



September 7, 2018

To,
Justice (Retd.) R.V. Raveendran,
Chairperson, News Broadcasting Standards Authority
News Broadcasting Standards Authority
C/o News Broadcasters Association
Mantec House, C-56/5,
2nd Floor, Sector 62,
Noida - 201 301

Cc:
Ms Annie Joseph,
For and on behalf of NBSA
News Broadcasting Standards Authority
C/o News Broadcasters Association
News Broadcasting Standards Authority <authority@nbanewdelhi.com>

Ref: Citizens for Justice and Peace (CJP)'s complaint to the Zee News Corporation's **Zee News Channel** for airing "Kya Kehta Hai India" on **30.06.2018** at **8 PM**

Dear Respected Sir,

As you may be aware we received, on August 24, the attached response from Zee News Channel. From what we are able to make out, once we have received a response from the Broadcaster (which in this instance, we received following your prompt of **August 2, 2018 only on August 23, 2018 --that is 21 days later!**) we have until today, September 7 **to respond if we are not satisfied with the complaint. Please consider this our response to the reply by the broadcaster that, we humbly believe skirts the issue at hand.**

Respected Sir, we would like to draw the distinction between Article 19(1)(a) of the Indian Constitution that undoubtedly grants us Freedom of Speech and Expression and Under **Article 19(2) reasonable restrictions** can be imposed on freedom of speech and expression in the interest of security of State. Besides we have Article **Article 51A in the Constitution Of India 1949**

Article 51A. Fundamental duties It shall be the duty of every citizen of India (a) to abide by the Constitution and respect its ideals and institutions, the national Flag and the National Anthem;
(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;



(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to abjure violence;
(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement PART V THE UNION CHAPTER I THE EXECUTIVE The President and Vice President

We would like to humbly submit that the provisions of the NBSA guidelines stand violated by the programme telecast and the reply in no way satisfactorily responds to the issues raised in our complaint dated July 9, 2018. The News Channel, we re-iterate has violated the following code of conduct of NBSA:

- To ensure that national security is not violated- as the content broadcasted by the news channel encouraged and promoted violence against a particular community, thus endangering national security. The above mentioned instances of happenings in the show are proof of the same.

Esteemed Sir, the entire response and especially the specific responses in Para 5 deals with in no way addresses the issues outlined in the complaint. While the surgical strikes that took place in September 2016 are undoubtedly part of the Indian military establishments response to a neighbour, that in no way is the defining moment or justification for a programme aired on television (Zee Television), titled “Kya Kehta Hain India” aired on 30.06.2018 on Zee News Channel. The same may be viewed here: <https://www.youtube.com/watch?v=3duIb8wrNro>

In fact, the iteration around the military operations on the border a whole year earlier have little to do with the content of the complaint. We would also like to take exception to the word and definition of ‘nationalism’ as relied upon by Zee Television in justification of the telecast since we believe in no way does violence and or vitriol embody nationalism. The issues raised in our complaint are about inciteful poetry and verse, wherein even young children were used as agents to barter hatred that could lead to violence.

An overall reading of the entire poems is that in direction and there has been no selective reading of the same. By pitting the venom directed against all Kashmiris as a justification in the name of what our soldiers go through is to tread a rhetorical line: it was and is not our intention in any way to lessen or deride the acts of Indian defence forces: what is in question in the complaint made by us is the specific levels of hatred directed against ordinary Indians, in this case, the Kashmiris. Indian law too has provisions against the use of expressions, written, oral or spoken that may incite violence against sections of the citizenry. (Section 153a, 153b, Section 505 and 295 of the Indian penal Code).

To reiterate, the show in question was introduced with Hariom Panwar, a Hindi Veer-Ras poet, who began his poetry recitation with his polarizing views about Kashmir. He claims that he wrote this poem 28 years ago and had read it in front of former prime minister Atal Bihari Vajpayee.

In his poetry, he said that the problems in Kashmir can only be solved by the soldiers’ guns. This clearly refers to *all Kashmiris and hence must be seen as an incitement*. “Indian flags are torn in Kashmir, the murderers



of Kashmir are set free, traitors are sent food in the mosque, every house has an AK 56, Death to India is written on the chest of Srinagar. Tell Delhi to give the soldiers two days and whichever house doesn't have an Indian flag will see the worst," are some of the lines he read in Hindi.

Dinesh Raghuvanshi, another poet, said that soldiers will enter Pakistan's houses and kill them there, in his poetry. He challenged Pakistan to fight India and free the Kashmir land it took over in 1948. He added that all the people who are against the Indian army in Kashmir, those people will not just be taped to the bonnet of the car but all four sides. He questioned Kashmiris and asked if they have any respect for the country. A Kashmiri shawl weaver who voted in the elections for India was tied to an army jeep with a piece of paper stuck to him which said 'this is the fate of the stone-pelter.' The army had tied him as a human shield and message against stone-pelters in Kashmir. The poet not only encouraged but propagated such violence against citizens of India due to their ethnic and religious identity. In the course of duty when mistakes are made, and now we have a rebuke against the action of tying a Kashmiri youth to a jeep, this must in a democratic society be condemned and corrected.

Further, Dr. Anamika, a poet, had some of the most extreme views. She said that Kashmir breeds traitors who betray the country and bombs are grown in containers that store the saffron spice. She asks in her poetry that for how long the country will keep sending lions for dogfights. "Remove Section 370 and enter every Kashmiri house. Whoever doesn't hoist the Indian flags, let the heads of those traitors roll," she says in her poetry. This again vilifies all Kashmiris, again harbouring incitement.

An elderly poet, Santosh Anand takes the stake and says that stone-pelters need to be taught the final lesson. Such exhortations calling for the killing of fellow human beings and citizens was allowed to be propagated to millions of viewers, spewing hate within households across the country.

Many children were a part of the show on Zee News, which can be seen clearly in the video. A young boy from the audience took the stage to read out his poetry on Indian soldiers. The poetry by all the poets was coloured by the mythology of Lord Ram crossing the sea and burning Lanka. This abuse of the use of children in hate-filled projects is worrisome. The divisive rhetoric and its encouragement and celebration reflect on the mindset of public violence and lynchings which has emerged as a major law and order challenge for the country. We would like to repeat that the rhetoric of violence propagated by Zee News through the programme betrays all its commitments to Media Ethics and is exemplary of irresponsibly misusing the power of media.

The impact of the telecast, admittedly by the broadcaster to millions of Indians cannot but have a deleterious impact. This kind of targeted hatred keeps growing its tentacles to reach every Indian living room without any opposition and is against the Preamble goal of fraternity and integrity of the nation. Such programmes are aimed at fuelling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

Respected Sir, we urge that this complaint is taken forward to its logical conclusion. We believe humbly that there is enough on record to decide the matter. If however the News Broadcaster is given an opportunity for oral submissions we would urge to also be given the same.

We reiterate the prayers contained in our original complaint. That the NBSA



- Directs Zee News to telecast a Public Apology at Prime Time, apologising to the whole nation for broadcasting such views/poetry on National news programme that carries such irresponsible, inciteful and violence inducing content which is in breach of the allegiance to media ethics and principles which are supposed to bind and guide them as a responsible news channel.
- Directs Zee News to not telecast such hateful content again that violates the fundamental tenets of our constitution which promotes harmony, dialogue and understanding between sections of Indians, and is based on equality and non-discrimination of all.
- Directs Zee News to Provide Proportionate Monetary Compensation to be awarded to a Citizen's Group like CJP battling the vicious politics of hatred.
- Makes Out any other punishment that the Authority deems fit

Sincerely,

Citizens for Justice and Peace

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Authorised representatives of CJP

Anil Dharker, President

Teesta Setalvad, Secretary