

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. 24 dated 9.1.2023 filed by Citizens for Justice and Peace against Times Now Navbharat for airing a programme on 2.1.2023

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 174(2023)

Complainant: Citizens for Justice & Peace

Programme: "देवभूमि Uttarakhand में 'जमीन जिहाद' पर बुलडोजर एक्शन की बारी!"

Broadcaster: Times Now Navbharat

Date of Broadcast: 02.01.2023

Since the complainant did not receive a response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulations on 30.01.2023, the complaint was escalated to the second level, i.e., NBDSA.

Summary of Complaint:

The impugned show was based on a decision of the Uttarakhand High Court, wherein the Court had allowed the use of force to evict 4,000 families living on what the railways claimed was its land. On 20.12.2022, the Hon'ble High Court had directed railways to give the residents one week and to move out by 7.1.2023. Thereafter, *"to use the forces to any extent determining upon need, to evict forthwith the unauthorized occupants"*.

Based on the Court Order, the channel presented a report and declared that something called *"Zameen Jihad"* was taking place in Devbhoomi, Uttarakhand. Complainant stated that it is best known to the anchors and the channel what the term *"Zameen jihad"* meant. Over the past three years, especially during the lockdown following the Covid-19 pandemic, the term *"Jihad"* was added as a suffix on a series of issues related to land, housing, and social security, a systematic and disturbing trend of stigmatization of minorities. The trend of using the suffix *"Jihad"* to propagate the communally divisive narrative has caught traction in the mainstream news media. The moment any news from the Muslim Community is involved, news channels rush to label it as some kind of *"Jihad"* Using such terms is denigrating and demeaning towards the Muslim community. Besides, it also perpetuates stereotypes that can create attitudes and actions that can cause violent harm and mischief.

The impugned programme started with the anchor spreading his communal diatribe. From the beginning of the show, it was evident that the anchor presented the issue of eviction of the Muslim community with a communal agenda. While the anchor had spoken about the decision of the Uttarakhand High Court, the anchor did not present the legal aspect of the judgment. Rather he used terms such as *"zameen jihad"* and *"bulldozer action of the Dhamsi government"* to spread stigma, even hatred, against the Muslim community, which amounted to creating an 'anti-Muslim narrative' to add

fuel to the existing, perpetuated animosity against a minority Indian community that has been widely prevalent, conspicuously due to reportage such as this.

The anchor presented a report which was nothing but a brazen, unsubstantiated attack on the so-called intentions of the Muslim community. The complainant reproduced certain excerpts from the broadcast, as given herein below:

"Naye saal ka agaaz hote hi jihadi gang ne dev bhoomi Uttarakhand mei bhawandar shuru kar diya."; *"Hazaron log Dhami Sarkar ke khilaaf morcha khol kar beth gaye hai, boriya bistar lekar.";* *"Uttarakhand high court ne haldwani ne ki awaed gafoor basti todhne ka aadesh diya. Aur yeh jo basti hai, gafoor basti, railway ki sarkari zameen par awaed kabza karke yeh basayi gayi.";* *"Congress aur Owaisi ne vote bank ki rajneeti ko hawa dene ke liye talwaar maajhni shuru kardi";* *"Maamla Supreme Court phunch chuka hai jaha 5 january ko iski sunwayi hogi, aur agar stay nahi mila, toh 10 Jan ko iss zameen jihad ke khilaaf Dhaami sarkaar ka bulldozer yaha chalega.";* *"Aur aisa kyu kaha jaa raha hai? Kyuki dev bhoomi mei aisi kayi sundar jagah hai jaha par kabza kiya jaa raha hai aur kis maksad se kabza kiya jaa raha hai, ye hiss report ke baad aapko pata chalega";* *"Devbhoomi mei zameen jihad ke khilaaf bade bulldozer ki jihadi gang dharna pradarshan par utar aya";* *"Haldwani mei hazaro logo ne dera daal diya hai aur raat din dharna pradarshan chal raha hai. Makshad ek hi hai- ki zameen jihad ki sajish ke khilaaf dhaami Sarkar ke bulldozer action ko kisi tarah roka jae";* *"Dev bhoomi mei zameen jihad ki sajish. Masjid majaan ke naam sarkari zameen ki chori. Haldwani mei ek aur shabeen bagh";* *"CAA ke khilaaf jis tarah se shabeen bagh ko rashtravaad virodhi system ne sajisho ka adda banaya tha, kuch vesa hi haldwani mei karne ki kashish ho rahi hai";* *"Saekado log uttarakhand ke sehar haldwani mei jama ho rabe hai, bheedh lagataar badhti jaa rahi hai, dharna ke naam par logo ko dhaami Sarkar ke khilaaf bhadhkaya jaa raha hai" and "Mulanao ki takreev karwayi jaa rahi hai taaki pradarshan kaariyo ko bhadhkaya jaa sake".*

During the impugned broadcast, videos of the protests and images and videos of the women protesting were shown, and the following comments were then made *"Mahilayon ko bhi inn zameen jihadiyon ne maidaan mei utar diya hai taaki jab awaed basti par bulldozer chalane sarkari log phunche toh unhe shield ki tarah istemaal kiya jaa sake";* *"Haldwani mei utara mombatti gang. Delhi ki tarah haldwani mei bhi kanoon virodhi mombatti gang utar chuka hai. Haldwani mei bhi candle light protest shuru ho chuka hai" and "Aaiye zara samjhte hai ki purri saajish hai kya".*

The report then proceeded to present the following facts as a conspiracy for "zameen jihad" : *"haldwani mei railway ki 2.2 km lambi patti par awaed kabza kar liya sarkari zameen par gafoor colony basa di gayi 4000 se zada pariwar basa diye gaye sarkari zameen par 8-10 masjide bana di gayi";* *"Zameen jihad ke yeh sajish 60 saal pehle shuru hui thi, lekin pichle 2 dashak mei sarkari zameen ki loot zada tezgi se hui thi aur dekhte hi dekhte devbhoomi haldwani uttarakhand mei gagan chumbi masjido ki baad si hi aa gayi";* *"Railway ne awaed kabzo ke khilaaf court ka darwaza khatkhataya";* *"Aadalat ka aadesh aate hi railway*

ne 7 january tak zameen khali kar dene ka notice jaari kar diya"; "Ab 10 january ke baad iss basti par bulldozer prahar shuru hoga" "4365 gharo ko court ke aadesh par todh diya jaega"; "Court ka aadesh aate hi jihadi gang ne bawandar shuru kar diya"; "Zameen jihad par siyasi bawaal"; "Vote bank par aafat aate dekh, congress anan-funan mei maidaan mei kood gayi"; "Dehradun se delhi tak congress action mei aa gayi"; "Salman khurshid, aur Imraan pratapgarhi se phunch gaye aur high court ke aadesh ko challenge karne ke liye arzi daal di. 5 jan ko supreme adalat iss par sunwayi ke liye tayar ho gayi hai" and "Halwani mei basi iss awaed gafoor colony mei 40,000 ka vote bank hai, ab tak congress inhe apna pakka vote bank maanti rahi hai" etc.

Further, in the programme videos and pictures of Asaduddin Owaisi were aired, and it was stated, "*Lekin hyderabadi bhaijaan ab unhe apne pale mei karne ke liye talwar bhaanch rahe hai*" and "*Bhaijaan gyaan de rahe hai ki awaed basti ko kaanoni kerar de Dhami Sarkar*".

The report moved from "*Zameen Jihaad*", and the term "*Mazhar Jihad*" was introduced with a video of a bulldozer breaking a mazhar.

The report concluded with the following statements "*Kya musalmaano ki awed bastiyan basa kar devbhoomi ki demography badalne ki saajish ho rahi hai? Kya vote bank banaya jaa raha hai? Kya mazhaar banakar arthic loot ka shadyantra ho raha hai?*"; "*Ab devbhoomi mei mazhaar jihaad aur zameen jihad ki ulti ginati shuru ho chuki hai*"; "*Awaed mazhaaro par toh already bulldozer chal chuka hai, ab baari 10 jan ke baad zameen jihaad par bhi bulldozer chalane ki hai*" and "*Aise mei sawaal yahi hai ki haldwani ko shaheen bagh bana kar jihadi group dhaami Sarkar ke majboot irado ko rok paenge*".

The complainant stated that the channel tried to goad the audience into accepting a prejudicial, anti-Muslim narrative throughout the nine-minute segment. With the broadcaster's vast viewership, this prejudicial view had already reached large sections of the people through the TV channel and social media platforms, including YouTube, Twitter and Facebook. The persistent stigmatization and attack on the minority community to drive home the point that Muslims were always up to sinister activities by terming everything into "Jihad" is harmful to the social fabric of this country.

In the programme, the channel used all its resources to showcase the judgment of the Hon'ble High Court as an action against the conspiracy of the Muslim community, which conveniently did not portray the full facts of the case or the arguments made by the petitioners while approaching the Supreme Court.

A group of people protesting against a decision of the Court that affects their life, a right guaranteed under the Constitution, were portrayed as an enemy "*gang*" that wanted to further a conspiracy and harm the peace and harmony of our country.

Be it the protests at Shaheen Bagh (to which the programme also alludes) or the current protests at Haldwani, minority residents were exercising their fundamental rights under Article 19 of the Constitution.

By bringing up the issue of Shaheen Bagh and the protest headed by women against the controversial CAA, the show was clearly aimed at spreading communal hatred. If the channel truly cared about the values of secularism and fraternity, it would abide by them. However, it is clear that in utter disregard of these constitutional values, the channel brazenly forwarded its anti-minority narrative and went full throttle in showing the Muslim community in a bad light.

By using terms like "*Jihadi gang*" "*Zameen Jihad*" and "*Mazhaar Jihad*", the channel had resorted to base tactics to spread communal tension and hatred, which was unbecoming of a news channel that should be adhering to the fundamental principles of Self-Regulation and other guidelines.

Through the show, the complainant stated that the channel had acted in complete violation of Section – 1 Fundamental Principle Nos. 1, 3, 4 and 6, the Principles of Self-Regulation relating to Impartiality and objectivity in reporting and Ensuring neutrality under the Code of Ethics & Broadcasting Standards and the Specific Guideline covering Reportage relating to Law & Order, Crime & Violence and Racial and Religious Harmony.

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 on its channel for spreading misinformation and communal agenda while abdicating its duty to present verified news to its viewers.

Apart from the above, the complainant also sought for NBDSA to direct the broadcaster to refrain from broadcasting or posting any such content which would contravene the tenets of the Constitution, and to impose monetary penalty upon the broadcaster as it may deem fit.

Response of the Broadcaster

The broadcaster denied all allegations/contentions/averments made by the complainant. The broadcaster stated that various frivolous and baseless allegations were made regarding non-compliance with the Guidelines issued by the Authority. It stated that the complainant had blindly questioned its intent 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, it stated 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 news report on the "Haldwani Evictions". The news report showcased the issue of the disputed land in Haldwani in the backdrop of the Hon'ble Uttarakhand High Court decision in *Ravi Shankar Joshi vs. Union of India & Ors.*, wherein the Hon'ble High Court held that the land in Gafoor Basti located in the Banbhoolpura area of Haldwani is the property of the Railways, and not Nazul land, as claimed by the dwellers.

The news report was carried out based on the ground coverage by the channel reporter, wherein it could be seen how the dwellers covered the railway tracks. The news report further showed how the dwellers started protesting after the order of the Hon'ble High Court and the efforts of some to make this an issue of a particular community. When participants at the Shaheen Bagh protests joined the Haldwani protests, similarities began to be drawn between the two events, i.e. both were showcased as events established in the backdrop of alleged atrocities against the minorities. The news report was based on the facts uncovered on the ground, and no society or religion was targeted by such broadcast. The channel's coverage was neutral and objective in nature. The reporting was made to inform the public at large on significant issues.

The programme impugned in the complaint did not violate any Code of Ethics, rules, or regulations in any manner whatsoever as alleged or otherwise or at all inter alia as the programme in question has to be viewed in the context of the questions raised. 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.

Therefore, it stated that the impugned broadcast by no stretch of the imagination could be regarded to have violated NBDSA Guidelines as alleged or otherwise or at all. A perusal of the subject programme would show that there was no communal colour or angle 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.

That media freedom is an essential pillar of a free democracy and plurality of views and opinions, however strong and direct they may be, must be allowed to protect this sanctity. That liberty of the press is an essential part of the right to freedom of

speech and expression and that this liberty consists of allowing no previous restraint upon publication.

It stated that apart from the right of the channel to disseminate to the public at large, the citizens of India also have the right to know about the current affairs of the country, and the right to know, is another aspect of free speech and democracy. The freedom of speech and expression includes the right to hold opinion without interference and to seek, receive and impart information and ideas to any media regardless of frontiers

The press is entitled to make fair comments on issues that impact the public, which is a right guaranteed under Article 19(1)(a) of the Constitution of India. This is an integral part of the right of free speech and expression and must not be whittled away.

The said programme merely reflected the various facets of the topic being reported upon and should not be viewed in isolation but in the overall context of the subject being discussed. The reporting was factually correct and of public importance; no prejudice was caused to any specific community or religion under any circumstances whatsoever.

The broadcaster further stated that the debate/ programme should be viewed as a whole and not on the basis of breaking and dissecting a sentence or a stanza to show any adverse effect without contextually understanding why that statement or sentence or stanza came about.

In the light of various submissions made, both factual and legal and various judgments referred, the broadcaster submitted that the present complaint was not legally sustainable and was required to be rejected .

Rejoinder dated 17.3.2023 filed by the complainant:

The complainant refused to accept the contentions, affirmations and averments made by the channel in its response. The complainant rejected the channel's response that it had raised issues of public importance and national interest in the debate..

The complainant stated that while the channel had in its response stated that the show must be viewed as a whole and not by dissecting statements made therein, the programme, even when viewed holistically as well, was partisan, communal and aired with the intention of creating a divisive atmosphere. As far as the impugned programme was concerned, the usage of the term *Jihad* shows what turn the

programme was about to take, and the same was proved when the impugned programme was viewed in its entirety.

The impugned show intended to play, twist and manipulate the term '*Jihad*,' a term of Islamic/Arab usage that has a certain etymology, historicity and connotation. The complainant stated that while it would in no way like to downplay or brush aside the deleterious use of the word and term, especially by Islamic supremacists/fundamentalists, when they propagate violence and terror in the name of great world faith. However, the overall impact of the broadcast was nothing short of a brazen attempt to ride on this popular distaste and fear of the term '*Jihad/Jehad*' and in fact turn that, very dangerously, into an overall dislike and antipathy against all that is either Islamic or Muslim. If the aim and objective of the broadcaster had been to show in a broad sweep how the very concept of '*Jehad*' can have its positive and also its twisted and deleterious connotations, there would have been no complaint.

The channel in its response, had claimed that no controversial statements were made during the show, however, 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.

The channel has failed to respond to specific allegations made in the complaint. It merely denied the allegations and asserted that it had raised the right issues while upholding the NBDSA Standards and Guidelines.

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 impugned broadcast aired on 2.01.2023 was a news report on an Order passed by the Hon'ble Uttarakhand High Court, which allowed the demolition of certain structures in Haldwani. The complainant submitted that throughout the broadcast, which was for a duration of 9 minutes, statements were made targeting a minority community. A communal and derogatory twist was given by the anchor to the ongoing case of eviction in Uttarakhand. The anchor started the impugned broadcast by stating "*Naye saal ka agaaz hote hi jihadi gang ne dev bhoomi Uttarakhand mei bhawandar shuru kar diya*" and "*Hazaron log Dhami Sarkar ke khilaaf morcha khol kar beth gaye hai, boriya bistar lekar*".

It submitted that the broadcaster, instead of showing the hardship being caused to the community as a result of the eviction, in the impugned programme claimed that this was "*Zameen Jihad*", that these people were trying to make it a minority space, they were "*jihadi gang*" and t this was another Shaheen Bhagh. The complainant submitted that it fails to understand how the channel could have broadcasted a programme of such nature.

During the impugned programme, it reiterated that offensive statements were made against Muslims, and the anchor spread his communal diatribe by using a myriad of terms, such as "*zameen jihad*" and "*bulldozer action of the Dhami government*", suggesting sinister intentions/plans of the community, which were used by the anchor to spread stigma against the Muslim community. By airing the impugned broadcast, it submitted that the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage.

The main agenda behind the report was to showcase the eviction judgment as an action against the conspiracy of the Muslim community and goad the audience into accepting a prejudicial, anti-Muslim narrative.

Submissions of the Broadcaster

The broadcaster submitted that the impugned broadcast was on the issue of illegal encroachment of government land in Haldwani, Uttarakhand, by one particular community, which raised tension amongst the people of the country. The issue was of high national importance and was presented only after carrying out a proper background investigation and ground report necessary to present the true facts on the issue. The videos captured during the ground report were publicly available and accessible in the public domain and were not created by the anchor or the channel

That the Hon'ble Uttarakhand High Court had in its judgment declared that the land in Gafoor Basti located in the Banbhoolpura area of Haldwani was the property of the Railways, and not Nazul land, i.e., common land as claimed by the dwellers. The impugned broadcast was carried against this backdrop.

NBDSA asked the broadcaster to explain the statements attributed in the complaint to the anchor. The broadcaster, in response, submitted that the anchor may have used certain inappropriate words in the programme. However, the impugned programme has to be viewed as a whole and in the backdrop of the discussion. The complainant has picked up some statements and tried to show them in an individual light rather than in the context in which they have been made. The complainant has also tried to contend that an action of the Muslim community should not be shown or debated notwithstanding the fact that it may be of high national importance or carries a potential threat to national security.

NBDSA asked the broadcaster on what basis it had claimed during the broadcast that "*Naye saal ka agaaz hote hi jihadi gang ne dev bhoomi Uttarakhand mei bhawandar shuru kar diya*" and questioned the broadcaster whether grabbing of public land or squatters be given a communal colour.

In response, the broadcaster submitted that initially, there was only an issue of land grabbing for which protests were carried out; however, the incident flared up when protestors from Shaheen Bagh joined the protest. Only after certain protestors from Shaheen Bagh joined the protest did the incident become communal.

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 observed that the broadcaster had, in its reply, stated that the impugned broadcast was a news report on the disputed land in Haldwani, which was conducted in the backdrop of the decision of the Hon'ble Uttarakhand High Court in *Ravi Shankar Joshi vs. Union of India & Ors.*, wherein the Hon'ble High Court had held that the land in Gafoor Basti located in the Banbhoolpura area of Haldwani is the property of the Railways, and not Nazul land, as claimed by the dwellers.

NBDSA noted that there would have been no problem with the broadcast if the broadcaster had confined its analysis only to the issue of dispute land in Haldwani, Uttarakhand, in light of the judgment rendered by the Hon'ble Uttarakhand High Court. However, on a perusal of the impugned broadcast, it can be seen that a

communal colour was given to the issue by the anchor, who began the broadcast by claiming that *“Naye saal ka agaar bote hi jihadi gang ne dev bhoomi Uttarakhand mei bhawandar shuru kar diya.”*

The anchor then presented a news report asserting that a conspiracy for Zameen Jihad was hatched 60 years ago and that stealing government land had become more rampant in the past two decades in Uttarakhand. It is further claimed that the *“jihadi gang”* had come to protest the action of eviction. The report was interspersed with statements that furthered the channels’ conspiracy theory of *‘Zameen Jihad’* in Uttarakhand. The news report further claimed that *‘Mazhar Jihad’* also occurred in Uttarakhand.

NBDSA also noted that by portraying protestors as being part of the *“Jihadi Gang”* and illegal encroachment of public land as being *“Zameen Jihad”*, the broadcaster had reiterated the prejudices or stereotypes that are historically used to target, attack and ridicule communities based on their religion.

NBDSA also noted that the use of the word *“Jihadi”* was out of context and in relation only to a particular community, therefore it is advised that the word should be used with great introspection and in the correct context.

The tickers *“Devbhoomi main zameen jihad”*; *“Haldwani main ‘Shabeen Bagh’ waali saajish faili”*; and *“Devbhoomi main ‘mazhar jihad’ centre”* aired in the background also reinforced the narrative of the broadcaster.

NBDSA held that by giving the issue of illegal encroachment of public land a communal colour, the channel had violated the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage on Racial and Religious Harmony.

In view of the above, NBDSA decided to admonish the broadcaster not to repeat such violations in future.

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.

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi

Date : 02-11-2023