



Date: September 11, 2020

To,

Justice (Retd.) A.K. Sikri Chairperson,
News Broadcasting Standards Authority
C/o News Broadcasters Association
Mantec House, C-56/5, 2nd Floor,
Sector 62, Noida - 201 301
(authority@nbanewdelhi.com)

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

SUB: Complaint against Investigative Journalism reportage titled “Madrasa Hotspots”

Dear Sir,

Citizens for Justice and Peace (CJP) is a human rights movement dedicated to upholding and defending our fundamental freedoms, in the courts and beyond. With a presence in all states of India, CJP draws its strength from the people who are determined to protect the rights of every individual, especially the weak and marginalised.

CJP has been actively campaigning against Hate Speech. Our objective is to not just bring to light such instances, but also help people understand what constitutes hate speech and how even they can take action against it by filing FIRs or by filing complaint with the NBSA. We have pursued our objectives on two fronts; by publishing informative and educative content about hate speech on our website, and by filing complaints and petitions against the perpetrators.

In April as well, we have filed a complaint before this Authority with regards to Zee News show on '[Zameen Jihad](#)' in Jammu region which stated that land was majorly owned by Muslims in Jammu. The case is pending hearing before the NBSA.

Through this complaint, we would like to bring to the attention of this Authority, the communally incensed and charged content of a show that has crossed the lines of ethics in news journalism.



As per protocol, we sent a formal complaint to India Today first, before approaching NBSA.

The complaint sent to India Today has been annexed as Annexure A

We waited for a due response but we have not received the same from the India Today team.

Subject matter

The show titled “Madrasa Hotpots: India Today Investigation” hosted by Rahul Kanwal, was aired on “India Today” TV news channel on April 10, 2020. This program is still available on *India Today's* YouTube channel at the following link:

https://www.youtube.com/watch?v=O9_iWSvq-9Q

After this program was aired, it was summarily panned and criticised widely on social media for its communal content that appeared to be aimed at spreading hatred against one particular community. The entire program was a sting operation conducted in a madrasa where minor children are housed. However, madrasas serve as hostels for poor, destitute and orphaned children. This important piece of information was conveniently skipped in the show. Instead, the show blatantly claimed that these children have been hidden in the madrasa.

The show also drew a comparison between the much talked about Tablighi Jamaat case, and stated that despite concerns about the spread of Covid-19, there are children being crammed up in rooms in madrasas. The channel seems to have taken this stand in a bid to insinuate that Muslims are still defying social distancing, thus making them appear to be a greater enemy than the coronavirus itself.

While sting operations are considered a last resort in the field of journalism, to carry it out in an institution that houses poor destitute and orphaned children, can only be deemed deplorable. While such reportage defies all principles of morality, there are laws as well as standard ethical practices in place which make this kind of journalism a punishable offence.

Violations of NBSA principles

Here are some of the code of ethics and principles of self-regulation as laid out by the NBSA, violated by India Today by airing this show.

Fundamental principles

4) Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or

designed to promote any particular belief, opinion or desires of any interest group.

6) Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy the broadcasters should, therefore, take responsibility in ensuring that controversial

subjects are fairly presented, with time being fairly allotted to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.

2. Ensuring neutrality

TV news channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

9. Sting Operation

As a guiding principle, sting and under-cover operations should be a last resort of news channels in an attempt to give the viewer comprehensive coverage of any news story...Sting operations, will also abide by the principles of self-regulation mentioned above, and news channel will ensure that they will be guided by an identifiable larger public interest. News channels will as a ground rule, ensure that sting operations are carried out only as a tool for getting conclusive evidence of wrong doing or criminality, and that there is no deliberate alteration of visuals or editing or interposing done with the raw footage in a way that it also alters or misrepresents the truth or presents only a portion of the truth.

Moreover, the show stands to violate the **Specific Guidelines Covering Reportage:**

2. Impartiality, Neutrality & Fairness

2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

9. Racial & Religious Harmony

9.2 Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.

We would like to state here that India Today, in carrying out the sting operation on these Madrasas, has not followed any principles of sting operations as mentioned hereinabove. Neither this sting operation was needed as any “conclusive evidence” of any kind of “criminality”, nor was it a last resort available to India Today.

Also, the focus on the madrasas is an example of selective targeting. As mentioned before, madrasas are places where poor, destitute, orphaned children are taken care of, similar to the model of old age homes, orphanages. Hence, if madrasas are doing something wrong by keeping

children within their premises, taking care of their needs, then by that logic, they should go on to question orphanages and old age homes as well. The fact that the latter will not happen shows the inflammatory intention of the content on the program.

Violations of criminal law

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

sections 153A [promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony],

295A [deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs],

298 [uttering, words, etc., with deliberate intent to wound the religious feelings of any person] and

505 (1) and (2) [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes]

We would also like to bring to the attention of this Authority that the Bombay High Court, while quashing FIRs against some Tablighi Jamaat members stated that the Jamaat members were made scapegoats by the government and the media followed suit. The court observed, *“There was big propaganda in print media and electronic media against the foreigners who had come to Markaz Delhi and an attempt was made to create a picture that these foreigners were responsible for spreading covid-19 virus in India. There was virtually persecution against these foreigners. A political Government tries to find the scapegoat when there is pandemic or calamity and the circumstances show that there is probability that these foreigners were chosen to make them scapegoats.”*

The court also opined that it is time to take some positive steps and repent on the actions against the Jamaat members while also calling the campaign against them unwarranted.

India Today, as a TV news channel, is a part of this bandwagon of perpetration of hate propaganda against the Jamaat members and consequently towards the entire Muslim community. They have partaken in the incessant targeting of a particular community for what was projected as a wrong committed by thousands who attended the congregation. With the Bombay High Court, concluding in a case against some 29 odd foreigners and 6 Indian nationals, that no case was made out against them as the police acted without application of mind shows that the cases were just filed mechanically against these people.

The political agenda or malice behind the concerted actions of the government, the law enforcement and the media, was also called out by the Bombay High Court in its judgment where it stated that it was all done to instil fear in the Muslim community in India and to subjugate them.

We assert that this show of *India Today* was a part of this larger conspiracy to subdue the Muslim community in India by blaming the spread of an entire pandemic basis one singular incident, for

which no case been completely established in any court of law. The clear intention of media houses like India Today was to create and sell a narrative that suited their agenda, of being anti-minority, and to paint them in such a negative light, that feelings of hatred and animosity are implanted in other communities against them, and the communal divide further deepens.

It is this nature of reportage that needs to be pulled by the NBSA so that news channels are discouraged from airing such content that contribute to the seeping communal divide in the country.

In *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.) the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide.

There have been several reported instances of active discriminations at the street, town and village level against ordinary working Muslims being dubbed as “super spreaders” in the public mind following a respectable channel like *India Today* airing such a questionable show. The hatred perpetrated by the media has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare associations boycotting Muslims in their apartments and colonies; Stopping Muslims from entering specific areas; Preventing volunteers who are providing relief measures to the poor, because they are Muslims... are just a few examples.

The World Health Organisation has, in its message dated 18.03.2020, advised that no particular ethnicity or nationality should be held responsible for COVID-19 since it is a world-wide pandemic and can affect anyone in any part of the world. This is essential, as the WHO advises, to “reduce stigma”.

We, hence, urge the NBSA to take cognisance of this complaint and to take stringent action against such reportage of India Today.’

Finally, we earnestly urge this Authority to condone delay on our part, if any, in filing this complaint. We sent our formal complaint to India Today, as is a pre-requisite for filing a complaint with NBSA and were awaiting a response from the channel, to our complaint; but we did not receive the same. Our organisation was also involved (with a small on ground team) in hectic COVID-19 Pandemic related relief work in the city of Mumbai as well as in some parts of Assam.

Prayers

WE urge the NBSA to:

1. Direct India Today to remove the program “Madrasa Hotpots: *India Today* Investigation” from their website, from their YouTube channel and any other digital platform
2. Direct *India Today* to issue a public apology on its channel for promoting enmity and for hurting the sentiments of certain communities.
3. Direct *India Today* to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.



4. Direct *India Today* to refrain from broadcasting or posting, in the future, any such content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. Direct *India Today* to provide Proportionate Monetary Compensation to be awarded to a Citizen's Group like CJP battling the vicious politics of hatred.
6. Take any other punitive action that the Authority deems fit.

Declaration is made to the effect:

- that the facts stated in the complaint are true and correct to the best of the our knowledge and belief;
- that we have placed all relevant facts before the Authority and has not concealed any material facts ;
- that no proceedings are pending in any Court of law or other Tribunal or Statutory Authority in respect of the subject matter complained of before the Authority ; and
- that we shall inform the Authority forthwith if during the pendency of the inquiry before the Authority the matter alleged in the complaint becomes the subject matter of any proceedings in a Court of law or other Tribunal or Statutory Authority

Sincerely,

Anil Dharker, President

Teesta Setalvad, Secretary

Authorised representatives of CJP