



Date: December 5, 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](mailto: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 debate segment "'Madrassa Jihad' पर बड़ा खुलासा, मजहबी तालीम का '491 तंत्र'" aired on Times Now Navbharat on November 11, 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 Times Now Navbharat called segment "'Madrassa Jihad' पर बड़ा खुलासा, मजहबी तालीम का '491 तंत्र'" aired on November 11, 2022

Before going into the contents of the show, we would like to bring to your notice that we had sent our complaint to the channel on November 14, 2022. However, having not received any response from the channel within 14 days, we are escalating our complaint to this forum.

**Copy of CJP's complaint to the channel dated November 14, 2022 has been marked and annexed hereto as Annexure A**

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. Here is the link to the video:

<https://www.youtube.com/watch?v=9IICgiBGCOK>

### The contents of the show

The debate, hosted by Naina Yadav and Rakesh Pandey, was based on a “survey” carried out by the UP government on Madrassas in certain districts of the State. Reportedly, it was found that Bahraich city, which is close to the Nepal border, has 792 madrassas out of which 491 were found to be running “without license”.

Over this news, the channel held a debate and declared that something called “madrassa Jihad” was taking place in Bahraich. It is best known to the hosts and the channel what this term “Madrassa jihad” means and an explanation or definition of the same would be much appreciated, in response.

The segment starts with a large display in the background which reads “*Bahraich me Madrassa Jihad*” (Madrassa Jihad in Bahraich) and the hosts state that a “survey” has revealed that 491 illegal madrassas are being run in Bahraich out of the total 792 madrassas.

The following text is repeatedly displayed throughout the debate which suggests that the intention of the channel was to spread stigma, even hatred against the Muslim community. This also amounts to creating a narrative that is anti-Muslim’ to add fuel to the existing, perpetuated animosity against a minority Indian community that has been widely prevalent, conspicuously due to reportage such as this example. The channel must be aware that the “mainstream”, “commercial” media, which it is also a part of, has been responsible for disseminating such a stigma-driven for several years now leading to sharp, recent remarks from the Hon’ble Supreme Court of India (September-November 2022).

- *UP me Madarsa Jihad par bada khulasa (00:05)*
- *Jaha Owaisi gaye waha awaidh madarse ugg aaye? (00:53)*
- *Bahraich ka M Factor (04:32)*
- *Bharat-Nepal Sarhad ... Kisne banaya ‘gadh’ (00:30)*
- *Bahraich me 34% Muslim aabadi (04:27)*
- *Akramankari Mahmood ghaznavi ka bhanja tha Masood (05:30)*
- *Bahraich me Salar Masood Ghazi ki dargah (28:50)*

The host, Naina Yadav questioned how these madrassas are being funded, the speaker, a Muslim scholar, said that Muslims all over the country themselves fund the madrassas to which she questioned “*akhir aisa kya hota hai madarso me ki itna bada dil dikhate hai*” (How is it that they display such ‘generosity’ only when it comes to Madrassas?)



Reporting on news involves a responsible exercise of imparting balanced information. Questioning of the bit of news information in a prejudicial or hysterical way, without any rational basis to that questioning, with an intention to pitch views of only one segment/community amounts to stigmatizing the section that is thus portrayed or targeted. Laws, statutory guidelines and evolving jurisprudence have tested and assessed this kind of portrayal and held it to be in fact creating an unequal, partisan playing field that both demeans right to life and right to life with dignity of that particular targeted section. In practice, therefore it attacks the right to equality and non-discrimination, too.

The above imagery clearly shows how one side of the screen, a Hindu side “guru” and on the other, a Muslim scholar were asked to “present their views”, they exchanged opinions at odds with each other; and this image is displayed with two swords that have been placed between them to depict two warring ends. This makes the channel’s intention to pitch the two religions against each other even more clear. This is not only objectionable per se but clearly suggests that the channel is using such imagery to propagate a communal face-off.

The State Minority Welfare Minister, Danish Azad Ansari was interviewed by a reporter at the end of this debate and despite the reporter repeatedly prompting him about the impact of these “illegal” madrassas along the Indo-Nepal border, he refused to fall in that trap and maintained that the state received cooperation from the Madrassas that were surveyed and also that the survey was conducted to help the government make better policies for minorities and to ensure that proper facilities are available in these madrassas. This was far from the interpretation given by the channel, however. Clearly, while even the state government was not

interested in falling into this trap of goading an anti-Muslim narrative, the channel was trying to push this.

This persistent stigmatization and attack on the minority community to drive home the point that Muslims are always up to sinister activities by terming everything they into “jihad” is harmful to the social fabric of this country.

Without questioning the legitimacy of the data that the channel must have accessed from the Madrassa survey, we are only raising concern over the manner in which or the approach chosen to deal with this data. Using terms like **“Madrassa Jihad”** and **“the ‘M’ Factor”** the channel has resorted to cheap tactics to spread communal tension and hatred which is unbecoming of a news channel that should be adhering to the Fundamental principles of Self-Regulation and other guidelines issued by the National Broadcasting & Digital Standards Authority (NBDSA). By resorting to such kind of reportage, the channel also has committed offences under the Indian Penal Code.

### **The ‘Jihad’ trope**

The trend of using the suffix of ‘jihad’ to propagate their communally divisive narrative has caught traction in the mainstream news media. The moment any news wherein a person from Muslim Community is involved, news channel rush to label it as some kind of Jihad. This Authority is cognizant of the same as we have brought forth such instances before the NBDSA in the past, including “Zameen Jihad” of Zee News, “Conversion Jihad” of News Nation and “Vaccine Jihad” of Zee Hindustan.

In case of “Conversion Jihad” show aired on News Nation, this Authority held that usage of captions like *“500 Hindu kaise bane Muslim”* and *“Kya Mewat Pakistan Ban gaya?”* violated the Code of Ethics, Principles of Self regulations and Fundamental principles laid out by NBA and adopted by its members.

In the case of “Zameen Jihad” show aired on Zee News, the host, Mr. Sudhir Chaudhary, showed his viewers a Jihad diagram propagating various types of Jihad in the country categorising them as soft jihad and hard jihad. He then went on to explain, “Hard Jihad includes Population Jihad, Love Jihad, Land Jihad, Education Jihad, Victim Jihad and Direct Jihad, while Soft Jihad includes Economic Jihad, History Jihad, Media Jihad, Movies and Songs Jihad and Secular Jihad.”

Here, the NBDSA had prima facie held that the tone and tenor of the programme was divisive and that broadcast was targeting a particular community and also that the channel violated Code of Ethics, Principles of Self regulations and Fundamental principles, as mentioned hereinabove.

We would like to mention here that in previous proceedings before this Authority, when we had complained against “Vaccine Jihad” show of Zee Hindustan, the NBDSA found that the channel was in violation of the Specific Guidelines Covering Reportage relating to Race and Religious Harmony.

The NBDSA has expressed “strong disapproval to the tilt given to the programme by the broadcaster”. The Authority had also opined that the “channel had given a tilt to the programme by co-relating a singular incident of alleged vaccine wastage with a particular community”.

**A copy of the order given by NBDSA in the matter against Zee Hindustan’s ‘Vaccine Jihad’ show is marked and annexed hereto as Annexure B**

As in the previous proceedings before the NBDSA, a similar situation has arisen where a news channel has targeted a particular community and hurt their religious sentiments.

### **Violations of Law**

#### **The Violations of NBDSA principles**

The following are some of the codes of ethics and principles of self-regulation as laid out by the NBDSA, violated by the channel:

### **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.

## **The program, further violates 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.

## **9. Racial & Religious Harmony**

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.

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 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 order to respect the diverse religions and composite cultures of India, it is essential to keep a check on the unverified claims and hate propaganda against Muslims. Targeting a particular community fosters a spirit of discrimination and needs immediate attention to protect the secular fabric of India.

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.”*

In *Pravasi Bhalai Sangathan v. Union of India* (Ref: AIR 2014 SC 1591, at para. 7.), 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.



The Law Commission Report, 2017 stated that *“hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. Such speech is considered outside the realm of protective discourse. Indisputably, offensive speech has real and devastating effects on people’s lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked hate speech can severely affect right to life of every individual.”*

In the Sudarshan News case (Firoz Iqbal Khan v UOI – WP[CIV] NO. 956/2020)), the Supreme Court had observed that, *“the edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties is founded on the co-existence of communities. India is a melting pot of civilizations, cultures, religions and languages. Any attempt to vilify a religious community must be viewed with grave disfavour by this Court as the custodian of constitutional values constitutional values demands nothing less.”*

Free Speech is not Hate Speech, Hon’ble Sir as the latter often misuses positions of power and privilege to further marginalise and stigmatize a section that is structurally, socially and politically disadvantaged. Unchecked proliferation of such telecasts by the electronic media have the deleterious impact of misinforming and prejudicing public discourse, often as a precursor to social ostracization and even violence.

Further, the broadcast is also prejudicial to the maintenance of harmony and has disturbed public tranquility as it blatantly promotes hatred, distrust and discrimination against the minority community by placing blame on them for some sort of deep-rooted conspiracy against the rest of Indians. In doing so, the statements displace harmony and exacerbate religious tensions by portraying Muslims villains and wrongdoers.

Moreover, these discriminatory statements and unverified claims amount to generating an atmosphere that can lead to mass violence and targeting of the Muslim community. The hatred perpetrated by the Media has destroyed and damaged the lives of ordinary people. Since March 2020, in a seemingly concerted and perpetrated way news broadcasters are misusing and manipulating the term “jihad” and using it as a tool in public discourse to further objectify the Muslim community. Such dehumanization has resulted in calls for elimination of the community, thus making them targets of vigilante violence.

### Prayers

It is prayed that the NBDSA take cognizance of the aforementioned violations and it is further prayed that the NBDSA:

1. Direct the broadcaster to remove this program from all their social media accounts and website.
2. Direct the broadcaster to issue a public apology on its channel for spreading hateful 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 the broadcaster 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 the broadcaster 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 NBDSA 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 November 14, 2022

Annexure B: Copy of the order given by NBDSA in the matter against Zee Hindustan's 'Vaccine Jihad' show Dated June 14, 2022