

**ONLY BY EMAIL**

November 6, 2024

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

**Re: Order of NBDSA in Complaint (No. 118) 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. 185 (2024)**

**Complainant: Citizens for Justice & Peace**

**Programme: "बाबा की सनातन शपथ...भड़काऊ पथ पर जमीयत! / Hindu Rashtra /  
Bageshwar Sarkar Vs Hasan Madni".**

**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 28.06.2023 was escalated to the second level of redressal.

**Complaint dated 29.5.2023:**

The complainant stated that in the impugned show, the host aimed to hold a debate over the speech given by Hasan Madni, wherein he had said that whoever talks about a Hindu nation is a traitor, which soon enough took a communal turn.

The impugned debate show had themes of a divisive discourse that furthered a communal (intra-community) divide throughout its narrative, which was evident from the choice and content spouted by not just the participants in the "debate" but also unfortunately displayed by the host of the show who actively participated in the communal diatribe, justifying the establishment of a religious (Hindu) nation and even going to the extent of saying that India has always been a Hindu nation.

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

1. When we speak about speaking on the side of/in favour of/about Hindus, how is this a blot on the national interest? (*"Jab hum Hindi hit kee baat karte hai to who kaise rashtriya hit par dhang ho sakta hai?"*)
2. Is the Jamiat, under the disguise of replying to the speech given by Bageshwar Dham, making instigating and provocative statements?

For this problematically formulated "debate", the choice of panellists itself was a precursor to what followed. Instead of framing an issue soberly with an intent to explore two or even three sides, even if they came with shades of prejudicial content, to have one representative an organization with the track record of the Vishwa Hindu Parishad (VHP), namely Vijay Shankar Tiwari, another person in saffron garb titled "a Hindu saint", namely Mahant Raju Das, one Muslim scholar, Atiq-ur-Rehman, and one Muslim writer, Maajid Haidari, made it open for the occasion to be used to propagate a strident socio-political diatribe.

What followed was predictable. The two persons cherry-picked to represent the Hindu community were not saints, philosophers or scholars but religious-political entities whose provocative formulations and reactions to arguably a similarly

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positioned speech of an MLA from the Samajwadi Party party, Swami Prasad Maurya, escalated the issue at hand to dangerous levels of public discourse.

The show segment started with a provocative speech made by Swami Prasad Maurya, a member of the Legislative Assembly of the Uttar Pradesh Government with the Samajwadi Party, who said that people under the guise of saints have now become "terrorists." The next video that was played was of a Hindu Dharma guru, Swami Chakrapani, who responded to the statements made by Maurya by calling the said statement shameful and against "Hindu interests". This is how the premise of the whole debate show was set.

Ironically, the agent provocateur was one Swami Prasad Maurya. The two major protagonists were chosen with similarly extreme opinions, but thereafter, the two participants used the occasion to bash the entire Muslim community. What Maurya had said and the content and tenor of his albeit questionable speech made offline at a political event was used as a "peg" by the channel to bash the entire Muslim community and stigmatise the Islamic faith.

The two participants in the debate representing their version of the "Hindu cause", along with the host, drifted away from the issue of the debate and collectively attacked Maajid Haidari, the Muslim writer, throughout the debate. Even when the Hindu monk, Mahant Raju Das, demanded on commercial national television that Maajid Haidari prove his secularism by saying 'Jai Shree Ram', the host made no attempt to stop him from spreading his communally divisive ideology.

Reporting on news involves an exercise of imparting information. Questioning the bit of news information in a prejudicial or hysterical way, without any rational basis to that questioning, with an intention to pitch views of only one segment/community, amounted to stigmatizing the section that is thus portrayed. Laws, statutory guidelines and evolving jurisprudence have tested and assessed this kind of portrayal and held it to be, in fact, creating an unequal, partisan playing field that both demeans the right to life and the right to life with dignity of that particular targeted section. In practice, therefore, it attacks the right to equality and non-discrimination, too.

### **The contents of the show**

The next segment started with the anchor spreading his communal diatribe, setting the base for the one-sided and biased debate that would take place in it. Even though two Muslim-learned individuals had been invited to be a part of the debate panel, the host put words in their mouths, instigated the other (Hindu) panellists against them, and did not give them appropriate time to speak. Through the time stamps, some objectionable portions of the show have been extracted, which are the subject

of the complaint:

Mahant Raju Das while speaking to Maajid Haidari said *“Dharam ke aadhar par iss desh ko baata kisne hai? Humne ya humare purvaj ne?...sanataniyon ko hi aaj tak sabne dabaya hai. Dharam ke aadhar par aapne mujhko baant diya, mere saath aapne niyay nahi kiya. Bharat Hindu Rashtra tha, Hindu Rashtra hai aur Hindu Rashtra hi rahega. Koi Hindu dharam guru Pakistan, Bangladesh ya Afghanistan mei yeh nahi bol paa raha hai. Bharat Hindu Rashtra hai isliye hi yeh bol paa rahe hai.”*

Vijay Shankar Tiwari *“Ek aadmi ke do prakaar ke naam hota hai, ek ghar ka naam hota hai aur ek bahar ka naam hota hai. Jo ghar ka naam hai, woh unsamvidhanic todhi ho jate hai. Haan, samvidhanic naam saara official papers mei chalta hai, sab log bolte hai. Dono naammanya hai. Mai yeh kehna hu ki Hindu Rashtra jiski hum baat karre hai, who Hindu rashtraek sanskritic naam hai, ispe chidhne ki koi baat nahi hai.”*

Vijay Shankar Tiwari- *“Abhi peeche bomb blast hue, 2 logo ke galle kaate gaye, tab kaha the yeh madni ji, tab kyu chup ho gaye the? Toh mai kehna hu aise mei inn sab ka charitra samjhne ki zarurat hai yeh ghajini se leke madni tak. Mai yeh nahi keh raha hu inn sabka ekjesa charitra hai, kuch log inn mei se ache nikalte hai, APJ kalam bhi nikalte hai, Ashfaqullah Khan bhi nikalte hai.”*

Host- *“Bharat mei har kisi ka samaan kiya jata hai. Baba Bageshwar se bhi baat ki gayi thi toh unhone kaha tha ki hum Hindu-Muslim ki baat nahi karte hai, Hindu-Hindu ki baat karte hai. Lekin Madni sahib ne yeh bola ki agar Khalistan ki baat koi karta hai toh who bhi galat nahi hai, Hindu Rashtra ki baat karne wala Gaddar hai, toh dusre par sawal kyu utha rahe hai aap apne logo ki baat kariye who theek hai. Dusre ko gaddar bolna toh galat hai na.”*

Host-*“yeh baat toh mai bhi kehna chahuga ki Hindu rashtra ki baat jab yeh karte hai toh sabko saath ek jut rakhne ki baat hoti hai, Dharmendra Shastri ji bhi yahi kehne hai hai. Lekin jab Madni ji se baat karo toh who sirf Muslim-Muslim karte hai, unki baat karte hai aur yeh kehne hai ki Muslims kisi se nahi darte. Yeh toh bhadkana hua na?”*

Host- *“Madni sahib jab manch par jaate hai, toh kayi logo ko lagta hai unke bolne ki shaili bohut aakramakt hoti hai, ki who bol nahi rahe hai ukse rahe hai”.*

Vijay Shankar Tiwari while speaking to Maajid Haidari said - *“yeh jo aapne adha sholk abhi bola hai ahinsa par, yeh sirf bolne ke liye nahi hai, yeh karne ke liye hai. Ahinsa Parmo Dharma, lekin aapke paas toh yeh siddhant bhi nahi hai. Aapke paas toh yeh hai ki ek Islam hai aur baaki sab kaafir hai, aur jo kaafir hai usko bhi Islam mei badalna hai kisi bhi tarah se. toh yeh toh kehne hai ki dharam ke liye bhi agar ladhna padhe who bhi dharam hi hai. Jese humari sena humare desh ke liye ladhti hai and vahi unka sabse bada dharam hai. Toh mai yeh kehna hu Maajid Haidari, iss mantra ke aas paas bohut kuch ghumta hai aur agar aap yeh mantra*

*apna le toh yeh saari problem khatam ho jaegi. But uske liye aapko kaafir banna padega kyuki Islam mei rehke aap yeh mantra nabi bol sakte."*

Host said to Maajid Haidari- *"kya jo Islam ko nabi maanta usse kaafir maana jaata hai iss baar par zara charcha kare."*

Mahant Raju Das while speaking to Maajid Haidari said *"mera inse sawaal hai jo yaha beth kar chipdi- chipdi baat karra hai, mai isse bolta hu ki iss channel par bol de 'Bharat Mata ki jai', 'Vande Mataram ki Jai', aur 'Jai Shree Ram' tabhi mai manuga ki who secular hai warna who nahi hai aur sabhi dharamo ka samaan karte hai."*

Mahant Raju Das: *"yeh aap dekhiye inka secularism... Aap dekhiye ki jaha bhi inn Musalmaano ki jan sankhiya badhti hai vaha dharam shuru ho jata hai, vaha yeh kehne lagg jaate hai ki Ram Navmi ka jalos Muslim ilaake se kyu jaa raha hai. Hinduyon ka jalos Jai Shree Ram bolte kyu jaa raha hai tezz se, Vande Mataram kyu bol raha hai, mic itna tezz kyu hai, kyu Masjid ke paas se jaa raha hai, Masjido ko tripal se dhanaka padhta hai. Agar aap secular ho toh kyu tripal se Masjid dhak rabe ho?"*

Mahant Raju Das: *"Bolo aap jo bolo mai boluga pehle aap bolo Jai Shree Ram, aap bolo pehle bolo. Bolo ki Talwar ke bal par salwar pehen liye ho, bolo ki mere purvaj pehle Hindu the. Bolo na ab bol ke dikhao. Aap nahi bol sakte."*

Host: *"Mahant Raju Das ji mai yaha kehna chahuga ki Maajid Haidari sahib ne bol diya hai ki who aapke kehne par nahi bolenge, unka Dharam alag hai, unki jo bhi majboori hai ya jo bhi imaan hai who nahi bolenge."*

Vijay Shankar Tiwari while speaking to Maajid Haidari said - *"yeh din mei 5 baar Namaaz karte hai aur mai Maajid Haidari sahib se chahta hu ki who ek baar aarth bata de, aur bata de ki woh Namaaz mei kya kya shabado ka prayog karte hai."*

Host while speaking to Maajid Haidari said: *"Lekin jab aapke log stage par aate hai toh koi shaanti dikhaya nahi deti hai yeh baat to aapko maanni padega".*

Host while speaking to Maajid Haidari to said *"Aap maante hai Bajrang Bali ko?"*

On the ticker, the following names were displayed on repeat with a description:

Hindu Rashtra ki Hunkaar vs. Madani ka Gaddar Waar

Jamiat Ulema-E-Hind ko Janiye

CAA-NRC ka virodh kiya

Islami Shiksha ko dete hai badhawa

Aatankiyo ke bacchav aur unhe kanoon sahiyta dene ka aarop

The debate show appeared to be more like a debate promoting a Hindu Rashtra rally or a Dharma Sabha debate than a newsroom debate. The host is supposed to and expected to take a neutral stand, introduce a neutral theme and not side with a particular community to put any other community on the spot, which clearly did not happen in the impugned show.

It is apparent from the video, and the statements highlighted that the host was keen on leading the debate with the question of whether the Muslim community is spreading hate and provoking the Muslim community against the Hindu community. As the anchor of a show on a news channel that is supposed to have a neutral and unbiased theme, the host did not even attempt to have any non-communal theme on the show.

The narrative was not even put to question as to why the Hindu community is asking for a Hindu nation, even as it stands in opposition to the Constitution of India. The host let his biases and prejudices against the Muslim community cloud the role he is supposed to play in a debate show and made it evident that he was batting for the Hindu majority and was offended by the fact that the Muslim community is opposing the demands of turning India into a Hindu nation.

Throughout the show, both the Hindu participants consistently put Maajid Haidari in a defensive corner, from where he was pushed to prove the 'innocence of his fellow religionists if not the religion itself'. Together, the protagonists and host both demanded him to "*prove his secularism*" on commercial television by chanting a Hindu politico-religious slogan, "*Jai Sree Ram*", one that has moreover controversially become associated with aggression and exclusion, not spirituality or faith. In contrast, the host made no attempt to be as hard or question the participants who called themselves "Hindu". He kept reiterating throughout the show that by opposing the making of a Hindu nation, the Muslim community was against the Hindu population, making the entire show a communal battleground. This not only violated the guidelines laid down by the NBDSA from time to time of which the channel is a member but also stood in violation of the constitutional principles and the orders of the Hon'ble Supreme Court and the country's High Courts from time to time.

Apart from this, the NBDSA's guidelines state that "*News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.*" The channel has acted in complete violation of this directive as well as 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.

Throughout the 30-minute segment, the channel was trying to goad an anti-Muslim narrative, pit the two communities against each other, and show that the Muslims were using every platform available to them to spread their Islamic agenda. With the broadcaster's vast viewership, this prejudicial view has already reached large sections of the people through the TV channel and also through your social media platforms, including YouTube, Twitter and Facebook. This persistent stigmatization and attack on the minority community to drive home the point that Muslims are always up to sinister activities is harmful to the social fabric of this country.

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 has brazenly forwarded its anti-minority narrative and gone full throttle in showing the Muslim community in a bad light.

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

**Reply dated 14.6.2023 of the broadcaster:**

1. At the outset, all allegations/contentions/averments made by the complainant in the subject complaint are denied and disputed.
2. The complainant has filed a complaint questioning the broadcast telecasted 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 broadcaster 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. The debate show was based on Madani's controversial statement in which he called those who demand a Hindu Rashtra as traitors. The politics surrounding Madani's statement was the issue for the debate. The entire debate was factual.
9. Guests coming to the show are free to express their views. The channel selects its guests on the basis that they can express their opinions clearly on the issue of debate. The purpose of the debate is to seek opinions on burning issues that are essential for a healthy and vibrant democracy.
10. The pertinent question here was how talking about Hindu interest is against the interest of the country? There are people of different castes and religions living in this country who have complete freedom to talk about their interests. That's how democracy works. If minority interest, Dalit interest, tribal interest, women's interest, etc., can be talked about in the country, then why not Hindu interest? The Constitution of the country fully allows it.
11. The anchor had merely put different questions related to this issue in front of the panel for discussion. The questions that are asked during the debate are not the opinion of the anchor or the channel. The purpose is to include all the questions related to that issue in the debate.
12. The anchor had not demanded the creation of a Hindu Rashtra during the debate at any point in time. This is just a fabricated allegation by the complainant. Hindu interest and Hindu Rashtra are two different things, which the complainant has clearly failed to understand.
13. The complainant's objection to certain panellists being invited to debates is again irrational as these guests are invited on several other TV debate shows and are considered experts in their fields, the very reason they are included in such debates. The complainant clearly shows its bias while opining on

the choice of panellists by the channel. The allegations raised in this complaint are baseless and lack merit and are hereby denied.

14. Further, in a live debate show, the anchor attempts to pose questions to all factions, with a view to getting views and opinions across the board on a given topic. While time constraints play a vital role in how much time is given to each panellist, it is wrong to accuse the channel or its anchors of interrupting the panellists when clearly the focus of these debates is to get as many opinions as possible and responses to the questions raised, within the time available for the show. It is to be highlighted here that the views and opinions expressed on the show are independent and individual personal views of the panellists, and the channel does not, in any manner whatsoever, promote, endorse, or ratify any of such views as that of its own.

### **Legal submissions**

15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. The broadcaster relied on several judgments of the Hon'ble Supreme Court and the orders of NBDSA in support of its submissions.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.

28. 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.
29. 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 28.6.2023 filed with NBDSA:**

Throughout this 30-minute segment, the channel was trying to goad an anti-Muslim narrative, pit the two communities against each other, and show that the Muslims are using every platform available to them to spread their Islamic agenda. With the vast viewership of the channel, this prejudicial view had already reached large sections of the people through the TV channel and social media platforms, including YouTube, Twitter, and Facebook, of the channel. This persistent stigmatization and attack on the minority community to drive home the point that Muslims are always up to sinister activities is harmful to the social fabric of this country.

**Absence of Neutrality in Moderator:** Reporting on news involves an exercise of imparting information. Questioning a bit of news information in a prejudicial or hysterical way, without any rational basis to that questioning, with an intention to pitch views of only one segment/community, amounts to stigmatizing the section that is thus portrayed. Laws, statutory guidelines, and evolving jurisprudence have tested and assessed this kind of portrayal and held it to be, in fact, creating an unequal, partisan playing field that both demeans the right to life and the right to life

with dignity of that particular targeted section. In practice, therefore, it attacks the right to equality and non-discrimination, too.

One cannot overlook the direct impact this kind of media reportage is having on the lives of people, specifically the Muslim community. In our country, almost every week, multiple such incidents are coming to the forefront where Muslims are being forced to chant 'Jai Shree Ram', and refusing to do so results in them being subjected to violence. In many cases, it has also led to the Muslim person being lynched. Even during the gruesome Muslim pogrom of the North-East Delhi Riots of the year 2020, many videos of Muslims being abused and forced to chant 'Jai Shree Ram' had surfaced. To see such anti-secular acts being depicted/performed on national television may have a direct effect on the dehumanisation of the population that has been subject to persistent abuse and violence.

There is no doubt that the language used by channels like Times Now Navbharat and the kind of narrative they have driven evidently succeeded in creating an atmosphere of complete animosity and in demonizing the Muslim community to the point that the two representatives of the Hindu community were able to not only mock the Islamic prayers but also "demand" proof of secularism from the Muslim panellist. If channels are not held accountable for the venom they spread on national TV every day, which they do under the guise of reporting news, this disease of hatred would become all-pervasive.

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

Apart from this, the NBDSA's guidelines state that "*News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region, or language.*" The channel has acted in complete violation of this directive as well as 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 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.

Guidelines for Prevention of Hate Speech clearly mandate that 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, dehumanizes, 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 that 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 decided on December 7, 2020], *Pravasi Bhalai Sangathan v. Union of India* (Ref: AIR 2014 SC 1591, at para. 7.), the observations in *Firoz Iqbal Khan vs Union of India* W.P.[C] 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 the 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 the parties for a hearing.

On being served with Notices, the following persons were present at the hearing on 10.04.2024:

#### **Complainant:**

1. Ms. Teesta Sctalvad
2. Ms. Tanya Arora

#### **Broadcaster:**

1. Mr. Kunal Tandon, Advocate
2. Ms. Niti Jain, Advocate
3. Ms. Kirtima Maravoor, Compliance Officer NBDSA
4. Mr. Satya Prakash, Executive Editor

#### **Submissions of the Complainant**

The complainant submitted that it had on 29.05.2023 filed a complaint against a broadcast which was aired on Times Now Navbharat on 22.05.2023. Mr. Vijay Shankar Tiwari from VHP, Mr. Mahant Raju Das, Mr. Atiq-ur-Rehman, a Muslim scholar and Mr. Majid Haidri, a Muslim writer, were invited as panellists in the show. The show was flagged off by the anchor with two communally polarizing questions, namely, *“When we speak about speaking on the side of/in favour of/about Hindus, how is this a blot on the national interest?”* and *“Is the Jamiat, under the disguise of replying to the speech given by Bageshwar Dham, making instigating and provocative statements?”*

The anchor failed to objectively engage in this debate on establishing a Hindu Rashtra. The show had themes of a divisive discourse wherein statements made in favour of establishing India as a Hindu nation were justified in the name of national interest. The debate was based on an ill-informed statement made by two politically influential people, one of whom had made a provocative statement against the Hindu saints, and the other had advocated for declaring India to be a Hindu nation.

These statements were then made a basis for targeting a religious minority community and escalating the issue at hand to dangerous levels of public discourse.

In the complaint, the detailed violations, namely, the lack of neutrality, failure to adhere to the principles of impartiality and neutrality and the divisive diatribe of the host and participants, have been highlighted. The Hindu participants of the panel drifted away from the debate many times to collectively attack the Muslim participants. At one instance during the show, a Hindu monk demanded a Muslim panellist to prove his secularism on national television by chanting Jai Shri Ram. Further, throughout the show, the Muslim community was bashed and unfounded accusations were raised against Jamaiat, including the allegation that they defend terrorists in Court.

The complainant invited the attention of NBDSA to some problematic statements that were made during the impugned broadcast, including the statement made by Mahant Raju Das wherein he referred to partition and implied that all Muslims who had stayed behind were responsible for the act and declared on national television that *"Bharat was a Hindu nation, is a Hindu nation and will remain a Hindu nation"*. The complainant submitted that the anchor failed to ensure neutrality by failing to object to the panellists' claims of Hindu Rashtra, which itself was unconstitutional.

Thereafter, another panellist, Vijay Shankar Tiwari, made a polarizing statement, claiming that *"Hindu Rashtra ek Sanskritik naam hai"*. The said panellist also questioned who was responsible for the two bomb blasts in the country, selectively testing the patriotism of the Muslim panellists on the show and the Muslim community in general. During the broadcast, Mahant Raju Das, while speaking to Majid Haidri, stated that he would accept that Mr. Haidri is secular if he chanted *"Bharat Mata ki Jai"*, *"Vande Matra ki Jai"* and *"Jai Shri Ram"* on the channel.

The complainant submitted that these tests of secularism through religious slogans, which have become political today and are weaponized against a minority community, were encouraged/allowed by the anchor. Further, the anchor allowed Mahant Raju Das to make slur-oriented, exaggerated, illegal and unconstitutional references during the impugned show.

During the debate, the host let his biases and prejudices against the Muslim community cloud the role he was supposed to play in a debate show and made it evident that he was batting for the Hindu majority. The host let a Hindu panellist assert that *"in areas where the Muslim population increases, the issues related to religion increase"*

The entire debate, as detailed in the complaint, tested the Code of Ethics & Broadcasting Standards and Guidelines. The complainant submitted that a vast

number of viewers had watched the show, which continues to be available online. Therefore, by allowing such shows to be repeatedly broadcast, the broadcaster contributed to a socially polarizing atmosphere in the county, which engenders conflict, insecurity, and the absence of dignity for one section of the population.

The complainant submitted that while it was not commenting on whether the statements made by the anchor or the tickers aired amounted to hate speech. However, it was relevant to note that NBDSA Guidelines prohibit hate speech. In this regard, it was also relevant to note the manner in which the Courts have interpreted free speech vs hate speech. In the instant case, it appeared that the broadcaster was only interested in a polarizing debate and was not interested in exploring the issue, whether it was regarding Hindu Rashtra or Baba Bageshwar, his mobilization and his organization. Instead, it seemed that the broadcaster was attempting to pit one section of the religious clergy of a community against another in a one-sided way.

The complainant submitted that its grievance was with respect to the treatment of the subject, the choice of panellists, the manner in which the anchor conducted the programme, and the tickers that were aired during the show. The complainant reiterated the contents of the complaint and prayed for the removal of the show. Further, it also sought an apology to be broadcast on the channel and a direction for the broadcaster to refrain from telecasting such shows.

### **Submissions of the Broadcaster**

The broadcaster submitted that at no point in time did the reporter or the host of the show encourage or justify the statements made by the panellists. Rather, at time stamp 19:21 of the impugned broadcast, when one of the panellists urged another panellist to say "Jai Shri Ram", the anchor interjected and stated that it would be up to the said panellist whether he wanted to say the same or not. In the programme, Baba Bageshwar was discussed, and the anchor was extremely neutral.

NBDSA questioned the broadcaster as to why such persons were chosen for the debate, particularly in view of the NBDSA Guidelines, which urge broadcasters to exercise discretion in selecting panellists who are known for espousing extreme views.

The broadcaster, in response, submitted that the difficulty in news reporting, as the NBDSA is well aware, is that somebody who makes a public statement or who is in public life has to be given credence. However, other panellists are also invited to counter such panellists. Therefore, for a news channel to not invite a person who is in public life would amount to the death of the channel itself. It is the responsibility

of the broadcaster to have a broad-based and wide panel. Therefore, merely inviting someone who may have extreme views ought not to be taken against the broadcaster. The broadcaster submitted that the complainant had failed to point out a single statement from the host in the complaint and had merely raised objection with the panellists who were invited to the programme, who had allegedly transgressed their limits. It reiterated that the host had explicitly stated that it was not up to him to prescribe whether people should chant Jai Shri Ram; rather, it was their own personal discretion.

Further, questions about minority interests and religious interests need to be freely and fearlessly discussed and debated, especially when they can influence the views of the public. All panellists were given an opportunity to share their views. Thus, all allegations of biasness or pushing an anti-minority agenda by the channel, as alleged by the complainant, are vehemently denied.

The broadcast and the reporting by the anchor was conducted in an open and objective manner. Reporting of such nature could not be considered to be arbitrary, biased or in violation of the principles of neutrality. 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 contextually understanding why that statement, sentence or stanza came about. The channel has duly exercised due diligence and caution while airing the facts in the public domain.

In rebuttal, the complainant invited the attention of the Authority, where the anchor himself questioned the panellist, Majid Haidri, whether he believed in Bajrang Bali. The broadcaster, in response, stated that the anchor had presented the panellists with an opportunity to present counterinterviews.

The complainant submitted that if one were to view the broadcast in its entirety, it would be evident that 85% of the telecast was an aggressive diatribe by one side against the other.

### **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 as admitted by the parties, in the impugned broadcast a debate was sought to be conducted on a controversial statement made by Hasan Madani, who claimed that those who demanded a Hindu Rashtra were traitors.

At the outset, NBDSA observed that while conducting a debate on such statements may have been questionable, however, restricting the broadcaster's right to conduct debates on controversial subjects, such as the one under discussion, would amount to interfering and imposing restrictions on editorial freedom, which is impermissible. NBDSA, however, observed that the broadcasters were required to exercise their freedom of speech in accordance with the Code of Ethics & Broadcasting Standards, Guidelines and Advisories.

In the impugned broadcast, it is clear that the anchor had failed to follow the Specific Guidelines for Anchors conducting Programmes including Debates. From the statements made during the broadcast, it is clear that the anchor had failed to stop the panellists from deviating from the subject of the debate and had thereby provided them a platform to expound their divisive views, including questioning the beliefs of a particular religious community and even allowed one of the panellist, Mahant Raju Das to spread his communal diatribe including asking another panellist to prove his secularism by chanting "Jai Shri Ram".

In view of the above violations, NBDSA decided to warn the broadcaster that while broadcasting such programmes, it should be careful in selecting panellists for debates so that peace and harmony in the society is not threatened or disturbed and the anchors should strictly adhere to the Specific Guidelines for Anchors Conducting Programmes, including Debates, by not permitting panellists in debates to propound extreme and divisive views.

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**