



Date: June 28, 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 show “बाबा की सनातन शपथ...भड़काऊ पथ पर जमीयत! | Hindu Rashtra | Bageshwar Sarkar Vs Hasan Madni” that 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 news segment that aired on Times Now Navbharat titled “बाबा की सनातन शपथ...भड़काऊ पथ पर जमीयत! | Hindu Rashtra | Bageshwar Sarkar Vs Hasan Madni”. The said show aired on May 22, 2023, where the host, Himanshu Dixit, had aim to hold a debate over the speech given by Hasan Madni, where he had said that whoever talks about a Hindu nation is a traitor, which soon enough took a communal turn.

We had complained to the channel on May 29, 2023 and received the channel’s response on June 14, 2023. Dissatisfied with the said response, we are before the NBDSA.

A copy of the channel’s response dated June 14 has been marked and annexed as Annexure A

A copy of the complaint sent to the channel dated May 29 has been marked and annexed as Annexure B

At the outset, we would like to state that the said Hindi debate show had themes of a divisive discourse that furthers a communal (intra-community) divide throughout its narrative and did not try to mask this motive that mitigates against the basic principles of fair and neutral journalism. This was evident in the choice and content spouted by not just the participants in the “debate” but also unfortunately displayed by the host of the show, actively participating in the communal diatribe, justifying the

establishment of a religious (Hindu) nation and even going to the extent of saying that India has always been a Hindu nation.

The debate show can be viewed here:

https://www.youtube.com/watch?v=Sx4Q_y-OYzo

For this problematically formulated “debate”, the choice of panelists itself was a precursor to what followed. Instead of framing an issue soberly with an intent to explore two or even three sides, even if they came with shades of prejudicial content, to have one representative an organization with the track record of the Vishwa Hindu Parishad (VHP), namely Vijay Shankar Tiwari, another person in saffron garb titled “a Hindu saint”, namely Mahant Raju Das, one Muslim scholar, Atiq-ur-Rehman, and one Muslim writer, Maajid Haidari, made it open for the occasion to be used to propagate a strident socio-politico diatribe.

What followed was predictable. The two persons cherry-picked to represent the Hindu community were not saints, philosophers, or scholars but religio-political entities whose provocative formulations and reactions to arguably a similarly positioned speech of a MLA from the Samajwadi Party political party, Swami Prasad Maurya escalated the issue at hand to dangerous levels of public discourse.

The show segment started off with a provocative speech given made by Swami Prasad Maurya, a member of the Legislative assembly of the Uttar Pradesh government with the Samajwadi Party, wherein he had said that people under the guise of saints have now become “terrorists.” The next video that was played was of a Hindu dharam guru, Swami Chakrapaani, who was responding to the statements made by Maurya, and calling the said statement shameful and against “Hindu “interests”. This is how the premise of the whole debate show was set.

Post these videos, the show was flagged off by the host with two communally polarizing question:

1. When we speak about speaking on the side of/in favour of/about Hindus how is this a blot on the national interest?

(Jab hum Hindi hit kee baat karte hai to who kaise rashtriya hit par dbag ho sakta hai?)

2. Is the Jamiat, under the disguise of replying to the speech given by Bageshwar Dham, making, instigating and provocative statements?

Ironically the agent provocateur was one Swami Prasad Maurya, the two major protagonists were chosen with similarly extreme opinions but thereafter the two participants used the occasion to bash the entire Muslim community. What Maurya said and the content and tenor of his albeit questionable speech made offline at a political event was used as a “peg” by the channel to bash the entire Muslim community and stigmatise the Islamic faith.

The two participants in the debate representing their version of the “Hindu cause”, along with the host, drifted away from the issue of the debate and collectively attacked Maajid Haidari, the Muslim

writer, throughout the debate. Even when the Hindu monk, Mahant Raju Das, demanded on commercial national television that Maajid Haidari prove his secularism by saying ‘Jai Shree Ram’, the host made no attempt to stop him from spreading his communally divisive ideology.

The contents of the show

Here is what thereafter transpired throughout the show

The next segment starts with the anchor spreading his communal diatribe, setting base for the one-sided and bias debate that will be taking place in it. It is pertinent to highlight here that even though two Muslim learned individuals had been invited to be a part of the debate panel, the host put in words in their mouths, instigated the other (Hindu) panellists against them, and did not give them appropriate time to speak. Through time stamps we have extracted some objectionable portions of the show, made by the host and the panellists, which are the subject of our complaint:

Mahant Raju Das while speaking to Maajid Haidari: ***“Dharam ke aadhar par iss desh ko baata kisne hai? Humne ya humare purvaj ne?...sanataniyon ko hi aaj tak sabne dabaya hai. Dharam ke aadhar par aapne mujhko baant diya, mere saath aapne niyay nahi kiya. Bharat Hindu Rashtra tha, Hindu Rashtra hai aur Hindu Rashtra hi rahega. Koi Hindu dharam guru Pakistan, Bangladesh ya Afghanistan mei yeh nahi bol paa raha hai. Bharat Hindu Rashtra hai isliye hi yeh bol paa rahe hai.***

(Who divided this country on the basis of religion? Did we do it or did our ancestors do it... Everyone has suppressed Hindu saints till date. You divided me (India) on the basis of religion, you did not do any justice to me. Bharat was a Hindu nation, is a Hindu nation and will remain a Hindu nation. No Hindu religious guru is able to speak this in Pakistan, Bangladesh or Afghanistan. Bharat is a Hindu nation and that is why they are able to say this.)”(Time stamp: 6:05-7:11)

Vijay Shankar Tiwari- ***“Ek aadmi ke do prakaar ke naam hota hai, ek ghar ka naam hota hai aur ek bahar ka naam hota hai. Jo ghar ka naam hai, woh unsamvidhanic todhi ho jate hai. Haan, samvidhanic naam saara official papers mei chalta hai, sab log bolte hai. Dono naam manya hai. Mai yeh kehta hu ki Hindu Rashtra jiski hum baat karre hai, who Hindu rashtra ek sanskritic naam hai, ispe chidhne ki koi baat nahi hai.*** (A man has two types of names, one is the name that is used as a pet name in their house and one is the name used outside of the house. How does the name of the house become unconstitutional? Yes, the constitutional name runs in all the official papers, everyone refers to it by that name. Both names are valid. I say that the Hindu nation that we are talking about is a cultural name, there is nothing to be irritated about.)”

(Time stamp: 9:42-10:11)

Vijay Shankar Tiwari- ***“Abhi peeche bomb blast hue, 2 logo ke galle kaate gaye, tab kaha the yeh madni ji, tab kyu chup ho gaye the? Toh mai kehta hu aise mei inn sab ka charitra***

samjhne ki zarurat hai yeh ghajini se leke madni tak. Mai yeh nahi keh raha hu inn sabka ek jesa charitra hai, kuch log inn mei se ache nikalte hai, APJ kalam bhi nikalte hai, Ashfaqullah Khan bhi nikalte hai.

(Just now there were bomb blasts in the near past, two people's necks were cut, where were this Madni ji then, why was he silent? So, I say that in such a situation, there is a need to understand the character of all these people, from Ghajini to Madni. I am not saying that they all have the same character, some good people do come out of them, like APJ Abdul Kalam, and Ashfaqullah Khan.)”

(Time stamp: 10:44- 11:21)

Host- *“Bharat mei har kisi ka samaan kiya jata hai. Baba Bageshwar se bhi baat ki gayi thi toh unhone kaha tha ki hum Hindu-Muslim ki baat nahi karte hai, Hindu-Hindu ki baat karte hai. Lekin Madni sahib ne yeh bola ki agar Khalistan ki baat koi karta hai toh who bhi galat nahi hai, Hindu Rashtra ki baat karne wala Gaddar hai, toh dusre par sawal kyu utha rahe hai aap apne logo ki baat kariye who theek hai. Dusre ko gaddar bolna toh galat hai na.* (Everyone is treated equally in India. Baba Bageshwar also said that we do not talk about Hindu-Muslim issues, we limit ourselves to Hindu issues. But Madni Sahib said that if someone talks about Khalistan, then they are also not wrong, but if someone talks about Hindu nation, then what person is a traitor. Why are you questioning others, you talk about your people, it is okay. It is wrong to call others traitors, isn't it?)”

(Time stamp: 11:47- 12:17)

Host-*“yeh baat toh mai bhi kehna chahuga ki Hindu rashtra ki baat jab yeh karte hai toh sabko saath ek jut rakhne ki baat hoti hai, Dharmendra Shastri ji bhi yahi kehte hai hai. Lekin jab Madni ji se baat karo toh who sirf Muslim-Muslim karte hai, unki baat karte hai aur yeh kehte hai ki Muslims kisi se nahi darte. Yeh toh bhadkana hua na* (I would also like to say that when we talk about a Hindu nation, it is about keeping everyone together, Dharmendra Shastri ji also says the same. But when you talk to Madni ji, he only talks about Muslims, talks about them and says that Muslims are not afraid of anyone. This is a provocation, isn't it?) ”

(Time Stamp: 14:27- 14:57)

Host- *“Madni sahib jab manch par jaate hai, toh kayi logo ko lagta hai unke bolne ki shaili bohot aakramakt hoti hai, ki who bol nahi rahe hai ukxa rahe hai.*(When Madni Sahib goes on stage, many people feel that his style of speaking is very aggressive, that he is not speaking, he is provoking) ”

(Time Stamp: 15:48- 15:58)

Vijay Shankar Tiwari while speaking to Maajid Haidari - *“yeh jo aapne adha sholk abhi bola hai ahinsa par, yeh sirf bolne ke liye nahi hai, yeh karne ke liye hai. Ahinsa Parmo Dharma, lekin aapke paas toh yeh siddhant bhi nahi hai. Aapke paas toh yeh hai ki ek Islam hai aur baaki sab kaafir hai, aur jo kaafir hai usko bhi Islam mei badalna hai kisi bhi tarah se. toh yeh toh kehte hai ki dharam ke liye bhi agar ladhna padhe who bhi dharam hi hai. Jese humari sena humare desh ke liye ladhti hai and vahi unka sabse bada dharam hai. Toh mai yeh kehra hu Maajid Haidari, iss mantra ke aas paas bohot kuch ghumta hai aur agar aap yeh mantra apna le toh yeh saari problem khatam ho jaegi. But uske liye aapko kaafir banna padega kyuki Islam mei rehke aap yeh mantra nahi bol sakte.*

(What you have just said is not just to speak, it is to do it-*Abimsa Parmo Dharma*, but you don't even have this principle. You have that there is one Islam and the rest are infidels, and those who are infidels have to be converted to Islam in any way. So they say that even if you have to fight for your religion, it is dharam. The way our army fights for our country and that is their biggest religion. So I am telling this to Maajid Haideri, there is a lot of movement around this mantra and if you adopt this mantra then all this problem will end. But for that you have to become an infidel because you cannot say this mantra by staying in Islam.)”

(Time Stamp: 16:16- 17:16)

Host to Maajid Haidari- *“kya jo Islam ko nahi maanta usse kaafir maana jaata hai iss baar par zara charcha kare.* (Please discuss if anyone who does not believe in Islam considered an infidel?)”

(Time Stamp: 18:14- 18:21)

Mahant Raju Das while speaking to Maajid Haidari: *“mera inse sawaal hai jo yaha beth kar chipdi-chupdi baat karra hai, mai isse bolta hu ki iss channel par bol de ‘Bharat Mata ki jai’, ‘Vande Mataram ki Jai’, aur ‘Jai Shree Ram’ tabhi mai manuga ki who secular hai warna who nahi hai aur sabhi dharamo ka samaan karte hai.*

(I have a question to this man who is sitting here and talking about these made-up things, I urge him to say 'Bharat Mata Ki Jai', 'Vande Mataram Ki Jai', and 'Jai Shri Ram' on this channel, and then only I will accept that he is secular, otherwise he is not there and does not respect all religions.)”

(Time Stamp: 19:02- 19:24)

Mahant Raju Das: *“yeh aap dekhiye inka secularism... Aap dekhiye ki jaha bhi inn Musalmaano ki jan sankhiya badhti hai vaha dharam shuru ho jata hai, vaha yeh kehne lagg jaate hai ki Ram Navmi ka jaloos Muslim ilaake se kyu jaa raha hai. Hinduyon ka jaloss Jai Shree Ram bolte kyu jaa raha hai tezz se, Vande Mataram kyu bol raha hai, mic itna tezz kyu hai, kyu Masjid ke paas se jaa raha hai, Masjido ko tripal se dhanka padhta hai. Agar aap secular ho toh kyu tripal se Masjid dhak rahe ho?* (Look at their secularism. You see, wherever

the number of lives of these Muslims increases, religious issues starts, they start saying why the procession of Ram Navami is going from the Muslim area. They ask why are Hindus chanting 'Jai Shri Ram', why are they saying 'Vande Mataram', why is the mic so loud, why are they going near the mosque, why the mosques are to be covered with tarpaulins. If you are secular, why are you covering the mosque with a tarpaulins?"

(Time stamp: 20:27- 21:09)

Mahant Raju Das: ***"Bolo aap jo bolo mai boluga pehle aap bolo Jai Shree Ram, aap bolo pehle bolo. Bolo ki Talwar ke bal par salwar pehen liye ho, bolo ki mere purvaj pehle Hindu the. Bolo na ab bol ke dikhao. Aap nahi bol sakte.***

(Say whatever you say, I will say that. But first, you say 'Jai Shri Ram', you speak first. Say that you have converted on the strength of a sword, say that my ancestors were Hindus. Now speak and show it. But you can't speak now.)"

(Time stamp: 21:20- 21:52)

Host: ***"Mahant Raju Das ji mai yaha kehna chahuga ki Maajid Haidari sahib ne bol diya hai ki who aapke kehne par nahi bolenge, unka Dharam alag hai, unki jo bhi majboori hai ya jo bhi imaan hai who nahi bolenge.*** (Mahant Raju Das ji I would like to say that Maajid Haideri Sahib has said that he will not speak at your behest, his religion is different, whatever his compulsion or whatever faith he has, he will not speak.)"

(Time stamp: 22:01- 22:20)

Vijay Shankar Tiwari while speaking to Maajid Haidari – ***"yeh din mei 5 baar Namaaz karte hai aur mai Maajid Haidari sahib se chahta hu ki who ek baar aarth bata de, aur bata de ki woh Namaz mei kya kya shabado ka prayog karte hai.*** (They pray 5 times a day and I want Majid Haidari Sahib to tell me the meaning of it once, and tell me what words are used in who Namaz) "

(Time stamp: 23:02- 23:10)

Host while speaking to Maajid Haidari: ***"Lekin jab aapke log stage par aate hai toh koi shaanti dikhaya nahi deti hai yeh baat to aapko maanni padega*** (But when your people come on stage, there is no peace, you will have to agree on this.)"

(Time stamp: 24:52- 25:00)



Host while speaking to Maajid Haidari: “*Aap maante hai Bajrang Bali ko?* (Do you also believe in Bajrang Bali)”

(Time stamp: 25: 13- 25:17)

On the ticker, the following names are displayed on repeat with a description:

1. Hindu Rashtra ki Hunkaar vs. Madani ka Gaddar Waar
2. Jamiat Ulema-E-Hind ko Janiye (Get to know Jamiat Ulema-E-Hind)-
 - CAA-NRC ka virodh kiya (protested against the CAA-NRC)
 - Islami Shikha ko dete hai Badhawa (they encourage Islamic education)
 - Aatankiyo ke bacchav aur unhe kanoon sahiya dene ka aarop (they are accused of defending terrorists and providing them with legal support)

It is pertinent to note that throughout this 30-minute segment, the channel was trying to goad an anti-Muslim narrative, pit the two communities against each other, and show that the Muslims are using every platform available to them to spread their Islamic agenda. With the vast viewership of the channel, this prejudicial view has already reached large sections of the people through the TV channel and through the social media platforms, including YouTube, sTwitter, and Facebook, of the channel. This persistent stigmatization and attack on the minority community to drive home the point that Muslims are always up to sinister activities is harmful to the social fabric of this country.

Absence of Neutrality in Moderator: Reporting on news involves an exercise of imparting 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. 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.

It is clear from the extracts we have mentioned above, that the debate show appeared more like a debate promoting Hindu Rashtra rally or a Dharam sabha debate than a news room debate. The host is supposed to and expected to take a neutral stand, introduce a neutral theme and not side with a particular community to put any other community on the spot, but that clearly did not happen.

As is apparent from the videos and the statements highlighted by us, the host Himanshu Dixit was keen on leading the debate with the question of whether the Muslim community is spreading hate and provoking the Muslim community against the Hindu community. As the anchor of show on a news

channel, that is supposed to have a neutral and unbiased theme, the host did not even attempt to have any non-communal theme on the show.

The narrative was not even put to question as to why the Hindu community is asking for a Hindu nation, even as it stands in opposition to the Constitution of India. The host let his biases and prejudices against the Muslim community cloud the role he is supposed to play in a debate show and made it evident that he was batting for the Hindu majority and was offended by the fact that the Muslim community is opposing to the demands of turning India into a Hindu nation.

Throughout the show, both the Hindu participants consistently put forward Maajid Haidari in a defensive corner, from where he was pushed to prove the “innocence of his fellow-religionists if not the religion itself”. Together, the protagonists and host both demanded of him that he “prove his secularism” on commercial television by chanting a Hindu politico-religious slogan (*Jai Sree Ram*), one that has moreover controversially become associated with aggression and exclusion not spirituality or faith, while the host made no attempt to be as hard or questioning of the participants who called themselves: Hindu”. He kept reiterating through the show that the Muslim community, by opposing the making of a Hindu nation, was against the Hindu population, making the entire show a communal battleground. This does not only violate the made guidelines issued by the News Broadcasting Digital and Standards Authority (NBDSA) from time to time of which the channel is a member but also stands in violation of our constitutional principles and the orders of the Supreme Court and our country’s high courts from time to time.

One cannot overlook the direct impact this kind of media reportage is having on the lives of people, specifically the Muslim community. In our country, almost every week, multiple such incidents are coming to the fore front where Muslims are being forced to chant ‘Jai Shree Ram’, and refusing to do so result in them being subjected to violence. In many cases, it has also led to the Muslim person being lynched. Even during the gruesome Muslim pogrom of North-East Delhi Riots of the year 2020, many videos of Muslim being abused and forced to chant ‘Jai Shree Ram’ had surfaced. To see such anti-secular act being depicted performed on national television may have a direct effect on the dehumanisation of the population that has been subject to persistent abuse and violence.

There is no doubt that the language used by channels like Times Now Navbharat and the kind of narrative they have driven and evidently succeeded in creating an atmosphere of complete animosity and succeeded in demonizing the Muslim community to the point that the two representatives of the Hindu community were able to not only mock the Islamic prayers, but also “demand” a proof of secularism from the Muslim panellist. 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.

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 C

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

Apart from this, the NBDSA's guidelines state that, "News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region, or language." The channel has acted in complete violation of this directive as well as Code of Ethics & Broadcasting Standards issued by the NBDSA and few other guidelines pertaining to maintenance of religious harmony. It further amounts to certain offences related to hate speech, misinformation and promoting enmity under the Indian Penal Code.

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.

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, 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.

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],

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 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 channel's response received on June 14, 2023
- Annexure B: A copy of complaint sent to channel dated May 29, 2023
- Annexure C: A copy of the article published on Sabrang India published on June 10, 2023
- Annexure D: A document enlisting the links of shows of the channel of past 2 days