

Speed Post/Email

November 3, 2023

Citizens for Justice and Peace Email: cjpindia@gmail.com	Ms. Kirtima Maravoor Compliance Officer NBDSA Bennett, Coleman & Company Ltd. (TV Division), Ground Floor, Trade House, Kamala Mills Compound, Senapati Bapat Marg, Lower Parel, Mumbai 400013 Email: legalnow@timesgroup.com
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Dear Sir/Madam,

Re: Order of NBDSA on Complaint No. 23 dated 5.1.2023 filed by Citizens for Justice and Peace against Times Now Navbharat for airing a programme on 30.12.2022

Attached please find Order dated November 2, 2023, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking You,

Yours faithfully,

Annie Joseph
For and on behalf of the
News Broadcasting & Digital Standards Authority

Encl: As Above

News Broadcasting & Digital Standards Authority

Order No 173 (2023)

Complainant: Citizens for Justice & Peace

**Programme: Rashtravad | 2024 में Ram Mandir का उद्घाटन... अभी
'हथौड़े' की बात क्यों?**

Broadcaster: Times Now Navbharat

Date of Broadcast: 30.12.2022

Since the complainant did not receive a response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulations on 24.1.2023, the complaint was escalated to the second level, i.e., NBDSA.

Summary of Complaint

The complainant stated that in the impugned show, a debate was conducted on some inflammatory and inciteful statements made by one Sajid Rashidi on Ayodhya and Ram Mandir, which had the potential to blow up into a communal disharmony. By picking the statements as a news point and conducting an hour-long debate, the channel had chosen to be partial and promoted a communal narrative.

The show began with the following tickers: "*Hindustan me 'gazwa-e-hind' ka plan?*"; "*Maulana Musalmano ko bhadkayenge?*"; "*Ram mandir todne ko uksayenge?*"; "*Musalmano ko uksa rabe hai sajid rashidi?*"; "*Islamic rashtra wali sazisb decode?*" and "*2024 me ram mandir ka udghatan abhi bathode ki baat kyu?*" which kept flashing throughout the show.

After the problematic comments were played out, the anchor asked Mr. Rashidi, who was also present in the studio along with three other speakers, "*sabse pehle jo apne baate kahi.. Mughal shasan kaal aa jayega.. ram mandir tod diya jayega. Kya aap desh ke musalmano ko bhadka rabe hai?*", in response, Mr. Rashidi denied that he had said anything about a Mughal reign.

Further, between time stamps 10.00 to 11.00 hrs, Acharya Vikramditya abused Mr. Rashidi, which was censored by the channel, and the anchor tried to pacify Acharya. Thereafter, between 17.12 and 18.00 hrs, Acharya Vikramditya again abused Mr. Rashidi and Mr. Rangrez, another speaker, supposedly an Islamic scholar, which was again censored by the channel. At one point, Acharya Vikramditya charged at Mr. Rangrez, and a scuffle broke out between the two. The complainant stated that at this point, the channel should have stopped the show, and the speakers should have been dispersed and boycotted from the show. Instead, the channel started playing out the transcripts from Mr. Rashidi's statement, which was the subject of the debate.

At one point, the anchor even made an allegation, "*aap chahte hai Islamic rashtra ban jaye 2047 tak*". Acharya Vikramditya called Mr. Rashidi and Rangrez terrorists and Talibani, at which point they left the show. The anchor tried to salvage the situation by reprimanding Acharya Vikramditya for making such comments and clearly stated that the channel does not endorse such comments and that Acharya Vikramditya had no right to call any person a terrorist. Acharya Vikramditya tried to justify his statements during the rest of the show.

Later in the show, all problematic comments made by Maulanas were broadcast, and thereafter, some more tickers were displayed as the debate continued. Mr. Rashidi also mocked some Hindu cremation rituals for which the host reprimanded him.

The complainant stated that in the impugned show, a communal statement was brazenly picked up and made as a point of debate, which was further exacerbated by calling speakers with radical views and allowing them to hurl abuses and physically assault each other. Any responsible channel would have debarred such speakers from its platform and stopped the show then and there. Yet, the anchor continued with the show while making some extremely problematic statements towards the end, claiming that "*by 2047 there will be an Islamic nation*" and "*Plan to capture the country by increasing population*". All this while a picture of a skull-cap-clad crowd was displayed.

There was no doubt that the show from the word go intended to play with the communal angle since the statements made by Mr. Rashidi to the channel alone were inflammatory and were not desirous of becoming a point of debate. It was natural that by making the statements a point of debate, the ensuing debate would fan the flames of communal tension, which was the channel's intention, no matter how much it claims to be neutral. While the anchor refused to endorse certain extremist and disparaging views of the speakers, the intention behind the debate and the topic chosen for discussion cannot be overlooked.

If the channel intended to showcase such radicalized views, the channel could have, on the same panel, introduced rational voices from across the spectrum, especially from the Muslim minority community. This would have shown that no monolith or stereotype can be tagged with any group of citizens or Indians.

By airing the impugned show, the channel had violated Fundamental Principles No. 1, 4, 5 and 6 and the principles of self-regulation relating to Ensuring neutrality and Racial & Religious Harmony under the Code of Ethics & Broadcasting Standards and the Specific Guidelines for conducting Debates on TV news channels.

In view of the above, the complainant stated that the channel should remove the above-mentioned content from all of its social media accounts and website and issue a public apology for the communal reportage.

Response of the Broadcaster:

The broadcaster denied all allegations/contentions/averments made by the complainant. The broadcaster stated that in the complaint, various frivolous and baseless allegations were made regarding compliance with the Guidelines issued by the Authority. It stated that through the complaint, the complainant had blindly questioned its intention behind carrying the impugned broadcast without reviewing the context and entirety of the topic being debated and the media's right to raise difficult questions on relevant and current events in the country. Such an attempt not only undermines the editorial freedom of the channel but also casts baseless aspersions on the credibility of reputed anchors and journalists and, therefore, must be deprecated outrightly.

The complaint was not maintainable as it had not violated any rules and regulations. It is pertinent to mention that the subject programme was a live debate show titled "**Rashtravad**", wherein comments/views and responses from various guests/speakers and experts on a specific, pointed and focused issue were invited. The broadcaster stated that in a live news debate, panellists invariably raise connected issues. Multiple views and opinions are put forth and dissected, which is essential for a free debate on the chosen topic.

In the impugned broadcast, a free debate and discussion was conducted on the inciteful statement made by Maulana Sajid Rashidi in the context of Ram Mandir and the anchor also discussed the agenda or motive behind the controversial statements. It stated that being the President of AIIA, the statements made by Maulana Sajid Rashidi were grave and carried an inciteful context within them. Therefore, it was necessary for it to conduct a debate on such statements. The intention behind inviting Maulana on the show was to seek an explanation directly from him, and the programme was not intended to invoke any communal unrest or disturbance as alleged.

That raising valid and relevant questions on an issue of national and public importance and seeking accountability from persons making such remarks in no manner could be regarded as being provocative. The complainant has failed to understand that when an issue is debated, it is imperative for the viewing public to understand perspectives from several factions. Hence, Maulana Sajid Rashidi was asked to clarify his statement on the debate.

That the Ram Mandir dispute has been one of the longest ongoing disputes that the

country has witnessed; following the Supreme Court's order, which settled the issue, several debates and discussions have been conducted on public platforms across the media. Therefore, the complainant's concerns about why Maulana Rashidi was chosen for the debate or was the subject matter of the debate itself were entirely baseless. The topic was relevant and significant, and debates on such issues were necessary for the public to understand the issues and opinions of several sides.

The broadcaster stated that despite the issue being settled by the Apex Court, Maulana Rashidi had made statements on Ram Mandir on national television which were highly questionable and condemnable. It reiterated that as the head of the AIIA, the views and opinions expressed by Maulana were heard by several people and could influence opinions in society; therefore, ignoring such conduct was not in the best interests of the country's communal well-being. As a responsible media channel, it had only sought clarification from Maulana Rashidi on his comments.

Further, during the debate, the Anchor, on multiple occasions, intervened to ensure that the guests did not impact the decorum of the debate and repeatedly requested the panellists to maintain calm and focus on the debate and not abuse each other. Voices of certain guests were even muted to ensure that inappropriate remarks were not allowed to be used on the show.

The Anchor did not endorse any personal views or beliefs to make a point during the debate, and the debate was solely based on the views put forth by the panellists. The news surrounding the controversial comments made by Maulana Rashidi was carried out at the start of the debate to give the viewers context.

1. It stated that the topic of debates and the choice of panellists is well within the editorial discretion of the channel. Therefore, the complainant's allegations were baseless and lacked merit, as the debate had not violated any norms, guidelines, laws or regulations. The impugned debate has to be viewed in the context of the questions raised.
2. That the complaint focuses only on one side of the spectrum and fails to appreciate that a counterargument is equally relevant, important and critical for viewers to form their opinions, specifically when popular beliefs and criticisms are challenged. Further, viewers have a right to know an alternative argument to such popular beliefs on significant matters.
3. Therefore, it stated that the impugned broadcast by no stretch of the imagination could be regarded to have violated the Guidelines as alleged or otherwise or at all. A perusal of the subject debate would show that no communal colour or angle was introduced by the channel. Further, through the

impugned programme, the channel had not in any manner propagated or attacked any particular religion or communal attitudes.

In light of the above, the broadcaster stated that the present complaint was not legally sustainable and was required to be rejected outright.

Rejoinder dated 17.3.2023 by the complainant:

The complainant refused to accept the contentions, affirmations and averments made by the channel in its response. The complainant vehemently rejected the broadcaster's response that it had raised an issue of public importance and national interest in the impugned programme. It stated that the entire show was based on some inflammatory and inciteful statements made by Sajid Rashidi, who is generally known for making such statements to grab attention. The complainant stated that his comment was inflammatory and did not warrant an entire debate to be dedicated to it.

While the channel had, in its response, stated that the shows must be viewed as a whole and not by dissecting statements made therein, however, the programme, when viewed holistically as well, was partisan, communal and aired with the intention of creating a divisive atmosphere. The topic was purposefully chosen in the show to maintain its communal narrative.

While the channel, in its response, had claimed that no controversial statements were made during the show, the inflammatory statements made during the show rebut the averment of the channel.

In the name of exercising their right to freedom of speech, the channel seemed to have taken the liberty to stereotype the minority, name calling and raising communal issues to keep the fire of communal divide burning.

Further the channel has failed to respond to specific allegations made in the complaint and had merely denied the allegations.

Decision of NBDSA at its meeting held on 6.7.2023

NBDSA considered the captioned complaint with regard to the broadcast aired on Times Now Navbharat on 30.12.2022, response of the broadcaster and, after viewing the footage of the broadcast, decided to call both parties for a hearing.

On being served with Notices, the following persons were present for the hearing on 3.8.2023:

Complainant

1. Ms. Aparna Bhatt, Advocate on behalf of the complainant
2. Ms. Karishma Maria, Advocate

Broadcaster

1. Mr. Kunal Tandon, Advocate, Tandon & Co.
2. Ms. Kirtima Maroovar, Compliance Officer NBDSA
3. Ms. Niti Jain, Advocate
4. Mr. Utkarsh Singh, News Editor TNNB

Submissions of the Complainant

The complainant submitted that the anchor of the debate failed to objectively present the news. The impugned programme started with the statement made by Maulana Rashidi, which was aired by the broadcaster out of context. Subsequently, the anchor made certain inflammatory statements during the show, and thereafter, introduced the four panellists. Throughout the broadcast, the anchor asked the panellists questions, which appeared to target a particular community. The anchor also engaged with a panellist, who was belligerent and had to be muted by the channel ultimately. The complainant submitted that the entire broadcast proceeded in this manner.

The complainant questioned the intention behind airing the impugned programme, which was neither a news item nor a programme of an academic nature. The complainant submitted that the subject of the impugned programme was not also in the nature of an incident, which the channel was obliged to report. Further, the programme did not encourage viewers to exercise restraint while making any statement.

The debate show was not moderated to ensure impartiality. Given the topic of the show itself suggested a communal flavour, the complainant submitted that the impugned programme could not have been non-partisan or neutral.

The objective of the programme was to instigate the viewers, which is a violation of the Code of Ethics & Broadcasting Standards and Guidelines. The complainant reiterated the contents of its complaint and, in particular, the statements made during the programme. Further, it also brought to the Authority's attention the images aired during the programme. The complainant questioned whether it was appropriate for the channel to air an inflammatory statement.

In the programme, a panellist was questioned about a hypothetical statement made by him without understanding the context of the statement or whether or not it was a complete statement. During the programme, instead of debarring any communally

driven comments made by the panellists, the Anchor himself made some problematic statements, such as *“by 2047 there will be an Islamic Nation”* and *“plan to capture the country by increasing population”*.

The intention was to create in the viewer’s mind a prejudicial picture depicting that Muslims are planning to turn India into an Islamic nature. During the debate, the Hindu participants were pitched against two Muslim scholars, and full reign was given to them to express their radical views, allowing them to hurl abuses and physically assault each other. The Anchor stood by a panellist who abused the Muslim scholars by calling them *“terrorists”* and *Talibani*. The said the panellists subsequently walked out of the programme.

The complainant submitted that the programme had a tendency to inflame communal tensions in the country and could even instigate communal violence. As a responsible channel, the broadcaster should have refrained from airing the impugned programme, as the reporting was unwarranted.

The complainant submitted that while the broadcaster had, in its response, stated that the anchor had attempted to subdue the panellists and had relied on the right to freedom of speech and expression in its support. However, the complainant submitted that there was no unbridled freedom of speech and expression in the country. The right to freedom of speech and expression does not allow anyone to encourage or instigate violence. Further, being a news channel, the broadcaster had an additional responsibility to ensure that this kind of content was unavailable for viewership.

Submissions of the Broadcaster

The broadcaster submitted that the impugned broadcast was a live debate conducted on a communal and inflammatory statement made by Islamic leader Sajid Rashidi, who suggested the possibility of a Muslim ruler or judge emerging in the future in the 40-100 years, who would construct a mosque by demolishing the Ram Mandir. In the programme, four panellists, including Mr. Rashidi, were present and participated in the debate.

The broadcaster submitted that if the broadcast was seen in its entirety, it would become clear that the anchor did not endorse the statement or views of any of the panellists including Mr. Acharya, who had to be muted.

It submitted that in the complainant, the complainant has absurdly tried to contend that a communal statement made should not be debated or presented. In response, the broadcaster submitted that a statement made by person of importance merits discussion. In any, event the aforesaid statement was not made during the

programme and it had the right to conduct a debate on a statement made in the public domain and to criticise it.

Based on the submission of the broadcaster that it had only discussed a statement made by someone important in the programme, NBDSA asked the broadcaster to explain who Mr. Rashidi was and what were the objectives and standing of the organization AIIA, of which he was the President.

In response to the question raised, the broadcaster stated that the All India Imam's Association is the representative voice of the Imams, which was established in 1976 to undertake all levels of socio-economic issues that directly affect Imams and their status in society, the community and the state's expectations of them. As per the details available on the AIIA website, the organization has a reach of around half a million mosques and one Imam in each mosque. Hazrat Maulana Jamil Ahmed Ilyasi, a noted scholar of Islam, leads the Association.

In rejoinder, the complainant submitted that one of the panellists during the impugned programme, itself had remarked that Mr. Rashidi was the self-appointed head of an organization which had no standing or bearing.

The Authority asked the Editor Member representing the broadcaster during the hearing to shed some light on the impugned programme. The Editor Member, in response, submitted that the impugned debate programme emanated from a comment made by Mr. Rashidi regarding the Ram Mandir.

The broadcaster invited the Authority's attention to the complaint, wherein certain problematic comments made by the Maulanas were broadcast during the show, which were duly attributed. Further, it submitted that during the show, Mr. Rashidi also mocked certain Hindu rituals of cremation, for which he was reprimanded by the the host and thereafter, tickers were aired which claimed that "*Gharwa-e-Hind ka elaan 2047 tak Bharat Islamic Rashtra*". The broadcaster submitted that statements were made by the organization from time to time. Therefore, AIIA was an important organisation, and the statements made by Mr. Rashidi called for a discussion. It submitted that if Mr. Rashidi was not a person of eminence, the statement made by him would not have been carried by other news channels. However, the fact that most news channels carried the statement as a news point indicated the importance of his statement.

The broadcaster submitted that, in any event, the topic/ subject of the programme is part of the editorial discretion of the broadcaster. It reiterated that the statement made by Mr. Rashidi was not abstract, as it pertained to Ram Mandir, which has been a subject of discussion in the country.

A diverse panel was present in the programme, including Mr. Rashidi, who made the statement himself.

NBDSA asked the broadcaster whether attribution was also provided for the tickers "*Ghazwa-e-Hind ka Eelan 2047 tak Bharat Islamic Rashira*" and "*Ghazwa-e-Hind ka Plan Abadi Badhakar Desh par Kabza*", which were aired during the programme and what did the broadcaster mean by the phrase "*Ghazwa-e-Hind*". In response, the broadcaster submitted that innumerable search results were available on Google on '*Ghazwa-e-Hind*'. The said phrase was also used by other news channels apart from it, including a news report wherein it was reported that "*Shoaib Akhtar explains Ghazwa-e-Hind*".

NBDSA asked the broadcaster whether it believed that the statement made by Mr. Rashidi was provocative in nature. In response, the broadcaster submitted that it was within its right to air and discuss provocative statements made by persons of eminence.

In rejoinder, the complainant submitted that the statement made by Mr. Rashidi was taken out of context and parts of the statement were aired during the programme. In any event, it submitted that the channel is responsible for ensuring that provocative statements, irrespective of the religious background of the speaker, were not further broadcast. While the channel was within its report the provocative statement, however, the manner in which the programme was conducted had a tendency to incite communities.

The broadcaster, in rebuttal, submitted that the statement was not made during the impugned programme on the channel but was given by Rashidi outside the programme to all news channels and was made in the public domain. Further, disclaimers were aired throughout the programme, and the anchor also, at several instances during the broadcast, claimed that the channel did not endorse the views expressed by any of the panellists in the programme. Furthermore, the channel muted any provocative statement made during the impugned programme. There was no provocation by the anchor, who had tried to control the debate. It reiterated that the topic of the impugned debate was in the public interest and that the programme must be considered in its entirety. That all statements aired/made during the programme were duly attributed.

That the views expressed by the panellists cannot be considered the channel's views. That mere irritation or annoyance cannot be grounds to restrict the freedom of speech and expression.

After hearing the broadcaster's submissions NBDSA asked the broadcaster to submit a note on AITA and the phrase "Ghazwa-e-Hind".

Additional Written Submissions of the Broadcaster

In response to the queries raised by NBDSA at its meeting, the broadcaster submitted:-

1. Ghazwa-e-hind is a struggle for Islamic rule in India, and many such illegal organisations have been involved in activities to radicalise youth are on the radar of the Investigating Agency. NIA has been after these modules, which have been operating in India. Recently, there were raids across the country against such organisations operating in India.
2. "Ghazwa-e-Hind module" is focussed on radicalising the youth "*for establishing Ghazwa-e-Hind over Indian territory*". As per the statement of NIA, the searches were carried out at five locations in Bihar's Darbhanga and two places in Patna, Bareilly in Uttar Pradesh, and Surat in Gujarat. The agency seized digital devices, SIM cards and documents. The case had come to light after the arrest of one Marghoob Ahmad Danish, aka Tahir, of Phulwarisharif in Patna, by the Bihar police, which registered a First Information Report (FIR) on July 14 last year. The NIA took over the probe eight days later. Marghoob was chargesheeted on January 6 under various provisions of the Indian Penal Code and the Unlawful Activities (Prevention) Act. The accused was found to be a member of the "Ghazwa-e-Hind module" that focussed on radicalising the youth "for the establishment of Ghazwa-e-Hind over Indian territory", NIA said in a statement on July 2.
3. Mr. Sajid Rashidi is a Muslim maulana who has been making controversial statements about Hinduism and Temples. He recently claimed that all Hindu gods belong to Islam. He stated, '*My beliefs are based on the Quran and my religion says this. And according to the constitution, I can practice my faith and can propagate it.*' He also said that soon India will turn into an Islamic nation. - "*India will turn into a Muslim nation in the future*" and When Muslims take control of India in 100 years, the Ram temple in Ayodhya will be destroyed and a mosque would be erected in its place.
4. Maulana Sajid Rashid, is the President of the All India Imam Association, which has approximately 3.5 Lakh members across India. This organisation was started in 1996 under the leadership of Sajid Rashidi to undertake socio-economic issues at all levels, which directly influence the earnings of Imams, their status in society and the expectations that the community and state have from them.

Decision

NBDSA considered the complaint, response of the broadcaster and also gave due consideration to the submissions of the parties and viewed the footage of the broadcasts.

NBDSA noted that the complainant had an objection to the topic of the impugned programme itself, i.e., the statement made by Maulana Sajid Rashidi on Ayodhya and Ram Mandir, which, according to the complainant, did not warrant a debate. In response to the said objection of the complainant, NBDSA observed that while it may have been inappropriate and uncharitable for the broadcaster to conduct a debate on the said topic, restricting the broadcaster's right to conduct debates on controversial subjects, such as the one under discussion, would amount to interfering and imposing restrictions on editorial freedom. NBDSA, however, observed that the broadcasters were required to exercise their freedom of speech in accordance with the Code of Ethics & Broadcasting Standards, Guidelines and Advisories. Therefore, NBDSA held that it would examine the impugned broadcast only under the aforesaid parameters.

On viewing the footage of the programme, it is apparent that no meaningful discussion could be carried out as the panellists verbally abused each other and there was a physical scuffle between the panellists during the broadcast. In view of the above, NBDSA held that the manner in which the debate proceeded was not in good taste.

On a perusal of the footage, NBDSA was of the view that the broadcaster did not follow the Specific Guidelines for Anchors conducting Programmes including Debates (said Guidelines) in the impugned broadcast, under which the anchors as well as the editors are enjoined to:

1. *Avoid inviting fringe elements, extremists and separatists who are known for espousing rabid/fanatic views/opinions thereby giving them an opportunity to air and spread their divisive and provocative views.*
2. *Caution, inform, guide, advise and brief the panelists (either by e-mail or personally), prior to participating in a debate, to refrain from making any provocative and divisive statements and bring to the attention of the panelists the Code of Ethics and the Guidelines issued by NBDSA.*
3. *Ensure that panel discussions and / or the programmes including debates do not become a platform to encourage or expound extremist/divisive views or spread falsehood or fake facts about individuals, communities, religious beliefs and practices."*

However, it was also noted by NBDSA that the anchor muted some of the panellists as per the said Guidelines and reprimanded a panellist who was using abusive words.

In view of the above, NBDSA decided to warn the broadcaster not to telecast such debates on the statements of fanatics and also be careful in selecting panellists for debates so that peace and harmony in the society is not threatened or disturbed. NBDSA advised the broadcaster to strictly adhere to the Specific Guidelines for Anchors Conducting Programmes, including Debates, in all future broadcasts.

NBDSA further also directed the broadcaster to remove the video of the said broadcast, if still available on the website of the channel, or YouTube, and remove all hyperlinks including access which should be confirmed to NBDSA in writing within 7 days of the Order.

NBDSA decided to close the complaint with the above observations and inform the complainant and the broadcaster accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainant and the broadcaster;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.

Place: New Delhi

Date : 02-11-2023

Justice A.K Sikri (Retd.)
Chairperson

Certified True Copy
Anand Joseph