



**Date:** September 1, 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

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SUB: Complaint by CJP against Sudarshan News for broadcasting a trailer of a  
communally influenced show

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.

We have kept our endeavour to fight hate crimes to the best of our efforts, on-going and in this process, we have come across the news channel "Sudarshan News" taking the baton from Zee News and inventing its own kind of Jihad called the "UPSC Jihad". The Editor-in-Chief of the channel, Suresh Chavhanke is seen talking about the programme in this video:

<https://twitter.com/SureshChavhanke/status/1298268925973602308>

The trailer that talks about the show to be broadcast on August 28, 2020 and the trailer appeared on Sudarshan News TV channel on that day. The tweet, meant to promote the show called "Bindaas Bol" reads, "The highest posts in the Executive, which is the most important pillar of a democracy, have been invaded by Muslim infiltrators".

In the trailer of the show, he says, "How has there been a sudden rise in number of Muslims in IAS and IPS? What is the secret behind scoring high marks in such a difficult exam? If Jihadis of Jamia

become your Collectors and Chief Secretaries, what will happen then? The big reveal on the Executive being infiltrated.”

The topic of the show which was to be aired on August 28, at 8 pm, was “*Naukarshahi me Muslamano ki Ghuspaith ke shadyatra ka bada khulasa*” (The conspiracy behind Muslim infiltration in UPSC – The Big Reveal).

The Delhi High Court ordered a stay on the telecast of the show which was to be broadcast at 8 P.M on August 28. The stay was ordered by a single-judge bench presided by Justice Navin Chawla, who issued a restraint order against the broadcast on a plea filed by former and current students of Jamia Millia Islamia University. The judge also issued notice to the Centre, UPSC, Sudarshan News channel and its Editor-in-Chief Chavhanke. The matter will be heard on September 7.

The plea contended that Suresh Chavhanke openly engaged in hate speech and defamation against students of Jamia Milia Islamia and the Muslim community, stated the news report, adding that he claimed that the success of Jamia Milia Islamia students in the Civil Services examination 2020 represents a conspiracy to infiltrate the civil service by Muslims.

Through this trailer, one could easily guess the communal intent of the show and the message of hatred that it was going to propagate.

The show has been heavily criticised not only on the social media, quite widely, but also by Jamia Teachers’ Association which has urged the university administration to file a criminal defamation suit against Chavhanke for making offensive remarks after brilliant performances of Muslim aspirants in the recent examination held by the Union Public Service Commission (UPSC). Further, more than 1,700 citizens — including prominent journalists, film directors, lawyers and civil society members — have written to seven chief ministers, demanding that an FIR be registered against Chavhanke for spreading ‘hate speech’. They wrote to Maharashtra CM Uddhav Thackeray, Rajasthan CM Ashok Gehlot, Punjab CM Amarinder Singh, Kerala CM Pinarayi Vijayan, West Bengal CM Mamata Banerjee, Chhattisgarh CM Bhupesh Baghel and Jharkhand CM Hemant Soren.

Chavhanke is known to have published such derogatory and venomous comments targeting the religious minorities in the past. He has also [been previously arrested](#) by the Lucknow police for inciting communal hatred. Among the many criminal charges him, also include [charges of rape](#), attempt to murder and fraud, as per FIR filed by a former employee of Sudarshan news channel, in 2016.

### **Violations of NBSA principles and guidelines**

Clearly, the antecedents of Chavhanke speak volumes about him and the kind of agenda he is trying to run through his shows on his channel. This is not only in violation of the many standards set for self regulation of news channels but also makes Chavhanke and his news channel liable under several sections under the Indian Penal Code (IPC).

Chavhanke and his channel stand in violation of Specific Guidelines Covering Reportage issued by News Broadcasters Association

Fundamental Standards All reporting must be done keeping in view the following supervening criteria:

- A. All news reporting must be done in “public interest”.
- B. Reporting should not sensationalise or create panic, distress or undue fear among viewers.
- E. Broadcasters should exercise care and objectivity in featuring activities, beliefs, practices, or views of any racial or religious group in their content to prevent any negative impact thereof.

#### **4. Good Taste & Decency, Sex & Nudity**

4.2 Content that contains violent or sexual material, crude, offensive, or coarse language or other content likely to disturb or offend even a reasonable adult viewer should be avoided.

#### **9. Racial & Religious Harmony**

9.1 Racial and religious stereotyping should be avoided.

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.

The Code of Ethics are to be followed by TV news channels in India to uphold the true spirit of journalism and to avoid misuse of the freedom of speech bestowed upon by the Constitution of India. As per the “Code of Ethics and broadcasting Standards” issued by the News Broadcasters Association (NBA) makes it the responsibility of the broadcaster to “evolve institutional checks and safeguards that can define the path that would conform to the highest standards of rectitude and journalistic ethics and guide the media in the discharge of its solemn constitutional duty”.

#### **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.

The introduction to Principles of Self Regulation states that “the purpose of putting together the principles of self-regulation is to avoid compromising the genre of television news by broadcasting content that is malicious, biased, regressive, knowingly inaccurate, hurtful, misleading or aimed at wilfully concealing a conflict of interest.”

Chavhanke and his news channel have acted in contravention of each and every principle of self-regulation and guidelines on reportage mentioned here.

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. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.

## Violations of Indian Law

Incidentally the programme also stands in violation of certain sections of the IPC as follows:

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

153B (1) (c) [Whoever, by words either spoken or written or by signs or by visible representations or otherwise - makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both];

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 [Statements conducing to public mischief] of the Indian Penal Code, 1860:

Moreover, these discriminatory statements and unverified claims amount to generating an atmosphere that can lead to mass violence and targeting of the Muslim community. The Muslim community has been subjected to hate speech and vehement hate propaganda in the past few years and the TV news media has especially been complicit and an active participant in driving this narrative.

It is in furtherance of this extreme communal narrative that news channels have re-shaped their programmes to reflect their agenda and they try all means possible to propagate hate against the minority community to instil a feeling of hatred and animosity against them thus deeply damaging the secular fabric and impinging upon the fundamental rights of the Muslim community. They are being deprived of a life of dignity while being subjected to such hate propaganda constantly.

We request, the NBSA to take stringent action upon such TV news channels so that they are deterred from forwarding their hate agenda in the future.

## Prayers

We urge the NBSA to

- Direct Sudarshan News to take down the trailer of the show “Bindaas Bol” to be aired on August 28, 2020 from all platforms
- Direct Sudarshan News to issue a public apology on its channel for posting such hateful content and for hurting the sentiments of certain communities.
- Direct Sudarshan News 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.



- Direct Sudarshan News 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.
- 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 our knowledge and belief;
- that we have placed all relevant facts before the Authority and have not concealed any material facts

Sincerely,

Anil Dharker, President

Teesta Setalvad, Secretary

Authorised representatives of CJP