

## **News Broadcasting & Digital Standards Authority**

**Order No. 165 (2023)**

**Complainant: Mr. Matin Mujawar**

**Programme: France में 33 साल पहले Hijab पर जो हुआ क्या वहीं इतिहास India में दोहराया जा रहा है?**

**Broadcaster: Times Now Navbharat**

**Date of Broadcast: 21.10.2022**

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

### **Complaint**

फ्रांस में हुआ हिजाब विवाद भारत में हुए हिजाब विवाद से किस कदर हूबहुब मिलता है. हिजाब जैसे मुद्दे दुनिया के लिए कोई नई बात नहीं है, यह कहकर दर्शकों को बरगलाया है. मुस्लिम छात्रों द्वारा की गयी हिजाब की मांग कितनी व्यर्थ, बेकार, दुर्मिल, पिछड़ी और अजीबो गरीब है यह दर्शकों को बताने की कोशिश की है. ईरान का हवाले देकर हिजाब का समर्थन करने वाले मुसलमानों को कट्टरपंथी कहा है. ३३ साल पुरानी फ्रांस के घटना का उपयोग करके मुसलमानों के प्रति दर्शकों में गुस्से को उत्तेजित किया है. जो फ्रांस में हुआ वो भारत में होगा ? फ्रांस के संसद में हिजाब को लेकर एक कानून पास हुआ जिस में सरकारी स्कूलों में धर्म से जुड़े चिन्ह पहनने पर बाकायदा कानून लाकर रोक लगा दी गयी.

Times Now भारत में रहने वाले लोगों को, सुप्रीम कोर्ट के ऊपर जाकर फ्रांस के रेफरेंडम में यह कहा के कुछ भी हो फिर भी भारत में भी हिजाब पर रोक लगाने वाले कानून की आवश्यकता है.

हिजाब ये आज सुप्रीम कोर्ट में विवाद का मुद्दा है और न्याय के लिए प्रलंबित भी है इस बात की जानकारी होते हुए भी जान - बूझकर Times Now Navbharat ने फ्रांस में हुए हिजाब विवाद से तुलना करते हुए मिडिया ट्रायल चलाया है. यह कोर्ट का अवमान है.

फ्रांस के हवाले से उलटसुलट तर्क निकलकर देश के सर्वोच्च न्याय व्यवस्था को चैलेंज किया है, सर्वोच्च न्याय व्यवस्था का अवमान किया है. सर्वोच्च न्यायलय के काम में दखल अंदाजी की है

Times Now Navbharat ने अपने खबरों के हवाले से फ्रांस के रेफरेंडम से एक तरह से जस्टिस सुधांशु के फैसले पर असहमति जताते हुए देश के नागरिकों से बुरे पर पाबंदी लगाने के खातिर देश में भी, फ्रांस की तरह संसद में कानून लाने के आवश्यकता पर जोर दिया है.

Times Now Navbharat ने अल्पसंख्यकों संविधानिक अधिकारों के विरोध में जनमत बनाने के खातिर फ्रांस देश का हवाला देकर उलटे सीधे तर्क और गलतसलत सवालों से अल्पसंख्यकों की मानहानि और अल्पसंख्यकों के संविधानिक अधिकारों को नुकसान पहुंचने की कोशिश की है

पूरी खबरों में Times Now Navbharat ने मुस्लिम समाज की आलोचना कर इस समाज को मुजरिम के कठघरे में खड़ा किया है

Times Now Navbharat ने अल्पसंख्यकों प्रति देश में नफरत फैलाकर समाजों को बांट कर देश के एकता अखंडता और उसके सेक्युलर ढांचे को नुकसान पहुंचाया है.

Times Now Navbharat ने न्यूज ब्रॉडकास्टर्स एंड डिजिटल एसोसिएशन के निति संहिता और प्रसारण मानकों का उलंघन किया है. खंड एक "मौलिक या बुनियादी सिद्धांत १,४,५ का उलंघन किया है तथा खंड २ आत्मनियंत्रण का सिद्धांत १, २ का उलंघन किया है

Times Now Navbharat न्यूज चैनल ने देश में अशांति फैलाने वाली, सामाजिक तथा धार्मिक भवनाओं को चोट पहुंचाने वाली, समाजों में द्वेष निर्माण करने वाली, कट्टर और देश को हिंसा के तरफ लेजाने वाले भाषा का प्रयोग किया है और लगातार करता आया है.

Times Now Navbharat न्यूज चैनल ने न्यूज माध्यम का गलत इस्तेमाल करके देश में हिन्दू मुस्लिम तनाव बनाकर देश में हिन्दू मुस्लिम हिंसा करवाने की साजिश की है

**Reply dated 9.12.2022 from the broadcaster:**

The broadcaster denied the allegations raised, particularly the allegation that the broadcast, which referred to the Hijab controversy in France, was in contempt of the Supreme Court's decision. It denied that the impugned broadcast had violated any provisions of law, including the provisions of Code Ethics & Broadcasting Standards and/or any Guidelines.

It stated that the impugned programme covered a significant issue on the Hijab controversy that had erupted in India. While discussing the said issue, the news related to the Hijab controversy in France was mentioned as it was relevant and necessary to the context of the issue being debated. The broadcast only showed that even in a modern, developed, secular country like France, the Hijab issue had posed a big challenge and how it was dealt with. An objective analysis or discussion on this issue cannot be construed as a commentary on India's judicial process. No contrary arguments were made during the programme, but facts related to the said controversy in France, which were publically available, were highlighted in this context.

As a news medium, it was well within its editorial boundaries to discuss the aspects of the Hon'ble Supreme Court's decision on this issue. Such journalistic analysis of the Court's decision cannot be branded as 'contempt' of Court as alleged by the complainant. No targeted comments were made in the programme against any community. Further, there was no attempt whatsoever to bring in any religious or communal angle to the programme or to create hatred.

The broadcaster reiterated that the comparison drawn with the Hijab issue in France was only to bring in perspectives on the issue that had been dealt with elsewhere in the world. It did not interfere or disrespect, or challenge the Indian judiciary's stand on the issue, nor was it in any manner intended to create any animosity or hatred between communities and the allegations raised in the complaint were denied.

**Counter reply dated 11.12.2022 from the complainant:**

The complainant stated that when the subject of the impugned programme was a matter of dispute pending before the Hon'ble Supreme Court, the broadcaster emphasised the need to bring a law in Parliament like France. The broadcast appeared to be an act of disrespect or disobedience towards the Court or interference with its orderly process.

The reply of the broadcaster was misleading and appeared to be an attempt to escape from the clutches of law.

The complainant prayed for action to be taken against the broadcaster in accordance with the News Broadcasting & Digital Standards Regulations for violating Section – 1, Fundamental Principles Nos. 1,4 and 5, and Section – 2 Principles of Self Regulation Nos. 1 and 2 of the Code of Ethics & Broadcasting Standards.

**Decision of NBDSA at its meeting held on 28.1.2023**

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

**Hearing on 11.03.2023**

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

**Complainant**

Mr. Matin Mujawar

**Broadcaster**

Mr. Kunal Tandon, Advocate

Ms. Niti Jain, Advocate

Ms. Kirtima Maroovar, Compliance Officer NBDSA

**Submissions of the Complainant**

The complainant reiterated the contents of his complaint. He submitted that हिजाब को संविधान के अनुच्छेद 25 के तहत सुनिश्चित धार्मिक स्वतंत्रता के अधिकारों का अंग बताया है। साथ ही कहा कि मनपसंद परिधान पहनने की आजादी अनुच्छेद 19 के तहत प्राप्त अभिव्यक्ति स्वातंत्र्य का हिस्सा है।

फ्रांस का कानून, क्लचर, सविधान, भाषा का भारत से कोई संबंध नहीं है या भारतीय न्यायिक व्यवस्था में कोई उपयोग नहीं है फिर भी ३३ साल पहले फ्रांस में हुआ हिजाब विवाद कैसे भारत में हुए हिजाब विवाद से बिलकुल हुबहु मिलता है यह जताने के लिए फ्रांस का रेफ्रेन्स देकर दर्शकों को उकसाया गया है. दर्शकों के मन में भारतीय मुसलमानों के प्रति गुस्सा भड़काने का काम किया है,

फ्रांस का रेफ्रेन्स लेकर अल्पसंख्यकों को पूर्व नियोजित तरीके से टारगेट किया गया है कुछ पंक्तियाँ.

१) हिजाब विवाद भारत के लिए नया हो सकता है पर दुनिया के लिए नहीं

- २) हिजाब को लेकर फ्रांस में जिद शुरू हुई थी. जिस तरीके से आज भारत में हो रहा है.
- ३) ईरान ५० साल में कितना कट्टर पंक्ति हो गया के वहां हिजाब ना पहनने पर मार देने लगे.
- ४) हिजाब विषय को लेकर अंकल आंटी नवजवानो से सवाल है के इतने सालो ने कभी आप ने देखा है के हिजाब पहन कर स्कुल जाने के लिए हंगामा या लड़ाई हो रही है.
- ५) आप ने कभी ऐसा नहीं देखा होगा के हिजाब मामला अदालत के बड़ी बेंच तक पहुंचा है,.
- ६) आप को बताता जाऊंगा ३३ साल पहले फ्रांस में क्या हुआ, आप को इन इन कर के शॉक लगेगा.. क्र. १ से ६ तक का समय ०:०० से ०२:००

Times Now Navbharat ने मुस्लिम छात्रों द्वारा की गयी हिजाब की मांग कितनी व्यर्थ, बेकार, दुर्मिल, पिछड़ी और अजीबो गरीब है यह दर्शकों को बताने की कोशिश की है जो नफरत फैलाने वाली है. इस तरह मुस्लिम समाज की आलोचना कर हिजाब के विरोध में एक नेरेटिव बनाकर एक समाज को दूसरे समाज और उसके धर्म के विरोध में भड़काया गया है. देश के सेकुलर ढांचे को चोट पहुंची है

Times Now Navbharat ने भारत के सर्वोच्च न्याय व्यवस्था के काम में दखल अंदाजी करके न्यायलय का अवमान काने की हिम्मत दिखाई है.

Times Now Navbharat ने न्यूज ब्रॉडकास्टर्स एंड डिजिटल एसोसिएशन के निति संहिता और प्रसारण मानकों का उलंघन किया है. खंड एक "मौलिक या बुनियादी सिद्धांत १,४,५ का उलंघन किया है तथा खंड २ आत्मनियंत्रण का सिद्धांत १, २ का उलंघन किया है

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

The broadcaster submitted that the impugned broadcast did not violate the Code of Ethics & Broadcasting Standards and/or any Guidelines. The programme was conducted against the backdrop of the Hijab controversy in India. While discussing the said issue, the Hijab controversy that had taken place in France 33 years ago, in the same manner, was highlighted as it was relevant to the issue being debated, and it was necessary to enlighten viewers of similar past controversies.

Since the issue pertaining to women's right to wear Hijabs in educational institutions was pending before the Hon'ble Supreme Court, NBDSA asked the broadcaster whether it was appropriate for the broadcaster at this juncture to conduct a programme in respect of the same issue.

The broadcaster submitted that the subject of the impugned broadcast was an issue of public interest. Its objective was to discuss several aspects of the issue and impart information to the public/viewers. Further, in any event, in the broadcast, a historical event of similar nature was discussed and not the matter pending before the Hon'ble Supreme Court. The channel was within its editorial boundaries to discuss the aspects of the Hon'ble Supreme Court's decision on the said issue. Such a journalistic approach cannot be branded as 'contempt of court' as alleged by the complainant.

NBDSA stated that the comparison made with France was wrong, as the law in France banned not only the burqa but also any other religious symbol, including the turban and the cross. Positive secularism in France prohibits any overt display of religious signs/symbols in a publicly funded school. Further, the example of Iran given in the broadcast was also inappropriate, as Iran is ruled by Sharia law. Therefore, these examples cannot be imported and applied in the present context. Keeping the same in mind, NBDSA questioned why the broadcaster referred to France in the impugned broadcast.

In response, the broadcaster submitted that it would submit its detailed written submissions as to why it had referred to France in the impugned broadcast. Nonetheless, it submitted that in the broadcast, only the factual position as to how the law had developed in France was discussed. NBDSA stated that in the impugned broadcast, it appears that the issue of the Hijab was taken out of context as the law in France banned not only the Hijab but the display of all other religious symbols in public as well.

The broadcaster submitted in the programme an analogy was drawn to a similar incident that happened elsewhere. Furthermore, it submitted that the impugned programme was required to be judged from the perspective of a man of average intelligence and not from the point of view of a hypersensitive man.

It submitted that the reference being drawn to the situation which developed in another country could not be construed as violating the principle of objectivity. There was nothing defamatory or derogatory, and the programme did not violate any standards of decency and morality.

The anchor did not conduct a media trial as alleged; rather, he only raised relevant questions necessary for the viewers to understand the situation better. He also did not comment upon the findings of the Court in any manner.

The anchor did not endorse any ‘personal’ views or beliefs to make a point during the broadcast. The broadcast was solely based on material/facts which were available publicly. The anchor only discussed an issue of high national importance and the glaring facts that came to light while comparing the chain of events that led to the Hijab controversy in Karnataka with the events that caused the same controversy in France.

### **Decision of NBDSA at its meeting held on 11.3.2023**

After considering the submissions of the parties, NBDSA decided to defer the decision in the complaint to consider the broadcaster’s response to its query that in view of the fact that the law in France banned all religious symbols, why did the broadcaster choose France as a subject in the impugned broadcast in respect of Hijab only. NBDSA decided to inform the complainant and the broadcaster accordingly.

### **Reply dated 22.3.2023 of the Broadcaster**

The broadcaster stated that the impugned broadcast was carried out against the backdrop of the Hijab controversy that had erupted in India. In the broadcast, a similar hijab controversy that had erupted in France 33 years ago in the same manner, was highlighted as it was relevant to the context of the current issue.

The purpose of carrying out the subject broadcast was only to put forth several aspects of the issue for discussion and to impart information to the public/viewers.

The anchor only presented the eruption of the same issue in France and the decisions and outcomes of the authorities therein on the issue. There was no attempt to come to any findings as certainty, influence, decry, or cast any accusations against any community.

It reiterated that the anchor had not endorsed any 'personal' views or beliefs to make a point. The broadcast was solely based on the material/facts available in the public domain. The anchor had only discussed an issue of high national importance and the glaring facts that came to light while comparing the chain of events that led to the Hijab controversy in Karnataka with the events that caused the same controversy in France. As the issue in Karnataka was only surrounding the Hijab angle, it was imperative to refer to the controversy in France, which was similar to the extent that it also covered the Hijab aspect. There was no other motive or intent on the part of the channel in focusing on the Hijab angle while referring to the controversy in France many years ago.

The channel has completely maintained the Fundamental Principles of the Code of Ethics and Broadcasting Standards while discharging its professional obligations.

That the framers of our Constitution recognized 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. Freedom of speech under Article 19(1)(a) provides for the right to expression of one's opinion and the right of the public to receive that opinion. It would thus include freedom of communication, right of propagation and right to receive. This right is only subject to reasonable restrictions in the larger interests of the community and country as set out in Article 19(2) of the Constitution, i.e., to strike a proper balance between the liberty guarantee and the societal interest. While there should be a compromise between the interest of freedom of expression and societal interest, they are not of equal weight. The broadcaster relied on the principles of Article 19(1)(a), which were developed through various judgments in India.

In the light of various submissions made both factual and legal, and also various judgments referred to, the broadcaster submitted that in the exercise of its Fundamental Right envisaged under Art 19(1)(a), it had telecasted the said

debate/news programmes. Thus, the present complaint was not legally sustainable and needed to be rejected outright.

### **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.

On a viewing of the footage, NBDSA found no violation of the Code of Ethics & Broadcasting Standards and/or Guidelines in the broadcast, as the anchor had largely referred to facts in respect of the issue in question.

However, NBDSA decided to advise the broadcaster not to make comparisons between the Hijab situation in India and other countries such as France, as the law in France not only banned the burqa but also banned any other religious symbol, including the turban, cross symbol etc. Furthermore, the understanding of the term “Secular” is different for different countries, and therefore the broadcaster should be careful while broadcasting on such a comparison between such countries.

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.

**Sd/-**

**Justice A.K Sikri (Retd.)**  
**Chairperson**

**Place: New Delhi**

**Date : 26.07.2023**