

ONLY BY EMAIL

November 6, 2024

Citizens for Justice and Peace Email: cjindia@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 in Complaint (No. 117) dated 29.5.2023 from Citizens for Justice and Peace against Times Now Navbharat for airing a programme on 22.5.2023

Attached please find Order dated November 4, 2024 passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Regards



Annie Joseph
For & on behalf of NBDSA

News Broadcasting & Digital Standards Authority

Order No. 184 (2024)

Complainant: Citizens for Justice & Peace

Programme: धामी सरकार का 'ऑपरेशन मजार', 'गजवा-ए-हिंद' की साजिश के किससे जुड़े तार? |

Channel : Times Now Navbharat

Date of Broadcast : 22.05.2023

Since the complainant was not satisfied with the response received from the broadcaster, the complaint on 27.06.2023 was escalated to the second level of redressal, i.e., NBDSA.

Complaint dated 29.5.2023:

The complainant stated that throughout the show, the reporter visited places in Haridwar and Jim Corbett where the (now) demolished mazars once existed. It relied on "Government data" and "sources" and tried to formulate a link between the dargahs/mazars and the increase in Muslim population across Uttarakhand and, specifically, in "Dev Bhoomi Haridwar".

The main contention about the show was how the host repeatedly used and displayed the terms "Mazar jihad" and "land jihad". Such name-calling violated previous orders and reprimands therein and multiple guidelines issued by the NBDSA, to which the channel had turned a deaf ear.

The complainant had, through time stamps, extracted some objectionable portions of the show which were the subject of the complaint:

"Uttarakhand me bulldozer chal raha hai, 'land jihad' ke khilaf. Ye prahar ho raha hai us saizish ke khilaf jisme Dehradun se lekar Haridwar aur Rajaji Park tak me Avidh mazar banaker jangalon ki zameen par kabze ki saizish rahi jar hi hai. Haridwar ki zameen par mazar ka khel kaise khela gya."

"Haridwar Hinduo ki dharmic Aastha ka kendra hai. Lekin mazaro ka jaal aisa faila, ki usne kathit demography ko change kardia. Aisa hum nahi Sarkari aankdo wali list bolti hai."

The broadcast then flashed the numbers on the screen that the Muslim population "har saal me 40% ki raftaar se badhi rahi".

"Haridwar ki agar main baat karu to 39 se 43 percent demographic change aaya hai. Aur sarkar ka dawa ye bhi hai ki isi tarah ke atikraman ke baad is tarah ki jansankhya me badhat aai hai."

"Devsthali kabe jaane wale Haridwar ki jo aaj hum tasveer dikh rahe he hain ki dharm ki aad me log kya se kya kar jate hain"

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*“Ye jo atikraman hai yaha par kisi aur neeyat se kie gae the, ek saazish ki boo zaroor aati hai.”
“Bataya ja rha hai ye mazarein sandighdh kisam ke logo ki sharanisthali aur nashakhoori ka adda ban gai hain”*

“Jankaar batate hain ki Uttarakhand rajya banne se pehle yaha naam matra ki muslim aabadi hua karti thi lekin saal 2010 aur 2020 ke kaalkhand me yaha jangalo ke bheetar yaha achanak mazarein nazir aane lagi. Ab yaha urs manaya jata hai, loudspeaker ke shor ke sath kawwalia gai jati hain. Vankarmi karawahi karne ki himmat nahi juta paate. Lekin ab Uttarakhand ki Dhami sarkar is ‘land jihad’ par attack kar rhi hai.”

“CM Pushkar Singh Dhami ne saaf kardia hai ki Uttarakhand ke sanatan Swaroop ko banae rakhne ke lie zameen jihad, mazar jihad ko kisi bhi keemat par bardasht nahi kia ja sakti”.

The broadcaster repeatedly displayed the following text throughout the debate, which suggested that the channel intended to spread stigma, even hatred against the Muslim community. It also amounted to creating a narrative that is ‘anti-Muslim’ 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.

- *Avaidh Mazar... Gajva-e-Hind ke taar*
- *Devbhoomi me ‘Mazar Jihad’ sajizh kiski?*
- *‘Mazar Jihad’ ka mastermind kaun?*
- *Dhami Sarkar ka ‘Operation Mazar’*
- *Devbhoomi me khatam hoga ‘land jihad’*

The host started the news segment with biased questions like “*Aakhir Uttarakhand me mazaro ka sach kya hai? Aakhir mazaro ke naam par atikraman ko lekar Uttarakhand ki sarkar bulldozer kyu chala rabi hai?*” that raised one-sided questions in the minds of the audience. The correlation between an increase in the Muslim population in the Haridwar region and the rise of mazars in the region was baseless.

The host also analysed the modus operandi behind how these illegal mazars were built by capturing government lands. He added that they go to the forest areas of Jim Corbett and build small structures and light incense sticks. Then, people start visiting the area, which becomes crowded. This shows biased and one-sided reporting done by the news channel. The focus only on mazars instead of including all the structures reflects the intention to create a bias in the minds of the people.

Laws, statutory guidelines and evolving jurisprudence have tested and assessed this kind of portrayal and held it to create an unequal, partisan playing field that both demeans the right to life and the right to life with dignity of that particular targeted section. In practice, therefore, it also attacks the right to equality and



nondiscrimination. Any news channel following the principles laid down by the NBDSA and going by journalistic ethics would have just presented the news as whereby a government report has claimed that illegal mazars were found in Uttarakhand and presented what has been found or alleged. However, using terms like "*Mazar Jihad*" and "*land jibad*" shows the bias in the broadcaster's reporting. Indulging in such name-calling is also extremely unbecoming for a news channel.

If the intention of the channel was to simply report on the government report and show a ground report, the same would have been only fact-based, and the show would not have resorted to any kind of name-calling of a specific and marginalised section of the population.

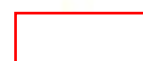
Already in Uttarakhand, miscreants have destroyed mazars, claiming they are on government lands, thus taking the law into their hands. What could follow is intense scrutiny of places of religious importance to the Muslims, and the feeling of othering will only metastasise within the community, affecting not just their social life, but it could also push them to the brink of fleeing from what clearly will transition into religious persecution. The fact that the news media will be the main reason for such persecution, which is already happening around us, but only at a higher degree in the future, will be a matter of shame for every citizen of this country.

Through the content of the show, the channel acted in complete violation of the Code of Ethics & Broadcasting Standards and a few other guidelines pertaining to the maintenance of religious harmony. It further amounted to certain offences related to hate speech, misinformation and the promotion of enmity under the Indian Penal Code. The complainant stated that it expected the channel to take responsibility for the grievances raised herein and act responsibly. The broadcaster should remove the abovementioned content from all social media accounts of its channel and website and issue a public apology for the communal reportage.

Consolidated reply dated 14.6.2023 of the broadcaster

Preliminary Submissions

1. At the outset, all allegations/contentions/averments made by the complainant in the subject complaint are denied and disputed.
2. That the complainant has filed a complaint questioning the broadcast telecast by the Channel on 22.05.2023. The complainant has raised frivolous allegations regarding the non-compliance of the Guidelines issued by the Authority. These complaints aim to prevent the respondent from raising relevant issues through debates and news broadcasts. The complainant has raised baseless allegations and questioned the intent behind carrying these broadcasts on the channel without reviewing the context and entirety of



the subject matter of these broadcasts and also the right of the media to raise difficult questions on relevant and current events in the country. Such an attempt not only aims at undermining the editorial freedom of the channel but also casts baseless aspersions on the credibility of its anchors and journalists appearing on the channel; hence, it must be deprecated outrightly.

3. The complaint is not maintainable as it has not violated any rules and regulations. It is pertinent to mention that the subject programme was a live show on Times Now Navbharat that depicted comments/views and responses from various guests/speakers experts on a specific, pointed and focused issue. Through such shows, the channel provides an equitable platform for panellists to express their views freely. These debates raise questions and issues that have gained public importance in the recent past and impact the nation and the public at large. These are predominantly current issues, keeping in mind public interest and the significance of such news items in a democracy. It has always been and continues to be the endeavour of the broadcaster and its representatives to bring to the fore core issues and project as many diverse views as possible on such issues.
4. The debate/ programme impugned in the complaint does not violate any code of ethics, rules, regulations of NBDSA in any manner whatsoever as alleged or otherwise or at all *inter alia* on the following counts:
 - The debate/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 does not appreciate that a counterargument is equally relevant, important, and critical for viewers to form their opinions, specifically when popular beliefs and criticisms are challenged. Viewers have a right to know an alternative argument to such popular beliefs on significant matters.
5. The channel has been consistently refuting allegations levelled against it, which is nothing but a deliberate attempt to malign the reputation of the news channel and its journalists/ anchors with a certain agenda. Further, the channel has been completely able to maintain the Fundamental Principles of the Code of Ethics and Broadcasting Standards by proving time and again its impartiality and independence/ objectivity while debating issues of national importance to bring out the correct facts on the impugned subject before the public at-at-large, and this is exactly what the channel and its journalists/ anchors are supposed to do in order to



discharge its professional obligations. Hence, the allegations contained in the subject complaint are wholly misconceived.

6. Further, by no stretch of the imagination does such coverage amount to any violations of NBDSA guidelines as alleged or otherwise. The complainant is deliberately targeting the channel as being against a particular community on frivolous grounds. Their pivotal intention is to malign the channel's reputation and dissuade it from broadcasting news on important issues. A complete perusal of the subject debate/ programme would show that there was no communal color or angle introduced by the channel. Further, through such debates/programmes, the respondent has not propagated or attacked any particular religion or communal attitudes in any manner. These frivolous allegations raised by the complainant are hereby vehemently denied.

Factual Submissions

7. Being a responsible channel, it presents all its programs on the basis of facts and in an unbiased manner. The purpose of creating any program is not to create any kind of social disharmony.
8. In the impugned news story, the CM of Uttarakhand himself mentioned the issue of 'Land Jihad' and the channel carried the same. The news story was based on the ground report, which clearly showed how forest and government lands had been occupied illegally by the construction of mazars. Based on the statements made by Government officials themselves, no human body was found in these tombs, indicating them to be fake ones. The channel merely highlighted this trend of occupying government land in the name of religion through the news report.
9. Therefore, the channel only reported factual news on the basis of a topic of current and national importance. The complainant has wrongfully called such coverage as being against a religion.
10. Further, the complainant has accused the channel of not showing similar land issues involving other religions, which raises the question of whether it is necessary to compare every news story that exposes wrongdoing based on religion.
11. An overall perusal of the broadcast clearly shows that no specific community was targeted. Merely discussing Islamophobia or discussing the growing illegalities in running the mazars in the country does not violate any of the extant rules or norms. Further, no personal view was made by the anchor. It was purely on the basis of factual information available on



the ground. The same was done to report a public issue of national importance in the exercise of its rights guaranteed by Article 19 of the Constitution.

Legal submissions

12. The fundamental principles in the Code of Ethics and Broadcasting Standards were framed to regulate the contents of the broadcasters to provide impartiality and objectivity in reporting. The programme in question merely debated the issues of public importance. Nowhere the said programme violate any fundamental principle or principles of self-regulation.
13. The channel or the anchor have not, by way of such debates, violated any guidelines or regulations as alleged or otherwise or at all. The debate was conducted in an open and objective manner and did not cause any incitement of communal bias or influence or mislead the viewers in any manner whatsoever.
14. The aforesaid programme by no stretch of the imagination can be deemed to have been made on selective and biased coverage or have outraged religious feelings of any class or community, statement creating or promoting enmity or promoting enmity, hatred or ill-will between classes or violated any of the guidelines issued by the NBDSA. 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.
15. It is a settled law that the media and press should not be unnecessarily restricted in their speech as the same may amount to curtailment of expression of the ideas and free discussion in the public on the basis of which a democratic country functions. It has been held by the Hon'ble Supreme Court that the freedom of speech and expression includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation, without which the publication would be of little value. The Hon'ble Supreme Court has also held that the 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.
16. Apart from the right of the respondent to disseminate to the public at large, the citizens of India have the right to know about the current affairs of the country, and the right to know is also another aspect of free speech and



democracy. The freedom of speech and expression includes the right to hold opinions without interference and to seek, receive and impart information and ideas to any media regardless of frontiers. It has been observed by the Hon'ble Supreme Court of India that when the freedom of expression is put to use by the mass media, it requires additional dimensions and becomes freedom of information. It has been held that the constitutional guarantee of freedom of speech is not so much for the benefit of the press as it is for the benefit of the public. The freedom of speech includes within its compass the right of all citizens to read and be informed. The aforesaid programme was one such criticism and a fair one.

17. The framers of our Constitution recognised the importance of safeguarding the right under Article 19(1)(a) since the free flow of opinion and ideas is essential for the collective life of the citizenry.
18. It is settled law that the press is entitled to make fair comments on issues that impact the public at large, 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 the same must not be whittled away.
19. The broadcaster relied on several judgments of the Hon'ble Supreme Court and the orders of NBDSA in support of its submissions.
20. The programme merely reflected the various facets of the topic being reported upon and must not be viewed in isolation but in the overall context of the subject being discussed. The reporting was factually correct and of public importance; thus, no prejudice was caused to any specific community or religion under any circumstances whatsoever.
21. The debate/ programme must 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 as to why that statement, sentence or stanza came about.
22. The choice of a news debate is entirely editorial discretion. The topic chosen here was based on recent incidents that took place in the country. There was no cherry picking or interest groups being served by such debate. The channel did not impose its opinions in the debate. Raising pertinent questions is the media's right to report on issues that are of public interest. Several opinions are made available on debates like these. Addressing the debates as polarising or the anchors as partial to one aspect of the issue is baseless and frivolous.



23. A comment or a sentence or, stanza or the programme as a whole may be independent, bold, and even exaggerated. That mere exaggeration, however gross it may be, would not make the comment unfair, if not founded by malafide.
24. Hence, it is clear that:
1. The channel's or the anchor's intent has never been to communalise any issue or to, degrade a particular faction or party or sensationalise any issue but to depict the correct picture before the public.
 2. In a live news debate, connected issues are invariably raised by the panellists. Multiple views and opinions are put forth and dissected, which is essential to have a free debate on the chosen topic.
 3. Actions or comments made by public figures are often subjected to intensive and invasive dissection by all members of the public, due care thus must be exercised by such public figures before commenting.
 4. The anchor did not make any statements that would create any controversy. The anchors have always limited themselves to journalistic principles and acted in good faith. They merely conducted an unbiased, free debate on certain burning issues of recent significance.
 5. The issue taken up for the debate was relevant and significant, keeping in mind the current happenings. The intent of the debate was to seek answers to specific issues, make available counter perspectives on a widely popular narrative and get opinions to support or oppose such narratives. The idea was to ensure narratives were freely analysed and the public at large also consumed views that were not always popular or publicised.
25. Considering the aforesaid, it is pertinent to state that a news channel is well within its right to present the news event and current affairs of extreme public and national importance in the (i) manner that it deems appropriate, without violating the restrictions contained under Article 19(2) of the Constitution of India, (ii) discuss the same leading to a fruitful discussion amongst the participants, and (iii) present unpopular views for the public to review the same.
26. Sensitive topics covered by the channel have not been covered by it in isolation, but the same has also been covered by other media houses in the



exercise of their rights as free media. The complainant is deliberately filing complaints against the channel only to malign its reputation, which is strongly deprecated. It is reiterated that the sole purpose of telecasting the broadcasts raising sensitive issues was to inform the public at large of the latest news events and happenings around us. No malafide can be attributed upon the channel or its anchors in telecasting the said broadcasts.

In the light of various submissions made, both factual and legal and also various judgments referred to, the respondent, in the exercise of its fundamental right envisaged under Art 19(1)(a), telecasted the said debate/news programme. There was no violation of any programme code or any other rules and regulations. Thus, the present complaint is not legally sustainable and, hence, needs to be rejected outright.

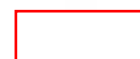
Complaint dated 27.6.2023 filed with NBDSA:

The complainant stated that if the channel intended to report on the government report and show a ground report, the same would have been fact-based and the show would not have resorted to any kind of name-calling of a specific and marginalised section of the population.

In the first two weeks of June, Uttarakhand saw a forced exodus of the minority Muslim population from the district of Uttarkashi. The right-wing groups incited some local residents and traders to speak up against “criminal elements” and demanded from the district administration that such people with criminal mindsets should not be allowed to live in the district.

Ironically, The Times of India, a newspaper published by the same group which in this instance was fuelling mob-targeted violence by telecasts that interrogate the very ethics of independent and fair broadcasting, published a prominent and disturbing story (carried in multiple editions) flagging the inherent and lurking dangers behind this kind of targeted campaigns. It is significant to note that while the impugned broadcast was aired on 22.05. 2023, the Times of India report was published 14 days later, i.e., on 6.06.2023.

Arguably, then, it could well be that the combined impact of such deleterious electronic media coverage may well have contributed to a physical exodus, targeting and violence against the Muslim minority in Purola, Barkot and other towns of Uttarkashi. This makes the import of the complaint even more serious, as our organisation has argued in multiple previous complaints. The systemic hate exclusion and socio-economic boycott that this signal was best summed up by the *TOI* report. One cannot overlook the direct impact this kind of media reportage has on the lives of people, specifically the Muslim community. The impugned broadcast was on May



22 and in the first week of June, tensions started brewing in Uttarkashi. Posters were pasted on Muslim shops that were forced to shut down, threatening them to “*shut down their business and leave the town before a ‘Mahapanchayat’ to be held on June 15 or else face action.*” In some places, shops belonging to Muslims were vandalised with black cross marks on the shutters.

There is no doubt that the language used by channels like Times Now Navbharat and the kind of narrative they have driven has fuelled this outrage that may have been sparked by the local right-wing groups but was already a boiling pot of hate due to the kind of narrative that the news media has set. The news channels have evidently succeeded in creating this atmosphere of complete animosity and succeeded in demonising the Muslim community, so much so that the right wing was easily able to cash in on the one incident where a Muslim man and a Hindu man were allegedly involved in kidnapping a Hindu girl and somehow the outrage was only against the Muslim community.

For the information of the esteemed Authority, two letter petitions were filed in the Hon’ble Supreme Court before the vacation bench, one by two academic scholars Ashok Vajpeyi and Apoorva Anand and the other by the People’s Union for Civil Liberties (PUCL), which were withdrawn with leave to approach the local administration and police authorities. Another petition was also filed by the APCR before the Supreme Court. All three legal actions were to ensure no further disruption of law and order given a “Mahapanchayat” announced by extreme right-wing groups on June 15, threatening socio-economic boycott of all Muslims and open exhortations to “leave Uttarakhand. APCR thereafter approached the Uttarakhand High Court and only after these hectic and intense interventions by civil society groups did the administration of Uttarkashi finally impose Section 144 and prohibit the holding of this “Mahapanchayat.”

The purpose of narrating these facts is to show how a slew of such broadcasts by television channels were used by right-wing elements to spread an extra-constitutional message and take law into their own hands while a mute administration watched.

The channel’s response

The complainant stated that it must be mentioned that the channel’s response is tone-deaf and is reflective of the indifferent attitude of the channel. It has become amply clear through this response that the channel has dedicated no time to even look at the complaint or the show complained about before responding. The response does not make any specific denials and has given a rather generic response, showing the slightest regard it has for the complaints received by it.



The Jihad trope

The channel has time and again resorted to this trope of using the term ‘jihad’ to report on anything remotely related to Muslims. In this regard, previous complaints have been filed with NBDSA against the channel’s usage of “*Zamin Jihad*” (January 30, 2023 complaint) and the “*Madrassa jihad*” (December 5, 2022 complaint). Yet, the channel has not given up. In fact, in the past months, the list of such programmes on this channel has challenged even groups like ours since it is nearly impossible to complain every other day against each broadcast.

Sabrang India analysed the themes of the broadcasts of the channel over a span of one week and found that the channel has been belligerently pushing its anti-minority agenda through its shows: an analysis of their content over just seven days showed how tireless they are in propagating hate.

Further, it stated that NBDSA’s Guidelines for Prevention of Hate Speech clearly mandate that the broadcasters shall refrain from:

“1. Using language and any agenda-driven words, terms and adjectives which have the tendency to indoctrinate any community by creating extreme prejudices in the minds of its members against another community thereby willfully promoting hatred between communities, including provoking individuals or groups in the society to commit acts of terrorism, genocide, ethnic cleansing etc.

2. Using any and all forms of expression which, when judged contextually, targets, vilifies, ridicules, dehumanises, reinforces prejudices or stereotypes and/or advocates violence or engenders hatred against any individual and/or communities based on their religion, gender, race, national or ethnic origin and/or sexual orientation.”

Violations of NBDSA principles

By airing the impugned programme, the complainant stated the broadcaster had violated the Code of Ethics and Broadcasting Standards and, in particular, Section – 1, Fundamental Principles 1, 3, 4 and 6 and Section – 2, Principles of Self Regulation relating to 1. Impartiality and objectivity in reporting, 2. Ensuring neutrality and 9. Racial & Religious Harmony. The programme further violated Specific Guidelines Covering Reportage relating to Impartiality, Neutrality & Fairness and Racial & Religious Harmony

Further, the inflammatory and unverified content of the show amounted to inciteful, hate speech, which is a punishable offence under various sections of the Indian Penal Code (IPC).

In order to respect the diverse religions and composite cultures of India, it is essential to keep a check on the unverified claims and hate propaganda against Muslims.



Targeting a particular community fosters a spirit of discrimination and needs immediate attention to protect the secular fabric of India.

The complainant relied on the judgment in *Amish Devgan vs. Union of India and others* [Writ Petition (Criminal) No. 160 OF 2020 December 7, 2020], *Pravasi Bhalai Sangathan v. Union of India* (Ref: AIR 2014 SC 1591, at para. 7.) and the observations in *Firoz Iqbal Khan v UOI – WP[CIV] NO. 956/2020* and the Law Commission Report, 2017, which stated that “hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. Such speech is considered outside the realm of protective discourse. Indisputably, offensive speech has real and devastating effects on people’s lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked hate speech can severely affect right to life of every individual.”

Decision of NBDSA at its meeting held on 06.11.2023

NBDSA considered the application for condonation of delay and response of the broadcaster. Since the delay in escalating the complaint to the second level of redressal under Regulation 8.2 was satisfactorily explained, NBDSA, under Proviso 1 to Regulation 8.2, decided to condone the delay and consider the complaint on merits. After considering the complaint, response of the broadcaster and after viewing the footage of the programme, NBDSA decided to call both parties for a hearing.

On being served with Notices, the following persons were present at the hearing on 14.03.2024:

Complainant

1. Ms. Teesta Setalvad
2. Ms. Tanya Arora
3. Ms. Karishma Maria, Advocate

Broadcaster

1. Mr. Kunal Tandon, Advocate
2. Ms. Kirtima Maroovar, Compliance Officer
3. Mr. Utkarsh Singh – News Editor

Submissions of the Complainant:

The impugned broadcast was on the subject of Mazar Jihaad in Uttarakhand. The complainant invited the attention of the NBDSA to certain time stamps in the impugned broadcasts, which were mentioned in the complaint.

It stated that the host of the show failed to objectively present the news regarding the issue of illegal Mazars in Uttarakhand. It based its show on certain government



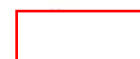
data and sources without once citing them and repeatedly used and displayed terms such as “Mazar jihad” and “land jihad”. Without any proof, the host accused the Muslim community of changing the demography of the state by asserting that the Muslim population is growing by 40% and that *“this encroachment reeks of conspiracy”*.

The manner in which the language was used in the impugned broadcast was not only divisive but also created a huge amount of slur. The constant usage of terms like *“avaidh mazar”*, *“conspiracy”*, *“increase of population”* and *“change in demography”* worked towards pitting the Hindu community against the Muslim community, which was extremely dangerous. The reportage during the show was aimed to establish the unsubstantiated claim that the increasing Muslim population in Haridwar was capturing government land. Instead of focusing on the government report and including all the illegal structures, the show only referred to the Mazar and indulged in name-calling, which shows the biased and one-sided reporting by the news channel.

After the impugned broadcast was aired on 22.05.2023, the Times of India newspaper, which the same group runs, published a front-page editorial in ten editions 15 days later, i.e., on 06.06.2023, stating the dangers of targeted campaigns. It stated that physical targeting had caused the exodus of the Muslim community in Purola, Barkot and other towns of Uttarkashi, which clearly illustrates the impact such media coverage can have, which has also been elaborated in detail in the complaint. The editorial publication in the Times Newspaper showed a sense of responsible journalism, which was sorely lacking in the impugned broadcast.

The negative visuals aired during the impugned broadcast could cause irreparable harm to the social fabric of the country, apart from being a violation of the law. The complainant relied on the judgment of the Hon’ble Supreme Court in *Amish Devgn vs Union of India & Ors. W.P. (Crl) No. 160 of 2020*, wherein a distinction was drawn between free speech and hate speech, and it was observed that the object of criminalizing hate 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.”* The complainant brought to the attention of the NBDSA the regrettable incident of violence that took place in January in Uttarakhand. The complainant submitted that while they were not attempting to draw any connection, it was pertinent to question how much the electronic media had contributed to such incidents of violence on the ground.

NBDSA questioned the complainant whether it had an objection to the broadcaster showing the demolition of these Mazars or whether its objection was confined to a religion being criticized by the broadcaster in the process. The complainant, in response, submitted that it was not its submission that the media should conceal any



act that the Government carries out, whether it is legal or illegal; however, its objection was to the manner in which the media depicts such incidents. In the instant case, there was a level of endorsement and glorification of the bulldozer as an instrument of the state. No objection would have been raised if the broadcaster had merely reported that such demolition took place.

It reiterated that if the channel intended to report on the government report and show a ground report, the same would have been only fact-based, and the show would not have resorted to any kind of name-calling of a specific and marginalized section of the population. However, in the instant case, the tickers aired during the impugned broadcast show that the bulldozer was being used as a victorious element. The show was not moderated to ensure impartiality. The clear intention of the host was to create in the viewer's mind a prejudicial picture regarding the Muslim community's intention behind building such religious structures.

Submissions of the Broadcaster:

The broadcaster submitted that the legitimacy of the action, whether it was right or wrong, has to be adjudged by relevant authorities. In the impugned broadcast, a news report was aired based on statements made by government officials and instrumentalities. It is evident from the broadcast that the statements made by the Chief Minister, the DGP of the state, and the nodal officer of the anti-encroachment squad were aired, and no communal angle was given. The words used by the Government officials were aired. It was the Chief Minister of Uttarakhand himself who had used the word "*land jihad*" which was carried by the channel.

The impugned broadcast concerned an important issue of unauthorized use of public land, which was being reported in the broadcast. There was nothing objectionable about the impugned broadcast. It is not permissible for the complainant to cherry-pick certain extracts from the broadcasts to create an impression that the broadcast was communal. The broadcast, when viewed in its entirety, was a factual report on the demolition and the bytes given by various government officials were also aired.

Based on the submission of the broadcaster, NBDSA asked the broadcaster to explain the occasion for raising demographic figures and changes thereof in the broadcast. In response, the broadcaster submitted that the reference to the demography was merely contextual and made in reference to the unauthorized land being razed. It reiterated that cherry-picking certain extracts was not permissible. It submitted that the broadcast was required to be seen as a whole and not on the basis of dissecting a sentence or stanza to show any adverse effect without contextually understanding as to why that statement or sentence or stanza came about.



NBDSA questioned the broadcaster whether the statistics aired during the broadcast were factually correct. In response, the broadcaster submitted that it would submit additional written submissions in this regard.

NBDSA also questioned the broadcaster whether it had in the impugned broadcast reported on whether or not notices were issued prior to the demolition. In response, the broadcaster submitted that the DGP and the nodal officers, in their bytes, had stated that the demolition drive was carried out after giving notices. NBDSA questioned whether the reporter also reported this in the broadcast. The broadcaster submitted that it had merely reported the demolition. It was not required to adjudge the righteousness of the action. Since the nodal officer and the DGP themselves had stated that notices were issued, the reporter himself was not required to inform whether notices were issued or not.

It was relevant to note the sequence of events, which started with state instrumentality taking actions against unauthorized public land. Subsequently, the state instrumentality and its officials came on the episode and stated that the action was taken in accordance with the law. As a reporter, the broadcaster submitted that it was only required to show what had happened at the place.

In order to bring balance, NBDSA asked the broadcaster if it would not have been prudent for the broadcaster to interview one representative from Mazar. In response, the broadcaster submitted that the manner of presentation and the kind of persons that it should interview should be left to editorial discretion. The impugned broadcast it reiterated was based on statements made by state instrumentalities and its officials.

In rebuttal, the complainant submitted that the entire "*Jihad*" trope was not used by the broadcaster, only in the context of a statement made by the Chief Minister. Rather, there was an element of gloating on the part of the reporter. Further, the usage of the term "*mastermind*" implied that there was criminality behind setting up the allegedly unauthorized Mazars. The complainant brought to the notice of the NBDSA the tickers aired during the impugned broadcast, which were the channel's responsibility.

As a news channel of repute, the complainant submitted that surely it was the responsibility of the channel to report when the notice was given, whether it was given 12 hours before the demolition or one month before. In response, the broadcaster submitted that it did not judge the legitimacy of the government's action in the impugned broadcast. It is open to the aggrieved to challenge such government actions before a court of law.



The complainant submitted that there are at least five instances where the Hon'ble Uttarakhand High Court had been approached with respect to such alleged unauthorized structures, in which no stay was granted. It was the responsibility of the broadcaster to report such developments as well. As the fourth pillar, it was the duty of a responsible media to question the actions of the government rather than accepting them as being the gospel of truth. From the time stamps highlighted in the complaint, it is evident that there was selective targeting of a particular community. Further, the broadcast lacked sources and objectivity.

In rebuttal, the broadcaster submitted that the impugned broadcast has to be judged not from the perspective of a hypersensitive person.

Decision of NBDSA at its meeting held on 14.03.2024

NBDSA decided to defer its decision in the complaint to consider the broadcaster's response to the queries raised during the hearing. NBDSA accordingly directed the broadcaster to submit its additional written submissions in ten days' time.

Additional Written Submissions dated 25.03.2024 of the Broadcaster

1. The broadcaster brought the documents on record, based on which the channel telecasted the said broadcast. The broadcast telecasted on 22.05.2023 was a factual analysis based on a ground survey conducted by the reporter in the area in the backdrop of State action of destroying the illegal construction in the Haridwar, Uttarakhand, area.
2. The broadcast mentioned that the Muslim population in the said State had increased substantially, leading to demographic change and that the encroachment reeks of conspiracy. Factual data on substantial increase was mentioned on the basis of demographic data. This data was obtained through meticulous research, proper investigation, and observation, highlighting a pertinent aspect of the ongoing developments in the region. The clips of the ground survey conducted in Haridwar, Uttarakhand, were also run during the live show.
3. This demographic data reveals that the percentage increase in the population of Muslims in the said area is so substantial that it has changed the demographic percentage of the population in the area. The broadcast reflected its commitment to responsible journalism, ensuring that the viewers are provided with reliable information ongoing in the concerned area.
4. As regards the usage of the term '*Land Jihad*' is considered, it is submitted that the said words were used by the Uttarakhand Chief Minister Pushkar Singh Dhama. "*Encroachments in the name of "land jihad"*" will not be allowed to vitiate the



atmosphere of Uttarakhand', the Chief Minister said amid an ongoing statewide drive to remove illegally built structures from government land.

5. The debate/programme impugned in the complaint cannot be in any manner accounted for causing social disharmony. The channel only reported factual news on the basis of a topic of current and national importance. The coverage by the broadcast did not constitute any violation of the guidelines of NBDSA and was purely based on the survey report and ground coverage. The anchor only attempted to present a reason behind the state's action of demolishing the illegal construction in the area. Merely organizing a broadcast on the state's actions against the illegal construction of Madrasas in the country does not violate any of the extant rules or norms.
6. It reiterated that the broadcast has to be seen as a whole, and not on the basis of breaking, and dissecting a sentence or a stanza to show any adverse effect, without contextual understanding as to why that statement or sentence or stanza came about. The channel has duly exercised due diligence and caution while airing the facts in public domain.

Decision

NBDSA considered the complaint, response of the broadcaster, gave due consideration to the arguments of the complainant and the broadcaster and reviewed the footage of the broadcast.

NBDSA noted that the broadcaster had, in its reply, stated that the impugned broadcast was based on a ground report, which showed how forest and government land had been illegally occupied by construction of Mazars.

NBDSA observed that it was legitimate for the broadcaster to report on the subject of encroachment of government land, which is an issue of serious concern, and there would have been no problem with the broadcast if the broadcaster had confined its reporting factually to the encroachment of government land and the demolition drive carried by the Uttarakhand Government.

However, on a perusal of the impugned broadcast, it was apparent that by repeatedly using the terms "Mazar jihad", accusing the Muslim community of changing the demography in the state and claiming the encroachment of land to be a conspiracy, a communal color had been given to an otherwise factual report. Further, the tickers such as "*Avaidh Mazar... Gazwa-e-Hind ke taar*", "*Devbhoomi me 'Mazar Jihad' sajisb kiski?*" and "*'Mazar Jihad' ka mastermind kaun?*" aired during the broadcast also reinforced this communal narrative and should have been avoided. It may also be



noted that the version of the affected person(s) was not taken during the broadcast, which is a violation of the Code of Ethics & Broadcasting Standards.

In view of the above, NBDSA held that by airing the impugned broadcast, the broadcaster had violated the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage relating to Racial and Religious Harmony.

NBDSA noted that this was the second occasion on which it had found that the broadcaster's reporting had given a communal color to the issue of encroachment of government land. Therefore, NBDSA decided to issue a warning to the broadcaster. It also decided to inform the broadcaster that any violation of similar nature in future broadcasts, would be dealt seriously by NBDSA.

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 : 04-11-2024