



Date: May 31, 2022

To,

Ms. Kirtima Maravoor

Compliance Officer

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Subject: Complaint against the Newshour Debate on ‘the Gyanvapi Files’ aired on May 26, 2022 on Times Now

Dear Kirtima,

This is in reference to the above-mentioned debate on ‘The Gyanvapi Files’ aired on May 26, 2022 on Times Now which seemed to be set out with the intention of spreading hatred, 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.

At the outset, the entire telecast of the Time Now News Hour debate ‘The Gyanvapi Files’ appeared to be one-sided and partisan violating the basic principles of journalism and those laid down by the esteemed News Broadcasting Digital Standards Authority (NBDSA) where the host Navika Kumar seemed biased towards the Bharatiya Janata Party (BJP) spokesperson Nupur Sharma.

We are aware that you have removed the above-mentioned content from all social media accounts of your channel and your own website but we have objections with the conduct of the host on the show and request you to take measures so that such incidents are not repeated in the future.

The BJP spokesperson Nupur Sharma is heard on the Times Now debate saying, “They should be told to shut up and stop insulting our religion. Otherwise, we are also capable of hitting them where it hurts. They may call it a fountain as much as they want but the reality is that even Supreme Court ordered immediate protection of the area....claims made in Quran about your flying horses... that the earth is flat ...should I make fun of it? What about Prophet Mohammed marrying a six-year-old child and having sex with her when she was nine?” It is shameful that a ‘national spokesperson’ of a national party, that too the ruling party is stooping to this level. Worse still is that appears no attempt by Times Now to stop or restrict her. She is trying to use these anti-Muslim slurs to outshout another speaker and the Times Now Channel has clearly allowed this kind of extremely inflammatory statements to run their course and do immeasurable damage before removing this video altogether.

The clipping of the deleted video uploaded on twitter website dated 27.05.2022 is marked and annexed hereto as Annexure A

Without condemning or even interjecting to stop hate monger Nupur Sharma from making such a derogatory statement against the Prophet of Islam, Mohammed, anchor Navika Kumar concludes the shouting match by saying if the structure in Gyanvapi mosque cannot be called a Shivling, it cannot be called a fountain. She says, “All I want to say is that if this country is to be run by the Constitution and the rule of law then clearly if it is not identified and called a ‘Shivling’ then it cannot be called a ‘Fountain’ as well and defining any property that may have any links with any religion or faith, is that acceptable in this society? That is the question we are asking on this News Hour tonight.” Therefore, it comes across as if the whole essence of the debate was, 'since people are mocking the Hindu faith they could also mock other religions.'

We believe that it is quite hypocritical for the anchor to make a statement such as this when she herself has been addressing the structure in question as a ‘Shivling’. In fact, even the hashtag displayed on the telecast had the word ‘Shivling’ in it. The hashtag read as: “#ShivlingDamagedClaim”. In addition, she raises no objection whatsoever when BJP Spokesperson Nupur Sharma repeatedly addresses the structure as ‘Shivling’ but prohibits other panelists from addressing it as a fountain. The host is expected and supposed to be a neutral person but in this show the biasness and favouritism from the side of host is clearly visible.

Instead of correcting your own anchor, you have also taken a stance towards the views of Nupur Sharma alleging the Alt News co-founder Mohammed Zubair that he took the chunk of the video where Nupur talked about other religions referring to Islamic beliefs, and shared it on Twitter with an ‘out of context’ narrative calling her 'communal hatemonger.' We would like to state that the statement made by Nupur Sharma on Prophet Mohammed is both indecent and inflammatory, violative of Indian law and is particularly and blatantly offensive to the Muslim community irrespective of the context with which it was made. In any case, she shouldn't have made such incriminating statement hurting the religious sentiments of the Muslim minority and the anchor of the show, Navika Kumar should have openly condemned her for making such remarks on a national television.

A copy of the report by Times Now dated 27.05.2022 is marked and annexed hereto as Annexure B

Moreover, it simply cannot be a mere coincidence that the full video of the debate as posted on Times Now's Youtube channel was immediately taken down soon after it was alleged by BJP's Nupur Sharma that the clipping of the viral video, recording her remarks on Prophet Muhammed, shared by Alt News co-founder Mohammed Zubair, was heavily edited. It is the duty of Times Now towards its viewers and the citizens of India to speak up against such allegations and prove the veracity of such claims instead of restricting its access. We urge that a copy of this video in its entirety is made available to us to take this up with the News Broadcasting Digital Standards Authority (NBDSA).

A screenshot of the page restricted by Times Now is marked and annexed hereto as Annexure C

We are also aware of the statement released by Times Now on Twitter dated 27.05.2022 claiming that the views expressed by BJP Spokesperson on the show are not endorsed by Times Now and urging the participants to maintain restrain and to refrain from indulging in unparliamentary language against fellow panelists. However, we believe that it is not just the participants who have to maintain restrain on the language used against fellow panelists but it is also the duty of the host/anchor representing the channel to monitor the debate and call out the participants for using such foul language. It is to be noted that the impugned debate is a much more serious issue which cannot be merely slipped under the rug claiming it to be a one-off incident of using “foul language”. It is expected of the media house to understand the gravity of the situation and the far-reaching impact of the statements made on their show. Times Now should take into consideration that the act of BJP spokesperson Nupur Sharma of commenting on Prophet Mohammed’s character with such confidence has the potential to disturb the peace and tranquillity by spreading hatred and thereby resulting in communal violence.

A screenshot of the statement dated 27.05.2022 posted by Times Now on Twitter is marked and annexed hereto as Annexure D

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 Times Now:

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.

News Broadcasters Association: Specific Guidelines Covering Reportage

4. Good Taste & Decency, Sex & Nudity

4.1 In selecting content, broadcasters should abide by current norms and mores of decency and taste, in visuals, language and behaviour, keeping in mind the context in which any visuals, language or behaviour occurs, including

the broadcast time, type of content, target audience, use of parental advisories, cautions and content classification.

4.2 Content that contains violent or sexual material, crude, offensive, or coarse language or other content likely to disturb or offend even a reasonable adult viewer should be avoided.

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.

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].

The remarks made on Prophet Mohammad in the show was downright offensive, aimed at ridiculing one particular community, amounted to hate speech and could have instigated communal violence.

In view of this, it is in best interest, that you not only share the original copy of the debate show in question and prove the veracity of the claims made by Nupur Sharma but also issue a public apology for displaying biasness on the show and not condemning the participant from making such crude comments. We also urge you to implement strict measures so that such incident is not repeated again.

Judicial precedent: We are sure that a prominent channel such as Times Now, belonging to one of India's leading media conglomerates is aware of judicial precedent with relation to publication or telecasting of such incriminatory statements which are bound to generate communal disharmony or feelings of ill will, enmity and hatred between the people of different communities. It is an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb the public tranquillity. Most importantly, such open intimidation only makes the targeted group more vulnerable to violent acts.

Be it, the recent *Amish Degan vs Union Of India 2021 1 SCC 1* case, wherein the Hon'ble Supreme Court elaborated on the concept of Hate Speech by identifying three elements – content of the hate speech, intent of the content (speech or writing) and extent of harm intended to be caused (violence etc)—as being key to understand its deleterious impact. *In State of Karnataka and anr vs. Dr Pravinbhai Togadia (2004) 4 SCC 684*, the Hon'ble Supreme Court held that the valuable and cherished right of freedom of expression and speech may at times have to be subjected to reasonable subordination to social interests needs and necessities to preserve the very core of democratic life preservation of public order and rule of law. Finally, we would like to bring your attention to the case of *Pravasi Bhalai Sangathan v. Union of India, (Ref: AIR 2014 SC 1591, at para.*

7.), where 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 that can range from discrimination, to ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution. At every level the reportage of the telecast of the hate-filled content by Times Now and the sense of outrage it has generated on social media suggests a very dangerous impact, if not intent.

In the event we do not receive a satisfactory response from you, we will be compelled to submit a complaint to the News Broadcasting Digital Standards Authority (NBDSA).

You are also put on notice that failure on your part to satisfy the complainants with an apology on your news channel may result in legal consequences for your channel at the appropriate fora, at your risk to costs.

Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary

Annexures:

- Annexure A: The clipping of the deleted video uploaded on twitter website dated 27.05.2022,
- Annexure B: Copy of the reported by Times Now dated 27.05.2022
- Annexure C: Screenshot of the restricted page by Times Now
- Annexure D: Screenshot of the statement dated 27.05.2022 posted by Times Now on Twitter