

News Broadcasting & Digital Standards Authority
Order No. 130 (2022)

Order of NBDSA (formerly known as NBSA) on complaint dated 15.4.2020 filed by Citizen for Justice and Peace against India Today for airing a programme titled ‘Madrasa Hotspots’ on 10.4.2020

Since the complainant was not satisfied with the response of the broadcaster, the complaint was escalated to the second level i.e., NBSA vide complaint dated 11.9.2020.

Complaint dated 15.4.2020

The complaint is against a news programme titled “*Madrasa Hotspots: India Today Investigation*”, aired on India Today on 10.5.2020. The complainant stated that it was concerned about the blatantly Islamophobic content and tonality of this programme. The entire programme was a sting operation conducted in a madrasa where minor children are housed. However, the complainant stated that the broadcaster conveniently skipped an important piece of information, namely that Madrasas serve as hostels for poor, destitute and orphaned children. Instead, the impugned programme blatantly claimed that these children had been hidden in the madrasa.

Further, in the impugned programme, a comparison was drawn with the much talked about Tablighi Jamaat case, and it was reported that despite concerns about the spread of Covid-19, there were children who were crammed up in rooms in the Madrasas. The complainant questioned whether the channel took this stand to insinuate that Muslims were still defying social distancing, thus making them appear to be a greater enemy than the coronavirus itself.

The complainant stated that sting operations are considered as a last resort in the field of journalism; however, to carry them out in an institution that houses poor, destitute and orphaned children could be deemed to be deplorable at best. That such reportage defied all principles of morality, there were laws as well as standards, ethical practices in place, which made this kind of journalism a punishable offence.

To protect freedom of the press, it stated that the onus was on news media to regulate itself under some guidelines and under the Code of Ethics, laid out by the News Broadcasting Standards Authority (NBSA).

The impugned programme violated and defied Fundamental Principles 4 & 6, Principle 2 Ensuring Neutrality and Principle 9 relating to Sting Operations under the Code of Ethics and Broadcasting Standards. Further, it also violated Specific Guidelines Covering Reportage related to Impartiality, Neutrality & Fairness and Racial & Religious Harmony. The complainant asserted that the broadcaster had

failed to follow any of the principles laid out for sting operations. The sting operation was neither required as any “*conclusive evidence*” of any kind of “*criminality*”, nor was it the last resort available to the broadcaster.

Further, it submitted that the focus on the Madrasas was an example of selective targeting. The complainant reiterated that Madrasas are places where poor, destitute, orphaned children are taken care of, similar to the model of old age homes and orphanages. Hence, if the Madrasas were doing something wrong by keeping children within their premises and taking care of their needs, then by that logic, the broadcaster should have also questioned orphanages and old age homes as well. The fact that the latter did not happen implied the inflammatory intention of the content in the impugned programme.

Further, the complainant stated that the inflammatory content of the impugned programme amounted to inciteful hate speech, which is a punishable offence under various sections of the Indian Penal Code.

The complainant alleged that it was due to such anti-Muslim narratives that viewers had developed animosity towards their fellow members of society. Even people living in harmony started discriminating against families belonging to Muslim communities. Inciteful speech had been recognised by innumerable Judicial Commissions adjudicating into communally targeted programmes (read “riots”) to have created a complicit public atmosphere where wider social sanction can lead to killing, later extermination. Hate speech by supremacist/extremist groups played a role in the Gujarat genocidal programme of 2002. The complainant stated that “*commercial mainstream media*” indulging in such targeted sensationalism took the dangers to a new level.

It highlighted a recent incident, in Una, Himachal Pradesh, where Mohd. Dilshad, the only breadwinner of his family, committed suicide, leaving a note saying, “*I am nobody’s enemy.*” Mohd. Dilshad had been seen ferrying two people who had attended Tablighi Jamaat meet on request, and since then, other villagers had targeted him and his family. The villagers called the police, after which Dilshad was kept in quarantine and ultimately tested negative for Covid-19. However, the targeted social ostracization continued as the villagers refused to buy milk from his family while he was gone. The complainant stated that such ostracization was probably one of the major causes for him taking the extreme step of ending his own life. Further, the complainant stated that such selective sensational narratives created and promoted by the electronic media influence social behaviour, legitimises the spread of exclusion and hate, and in extreme conditions leads to killing and violence.

The complainant stated that it would also like to bring to the attention of the broadcaster that such hate propaganda and bigotry of the media have been punished

as war crimes in Nazi Germany and Rwanda. Such a phenomenon has been analysed in international human rights jurisprudence as Journalism as Genocide. The theory being that consistent and targeted hate messages (against a section of the population, a community, caste, race or tribe) in the media have a direct effect on the dehumanisation of a population and create the conditions of the wider sections (majority) to consolidate and legitimise hatred against these sections. The onus must lie with the media to ensure that they engage in responsible journalism of presenting facts and complete information without any malicious intent so that the public can form their own opinions without selectivity, bias and prejudice.

Therefore, the complainant stated that in the interest of the wider public good and to avoid legal implications, the broadcaster should take down the video of the impugned show from all digital platforms and also issue an apology for publicising such inflammatory content devoid of journalistic ethics and principles. India's Constitution promotes harmony, dialogue and understanding between Indians of different faiths. It is based on equality and non-discrimination. However, the impugned show violated these basic fundamental tenets.

Complaint dated 11.9.2020 filed with NBSA:

The complainant reiterated the contents of its complaint dated 15.4.2020 filed with the broadcaster. The complainant drew the attention to the observations made by the Aurangabad Bench of the Bombay High Court while quashing FIRs against some Tablighi Jamaat members. The Hon'ble Court stated that the Jamaat members were made "scapegoats" by the government and the media followed suit.

The complainant stated that *India Today*, as a TV news channel, is part of this bandwagon of perpetration of hate propaganda against the Jamaat members and consequently towards the entire Muslim community. It alleged that the broadcaster had partaken in the incessant targeting of a particular community for what was projected as a wrong committed by thousands who attended the congregation.

The complainant asserted that the impugned programme was a part of this larger conspiracy to subdue the Muslim community in India by blaming the spread of an entire pandemic based on one singular incident, for which no case has been completely established in any court of law. The clear intention of media houses like the broadcaster was to create and sell a narrative that suited their agenda, of being anti-minority, and to paint them in such a negative light, that feelings of hatred and animosity are implanted in other communities against them, and the communal divide further deepens. This nature of reportage needed to be pulled up by the NBSA so that news channels are discouraged from airing such content that contributes to the seeping communal divide in the country.

The complainant submitted that in *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.), the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable, ranging from discrimination to ostracism, deportation, violence, and even genocide.

The complainant further submitted that there had been several reported instances of active discriminations at the street, town and village level against ordinary working Muslims being dubbed as “*super spreaders*” in the public mind following a respectable channel like *India Today* airing such a questionable show. The hatred perpetrated by the media has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare Associations boycotting Muslims in their apartments and colonies; stopping Muslims from entering specific areas; preventing volunteers who are providing relief measures to the poor, because they are Muslim are just a few examples.

That the World Health Organisation had, in its message dated 18.03.2020, advised that no particular ethnicity or nationality should be held responsible for Covid-19 since it is a worldwide pandemic and can affect anyone in any part of the world. The complainant stated that doing so was essential, as the WHO advises, to “*reduce stigma*”.

The complainant inter alia prayed for removal of the programme “*Madrassa Hotpots: India Today Investigation*” from the broadcaster’s website, from their YouTube channel and any other digital platform and for NBSA to direct *India Today* to issue a public apology on its channel for promoting enmity and for hurting the sentiments of certain communities.

Reply dated 10.11.2020 by the broadcaster

The broadcaster stated that prior to dealing with the allegations in the complaint, it was important to place the position as it stood on 10.4.2020 (i.e. the day of the impugned news broadcast). On 24.3.2020, the National Disaster Management Authority was satisfied that the country was threatened with the spread of the Covid-19 epidemic, which had already been declared as a pandemic by the World Health Organization. Therefore, the concerned authority vide Order dated 24.3.2020 implemented various measures in the form of guidelines issued by the said authority. This arrangement was to continue for 21 days (i.e. till 14.4.2020). The impugned news broadcast happened within this period. Further, the guidelines issued by the Ministry of Home Affairs, Government of India, which was annexed to the Order dated 24.3.2020, specifically provided that all educational institutions, gatherings etc., shall remain closed/barred. Therefore, the broadcaster stated that as per the said

guidelines issued by the concerned authority, all schools, educational institutions or gatherings were to be closed/barred.

The broadcaster stated that the impugned broadcast had been aired in this background. The channel had conducted a series of programs, which reported whether there were violations of this lockdown regime. The impugned news item was the 4th part of the said series. It was part of the investigative journalism conducted by the news channel.

The broadcaster submitted that the impugned broadcast was aired in the public interest. In the impugned programme, the investigative journalists of the channel found out that there was a specific violation of the lockdown rules and that too at the peak of the Covid-19 pandemic. The reports established that there was no social distancing followed between the students of the Madrasas. There were no sanitization protocols followed. The children were exposed to the Covid-19 pandemic without adopting any safeguards. Clearly, it was risking the lives of the children at the Madrasas. In fact, the reports established that all the heads of these institutions had specifically confessed that they were hiding information from the police authorities. One of them had also asserted that they had obtained police help after giving them money. The broadcaster stated that there was a gross violation of the lockdown rules. At least 18 to 20 children had been crammed in small rooms, and their health was at severe risk.

The broadcaster asserted that the other important facet of the news broadcast was the nexus between the heads of the Madrasas and the police officials, including an assertion of corruption. Clearly, a case of corruption of police officials was made out. On 6.4.2020, the Union Home Ministry reported a large number of persons being inflicted with Covid-19 from the Tablighi Jamaat congregation in Delhi. One of the heads of the Madrasas in the impugned news broadcast stated that he frequents the said place along with the children in his Madrasa. Therefore, the impugned news broadcast clearly pointed out the serious risks to the health of the children at the Madrasas.

The broadcaster stated that the impugned news broadcast showed the interviews of the head of the Madrasas and their statements. There is no claim, not even in the complaint, that the said news item did not fairly or accurately report the events. It denied the allegation that the impugned news broadcast had communal content and was 'aimed' at spreading hatred against one particular community. The impugned telecast highlighted the issues after the lockdown rules came into effect. The objective of the news broadcast was specified at the beginning of the broadcast itself. The lead anchor had specifically pointed out that at a time when social distancing is a norm, whether the same has been followed or not is being examined in the

impugned broadcast. The investigative journalism of India Today Television brought to public attention various instances of the violation of the lockdown rules.

That the concern and the focus of the news broadcast in question was the impact of not following the lockdown rules on small children who had come from a very far distance. At one point in the broadcast, it was specifically pointed out that virtual classes are not available for everyone. There are certain places where students are being taught in the old methods and the broadcaster stated that these issues were issues of concern.

The broadcaster stated that it was the obligation of the broadcaster and other right-thinking news channels to place before the public the actual facts, which was also done in the present case, for which it cannot be faulted. It denied the assertion that the content of the program was 'communal' and aimed to spread hatred amongst a 'particular community'.

The broadcaster stated that it respects all religious communities. It has not done anything to bring disrepute to any religious community. It has not and will not target any particular community. At no point during the impugned programme any reference was made saying that a particular community was defying '*social distancing norms*'. The assertion that a particular community is being targeted by the impugned news broadcast was false and such allegations had been made with reckless disregard to the truth. Further, it stated that neither was the impugned broadcast deplorable nor was there any violation of any ethical standards, let alone the standards laid down by the News Broadcasting Standards Authority.

Furthermore, the broadcaster also denied that the impugned news broadcast was an act of 'selective targeting'. The mere fact that the news broadcast highlighted issues pertaining to a particular community does not mean that the community is selectively targeted. That it was incorrect to state that the impugned news broadcast was inflammatory or that it amounted to an offence, as alleged in the complaint.

Rejoinder dated 18.11.2020 filed by the complainant:

The complainant stated that it would like to reiterate the assertions made by it in its complaint, and it also denies and refrains from accepting the submissions made by the channel in its response to be true.

The complainant stated that despite the broadcaster's assertion that it did not resort to selective targeting, the question still arises why an Islamic educational institution that also houses orphans and possibly destitute children was specifically and selectively investigated in the backdrop of the Tablighi Jamaat incident. At that point in time, soon after the sudden announcement of the national lockdown (March 23-24, 2020), the controversy around the Nizamuddin Markaz congregation was

extremely ripe and raw in the public domain and discourse. Incidentally, these congregations reportedly took place in different parts of the country in early March 2020, the one in Delhi in mid-March 2020 and until March 13, 2020, there were no guidelines or restrictions from the Union Home Ministry against congregations of this kind. The complainant stated that it was the news media that was adding fuel to the fire by focusing their reportage on only Jamaat related incidents when the real crisis facing the country was a major large scale health crisis. Besides, and as pertinent, similar other religious mass gatherings nor political functions with mass attendance(s) were similarly “investigated” by these news channels, including by the broadcaster.

The complainant further stated that the intention of the broadcaster in selectively targeting the Muslim Community in India was clear from the fact that the reporter asked one of the Madrasa’s head if he is linked to Nizamuddin Markaz. The complainant asserted that neither the reporter nor the channel felt the need to clarify that Jamaat was not a one day or once in a year event but in fact, something that took place all year round and when someone says they are linked to the Jamaat or Markaz and visit the Markaz often it could mean they have been there any time before the nationwide lockdown was in fact imposed.

The complainant stated that it was pertinent to note herein that if indeed there was a fair motive behind this “investigation”, a pertinent point of inquiry would be to address the authorities, viz. the Delhi Police, who are empowered in law to give permissions for such large gatherings.

The complainant submitted that having perused the response of the broadcaster, it would be pertinent to note the observations made by the Bombay High Court (Aurangabad Bench) in its judgment in *Konan Kodio Ganstone vs. State of Maharashtra* [Cr. WP No. 548 OF 2020; decided on August 21, 2020].

Further, it stated that the broadcaster, by insinuating that children were “*crammed up*” in these Madrasas without social distancing norms and without sanitization, intended to imply that they were being kept there in violation of some government-issued norms in relation to the Covid pandemic. While, in reality, the children were in the Madrasas even before the pandemic, and it assumes they have been staying there as that is their shelter/boarding and not staying there with the intention to defy any norms of the government. The complainant further stated that the broadcaster had failed to answer where it believed that the children should be sent to when the country is facing a massive health crisis.

The High Court, while considering the rights of the foreigners who entered India on a valid visa, stated, “*they are entitled to offer Namaz in Masjid if there is practice to offer Namaz in the Masjid. They cannot be prevented to enter and stay in Masjid... Article 20 of*

Constitution of India shows that the acts which were not prohibited at the time when they were committed cannot be treated as offence and violation of law subsequently.” The complainant stated that if the same principle were applied in the case of Madrasas, if it is not an offence to keep children in these institutions, then after imposition of lockdown, it cannot subsequently become an offence, which the channel was quite clearly trying to imply.

The complainant submitted that the broadcaster had, through the impugned show, indulged and partaken in the communalization of the pandemic. By intentionally trying to connect these functioning Madrasas to the Tablighi Jamaat, the broadcaster had joined the bandwagon of many news channels that had attempted to communalize the matter. The complainant further submitted that media’s attempt to communalize the pandemic was the subject of a petition which was pending before the Supreme Court. During a hearing of this case, the complainant stated that the Hon’ble Apex Court directed the Ministry of Information and Broadcasting to file a comprehensive affidavit detailing the actions it had taken against news media which tried to communalize the Tablighi Jamaat incident.

The complainant stated that as a responsible news channel, it was the prerogative of the channel to inform the masses without bias and prejudice and posing question to authorities and not raising questions on the actions of an institution that houses poor, destitute children. Further, the complainant asserted that in one of the clippings, during the sting operation, one of the Madrasa’s head was heard saying that he was concerned about the safety of the children and hence he continues to keep them under his care and one of them even stated that the children were safer in the institution and if they were let out, they would be made to undergo tests and would be kept in quarantine centres, where a larger number of people would be present thus exposing the children to a graver threat.

The complainant submitted that it stands by all the assertions made by it vide complaints dated 15.4.2020 and 11.9.2020, which are not repeated for the sake of brevity. It stated that the broadcaster was attempting to hide behind government-issued norms and behind a veil of good faith, but the fact that the broadcaster had carried out a selective “sting operation” (a practice usually frowned upon) was a testament to the fact that the broadcaster intended to vilify a certain institution of a certain community only. The complainant again questioned why such sting operation was not carried out in orphanages or old age homes, or any spiritual institution or Ashram that stand on the same footing.

The complainant stated that the High Court had rightly observed that it was time to repent and take positive steps, and since the broadcaster had been a party to this propaganda by feeding into the conducive circumstances, it was time for the broadcaster to right the wrongs committed by them. Further, the complainant stated

that it would like to bring to the notice of the Authority that this sort of short-sighted and selective coverage was also latched on to by some elected officials of the ruling party who hold Constitutional positions in the Central and State Governments, have unleashed rhetoric against the Tablighi Jamaat congregation that, it could be said, has no basis in fact or law.

The complainant reiterated the assertions of violations of NBSA principles as stated in the complaint, and further, it submitted that it in good faith believes that the broadcaster had acted in contravention to these self-regulating principles.

Furthermore, the complainant stated that the broadcaster as one of the leading news channels on national television ought to abide by and follow through the self-regulating principles as well as ensure that journalistic ethics are not compromised in the bid to discover and show the truth. Lest we forget, the channel derives its freedom of press from the Constitution that also bestows upon people freedom of religion and right to live a life with dignity, which the channel ought to ensure are not violated through its reportage.

Decision of NBSA at its meeting held on 18.2.2021

NBSA considered the complaint, response from the broadcaster, the complaint filed with the NBSA, rejoinder filed by the complainant and viewed the footage/CD of the broadcast. NBSA decided that the broadcaster and the complainant be called for a hearing.

On being served with notices, the following persons were present for the hearing 16.7.2021:

Complainant: Ms. Teesta Setalvad
Ms. Aditi Singh

Broadcaster: Ms. Meenakshi Midha, Advocate
Ms. Pritika Juneja, Advocate
Mr. Aiman Hasaney, Legal Counsel
Mr. Vishal Pant, Senior Executive Editor

Submissions of the Complainant:

At the outset, the complainant reiterated its submissions in the complaint and the rejoinder. The complainant stated that in 2020 we were faced with an unprecedented pandemic. In such a situation, the foremost responsibility of the Government and the media should be to neutralize the impact of the pandemic and enhance capabilities to deal with the implications better. However, the reporting in the impugned broadcast enhanced the panic and detrimentally targeted members of a particular community.

The broadcaster indulged in stigmatizing and selective targeting of the Muslim community. The impugned broadcast was violative of NBSA's Specific Guidelines Covering Reportage apart from the Code of Ethics. The complainant submitted that while it accepts that conditions of institutions and private care, including old age homes and even prisons, should be a matter of concern. However, the impugned programme was a sting operation conducted in a Madrasa in Delhi where poor, destitute and orphaned minor children were housed. In the impugned show, it was blatantly claimed that these children had been hidden in the Madrasa in a crammed-up manner and comparison was drawn with the Tablighi Jamaat case to insinuate that despite concerns about the spread of Covid-19, children are being housed in rooms in Madrasas without social distancing.

The complainant stated that even though the broadcaster had in its response stated that it did not resort to selective targeting of Muslims. However, the question still arises as to why an Islamic educational institution that housed orphans and possibly destitute children was specifically and selectively investigated in the backdrop of the Tablighi Jamaat incident. Further, at mark 4 mins and 31 seconds in the broadcast, the reporter carrying out the "sting operation" asked one of the Madrasa's head if he was linked to Nizamuddin Markaz. The complainant submitted that the linkage of the Madrasa with the Tablighi Jamaat congregation was detrimental for the whole country as the health crisis was being looked at through a religious lens.

The complainant questioned the broadcaster where it suggests the children be sent to when the country is facing a massive health crisis. It submitted that as a responsible news channel, it is the prerogative of the channel to inform the masses without bias and prejudice and pose questions to authorities as opposed to raising questions on the actions of an institution that houses poor and destitute children.

The impugned broadcast was against the Muslim community in India as it blamed the spread of an entire pandemic based on one singular incident, for which no case has been completely established in any court of law. It was a narrative that suited their agenda of being anti-minority, and painted them in such a negative light that feelings of hatred and animosity are implanted in other communities against them, and the communal divide further deepens. The complainant submitted that there have been several reported instances of active discriminations at the street, town and village level against ordinary working Muslims who were being dubbed as "*super spreaders*" in the public mind following a respectable channel like India Today airing such a questionable show.

The complainant submitted that there were other super spreader events like the Namaste Trump event and thousands of devotees thronging the temple on Mahashivratri, which escaped the labelling and the stigma attached to Markaz.

Several judgments of the High Court, including the judgment delivered by the High Court in *Konan Kodio Ganstone vs. State of Maharashtra* [Cr. WP No. 548 OF 2020] also opined that only Muslim institutions were targeted and that Markaz attendees and foreigners were made scapegoats by the government and the media.

It asserted that the concern for children expressed by the broadcaster in its response appears to be an afterthought as in the follow-up episode of this series, there was no investigation into what kind of food was being served in the Madrasa, whether health tests were done and what were the actual health condition in the Madrasa. In the impugned programme, stills of children standing with iPads and smartphones were shown and the broadcast did state that only few children had access to online learning however, the predominant focus of the broadcast was on children trapped in the Madrasa in violation of Covid norms.

Further, the broadcaster had in the impugned programme and in its response its passing concerns regarding the corruption in the police. However, this concern for criminality did not go further into who in the Delhi Police was responsible for facilitating this corrupt functioning. The Delhi Police gave the permission to hold Markaz in Nizamuddin but there was no investigation by the channel into the same. The complainant submitted that the impugned programme was followed up by three broadcasts into the Madrasa Hotspot, in which the anchors again only focused on Madrasa and other institutions run by members of the Muslim community. Furthermore, the impugned programme was part of a four series broadcast. The first broadcast was focused on rising prices of N95 mask, the second was regarding operation ventilator vultures, and the third dealt with ambulance sham.

The complainant reiterated that its concern is limited to the selective targeting of the Muslim community in the broadcast as other private or state-run institutions that house children that were not covered in the broadcast who were also violating the Covid norms.

Submissions of the Broadcaster:

The broadcaster submitted that the impugned program in question "*Madrasa Hotspots: India Today Investigation*" was telecast on 10.4.2021, 17 days after the Government announced a 21 - day, nation-wide lockdown in light of the Covid-19 pandemic. Hence, the impugned broadcast happened within the lockdown period. According to the Guidelines issued by the Ministry of Home Affairs on 24.3.2020 all religious and educational institutions, and gatherings, were to remain closed. Madrasas are educational institutions imparting Islamic education and, therefore, should have been closed. However, instead, as its reporting showed, they were overcrowded; 18 children were staying in a single Madrasa, in violation of social distancing norms.

The broadcaster stated that it is imperative to note that the complainant does not dispute this fact, or any factual basis of the reportage. Nor does the complainant point to any specific parts of the program that allegedly violate the NBSA Code. Instead, the complaint makes various baseless and unsubstantiated allegations against the program - calling it "*Islamophobic*", in line with India Today's "*agenda of being anti-minority*", and a part of its "*hate propaganda*" towards the Muslim community. The broadcaster stated that it appears that the complainant's intent on holding it responsible for everything from the deprecatory practice of RWAs boycotting Muslims in their apartments to the Gujarat riots of 2002, seemingly comparing it to war crimes. The broadcaster submitted that it understands and appreciates the importance of Madrasas as hostels for poor, destitute, and often orphaned children. In fact, at 1:55 mark in the clip, the channel expressly acknowledged that not every child has the privilege of distance learning, and the children at these Madrasas were "*still grappling with [the] old ways [of learning]*". Unfortunately, by alleging that its reportage "*targeted a particular community*" and was part of a "*larger conspiracy to subdue the Muslim community by blaming the spread of an entire pandemic on one singular incident*", the complainant has missed the entire purpose of the broadcast i.e., to show that children were staying in an unsanitised and crowded places, thereby risking their lives and that this fact was actively being hidden from law enforcement authorities. In fact, at 7:09 of the broadcast, it is clearly mentioned that by "*throw[ing] caution to the winds*", the "*young lives stand vulnerable*".

Further, at 6:11 of the broadcast, the Madrasa operator admitted that he did not take the government's help in relocating the children to safer places. One of the Madrasa operators also admitted to bribing the police and illegally concealing the children. Therefore, the complainant is completely incorrect in their allegations that the sting operation was not necessary, given that it provided "*conclusive evidence*" of "*criminality*" and therefore was in conformity with Clause 9 of Section 1 of the NBSA Code of Ethics and Broadcasting Standards.

Additionally, it stated that the allegation that impugned broadcast was violative of Clause 2 of Section 1 of the Code; Clause 2.1 and 9.2 of the NBSA 's Specific Guidelines Covering Reportage; and various sections of the Indian Penal Code is vague, unsubstantiated, and baseless, especially since the complainant has failed to point out any specific portion of the broadcast that was biased, unfair, and/or communal in nature. Furthermore, its broadcast did not expressly refer to the Muslim community or its so-called role in spreading the Covid-19 virus; thereby, the question of "*denigrating*" or "*offending*" the sensitivity of the community is inconceivable. The sole purpose of the investigation was to bring to light the flouting of Covid-19 protocol - a fact that the anchor stressed upon when he said "*at a time when social distancing is being stressed upon, we sent our reporters out to see whether the norms that have been prescribed during the lockdown are being followed or not*".

The broadcaster submitted that the broadcast mentioned the Nizamuddin Tablighi Jamaat incident because it was an unfortunate event that had taken place before the program's telecast on 10.4.2020. In fact, the government later claimed that 4000 Covid-19 cases had been linked to the Jamaat. The fact that the Madrasa operator, and the children, had been to the Markaz could mean that they were at a high risk of being infected with Covid- 19, and the reporter was only trying to highlight this.

The allegations in the complaint about the broadcaster having an ' *anti -Muslim* ' agenda were clearly belied by its consistent reporting on such violations during the entire pandemic. The channel has carried and condemned other religious gatherings such as Kumbh, Onam, etc. During the Kumbh Mela, the broadcaster, carried out a similar investigation that revealed the practice of false or fake Covid testing. The complainant has flippantly stated that India Today has partaken in the "*incessant targeting of a particular community*", which is blatantly untrue. Not only is this sweeping, but also defamatory and a very serious allegation to make without any proof.

The broadcaster undertook extensive field reportage to cover the Covid 19 pandemic and even conducted sting operations. If one searches for the hashtag "#indiatodayinvestigation" on YouTube, more than 30 similar videos show up. These videos cover various important issues ranging from the rampant black marketing of N-95 face masks to the violation of Covid-19 norms by Delhi pubs. Hence, the sting on the Madrasas was one of many such investigations. Therefore, the complainant's allegation that the broadcaster has violated Clause 4 of the Fundamental Principles of the Code of Ethics and Broadcasting Standards by "*selecting news to promote any particular belief, opinion or desires of any interest group*" is unfounded and baseless and should be dismissed.

The broadcaster stated that the complainant raised the question of "*why an Islamic educational institution that also houses orphans and possibly destitute children was specifically and selectively investigated in the backdrop of the Tablighi Jamaat incident*". By bringing the issue of overcrowding of Madrasas to light, it was not denying the significance of Madrasas or trying to target them, but simply pointing out the illegal operation, which is legal and in consonance with journalistic standards.

The broadcaster submitted that the programme was fact-based. It neither editorialized nor communalized the issue as alleged. The broadcaster stated that since the complainant had failed to discharge its burden and show that the broadcaster has contravened any provisions of the IPC or Code of Ethics and Guidelines, the complaint against it must be quashed.

Decision of NBSA at its meeting held on 16.7.2021

NBSA went through the complaint, response from the broadcaster and also considered the arguments of both the complainant and the broadcaster and

reviewed the footage of the broadcast. NBSA noted that from the submissions of the complainant and the complaint, it appears that the complainant's grievances are not in respect to the contents of the impugned programme but with the selective targeting of only the Madrasas to highlight Covid-19 violations. Further, it also noted that the broadcaster had in its submissions denied selectively targeting Madrasas and submitted that it had aired various programmes to highlight other incidents of Covid -19 violations as well. In view of the submissions of the complainant and the broadcaster, NBSA directed the broadcaster to submit the list of programmes that it had aired regarding other incidents of Covid-19 violations and also directed the complainant to submit the list of other private/state-run institutions which were violating Covid norms. NBSA decided to defer the decision of the complaint to the next meeting to consider the responses of both the complainant and the broadcaster.

Additional Submissions dated 9.8.2021 by broadcaster

As directed by NBDSA, the broadcaster submitted the list of coverage of various other events covered by its channel akin to the broadcast as mentioned in the complaint, the details of which are mentioned hereunder:

S.No.	Channel	Date	Time	Duration	Remarks
1	India Today	6.5.2021	4.58 pm	55 mnts	[@3.50 Charminar, @10 Bangalore @18.20 Chennai @24.10 Jharkhand]
2	India Today	11.5.2021	4.58 pm	55 mnts	Misc coverage
3	India Today	No date	No time	3 mnts	Kumbhmela
4	India Today	No date	No time	1.23 mnts	Charminar, Hyderabad Bakrid
5	India Today	No date	12.03 PM	8 mnts	Kumbh Mela
6	India Today	No date	5.41 PM	6 mnts	Kumbh Mela
7	India Today*	20.7.21	9.36 PM	14.33 mnts	Kerala Govt.

In view of the above, the broadcaster submitted that the aforesaid coverage clearly substantiates that it had covered various religious events during the ongoing Covid-19 Pandemic and protocols associated therewith which establishes that the allegations in the complaint about the broadcaster having 'anti-Muslim' agenda were clearly misconceived. It reiterated that the links shared above corroborate the fact that it had carried stories and condemned other religious gatherings such as Kumbh, Onam etc. in light of the violation of Covid protocols.

Reply dated 20.7.2021 from complainant:

The complainant submitted that the broadcaster, through its Madrasa hotspot show aired on 10.04.2020, had selectively targeted and stigmatized the Muslim community by focusing on only Madrasas, which are educational institutions that house poor and destitute children and provide them with free meals. The complainant reiterated that the show discriminately only emphasized on such Islamic educational institutes to fit its narrative that one particular community was violating Covid-19 lockdown rules and also constantly attempted to link it to the Nizamuddin Markaz that happened on March 12-13, 2020, well before the national lockdown.

That during the hearing, the complainant had argued that if the genuine concern of the show was to broadcast the spread of coronavirus, there were other old age homes, widow homes, state run children's homes, Ashrams, even Prisons that, due to infrastructural issues, might have conditions that are not conducive to Covid-19 norms, that could have been the channel's focus. However, the channel in their "*investigation series*" only focused on Madrasas all over the National Capital and on a mosque in Murshidabad, West Bengal to fit their agenda, which it believes turned out to be, communalising a health crisis.

The impugned broadcast was (and is) violative of the NBSA rules of fairness, neutrality, impartiality (Rule 2 of the Specific Guidelines Covering Reportage) and racial and religious harmony (Rule 9 of the Specific Guidelines Covering Reportage) under the Code of Ethics and principles of Self-Regulation.

In pursuance of this argument, NBDSA directed the complainant to file an additional note on the list of names of different child care centers, old age homes, orphanages, widow homes that were open during the Covid-19 induced lockdown in the period beginning from March 2020, the details of which are as below:

(a). That according to an Indian Express report dated April 23, 2020, SaiKripa orphanage in Noida, Uttar Pradesh is a 30-year-old institution that housed around 55 children at the time of April last year. That the channel had in its reply dated November 10, 2020, paragraph 6 stated that, "*At least, 18 to 20 children were crammed in small rooms. Their health was at severe risk.*" That here we have one example of an orphanage that housed around 55 children during the lockdown. The same report also categorically stated how, "*The DMRC Children Home in Tis Hazari, which is run by the Delhi Metro Rail Corporation in association with Salaam Baalak Trust, has regular workouts, athletics and yoga for the children housed there...At the DMRC Children Home, there's a weekly change of staff. A group of 8-10 people work at once to manage the around 50 school-going children here. For those who are living in hotspot areas, we have asked them to work from home instead*". That this clearly establishes that orphanages and child care homes were open with needy children housed there for different kinds of support including

shelter and food. The complainant submitted that going by the India Today's show, even such institutions were overcrowded however no investigation was carried out here.

(b). That as per a report published in the Times of India dated April 15, 2020, just 5 days after the impugned show aired, the President of Swami Vivekanand Swarg Ashram Trust, Model Town Anil Bharti said that they had about 55-60 senior citizens housed during the lockdown. The President of Swami Ganganand Bhuriwale International Foundation Kuldeep Mann had said that they had about 50 orphans in the home located in Talwandi Khurd, Mullanpur, Punjab. Kamaljit Kaur from Red Cross Society old-age home and orphanage was also reported saying that that they have locked the gates of their institution as senior citizen and children are at a great risk of contracting the virus, clearly establishing that even they had people housed at the time of the lockdown.

(c). That Delhi has around 3 State run government old age homes in Lampur, Bindapur and a new one in Wazirpur, and approximately 40 private-run facilities. That according to a report in The Print, the one in Bindapur houses over 60 people, 12 men and 48 women, between the ages of 60 and 80 even though it has a capacity of only 50. That the report states that to ensure utmost safety of all citizens, there was a highly selective vendor-picking process for food, bi-weekly sanitisation of the building, no outside food was allowed and the residents were not allowed to leave their rooms at the 'height of the lockdown'. That this too establishes the presence of citizens in the old age homes. That one of the privately owned facilities by the name of Silver Linings Old Age Home in Dwarka houses house about 40 senior citizens according to the report in September 2020. That these numbers are way higher than what the madrasa in question housed going by the India Today show. But this somehow didn't feature in the channel's investigative series to uncover "lockdown violations".

(d). That during the lockdown last year, India witnessed catastrophic scenes of thousands of migrants walking back to their respective homes as their source of income was hampered and there was no place to reside. That as per a BBC news report dated April 22, 2020, many migrant workers were trapped in urban cities amid the lockdown. The report mentioned one shelter in east Delhi, located in a school building, run by the city government which was home to a whopping 380 migrants. That among them was one Manoj Ahirwal, who had been at the shelter with his relatives since March 29. The complainant stated that instead of focusing on Madrasas that actually provide shelter to poor homeless children, the broadcaster could have diverted its attention to such schools turned into shelter homes during the lockdown,

housing close to 400 migrant workers to see if social distancing protocols were maintained in such spots.

(e). That as per a Business Standard report dated March 27, 2020 Delhi's Saheri Ashram Sudhar Board housed a total of 35 people including children and women at the time when the lockdown was imposed. That according to the report, Nusrat Parveen, a security guard at the shelter home complained of scarcity of food supplies because of the lockdown and also informed the authority about this scarcity. That authorities were in reality, aware of such shelters and homes housing destitute children, women, men amid the lockdown and that the Madrasa show just showed the Muslim community in bad light for violating and subsequently spreading Covid-19.

(f). That according to a report by the Ministry of Women and Child Development, Volume 1, from September 2018, during the study period (i.e. 2016-17), it was found that total number of children occupying the Child Care institutes /Homes across the country was 3,77,649 housed in 9,589 Child Care institutes established under the Juvenile Justice (Care and Protection of children), 2000, Act. That these 3,77,649 children are either orphaned, abandoned or surrendered. That during the lockdown it is very likely and almost possible that these children were housed across 9,589 CCI's because these institutions are their homes now. That as per a Supreme Court order dated April 3, 2020, in "In re: Contagion of Covid-19 virus in Children Protection Homes" (Suo Motu Writ Petition Civil No. 4 of 2020), the Court had directed, *"The Person in Charge of the CCI and all other staff working in the CCI shall proactively and diligently take all necessary steps to keep the children safe from the risk of harm arising out of Covid-19, in furtherance of the fundamental principle of safety enshrined in the Juvenile Justice (Care and Protection of Children) Act, 2015."* That this clearly establishes the presence of children in such institutes, that were open amid the pandemic and housed more than mere 18-20 children per institute.

(g). That an old age home by the name of Davo in Dwarka, New Delhi, has 60 inmates, who live in a 1,800 square foot area, with 20 mentally challenged persons, eight differently-abled and four women too. That as per The Hindu report dated April 1, 2020, Dev Goswami, a former truck driver who started operating this NGO in 2016, said that the bathing area lies outside the gate, so in order to follow social distancing, each person has to be escorted there one at a time. That the NGO owner said that they could not let a single senior citizen be outside even for a minute referring to the lockdown in India, due to the coronavirus pandemic. That 60 people fit in an area of 1,800 square foot was also "crammed" as projected by the show for Madrasas but this particular old age home was not investigated for any Covid-19 protocols.

The complainant submitted that the limited purpose of its argument was that by focusing only on institutions run by one particular community and looking at the violation of Covid norms and young children through a religious lens a responsible channel was violating time-tested norms of objectivity and neutrality in journalism. That a responsible channel like India Today should not have sensationalized the issue and should have certainly not attempted to link it to the Nizamuddin Markaz, which happened 10 days before the national lockdown was suddenly imposed.

It submitted that during the hearing on 16.7.2020, the learned representative of the channel had said that the channel does not indulge in selective targeting and has also broadcasted shows related to the Kumbh Mela gathering that may have been the catalyst of the second wave we witnessed this year. The complainant stated that while it does not want to dispute this argument as a fact, but it would like to state that the Kumbh Mela gathering was an incident that took place in 2021 just before the second wave of the pandemic mid-April. That this argument has no co-relation to the issue the complainant is highlighting that when the Tablighi Jamaat congregation subject was ripe in 2020, the channel intentionally indulged in broadcasting such discriminatory shows that were aimed at targeting only the Muslim community, adding fuel to the fire by focusing their reportage on only Jamaat related incidents, when the real crisis facing the country was a major unprecedented health crisis.

The complainant submitted that while media must have freedom to report on the pandemic, but it must be done in a way that ensures accuracy, impartiality and neutrality, adhering to the Code of Ethics and Broadcasting Standards. The complainant stated that the channel had also broadcasted several shows on the Tablighi Jamaat gathering focusing on how it became a super spreading event, ignoring other gatherings in India, such as: (i.) Namaste Trump event, (ii) the Maha Shivratri event held by Sadhguru Jaggi Vasudev, Founder, Isha Foundation at Coimbatore, (iii) the shraddh ceremony in Madhya Pradesh's Morena district on March 20 which was attended by more than 800 people and (iv) Parties and weddings hosted by celebrities and politicians, which also continued unchecked. The complainant submitted that these persons met people, violated norms, spread the virus, however they escaped the labelling and stigma that was selectively and only pinned on the Jamaat. Further, it stated that the hasty, selective and hysterical coverage of the Tablighi Jamaat Markaz has been called out in several judgments of the High Courts releasing the Tablighi detainees.

In respect of the impugned broadcast, the complainant submitted that the broadcaster had claimed that it was concerned about criminality, corruption and the Madrassa – Police nexus, however it appears that this concern for investigation did not appear to have gone further, that who in the Delhi police was responsible at their end for the nexus/corruption. That on April 6, 2020 the Union Home Ministry reported a large number of persons being inflicted with Covid-19 from the Tablighi

Jamaat congregation in Delhi. However, the show aired on April 10, 2020 did not probe into why – especially after the Union Home Ministry reported a large number of persons being inflicted with Covid -19 from the Tablighi Jamaat congregation—the MHA/Police allowed permission to the congregation on March 12 and March 13, 2020 in the first place. That if the discussion was about Madrasas and how they have kept children and hidden their headcount, equal reportage should have been done with respect to Delhi Police’s role of allowing the Markaz in the first place and taking bribes as it was alleged in the ‘string operation’. The connection constantly to the Markaz is a moot point.

Further, the complainant submitted that it appears that the concern expressed for children is an after-thought and misplaced. In the impugned broadcast at time stamp 1:55, despite stating that not all children have the comfort of distant learning, the broadcaster questioned why the children were crammed in these Madrasas/educational institutions that keep Muslim children, educate them, feed them, as they come from abject poverty.

The complainant questioned whether the channel had done any follow up show after this investigation report to impart information about these children who come from abject poverty and receive education and three meals in a day at such Madrasas on what their home condition was like or to disclose the conditions under which children dealt with the lockdown and also, if some of them in reality tested positive for the coronavirus or go back to the Madrasas and check whether they are being fed and clothed or whether they would have been worse off than wherever they would have been if not at the Madrasas?

That despite accepting on their show that online learning was a distant dream for those children who are housed in Madrasas, the channel did not provide an alternate suggestion for such children rather it harped on the fact that they have been “*crammed*” in one room. The complainant questioned if not such educational institutions, in the middle of a lockdown and a pandemic, where did the channel expect the children to be shifted. The complainant reiterated that the entire focus of the impugned broadcast had only been of this community to show how lockdown guidelines are being violated by them. The channel intended to imply that they were being kept there in violation of some government issued norms in relation to the Covid-19 pandemic. When in reality, these children were in the Madrasas even before the pandemic and it was fair to assume that they have been staying there as that is their shelter/boarding place and not with the intention to defy any norms of the government.

The complainant submitted that while it was certainly not their argument that media scrutiny should not always be there on institutions, private and state that board children and ensure that they do not breach norms. However, it reiterated that the

limited purpose of its argument was that by focusing only on institutions run by one community and looking at the violation of Covid norms and young children through a religious lens a responsible channel had violated the time-tested norms of objectivity and neutrality in journalism.

That by blaming the spread of an entire pandemic on the basis of one singular incident, for which no case been completely established in any court of law, was a narrative that suited their agenda, of being anti-minority, and to paint them in such a negative light, that feelings of hatred and animosity are implanted in other communities against them, and the communal divide further deepens. That there have been several reported instances of active discriminations at the street, town and village level against ordinary working Muslims being dubbed as “*super spreaders*” in the public mind following a respectable channel like India Today airing such a questionable show.

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 footage.

NBDSA observed that media has complete freedom to report on any topic of its choice however, such reporting must be done keeping in mind the Code of Ethics & Broadcasting Standards (Code of Ethics). In the present case, NBDSA noted that since the broadcaster had covered and reported various other events/ programmes involving potential violation of Covid -19 norms irrespective of faith, religion, caste or community, therefore it was clear that the broadcaster had no intention to communalize the issue or malign any particular community in the impugned broadcast and the reporting was not partial or biased. Further, NBDSA noted since the broadcaster had merely reported what was happening, it had not violated the Code of Ethics or the Specific Guidelines Covering Reportage related to Impartiality, Neutrality & Fairness and Racial & Religious Harmony as alleged.

In view of the above NBDSA decided to close the complaint 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.

Sd/-

**Justice A.K Sikri (Retd.)
Chairperson**

**Place: New Delhi
Date : 31.03.2022**