

News Broadcasting & Digital Standards Authority

Order No. 166 (2023)

Complainant: Mr. Matin Mujawar

Broadcaster: Times Now Navbharat

Programme: भारत के किन राज्यों में घट रही है हिंदू आबादी और उसका देश पर क्या होगा

Date of Broadcast: 6.10.2022

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 dated 10.10.2022

The complainant stated that during the impugned broadcast, the anchor made the following statements “ धार्मिक आधार पर जनसंख्या असंतुलन से देशों के टुकड़े हो जाते हैं इस के उदाहरण पूरी दुनिया में मौजूद हैं. यूरोप का एक देश है सर्बिया जिस से अलग हो कर २००८ में कोसोवो नाम का नया देश बना. सर्बिया की बहुसंख्यक आबादी ख्रिश्चन है. जब की कोसोवो में ९६ फीसद आबादी मुस्लिम है. इस लिए २००८ में आखिरकार सर्बिया से अलग हो कर कोसोवो ने खुद को आजाद देश घोषित कर दिया। इसे सर्बिया ने आज तक मान्यता नहीं दी जब की अमेरिका यूरोप समेत १०० देशों ने कोसोवो को मान्यता देदी। याने एक इलाखा जहाँपर ९६% फीसद आबादी मुस्लिम बन गयी वो अलग देश बन गया. ये आप को इंटरनेशनल उदाहरण दे रहा हु जो मोहन भागवत कह रहे हैं उस का परिपेक्ष समाज ने के लिए

जनसंख्या और धार्मिक असंतुलन के बल पर मुस्लिम देश इंडोनेशिया से अलग हुए पूर्वी तिमोर (ख्रिश्चन) देश बन गया . सूडान जहा अरब का राज था ६०% ईसाई धर्म के लोग बढ़ गए और अलग हो कर दक्षिणी सूडान बन गया. यूगोस्लाविया एक अखंड देश था पर धार्मिक और सांस्कृतिक असंतुलन की वजह से कही देशो में बंट गया क्यों के जनसंख्या का असंतुलन हो गया और चीजे बिगड़ “

धार्मिक आधार पर जनसंख्या का असंतुलन होने पर देश के टुकड़े हो जाते हैं, इस तरह से भारत में मुसलमानों के बढ़ते हुए आबादी की डेमोग्राफी दिखाकर और कोसोवो, तिमोर, दक्षिण सूडान और यूगोस्लाविका इन देशों का उद्धरण देकर भारत के टुकड़े टुकड़े होने का संदेश दिया है (मिनट ०१:४९ से ०४:१६ सेकंड)

He stated that अमेरिका की Pew Research के रिपोर्ट, जिसे भारत में कोई भी संविधानिक आधार नहीं है ऐसे गैर सरकारी रिपोर्ट या गैर-आधिकारिक रिपोर्ट से जन-संख्या का अध्ययन करवाकर दर्शकों को अल्पसंख्यकों प्रति भड़काया है (मिनट ०४:५७ से ०६:५६ सेकंड))

सर्वोच्च न्यायालय ने बताया था के जनसंख्या नियंत्रण कानून की कोई आवश्यकता नहीं है. फिर भी सांप्रदायिक हेतु से सिर्फ और सिर्फ मुसलमानों के बढ़ते आबादी को चिंता का विषय बनाया है Times Now Nav Bharat ने भारतीय न्याय व्यवस्था को चैलेंज किया है तथा कोर्ट का अवमान किया है

भारत में रहने वाले हिंदुओं के लिए मुसलमानों की बढ़ती आबादी को चिंता का विषय बना कर देश में कई राज्यों में रहने वाले हिंदुओं की आबादी मुसलमानों के तुलना में किस तरह कम हो रही है यह एक नेगेटिव संदेश दिया है. एक तत्कथित

डेमोग्राफिक रिपोर्ट बनाकर हर राज्य की जन-संख्या का अध्ययन करवाकर भविष्य में देश के अलग अलग राज्यों से हिन्दुओं की संख्या घाट जायेगी और मुसलमानों की बढ़ जायेगी ये चेतावनी दर्शकों को दी है. (मिनट ०८:०९ से १०:०० सेकंड)
"अन्य समुदाय के मुकाबले मुस्लिम महिला का फर्टिलिटी रेट सब से ज्यादा है" इस पर लक्ष केंद्रित किया गया है (मिनट १०:१२से ११:०३ सेकंड)

जहाँ पर भी डेमोग्राफी चेंज होती है वह देश विरोधी गतिविधियां शुरू हो जाती है यह बता कर अल्पसंख्यक मुसलमानों प्रति भड़काया है (मिनट ११:२५ से १५:०७ सेकंड)

Times Now Nav Bharat प्रसार माध्यम द्वारा खबरों के नाम पर दर्शकों को भड़काऊ और सांप्रदायिक संदेश दिया है, इस तरह की गतिविधियों Times Now Nav Bharat लगातार कर रहा है. जो आपराध है साजिश है. Times Now Nav Bharat जातिधर्म के आधार पर बताये जाने वाले खबरे, पूर्व सूचना याने चेतावनी देने वाली, असंवैधानिक तथा सांप्रदायिक तनाव को उकसाने वाली है, देश के एकता अखंडता को नुकसान पहुंचकर देश में अराजकता मचाने वाली है. Times Now Nav Bharat देश के सेक्युलरिज्म को नुकसान पहुंचने की खुलेआम साजिश की है Times Now Nav Bharat जनसंख्या कानून के नाम पर देश में रहने वाले अल्पसंख्य मुसलमानों के खिलाफ एक सांप्रदायिक अजेंडा चलाया है

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

Times Now Nav Bharat 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 और इस तरह के भड़काऊ खबरों से मुस्लिम समाज का नरसंहार (जेनोसाइड) करवाना चाहता है.

Reply dated 28.10.2022 from the broadcaster:

The broadcaster stated that in the programme “News ki Pathshala”, critical current news is picked, and detailed analysis and research are conducted concerning the news, which is then explained for the benefit of the viewers.

It stated that the speech given by Mr. Mohan Bhagwat, Sarsanghchalak of RSS in Nagpur, on the issue of population imbalance in the country and the need for a holistic population policy was the subject of many debates and was therefore chosen as the subject of the impugned programme. The programme was conducted to explain to the viewers the background behind the statement made by Mr Bhagwat in his speech.

The topic of the show was the increase in population and change in the Hindu population over the years. Nowhere during the show was there any mention of the dangers due to the increase in the Muslim population, as has been alleged by the complainant. The Anchor of the show explained the same point to the viewers about how the imbalance in population across religious groups is one of the causes of geographical divisions worldwide and cited examples of different countries.

The broadcaster stated that the impugned programme was conducted with the help of demographic numbers and percentages from the Pew Research data detailing the change in the pattern of each religious group's population without emphasising any particular religion. That Pew Research is a well-known organization, and their research is used by many journalists and channels worldwide. Further, reports from global agencies are used as a reference in reporting. Figures based on the official census of India were also shown in the broadcast. Hence, the allegation that the figures were fake was wrong and misplaced. It had reported factual data on the population of all religions in India in the programme.

The broadcaster reiterated that since the increasing population in the country had been a point of concern, hence the same issue was covered and explained during the show with the help of factual data in an unbiased manner. The objective behind comparing the fertility rate of different communities was to show the decline in the Hindu fertility rate.

The show was represented in a balanced manner as comparative figures of the population increase and the fertility rate across different communities were shown. Further, the Anchor did not make any assertions regarding any religion as was being claimed in the complaint. Furthermore, no attempt was made to create hatred or break Hindu-Muslim unity. In fact, the broadcaster had only tried to clear all frictions created amongst different religious groups due to the speech given by Mr Mohan Bhagwat by giving factual data provided by different research agencies. The allegations raised in the complaint were out of context and baseless. Moreover, at the end of the news report, the Anchor summarised the topic by clarifying that it was not targeted at a particular religion.

Counter reply dated 31.10.2022 from the complainant:

The complainant stated that the response of the broadcaster was misleading and an attempt to escape from the clutches of law. He relied on articles from different newspapers, which make it clear that Mr. Mohan Bhagwat had flagged the need for a comprehensive population control policy that applied to all equally and had also said that when efforts were being made to divide society, "*we have to stay together*", alluding to Hindu-Muslim unity.

However, the broadcaster specifically targeted the Muslim population, indicating that its intention was to target and provoke hate against a single community. In the programme, Muslim population figures were compared with the demography of other religions. Further, a state-wise comparison of the Muslim population was also made to allege that the Muslims were a threat to the nation.

The complainant stated that by airing the impugned programme, the broadcaster had tried to create a threat to minorities and disturb the secular structure of the State. He reiterated that by airing the impugned programme, the broadcaster had failed to abide by Fundamental Principles 1,4 and 5 and the Principles of Self-Regulation, including 1 and 2 under the Code of Ethics & Broadcasting Standards.

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 , response of the broadcaster and after viewing the footage of the broadcast, had decided to call both 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

भारत में मुसलमानों के बढ़ते हुए आबादी की डेमोग्राफी दिखाकर और कोसोवो, तिमोर, दक्षिण सूडान और यूगोस्लाविका इन देशों का उद्धरण देकर, भारतीय अल्पसंख्यक मुसलमानों प्रति एक झूठ नैरेटिव निर्माण कर के भारत के टुकड़े टुकड़े होने का संदेश दिया है.

अमेरिका की Pew Research के रिपोर्ट, जिसे भारत में कोई भी संविधानिक आधार नहीं है ऐसे गैर सरकारी रिपोर्ट या गैर-आधिकारिक रिपोर्ट से जन-संख्या का अध्ययन करवाकर दर्शकों को अल्पसंख्यकों प्रति भड़काया है

सर्वोच्च न्यायालय ने बताया था के जनसंख्या नियंत्रण कानून की कोई आवश्यकता नहीं है. फिर भी पुरे स्क्रिप्ट में मुसलमानों की आबादी को चिंता का विषय बनाकर जनसंख्या कानून लाने के आवश्यकता पर जोर दिया है.

देश के अनेक राज्यों में रहने वाले हिंदुओं की आबादी मुसलमानों के तुलना में किस तरह कम हो रही है यह एक नेगेटिव संदेश दिया है एक तथाकथित डेमोग्रफिक रिपोर्ट बनाकर हर राज्य की जन-संख्या का अध्ययन करवाया है और भविष्य में देश के अलग अलग राज्यों से हिंदुओं की संख्या घट जायेगी और मुसलमानों की बढ़ जायेगी इस तरह का एक नेगेटिव निर्माण करके एक समाज को दूसरे समाज और उसके धर्म (मुस्लिम समाज) के विरोध में भड़काया गया है. इस तरह देश के सेकुलर ढांचे को चोट पहुंचायी गयी है

"अन्य समुदाय के मुकाबले मुस्लिम महिला का फर्टिलिटी रेट सब से ज्यादा है" इस पर लक्ष केंद्रित किया गया है डेमोग्राफी चेंज होती है वह देश विरोधी गतिविधियां शुरू हो जाती है यह बता कर मुसलमानों प्रति भड़काया है Times Now Nav Bharat जातिधर्म के आधार पर बताई गई खबरे एक समाज के विरोध में दूसरे समाज को भड़काने वाली, चेतावनी देने वाली, असंवैधानिक और सांप्रदायिकता को उकसाने वाली है, देश के एकता अखंडता खतरा निर्माण करने वाली है. देश के सेक्युलरिज्म को नुकसान पहुंचने की खुलेआम साजिश की है. जनसंख्या कानून के नाम पर देश में रहने वाले अल्पसंख्य मुसलमानों के खिलाफ एक सांप्रदायिक अजेंडा चलाया है

Times Now Nav Bharat 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

NBDSA से बिनती है के वे स्वयं ज्ञान लेकर और इस विषय के संवेदनशीलता को समझ कर कड़क से कड़क कानूनी कारवाई करे.

Submissions of the Broadcaster:

The broadcaster submitted that it would like to distinguish the impugned broadcast from the broadcast aired on Zee News which was the subject of NBDSA's Order No. 159 (2023), wherein selective statistics were aired. It stated that in the impugned broadcast, statistics of other religious communities were also aired, along with the details of how the religious population had grown at different points in time. Further, reference was made to several countries with a population imbalance due to the increase in a particular religious community. In this regard, reference was made to South Sudan, Serbia and Yugoslavia.

During the programme, the Anchor highlighted the statement made by Mr. Bhagwat and presented some data from the public domain forming the basis of the said statement. The Anchor cited East Timor, Kosovo and South Sudan as examples of 'new countries' that had emerged because of religious community-based imbalances, a historical fact available publicly. It stated that citing a fact cannot be construed to create a threat to minorities and disturb the secular structure of the State.

In the impugned programme, objectivity was maintained as a comparison was made between various religious communities. Since the discussion in the impugned programme was on the Population Bill, a comparison of the fertility rate with different communities was shown to address the issue and inform the viewers of the declining fertility rate amongst communities. Further, in the last minute of the

programme, the Anchor clarified that the impugned programme was not against any one religious community.

The broadcaster submitted that the impugned programme has to be judged from the perspective of an average man and not from the point of view of a hyper-sensitive man.

NBDSA questioned the broadcaster about the title of the impugned programme. In response, the broadcaster submitted that the programme's title was accurate, as when the population of different religious communities was compared, it was found that the population of the Muslim community was increasing at a higher rate when compared with other religious communities.

Decision of NBDSA at its meeting held on 11.3.2023

Based on the submissions made by the parties during the hearing, NBDSA decided to defer its decision in the complaint to consider the response of the broadcaster to the queries raised by it during the hearing.

NBDSA decided to inform the complainant and the broadcaster accordingly.

Response dated 22.3.2023 from the Broadcaster

In its response, the broadcaster stated that the complainant had tried to mislead the Hon'ble Authority by highlighting the subject broadcast as being against a particular community and picturing the diametrically opposite intention of the educational programme "News ki Pathshala". The complainant has shown a lack of judgment and raised questions on media freedom considered the fourth pillar of democracy.

The Anchor did not endorse any 'personal' views or beliefs to make a point during the broadcast nor made any assertions on any religion as alleged. The broadcast was solely based on the material discovered from the public domain. Further, no selective data or statistics were presented as figures of both the Hindus and Muslims were given by the Anchor in support of the reporting.

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) 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. Principles of Article 19(1)(a) have developed through various judgments in India.

That news is the highest form of speech and expression of resolve. It includes the right to propagate news available with the news channels and the right to receive information which is that of the public at large. The standard for judging a news programme should be that of an 'ordinary man' of commonsense and prudence and not that of an out of ordinary and hypersensitive man. [Ref: *Ramesh vs. Union of India*, (1988) 1 SCC 668), (Ref: *Bhagwati passed Charan Shukla vs. Provincial Government*, AIR 1949 Nagpur Times), (Ref: *Raj Kapoor vs. Laxmi*, (1980) 2 SCC 175), *Maqbool Fida Husain v. Raj Kumar Pandey*, (2008) VI AD (Delhi) 533].

That reliance is also placed on the judgment by the Hon'ble Apex Court in *S. Rangarajan vs. P. Jagjeevan Ram & Ors.*, (1989) 2 SSC 574), wherein it was held that our commitment to freedom of expression demands that it cannot be suppressed unless the situations created by allowing the freedom are pressing and the community interest is endangered. It was further held that the anticipated danger should not be remote, conjectural or far-fetched - it should have proximate and direct nexus with the expression, and the expression to which objection is taken should be equivalent of a "spark in a powder keg". Reliance is also placed on *Nandini Tewari & Anr v Union of India & Ors*, (2014) 215 DLT 612 (DB), wherein it was held that a person cannot be expected to, every time he/she goes to the cinemas/movies or every time hears a word, rush to the dictionary and to, on the basis of one of the meanings prevalent elsewhere, rush to the Court alleging that the use of the word is offensive.

The complainant has no-where alleged that the subject broadcast was carried out based on false facts or altered ground report, the objection raised was only against the manner of reporting the data. As a media channel or a journalist, it is the duty of the news channel to be neutral, run news related to national importance, and disclose all the facts related to the subject news. The same was done in the subject broadcast if viewed as a whole and not in parts. In this regard support is taken from the judgment of the Hon'ble Supreme Court "*Arnab Ranjan Goswami v. Union of India*", 2020 SCC OnLine SC 462 at page 39.

In light of the submissions made, the broadcaster stated that the complaint being devoid of merits should be dismissed outrightly.

Decision

NBDSA went through 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 noted that the impugned programme emanated from a statement made by Mr. Mohan Bhagwat on the issue of increasing population. NBDSA also noted that the broadcaster, in its reply, had stated that the programme was conducted in an unbiased manner by airing comparative figures showing an increase in population and the fertility rate across different communities.

NBDSA observed that while it was true that the broadcast included demographic figures and fertility rate across different communities, however, the manner in which the said data was presented during the broadcast tended to create the impression that population of only a particular community was increasing. It seemed as if the data obtained from the Pew Report was read in a manner to substantiate the claim that there was an alleged imbalance in the population of a particular religious community in the country, which could lead to the geographical division of the country. NBDSA further observed that during the programme, only selective men from a certain community were interviewed to bolster the narrative of the broadcaster that the increase in population was at a faster rate in a certain community only. NBDSA was of the view that there was no 360-degree analysis of the problem of the increase in population. While recognizing that increasing population in the country is a matter of concern, NBDSA also felt that it is the duty of the broadcaster to project and discuss the problem in an objective manner, discussing all the relevant factors and should refrain from blaming a particular community as being responsible for such a problem without any cogent material or data. NBDSA therefore held that the broadcast was devoid of cogent material.

NBDSA stated that by airing the impugned broadcast, the broadcaster had failed to abide by the principles relating to Impartiality, Neutrality and Fairness and Racial and Religious Harmony as enshrined under the Specific Guidelines covering Reportage.

In view of the above, NBDSA decided to warn the broadcaster and directed the broadcaster to be more careful in future while airing programmes on such sensitive issues.

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.

Sd/-

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi
Date : 26.07.2023