



Date: January 24, 2023

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  
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Cc: Ms Annie Joseph,  
For and on behalf of NBSA News Broadcasting & Digital Standards Authority  
C/o News Broadcasters Association

**Subject: Complaint against show titled 'Rashtravad | 2024 में Ram Mandir का उद्घाटन... अभी 'हथौड़े' की बात क्यों?' aired on December 30, 2022 on Times Now Navbharat**

Respected Sir,

We, at Citizens for Justice and Peace (CJP), are writing to you to raise concerns over a hate-filled and inflammatory show titled 'Rashtravad | 2024 में Ram Mandir का उद्घाटन... अभी 'हथौड़े' की बात क्यों?' aired on December 30, 2022 on *Times Now Navbharat*.

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 5. We have not received their response within the stipulated time of 7 days and hence we are escalating our complaint to the NBDSA.

***A copy of CJP's complaint to the channel dated January 5, 2023 has been marked and annexed hereto as Annexure A***

**The contents of the show:**

The entire show debates on some inflammatory and inciteful statements made by one Sajid Rashidi who is generally known for making such statements to grab attention on TV news. He made certain comments about Ayodhya and Ram Mandir which have the potential to blow up into a communal disharmony. By picking his statements as a news point and a point to conduct an hour long debate upon, your channel chose to be partial and promoting a communal narrative.

We would like to point out that the show began with the following tickers which kept flashing throughout the show:

*Hindustan me 'gazwa-e-hind' ka plan?* (0.12) (Gazwa-i-hind being planned in India?)

*Maulana Musalmano ko bhadkayenge* (0.16) (Maulana will incite Muslims)

*Ram mandir todne ko uksayenge?* (0.20) (Will he incite them to destroy ram mandir?)

*Musalmano ko uksa rabe hai sajid rashidi?* (0.24) (Is Sajid Rashidi inciting Muslims?)

*Islamic rashtra wali sazish decode?* (0.27) (Conspiracy of 'Islamic' nation decode)

*2024 me ram mandir ka udghatan abhi hathode ki baat kyu?* (5:07) (Ram Mandir will be inaugurated in 2024 then why are they talking of a 'hammer' now?)

After Rashidi's problematic comments were played out, the host Rakesh Pandey asked Rashidi (present in the studio with 3 other speakers), "*sabse pehle jo apne baate kahi.. Mughal shasan kaal aa jayega.. ram mandir tod diya jayega. Kya aap desh ke musalmano ko bhadka rabe hai?* (5.48)" (first of all what you said that Mughal reign will return, Ram Mandir will be destroyed. Are you inciting the Muslim in this country?). Rashidi went ahead and denied he said anything about a Mughal reign.

Further, (between 10.00 to 11.00 minutes) Acharya Vikramditya is abusing Rashidi which was censored (beeped out) by the channel and the host tried to pacify the Acharya. Then again (between 17.12-18.00 minutes) Acharya abused Rashidi and Rangrez (another speaker supposed to be an Islamic scholar) which was again censored by the channel. At one point Acharya charged at Rangrez (19.57 minutes) and a scuffle broke out between the two. At this point the show should have been stopped and the speakers should have been dispersed and boycotted from the show. Instead, the channel started playing out the transcripts from Rashidi's statement, which was the subject of the debate.

At one point the host even made an allegation (14:23 minutes) "*aap chahte hai Islamic rashtra ban jaye 2047 tak*" (you want an Islamic nation by 2047 minutes).

At one-point (21:5 minutes) Rashidi and Rangrez walked out from the show and Acharya called "them" terrorists and Talibani (21:48- 21:57 minutes). When, at this point the host tried to salvage the situation and reprimanded Acharya for making such comments, this went on for a while. The Host clearly stated that the channel does not endorse such comments and that Acharya has no right to call any person a terrorist. Yet, even after this the Acharya during the course of the rest of the show tried to justify his statements. He was still allowed to speak on few occasions.

What is really problematic, however, is that after the token reprimand, at some point later in the show, (40.15 minutes) the channel started displaying all problematic comments made by Maulanas as shown below:



Thereafter, some more tickers were displayed during the show, as the debate continued. Rashidi also mocked some Hindu rituals of cremation during the show for which the host also reprimanded him.



All in all, the debate show telecast deeply polarizing and divisive statements and the fact that the channel aired it suggests strongly a design by the broadcaster. The tactic was this: the channel brazenly picked up a communal statement and made it a point of debate, and further exacerbated the impact of a divisive statement by calling in speakers with radicalized views and allowing them to hurl abuses at each other and also physically assault each other. Any responsible channel would have debarred such speakers from its platform and stopped the show then and there. Yet, the host continued with the show while making some extremely problematic statements towards the end of the telecast. For example, by saying, “by 2047 there will be an Islamic nation” “Plan to capture the country by increasing population”. All this while, displaying a picture of skull-cap clad crowd.

There is no doubt that the intention of the show from the word go was to play with heightened communal sentiments since the statements made by Rashidi to the channel alone, were inflammatory and were not desirous to become a point of debate. It is natural that by making it a point of debate,

the ensuing debate would fan the flames of communal tension, which, no matter how much the channel claims to be neutral, was the intention of the channel. While we take note that the host refused to endorse certain extremist and disparaging views of the speakers, the intention behind the debate show itself and behind choosing the topic for discussion cannot be overlooked. If in fact the intention of the channel was to showcase such radicalized views, the channel could have, on the same panel, introduced rational voices from across the spectrum, but especially from the Muslim minority community. This would have shown that there is no monolith or stereotype that can be tagged with any group of citizens or Indians.

## **Violations**

### **The Violations of NBSA principles**

Following are some of the codes of ethics and principles of self-regulation as laid out by the NBDSA, violated by Times Now Navbharat:

#### **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.
- 5) The fundamental purpose of dissemination of news in a democracy is to educate and inform the people of the happenings in the country, so that the people of the country understand significant events and form their own conclusions.
- 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.

#### **PRINCIPLES OF SELF REGULATION**

##### **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.

### Specific Guidelines for Anchors conducting Programmes including Debates

The Anchors/Presenters/Journalists/ Editors should:

a. Not make any derisive or derogatory statements about individuals, communities or religious beliefs and practices while reporting, commenting, analysing or debating on any issue or topic in any programme/s including debates.

b. All communally inflammable statements/declarations are prohibited as per the Code of Ethics and therefore should not be uttered during the programmes. Members are aware that such utterances are subject to penalty under the News Broadcasting & Digital Standards Regulations.

c. While deciding panelists for debates, Anchors, Editors and Broadcasters/Publishers should avoid inviting fringe elements, extremists and separatists who are known for espousing rabid/fanatic views/opinions thereby giving them an opportunity to air and spread their divisive and provocative views.

d. Caution, inform, guide, advise and brief the panelists (either by e-mail or personally), prior to participating in a debate, to refrain from making any provocative and divisive statements and bring to the attention of the panelists the Code of Ethics and the Guidelines issued by NBDSA. These emails, if any, should be kept on record and may be produced before NBDSA in case of any future complaint/s.

e. Advise and warn the panelists from making provocative and divisive statements during the debates. In case of non-compliance, mute the panelist/s if he/she continues to make such statements which may incite hatred amongst communities or result in racial and religious stereotyping or which denigrates or creates religious intolerance or disharmony.

f. Ensure that panel discussions and /or the programmes including debates do not become a platform to encourage or expound extremist/divisive views or spread falsehood or fake facts about individuals, communities, religious beliefs and practices.

g. Refrain from using religion-linked adjectives in a pejorative manner and refrain from any character assassination/attacks whatsoever on the basis of religion, political affiliations, prejudices etc. in any programme/s including debates.

h. Avoid pushing any communal agenda during a programme including a debate. Anchors must ensure that they do not take any sides and do not harass or harangue panelists to force any admission, opinion or comment.

It may be noted that adding a Disclaimer to any programme including debates does not absolve Editorial personnel, Anchors, Journalists and Producers of their responsibility in case of violation of the Code of Ethics and the Guidelines. Editorial Policy of a particular channel cannot be a defense to a breach of the Code of Ethics and the Guidelines.

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;

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].

On January 13, while hearing a batch of petitions seeking action against hate speech the bench of Justices KM Joseph and BV Nagarathna (Supreme Court of India) said that the news anchors who promote or indulge in hate speech should be punished by imposing a fine and taken off air. The bench also said that the news media must realise that they occupy a position of great strength and what they are saying impacts the whole country. “They should realise that they have no right to speak their minds whichever way they want,” said Justice Joseph. The bench also said that news channels were creating a rift in the society. During a hearing in September 2022, in the Hon’ble Supreme Court, a Justice of

the Court (Justice Joseph) had expressly stated that TV channels were using hate to increase their ratings.

From the multiple complaints that we have raised before NBDSA over the years, it is evident that certain news channels are always seeking a communal agenda to increase their viewership. Controversial and communal topics attracts viewer attention as it is a matter of debate and thus, these channels tend to pick up any news that can be given a communal turn and sometimes even create a news point to further their divisive agenda.

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 and ors., reported in AIR 2014 SC 1591**, while hearing a plea urged in public interest that the existing laws of the country are not sufficient to cope with the menace of "hate speeches", had the occasion to consider what a "hate speech" is. The court stated thus,

*"7. Hate speech is an effort to marginalise individuals based on their membership in a group. Using expression that exposes the group to hatred, hate speech seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. Hate speech, therefore, rises beyond causing distress to individual group members. It can have a social impact. Hate speech lays the ground-work for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts a protected group's ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy."*

## Prayers

We humbly urge the NBDSA to:

1. Direct Times Now to remove this program from all their social media accounts and website.



2. Direct Times Now 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 Times Now 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. If the NBDSA views it as a repeat offence, the Authority may take more stringent measures to curb further instances of hate speech
5. Impose a pecuniary penalty upon Times Now for violating the Code of Ethics and Fundamental Principles and other guidelines laid down by NBDSA
6. Take any other action against Times Now 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- A copy of CJP's complaint to the channel dated January 5, 2023