



Date: February 6, 2024

To,

M.N. Naseer Kabir
Group General Counsel, Indian Today Group
TV Today Network Ltd.
FC 8, Sec. 16 A, Film City, Noida 201301
Email: grievanceofficer@aatk.com

Subject: Complaint against “Black and White show” aired on Aaj Tak on January 31, 2024

Dear Sir,

We, at Citizens for Justice and Peace (CJP), are writing to you with regards to a debate news segment that aired on Aaj Tak on January 31, 2024, titled “**Soren परिवार का विश्लेषण (examining the Soren family) | Hemant Soren | Champai | Sudhir Chaudhary**”. The said show was surrounding former Chief Minister of Jharkhand Hemant Soren and his family. The said former Tribal CM had been arrested by the Enforcement Directorate (ED) on February 1, on alleged charges of money laundering. It was on the previous night, when Soren was being questioned by the ED for hours, that the said programme was broadcast by Aaj Tak. It is also essential to note that it was on the evening of January 31 that Soren, the leader of the Jharkand Mukti Morcha (JMM), had tendered his resignation to the Raj Bhawan. While reporting on these events surrounding the political scenario in Jharkhand, the anchor focussed on attacking the opposition leader for his tribal identity, questioning whether a tribal leader should retain his identity after having enjoyed wealth, and made accusatory and stigmatising comments against Soren.

The show can be viewed here:

<https://twitter.com/TribalArmy/status/1753269524194062541?t=W3TSr1Quce3eSIRIAVlaQ&s=03>

At the outset, we would like state that in his 50 minute ‘Black and White’ show on Aaj Tak, Chaudhary targeted the tribal minister for his purported wealth, cars and lifestyle, and was seemingly less concerned with the charges of money laundering levied against him. Justifying the title of the show, which purported the examination of the Soren family, the host has put forth a distorted image of a Tribal family enjoying wealth by misusing the votes given to the tribal politician based on his identity. There is not even an attempt to impartially examine what the “charges” are against him given that in his defence, the former chief minister has states –as have his Supreme Court counsel—that his name does not figure (not does his family member’s) in the alleged “land scam” which too sates back to 2008-2009! The show concentrated on “examining” the wealth of the Soren family and while criticising Soren, Chaudhary used casteist language based

on his tribal (Adivasi) identity. For example, he says in one controversial remark the host had said that the former Tribal minister will find it difficult in jail, as he is more used to live (just) 40 years back in the jungle (forest) as Adivasi, but now he is used to a luxurious life. Such a portrayal not only violates every standard of neutrality but worse it works to further degrade and stigmatise a leader from India's indigenous (Adivasi/Tribal) communities.

These statements, which are both ethically problematic also attract criminal sections of the Indian Penal law as standalone statements too, especially when adjudged with the accompanying offensive words used by Chaudhary. The tone and tenor of these statements show that Chaudhary's targeting on Soren was due to his enjoyment of wealth *despite* his marginalised identity. More details of the show are provided below.

On February 3, a complaint seeking an FIR had been filed against Chaudhary under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the indecent and derogatory comments made by him against Hemant Soren. The said complaint has been filed by the Adivasi Sena in Ranchi. Pursuant to the filing of the complaint, an apology had been issued by Chaudhary on February 4 on social media.

Contents of the show:

Here is what transpired throughout the show and the kind of unfair and biased scrutiny that Soren and his family was subjected to:

The show begins with Sudhir Chaudhary commenting on the resignation of former CM and leader of Jharkhand Mukti Morcha (JMM) Hemant Soren by Enforcement Directorate (ED) and the nomination of party loyalist and state transport minister Champai Soren as his successor. It is essential to note that during the show, visuals of Hemant Soren being accompanied by the a few people in a car and entering the Raj Bhawan to submit his resignation keep playing on loop. At one point, Chaudhary points to the smile that can be seen on Soren's face, referring to the same as a new scene that can be noticed now where leaders of the opposition who are accused of corruption seem proud of themselves and think of themselves as '*sher* (lion)'.

The discussion in the show then goes on to discussing the resignation move of Hemant Soren and the case of ED against Soren. Another reporter, namely Satyajit, can be heard explaining the "water-tight" case that ED has against Soren, the proofs and evidence that have been accumulated by the state agency linking Soren with the scams and investigation by ED. As per the report, when Soren was asked by the crores worth *benaami* wealth he had, Soren was left with no answer. It was at this point that Chaudhary began targeting the now arrested leader for his lifestyle. He can be heard saying that "Soren is known for his lifestyles, big cars and private planes." (**Time stamp- 16:00**)

At the **29-minute** mark of the video, Sudhir Chaudhary starts "dissecting the history of the corrupt Soren family". The host starts detailing the "cash for vote" scam allegations that had been put against Hemant Soren's father, claiming that this family has always been in news for their corrupt

practices. It is essential to note that these allegations are yet to be proven, something which the host also mentions, however it did not stop Chaudhary for deeming the whole family corrupt. Pursuant to this, the host shows the family tree of the Soren family and the different allegations that have been put forth against each of them, claiming scams to be a “normal thing” for the family.

At 31:43 minutes in the video, Chaudhary trivialises the whole Adivasi movement led by the Soren family and the struggle behind the formation of the state of Jharkhand by saying, *“It is important to note here that this family makes the issues of poor and Adivasis their politics. First, they started a movement for separate state and separate identity. They say that they want to come into politics for the welfare of the Adivasi community, formed their stated and formed their party. But what they deem as ‘Bhalai’ is actually ‘malai’. These politicians stay in big houses, travel in luxurious cars, travel in private planes and live a lavish life. But when they go out, they say that they are an Adivasi politician, they are fighting for the cause and for the upliftment of the Adivasi community.”* **(Time Stamp: 31:43- 32:43)**

Continuing with his diatribe against the Soren family and his Adivasi identity, Chaudhary says *“the Adivasis in Jharkhand vote for the Soren party so that Hemant Soren becomes their CM, and this is what they get. Just think, this family who calls themselves as Adivasi and have even filed a case against ED under the SC/ST Act, do you think they have the right to call themselves poor? Or do you think they should get the right to demand reservation for themselves? Do you think this family should get the benefit of reservation? Do you think that their power should be allowed to be increased under the SC/ST Act?”* **(Time stamp- 33:05- 33:48)**

“These people are not Adivasi, these people are the residents of big bungalows. These people are not working for the benefits of Adivasis, they are just reaping the benefits.” **(Time stamp- 33:54- 34:01)**

Again, after a gap of three minutes, Chaudhary repeats his anti-caste slurs and stance and stereotypically targets the tribal identity of the Soren family by stating *“In reality, the Soren family has nothing that can deem them to be an Adivasi (Soren family mei Adivasi jesa kuch bhi nahi hai)”*

He further states *“Soren family leads a luxurious life. If you look at the Soren family, especially Hemant Soren, you will not be able to see the Adivasi touch.”* **(Time stamp- 37:18-37:28)**

The abovementioned comments are clearly meant to degrade, deman, stigmatise and slur a particular ethnic group, in this case India’s most vulnerable and marginalised, the Adivasis/Indigenous. **(Time Stamps 31:43- 32:43, 33:05- 33:48, 33:54- 34:01, 37:18-37:28).**

After this, Chaudhary continues with his obsession with dissecting the salary of Hemant Soren and his lifestyle. At the **45-minute** time stamp of this programme, Chaudhary can be seen referring to his colleague and making the following statement: *“Chitra aap hume ye bataiye ki Hemant Soren bahar aaye ya nahi aaye aur ab Aaj ki raat unki kaha betegi.. unhe toh shandar lifestyle ki aadat hai aur wo private planes me chalte Hain.. badi badi gadiyon me chalte Hain...Aaj unke liye ek tarike se waise hi hoga jaise woh bees tees chalis saal pehle wapis apne kisi Adivasi ke taur par kisi jungle mei chale jaye. Aaj ki raat kafi mushkil hone wali hai. (Chitra, tell us whether Hemant Soren will come out tonight, where will he be spending the night? He has become so accustomed to such a lavish lifestyle where he travels in private planes, he gets to travel in big cars. Tonight will be like one of those days from 20/30/40 years ago when he (and his tribe) lived in jungles as Adivasis. Tonight is going to be very difficult.)”*

What the show entailed:

It is clear from the extracts we have mentioned above that throughout the show, Chaudhary had dragged the most marginalised ethnic and minority communities unnecessarily into an issue that did not warrant any scrutiny of the caste of a respected and beloved politician. Not only has he trivialised a whole Adivasi movement and struggle for their identity and basic rights, he has declared a family to not have the “Adivasi touch” owing to the wealth they enjoy and the cars they travel in. In a country where caste plays a major role in the position you acquire, Chaudhary has declared an Adivasi family of not be “Adivasi” enough to demand reservation and own their tribal identity in view of the power they hold and the private plane rides they apparently. 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 true image that Chaudhary holds of the Adivasi community comes out towards the end as he states that Soren will be “going back by 20/30/40 years, by spending the night in jail, when an Adivasi used to live in the jungle.” The obsession with the wealth acquired by the Soren family since the beginning of the show depicts the “shock” that Chaudhary feels at an Adivasi family enjoying some luxury. To him, these luxuries require for the Soren family to “shed” their caste. To repeat, these are slurs that telecast on a popular channel like AAJ TAK work to further discriminate and marginalise the Adivasi/Tribal community. Though not strictly relevant here, it would be interesting to see to which other politicians, in which parties, does Sudhir Chaudhary and the Channel Aaj Tak use the same demeaning language and hate speech.

Not once did the host show any impartiality and questioned the allegations levied against the Soren family, rather he repeatedly implied that the Soren family a corrupt history and have misused the trust put into them by the large tribal community of Jharkhand. It is essential to note here that even the allegations raised against the other members of the Soren family in the past are yet to be proved in a court of law. The host let loose his biases in a diatribe, using stigmatising language and imagery as also innate prejudices (among the caste privileged) against the Tribal community cloud the role he is supposed to play in a news show that have a big viewership and following.

Many politicians, eminent leaders, powerful businessmen and others have allegations of corruption against them in India- this is not a new phenomenon. According to the recent Transparency International report, India ranked 93 on the global corruption perceptions index for 2023 out of a total of 180 nations. This corruption is not limited to one caste or community or class. It is also not a new pattern for India to see opposition political leaders being targeted by the ruling political parties by state agencies, more so in the recent ten years. But, does the arrest of a political leader based on certain allegations, the constitutionality of which has already been challenged in the court, gives the right to a journalist to target the caste and identity of the accused? As per the journalistic duties defined and specified by the Courts and Commissions in the past, the said conduct of Chaudhary is unbecoming and misleading. 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.

Apology of words and not of action:

As mentioned above, after a complaint had been filed against Chaudhary under the SC/ST Act, an unconditional apology statement had been released by Chaudhary for unintentionally hurting the sentiments of the Adivasi community. In the statement, he had said, "*I am pained to see baseless charges of insulting tribals directed against me. Criticising Hemant Soren does not tantamount to criticism or insult of tribals. My show focused on how tribal votes are being misused by rich netas. The short video clip being shared by vested interests changes the context of my story to give a misleading message. I have always supported and respected tribals and they have always shown their love to me and my shows.*"

He has further stated that "*I'm not answerable to everyone who has a Twitter (X) account, but I feel it is my duty to explain myself to my Adivasi brothers and sisters. If I have unintentionally hurt their sentiments, I unconditionally apologise to them.*"

The statement can be read [here](#):

<https://twitter.com/sudhirchaudhary/status/1753658476516315390>

Even as it is essential to highlight that not only has Chaudhary brushed aside all the onus of attacking a tribal family for their identity while discussing a case of allegations of money laundering and has termed the charges against him as “baseless”, **he has taken no responsibility as a journalist in regards to making such casteist and stigmatising statements.**

The main issue that needs to be emphasised after the issuance of the said apology **is that the contentious show is yet to be removed from the official YouTube channel of Aaj Tak. The said show, till the time of writing this complaint, had been viewed by over than 2 lakh people.**

In addition to this, a 5-minute clip of Chaudhary dissecting the wealth of the Soren family and uttering the preposterous and demeaning statement, of Soren living in a jungle 40 years ago and getting used to his lavish lifestyle, is still available on the ‘X’ (formerly Twitter) account of Aaj Tak.

The said social media post can be viewed here:

<https://twitter.com/aajtak/status/1752732492451528725>

As per the guidelines issued by the NBDSA, the broadcasters are given the responsibility 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.

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 50-minute segment, the channel was trying to goad a biased narrative in an ongoing investigation relating to a tribal minister of the Opposition political party.

One needs to remind the news channel here that even in the year 2023, two orders had been delivered by the NBDSA against Chaudhary on complaints filed by CJP. In both these orders, the respected authority had reprimanded the host for his colourable journalism and using stigmatising words loosely.

Violations

The Violations of NBDSA principles:

Following are some of the codes of ethics and principles of self-regulation as laid out by the NBDSA, violated by Aaj Tak:

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.
- 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.
- 5) The fundamental purpose of dissemination of news in a democracy is to educate and inform the people of the happenings in the country, so that the people of the country understand significant events and form their own conclusions.
- 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.

PRINCIPLES OF SELF REGULATION

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 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;

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],

505 (1) and (2) [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes].

On January 13, while hearing a batch of petitions seeking action against hate speech the bench of Justices KM Joseph and BV Nagarathna (Supreme Court of India) said that the news anchors who promote or indulge in hate speech should be punished by imposing a fine and taken off air. The bench also said that the news media must realise that they occupy a position of great strength and what they are saying impacts the whole country. “They should realise that they have no right to speak their minds whichever way they want,” said Justice Joseph. The bench also said that news channels were creating a rift in the society. During a hearing in September 2022, in the Hon’ble

Supreme Court, a Justice of 7 the Court (Justice Joseph) had expressly stated that TV channels were using hate to increase their ratings.

From the multiple complaints that we have raised before NBDSA over the years, especially against the Aaj Tak channel, it is evident that certain news channels are always seeking a communal agenda to increase their viewership. Controversial and communal topics attracts viewer attention as it is a matter of debate and thus, these channels tend to pick up any news that can be given a contentious turn and sometimes even create a news point to further their stereotypical and anti-minority agenda.

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 and ors.***, reported in AIR 2014 SC 1591, while hearing a plea urged in public interest that the existing laws of the country are not sufficient to cope with the menace of "hate speeches", had the occasion to consider what a "hate speech" is. The court stated thus,

"7. Hate speech is an effort to marginalise individuals based on their membership in a group. Using expression that exposes the group to hatred, hate speech seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. Hate speech, therefore, rises beyond causing distress to individual group members. It can have a social impact. Hate speech lays the groundwork for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts a protected group's ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy."

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 casteist narrative and gone full throttle in showing a tribal minister and his community in a suspicious light. and furthering derogatory discussion on reservation being available to “wealthy” marginalised people.

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 casteist and stigmatising reportage. In an event we do not receive a satisfactory response from you, we will be compelled to escalate our 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