

ONLY BY EMAIL

November 6, 2024


Mr. Indrajeet Ghorpade 	Ms. Kshipra Jatana Compliance Officer NBDSA TV18 Broadcast Ltd., 
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Dear Sir/Madam,

Re: Order of NBDSA in Complaint (No. 132) dated 11.7.2023 from Mr. Indrajeet Ghorpade against News18 India for airing a programme on 10.7.2023

Attached please find Order dated November 4, 2024 passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Regards



Annie Joseph
For & on behalf of NBDSA

News Broadcasting & Digital Standards Authority

Order No. 183(2024)
Complainant: Mr. Indrajeet Ghorpade
Programme: "Baba Bageshwar Exclusive Interview"
Channel : News 18 India
Date of Broadcast : 09.07.2023

Since the complainant did not receive a response from the broadcaster within the time period stipulated under the News Broadcasting & Digital Standards Regulations on 21.07.2023, the complainant escalated the complaint to the second level of redressal, i.e., NBDSA.

Complaint dated 11.07.2023:

The complainant's grievance was regarding a show titled "*Baba Bageshwar Exclusive Interview*", broadcast on News18 India. The complainant stated that the show violated the following Principles of Self Regulation, which enjoins the broadcasters to refrain from advocating or encouraging superstition and occultism and states, "*News channels will not broadcast any material that glorifies superstition and occultism in any manner. In broadcasting any news about such genre, news channels will also issue public disclaimers to ensure that viewers are not misled into believing or emulating such beliefs and activity. Therefore news channels will not broadcast "as fact" myths about "supernatural" acts, apparitions and ghosts, personal or social deviations or deviant behaviour, and recreations of the same. Wherever references are made to such cases, news channels will issue on air riders/ disclaimers/ warnings to ensure that such beliefs or events are not passed off "as fact" since they can hurt rational sensibilities*".

The show also violated the following Fundamental Principles "*Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.*" and "*Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.*"

Violating Contents

During the show, Dharendra Krishna Shastri claimed he could find missing animals and cure people using supernatural powers. He gave another example of a supernatural occurrence in Odisha. He claimed that he had predicted where diamonds were in Panna and that he had found the diamonds using his supernatural powers.



Mr. Shastri said that he would convert the Republic of India, a secular country, into a Hindu nation. In order to live in India, it is mandatory to say "Sita Ram". He also claimed that he could predict election results using his supernatural powers. He implied that Islam asks its followers to trap girls in "love jihad" and kill them.

Reply dated 21.7.2023 from the broadcaster:

The broadcaster submitted that the interview in question was a live discussion with Baba Bageshwar ("Baba"), and several questions were posed to him by the anchor. Since it was a live interview, Baba chose to answer the questions/discussions by referring to his life. All such answers and statements were his own and made on his own in a live interview. Thus, the channel or the anchor neither verified nor supported such statements, and as such, the channel is not responsible for his statements.

Further, during the interview, the anchor had specifically asked Baba that if he wanted to raise the youth, he should not only raise Hindus but Muslims as well, which Baba affirmed by stating that he is ready to hug the Muslims as well. The anchor also asked Baba if his statements about solving people's problems amounted to magic, which Baba denied.

During the interview, the anchor made several remarks about Baba's ability to predict the future. Baba clarified that his predictions are only to be taken as indicative but not as a fact or ultimate truth. Therefore, the anchor or the channel did not support any statement/belief of Baba. Any claims/allegations to the contrary were denied.

Complaint dated 21.07.2023 with NBDSA:

The complainant stated that the channel, in its reply, has denied the violations by stating that the channel was not responsible for the words spoken by its guest speaker, which is false, as NBDSA guidelines and the judgment of the Hon'ble Bombay High Court, both make it clear that channels are accountable for the statements made by people they invite. Further, the guidelines also state not to invite those prone to making violating and controversial statements. The complainant stood by his initial grievance and requested NBDSA to grant him a hearing so that he could further elaborate on the grave impact of spreading superstition and anti-Muslim venom.

Decision of NBDSA at its meeting held on 06.11.2023

NBDSA considered the complaint response of the broadcaster and after viewing the footage of the broadcast, decided to call the parties for a hearing.

On being served with Notices, the following were present for the hearing on 02.02.2024:

Complainant:

Mr. Indrajeet Ghorpade

Broadcaster:

Mr. Puneesh Kochar, Senior Counsel – Legal

Mr. Vinay Singh, Executive Producer – Editorial & Content

Submissions of the Complainant

The complainant submitted that the impugned broadcast was an interview with a religious preacher, Mr Dhirendra Shastri. In the broadcast, the preacher made several claims, such as that he could find missing animals and cure people using supernatural power and how writing magically appears on something called the Tamapatra in Orissa. He also claimed to have found diamonds in Panna using his supernatural powers, and he had the power to predict election results.

Such claims were against the Guidelines of NBDSA, which prohibited the broadcasters from glorifying superstition and required the broadcasters to issue disclaimers and/or warnings when such claims are made.

In its response, the broadcaster has attempted to justify the impugned broadcast by saying that since it was a live broadcast, it was prevented from fact-checking the claims made by the interviewee. For any educated and/or scientifically minded person, refuting the preacher's claims did not require any special investigation. If the anchor required such investigation to fact-check the claims made by the preacher, then he may be unfit to be part of such live programmes.

A more concerning aspect of the impugned broadcast was the statements made by Mr Shastri wherein he proclaimed that he would establish a Hindu Rashtra, that Ram Charitmanas would be the national book of the country, that it was mandatory to say "*Sita Ram*" to live in India and that Islam asks men to trap young Hindu girls in love jihad and then kill them. The complainant submitted that NBDSA would be well aware of how communally driven such claims were.

According to the Code of Ethics & Broadcasting Standards, controversial subjects should be fairly presented, which was not adhered to by the broadcaster in the impugned broadcast, as the interviewer was unabatedly allowed to make statements such as on Hindu Rashtra.

The broadcaster's response that it was not responsible for the statements made by the preacher is not tenable as it is settled law that the broadcasters are responsible for the statements made by panellists.

Given the above submissions, the complainant prayed for strong action against the broadcaster to drive home the message that the broadcasters are responsible for whoever guest/panellist they invite and provide a platform to expound their views.

Submissions of the Broadcasters

The broadcaster submitted that in the complaint, a grievance had been raised regarding the glorification of superstition and some statements of the interviewee that allegedly had a communal angle. In response to the complainant's allegations, the broadcaster submitted that the anchor had interjected the seer and questioned him, "isn't that magic?", to which the seer responded by saying that what he had said was not gospel truth.

In so far as allegations concerning the communal angle being given by the seer were concerned, the broadcaster submitted that it had, in its response to the complaint, mentioned that when the seer said that he wanted to hug Hindu children, the anchor immediately questioned him why he did not want to hug other children and urged the seer to hug children from other communities as well.

As far as the seer's statement on Hindu Rashtra was concerned, the anchor had explicitly mentioned during the interview that there were 25-30 crore other populations whose interests must also be taken care of.

The broadcaster submitted that it had not accepted the statements made by the seer during the interview at face value; rather, its anchor had, on several occasions, interjected the seer. However, since the impugned broadcast was a live interview and not a debate, its interjections were raised differently to avoid turning the interview into a debate.

NBDSA questioned the broadcaster as to why it had called such a person for an interview. In response, the broadcaster submitted that the seer had continuously dominated the news space for several months; he had taken out several yatras and had been the subject of newspaper articles. Tej Pratap Yadav had even threatened the seer from entering Bihar, where he eventually went. Therefore, there was a lot of news value attached to the seer.

The broadcaster stated that it had not raised any questions concerning the supernatural abilities of the seer; rather, it was the seer who, in response to mundane questions regarding his childhood, had made statements that were objected to by the

complainant. It reiterated that the anchor had attempted to prevent the seer from making communal statements. In response to the anchor's interjection to establishing Hindu Rashtra, the seer had clarified that "*Hindu Rashtra*" was merely a belief. Therefore, since controversial information about the seer dominated the news cycle, Dhirendra Shastri was invited to the programme.

In rebuttal, the complainant submitted that, as admitted by the broadcaster, the seer was known to make controversial statements such as on Hindu Rashtra and love jihad; the channel was well aware of the seer's tendency to make controversial statements and had therefore invited him in the broadcast. While the anchor had, in response to the statement made by the seer, questioned him whether it was magic however when the seer insisted that a part of this was magic and part of this was what his ancestors and forefathers had taught him, the anchor failed to counter or question the seer further.

He submitted that the broadcaster's submission that it had not raised any question regarding the seer's supernatural abilities was false, as it was the anchor who had himself, during the broadcast, questioned the seer whether he could predict election results. Therefore, the interview was well crafted, as the channel knew what Mr Shastri would say.

The broadcaster refuted that it had asked the seer whether he could predict election results.

Decision

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

NBDSA observed that the broadcasters have the editorial freedom to invite any person as a guest in any of its programme(s) however, such freedom has to be exercised within the boundaries of the Code of Ethics & Broadcasting Standards and the Specific Guidelines for Anchors conducting Programmes including Debates.

In the instant case, the seer who was invited by the broadcaster made several claims during the broadcast, which promoted superstition. Furthermore, during the broadcast, several statements were made by the seer concerning Hindu Rashtra and religion, which were divisive in nature, such as that in order to live in India it would be mandatory to say "*Sita Ram*" and that Islam asked men to trap young Hindu girls in love jihad and then kill them.

Therefore, the broadcast violated the Specific Guidelines covering Reportage relating to Racial and Religious Harmony, Supernatural, Occultism and Paranormal and the Advisory on reportage spreading superstition, occultism & blind belief. NBDSA observed that programmes which advance belief in superstition and tend to create disharmony between communities should not be countenanced and should not be broadcast.

In view of the above, NBDSA decided to issue a warning to the broadcaster. NBDSA also decided to advise the broadcaster against inviting persons whose views could be construed as promoting superstitious beliefs and practices.

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 : 04.11.2024