



March 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 the show "*Toh hijab ke liye bam barsenge? / Danke ki chot par*" aired on February 15, 2022 by News

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Respected Sir,

We, at Citizens for Justice and Peace (CJP) are writing to you with regards to a show aired by News18 India on February 15, 2022 titled "*Toh hijab ke liye bam barsenge? / Danke ki chot par*" (will there be bursting of bombs for hijab(headscarf) / openly) with host Rima Prasad.

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 February 21, 2022 in this regard. We received their response on March 11, 2021 beyond the 14 days limitation period. As the channel has responded denying any violations of the guidelines and the law, we are filing this complaint with NBDSA.

Copy of CJP's complaint to the channel dated February 21, 2022 has been marked and annexed hereto as Annexure A

About the show

At the outset we would like to state that the entire show was premised on false news prejudicial to one community, telecast with the intent of misinforming the viewers, spreading hatred and stigmatizing and demonising the Muslim community. The said show had themes of misinformation and communal hatred throughout its narrative.

Moreover, the host of the show (Rima Prasad) even began the telecast with communally polarizing questions:

- *“kya hijab ki ladayi bambazi par aa chuki hai?*
(the battle for the hijab has reached ‘bomb-bursting’ point),
- *Toh ab hijab ke liye bam barsenge?”*
(so will we burst bombs for hijab?)
- *“danke ki chot par puch rahi hu kya bam barsayenge, shiksha mei shariyat layenge?”*
(I am asking openly, will you burst bombs, will you bring personal law over education?) and tried to incite the feeling of hatred among its viewers towards the Muslim community.

The host also depicted a distorted view around the incident which took place at a school at Murshidabad, West Bengal by making statements such as *“desh ke kayi hisso mei pradarshan kari itne ugr ho chuke hai, haalat itne kharab ho gye hai ki hijab pehen kar aane se mana karne par school mei pathtar bazi ki gayi, tod phod kiya gaya, dawa kiya bam bhi yahan phenke gaye”* (in various parts across the country the protestors have been so violent that they pelted stones in the school and vandalized it, it is ascertained that bombs were hurled at the school). This was a telecast that was both stigmatizing opposition-ruled Bengal and its dealing with the significant minority population.

The host, in further violation of the NBDSA guidelines and Indian law, also misinformed its viewers with its false information and falsely claimed that bombs were hurled at the school in Murshidabad, wherein in reality there has been no such reported case of hurling of bombs and this has been fact checked by a news portal and fact checker called Alt News and found that it is not supported by ground reports and the statement of local administration.

The copy of the report of the Alt News has been marked and annexed hereto as Annexure B

It was not just the fact done by Alt News that is pertinent but also news reports from portals like The Print defy these false claims. The Print spoke to an Assistant teacher at the school who was an eye witness and the news report states, "The police then resorted to lathi charges and fired tear gas shells as the crowd grew violent, says Mondal, adding that — contrary to some claims — there were no crude bombs hurled. The CCTV monitor that had recorded footage of the violence was, however, broken."

The copy of the report of the Print has been marked and annexed hereto as Annexure C

Extracts from the show

Various objectionable statements made in the show, which are listed as follows, along with the time stamps:

- (Rima Prasad) "*..hijab ke liye bam barsayenge*" (bombs will be hurled in favour of hijab) 0:32
- (Rima Prasad) "*..shiksha mei shariat layenge*" (will shariat law (muslim personal law) be brought in education) 0:32
- (Rima Prasad) "*..hijab pehenkar aane par mana karne par school mein pattharbazi ki gayi, tod phod kiya gya*" (when entrance was denied in schools wearing hijab schools were vandalized and stones were pelted) 0:52
- (Rima Prasad) "*dawa kiya gya bam bhi phenke gaye*" (it was claimed that bombs were also hurled) 0:56
- (Rima Prasad) "*hijab samarthakon ne sthaniya school mei jam kar tod phod kardl*"(hijab supporters vandalized the school) 1:08
- (Rima Prasad) "*iske pehle Karnataka mein hijab samarthakon ne hungama machaya*" (before this hijab supporters created a chaos in Karnataka) 1:13
- (Shehzaad Poonawala BJP) "*hijab brigade ke log*" (people of hijab brigade) 8:52
- (Rima Prasad) "*school jo kahenge wahi karna hai*" (whatever school says it has to be followed) 12:08
- (Shehzad Poonawala BJP) "*Vakeel Devadatt Kamat, Kapil Sibbal, P.V Srinivasan, jinka koi lena dena nahi is vishay se, isko bhadkane k liye court tak pahunch gye aur iss mamle ko uthane lage*" (Advocate Devadatt Kamat, Kapil Sibbal, P.V

Srinivasan, who has nothing to do with this topic has moved to the court to raise the issue with the intention of provocation) 14:10

- (Shehzad Poonawala BJP) "*hijab ke naam par dangayion ko khuli chhut di gyi*". (in the name of hijab rioters are given free hand) 25:42

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

What the show entailed

It is clear from the extracts we have mentioned hereinabove that debate show appeared more like a partisan political campaign 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 worldview/community to put any other community on the spot.

The show, telecast with such false news was telecast with the intention of stigmatizing and demeaning the Muslim community on national television which is accessible and within the reach of the huge number of people and has a huge societal influence. This then leads to a negative impact which can also disturb the peace and tranquility by spreading hatred and thereby result in communal violence.

The host further continued with its communally polarizing questions "*sawal ye hai ki hijab ke bahane shiksha mei shariyat lane ki koshish kya ho rahi hai?*" (question is will shariat law (muslim personal law) be brought into education?).

Remarks such as these, especially those which allege a conspiracy are clearly aimed at not just giving a communal angle but also painting the entire Muslim community with the one brush. As the recent debate on the issue has shown, there are clear voices in the Muslim community who have also challenged the notion that the hijab/niqab/burqa is/are an "essential practice(s) of the Muslim faith."

The video also clearly reveals that the host did not want to listen to the leader of the Trinamool Congress (TMC) Mr. Badal when he said "*Bengal mein hijab ko pehenne ka ya nahi pehenne ka aisa koi rules nahi hai* " "*ek school ka teacher, jo hijab pehenkar jar aha hai usko mana kyun kiya? Mein unko kehna chahta hun aapke channel ke madhyam se koi hijab pehe ke koi aatankwadi school mei jar ha hain?hijab pehen ne mei problem kya hai samasya kya hai?*" (There are no rules in West Bengal around the hijab at all; why was a teacher wearing the hijab prevented from entering school? What is the problem with hijab anyway? Through your channel I want to ask your viewers why they view someone wearing the hijab as a terrorist?)

The host wanted the show to be aired to showcase her own views and ideology and did not actually want different points of view to be aired, (when she noticed that this panelist had no major problems with the hijab), she immediately moved towards Shehzad Poonawala from the BJP. This is when the TMC leader warned that if he is not given a fair chance to view his opinion he would walk away from the show the host replied saying "*mujhe samajh aa gaya aapka stand*" (I have understood your stand). This also appears to be clear evidence of the ill will of the host and how she wanted the show to be conveyed to the viewers.

The entire telecast appeared to be one-sided and partisan violating the basic principles of journalism and those laid down by the esteemed National Broadcasting Statutory Digital Authority. (NBDSA). The host appeared to be biased towards the panelist from BJP in the entire show. It was more of a kind that the host and the BJP spokesperson had teamed up against the other panelists who were at least individually making different their points. The host is expected and supposed to be a neutral person but in this show the biasness and favoritism from the side of host is clearly visible.

The show also flashed text statements like "*hijab ki ladayi bambazi par aayi*" (the battle for the hijab has reached 'bomb-bursting' point), "*toh hijab ke liye bam barsenge*" (so we will burst bombs for hijab) in large fonts across the screen throughout the show (on the ticker). These, too, clearly showed the malafide intentions of the channel and the host and also exposes the propaganda of spreading hatred and vilifying the Muslim community, moreover equating the entire community with intemperance and terrorism, at large. This is even more problematic since the news of hurling of bombs is unsubstantiated which, piece of "news" the news channel did not bother to verify at all. The question is, does the news channel have its own staff at the spot when these bombs are being alleged to have been hurled? If not, then did the channel verify this information through any credible source? If the channel is running/conducting an entire show on the basis of this one "incident" then there should have been a confirmed report that this has taken place. The channel remains answerable to this.

Through the show, the host –and the channel --have reported the news maliciously to give the incident a communal angle. A media house has a duty to follow the Code of Ethics and Broadcasting Standards laid down by the News Broadcasting Digital & Standards Authority (NBDSA) which have been violated by the channel and it also amounts to offences relating to misinformation and promoting enmity under the Indian Penal Code.

The Channel's Response

The Channel in its response dated March 11, 2022 (*annexed here*) clearly states that they based their debate solely on the statements and tweets made by BJP leaders which claimed that bombs were used during the commotion and stone pelting in Murshidabad.

In response, we would like to state that it is the duty of the channel to confirm ground reports instead of misinforming the viewers and making false claims. As stated earlier, a fact checker and news portal called Alt News has confirmed that the claims made by News 18 channel on its debate show are neither supported by ground reports nor by the statement of local administration. Another news portal called the Print spoke to an Assistant Teacher at the school who has denied any claims of bombs being hurled during the protest. By arranging the whole debate show merely on the claims made by BJP workers without having done any fact checks themselves, only goes on to prove the channel's irresponsibility, sheer biasness towards BJP and its malicious intentions of hyping a simple incident into a communal issue. It is against the code of ethics and principles of self-regulation for a national television channel to get influenced by a political party's ideology and manipulate the viewer's by associating the Muslim community with terms like "bombs" and "hostage".

In its response, the Channel attempts to establish their balanced approach on the program based on the fact that they invited people affiliated with various political parties for taking part in the debate. We would like to state that the mere invitation to the debate program does not prove the channel's balanced approach. Even though the Channel claims that all parties were given equal prominence and chance to present their own views on the issues, the obvious partiality on behalf of the channel towards the BJP spokesperson is quite evident through the annexed video. It can be seen from the video that whenever a spokesperson from the opposition party would even attempt to make valid arguments, the host would immediately divert to another participant.

Moreover, in its response, the Channel questions the need to protest by the people about the issue when the matter is still pending in the court. We would like to state that there is no objection on circling a healthy and objective discussion on the said protest. However, the point of argument here is the manner in which such discussion was conducted. Headlines such as "*hijab ke liye bam barsayenge*" and "*shiksha mei shariyat layenge*" were absolutely out of line and unnecessary. 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.

The copy of the response of TV News Broadcaster, News 18 India has been marked and annexed hereto as Annexure E

Violations of Law

The Violations of NBSA principles

Following are some of the codes of ethics and principles of self-regulation as laid out by the NBSA, violated by the News18:

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.

3) News channels recognize that they have a special responsibility in the matter of adhering to high standards of journalism since they have the most potent influence on public opinion. The broad principles on which the news channels should function are, therefore, as stated hereinafter.

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 – 2 PRINCIPLES OF SELF REGULATION

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.

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.

3. Law & Order, Crime & Violence

3.3 Reports on crime should not amount to prejudging or pre-deciding a matter that is, or is likely to be, sub judice.

Violations of Indian Penal Code

Further, the inflammatory and unverified content of the show amounts to inciteful, hate speech which is a punishable offence under various sections of the Indian Penal Code (IPC):

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].

Violations

The content of the show, with usage of words like *hijab brigade*, (term used for subdividing muslim women wearing scarf or covering their head) *saazish*, (conspiracy) *shiksha mei shariyat*, (personal law over education) *dangayiyd* (rioters) was downright offensive, aimed at ridiculing one particular community, amounting to hate speech and instigate communal violence.

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;

In the case 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."

Pravasi Bhalai Sangathan v. Union of India (writ petition (c) no. 157 of 2013) decided on March 12, 2014,

In this case, the petitioners found the existing hate speech legislation to be insufficient and requested that the State should implement stricter regulations and take immediate action against those who promote hate speech. However, the Court stated that enforcing existing rules would significantly reduce the problem of hate speech.

We, thus, humbly urge this esteemed Authority to take cognizance of this show aired by News18 and take necessary action against them for spreading misinformation and fake news and also in the process hurting the religious sentiments of the minority community.

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 spreading misinformation and fake news while abdicating its duty to present verified news to its viewers. This apology should be widely telecast and displayed commensurate to the coverage and promotion of the initial broadcast itself.
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

List of Annexures

- Annexure A Copy of CJP's complaint to the channel dated February 21, 2022
- Annexure B Copy of the report of the Alt news
- Annexure C Copy of the report of The Print
- Annexure D The video of the show downloaded by CJP from Youtube
- Annexure E Copy of the response of TV News Broadcaster, News 18 India

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