



Date: November 27, 2019

To,

Justice (Retd.) A.K. Sikri

Chairperson, News Broadcasting Standards Authority

C/o News Broadcasters Association

Mantec House, C-56/5, 2nd Floor,

Sector 62, Noida - 201 301

Cc: Ms Annie Joseph,

For and on behalf of NBSA News Broadcasting Standards Authority

C/o News Broadcasters Association

News Broadcasting Standards Authority authority@nbanewdelhi.com

Ref: Complaint by CJP against AajTak for telecast of show titled “देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ” on October 16, 2019 (available at <https://www.youtube.com/watch?v=A8lXFngWXs&feature=youtu.be>) and for posting a tweet available at: <https://twitter.com/AajTak/status/1184075792533225472>

Dear respected Sir,

We, at Citizens for Justice and Peace, have received a response on November 8, 2019 from TV Today Network Ltd for our complaint against AajTak as referred above. We write this rejoinder in response to TV Today Network Ltd’s (hereinafter referred to as “TV Today” for sake of brevity) reply to our Complaint dated October 31, 2019.

Firstly, TV Today has incorrectly mentioned that their reply is to our Complaint dated October 17, 2019, which was a complaint we had directly sent to the broadcaster, as a pre-requisite to filing a complaint with NBSA. Even though 14 days had passed (stipulated time being 7 days) since the receipt of our Complaint (dated October 17), the broadcaster had not responded to our complaint. Hence, despite of having given more time than is requisite to send a reply, when the broadcaster did not respond, we were compelled to approach the NBSA for redressal vide our Complaint dated October 31. Hence, it is requested that for all

intents and purposes, TV Today's response be considered a Reply to CJP's Complaint dated October 31, 2019 and not to our complaint dated October 17, 2019.

We will now respond to the para-wise reply of TV Today to our complaint. In "Reply to the first reference" TV Today has contended, inter alia, that it promotes "ideological diversity". While that is a healthy practice, the debate that is being complained against, was in clear contravention of the Important Advisory issued by the NBSA, dated October 16, 2019 regarding "Reporting of Ayodhya matter pending in the Hon'ble Supreme Court" (Advisory) as also NBSA's Specific Guidelines Covering Reportage (Guidelines). The broadcaster cannot resort to and misuse the freedom of speech and expression bestowed upon by the Constitution of India under Article 19(1)(a) as the same is to be read, at all times, with Article 19(2) which imposes reasonable restriction on the freedom of speech and expression. These reasonable restrictions have been embodied in the aforementioned Advisory and Guidelines issued by the NBSA. These Guidelines and Advisory have been issued by the NBSA to keep this very freedom of speech and expression in check so that such a fundamental right is not misused to serve malafide intents of any broadcaster.

The broadcaster has, thus, knowingly or unknowingly, endorsed the comments of the participant in the debate in the show titled "देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ" on October 16, 2019 (available at <https://www.youtube.com/watch?v=A8lXFngWXs&feature=youtu.be>) since at no point did the moderator of the debate object to or try to stop the participant, namely "Swami Karpatri Ji Maharaj" from declaring that, "18 November se ayodhya me Shri Ram Janmabhoomikanirmanhoga" and "faislanischittaur se hai, mere paksh me hai"

(On November 18, the formation/birth of Ram Janmabhoomi will begin; the Judgement will undoubtedly be in our favour.)

For emphasis, we reproduce the guidelines issued in the Advisory by the NBSA, specifically with respect to debates:

"8. Care should be taken to ensure that no opportunity is given to anyone to express any extreme view, including in debates in order to influence the viewers.

9. Debates which are provocative and inflammatory and likely to create tension in the public should be avoided."

This is not just a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon'ble Supreme Court was then awaited, but such statements tend to incite public disharmony and could lead to disruption of public order.

In "**Reply on the second reference**" the broadcaster has contended that the "caption is not something that was coined and invented by the News Channel especially for the purpose of the telecast. Rather the same was taken out of the discussion that took place in the Courtroom during the hearing of Civil appeal in the Ayodhya dispute". We would like to submit that it was never our contention that the caption was coined by the News Channel. A news channel reports news to the people and it is the moral responsibility of a News

Channel to “seek the truth and report it fairly with integrity” and also “ensuring that controversial subjects are fairly presented” and additionally ensuring that “selection of items of news shall be governed by public interest”.

Even if it is assumed that the caption was a quote picked from a Courtroom discussion, the same being highlighted by the News Channel in its Twitter post, as an advertisement or endorsement for its programme, does not uphold any of the principles mentioned hereinabove. These are fundamental principles which News channels/broadcasters ought to follow as a matter of principle and self-regulation, as members of the News Broadcasters Association (NBA).

For easy reference, the screenshot of the tweet is provided below:



The above tweet can be accessed at:

<https://twitter.com/aajtak/status/1184075792533225472>

Further the caption does not carry any disclaimer saying that this is not a view endorsed by the News Channel neither is the name of the person who made the comment appearing after the caption. Even if it is assumed that the News Channel has simply quoted someone, the same is not at all clear from the Twitter post. The News Channel is only trying to back track from the views it has clearly endorsed, by posting such inflammatory and inciteful content which could and must have certainly hurt the religious sentiments of the Muslim Community in a secular country like India.

As was mentioned in our Complaint, this tweet even prompted a petition on change.org which demands that NBSA take action against such News Channels spreading communal hatred, and this campaign has garnered more than 1 lakh signatures!

The impact of the telecast and the social media post cannot but have a deleterious impact. This kind of targeted hateful content keeps growing its tentacles to reach every Indian living

room and due to the reach of social media, every user of social media, without any opposition and is against the Preambular goal of fraternity and integrity of the nation. Such contents are aimed at fuelling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

Respected Sir, we urge that this complaint is taken forward to its logical conclusion. We believe humbly that there is enough on record to decide the matter. If however the News Broadcaster is given an opportunity for oral submissions we would urge to also be given the same.

We reiterate the prayers contained in our original complaint. That the NBSA

1. Direct AajTak to remove the programme titled “देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोया से Rohit Sardana के साथ” from their website, from their YouTube Channel and any other links
2. Direct AajTak to remove the said Tweet from AajTak’s Twitter account and from any other Twitter account from which it may have been posted.
3. Direct AajTak to issue a public apology on its channel as well as through its Twitter account for posting such hateful content and for hurting the sentiments of certain communities.
4. Direct AajTak to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.
5. Direct AajTak to refrain from broadcasting or posting, in the future, any such content which would violate the guidelines issued by the NBSA in its advisory dated October 16 and any other advisory applicable thereto.
6. Direct AajTak to provide Proportionate Monetary Compensation to be awarded to a Citizen’s Group like CJP battling the vicious politics of hatred.
7. Take any other punitive action that the Authority deems fit.

Sincerely,



Anil Dharker, President



Teesta Setalvad, Secretary