
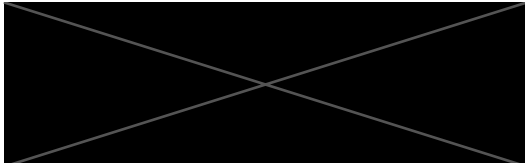


ONLY BY EMAIL

January 27, 2025

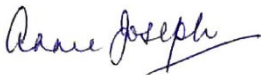
Mr. Indrajeet Ghorpade 	Ms. Kshipra Jatana Compliance Officer NBDSA Network18 Media & Investments Limited 
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Dear Sir/Madam,

Re: Order of NBDSA in Complaint (No. 55) dated 01.04.2024 filed by Mr. Indrajeet Ghorpade against a broadcast titled “Goonj with Rubika Liyaquat : Arvind Kejriwal Arrested | Delhi liquor policy | ED | Sunita Kejriwal” aired on News18 India

Attached please find Order dated January 24, 2025 passed by News Broadcasting & Digital Standards Authority.

Regards



Annie Joseph

For & on behalf of NBDSA

News Broadcasting & Digital Standards Authority

Order No. 194 (2025)

Complainant: Mr. Indrajeet Ghorpade

Programme: Goonj with Rubika Liyaquat: Arvind Kejriwal Arrested | Delhi liquor policy | ED | Sunita Kejriwal

Channel: News18 India

Date of Broadcast: 28.03.2024

The complaint was escalated to the second level of redressal, i.e. NBDSA since the complainant was not satisfied with the response received from the broadcaster on 13.04.2024,

Complaint dated 01.04.2024

The complainant stated by airing the impugned broadcast, the broadcaster had violated the principles concerning Impartiality and Objectivity in reporting and Ensuring Neutrality under the Code of Ethics and Broadcasting Standards, Guidelines 1, 2, 4(ii), 4(iii), 4(v), 5 and 9 under the Specific Guidelines for Reporting Court Proceedings, Guidelines concerning Accuracy and Impartiality, Neutrality and Fairness under the Specific Guidelines Covering Reportage apart from violating the Specific Guidelines for Anchors conducting Programmes including Debates.

The impugned broadcast also violated the Guideline 2 of the Guidelines for Election Broadcasts and Guidelines 5, 6 and 7 of the Guidelines on Broadcast of Potentially Defamatory Content.

Timeline of violations:

At the time stamp, 7:58, the BJP spokesperson, Shehzad Poonawala, falsely stated, *"The court told Delhi CM Arvind Kejriwal that it cannot grant him relief because he has committed a scam"*, which the anchor failed to correct.

The anchor constantly interrupted the Aam Aadmi Party spokesperson and questioned him at time stamp 14:16 *"Is the Enforcement Directorate a joke? While you blindly worship your leader, how can you put the Enforcement Directorate on trial?"*. She further stated at the time stamp 14:30 *"You people used to say that tough laws must be made against corruption. Today when there are strict laws, you are saying how can we believe ED? Either believe in what you were doing earlier or today admit that your truth has been exposed ('khaal utar gai'). It can only be either of these things,"* and at 16:42 *"Only if you hadn't done corruption if such huge charges weren't framed, I would have said, it is alright, what you are saying has substance."*

When the Samajwadi Party Spokesperson, Mr Ameeque Jamei, called Prime Minister Narendra Modi the most corrupt Prime Minister who runs a national-level extortion racket through (the now unconstitutional) Electoral Bonds scheme and Enforcement Directorate and alleged quid-pro-quo by providing examples with

timelines of Electoral Bonds donations to BJP and subsequent consequences such as bail to Hyderabad-based businessman Mr. P. Sarath Chandra Reddy in an ED case on donating Electoral Bonds to BJP and turning approver against Mr. Arvind Kejriwal, the anchor interrupted him. She further lectured him on how the Prime Minister of the country must not be criticised and must be respected.

At the time stamp 37:25, the anchor said, *"He is your Prime Minister, too. First of all, you remain within the limits of manners and etiquettes and then speak, because he is your Prime Minister too, although he is not from your party, does not believe in your ideology. Just screaming is not enough, prove it (that Prime Minister Narendra Modi is corrupt). Just moving your hands like this won't help. Even I can shake 4 pages. I will defend the Prime Minister of my India. Why will I not defend the Prime Minister of my India?! *does a hand gesture* doing this won't make him corrupt. Give me a proof. Give me a proof. I am saying give me the proof. Why are you sitting here? Instead of shouting corrupt corrupt, go there and file a case. Aren't you a decent lawyer?! Go file a case. Go file a case. Doing all this*hand gestures* won't help. This is just theatrics. Shaking these pages won't help. Mamata Didi doesn't carry out extortion?! She isn't corrupt?! But the Prime Minister of my country, he is corrupt?! He is corrupt?! Are you on Mamata Didi's payroll? He is a Prime Minister of my country. Like I respect your Akhilesh Yadav, like that, won't you respect the Prime Minister of the country? You hate that man so much that you don't even respect his chair. This (hate) is what is drowning you. The hate in you is eating you, and you don't even know it. Are you on Didi's payroll? Is she giving you money? You say what you want to the Bharatiya Janata Party, but don't say anything against my country's Prime Minister. You speak against any politician you want, but don't say anything against my Prime Minister. You say what you want to the politicians. You are filled with hate and this hate will consume you. I will certainly defend the Prime Minister of the country, taal thok ke , I will defend him. No maika laal can stop me. Is that clear? Mashallah I am saying, taal thok ke I am saying, if the country's Prime Minister does a good job, I will stand with him. No Ameerque Jamei can stop me. You be on whoever's side you want."*

Response dated 11.04.2024 of the Broadcaster

At the outset, the broadcaster denied all the allegations levelled in the complaint and clarified that its programme was entirely consistent with the applicable NBDSA guidelines/advisories and laws.

The impugned programme was in the form of a debate on the arrest of Delhi Chief Minister, Mr. Arvind Kejriwal by the Enforcement Directorate. It had decided to conduct a debate on the aforesaid issue after many political statements were made by the members of the Aam Aadmi Party (AAP) and other opposition parties, including by members of the BJP. On the one hand, the members of AAP and other opposition parties were questioning the arrest, which took place just before the elections; on the other hand, members of BJP were questioning why AAP and the opposition were questioning the actions taken by ED. In the debate,

representatives of the parties were given a platform to put forth their views on this issue. As far as the allegations raised in the complaint are concerned, it may be noted that:

1. Time (7:58) – The statement made by the spokesperson of BJP that CM Kejriwal was not given any relief by the Court, indicating that, in a way, he has committed the crime. The spokesperson backed his statement by showing the submissions made by the advocate appearing for Mr Kejriwal in Court, in which he allegedly made an admission stating that the money trail had already been expended.
2. Time (14:16, 14:30 and 16:42) When the AAP spokesperson questioned the actions of ED and labelled them as having been done on behalf of the government, the anchor only reminded him that it was them who wanted strong laws and their enforcement and now if this is done against their leader, why do they have an issue with it. The anchor highlighted 2 different claims/demands by AAP and questioned them about double standards in claiming laws and enforcement for others while objecting to them when AAP and their leaders are confronted with them. The same was done only as part of her journalistic duty without any violation of principles of impartiality as alleged in the complaint.
3. Time (37.25) – The anchor was reacting to the objectionable language used against the person occupying one of the highest constitutional posts in the country, and her reaction as an ordinary citizen was a result of someone using objectionable language towards the prime minister of the country.

As a responsible channel, it invited people affiliated with various political parties to participate in the debate and provide their opinions. This shows that a balanced approach was taken while airing the programme.

Its interest in telecasting this programme was in effectively disseminating newsworthy material to the public at large, especially the different viewpoints of the government and opposition with regard to the arrest of Delhi CM Arvind Kejriwal. The telecast has been made in strict compliance with all the rules, regulations, guidelines, and all applicable laws, and any allegations to the contrary are false and vehemently denied.

In view of the foregoing, the broadcaster stated it hoped that it had addressed the concerns of the complainant and assured the complainant of its continued commitment to the applicable rules and regulations.

Complaint dated 13.04.2024 to NBDSA

The complainant stated that the broadcaster, in its response, had implied that

accusing the Prime Minister of India of corruption was "objectionable language". It was further implied that the anchor is an "ordinary citizen"; therefore, it is okay for her to pick sides and throw the Code of Ethics related to neutrality in the bin. Further, the broadcaster also justified the falsehood promoted by the BJP spokesperson, who said that the Courts have found Delhi CM guilty, which is why he was not granted bail.

The complainant stated that he was not satisfied with the channel's response and still believed that the channel had violated all the sections mentioned in his initial grievance.

Decision of NBDSA at its meeting held on 31.07.2024

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 31.07.2024:

Complainant

1. Mr. Indrajeet Ghorpade

Broadcaster

1. Mr. Puneesh Kochar, Senior Counsel – Legal
2. Mr. Nishant Bhardwaj, Producer- Editorial & Content

Submissions of the Complainant

The impugned show concerned the arrest of Delhi Chief Minister, Mr. Arvind Kejriwal, which took place while the elections were underway. The complainant reiterated the contents of the complaint. He submitted that while the anchor and the panellists were discussing the arrest of the Chief Minister, one of the panellists, a BJP spokesperson, alleged that the Chief Minister had actually committed a scam. This accusation was subsequently repeated by the anchor throughout the broadcast, when she said, "*aapki khaal uttar jayengi*" and "*agar apne corruption nhi kara hota toh apke against itne bade charges frame nhi hoti*", implying guilt and conviction, which is under trial.

A more concerning aspect of the broadcast was the anchor's attack on the freedom of speech and expression and freedom of criticism. The anchor went on a monologue yelling at the panellists, saying that you cannot criticize the Prime Minister and that calling the Prime Minister a corrupt man or accusing him of corruption was objectionable. Even the channel, in its response, has termed the language objectionable. It appears that the channel is attempting to promote this

behaviour amongst the viewers, saying that any criticism of the government or the Prime Minister should not occur and should be regarded as being objectionable and unacceptable.

The panellist who the anchor lectured was talking about the now unconstitutional electoral bonds scheme and describing it as a national-level extortion racket. He was giving an example of how ED and CBI would raid and arrest people, and once the electoral bonds were deposited to the party, these people would be released on bail. The anchor expressed her disagreement with the panellists and stated that "*main Taal Thok Ke apne Prime Minister ko defend karungi*". The complainant stated that this feeds into the growing narrative in the country that anyone who criticizes the government is a *Deshdrohi* and an *anti-national*.

Submissions of the Broadcaster

The broadcaster submitted that the impugned broadcast was on the arrest of Mr. Arvind Kejriwal and the subsequent developments that had taken place. In the impugned broadcast, Mr. Shehzad Poonawalla made a statement wherein he had quoted a tweet of the submission made by the lawyer appearing on behalf of Mr. Kejriwal in Court, who had allegedly made an admission stating that the money trail had been expended. Based on the statement made by Mr. Poonawalla, a question was raised in the debate to the supporters of AAP. The broadcaster denied the allegation that the impugned broadcast implied that Mr. Kejriwal was guilty.

As far as the complainant's grievance regarding the anchor was concerned, the broadcaster submitted that the anchor had merely warned the panellists to speak about the Prime Minister in a polite manner, and stated that if anyone had concerns regarding corruption, they could raise the same before a Court of law.

The anchor had implored the panellists to tone down their aggression and expend the same respect to the Prime Minister, as they would to their own party Chairperson. The anchor raised no objection to the panellists raising questions in respect of the Prime Minister. Rather, it reiterated that in the broadcast, an objection was raised only to the language and tone used by the panellists.

As far as the statement "*Only if you hadn't done corruption, if such huge charges weren't framed*" is concerned, the broadcaster submitted that the anchor was only raising a question and had provided ample opportunity for the panellists to respond.

The complainant, in rejoinder, submitted that no spokesperson from Aam Aadmi Party was present in the programme. Further, as far as the broadcaster's submissions in respect of the panellist Shoaib Jamai are concerned, the complainant submitted that merely calling the Prime Minister or the electoral bonds scheme corrupt and

questioning the intention of ED cannot be construed as being objectionable, which would warrant such kind of response from the anchor.

The complainant submitted that the anchor is not an ordinary citizen when anchoring a programme on the channel. Therefore, the channel's response that the reaction was as an ordinary citizen does not absolve the broadcaster of its responsibility. The anchor was in the programme, representing the channel and supporting a political party during ongoing elections.

In counter, the broadcaster submitted that the Aam Aadmi Party had made a decision to boycott the anchor of the impugned programme. Therefore, in the programme, it had invited a reporter who was a former Aam Aadmi Party member as a panellist, who was supporting the Aam Aadmi Party. Further, as far as the anchor's reaction towards the statement being made by the panellists regarding the Prime Minister was concerned, the broadcaster reiterated that the anchor was merely expressing her objection to the tone and tenor of the panellists.

Decision

NBDSA considered the complaint and response of the broadcaster, reviewed the footage of the broadcast and considered the submissions of the parties.

On a perusal of the footage of the impugned broadcast, NBDSA found a violation of the Code of Conduct in the broadcast.

NBDSA was of the view that there was no problem with the anchor defending the Prime Minister in the impugned broadcast. However, the problem lay in the manner in which the anchor had attributed guilt in a matter that is sub judice; this aspect of the broadcast NBDSA observed was not only violative of the Specific Guidelines for Reporting Court Proceedings and the principle of neutrality under the Code of Ethics & Broadcasting Standards, but also the judgment of the Hon'ble Bombay High Court in *Nilesh Navlakha & Anr. vs UOI & Ors (2021) SCC Online BOM 56*.

Further, it was expected that the anchor, while defending the Prime Minister, would exercise restraint, maintain a professional tone and refrain from indulging in a back-and-forth debate with a panellist, as such discussion detracts from the meaningful debate.

In view of the above, NBDSA decided to convey to the broadcaster to be careful in crafting such programmes and debates so as not to violate the Guidelines and the mandate of the Courts in this behalf.

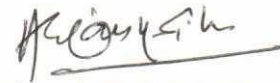
NBDSA further also directed the broadcaster to edit the video of the said broadcast by removing the offending portion of the broadcast within 7 days of the Order.

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 : 24.01.2025