



October 22, 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 News India 18 show “Desh Nahin Jhukne Denge Aman Chopra के साथ” aired on October 4, 2022

Respected Sir,

We, at Citizens for Justice and Peace, are writing to you to raise concerns over a hate-filled and inflammatory show aired on News India 18 called “Desh Nahin Jhukne Denge Aman Chopra के साथ” on October 4, 2022 and are hence preferring a complaint against the same.

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 October 10, 2022 in this regard. We received their response on October 14, 2022. 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 October 10, 2022 has been marked and annexed hereto as Annexure A

Copy of the channel’s response dated October 14, 2022 to our complaint has been marked and annexed hereto as Annexure B

[[This show is still available 20 days later after telecast available online and on YouTube it shows that it has been watched by 314K (3,14,568) persons. Furthermore, the show has more than 1,000 people commenting inciteful messages in the comment section on Youtube. The show may be viewed here:



(642) [Desh Nahin Jhukne Denge Aman Chopra के साथ LIVE | Navratri | Garba | Gujarat | Love Jihad | Debate - YouTube](#)]]

[[Since the entire video is quite large, we are not attaching a copy though we have downloaded it and it is available with us should the need arise]]

About the show

At the outset we would like to state that the said show, hosted by Aman Chopra, was an example of a brazen display of hatred towards one community merely over questioning their entry into Navratra Garba pandals. Through the entire debate, the members of the panel brought into question not just the various principles of Islam as a religion but also mocked speakers belonging to the Muslim community by asking them to hail Hindu gods on national television.

What the Show Entails

The show started with the host visibly cheering the Gujarat Police for beating men publicly with a stick for allegedly having pelted stones at a Garba event. The host says, “*Aapko Gujarat Police ka Dandiya dikhate hai* (We will show you Dandiya played by Gujarat Police)”. Then he goes on to cheer them more as the beatings continue and the victims, visibly pained and begging for mercy saying “please forgive us”. The host then goes on repeatedly, “*Gujarat Police ne unke saath dandiya kbela* (Gujarat Police played *dandiya* with them)” and “*Gujarat police ne unka ilaaj kia* (Gujarat police cured them)”. Thus openly encouraging such unlawful acts right in the beginning of the show, which clearly indicated what kind of narrative was to follow. At this point we would like to point out that as the host is visibly lauding the police for flogging Muslim men publicly and calling it ‘*dandiya*’ (a stick dance), when, thanks to the public uproar, the head of the Gujarat police, director general of police, Ashish Bhatia, has ordered an enquiry into the matter to be conducted by Kapadvanj Deputy Superintendent of Police V N Solanki.

The host then starts the “debate” taking opinions of his speakers where one of the speakers, speaking about celebration of festivals together said that be it any festival, Hindus and Muslims should respect them and celebrate together because in this country we live together with love. The host then eggs him on, “*Koi aur tyohar garba kea lava jisme interest ho muslim ladko kea?* (Is there any other festival in which Muslim boys are interested?)”. At one point Rashidi and Atiqur Rehman, the two speakers belonging to Muslim community even pointed out that other festivals like *Holi* and *Raksha bandhan* are also celebrated by all, but the host is not interested in taking the same point forward.

Since the speaker said that festivals should be celebrated together, the host commented, “*Karnatak ke idgah me ganesh utsav nahi manane dia tha. tab kaha gaya tha secularism* (they did not allow *ganesh utsav* to be celebrated at the idgah ground in Karnataka. Where was secularism then?) [The point of issue here



was not collective or joint celebration but the perceived super-imposition of one faith on the minority place of worship, however].

Throughout the debate, the host openly forces one of the speakers Sajid Rasheedi to say Jai Shri Ram. He also makes a generalized, even stereo-typical statement against Islam saying, “*Vande Mataram bhi Islam me varjit ho jata hai*” (Vande Mataram is also forbidden in Islam).

“*Aisa kya mil raha hai garbe me ki Islam ki sari rigidity khatam ho jati hai* (What is it about Garba that all rigidity of Islam vanishes)” the host questioned Rashidi.

There are also repeated tickers running through the show:

“*Hamare garba me tumhara kya kaam hai*” (What have you got to do with our Garba)

“*Garba par pattharbaji – apradh ya jihad?*” (Garba and stone pelting – Crime or Jihad?)

“*Garba me zyadatar Muslim Naam badalkar kyu aate hai?*” (Why do so many Muslims change their identity to play garb)

“*Muslim ilaakon me aayojan kyu nahi*” (Why is [garba] not organized in Muslim localities)

“*Tob Muslim betiya shamil kyu nahi hoti?*” (why do muslim girls not participate [in garba])

“*Mazhab chipayenge ab patthar bhi barsayenge?*” (Hiding their religion, now pelting stones too?)

The show also depicts an animated image of a man wearing a skull cap holding a stone in his hand.

The host then compels this person, Rashidi to speak on behalf of those Muslims who go to play/dance the garba to ask ‘where their faith lies; whether they are followers of Islam or do they believe in Ma Durga’. Despite him refusing to speak on behalf of them, the host pushes him to do so and asks him repeatedly to answer for somebody else’s faith or belief.

Further, the debate then veers away to the politically contentious, Gyanvyapi mosque dispute which is presently a matter that is sub-judice; thereafter it goes on to even the Ayodhya Ram Mandir; both of which are not just controversial but are completely unrelated to the topic which was sought to be debated upon. This clearly indicates that the news point (by this anchor) was merely an excuse for bringing divisive view points to the fore in the midst of a festival, to egg people on and incite them against the Muslim community.

The objective of the debate on the programme became amply clear from the very start. The host clearly wanted to pitch Hindus against Muslims using incidents of alleged stone pelting during garba celebration in Gujarat and Madhya Pradesh stating that stones were pelted by Muslim boys or that they tried to enter *garba pandals* (stages or platforms for the dance) by changing their names or identity. Through the show, the principles and tenets of Islam were brought to question, faith of people of Muslim community who wish to celebrate *garba* is brought to question, the unlawful action of the



Police seen flogging Muslim men holding them to a pole is lauded, tickers (as mentioned above) severely hurting religious sentiments are flashed throughout the show and overall a narrative of a divisive nature has been created.

There remains little doubt for the rational viewer, that the intention of the host was to incite Hindus against the Muslim minority by questioning why Muslims should get involved in *garba* celebrations, by justifying the unlawful police action of flogging Muslim men publicly, by picking one or two incidents to show that Muslims are acting against Hindus by stone pelting or by entering *garba* celebrations to eve tease Hindu girls, by posing baseless questions like why Muslim girls do not celebrate *garba*.

The opening remark itself was brazenly divisive; then the narrative of the show carries on with the same tenor and takes it to a whole other level. The host has made no attempts to mask his and his channel's prejudice against Islam and its followers or his brazen attempts to openly pitch Hindus against Muslims. The concept of the syncretic and harmonious celebration of different religious and cultural festivals in our country, India, apart from the inherent and lived quality (Indians) of unity in diversity has clearly been lost upon the channel and its host. The host and the channel appear to have overlooked and forgotten that, in India, all festivals are celebrated by households and in the public sphere by people belonging to all religions. In fact, one can find more stories of harmony in festivals than at any other time of the year and it is festivals that bring people together irrespective of their religious background or otherwise.

The Channel's Response

The Channel in its response dated October 14, 2022 (annexed here) clearly state that the impugned programme was based upon the widely reported incident of stone pelting and subsequent police action which took place during the occasion of Garba in Khera District of Gujarat. In their response, they stated that *“The impugned programme was based upon the widely reported incident of stone pelting and subsequent police action which took place during the occasion of Garba in Khera District of Gujarat. It is also pertinent to state here that at the beginning of the programme itself, the anchor had stated that police should not have taken law unto itself and indulge in the beating of some ‘accused miscreants’ persons who were involved in the stone pelting incident at the event. During the debate, the anchor also sought panellists views on how could the police take the law unto its hands and resort to such actions of beating the accused. Further, the anchor had at the start of the programme and during various intervals clearly stated the allegations of stone pelting have been levelled on the persons who were seen getting beaten by the police.”*

In response we would like to state that the narrative of the “debate” show was to depict that the Muslim youth have some ulterior motive behind getting involved in *Garba* celebrations being organized by the Hindu community, thereby creating divisions along communal lines and spreading their hate agenda. The tone and tenor of the show was not of neutrality but of putting doubts in the mind of the audience regarding the intentions of the Muslim men wanting to be a part of the *garba* celebrations.

The channel's malafide intentions are also clear in the language used throughout the show and the comments displayed such as "***Hamare garba me tumhara kya kaam hai***" (What have you got to do with our Garba) or bringing up the issue of Ayodhya Ram Mandir and Gyanvapi Mosque dispute, and pitching the Hindu community against the Muslim community. Even the comments made by the host were objectionable and brazenly violative of most journalistic standards when he questioned "***Aisa kya mil raha hai garbe me ki Islam ki sari rigidity khatam ho jati hai***" (What is it about Garba that all rigidity of Islam vanishes)".

Throughout this show, the host kept asserting that the police was right to thrash the Muslim youth and used incidents of alleged stone pelting during garba celebration in Gujarat and Madhya Pradesh stating that stones were pelted by Muslim boys or that they tried to enter garba pandals by changing their names or identity, 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. The content of the show was downright offensive, aimed at ridiculing one particular community, amounting to hate speech and instigate communal violence.

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 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 10 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.

Over the past recent months, in four ongoing legal interventions, the Hon'ble Supreme Court has come down clearly and heavily on the widespread impunity for those inciting hate speech and hate writing, and in one case, especially commented on not just the non-prosecuted conducted of political 'leaders' but the deleterious role being played by television channels. We reserve the right to bring in these orders at the time of the hearing of this complaint.

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 communal agenda 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

Annexures

Annexure A- Copy of CJP's complaint to the channel dated October 10, 2022

Annexure B- Copy of the channel's response dated October 14, 2022 to our complaint