominates the protest*
- *'Plan Khalistan' for insurgence against the republic*
- *When will the farmer become careful about Khalistan?*
- *Why be an eclipse on the glory of the republic?*
- *If farmers are not satisfied then why is no one opposing?*
- *What will happen on 26th January?*
- *What will happen if Farmers do not budge?*
- *Farmers adamant, is a Bloody War decided?*
- *Will the tractors stop with a demo by the law (enforcement)?*

Further, during the programmes, the complainant alleged the anchor made the following statements:

- *Think about it, the fight is now against India. What is happening?!*
- *Is this preparation for a war on the republic?*
- *Are they conspiring to go on a war against the republic?*
- *Is this plan-Khalistan for insurgence against the republic?*
- *We can see that some anti-National forces are taking advantage of the rift between the Farmers and the Government.*
- *These are Khalistani terrorists who want to do something big in the shadows of the protestors.*
- *If something happens on Republic Day, who will be responsible? Why are Farmers adamant to have the tractor march on Republic Day?*
- *Isn't it the responsibility of the farmers to defeat the plan of the Khalistani terrorists?*
- *Khalistani terrorists are waiting for an opportunity, my concern is, who will be responsible if there is an attack?*
- *Many 'behrupi' (impressionist) are sitting in the Farmers' protest.*
- *If a terrorist is using your stage, are you not responsible?*
- *The possibility of getting police permission for the tractor march is next to zero yet the farmers are adamant that they will carry out a tractor march on 26th January. Will the farmers take out a rally without permission?*

- *Why are you stuck on 26th January date? It is the day of India's glory. The whole world will be watching us, what message will the get seeing a protest in the capital? Do it on 23rd, 24th or 25th. Why 26th only?*
- *I am confidently stating that the Khalistani terrorists have entered the protest. If they do something while hiding behind the farmers, who will be responsible?*
- *If I expose Khalistan will I be called Godi Media?*
- *Do you have faith in the Famers? Do you have faith in the Khalistanis?*
- *It is a hard fact that Khalistani infiltration has happened.*
- *The day the whole country will celebrating the glory of the republic, there will be a large tractor march. Will a right message go out to the world?*

From the above headlines, and the way in which the anchor / moderator, moderated both the shows, the broadcaster stated that it was clear that purpose of the programmes was to hinder the cause of the protesting farmers. Further, it was worth noting that throughout the impugned programmes, the anchor smartly called the farmers - the biggest patriots and the *annadaataas*, in order to hide its malicious attempt to link the Farmers' protest with Khalistan movement.

The complainant stated that the impugned programmes were designed to create undue fear and distress amongst the viewers and erode public confidence in the capacity of national institutions meant to protect them. Furthermore, by repeatedly reinforcing that the protest was infiltrated and dominated by pro-Khalistan separatists, without any worthy evidence, the broadcaster had violated the principles of 'accuracy' and 'balance' that are a part of NBSA's Code of Ethics and Broadcasting Standards. Additionally, by using the term '*ग्रहण*' in negative light, the programme had also promoted the age-old superstition that an eclipse is equivalent to misfortune or an unfortunate incident.

The complainant stated that apart from these two programmes, there were multiple other Zee News reports in which the news presenters maliciously linked the Farmer's Protest with the Khalistan movement using unverified videos and photos, thereby attempting to manipulate the viewers into believing that the protest has indeed been taken over by those with motives different than repealing the three agricultural law.

Complaint dated 29.1.2021:

The complaint is against another programme aired by Zee News on 26.1.2021 titled "*Farmer Protesters Violence: देश का झंडा हटाकर Red Fort पर प्रदर्शनकारियों ने अपना झंडा लहराया*". The complainant stated that in the impugned programme, the anchor repeatedly stated that a protesting farmer removed and threw the National Flag of India from the Red Fort in Delhi and hoisted the Khalsa flag in its place.

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The complainant stated that the aforesaid information was inaccurate as it is visible from the video footage aired by the channel that the flag thrown away by the individual standing on the dome, was not the National Flag of India. Rather the flag thrown was white and it had a green border with a green logo at the centre, the flag was most probably the flag of the Bhartiya Kisan Union (BKU). The complainant therefore alleged that by airing the impugned programme, the broadcaster had potentially violated the NBSA's Code of Ethics related to accuracy. Further, he stated that the misinformation shared by the anchor was also debunked by several news media outlets.

The complainant asked the broadcaster whether it had aired a clarification in this regard as required by the Code of Ethics and Broadcasting Standards and if it had, can it share the details thereof. Further, he requested the broadcaster to remove all related videos from all digital media where this misinformation was shared by the channel. He also requested the broadcaster to issue an apology, if it hasn't yet and share the details with the complainant.

Complaint dated 7.2.2021 filed with NBSA

Since the complainant did not receive a reply from the channel within the stipulated period of seven days, he escalated his complaint to the second level i.e. NBSA.

Response from the broadcaster:

The broadcaster, in its response dated 24.2.2021, stated that it vehemently denies all allegations levelled and insinuation contained in the subject complaint. The allegations levelled were completely false, motivated and based on complete misinterpretation of the contents of the impugned broadcasts. The first two impugned programmes contained a fair and objective panel discussion /debate on various important issues pertaining to involvement of Khalistani elements into the farmers protests and the third programme was related to live telecast from Red Fort on 26.01.2021, wherein, certain elements hoisted the Kisan Union flag at Red Fort.

Before replying to the allegations contained in the complaint, the broadcaster stated that the complaint was not maintainable as the same was not in proper and requisite format, as prescribed under the *NBSA Regulations* and therefore, the complaint under reply was liable to be dismissed. The complainant had under Regulation 8.1.1 failed to provide his complete address and mobile number in the complaints. Further he had also failed to furnish a declaration in terms of Regulation 8.4 of the NBSA Regulations in support of his complaint. In view of the aforesaid, the present complaint was liable to be dismissed at the outset.



Reply to complaint dated 25.1.2021 with respect to telecast dated 19.1.2021 and 20.1.2021

The broadcaster stated that the allegations levelled against the contents of the impugned programmes were completely baseless. The broadcaster specifically denied that it had by airing the impugned broadcasts tried to sensationalize and create panic and fear in the minds of general public. It is further denied that it had not covered the diverse views on the issues debated in the impugned programmes dated 19.1.2021 and 20.1.2021.

In the impugned broadcasts, the broadcaster stated that it had conducted a fair and objective panel discussion on whether the farmers should go ahead with the tractor parade in New Delhi on the Republic Day, particularly when there was evidence to show the infiltration of pro-Khalistani elements in the protest. As a responsible news channel, it stated that it has always raised the issues of farmers of this Country and the impugned programmes were also in the interest of the protesting farmers, so that the anti-national elements cannot take advantage of their protest.

The broadcaster stated that it has always acted as a fair medium between the protesting farmers and the Government so as to highlight the genuine grievances of the protesting farmers before the Central Government. However, during the protest various evidences had come out suggesting the involvement of pro-Khalistani elements in the peaceful protest of the farmers, which was evident from the facts that – at protesting site the posters/pictures of Khalistani terrorists Bindrawala and Jagtar Singh were being displayed and that Canada Based pro-Khalistani organization like Sikhs for Justice was issuing objectionable statements and appeal in relation to farmers protest and the then upcoming tractor rally to be carried out by protesting farmers on Republic Day. It is further relevant to state here that the aforesaid concern regarding the infiltration of pro Khalistani elements in the farmers protest was also echoed before the Hon'ble Supreme Court of India by the Center.

In respect to the allegations that the broadcaster wanted to hinder the farmers protest, the broadcaster stated that it has always taken a stand that the framers are indeed the biggest patriots and the *annadaataas* and it supports peaceful protests. However, in light of the released video of the SJP instigating the farmers to cut off the electricity of Delhi, its concerns were serious.

In the programme dated 19.1.2021, the broadcaster stated that it had fairly and objectively questioned the fact of release of the video by Sikh for Justice (SFJ) group instigating the protestors to continue protesting in the name of Punjab and Khalistan and further saying to cut off electricity of the Capital on 25th and 26th of January. The broadcaster stated that this was a valid concern with respect to the farmers protest being overshadowed by Khalistani elements and in view thereof it had conducted a fair, objective and neutral debate in the impugned programme, with panelists - Avnijesh Awasthi – Political Analyst , M. S Bitta – Member AIATF,

Ravindra Cheema – Farmer Leader, Zafar Islam- BJP Spokesperson and Pushpendra Choudhary - Farmer Leader. The aforesaid debate show was completely fair, objective and was aired without any preconceived notion or biasness.

In respect to the objection regarding the videos shared, it submitted that the videos with modified tractors was shown with a due disclaimer that these were viral videos which were being circulated on social media and its channel did not claim authenticity of the same.

The broadcaster stated that the genuine farmers protest has become a breeding ground for activities by anti-national and banned groups like “Sikhs for Justice”. The Government had banned SFJ in July, 2019 for its alleged anti-national activities. On 16th January, the National Investigation Agency had summoned around 40 people to be examined as “witnesses” in a case filed against the SFJ. According to the NIA, the SFJ – an “unlawful association” that is banned under the Unlawful Activities Prevention Act – has been collecting “huge funds” abroad for “on ground campaign and propaganda” that is being “spearheaded by terrorists”. Those summoned include farmer leader Baldev Singh Sirsa, actor-activist Deep Sidhu, Punjab-based TV journalist Jasbir Singh, and activist Gurpreet Singh, popularly known as Mintu Malwa.

The broadcaster denied that the programme dated 20.1.2021, was aired by it with the intention of hindering the cause of the protesting farmers, it stated that such allegation was completely false and baseless and therefore, denied. The impugned programme, was a panel discussion and debate on the issue as to why the farmers had decided to take the rally only on 26.01.2021, when the eyes of the whole world were on the historic Republic Day parade. In the programme, it had conducted a fair, objective and neutral debate with panelists – Raghav Chaddha- Spokesperson AAP , Rajbir Singh – Leader, Bharitya Kisan Union, Jagat Choudhary – Farmer Leader, Baljit Singh- Spokesperson Kisan Ekta Morcha and Nupur Choudhary - BJP Spokesperson. The aforesaid debate show was completely fair, objective and was aired without any preconceived notion or biasness.

The objective of the impugned programme, the broadcaster stated was to put forth all the views to with respect to the stand of the farmers to conduct a tractor rally on the historic Republic Day and also echo the concern that if any outward or unpleasant incident happens who would be held responsible. It is stated that concerns raised were completely relevant, which is evident from the subsequent incident of violence and clash broke out between the protesters and the police at Red Fort, ITO and other areas on 26.01.2021. In view of the aforesaid facts, the broadcaster stated that it was clear that the impugned programmes were completely accurate, neutral and objective and all the allegations levelled by the complainant are false and hence vehemently denied.

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Reply to complaint dated 29.1.2021:

In reply to the aforesaid complaint, the broadcaster stated that the impugned programme was a live telecast and as such, a live footage was being shown in the programme from the Red Fort on 26.01.2021, wherein, certain protesting farmers could be seen hoisting Kisan Union's flag at Red Fort. That during the aforesaid incident at Red Fort, the National Flag was disrespected/insulted by the protesters, which was widely reported by several media houses.

The broadcaster stated that since the impugned programme was a live telecast, the anchor, due to oversight stated that Bhartiya Kisan Union's flag was hoisted after removing the national flag instead of the fact that national flag was disrespected. However, the broadcaster had taken immediate corrective steps by removing the impugned link.

Further, the broadcaster stated that it would like to respectfully state that the complainant has miserably failed to understand the intent of the telecast and in his own accord making it a communal issue. In view of the aforesaid facts and circumstances, it is respectfully submitted that the aforesaid broadcast was balanced, fair, neutral and objective and was in accordance with NBA/NBSA guidelines and journalistic ethics and the allegations contained in the present complaint qua Zee News were completely false and hence denied and ought to be dismissed ..

Further Reply from the complainant to NBSA:

The complainant, in its reply dated 24.2.2021 to NBSA stated that he was not satisfied with the explanation provided by the channel and would therefore like NBSA to consider his complaint.

The complainant stated that in respect of his complaint dated 29.1.2021, the broadcaster has in its response accepted that during the live telecast, due to oversight, the anchor inaccurately stated that BKU flag was hoisted after removing the national flag and that the related YouTube video was thereafter removed as a corrective action. However, NBSA Guidelines require channels to air clarifications on their channel for any false information that they might have shared, giving sufficient prominence to the broadcast of the correct version of fact, which has not been done in the present case.

Additionally, he stated that he is unwilling to believe that the aforesaid error was due to an oversight, as even after the error was made during the Live broadcast, the channel continued to spread the same misinformation via its digital mediums such as YouTube and Twitter. Further, the YouTube video was uploaded after the Live broadcast was over and despite the error being evident, the channel chose to title the YouTube video as "*Farmer Protesters Violence: देश का झंडा हटाकर Red Fort पर प्रदर्शनकारियों ने अपना झंडा लहराया*". The complainant stated that this was a deliberate attempt to spread misinformation against the protesting farmers. Furthermore, the broadcaster did not

remove the YouTube video even after several fact-checkers pointed this error. The video was removed only after the complaint was filed.

The complainant stated that during the live broadcast not once, but several times the channel's representatives falsely stated that Indian flag was removed and tossed around. This was certainly not oversight, but a deliberate attempt to sow the seeds of hatred against protesting farmers amongst the viewers.

In respect of complaint dated 25.1.2021 with respect to programmes aired on 19.1.2021 and 20.1.2021, the complainant stated that the broadcaster had acknowledged in its response that it had shared unverified videos of tractors with a disclaimer that they were unverified. Through out the impugned broadcast it was reported that these tractors were being modified and readied by Indian farmers for the 26th January tractor rally. However, it has come to light that these tractors were actually from a charity event held in Germany in December 2020. The channel failed to share any clarification later about these videos and the same broadcast continues to be available on the channel's social media. The complainant stated that airing unverified videos violates NBSA Guidelines, which requires channels to gather information first-hand from more than one source, whenever possible and if any errors are made the guidelines require the channel to correct them at the earliest, giving sufficient prominence to the broadcast of the correct version of fact, which the channel has not done.

Further, the broadcaster had without any form of cognizable evidence multiple times reported that Khalistani terrorists have infiltrated the protest. The complainant stated that in its response the broadcaster while justifying its unproven claim stated that the Centre, in the Supreme Court has spoken about Khalistani infiltration in the protest. However, during the hearing in the Supreme Court on 12.1.2021, the Court had sought an affidavit from the Centre in this regard and it is unclear whether the Centre has filed the affidavit or not with cognizable evidence of terrorist infiltration in the Farmers' Protest.

The broadcaster in its response has also attempted to justify its biased, inaccurate and sensational reporting by stating that NIA had summoned around 40 people for an investigation related to a banned organization SJF. However, none of the claims made by the NIA in its FIR have been proven till date. Yet, the complainant stated that the broadcaster took the liberty to present 'Khalistani infiltration' as a fact and ran a programme that blamed the farmers for allowing anti-national activities and a 'war' against India under the shadow of the protest. The complainant stated that he continues to believe that the broadcaster has violated the NBSA's Code of Ethics and Broadcasting Standards.



Decision of NBSA on 28.5.2021

NBSA considered the complaint, response from the broadcaster, and viewed the footage of the broadcasts. NBSA decided that the complainant and the broadcaster be called for a hearing.

On being served with notice, the following were present at the hearing on 24.9.2021:

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Ms. Ritwika Nanda, Advocate

Mr. Piyush Choudhary, Compliance Officer, NBDSA & Senior Manager, Legal

Ms. Annie, Assistant Manager, Legal

Submissions of the Complainant:

The complainant submitted that his complaint dated 25.1.2021 was in respect of two programmes aired on 19.1.2021 and 20.1.2021 by the broadcaster on the farmers protest on Delhi border prior to the 26th January tractor march of the protesting farmers in Delhi. In the impugned programmes, the broadcaster aggressively attempted to link the Farmer's Protest with the Khalistani movement and people associated with it. The anchor on multiple occasions stated that he could with confidence say that the farmers protest was infiltrated by pro-Khalistan separatists and he kept on questioning farmers protest leaders how they were going to ensure the law and order situation now that the protest had been infiltrated by pro-Khalistani people.

The complainant stated that during the programme several tickers and headlines with the word “*war*” were aired including in the opening statement of the anchor. The anchor also made various unsubstantiated statements like the Singhu border has become the base for pro Khalistani separatists during the programme. The complainant submitted that the broadcaster had in its response stated that the display of pictures of Jarnail Singh Bhindranwale at the protest site was evidence of the involvement of pro-Khalistani elements in the farmers' protest. However, he questioned the broadcaster that since BJP MP Dr. Subramanian Swamy had on multiple occasions also spoken in defence of Jarnail Singh Bhindranwale, then would the broadcaster apply the same logic to claim the involvement of pro-Khalistani elements in the BJP and with the Government of India?

During the impugned programmes, the anchor also repeatedly associated the protesting farmers with a banned organization, *Sikhs for Justice (SFJ)*. Further, the complainant stated that in both the programmes, unverified videos of tractors with modifications were aired. One of these videos showed tractors decorated with festive

lights from of a charity event held in Germany in December 2020, this was fact-checked by multiple agencies. However, the complainant stated that the broadcaster has still not removed the impugned clips although it did run a disclaimer stating that the videos were viral on social media and the broadcaster does not take any responsibility for the same.

The complainant asserted that the overall effect of repeatedly showing this kind of news while talking about terrorism was to create a narrative and associate the farmers protest with elements that are detrimental to the society. That during the broadcaster, the broadcaster mentioned that farmer leaders were summoned by NIA, however the complainant submitted that being summoned for questioning does not prove criminality.

The broadcaster also reported that on 12.1.2021, the Solicitor General of India stated in the Supreme Court that that Khalistan supporters have infiltrated the farmers' protest. However, the complainant submitted that the broadcaster conveniently failed to mention that the Supreme Court then asked the Solicitor General to file an affidavit regarding the same and that there is no clarity whether the same has been filed or not. Further, he stated that recently in August 2021, the Home Ministry clarified in Rajya Sabha that the provisions of sedition or any other anti-terror law such as UAPA had not been invoked in any of the cases registered against protesting farmers. Therefore, the complainant questioned on what basis the anchor claimed that the farmers protest was infiltrated by Khalistani supporters. The complainant questioned whether the FIR referred to by the broadcaster was filed in respect of any farmers protesting especially in light of the statement made by the Home Ministry that no FIR was registered against any protesting farmers.

Further, he submitted that during the broadcast images of Sudha Bharadwaj, Gautam Naulakha, Varavara Rao and G.N Saibaba were shown and the anchor referred to them as 'tukde tukde gang' despite the fact that none of them were convicted. The complainant asserted that it is narrative of the broadcaster to dismiss any criticism of the Government as anti-national.

In respect of complaint dated 29.1.2021 regarding the programme aired on 26.1.2021, the complainant submitted that in the impugned programme, the anchor repeatedly claimed that the protesting farmers have removed and thrown the National Flag of India from the Red Fort in Delhi thereby disrespecting the National Flag and have hoisted the Khalsa flag in its place. He submitted that the aforesaid information was inaccurate as it was visible from the video footage aired by the channel that the flag thrown away by the individual standing on the dome, was not the National Flag of India rather it was the flag of the Bhartiya Kisan Union (BKU). The complainant refuted the channels claim that the violation was due to an oversight on their end on three grounds he submitted that *one*, the visuals were very clear and the National Flag was easily distinguishable from the Khalsa Flag. Second,

he submitted that the channel has a history of regularly and actively demonising people who protest against the government, be it farmers, activists, environmentalists, students, political prisoners, comedians or other civil society groups, which leads him to believe that this was an intentional error on the part of the broadcaster. And third, he submitted that despite fact-checks by multiple agencies and his complaint, the broadcaster has several other videos on its digital platforms which propagate the same false information because of which it appears that the error was intentional and deliberate and not an oversight.

Further, the complainant asserted that the broadcaster had during the impugned broadcast and on multiple other shows repeatedly stated that the protesters insulted the National Flag. This is entirely inaccurate as the protesters did not violate the Flag Code of India, therefore he submitted that the broadcaster's repeated claims reek of malice or utter lack of application of mind.

Submissions of the Broadcaster

The broadcaster submitted that the impugned programmes were broadcast on 19.1.2021 and 20.1.2021 leading to the Republic Day. In the impugned broadcasts, the broadcaster submitted that it had conducted a fair and objective panel discussion on whether the farmers tractor parade in New Delhi on the Republic Day in such large number would threaten national security or not.

From the complaint, the broadcaster submitted that it appears that the complainant's objection is in respect of the videos of modified tractors that were aired on the channel. It submitted that as pointed out by the complainant the videos were shown for a few seconds with a due disclaimer and the broadcaster did not claim that these tractors were outside Delhi or would participate in parade.

In respect of the complainant's primary objection, why the anchor alleged that pro Khalistani supporters had infiltrated the farmers protest, the broadcaster submitted that there was apprehension that the peaceful farmers protest was infiltrated by pro Khalistan supporters specifically by members of SFJ and an investigation was underway regarding the same. It submitted that at the time there was also an apprehension that the peaceful tractor march may turn violent owing to these pro Khalistani members. The broadcaster submitted that the impugned programme was a debate. It submitted that an FIR was filed by Delhi Special Cell IO on 4.2.2021 in respect of alleged infiltration of Khalistan in the farmer's protest.

The broadcaster submitted that the impugned programme aired on 26.1.2021 was a live programme and the error was not intentional as alleged by the complainant but was an oversight committed in the flux of reporting. NBDSA questioned the broadcaster then why it failed to take remedial/corrective action and remove the impugned videos from digital platforms when it was aware of the error. The broadcaster submitted that it has removed all videos which it could access including

the links submitted by the complainant in his complaint and was in the process of removing other subsidiary links of the videos.

Decision

NBDSA looked into the complaint, response from the broadcaster, and also gave due consideration to the arguments of both the complainant and the broadcaster and reviewed the footages.

While considering the complaint, NBDSA observed that many broadcasters during the coverage of the farmer's protest at Red Fort on January 26, 2021 had inadvertently identified the Nishan Sahib Flag (Khalsa Flag) as the National Flag. In this regard, NBDSA noted that the broadcasters should exercise due care and caution while reporting any news pertaining to any religious symbol/flag and follow the Fundamental Principles of the Code of Ethics & Broadcasting Standards which states that "*All news channels will keep with the principle of due accuracy and impartiality, ensure that significant mistakes made in the course of broadcast are acknowledged and corrected on air immediately.*"

With regard to the programmes telecast on 19.1.2021 and 20.1.2021, NBDSA noticed that the following Headlines/Taglines were used which were in clear violation of the Code of Ethics and Broadcasting Standards and Specific Guideline Covering Reportage, Fundamental Standards and Guidelines 1 and 2.

- *War against the Republic*
- *Civil War on Republic Day*
- *Tractor march or War*
- *Conspiracy of a War against the republic*
- *Terror Tractor-Trailers in the protest*
- *Tractors are modified into armoured vehicles*
- *Shadow of Terror in the Protest*
- *Khalistan dominates the protest*
- *'Plan Khalistan' for insurgence against the republic*
- *When will the farmer become careful about Khalistan?*

In view of the above, NBDSA decided to express its disapproval to the broadcaster on the use of the aforementioned Headlines/Taglines and decided to issue Specific Guidelines relating to broadcasting/publishing of Taglines, Hashtags and use of Images/Photographs.

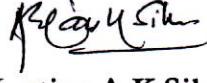
In view of the above, NBDSA, therefore, directed that the video of the said broadcast, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately, and the same should be confirmed to NBDSA in writing within 7 days.

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 : 19.11.2021

Certified True Copy
Sameer Joseph