



Date: July 31, 2023

To,
Times Now,
Grievance Officer,
Kirtima Maravoor
Email: legalnow@timesgroup.com

Subject: Complaint against show “Rashtravad | Gyanvapi Survey के बाद 'ज्ञानवापी आंदोलन' होगा? | Supreme Court | Varanasi” that aired on Times Now Navbharat on July 24, 2023

Dear Madam,

We, at Citizens for Justice and Peace (CJP), are writing to you with regards to a debate news segment that aired on **Times Now Navbharat on July 24, 2023, titled “Rashtravad | Gyanvapi Survey के बाद 'ज्ञानवापी आंदोलन' होगा ? | Supreme Court | Varanasi”**. The show is based on the recent order delivered by the Supreme Court of India, wherein the court had provided interim protection against the Archaeological Survey of India (ASI) Survey being conducted at Gyanvapi Mosque. On July 24, at 7 am in the morning, the ASI team had reached the Gyanvapi Mosque to conduct a Survey. Notably, on July 21, Friday, the Varanasi district court had ordered an extensive survey of the Gyanvapi Masjid by the ASI to ascertain whether the mosque was built over a pre-existing Hindu temple, holding that the scientific investigation is “necessary” for the “true facts” to come out. The time frame for filing this complaint to the broadcaster first is seven days and hence, given that today is **July 31, 2023 we are within this limitation period.**

The Anjuman Intezamia Masjid (AIM), which manages 22 mosques – including Gyanvapi – had challenged the Varanasi District Judge Ajay Krishna Vishvesha’s order in the Supreme Court, contending that its right to appeal to the High Court was frustrated as it was not granted enough time to explore legal remedies. Accepting the contention, the Supreme Court had stayed the order for three days and asked the AIM to move to the High Court. Under the Indian Constitution and law, aggrieved parties to disputes and conflicts are entitled to agitate their issues before courts of law.

The debate show can be **viewed here:** <https://www.youtube.com/watch?v=0iJinyy6bTA&t=724s>



At the outset, we would like to state that the said debate show had themes that furthered a divisive discourse that heightened a communal divide throughout its narrative and did not try to mask this motive. Such journalism or electronic media coverage mitigates against the basic principles of fair and neutral journalism.

The host, Rakesh Pandey, picked up a matter that was sub-judice, and presented only one sided facts of the case. Even before the debate had started, the Host had started spreading his diatribe and polarized views. The host tried to build the premise of the show by depicting the Muslim community in a suspicious light, questioning their intentions behind urging an estoppel on the survey. The host further put seeds of doubt in the minds of his audience by terming the stay on the survey as an attempt to delay the result as “Muslims were scared of the truth coming out.”

Later, it became 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 that the statements being made were not unbiased or neutral. The host was even observed posing questions to the participants from the Muslim community on the debating panel in the accusatory manner, while an urbane and inclusive attitude was displayed towards participants from the majority Hindu community.

We are also sure that your esteemed channel is aware of the existence of a statutory law, the Places of Worship Act, 1991? Though widely debated, the law was passed by Parliament in the wake of the wanton destruction of the Babri Masjid on December 6, 1992 and the shrill demand for “takeover of the Mosques at Varanasi and Mathura. It has been aptly described as “An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August 1947, and for matters connected therewith or incidental thereto.”

Neither the anchor of the show nor any participant made reference throughout the debate of the existence on the statute books, of this law.

Contents of the show:

Here is what thereafter transpired throughout the show.

The host flagged off the show with the following communally polarizing questions:

1. What was found in the four hours of survey conducted at the Gyanvapi Mosque that the Muslim community got so agitated?
2. Did they survey team find any concrete evidence of there being a temple below the Gyanvapi Mosque?
3. Is the Muslim community scared by the truth beneath Gyanvapi mosque?

The segment starts with the host making the following statements towards the beginning of the show:

“The Hindu community has accused the Muslim community of misleading the Supreme Court during the hearing of the Gyanvapi case. There are allegations that the Muslim community is trying to delay the result of the Gyanvapi survey.” **(Time Stamp- 1:43- 1:56)**

“The counsel representing the Muslim party to the petition stated that the ASI survey team will also be excavating and digging the Gyanvapi compound, which was a lie as per the Hindu parties. They were only taking pictures and mapping the site.” **(Time Stamp- 2: 23- 2:34)**

The above-mentioned comments show that since the start of the show, the host only intended to and did, presenting the views of one section, presenting a completely biased picture before the audience. While the host was continuing with his biased monologue, pictures showing alleged Hindu symbols were also being shown in the background.



An interview of S. M. Yaseen of the AIM was then played on the screen, where he was heard stating the following “we were fearful that the ASI might gather a mob of people.” **(Time Stamp- 2:44- 2:54)**

The interviewer then asked, “Why did you tell the Supreme Court that the survey people had gone with the intention of digging up the compound?” **(Time Stamp- 2:59- 3:04)**

To the said question, S. M. Yaseen replied that the survey people had gone to the site of Gyanvapi with a spade in their hands, which clearly showed their intentions. We wanted the Supreme Court to be aware of that. They also had labourers present at the site. **(Time Stamp- 3:05- 3:23)**

As the clip ends, the host continues with his one-sided commentary, stating that all the claims made by the AIM in the Supreme Court were just based on the fact that the ASI Survey had carried spades to the site of the survey. The host further states that the “Hindu parties” have made it clear that they will be vehemently opposing the objections raised by the Muslim committees, and have even filed their application in the High court to ensure that the court does not give any order without listening to them. This portrayal of the contentious groups leading the present controversy as representative of all Hindus is also a fallacious manner of posing the issue and debate.

The host then stated the following: “The question that arises is that if truth can come out from the survey, then why the Muslim parties are opposed to it? To delay the truth, the Muslim parties are using many tools. For the time being, the case will be heard by the High Court. The BJP is saying that the truth can be delayed, but it cannot be defeated.” (Time Stamp- 6:57- 7:15)



It is evident from the very beginning of the show that the anchor is presenting the issue of possible damage/ destruction of the Gyanvapi Mosque and the denial of culture and worship rights to sections of the Muslim community with a communal agenda. While the anchor has spoken about the decision of the Supreme Court, the anchor has not presented unbiased legal issues involved in the said case.

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 stigmatising another 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 the 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.

Post this, a video showing polarised views of two members of the BJP party, namely Keshav Prasad Maurya and Sadhvi Niranjana Jyoti, were also played. Through the clips, similar polarising statements were made.

Before the debate, the host announced the questions upon which the discussion will be taking place, which were as follows:

1. What was found in those four hours of survey that led to the chaos amongst the Muslim parties?
2. Why are the Muslim parties so afraid of uncovering the truth beneath the Gyanvapi mosque?
3. Did the Survey team actually find the evidence of a Temple?
4. The ASI Survey has been stopped on an interim basis, what will happen afterwards?
5. Will there be a ‘Gyanvapi movement’ after the survey?

(Time Stamp- 7:57- 8:27)

A full on media trial ensues thereafter, as the debate begins. The debate comprised of two Hindu participants, namely advocate Vishnu Shankar Jain, the advocate on record (AOR) representing the Hindu parties in the court in the Gyanvapi case, and monk, Naval Kishore Das. Four participants from the Muslim community, namely Mufti Vajahat Kasmi, Islamic Scholar, Mohd Atiq, from the Muslim League, Advocate Asgar Khan and Hafiz Noor Ahmad Azgari were also a part of the debate panel.

The debate starts with the host asking advocate Jain the following question- “The Muslim parties could have approached the HC, but they waited till the survey started and then approached the SC, are these attempts to delay the investigation?” **(Time Stamp- 8:56- 9:18)**

Advocate Jain replies to the said question by terming the proceedings of the Supreme Court over the survey as “murder of law.” Advocate Jain then proceeds to present one sided cases, declaring the moving of the Muslim party to the Supreme Court as wrong and illegal. **(Time Stamp- 9:18)**

A media trial then begins, where both advocate Jain and the host starts questioning whether the said move by the AIM was an “attempt to delay the proceedings in the case”. Nowhere does advocate Jain state that the AIM, in exercise of its legitimate rights, moved the Supreme Court of India. Furthermore, advocate Jain angrily states that the Muslim parties “misled and lied to the apex court” regarding digging being part of the survey, through which they were able to get the interim stay. Additionally, Advocate Jain keeps on emphasising how the Muslim parties were able to get the stay through an oral mentioning of the case and issue, maintaining that the proceedings that took place in the Supreme Court were blatantly wrong. **(Time Stamp- 9:35- 12:23)**



The host then moves on to solicit the opinion of advocate Azgar Khan. From the start, the host posed questions to advocate Khan in an accusatory and leading manner, repeating the allegations made by advocate Jain. Host Rakesh Pandey stated that “you forgot the law, Constitution and procedure, and went to the Supreme Court directly through oral mentioning and fed your story to the court. You had plenty time to go to the High Court. It baffles me that you were able to reach the Supreme Court but not the Allahabad HC.” **(Time Stamp- 12:36- 12:50)**

Even while advocate Khan is speaking and explaining his right to approach the Supreme Court and the subsequent proceedings that took place, the host interrupts advocate Khan, and again accuses him of surpassing the High Court with a view of delaying the proceeding. He also alleges that the Muslim parties were misleading the courts as they were not present at the site when the Survey was being conducted. The host then screams at Advocate Khan, stating that the Muslim parties “lied and wrongly informed the court that digging was going to take place at the site”. **(Time Stamp- 14:10- 14:31)**

Soon after, as expected, both the advocates can be viewed in an unseemly way, fighting with each other. Through the whole distasteful part of the show, the host acts as a biased adjudicator, siding with advocate Jain and both mocking and interrupting Advocate Khan. **(Time Stamp- 16:00- 17:29)**

At one point, while arguing with Advocate Khan and Hafiz Noor Ahmad Azgari, Advocate Jain stated that the Supreme Court was “wrong in hearing the matter over the ASI Survey on the basis of oral mentioning.” Thus, not only was Advocate Jain questioning the right of the Muslim parties in approaching the Supreme Court, he was also question the authority of the Supreme Court in hearing the said matter. **(Time Stamp- 12:22- 12:34)**

It is essential to note here that during the proceedings before the Supreme Court, not once were any questions raised regarding the legal right of the AIM to approach the SC in the said matter. The Supreme Court has also not raised a question on the statement made by the Muslim party regarding the digging. In its order, the Supreme Court had granted the interim stay on the proposed survey for two days and asked the parties to approach the High Court. Even as the matter is sub-judice, and remains to be decided by the High Court, an out of court, biased media trial was conducted by the host.

Significantly, for your information, **three days after the telecast of your controversial television debate, on July 27, 2023**, in its affidavit placed before the Allahabad High Court, the ASI has clearly stated that there is no guarantee that the existing Gyanvapi Mosque will not be damaged or affected, implying that the “excavation proposed” could undoubtedly damage the site. Though this happened after the debate was telecast it remains factually relevant to the issue.

Essentially, during the debate, one of the participants, namely Mohammad Atiq from the Muslim League, accused the anchor of being biased and siding with the “Hindu party”.

(Time Stamp- 19:41- 19:55)

Later in the debate, referring to Mufti Vajahat Kazmi, the host had put another accusatory question to the Muslim participant, asking him to express his views on whether, by approaching the Supreme Court, the Muslim participants did “*dadagiri* (an act of bullying)” or not.

(Time Stamp- 21:52- 22:04)

Instead of framing an issue in a sober fashion with an intent to explore various aspects of the debate, the host continued the debate representing his own version of the “Hindu cause”. This displays partisan coverage and does not fit well with democratic, constitutional principles of independent journalism. The host continued throughout the show while making some extremely problematic statements towards the end too. At one point towards the end of the debate, the host asked advocate Jain whether the fight of Gyanvapi will be as prolonged as the fight over Ayodhya was for. While the host himself made the comparison of the Gyanvapi case with Ayodhya case, he has also accused the Muslims for comparing the said situation to Babri Masjid to provoke the Muslim Community.

What the show entailed

It is clear from the extracts we have mentioned above, that the debate show appeared more like a one sided show promoting the host’s version of the Hindu cause or a religious/sectarian debate rather than a news room debate.

As per the guidelines of the NBDSA, 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 Rakesh Pandey was keen on leading the debate with the question of whether the Muslim community is delaying the proceeding and hiding the truth. 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 whether the Muslim parties had the right to approach the Supreme Court or not. Not once did the host show any doubt regarding the existence of a temple beneath the Mosque, rather have repeatedly implied that the truth of the temple will come out. 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 cause. He was rather offended when the Muslim participant pointed out his biasness.

Throughout the show, advocate Jain was aggressive, consistently pushing advocate Khan into a defensive corner by being hard and questioning towards him. Together, advocate Jain and the host

both demanded of him that he prove that the AIM was right in stating before the court that the Survey included digging and excavation.

He kept reiterating through the show that the Muslim community, by approaching the Supreme Court, was against the truth coming out, 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.

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 certain specific guidelines relating to conducting debates on TV news channels. It further amounts to certain offences related to hate speech, misinformation and promoting enmity under the Indian Penal Code.

As such, in view of the elaborate and detailed complaint made herein above, we expect your channel to take responsibility of the grievances raised herein and act upon the same responsibly. It is pertinent to note that throughout this 30 minute segment, the channel was trying to goad a biased narrative on an ongoing case. Attempts were also made by the channel to pit participants of two separate communities against each other.



With your vast viewership, this prejudicial view has already reached large sections of the people through the TV channel and also through your social media platforms including YouTube, Twitter and Facebook.



If the channel truly cared about values of secularism and fraternity, it would abide by them. However, it is clear that in utter disregard of these constitutional values, the channel has brazenly forwarded its anti-minority narrative and gone full throttle in showing Muslim community in a suspicious light.

We are sure that a channel such as yours is aware of the recent matters pending in the Hon'ble Supreme Court, wherein specifically the role of television channels and anchors has come in for sharp questioning. In view of this, it is in best interest, that you remove the above-mentioned content from all social media accounts of your channel and your own website, and issue a public apology for the communal reportage. In an event we do not receive a satisfactory response from you, we will be compelled to submit a complaint to the NBDSA. You are also put on notice that failure on your part to satisfy the complainants with an apology on your news channel may result in legal consequences for your channel at the appropriate fora, at your risk to costs.

We urge more sensitive and responsible coverage of issues in future.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary