

February 15, 2022

To,
Justice (Retd.) A.K. Sikri Chairperson,
News Broadcasting & Digital Standards Authority (NBDSA)
C/o News Broadcasters Association
Mantec House, C-56/5, 2nd Floor,
Sector 62, Noida - 201 301
(authority@nbanewdelhi.com)

Cc: Ms Annie Joseph,

For and on behalf of NBSA News Broadcasting & Digital Standards Authority

C/o News Broadcasters Association

Subject: Complaint against News18 show 'Desh nahi jhukne denge - हिंदुओं के खिलाफ महागठबंधन ?' aired on January 18, 2022

Respected Sir,

We, at Citizens for Justice and Peace (CJP) are writing to you with regards to a show aired by News18 India on January 18, 2022 titled 'Desh nahi jhukne denge-हिंदुओं के खिलाफ महागठबंधन?' (The country should not bend – Grand Alliance against Hindus?) with host Aman Chopra.

Before going into the contents of the show, we would like to bring to your notice that we have sent our complaint to the channel on January 22 in this regard and we have received a response from the channel on February 3. However, being unsatisfied with the channel's response, we are filing this complaint with NBDSA which may be considered as a complaint as well as rejoinder to the channel's response.

Copy of CJP's complaint to the channel dated January 22, 2022 has been marked and annexed hereto as Annexure A

Copy of the channel's response dated February 3, 2022 to our complaint has been marked and annexed hereto as Annexure B

About the show

At the outset we would like to state that the said Hindi debate show had themes of communal divide throughout its narrative and did not try to mask this in any manner with not just the participants of the debate but the host of the show as well actively participated in the communal diatribe.

The show was flagged off by the host with a communal statement: Hinduon ke khilaf uttar Pradesh me Mahagathbandhan tayyar ho raha hai aur jab 80 vs. 20 ki baat ki thi yogi Adityanath ne toh wo sahi thi? (In UP a grand alliance is being formed and was Yogi Adityanath right when he said it is now 80 vs. 20?)

Even though the BJP spokesperson tried in the beginning to say that what the UP CM meant by “80 vs. 20” was that the UP Assembly election will be pitted with 80% of population on one side who is pro-development and the other 20% which is against development of the state, eventually the debate was steered towards the communal angle.

Here is what transpired throughout the show. We have extracted quotes of the host during the show, his reactions and some statements displayed during the show in text on a ticker which clearly point towards the narrative the show wanted to promote, which was of spreading religious disharmony in the pre-election phase of UP.

Extracts from the show

The host: “*Jis jis ne hinduon ke narsanghar ki baat kari sab logo ko party me ticket di ja rahi hai* (picture of Priyanka Gandhi and Taukir Raza Khan and few others is displayed)” (Whoever spoke of genocide of Hindus all those are being given a ticket by the Congress party)

An inciteful and inflammatory video of Taukir Raza Khan where he can be seen threatening Hindus was played

The host: “*Ye 80 k khilaf hai mahagathbandhar*” (This grand alliance is against the 80)

The ticker that was going on during the show:

15% Muslim 85% Hindu par bhari (15% Muslims overshadow 85% Hindus)

Jab Yogi Modi chale jayenge tumhe kaun bachayega (When Yogi-Modi leave, who will save you?)

“Hinduon ke khilaf sab mil gaye hai?” (Everyone has colluded against the Hindus?)

He then brought Taukir Raza Khan on air to get his side of the story about the speech he made. During this dialogue, Taukir Raza Khan questioned why was the host blaming the Congress for the speech that he made. He should have been arrested if he has done something wrong and if the host wants to bring up mistakes made by Congress and not harp on what he said.

Further Taukir Raza Khan mentioned that he admits that during the term of Yogi Adityanath, there were no riots in UP and he said that during Akhliesh Yadav term they committed riots everywhere. To this, the host responds, “*Yogi ji ke rehte danga nahi kar paa rahe ye dard hai aapka?*” (You could not commit riots during Yogi’s term, are you feeling hurt because of that?)

On the ticker these names are displayed on repeat with a description

Taukir Raza Khan: *Hinduon k khilaf bhadkau bayan* (inflammatory speech against Hindus)

Nahid Hassan: *Kairana se hindu palayan ka mastermind* (Mastermind of Hindu desertion)

Mohram Ali: *Sahranpur Sikh dango ka aaropi* (Sahranpur Sikh riots accused)

Abu Azmi: *Fifteen % Muslim 85% Hindu par bhari* (15% Muslims overshadow 85% Hindus)

A ticker later also mentioned these names:

Rafiq Ansari: History sheeter

Aslam Chaudhari: Fraud

Haji Younus: Gangster

Amarpal Sharma: Murder

Madan Bhaiyya: Mafia

Assaduddin Owaisi: *Jab Yogi Modi chale jayenge tumhe kaun bachayega* (When Yogi-Modi leave, who will save you?)

When Samajwadi Party's Tariq Ahmed Lahiri called Yogi Adityanath a Gunda on the show and went on debating with a BJP spokesperson Nupur, the host said, "*Wo accept kar rahe hai ki unko hinduon se problem hai. Wo 80 ke khilaf hai*" (He is accepting that he has an issue with Hindus. He is against the 80)

During this heated exchange, Taukir Raza Khan's inflammatory speech and its extracts are transcribed and displayed repeatedly on the ticker"

The host also says that since Samajwadi party has given ticket to Nahid Hassan, Mohram Ali and Tejinder Virk and if they get elected there will be a repeat telecast of Sahranpur riots and Muzaffarnagar riots.

When Salman Nizami, Congress leader, was referring to what Taukir Raza Khan said in his speech and said ki "*galti ho gal*" (he committed a mistake), the host said, "*Galti toh ho nahi payegi na Yogi raj hai, Lath padenge, dande padenge, bull dozer chalega. Galti nahi ho payegi*" (you cannot commit a mistake in Yogi-raj. You will be thrashed with sticks, bull dozers will come at (them). Such mistakes cannot be committed)

Nizami said there are issues like unemployment and other development issues and said that despite the triple talaq law and Ayodhya judgement no one from Musllim community raised his voice. To this the host responds, "*baat hindu musalman ki hai hi nahi. Ye aadmi hinduon k narsanghar ki dhamki de raha hai uska aap samarthan le rahe hai. Aapko hinduon se problem hai*" (the issue is not Hindu-Muslim. This Man (Taukir) is speaking of exterminating Hindus and you are accepting his support. You have an issue with Hindus)

The video of the show downloaded by CJP from Youtube has been marked and annexed hereto as Annexure C

What the show entailed

It is clear from the extracts we have mentioned hereinabove that debate show appeared more like a political campaign debate than a news room debate where the host is supposed to take a neutral stand, introduce a neutral theme and not side with a particular community to put any other community on the spot.

From the word go, as is apparent, the host Aman Chopra, was keen on leading the debate with the question of whether the Congress party and its alliance was meant to be against the Hindus

of the state of UP. He repeatedly used the term “80 vs. 20” throughout the show pitting Hindus voters against Muslim voters of the state. As the host of show on a news channel, that is supposed to have a neutral and unbiased theme, the host did not even attempt to have any non-communal theme on the show. The narrative was not even put to question as to why, if at all, the election theme was pitting one religion against the other. The host let his biases and prejudices against the Muslim community cloud the role he is supposed to play in a debate show and made it evident that he was batting for the Hindu majority and was offended by the fact that some persons with a criminal background were included in the Congress party and its alliance members.

Throughout the show he insinuated that the Congress and Samajwadi Party were against the Hindus, an allegation vehemently denied by the spokespersons of the party present on the show. The political affiliation of the host was clearly portrayed in the show and he made no attempts to mask the same. He was brazen enough to keep reiterating through the show that the opposing parties including the Congress and SP were against the Hindu population, making the election a religious battleground which the political parties are refrained from by the Election Commission but the host of the show kept insisting on making the election a religious issue. This does not only violate the made guidelines issued by the News Broadcasting Digital and Standards Authority (NBDSA) from time to time of which the channel is a member but also stands in violation of our constitutional principles and the orders of the Supreme Court and our country’s high courts from time to time.

Moreover the show was also promoted on the social media handles of the channel by using the following inciteful poster:



The Model Code Of Conduct For The Guidance Of Political Parties And Candidates issued by the Election Commission of India prohibits political parties and their candidates from indulging in “any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.”

The channel’s response

The channel, in its response dated February 3 has stated that "We decided to debate on this topic since there were recent incidents /statements made by certain people against a particular community ('Hindus') and these people were chosen by certain political parties for standing in elections. The debate questioned and let the public decide if people making the above kind of statements should be chosen as representatives of people by political parties."

In response we would like to state that the narrative of the debate show was to show that the opposition in the state of UP was forming an alliance against the Hindu community thereby creating divisions along communal lines in the election campaign phase of the Assembly elections. The tone and tenor of the show was not of neutrality but of putting complete blame upon the opposition party for fielding candidates of Muslim identity.

The channel's malafide intentions are also clear in the language used throughout the show and the comments displayed such as ***Jab Yogi Modi chale jayenge tumhe kaun bachayega*** (When Yogi-Modi leave, who will save you?) or ***15% Muslim 85% Hindu par bhari*** (15% muslims overshadow 85% hindus) or "***Ye 80 k khilaf hai mahagathbandhan***" (This grand alliance is against the 80).

Even the comments made by the host were objectionable and brazenly violative of most journalistic standards when he questioned "***yogi ji ke rehte danga nahi kar paa rahe ye dard hai aapka?***" (You could not commit riots during Yogi's term, are you feeling hurt because of that?). The host also said, "***Galti toh ho nahi payegi na Yogi raj hai, Lath padenge, dande padenge, bull dozer chalega. Galti nahi ho payegi!***" (you cannot commit a mistake in Yogi-raj. You will be thrashed with sticks, bull dozers will come at (them). Such mistakes cannot be committed) which was more of a threat and intimidation tactic and clearly showed where the host was politically inclined.

Despite the spokesperson of Congress denying the allegations of forming any such grand alliance against Hindus or being against Hindus, the host kept asserting that the party had an issue with Hindus and had the agenda of acting against the Hindus when the role that he was bound to play was to moderate the debate and accept the views of the speakers unless what the speakers said was illegal or harming the basic principles of our Constitution. The show was in no manner an unbiased debate but one that was driven completely by a narrative which was pre-decided by the host and had a clear propaganda to pitch Hindus against Muslims.

Violations of law

Here are some sections of the Indian Penal Code that the channel is in violation of on account of promoting enmity and inflammatory comments:

Sections 153A [promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony],

295A [deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs],

298 [uttering, words, etc., with deliberate intent to wound the religious feelings of any person] and

505 (1) and (2) [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes].

153B [imputations, assertions prejudicial to national-integration']

The channel also stands in violation of the Cable Television Network Rules, whereby the programme Code under Rule 6 states that

- (1) No programme should be carried in the cable service which:-
 - (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
 - (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;
 - (h) Contains anything affecting the integrity of the Nation;
 - (i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;

Violations of NBSA principles

Here are some of the codes of ethics and principles of self-regulation as laid out by the NBSA, violated by Zee Media by airing this show:

Section 1 -Fundamental Principles

- 1)** Professional electronic journalists should accept and understand that they operate as trustees of public and should, therefore, make it their mission to seek the truth and to report it fairly with integrity and independence. Professional journalists should stand fully accountable for their actions.
- 4)** 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.
- 6)** 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.

Section 1- Principles of Self-Regulation

The purpose of putting together the principles of self regulation is to avoid compromising the genre of television news by broadcasting content that is malicious, biased, regressive, knowingly inaccurate, hurtful, misleading, or aimed at willfully concealing a conflict of interest.

1) Impartiality and objectivity in reporting: Accuracy is at the heart of the news television business. Viewers of 24 hour news channels expect speed, but it is the responsibility of TV news channels to keep accuracy, and balance, as precedence over speed. If despite this there are errors, channels should be transparent about them. Errors must be corrected promptly and clearly, whether in the use of pictures, a news report, a caption, a graphic or a script. Channels should also strive not to broadcast anything which is obviously defamatory or libelous. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view. This also applies in cases where television channels report on those holding public office, though by virtue of doing so, no person can claim immunity from scrutiny from or criticism by news channels.

2) Ensuring Neutrality: TV News channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

Specific Guidelines Covering Reportage

2. Impartiality, Neutrality & Fairness

2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

2.2 In editing content, broadcasters should ensure that there is no distortion of the facts and events being reported or of the views expressed.

5. Privacy

5.2 Persons should not be featured in content in a manner that denigrates or discriminates against sections of the community on account of race, age, disability, sex, sexual orientation, occupation, religion, cultural or political beliefs.

9. Racial & Religious Harmony:

9.1 Racial and religious stereotyping should be avoided.

9.2 Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.

Guidelines for Election Broadcasts

1. News broadcasters should endeavour to inform the public in an objective manner, about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of People Act 1951 and by the Election Commission of India.

2. News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.
4. News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.
9. News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.

These guidelines and principles make it amply clear what the channel is required to follow. Especially in terms of broadcasts that are related to elections after the elections dates are announced. Yet, the channel, in complete disregard for the same resorted to airing a show that had communal tones which it not only allowed but also brazenly propagated on its own and also promoted it by aligning itself to a particular political agenda.

In of *Amish Devgan vs. Union of India and others* [Writ Petition (Criminal) No. 160 OF 2020 decided on December 7, 2020], the Supreme Court held thus,

"The unity and integrity of the nation cannot be overlooked and slighted, as the acts that 'promote' or are 'likely' to 'promote' divisiveness, alienation and schematism do directly and indirectly impinge on the diversity and pluralism, and when they are with the objective and intent to cause public disorder or to demean dignity of the targeted groups, they have to be dealt with as per law....Such threats not only insidiously weaken virtue and superiority of diversity, but cut-back and lead to demands depending on the context and occasion, for suppression of freedom to express and speak on the ground of reasonableness. Freedom and rights cannot extend to create public disorder or armour those who challenge integrity and unity of the country or promote and incite violence."

"In this context, it is necessary to draw a distinction between 'free speech' which includes the right to comment, favour or criticise government policies; and 'hate speech' creating or spreading hatred against a targeted community or group....The object of criminalising the latter type of speech is to protect the dignity (as explained above) and to ensure political and social equality between different identities and groups regardless of caste, creed, religion, sex, gender identity, sexual orientation, linguistic preference etc."

Prayers

We humbly urge the NBDSA to:

1. Direct News18 to remove this program from all their social media accounts and website.
2. Direct News18 to issue a public apology on its channel for promoting enmity and hurting the secular fabric of the country by pitching one religion against the other.
3. Direct News18 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.
4. Take any other action against News18 that it may deem appropriate

Declaration to be given as per Regulation 8.4

- The facts stated in the complaint are true and correct to the best of our knowledge and belief.
- We have placed all relevant facts before the NBSA and have not concealed any material facts.
- We confirm that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the NBSA.
- We shall inform the NBSA forthwith if during the pendency of the inquiry before the NBSA the matter alleged in the complaint becomes the subject-matter of any proceedings in a Court of law or other Tribunal or Statutory Authority.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures

- Annexure A Copy of CJP's complaint to the channel dated January 22, 2022
- Annexure B Copy of the channel's response dated February 3, 2022 to our complaint
- Annexure C The video of the show downloaded by CJP from Youtube