



April 28, 2023

To,

Justice (Retd.) A.K. Sikri Chairperson,
News Broadcasting Standards Authority
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 Standards Authority
C/o News Broadcasters Association News Broadcasting Standards Authority

Subject: Complaint against Aaj Tak for airing 'Black and White' show about 'Mazaar Jihad'

Respected Sir,

We, at Citizens for Justice and Peace are writing to you about a show aired on Aaj Tak called "Black and White" aired on April 6, 2023 where the host Sudhir Chaudhary analysed alleged illegal *mazaars* in Uttarakhand. The show can be viewed here: <https://www.youtube.com/watch?v=w6gb0BqhiQc>

We would like to state here that we have sent a complaint to the channel on April 12, 2023 and we have received a response to the same on April 26, 2023. Being dis-satisfied with their response, we are making this complaint.

A copy of the response from the channel dated April 25, 2023 has been marked and annexed as Annexure A here to

Background

The main contention about the show is how the host, who has inventively come up with terms like "Hard Jihad", "Soft Jihad" and "Land Jihad" and so on in the past, has now come up with "Mazaar jihad". The channel in its response has stated that the term, "Mazaar Jihad" has been used by Uttarakhand Chief Minister in the past and hence, it cannot be said to have been invented by the anchor and that the term was only used "to enable cross-referencing of all posts on this issue which

is popularly referred to by this phrase (Mazaar Jihaad) in Uttarakhand's domestic politics". We cannot accept this submission by the channel since the anchor did not just use this term to quote what the Chief Minister said but encouraged people to use it, further propagating the use of the problematic term. We are certain, that the NBDSA will appreciate that encouraging the public to use such terms, further propagates feeling of othering and alienation of the Muslim community.

This tiresome diatribe of Indian news channels has reached a point of no return and this may have been evident to the Authority as well, through the various complaints it has received in the past few years. Despite, previous reprimands and multiple guidelines issued by the NBDSA, the channels have clearly turned a deaf ear to such warnings and continue with their name calling.

Through time stamps we have extracted some objectionable portions of the show which are the subject of our complaint:

Time stamp - 3:25:30 to 3:25:48

Aaj humane aaj sab ke liye ek hashtag bhi tayaar kia hai aur wo hashtag hai Mazaar jihad. Agar aapki koi tippani hai, koi ray hai toh aap iss hashtag ke saath tweet kar sakte hai. (Today we have created a hashtag for you which is #MazaarJihad. If you have an opinion then you can tweet with this hashtag)

Time stamp - 3:28:26 to 3:29:06

Lekin aaj jo bada khulasa hum kar rahe hai wo ye hai ki jab in mazaro par bulldozer chalaya gaya aur inki jaach hui tab ye pata chala ki in mazaro me jo kabr bani hui hai unn me se zaadatar me kisi bhi mrut vyakti ke avshesh nahi hai. Yani kabr hai aur mazar bhi bani hai lekin us kabr me koi manav avshesh nahi hai. Kyunki ye asli kabr hai hi nahi. ek nakli kabr banai jati hai (We are making a big revelation that when these mazaars were demolished with bulldozers and inspected, it was found that the graves did not have any human remains in them. This means that there is grave but there are no human remains. This is because these are not real graves.)

Time stamp - 3:32:21 to 3:32:41

"Us nakli kabr ko mazar ka naam dia jata hai aur fir uss mazar ka itna visataar ho jata hai ki wo mazar kisi vishal dhaache me badal jati hai aur fir Dheere Dheere log vabar par aakar rehne lagte hai aur isliye hum ise aaj mazar jihad ka naam de rahe hai." (The fake grave is then made into a mazaar and then slowly slowly people start living around the Mazaar and that is why we are calling it Mazaar jihad)

Time stamp - 3:43:53 to 3:44:28

Lekin agar aapke aas paas agar aapne aisi mazar dekhi hai toh police ko suchit kijiye, prashasan ko suchit kijiye, local MLA ko suchit kijiye aur unse kahiye ki in mazaro ki jaach ki jaye aur agar asli toh rehne dia jaye lekin agar atikraman kia hua hai to uss mazar par bulldozer chalna chiaye. (If you find such *mazars* around you then inform the police, the administration, the local MLA and ask them to find out if they are real and if they are real then they should remain and if it is an encroachment then they should be bulldozed)

He also explained the difference between a Masjid and *Mazaar*. He explained that it is the grave of a Sufi saint. He went on to clarify that he is not against any religion or even mosques. He said this analysis is not on real mosques, *mazaars* but only on illegal ones which are built on government lands. Repeatedly throughout the show he prompts viewers to tweet using “*Mazaar Jihad*”. He also analysed a confidential government report describing the modus operandi behind how these illegal *mazaars* are built by capturing government lands. He even showed a list of illegal *mazaars* on the screen.

The anchor also claims that when these *mazaars* were demolished with bulldozers and inspected, it was found that the graves did not have any human remains in them. However, no proper government source for the same has been cited. The channel states this information is “on information received from Aaj Tak’s assignment desk, which had correlated with their sources within the government.”

After he encouraged his viewers to tweet with the hashtag, #*MazaarJihad* it was found that twitter was flooded with such tweets. Social media platforms like Twitter and Facebook have been found to be using algorithms with a potential virality for hate. This in general ensures that such problematic content is immediately picked up, sensationalised and replicated. This further indicates the influence that this host in particular and prejudicial content in general has in mal-influencing and misleading the public; the repeat methodology employed by him to employ vitriolic terms that cause potential harm and denigrate the Muslim community. Such individual and collective media manipulation of words and use of stigmatising content has been effective in spreading widespread animosity against the Muslim minority and worse, ensuring that they live in a state of harm filled fear with potential life threats, too.

Any journalist following the principles laid down by the NBDSA and abiding by principles guided by journalistic ethics would have just presented the news factually and dispassionately, that a state government report has claimed that illegal *mazaars* were “found in Uttarakhand”. Instead, Sudhir

Chaudhary, who's past record shows, and who is one of the main propagators of such a Stigma filled, Anti-Muslim narrative in the commercial electronic media, this time goes several stages further and, in fact virtually exhorts his viewers to "look around for such Mazaars and report them to the police." While claiming to be "neutral" by expressly stating so, his so-called neutrality is laid bare by his use of the term "Mazaar Jihad" and this public exhortation! It is not difficult to imagine the socially deleterious impact of such public provocations on commercial television.

Already, it has been evidenced, that in Uttarakhand, miscreants have destroyed mazaars claiming they are on government lands, thus brazenly taking law in their hands. What could follow is intense scrutiny of [places of religious importance exclusively belonging to the Islamic faith to Muslims, resulting in a denial of basic fundamental rights, exclusion and discrimination. This systematic exclusion is not just anti-constitutional it runs the risk of rendering a section of the Indian population without rights, discriminated citizens. India is witnessing in larger and smaller measure this systemic targeting of communities through hate speech that causes obvious harm, and such unchecked media propaganda only contributes to the ideological anti-constitutional onslaught being used by non-state and state actors to foster social disharmony.

Earlier orders by NBDSA

This is not the first time that a show hosted by Sudhir Chaudhary is before the NBDSA and he has received warnings from the Authority on various occasions before. Thus, this time around we urge that he and the channel that he uses and that employs him for this specific purpose are dealt with in a more stringent manner.

In its November 22, 2021 order, the NBDSA had warned Sudhir Chaudhary against resorting to name calling. Chaudhary had called Constitutional Conduct Group 'cunning' and a 'gang' and the NBDSA held that the programme lacked impartiality, and the name-calling and mudslinging by the anchor also offended the standards of good taste and decency. The authority said that while the broadcaster was within its right to criticise CCG's open letter, "the pre-determined judgment of the anchor cannot be construed to be an analysis".

In an order dated November 19, 2021, the NBDSA had reprimanded Chaudhary (then with Zee news) for using headlines like ‘Civil War on Republic Day’, ‘Conspiracy of a War against the republic’, ‘Terror Tractor-Trailers in the protest’, ‘Tractors are modified into armoured vehicles’, ‘Khalistan dominates the protest’ while covering farmers protests and had expressed its disapproval towards the same.

In its ‘Advisory regarding Hate Speech’ (dated November 11, 2022), the Authority has in clear words said that it “deprecates the tendency of using inflammable, derogatory, extremist, divisive language and rhetoric, which not only violates the basic ethos of responsible and credible journalism but also lowers the public discourse by undermining the dignity of individuals and the principle of tolerance and equality which forms the bedrock of a pluralist constitutional democracy and ensures the prevention of erosion of the secular ethos of the Indian polity”.

Tweets Related to Mazaar Jihad

By indulging in such name calling and encouraging people to use #MazaarJihad in hashtags is extremely unbecoming of a journalist who claims to be neutral. It was found that many users on Twitter used this hashtag and expressed some anti-Muslim views thus indicating the vast impact this show has had on the public view and how the show has succeeded in its intention of propagating further, the anti-Muslim agenda.

This invoked posts from many users such as these (provided link along with screenshot of the post):

<https://twitter.com/RameshwarAryaji/status/1644401388615790592>



<https://twitter.com/randhirnegi9/status/1644395766755266560>



negirandhir
@randhirnegi9

Free Devbhoomi Uttarakhand from #MazarJihad .

11:14 PM · Apr 7, 2023 · 33 Views

<https://twitter.com/Pradeep040204/status/1644004564654501889>



Pradeep Chandra
@Pradeep040204

@Mazarjihad Yes it's truly religious jihad. Muslims are placing themselves all over India at strategic places to make widespread trouble in future.

9:20 PM · Apr 6, 2023 · 19 Views

<https://twitter.com/Vermashok/status/1644008985320902656>



ashok verma
@Vermashok

These encroachments should be pinpointed and removed from all over Bharat #MazarJihad

9:37 PM · Apr 6, 2023 · 116 Views

If the intention of the channel was to simply report on the government report and show a ground report, the same would have been **only fact based** and the show would not have resorted to any kind of name calling or public exhortations to take law into their own hands.

The claims in the show debunked

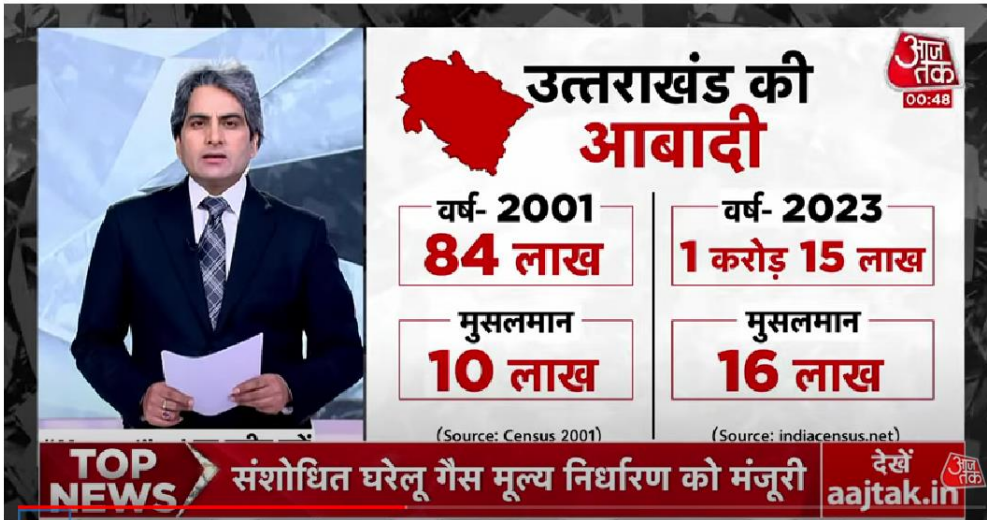
The channel, in the show, has reported what it terms a “ground report” and shown many such mazaars in the state, on forest lands, showing how, exclusively *only Mazaars*, have taken over these lands. These claims however stand have completely de-bunked by a survey conducted by the Uttarakhand state’s

forest department which also found that there are at least 300 unauthorised temples and ashrams, over 35 illegal mazaars and mosques and two gurudwaras built inside the state's forests in violation of rules, as reported by *The Times of India* in its news report dated April 19, 2023. This report came a week after the State's Chief Minister, Pushkar Singh Dhama, said that he would (selectively) only take strict action against 'land jihad'.

A copy of the Times of India news report dated April 19, 2023 has been marked and annexed as Annexure B hereto

Claims on growth in population

Also, Chaudhary also harped on the growth in population of Muslims in Uttarakhand. As it can be seen in the image below, the channel has given source for the population figures as the India Census.net and said that the Muslim population in Uttarakhand is 16 lakhs.



Significantly, when when we accessed the same website we found that this was the 'estimated population' and not exact figures, which the channel has conveniently skipped mentioning. For easy reference we are providing the link as well as the screenshot.

<https://www.indiacensus.net/states/uttarakhand>

Uttarakhand Religious Data

Description	Population in 2020	Percentage	Estimated Population in 2023
Hindus	8,368,636	82.97%	9,707,618
Muslims	1,406,825	13.95%	1,631,917
Christians	37,781	0.37%	43,826
Sikhs	236,340	2.34%	274,154
Buddhists	14,926	0.15%	17,314
Jains	9,183	0.09%	10,652
Not Stated	11,608	0.12%	13,465
Others	993	0.01%	1,152
Total	10,086,292	100.00%	11,700,099

Furthermore, even if this were taken to be actual figures of the Muslim population, the channel has conveniently compared it to the 2001 census to show population has grown from 10 lakh to 16 lakh. As per the latest official census, **the Muslim population in 2011 was 14 lakh.** This shows that from 2011 to 2023, i.e. the Muslim population only grew by 2 lakhs, which is not a staggeringly high figure. Again, one can clearly see the intention of both the anchor the channel behind quoting 2001 census figures to show a higher delta in population increase. In doing so, a prejudicial and stigmatizing mind-set *against Muslims* is perpetuated further causing real harm to the community and impacting equality, non-discrimination rights of the community. Social harmony too, pays a heavy price.

Violations of Indian Penal Code

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):

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],

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 content of the show, with usage of words like *Maz̤aar jibad* was downright offensive, aimed at denigrating, causing harm and ridiculing one particular community, amounting to hate speech. In

Amish Devgn vs Union of India W.P CrI. No. 160 of 2020, the Supreme Court had held that, “The content-based element involves open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society. It can include use of certain symbols and iconography. By applying objective standards, one knows or has reasonable grounds to know that the content would allow anger, alarm or resentment in others on the basis of race, colour, creed, religion or gender.”

Another element of hate speech is harm-based or impact-based that refers to the consequences of that hate speech, that is, “*harm to the victim which can be violent or such as loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena.*”

Violations of NBDSA principles

Here are some of the codes of ethics and principles of self-regulation as laid out by the NBSA, violated by Aaj Tak by airing this show:

Section 1 -Fundamental Principles

- 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 libellous. Truth will be a defence 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.

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.

2.2 In editing content, broadcasters should ensure that there is no distortion of the facts and events being reported or of the views expressed.

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.

Prayers

We humbly urge the NBDSA to:

1. Direct Aaj Tak to remove this program from all their social media accounts and website.

2. Direct Aaj Tak to issue a public apology on its channel for propagating a communal agenda while abdicating its duty to present news to its viewers in a neutral manner. This apology should be widely telecast and displayed commensurate to the coverage and promotion of the initial broadcast itself.
3. Direct Aaj Tak 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 Aaj Tak that it may deem appropriate

Declaration to be given as per Regulation 8.4

1. The facts stated in the complaint are true and correct to the best of our knowledge and belief.
2. We have placed all relevant facts before the NBSA and have not concealed any material facts.
3. 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.
4. 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 - A copy of the response from the channel dated April 25, 2023

Annexure B - A copy of the Times of India news report dated April 19, 2023