

Speed Post / Email

July 27, 2023

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

Re: Order of NBDSA on Complaint (No. 297) dated 14.11.2022 from Citizens for Justice & Peace against Times Now Navbharat for airing a programme on 11.11.2022

Attached please find Order dated July 26, 2023, passed by the News Broadcasting & Digital Standards Authority (NBDSA).

Thanking you,

Yours faithfully,

Annie Joseph
For and on behalf of the
News Broadcasting & Digital Standards Authority

Encl: As above

News Broadcasting & Digital Standards Authority

Order No. 163 (2023)

Complainant: Citizens for Justice and Peace

Programme: "Madrasa Jihad' पर बड़ा खुलासा, मजहबी तालीम का '491 तंत्र'"

Broadcaster: Times Now Navbharat

Date of Broadcast: 11.11.2022

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

Complaint

The complainant stated that the impugned show was based on a survey carried out by the Uttar Pradesh Government on Madrassas in certain districts of the State, wherein it was reportedly found that Bahraich city, which is close to the Nepal border, had 792 madrassas, out of which 491 were running "without license".

A debate was conducted on the said issue, and during the programme, it was declared that something called "madrassa jihad" was taking place in Bahraich. The complainant stated that what the channel or the host meant by the term "madrassa jihad" was best known to them. In any case, using such terms was both denigrating and demeaning towards the Muslim community; it also perpetuated stereotypes that could create attitudes and actions that could cause harm and mischief. Further, the complainant also sought to know the 'source' of the impugned programme so that the same could be checked for its authenticity by the NBDSA.

The complainant further stated that reporting on news involves imparting information. Questioning of 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, creating an unequal, partisan playing field that demeans the right to life and the right to life with dignity of that particular targeted section. Therefore, it attacks the right to equality and non-discrimination, too.

The impugned programme started with a large display in the background which read "Bahraich me Madrassa Jihad", and the hosts stated that a 'survey' had revealed that 491 illegal madrassas were being run in Bahraich out of the total 792 madrassas.

The following text was repeatedly displayed throughout the debate, which suggested that the channel intended to spread stigma, even hatred, against the Muslim community. It also amounted to creating an anti-Muslim narrative to fuel the

existing, perpetuated animosity against a minority Indian community that had been widely prevalent, conspicuously due to reportage such as the impugned programme.

- UP me Madarsa Jihad par bada khulasa (00:05)
- Jaha Owaisi gaye waha awaidh madarse ugg aaye? (00:53)
- Bahraich ka M Factor (04:32)
- Bharat-Nepal Sarhad ... Kisne banaya 'gadh' (00:30)
- Bahraich me 34% Muslim aabadi (04:27)
- Akramankari Mahmood ghaznavi ka bhanja tha Masood (05:30)
- Bahraich me Salar Masood Ghazi ki dargah (28:50)

Further, the host questioned how these madrassas were being funded. A Muslim scholar, a panellist, said that Muslims all over the country fund the madrassas themselves, to which she questioned, "*akhir aisa kya hota hai madarso me ki itna bada dil dikhate hai*". The complainant stated that the response of the host was not only objectionable per se, but it also suggested that the channel was using such imagery to propagate a communal face-off.

A reporter interviewed the State Minority Welfare Minister, Mr Danish Azad Ansari, at the end of the debate. Despite the reporter repeatedly prompting him about the impact of these 'illegal' madrassas along the Indo-Nepal border, he refused to fall into that trap. He maintained that the State had received cooperation from the Madrassas that were surveyed and also that the survey was conducted to help the Government make better policies for minorities and to ensure that proper facilities were available in these madrassas. However, this was far from the interpretation given by the channel. Clearly, even the State Government was not interested in falling into this trap of goading an anti-Muslim narrative that the channel was trying to push.

With the channel's vast viewership, the complainant stated that this prejudicial view had already reached large sections of the people through the TV channel and the broadcaster's social media platforms, including Youtube, Twitter and Facebook. It stated that the persistent stigmatization and attack on the minority community was used to drive home the point that Muslims are always up to sinister activities by terming everything they do into '*jihad*', which is harmful to the social fabric of the country. If the channel truly cared about the values of secularism and fraternity, it would abide by them. However, it was clear that in utter disregard for these 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 it was only raising its concern over the manner in which or the approach chosen to deal with this data. By using terms like "*Madrassa Jihad*" and "*the 'M' Factor*", the channel had resorted to cheap tactics to spread communal tension and hatred, which was unbecoming of a news channel that

is required to adhere to the Fundamental principles of Self-Regulation and other guidelines issued by the NBDSA.

The 'Jihad' Trope

The complainant stated that the trend of using the suffix of *'jihad'* to propagate a communally divisive narrative had caught traction in the mainstream news media. Channels rush to label any news involving a person from the Muslim community as some kind of *Jihad*. In the past, it has also brought several such instances to the notice of NBDSA.

Violations of NBDSA principles

By airing the impugned programme, the broadcaster had violated Fundamental Principles Nos. 1,3,4 and 6 and the Principles of Self Regulation pertaining to Impartiality and Objectivity in reporting and Ensuring Neutrality under the Code of Ethics & Broadcasting Standards. The impugned broadcast also violated the principles of Impartiality, Neutrality & Fairness and Racial & Religious Harmony under the Specific Guidelines Covering Reportage.

The complainant stated that to respect India's diverse religions and composite cultures, it was 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. It relied on the 2017 Law Commission Report. It stated that free speech is not hate speech, as the latter often misuses positions of power and privilege to further marginalize and stigmatize a section that is structurally, socially and politically disadvantaged. The unchecked proliferation of such telecasts by the electronic media has the deleterious impact of misinforming and prejudicing public discourse, often as a precursor to social ostracization and even violence.

Further, it stated that the impugned broadcast was also prejudicial to maintaining harmony and disturbed public tranquillity. It blatantly promoted hatred, distrust and discrimination against the minority community by blaming them for some deep-rooted conspiracy against the rest of Indians. In doing so, the statements displaced harmony and exacerbated religious tensions by portraying Muslims as villains and wrongdoers.

Moreover, making discriminatory statements and unverified claims generates an atmosphere that can lead to mass violence and targeting of the Muslim community. Since March 2020, in a seemingly concerted and perpetrated way, news broadcasters have been misusing and manipulating the term *'jihad'* and using it as a tool in public discourse to further objectify the Muslim community. Such dehumanization has resulted in calls for the elimination of the community, thus making them targets of vigilante violence.

The complainant relied on the judgments of the Hon'ble Supreme Court in *Amish Devgan v. Union of India and others* [Writ Petition (Criminal) No. 160 OF 2020 and *Pravasi Bhalai Sangathan v. Union of India* (Ref: AIR 2014 SC 1591) and on the observations of the Hon'ble Supreme Court in *Firoz Iqbal Khan v UOI – WP[CIV] NO. 956/2020* in support of its complaint.

Reply dated 4.1.2023 from the broadcaster:

- i. The present complaint was not maintainable as the impugned debate/ news programme did not violate any Code of Ethics and Broadcasting Standards, rules, regulations, and guidelines.
- ii. It vehemently denied that the intention of the channel was to spread stigma or hatred against the Muslim community. It further denied that a false anti-Muslim narrative was conspicuously created due to the reportage to add fuel to the existing, perpetuated animosity against a minority Indian community that has been widely prevalent.
- iii. The impugned broadcast was based on a survey conducted by the Uttar Pradesh Board of Madrasa Education, established in 2017, to check irregularities in the functioning of Madrasas in various districts of Uttar Pradesh. The survey was regarding the growing numbers of madrasas on the Indo-Nepal Border, especially on the no man's land, and in the impugned show, a ground report from Bahraich was aired.
- iv. The survey revealed that in Bahraich city of Uttar Pradesh, which is close to the Nepal Border, out of 792 madrasas, 491 were illegal. In the impugned broadcast, the anchors discussed the need for and importance of having madrasas in and around the nearby border areas. One of the Panelists, Mr. A.K. Jain, mentioned that it was necessary to analyse who was funding and teaching in these madrasas. He stated that the locals and the government must keep a vigil as to who is teaching the students and that the nation's security cannot be put at risk. He also stated that proper records must be maintained, and illegal madrasas should be stopped. Further, a uniform syllabus must be adopted for all madrasas.
- v. The anchor further discussed the issue with the ground reporter, who stated that the population had increased in the past 5-7 years as people from outside had moved to the State and started living there. That funding from outside was being given to the said no-man's land. The reporter further stated that the survey was done in 60 regions, wherein 8900 Madrasas were found to be illegal. Information regarding other areas was yet to come, likely increasing the number of illegal madrasas. In the area of Bahraich, out of 792 madrasas, 491 madrasas were illegal. Amongst this, in Nanpara Tehsil, 107 madrasas on no

man's land were illegal. Therefore, it is pertinent to point out that the impugned broadcast was made based on facts in the survey report.

- vi. Based on the survey report and the ground reporting, pertinent and contextual questions were posed in the debate to bring out all aspects of the situation. Pertinently, no opinion was formulated by the channel or its reporters, and these questions were neither leading nor accusatory as alleged. A question mark at the end of the sentence changes the context in which the debate is presented. It displays that the journalist seeks to question the administration et al., and the same were not the views of the journalist.
- vii. An overall perusal of the impugned broadcast would clearly show that no specific community was targeted. Merely discussing Islamophobia or the growing illegalities in running the madrasas in the country does not violate any extant rules or norms. Further, no personal view was expressed by the anchors. The programme was conducted purely based on factual information and the survey. Additionally, the same was broadcast for reporting a public issue of national importance in the exercise of its rights guaranteed by Article 19 of the Constitution.
- viii. In a live news debate, panellists invariably raise connected issues. Multiple views and opinions are put forth and dissected, which is essential for a free debate on the chosen topic. In the impugned broadcast, there were several panellists whose views were taken in the said debate.
- ix. Further, in a live debate show, the anchor attempts to pose questions to all factions to get views and opinions across the board on a given topic. The views and opinions expressed on the show are independent and individual personal views of the panellists, and the channel did not, in any manner whatsoever, promote, endorse, or ratify any of such views as that of its own.
- x. The channel or the anchors had not violated any guidelines or regulations by way of such debates as alleged or otherwise. The debate was conducted in a neutral, open and objective manner and in no manner aspersions were cast, or any community or individual was targeted or influenced, or the viewers were misled in any manner whatsoever. By no stretch of the imagination, the aforesaid programme could be deemed to have violated norms of decency and taste in visuals, language and behaviour. A perusal of the debate show would reveal that the channel had ensured an objective and neutral approach.

In the light of various submissions made, both factual and legal, and also various judgments referred to, the broadcaster submitted that it had telecast the impugned programme in the exercise of its Fundamental Right envisaged under Article 19(1)(a). There was no violation of any code or any other rules and regulations.

Thus, the present complaint was not legally sustainable and must be rejected outright.

Rejoinder dated 17.1.2023 filed by the complainant:

The complainant stated that the response from the channel had been received after considerable delay, that too after the delay was pointed out by it.

At the outset, the complainant refused to accept the broadcaster's contentions, affirmations and averments in its response. While the broadcaster had, in its response, stated that it had not violated any guidelines or regulations in the impugned show, however, in its complaint to NBDSA, it had elaborated in detail how the channel had failed to fairly report the news by using communal jargon. The channel had also failed to ensure a full and fair presentation of the news by using words like "*Madrassa jihad*". While the news point was that some madrassas were running without securing a proper license, however, the broadcaster portrayed this issue in a denigrating manner and discussed it on national television as if a major crime had been committed and a conspiracy was being hatched. By doing this, the channel offended the dignified existence and religious sensitivities of the minority Muslim community, apart from making the community vulnerable to stigmatization and violence. By constantly using the '*jihad*' trope and terming every other incident related to the Muslim community as some '*jihad*', the channel had long forsaken all journalistic code of ethics and fundamental principles of self-regulation.

It asserted that, while the channel had cited several case laws in their response to argue that there is freedom of press in this country, it is the channels that have abused, misused and even violated this long-cherished freedom of press. Besides, Article 19-given freedom of expression is itself subject to reasonable restriction. When this 'freedom' violates another (here a large section of Indian citizens) the Right to Life, Equality before the law, and Non-Discrimination (Articles 14, 21, 15 and 16), there is a need for a measured evaluation of this abuse. Free speech surely cannot be unmitigated and persistent hate and targeted speech. By citing various case laws relating to freedom of speech and freedom of press, the channel has failed to establish a good defence for the targeted, communal tone and tenor of the show and brazenly displayed prejudices of the anchors of the show.

The channel has also claimed that inserting a question mark after a controversial statement changes the context in which the debate is presented and shows that the journalist is questioning the administration. However, the complainant strongly disagreed with this submission and stated that, even if this submission was accepted, none of the '*questions*' raised during the show were directed towards the administration. Besides, many were straight sentences such as "*UP me Madarsa Jihad par bada khulasa*" and "*Babraich ka M Factor*".

While its complaint clearly pointed out how the word '*Jihad*' was used in a denigrating manner during the show, the channel has presented no specific response to the same,

even though it has denied having targeted a particular community. The complainant stated that using terms like '*Jihad*', the '*M factor*' and pointing towards the percentage of the Muslim population in Bahraich indicates the 'target' of the channel.

The channels' contention that the debate was not opinionated is rejected since, throughout the show, the anchor had put forth a narrative against the Muslim community.

Decision of NBDSA taken at its meeting held on 28.1.2023

NBDSA considered the captioned complaint with regard to the broadcast aired on Times Now Navbharat on 21.10.2022, response of the broadcaster and after viewing the footage of the broadcast, had decided to call both the parties for a hearing.

Hearing on 11.03.2023

On being served with notice, the following persons were present at the hearing:

Complainant

1. Ms Aparna Bhatt, Advocate
2. Ms Karishma Maria, Legal Representatives

Broadcaster

- Mr. Kunal Tandon, Advocate
Ms. Niti Jain, Advocate
Ms. Kirtima Maroovar, Compliance Officer NBDSA

Submissions of the Complainant

The complainant submitted that the subject complaint was regarding a news programme on the madrasas in Uttar Pradesh. A survey report conducted by the UP government on madrasas was reported in the programme. The complainant submitted that the broadcaster failed to present the findings of the survey fairly. While the report had nothing objectionable about how the madrasas were functioning apart from the fact that a certain number of madrasas were running without a license. However, the broadcaster resorted to holding a debate over it and calling it "*Madrassa Jihad*" and claiming that the Muslim population was increasing and that there was a presence of foreign Muslims in the area. In the programme, the anchors also claimed that the number of madrasas had increased in the past few years and questioned the kind of education being imparted in madrasas. The above claims were made without any basis or evidence. Neither the news point nor the survey report justifies such a narrative, yet the channel has tried to justify it in its response.

Throughout the news programme, a Muslim cleric invited as a panellist on the show was questioned and not allowed to present his point of view. Further, a Hindu godman was pitched against a Muslim scholar during the debate. Two swords were

displayed between them, indicating warring sides and the channel's intention to create a communal divide.

If the channel intended to ensure that the madrasas are registered and the rights of the people are protected and secured, the same did not come across at all anywhere except when one of the panellists brought the same to the anchors' attention. The anchors were instigating and made insinuating statements like *"Babraich ka M Factor"* and questioned why Muslims give charity to Madrassas during the programme.

With full knowledge that the news channel has all the power to influence public opinion, the news channel pushed its communal diatribe by terming something/any issue that involves or is related to Muslims as *"jihad"*.

The complainant submitted that reporting on news involves a responsible exercise of imparting balanced information. Questioning of 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, amounts to stigmatizing the section that is thus portrayed or targeted.

From the broadcast, it appears that the broadcaster intended to create in the viewer's mind a (prejudicial) picture depicting that Muslims are running illegal madrassas as a conspiracy called *"Madrassa Jihad"*, a term never heard of before but created by the channel to suit its anti-Muslim discourse.

Submissions of the Broadcaster

The broadcaster submitted that in the programme, a diverse panel comprising of Mr. A.K. Jain, Ex-DJP, Mahant Raju Das, Religious Guru, Mr. Hafiz Gulam Sarvar, Islamic Scholar and Mr. Manish Yadav, Reporter- Live from Lucknow, were invited.

The broadcaster denied the allegation that Ms. Sarvar, a panellist on the show, was not allowed to express his views. It submitted that the anchor did not try to cut the panellist short. While there was a discussion between the anchor and the panellist, the said panellist was given full opportunity to express his views.

As far as the allegation regarding a panellist calling Mr. Sarvar "मूर्ख" on the show was concerned, the broadcaster stated the word मूर्ख could be interpreted to mean one who does not listen to others or a jester or a clown especially retained in royal/noble households or a person who acts unwisely. It submitted that the word does not necessarily have a defamatory or derogatory connotation, as alleged. In any event, the broadcaster submitted that the aforesaid term was not used by the anchor but was used by another panellist on the programme.

It reiterated that all panellists were allowed to express their views during the subject programme. Further, it stated that various other media houses also reported the subject of the impugned programme.

The entire debate was conducted in the backdrop of a survey conducted by the Uttar Pradesh Board of Madrasa Education on the growing numbers of Madrasas on the Indo-Nepal Border, majorly on the no man's land, which revealed that out of 792 Madrasas, 491 were illegal. The broadcast was carried out based on the ground report in Bahraich, which was also shown on the live show.

Further, in the impugned programme, Mr. Danish, a representative of the Government, also gave an interview at the end. Therefore, the broadcaster submitted that there was no violation of any Code of Ethics & Broadcasting Standards and/or Guidelines in the impugned broadcast. The anchor only attempted to put a question to the panellists to uncover both sides of the story. Furthermore, merely organizing a debate on Islamophobia or discussing illegalities in running the Madrasas in the country does not violate any extant rules or norms.

The anchor did not endorse any 'personal' views or beliefs to make a point during the debate. The debate was solely based on the incriminating material discovered during the survey conducted by the Uttar Pradesh Board of Madrasa Education.

Decision

NBDSA considered the complaint, response from the broadcaster and also gave due consideration to the submissions of the complainant and the broadcaster and viewed the footage of the broadcast.

NBDSA observed that news channels, as the fourth pillar of democracy, have the right to expose wrongdoings and bring forth such activities to the viewers' knowledge. However, while reporting such activities, broadcasters are advised to maintain accuracy, balance, broadcast fact-based reporting and refrain from giving any tilt, communal or otherwise, to any incident/event.

NBDSA observed that electronic media has a powerful impact and therefore, the tickers and the visuals aired during a broadcast should also adhere to the Code of Ethics, Guidelines and Advisories issued by it.

In the instant case, there would have been no issue if the broadcaster had factually reported on the illegalities in the running of some madrasas. However, in the impugned broadcast, the findings of the survey conducted by the Uttar Pradesh Government were used to allege that '*Madrasa Jihad*' was taking place in the country, which created an impression that every madrasa is a breeding ground for terrorism and activities of similar nature. The tilt given to the findings of the survey was not only misleading but was also violative of the Code of Ethics & Broadcasting Standards and the Specific Guidelines covering Reportage relating to Racial and Religious Harmony.

The tickers and the visuals aired during the broadcast had a strong visual impact and reinforced the narrative that the broadcaster sought to establish in the broadcast.

In view of the above, NBDSA decided to issue a warning to the broadcaster directing it to be more careful in future while airing such 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: 26.07.2023