



defending human rights in the courts and beyond

Date: **June 27, 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

(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 “धामी सरकार का 'ऑपरेशन मजार', 'गजवा-ए-हिंद' की साहजश के हकससे जुडे तार?” show aired on Times Now Navbharat on May 22, 2023

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 “धामी सरकार का 'ऑपरेशन मजार', 'गजवा-ए- हिंद' की साहजश के हकससे जुडे तार?” which aired on May 22, 2023 on Times Now Navbharat.

Throughout the show, the reporter visits places in Haridwar and Jim Corbett where the (now) demolished mazaars once existed. It relies on so-called “Government data” and “sources” and tries to formulate a link between the dargahs/mazaars and the increase in Muslim population across Uttarakhand and specifically, “Dev Bhoomi Haridwar”.

The video of the show can be found here:

<https://www.youtube.com/watch?v=Ik2TAW73wp4>



Throughout the show, objectionable terms like “mazaar jihad” and “land jihad” have been repeatedly used. This in clear violation of previous order and reprimands therein and multiple guidelines issued by the NBDSA.

Here are some excerpts from the show that are objectionable:

“Uttarakhand me bulldozer chal raha hai, ‘land jihad’ ke khilaf. Ye prabar ho raha hai us saazish ke khilaf jisme Dehradun se lekar Haridwar aur Rajaji Park tak me Avidh mazaar banakar jangalon ki zameen par kabze ki saazish rachi jar hi hai. Haridwar ki zameen par mazaar ka khel kaise khela gya.”

(Bulldozers are being set off against ‘land jihad’ in Uttarakhand. This attack is against the conspiracy of building illegal mazaars from Dehradun to Haridwar to Rajaji Park. How they have played the game of mazaars in Haridwar)

Time stamp- (00:08- 00:27)

“Haridwar Hinduo ki dharmic Aastha ka kendra hai. Lekin mazaaro ka jaal aisa faila, ki usne kathit demography ko change kardia. Aisa hum nahi Sarkari aankdo wali list bolti hai.” (Haridwar is a holy land for Hindus. But the trap of Mazaars was spread in such a way that the demography of the area was changed. We are not the ones saying this. This is in the government data)

Time stamp- (2:11- 2:22)

(They then flashed the numbers on the screen that the Muslim population **“har saal me 40% ki raftaar se badhi rahi”** (Every year the population is growing by 40%)

Time Stamp- (2:24)

“Haridwar ki agar main baat karu to 39 se 43 percent demographic change aaya hai. Aur sarkar ka dawa ye bhi hai ki isi tarah ke atikraman ke baad is tarah ki jansankhya me badhat aai hai.” (If we speak about Haridwar, the demographic has changed by 39-43%. The government claims that only after this encroachment have the demographics changed in such a manner)

Time Stamp- (2:30-2:43)

“Devsthali kabe jaane wale Haridwar ki jo aaj hum tasveer dikh rabe he hain ki dharm ki aad me log keya se keya kar jate hain”. (After seeing the pictures of Haridwar, it is apparent, what can people do under the guise of religion)

Time Stamp- (2:59- 3:09)

“Ye jo atikraman hai yaha par kisi aur neeyat se kie gae the, ek saazish ki boo zaroor aati hai.” (This encroachment reeks on conspiracy)

Time Stamp- (7:40- 7:48)

“Bataya ja rha hai ye mazzaarein sandighdbh kisam ke logo ki sharanisthali aur nashakbhoru ka adda ban gai hain”
(it is being said that these mazaaras have become an abode of dubious people and also some drug addicts)

Time Stamp- (8:18- 8:24)

“Jankaar batate hain ki Uttarakhand rajya banne se pehle yaha naam matra ki muslim aabadi bua karti thi lekin saal 2010 aur 2020 ke kaalkhand me yaha jangalo ke bheetar yaha achanak mazzaarein nazhar aane lagi. Ab yaha urs manaya jata hai, loudspeaker ke shor ke sath kanwalia gai jati hain. Vankarmi karawahi karne ki himmat nahi juta paate. Lekin ab Uttarakhand ki Dhama sarkar is ‘land jihad’ par attack kar rhi hai.”

(Experts say that before Uttarakhand state was formed there was barely any Muslim population here. However, between 2010 and 2020, suddenly many mazaars came up in the forests. Now they celebrate Urs here and play loud qawwalis on loudspeakers. Forest officers are afraid to conduct inquiry. But now the Dhama government in Uttarakhand is attacking these mazaars)

Time Stamp- (8:54-9:17)

“CM Pushkar Singh Dhama ne saaf kardia hai ki Uttarakhand ke sanatan Swaroop ko banae rakhne ke lie zameen jihad, mazzaar jihad ko kisi bhi keemat par bardasht nahi kia ja sakta”.

(CM Pushkar Dhama has clearly said that to keep the Sanatan character of Uttarakhand intact, zameen jihad, mazzaar jihad will not be tolerated)

Time Stamp- (10:03- 10:13)

Furthermore, 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.

- *Avaiddh Mazzaar... Gajva-e-Hind ke taar* (illegal mazaars connected to Gazwa-e-hind (Muslim nation)) (Time Stamp: 00:02)
- *Devbhoomi me ‘Mazzaar Jihad’ sajiyeh kiski?* (Mazzaar jihad on the land of gods. Whose conspiracy, is it?) (Time Stamp: 00:06)
- *‘Mazzaar Jihad’ ka mastermind kaun?* (Who is the mastermind of mazzaar jihad?)
- (Time Stamp: 00:11)
- *Dhama Sarkar ka ‘Operation Mazzaar’* (Dhama government’s mazzaar jihad) (00:37)
- *Devbhoomi me khatam hoga ‘land jihad’* (Land jihad will be over in the Land of gods) (Time Stamp: 00.42)

The host starts the news segment with biased questions like *“Aakhir Uttarakhand me mazzaaro ka sach kya hai? Aakhir mazzaaro ke naam par atikraman ko lekar Uttarakhand ki sarkar bulldozer kyu chala rahi hai?”* (Time Stamp: 00:39- 00:46) that raise one-sided questions in the minds of the audience. The correlation between an increase of Muslim population in Haridwar region to the rise of mazaars in the region is quite baseless. He also analyses the modus operandi behind how these illegal mazaars are built by capturing government lands and adds that they go to the forest areas of Jim Corbett and build small



structures and light incense sticks. Then, people start visiting the area and it gets crowded. This shows biased and one-sided reporting done by the news channel. The focus only on mazaars instead of including all the structures reflects the intention to create a bias in the minds of the people.

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 of a specific and marginalized section of the population.

In the first two weeks of June, Uttarakhand saw a forced exodus of the minority Muslim population from the district of Uttarkashi. The right-wing groups incited some local residents and traders to speak up against “criminal elements” and demanded from the district administration that such people with criminal mindset should not be allowed to live in the district.

Sir it is ironical that it is *The Times of India* (<https://timesofindia.indiatimes.com/india/in-uttarakhand-towns-muslims-wake-up-to-marked-shops-and-quit-notices/articleshow/100872675.cms?from=mdr>) a newspaper published by the same group that is in this instance fuelling mob targeted violence by telecasts that interrogate the very ethics of independent and fair broadcasting, on June 6, 2023 published a prominent and disturbing story (carried in multiple editions) flagging the inherent and lurking dangers behind this kind of targeted campaigns. It is not insignificant to also note Sir that while this broadcast that we are here complaining about is dated May 22, 2023 the *Times of India* report is published 14 days later **June 6, 2023.**

Arguably then, it could well be that the combined impact of such deleterious electronic media coverage may well have contributed to a physical exodus, targeting and violence against the Muslim minority in Purola, Barkot and other towns of Uttarkashi. This makes the import of this complaint even more serious as has been argued by our organization in multiple previous complaints of this nature when we have flagged before the esteemed NBDSA the societal impact of such a brand of “journalism.”

The systemic hate-exclusion and socio-economic boycott that this signal was best summed up by the *TOI* report that stated: In the *Times of India* Report, page 7, Mumbai edition, there is a cogent editorial comment:

“TIMES VIEW: Putting up posters asking a community to leave town is a dangerous trend that needs to be stopped. Authorities should step in immediately and take firm action against such rogue elements who strike at the very root of a secular and democratic state.”

A copy of the *Times of India* report dated June 6, 2023 is marked and annexed as Annexure A

One cannot overlook the direct impact this kind of media reportage is having on the lives of people, specifically the Muslim community. This broadcast was on May 22 and in the first week of June, tensions started brewing in Uttarkashi. Posters were pasted on Muslim shops that were forced to shut down threatening them to “shut down their business and leave the town before a ‘Mahapanchayat’ to be held on June 15 or else face action.” In some places, shops belonging to Muslims were vandalized with black cross marks on the shutters.



In 2003, Rwandan journalists were prosecuted and were found to be guilty of genocide, incitement to genocide, conspiracy, and crimes against humanity for indulging in hate speech and the judgement declared this to be “journalism as genocide”. Research work by Rwandan cultural anthropologist Charles Mironko confirmed that hate messages in the media had a direct effect on the dehumanisation of the population that was subject to persistent slander. Several months of this behaviour, in the absence of credible reporting, conditioned the population to hate, and kill.

Another such example is in Russia’s invasion of Ukraine and its media coverage. Before the full-fledged invasion, Russian state media favoured the description of pro-independence Ukrainians as “pigs,” with corresponding cartoons featured on state television, where Ukraine’s language, food, and traditions were routinely mocked.

There is no doubt that the language used by channels like Times Now Navbharat and the kind of narrative they have driven, has fuelled this outrage that may have been sparked by the local right-wing groups but was already a boiling pot of hate due to the kind of narrative that the news media has set. The news channels like TNN, have evidently succeeded in creating this atmosphere of complete animosity and succeeded in demonizing the Muslim community so much so that the right wing was easily able to cash in on the one incident where a Muslim man and a Hindu man were allegedly involved in kidnapping a Hindu girl and somehow the outrage was only against the Muslim community.

If channels like Times Now Navbharat are not held accountable for the venom they spread on national TV everyday (about which we have been incessantly complaining) which they do under the guise of reporting news, this disease of hatred will become all pervasive.

Sir, for the information of the esteemed authority, two letter petitions were filed in the Hon’ble Supreme Court before the vacation bench, one by two academic scholars Ashok Vajpeyi and Apoorvanand and the other by the People’s Union for Civil Liberties (PUCL), these were withdrawn with leave to approach the local administration and police authorities. Another petition was also filed by the APCR before the Supreme Court. All three legal actions were to ensure no further disruption of law and order given a “Mahapanchayat” announced by extreme right-wing groups on June 15 threatening socio-economic boycott of all Muslims and open exhortations to “leave Uttarakhand. APCR thereafter approached the Uttarakhand HC and only after these hectic and intense interventions by civil society groups did the administration of Uttarkashi finally impose Section 144 and prohibit the holding of this “Mahapanchayat.”

The purpose of narrating these facts is to show how a slew of such broadcasts by television channels were used by right wing elements to spread an extra constitutional message and take law into their own hands while a mute administration watched. In facts broadcasters like the one that is presently being complained against here are part of a wider eco-system of generating hate and hence instrumental in promoting divisive agendas and targeted violence.



The channel's response

With great chagrin we must mention here that the channel's combined response to our three complaints made on May 29, 2023 about three shows aired on the channel on the same day (May 22, 2023) is tone deaf and is reflective of the indifferent attitude of the channel. It has become amply clear through this combined response that the channel has dedicated no time to even look at the complaints or the shows we have complained about, before responding. The response does not make any specific denials and has given a rather generic response, showing the least regard it has to the complaints received by it.

The Jihad trope

The channel has time and again resorted to this trope of using the term 'jihad' to report on anything remotely related to Muslims. We have complained to NBDSA against its "*Zamin Jihad*" usage ([January 30, 2023 complaint](#)) and the "*Madrassa jihad*" usage ([December 5, 2022 complaint](#)). Yet, the channel does not give up. In fact, in the past months the list of such programmes on this channel challenges even groups like ours since it is well-nigh impossible to complain every other day against each broadcast.

For reference purposes only, we are annexing a list of such recent broadcasts by TimesNow Navbharat. Sabrang India did an analysis on the themes of the broadcasts of the channel over a span of one week and found that the channel has been belligerently pushing its anti-minority agenda through its shows: an analysis of their content of over just seven days, shows how tireless they are in propagating hate. Not one day passes without this channel pushing its vicious, dehumanizing agenda.

A copy of the article published on Sabrang India published on June 10, 2023 has been marked and annexed as Annexure B

A document enlisting the links of shows of the channel of past 2 days is marked and annexed as Annexure C

In NBDSA's Guidelines for Prevention of Hate Speech it clearly mandates that broadcasters shall refrain from:

- 1. Using language and any agenda-driven words, terms and adjectives which have the tendency to indoctrinate any community by creating extreme prejudices in the minds of its members against another community thereby willfully promoting hatred between communities, including provoking individuals or groups in the society to commit acts of terrorism, genocide, ethnic cleansing etc.*
- 2. Using any and all forms of expression which, when judged contextually, targets, vilifies, ridicules, dehumanizes, reinforces prejudices or stereotypes and/or advocates violence or engenders hatred against any individual and/or communities based on their religion, gender, race, national or ethnic origin and/or sexual orientation.*

Violations

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 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 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.

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 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],

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.”*

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, specifically to the minority communities of Purola, Barkot and other towns of Uttarkashi district, 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: A copy of the Times of India report dated June 6, 2023
- Annexure B: A copy of the article published on Sabrang India published on June 10, 2023
- Annexure C: A document enlisting the links of shows of the channel of past 2 days