

**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. 119) 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. 186 (2024)**

**Complainant: Citizens for Justice & Peace**

**Programme: "Rashtravad : मदरसों पर नकेल, नहीं चलेगा विदेशी फंडिंग का खेल ?"**

**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, i.e. NBDSA.

**Complaint dated 29.5.2023:**

The complainant stated that the impugned show was based on a survey carried out by the UP government on Madrassas in the state and last year's data, which allegedly found that 8,841 Madrassas were illegal and that the government shall proceed against 4,000 Madrassas in the state.

Some objectionable portions of the show, which are the subject of the complaint, are extracted as follows:

Some of the questions that were going to be discussed in the debate were displayed: *"UP me videshi funding wale madarsson par kya taala lagne wala hai?"; Madarsson par Yogi ka action to Maulana ko tension kyu ho rahi hai?"; Videshi funding par action, to kaum ko badnaam karne wali baat kyun aagai? Kya ye na maane ki ye bhadkane wali baat hai?"; "Avaiddh madarsson par ghamasan, Bajrang Dal par bhajjaan kyun bhadak gaye, Kyun Maulvi sahab ko dikkat hogai?"*.

As the debate started and both sides started to answer, one participant pointed out that the government was not focusing on the quality of education in Government schools, which the host shot down. When the Islamic scholar tried to clarify how the funding is collected and sent to the Madrassas, clarifying that it *always* comes through a Government-scrutinised route, the host cut him short again mid-sentence and did not allow him to speak. This overtly visible practice was clearly designed to promote a pre-decided, even one-sided discourse, not allowing clarifications or responsible inputs to emerge.

**Absence of Neutrality in Moderator**

It is also worth noting the behaviour and tolerance of the debate moderator between and towards the people speaking for and against the topic. A debate moderator should be handling a debate in an unbiased, neutral manner. However, here, the way the host let the persons supporting the channel's pre-decided 'agenda' speak versus

the people who were making clarifications that picked holes in this revealed the ill-intention behind the entire debate.

It was also important to note the manner in which participants were attacking a particular community by saying, “*aap Atiq pe bhi maatam manate ho, aap dusre marte hain uspe maatam nahi manate, lekin Atiq marta hai to pura samaaj road pe khade hoke matam banane lagta hai*” The host completely ignored the point of someone being “accused” of doing something and being “convicted” of doing something and moved to the ideologically aligned participant.

*“Dekhiye madarsse ke lie hum kehte hain aapko, apne deeni sikhsa leni hai, aap deeni siksha lijiye. Aap madarsse kyu khol rhe hain? Madarsse me kyun padhna? Aur aap jaake dekhiye Nepal border, Uttar Pradesh ke border me pichle das saal me takreeban 2,000 to 2,500 naye madarsse aagae hain aur sarkar ke lie bhot bada chinta ka vishay hai ki ye madarsse achanak kaise aa gaye”*

*“ye jo desh ki khaaskar seemavartti kshetron me kukkarmutton ki tarah ugg aae hain ye madarsse aur waha par jo aatankvadi aur jihadi siksha di ja rhi hai waha par bachon ka dimag kharab karke jihad ki taraf dhakel rhe hain”*

When asked to support these claims with any data, the speaker, Vinod Bansal of VHP, did not provide any, and when Haji Rangrez tried to intervene and ask for some proven data on this, the host ignored the same. In fact, the host even defended Bansal on this and said that Bansal was not talking about all but only some madrassas. However, even the host could not provide solid data to support this claim.

Haji Rangrez asked the host and others to name at least one Madrassa where children are being brainwashed into terror; however, the host shut him down and did not wish to discuss this further.

There was also a point where Haji Rangrez, one of the speakers, agreed that if Madrassas are illegal and have no documents for international funding, action should be taken against them. However, the host did not pick that up or note it and continued questioning the Muslim speakers on why they had an issue if the government was looking at the legality of Madrassas.

Throughout the show, the following tickers were being run: “*Madarrson par Yogi ka action, Maulana ko tension?*”; “*Avaidh Madarson par Yogi ka Hunter, kise darr?*”; “*Bajrang Dal par kyun bhadke Madni Bhaijaan?*”; “*Ab nahi chalega Videshi funding ka khel?*” and “*Aatank ko paala, to madarsson par lagega taala?*”.

The following text was repeatedly displayed throughout the debate, which suggests 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. There is the serious potentiality of such perpetrated and one-sided unsubstantiated discourse actually resulting in targeted violence. The channel must be aware that the “mainstream”, and “commercial” media, which it is also a part of, has been responsible for disseminating such a stigma-driven for several years now.

The channel was trying to push this narrative of the Madrassas or all Madrassas being the centre of illegalities. While the debate was branded to discuss the issue of illegal Madrassas, the screen displayed arguments in favour of and against the Madrassas. Further, during the debate, visuals showing the students reading namaaz at Madrass were repeatedly shown.

The host was seen questioning someone from the Muslim community about the illegality of these madrassas. The question is, does he run any of these Madrassas? How is he capable of answering these questions about illegal madrassas? The whole point of the debate thus became moot. Yet, the debate continued among people who were not concerned directly with the subject being discussed, thus leading to a polarised debate.

The host showed data of some people from the Muslim community linked with terror outfits who once studied in these Madrassas (presumably). However, it is unclear what the channel aimed to depict by showcasing this data since a person committing a crime would have studied somewhere at some point, be it a school or Madrassa. The clear intention of the show was to draw a connection between Madrassas and people involved in terror activities, to show that alleged terrorists study in the Madrassas, which is the perception that the channel aimed to create in people’s minds.

This was also clear from the ticker they were running *‘Aatank ko pala toh madarso pe lagega tala’*. *Lashkar aur SIMI ke log pakde jate fir bhi ye kehte hai ki karyavahi nahi honi chaiye*, the host said.

The complainant stated that with the broadcaster’s vast viewership, this prejudicial view had already reached large sections of the people through the T.V. channel and also through its 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. However, it is clear that in utter disregard of constitutional

values, the channel brazenly forwarded its anti-minority narrative and went full throttle in showing the Muslim community in a bad light. Without questioning the legitimacy of the data that the channel must have accessed from the Madrassa survey, the complainant stated that they were only raising concern over the manner in which or the approach chosen to deal with this data. By using provocative headlines and by making the debates one-sided, the channel had resorted to cheap tactics to spread communal tension and hatred with an aim to push propaganda, which is unbecoming of a news channel that should adhere to the Fundamental principles of Self-Regulation and other guidelines issued by the NBDSA.

Through the content of the show, the channel had acted in complete violation of the Code of Ethics & Broadcasting Standards issued by the NBDSA 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. In view of this, it is in the best interest that the broadcaster remove the content mentioned above from all social media accounts of its 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 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. Vinod Bansal- Spokesperson of VHP, Sanjay Rana - Political Analyst, Rajkumar Bhati - Spokesperson of S.P. and Haji Meherdin Rangrez - Political Analyst were invited as panellists in the impugned broadcast.
9. The entire debate was based on the fact that the UP Government found 8441 Madrassas illegal. Out of which, more than 4000 Madrassas were getting funding from abroad and could not provide the documents of donation when demanded. In such a situation, it is absolutely legitimate for the news media to raise questions about the funding of such madrasas. There was no religious angle to this questioning. The complainant had raised highly objectionable allegations in this regard. Illegal activities need to be questioned, whether they are madrasas run by a particular community or otherwise.
10. The intent of the complainant appears to discourage all questions raised against the minority community or institutions run by them, even if alleged to be illegal. Former Minority Welfare Minister Mukhtar Abbas Naqvi himself had stated this view in relation to the issue of Madrassas flourishing on the border and related concerns. The complainant has completely overlooked this.
11. Guests participating in debate programmes are free to express their opinions. Being a responsible channel, it insists on language decorum and factual analysis. Yet not all statements of a guest can be controlled in a live show. The guest's views do not in any way reflect the editorial policy of the channel. The complaint is contradictory in itself.
12. On the one hand, questions have been raised that during the debate, the guests did not give any data about the terrorist connections of madrasas. On the other hand, the complaint raised objections to the purpose of showing the list of terrorists allegedly associated with Madrassas as part of the graphics during the show. Throughout the show, the anchor only referred to and spoke about the illegal madrasas.

13. The communal mindset of the complainant is apparent in the manner in which allegations have been levelled against this debate programme. It appears that the intent behind raising such baseless arguments was to create unnecessary pressure on the impartial media of the country by constantly sending notices and also publicising a factual news story as being communal. The allegations raised in this complaint are baseless and lack merit and are hereby denied. The complaint warrants dismissal from this Hon'ble Authority. Recently, the Hon'ble Delhi High Court refused to entertain a PIL, titled *Lalit Valecha v. UOI & Ors. W.P.(C) 5109/2021*.

### **Legal submissions**

14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. The broadcaster relied on several judgments of the Hon'ble Supreme Court and the orders of NBDSA in support of its submissions.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.

28. 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 the show, the host questioned where Madrassas received their funding from. He kept questioning one of the participants about why Madrassas do not keep proper records of the funds they receive. This question was asked to someone totally unrelated to the management of the said Madrassas in question.

The news point was that the UP government survey found that many Madrassas received foreign funding, but some of them were unable to show any paperwork for the same. This had been turned into a point of debate and speakers who had no relation with Madrassas and how they were being run were brought to the show to talk about it.

The host even questioned why Muslims wanted to study in Madrassas in the first place. Then one of the speakers, Vinod Bansal, a VHP member, said that Madrassas have mushroomed in the border areas, and there, the children are being imparted education on terrorism. They are brainwashing the children who are being taught about jihad. Another speaker Haji Rangrez took offence and interrupted him. Instead of asking Bansal not to express such views, the host defended Bansal and said that Bansal did not point his finger towards all Madrassas but only some of them. Such allegations were made unabated on the show without any evidence in

support while Tickers like “*Aatank ko paala, to madarsson par lagega taala?*” kept running through the show.

The show does not even pretend to have any semblance of neutrality or compliance with any of the Code of Ethics. The intention of the show was very clear: to show that Madrassas receive dubious foreign funding, they are set up along the border, and the children are brainwashed and trained to become terrorists. The channel allowed such speakers to come on their debate show time and again to express such extremist and baseless views to target the minority community. Then, the channel takes a stand and says that it does not endorse the views of the participants.

The channel is clearly in total disregard of NBDSA’s Specific Guidelines for Anchors conducting Programmes including Debates whereby it is stated:

- c. While deciding panellists for debates, Anchors, Editors and Broadcasters/Publishers should avoid inviting fringe elements, extremists and separatists who are known for espousing rabid/fanatic views/opinions thereby giving them an opportunity to air and spread their divisive and provocative views.
- g. Refrain from using religion-linked adjectives in a pejorative manner and refrain from any character assassination/attacks whatsoever on the basis of religion, political affiliations, prejudices etc. in any programme/s including debates.
- h. Avoid pushing any communal agenda during a programme including a debate. Anchors must ensure that they do not take any sides and do not harass or harangue panellists to force any admission, opinion or comment.

The NBDSA has also stated that merely adding a disclaimer “*does not absolve Editorial personnel, Anchors, Journalists and Producers of their responsibility in case of violation of the Code of Ethics and the Guidelines. Editorial Policy of a particular channel cannot be a defence to a breach of the Code of Ethics and the Guidelines.*”

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.

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.

### **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 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 9. Racial & Religious Harmony. Further, the inflammatory and unverified content of the show amounts to inciteful hate speech, which is a punishable offence under various sections of the Indian Penal Code.

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, *Firoz Iqbal Khan v UOI – W.P. [CIV] NO. 956/2020* and the Law Commission Report of 2017.

### **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 Setalvad
2. Ms. Tanya Arora

**Broadcaster:**

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

**Submissions of the Complainant**

The complainant submitted that the show was premised on a survey carried out by the UP Government on Madrassas in the state and last year's data, which allegedly found that 8,841 Madrassas were illegal and the government was proceeding against 4,000 Madrassas in the state. The entire show then proceeded to address the Madrassas in Uttar Pradesh.

The show failed to objectively engage in the issue of illegal Madrassas running in the state of Uttar Pradesh. Instead of presenting the findings of the survey, the anchor indulged in raising baseless allegations of the Madrassas receiving international funding and making provocative statements against Maulanas. The anchor furthered the contentious stereotypes against the religious minorities by stating that in the Madrassas, *"children are being imparted education on terrorism and they are brainwashing the children and they are being taught about jihad"*.

The complainant invited the attention of the Authority to the ticker aired *"Avaiddh madarsson par ghamasan, Bajrang Dal par bhaijaan kyun bhadak gaye, Kyun Maulvi sahab ko dikkat hogai?"*. The complainant submitted that in the absence of modernization, there could be serious issues concerning the education being meted out in religious educational institutions like Madrassas and RSS-run Shishumandir. It would have been a valid journalistic exercise if a rational debate had been conducted on issues concerning religious-educational institutions, such as whether the curriculum included subjects such as mathematics and science or whether they were teaching comparative theology, which is important for a pluralistic society. However, in the impugned programme, the broadcaster raised the question of what was wrong with Bajrang Dal's objection to the Madrassas. It may be relevant to mention that Bajrang Dal, which is a wing of BJP-RSS, has been responsible for violence against minorities.

During the debate, questions such as *"UP me videshi funding wale madarsson par kya taala lagne wala hai?"*; *Madarsson par Yogi ka action to Maulana ko tension kyu ho rahi hai?"*; *Videshi funding par action, to kaum ko badnaam karne wali baat kyun aagai? Kya ye na maane ki ye bhadkane wali baat hai?"*; *"Avaiddh madarsson par ghamasan, Bajrang Dal par bhaijaan kyun bhadak gaye, Kyun Maulvi sahab ko dikkat hogai?"* were raised through the tickers for which the broadcaster was responsible. The complainant submitted that it had

an objection to the cherry-picking of the Madrassas in Uttar Pradesh and the stigmatization of and usage of such kinds of slurs in respect of the Madrassas.

The complainant invited the attention of the Authority to the other tickers which were aired during the broadcast, including “*Bajrang Dal par kyun bhadke Madni Bhaijaan?*”, “*Ab nahi chalega Videshi funding ka kbel?*” and “*Aatank ko paala, to madarsson par lagega taala?*”, for which it reiterated the broadcaster was responsible.

Throughout the programme, it appeared that the broadcaster was attempting to push the narrative of the Madrassa or all Madrassa being the centre of all illegalities. Further, the presentation of the debate by repeatedly showing visuals of students reading Namaaz at Madrassa also raised questions concerning neutrality and amounted to stigmatizing a community.

None of the Muslim panellists ran a Madrassa, and yet they were held to be answerable for a whole community that was being put under scrutiny. At one point, the host even showed data of some people from the Muslim community linked with terror outfits, who he presumed had studied in these madrassas. However, it is unclear what the show was aiming to prove by this connection since the debate was supposed to be about illegal Madrassas.

In the debate, it seemed that the anchor intended to draw a connection between Madrassas and people involved in terror activities to show that alleged terrorists study in Madrassas, which is the perception the channel aimed to create in people’s minds.

Throughout the show, many allegations like illegal international funding, mushrooming of Madrassas on the Nepal border, and promotion of terrorism through these Madrassas were raised without providing any data to support the same, which clearly suggested that the show intended to spread stigma, even hatred against the Muslim community.

There was an absence of neutrality on the part of the anchor as the panellists were allowed to make unsubstantiated claims about foreign funding, of brainwashing students etc. and statements such as “*aap Atiq pe bhi maatam manate ho, aap dusre marte hain uspe maatam nahi manate, lekin Atiq marta hai to pura samaaj road pe khade hoke matam banane lagta hai*”; “*Dekhiye madarsse ke lie hum kehte hain aapko, apne deeni sikhsha leni hai, aap deeni sikhsha lijiye. Aap madarsse kyu khol rhe hain? Madarsse me kyun padhna? Aur aap jaake dekhiye Nepal border, Uttar Pradesh ke border me pichle das saal me takreeban 2,000 to 2,500 naye madarsse aagae hain aur sarkar ke lie bhot bada chinta ka vishay hai ki ye madarsse achanak kaise aa gaye*” and “*ye jo desh ki khaaskar seemavartti kshetron me kukkarmutton ki tarah ugg aae hain ye madarsse aur waha par jo aatankvadi aur jihadi sikhsha di ja rhi hai waha*

*par bachon ka dimag kharab karke jihad ki taraf dhakel rhe hain*” throughout the impugned programme and were not stopped by the anchor. It was evident that the burden was being placed on the Madrassa not only for the problems in the Muslim community but for society at large.

When the Islamic scholar who was a part of the debate panel tried to address the allegations of international funding coming for the Madrassas by clarifying how the funding is collected and sent to the Madrassas, providing that the same always comes through a government-scrutinised route, the anchor cut him short again, midsentence, and did not allow him to speak. This overtly visible practice was clearly designed to promote a pre-decided, even one-sided discourse, not allowing clarifications or responsible inputs to emerge.

Another area of concern in the programme was the assumption that there is an increase in the number of Madrassas being set up in the border areas. The complainant submitted that it was not trying to dispute the facts of the case; rather, its submission was that the increase in the number of Madrassas in border areas is a serious issue concerning national security, which the broadcaster could have reported soberly and respectfully. However, the manner in which this issue was portrayed in the impugned broadcast was extremely dangerous and amounted to stigmatizing journalism.

NBDSA questioned the complainant whether the broadcaster had branded all Madrassas with one brush or whether the debate was limited to illegal Madrassas only.

In response, the complainant submitted that the show was based on a survey conducted by the Uttar Pradesh Government, wherein 8,841 madrassas were found to be illegal. While the government had an issue with the Madrassas being set up in the border areas, nowhere had the government connected this issue with terrorism. Further, while running the tickers, the broadcaster should have attributed the tickers to the Uttar Pradesh government.

It was not suggesting that the channel refrain from exploring this developing issue; however, its objection was to the manner in which the broadcaster debated the issue. The manner in which the one-sided tickers were aired appeared to give the broadcaster’s stamp of approval to the government’s version.

#### **Submissions of the Broadcaster**

The broadcaster submitted that the impugned broadcast started with the action taken by the Uttar Pradesh Government and the statistics obtained thereof from the government. During the broadcast, certain politicians and ministers who were

involved in the action being taken against the illegal madrassas were brought on live. In view of the above, the broadcaster submitted that it had not made up the story rather, the impugned broadcast was a fair report on an action taken by the State Government. It reiterated that in the impugned broadcast, the minister and the politicians appeared online, and the reporter raised a question about what action was being taken against these illegal madrassas. Further, statistics received from the Uttar Pradesh Government, which were in the public domain, were aired during the broadcast. In fact, in the broadcast, it was reported that sources show that there has been international funding etc. Therefore, the broadcaster submitted that the impugned broadcast was based on statistics, sources and statements made through official channels. As a news channel, it submitted that it was its duty to show the action being taken by the Uttar Pradesh Government.

The broadcaster submitted that the issue was available in the public domain and that reporting of public/current issues is not only a right of the press but also the public's right to know such facts of public importance and national interest. This also results in debates, public opinions, thereby leading to open governance, counter perspectives / opinions to support or oppose such narratives.

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. This right includes not only the freedom to express oneself through the medium of press, with reasonable restrictions contained in Article 19(2), but also leaves the manner of presentation to the sole decision of the presenter.

Further, diverse persons were present in the panel. The broadcaster reiterated that the impugned broadcast was a fair reporting on this aspect. Furthermore, as admitted by the complainant, the impugned broadcast was about the action being taken by the Uttar Pradesh government against illegal Madrassas. Therefore, it submitted that there was nothing objectionable in the impugned broadcast.

The channel only reported factual news on the basis of a topic of current and national importance. It denied that the programme aired by the channel was creating an atmosphere of complete animosity and had succeeded in demonizing the Muslim community. It stated that 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. Further, all panellists were given an opportunity to share their views. It vehemently denied allegations of biasness or pushing the anti-minority agenda raised by the complainant.

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 as to why that statement, sentence or stanza came about. The channel had duly exercised due diligence and caution while airing the facts in the public domain.

In rejoinder, the complainant submitted that there was a complete absence of neutrality in the impugned broadcast, and both the channel and the anchor were one-sided.

The complainant submitted that it was a well-known sociological and political fact that the absence of public school education results in the enrolment of children in such alternative education. As stated in the complaint, the host shot down one of the participants who was attempting to bring rationality to the debate by pointing out that the government was not focusing on the quality of education being imparted in Government schools. By raising the said question, the participant was essentially questioning why children from marginalized communities attend such educational institutions in the first place. The host's action clearly indicated the absence of neutrality in the debate.

The complainant further questioned that if the debate was only on illegal madrassas, why did the anchor fail to stop one of the panellists from referring to Atiq Ansari's death in the impugned broadcast. The complainant urged the NBDSA to consider the context of the whole broadcast and whether it was confined only to illegal madrassas or to other subjects as well.

The broadcaster, in rejoinder, submitted that the impugned debate was on the action taken by the State Government, and it had merely opened the floor for discussion. Further, diverse panellists were invited to counter the extreme views of any of the panellists.

### **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.

The impugned broadcast emanated from a survey carried out by the Uttar Pradesh Government, which allegedly found that nearly 8,841 Madrassas in the state were operating illegally.

NBDSA observed that, undoubtedly, the broadcaster was within its right to raise questions concerning illegal Madrassas; however, while raising such legitimate concerns, the broadcaster cannot distort facts, as it had in the impugned broadcast. The impugned broadcast was interspersed with statements made by the anchor and

by other panellists insinuating that madrassas are a breeding ground for terrorism, such as “*ye jo desh ki khaaskar seemavartti kshetron me kukkarmutton ki tarah ugg aae hain ye madarsse aur waha par jo aatankvadi aur jihadi siksha di ja rhi hai waha par bachon ka dimag kharab karke jihad ki taraf dhakel rhe hain*”, which were not supported by any cogent evidence.

NBDSA observed that there would have been no problem with the broadcast if the broadcaster had, based on the findings of the survey, raised concerns regarding the quality of education being imparted in such religious educational institutions or raised national security concerns that emanate from the alleged increase of madrassas in the border areas. However, in the impugned broadcast, the broadcaster had given a slant to the findings of the government survey, which not only changed the character of the programme but, in the process, also violated the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage relating to Impartiality, Objectivity, Neutrality and Racial & Religious Harmony.

In view of the above, bearing in mind the violations committed by the broadcasters in the impugned broadcast, NBDSA decided to censure the broadcaster and also advised the broadcaster to strictly adhere to the principles relating to Impartiality, Objectivity and Neutrality while conducting any debate on such sensitive topics in future broadcasts.

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

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

NBDSA directs NBDA to send:

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

It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaint and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended

to be 'admissions' by the broadcaster, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.

Justice A.K Sikri (Retd.)  
Chairperson

Place: New Delhi  
Date : 04.11.2024