News Broadcasting & Digital Standards Authority

Order No. 191 (2025)
Complainant: Citizens for Justice & Peace
Programme: *"Modi के खिलाफ... क्यों खड़े 'हमास 'क साथ? / Israel-Hamas Conflict / Owaisi / ST Hasan"*
and
"Rashtravad: हिन्दुस्तान में 'Hamas Think tank' कौन बना रहा है? / Israel-Palestine Crisis / Owaisi".
Channel: Times Now Navbharat
Date of Broadcast: 16.10.2023

Since the complainant did not receive a response from the broadcaster within the time stipulated under the News Broadcasting & Digital Standards Regulations, the complaint on 10.11.2023 was escalated to the second level of redressal, i.e. NBDSA.

Complaint dated 23.10.2023
The complainant stated that since the impugned broadcasts were on the same theme and aimed to create a similar misleading image in the viewers' minds, it had raised a complaint against both the broadcasts in the same complaint. Both shows were based on the ongoing conflict between the militant group Hamas and Israel.

While Prime Minister Narendra Modi had shown his support with Israel after the attack by the militant group – it needs to be pointed out that the Ministry of External Affairs (MEA) has also reiterated India's decades-old support for the cause of Palestine. However, this initial show of support was given an evil and communal twist in India. This sensitive issue was turned into hateful propaganda against India's religious minorities, giving the political question of Israel and Palestine a religious turn.

Amid this human tragedy, a hateful campaign was launched to demonize all Muslims and hold them responsible for the violent and condemnable acts of Hamas. The impugned shows furthered the hate propaganda and had been designed in such a way as to give a one-sided view of the complex issue.

In both shows, the narrative was framed in such a skewed manner to show the Indian Muslims as being sympathizers of the militant group Hamas due to their "religious connection". Both shows targeted the same Muslim leaders of the opposition political parties and presented their views in a partisan manner. Most importantly, the long-standing history of Palestine and Israel was conveniently ignored, and only half-truths were presented.

1. Rashtravad Debate Show:

The show began with the following question, *"Does a spiritual connection with the religion mean support for terrorism?"* along with pictures of Asaduddin Owaisi (AIMIM), ST Hasan (SP) and Atikur Rehman (SP), which were aired. Thereafter, pictures of a building being bombed were aired in the background, and the host stated that during the ongoing Israel-Hamas conflict, the whole world is standing with Israel, and certain Muslim politicians are getting exposed. People are supporting the "terrorism" of Hamas under the garb of supporting Palestinians, while some are talking about their spiritual and religious connection with them and that *"this raises the question of who is building this Hamas think tank in India?"*

The host then proceeded to show a video of protestors holding a protest in support of Palestine. As the video played, he stated, *"these visuals are coming from Jantar Mantar in Delhi. These are students from left organizations that are protesting in support of Palestine. You will see many posters and slogans, but not one words has been said in reference to Hamas. The 'country' is standing with Israel, but these people are asking to stop the attacks on Palestine. By protesting against the decision of India and Israel and showing their support for Palestine, these organizations are indirectly showing solidarity with Hamas too. Prior to this, protests were also held at Jamia Milia Islamia and Aligarh Muslim University."*

Thereafter, statements made by various ministers and leaders were shown. The first statement shown was of Atikur Rehman from the Samajwadi Party, who stated, *"what is the United Nations doing? They should intervene and stop this war. They should help those poor Muslims or else things might get out of hand. We are Indians, but we also have a spiritual and religious connection with them, no one can stop us from pray to God to help them."*

The host gave a twist to the statement by questioning, *"where were these sentiments when the Israelis were being attacked? By calling these Islamic Nations our friends, these are setting an agenda."*

The next statement played was of S. T. Hasan from the Samajwadi Party , who said, *"the UN is still saying that they stand in solidarity with Palestine. However, our Prime Minister showed his support to Israel within 5 hours of the attack. He acted too quick and without putting much thought into it. On an International level, Islamic countries have maintained a friendly relationship with us and have supported us in our bad times. At the very least, the PM should call things for what they are."*

Upon this, the host continued with his diatribe and said, *"If India has been friendly with Islamic nations, then should we also show our support to terrorism? Maybe the leaders of the opposition should learn something from Israel themselves. There are disagreements within Israel, but when it comes to a national decision, they all stand together. Even during this time, they have formed a War committee which includes the leaders of the opposition too. Meanwhile, our leaders*

of the opposition have been habitual in opposing the stand of the government. No matter what the issue is."

The third statement aired was of Swami Prasad Maurya from the SP party, who could be heard saying, "*If you talk about Hindu Rashtra, why will Muslims, Jains, Buddhists and Sikhs not talk on the similar lines then? Those who talk about Hindu Rashtra today are the enemies of the nation. Long time ago, the Hindu Mahasabha had spoken about establishing a Hindu nation which had led to the division of India and Pakistan. Veer Savarkar was also a part of this Mahasabha. It was not Jinnah but the Hindu Mahasabha that had led to the division of our country."*

It remains unclear why this particular statement of Swami Prasad Maurya was included in this show, mainly since it had no relation to the Israel-Hamas conflict. One can only assume that the objective behind including this statement was to instigate the majority community. Not even once did the host exercise restraint and deem the above statements of the leaders to be their personal views that they have the right to express. Instead, he used them to target the Muslim community and question their motives.

Following this, a statement given by Sangeet Som of the Bharatiya Janata Party was played, who stated that *"90% of the shopkeepers today belong to the same community. They donate Rs. 50 to 100 to building a Hamas in India. Why is it that whenever there is any terrorist activity, people from the AMU protest in their solidarity? It is the stand of our Prime Minister that we have to stand with Israel and that we will stand against terrorism, as we always have."*

Any unbiased host would not have included the aforementioned statement made by the BJP leader, wherein unsupported claims of supporting terrorism were being made against a minority community. However, in the instant case, the host relied on this statement to form the premise of the debate.

The host put forth the following questions for the participants to debate:

1. Will there be support for terrorism owing to the religious connection shared?
2. Has the 'Muslim leadership' been exposed in this Israel-Hamas conflict?
3. Who is building the 'Hamas think tank' in India?

The participants of the debate were Retired Col. RSM Singh (Security expert), Rajeev Jaitly (BJP), Danish Kureshi (AIMIM), Hajik Khan (Islamic Scholar), and Deepak Pandey (SP).

The questions posed during the debate were in line with the one-sided narrative. Even as Deepak Pandey explained the aspect of humanity that the leaders of SP were focusing upon while supporting Palestine, the host instigated him by stating,

"Are you bothered because I am naming Hamas again and again? Will that hamper your vote back?"

The host, in the most condescending manner, repeatedly asked Deepak Pandey to tell him the name of the President of Palestine, not providing the participant any time to elaborate upon the partisan questions posed to him. Questioning Deepak Pandey on "*his show of humanity*", the host asked him "*whether he is from Hamas or if he sits in Gaza itself?*" and then forced him to say "*Hamas Murdabad (Death to Hamas)" so that he can move further to the other participants.*

The next participant, Rajeev Jaitly from BJP, made a derogatory and offensive statement that *"all these parties and organizations that are supporting Hamas, even though they have conducted acts of terrorism, are only doing so because they are Muslims. None of these people have done the same had Hamas not been a Muslims organization." He then goes on to accuse the SP party of supporting Hamas to appease the Indian Muslims as the SP political party themselves see the Indian Muslims as 'Muslims' first."*

Hajik Khan spoke next. While he was speaking on the issue of civilians and innocents dying on both sides at the hands of Israel and Hamas, the host interrupted and instigated him even as Hajik kept on showing his support for Palestine after having condemned the attack by Hamas; the host asked him whether he is showing support for the Palestine cause because they are Muslims.

The host asked Danish Kureshi (AIMIM) to explain the absence of any statement condemning the attack by Hamas on the social media of Asaduddin Owaisi. He then accused the AIMIM party of instigating the Muslim community in India and creating an image in the minds of the Muslims that only the AIMIM party cares for them.

The host concluded the debate by stating that *"let me tell you why the leaders of the opposition says all this, it is because you find people in the country who are willing to go to a funeral of our Prime Ministers and who protest on the day that Yakub Menon underwent his death sentence. It is because these people think that they will appease the sentiments of a particular group that they make such statements."*

2. **Debate Show- "*Virodh ki kasrat, Hamas wali Hasrat?* (The hard work of the opposition, ambitions similar to Hamas?)"**

The show began with the host introducing the Israel and Hamas conflict. She raised questions concerning the innocent Israelis who died in the attack by Hamas and whether people living in Gaza supporting the terrorist organization of Hamas" *did not expect such a bad situation to be a result of the attack by Hamas on the innocent civilians in*

Gaza?" She stated that a division could also be seen in India in regards to the conflict and referred to the formation of a *'Hamas Gang'*.

A report was then played, which showed visuals of Hamas strikes and attacks on the people of Israel on October 7 and retaliatory attacks that Israel launched. While the visuals played, the speaker stated that as soon as Israel started killing the members of Hamas, the Islamic nations started with their hue and cry. Even certain groups within India are supporting Hamas. A video of ST Hasan (SP) condemning the mass-scale damage and killings by Israel was played. Hasan also criticized the actions of Hamas. Another video was then played as a part of the report. The video was of Asaduddin Owaisi from the AIMIM party, who could be heard talking about the bombings and killings in Gaza at the hands of Israel.

The report then showed visuals of students protesting in solidarity with Palestine at Aligarh Muslim University. The speaker could be heard saying that these *"extremist elements"* might be protesting under the garb of Palestine, but they are supporting Hamas, which is why they are not on the target of the BJP.

Following this, similar to the other show, the report showed the statement given by Sangeet Som of the BJP, that the stand of our Prime Minister is that we have to stand with Israel and that we will stand against terrorism, as we always have. He accused AMU of always standing in solidarity with acts of terrorism. He further stated that the effort to establish another Hamas would not reap any results.

Based on the premise set through the report, a debate was started on the question *"whether the people of India will also support Hamas and are the leaders of the opposition instigating people?"* The participants of the debate were Shubham Tyagi (BJP), Wajahad Kasmi (Muslim scholar), Captain Sikandar Rizvi (expert), Mumtaaz Alam Rizvi (Muslim scholar) and Lokesh Jindal (Political expert).

The host questioned Lokesh Jindal whether there was any sympathy with Hamas even after the terrorist acts conducted by them. The host cut short Jindal as he tried to explain the whole Arab and Israel as well as the support for the Palestine cause from amongst India and asked him to focus on condemning the acts of Hamas.

The host then moved on to Shubham Tyagi from the BJP party, who attacked the people of Palestine with the same partisan and misguided narrative that the host had been promoting since the beginning of the show. Tyagi attacked the resolution passed by the Congress party in solidarity with Palestine and compared it with Congress supporting terrorist entities such as Osama, ISIS and Hamas. Tyagi further accused all the opposition parties of condoning every terrorist activity that takes place in the world as they run on religious ideologies and want to appease people of

those religions. Tyagi even referred to these opposition parties as *"sleeper cells of terrorist organizations"*. Lokesh Jindal reacted to these statements made by Tyagi by calling him uninformed and an extremist. He also stated that *"it is your duty to make informed statements and not spread instigating rumours."* As Jindal continued to school Tyagi, the host started cutting him short again and maintained a partisan stance. Throughout the debate, Tyagi made derogatory statements towards the parties in the opposition, and the host could be seen lauding him. Unlike the other participants who were cut short by the host, she made no attempts to correct the misinformed and inflammatory statements made by Tyagi while debating with the other participants.

What these shows entailed

Even before the debate had started, both the host indulged in spreading their anti-Muslim diatribe and polarized views. The hosts tried to build the premise of the show by depicting the Muslim community in a suspicious light, questioning their intentions behind supporting Palestine, giving it a communal turn. These hosts further put seeds of doubt in the minds of their audience by establishing that leaders of the opposition, the protesting students and the Muslims who are showing solidarity with Palestine were creating another Hamas inside India.

As soon as the debates began, it became evident in the choice and content spouted by not just the participants in the "debate" but also, unfortunately, displayed by the hosts of the show that the statements being made were not unbiased or neutral. The host was even observed posing questions to the participants from the Muslim community or the ones representing the opposition political parties on the debating panel in an accusatory manner, while an urbane and inclusive attitude was displayed towards participants from the majority Hindu community or the ruling political party.

Instead of framing an issue in a sober fashion with an intent to explore various aspects of the debate, both the hosts continued the debate, imposing their own opinions on the participants and instigating them with accusatory and religiously coloured statements. This displays partisan coverage and does not fit well with democratic, constitutional principles of independent journalism. Both the hosts themselves made some extremely problematic statements, too.

The debate show appeared more like a one-sided show promoting the host's take on the Israel-Palestine conflict or a religious/sectarian debate rather than a newsroom debate.

As per the guidelines of the NBDSA, the hosts are supposed to and expected to take a neutral stand, introduce a neutral theme and not side with a particular

community to put any other community on the spot, but that clearly did not happen. As is apparent from the videos and the statements highlighted, both the hosts were keen on leading the debate with the question of whether the Muslim leaders of the opposition, protestors and the Muslim community are supporting Hamas and creating a 'Hamas think tank' within India. As the anchor of a show on a news channel that is supposed to have a neutral and unbiased theme, both the hosts did not even attempt to have any non-communal theme in the debate.

With the utmost convenience, both the shows in the Hamas-Israel conflict did not provide any historical context of the ongoing conflict and blatantly compared supporting the cause of Palestine to the acts conducted by Hamas. The historical truth is that from Mahatma Gandhi to Edward Said to Jawaharlal Nehru, persons of stature nationally and internationally, representing the sane, non-violent voice, cutting across religious creeds, have openly and consistently spoken in favour of the rights of Palestinian people, which was also not presented during the shows. Instead, the whole issue was communalized, wherein the Muslim community were made to stand in the spotlight and asked to *"prove their intentions and motives."*

Interestingly, this stance of India's solidarity with Palestine was not a part of either of the shows.

Violations of NBDSA principles:

By airing the impugned programme, the complainant stated that the broadcaster had violated the Code of Ethics and Broadcasting Standards and in particular Section – 1, Fundamental Principles 1, 4, 5 and 6 and Section – 2, Principles of Self Regulation relating to 2. Ensuring neutrality and 9. Racial & Religious Harmony. The program, further violated Specific Guidelines for Anchors conducting Programmes including Debates

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

The complainant relied on the judgment in *Amish Devgan vs. Union of India and others [Writ Petition (Criminal) No. 160 OF 2020 December 7, 2020], Pravasi Bhalai Sangathan v. Union of India (Ref: AIR 2014 SC 1591, at para. 7.)* and the observations made by Justices KM Joseph and BV Nagarathna, while hearing a batch of petitions seeking action against Hate Speech.

If the channel truly cared about the values of secularism and fraternity, it would abide by them. However, it is clear that in utter disregard for these constitutional

values, the channel brazenly forwarded its anti-minority narrative and went full throttle in showing the Muslim community in a suspicious light and furthered the Islamophobic discourse prevalent in the current times.

Response dated 22.11.2023 of the Broadcaster

Preliminary Submissions

1. At the outset, all allegations / contentions / averments made by the complainant in the subject complaint are denied and disputed.

2. The specific factual submissions of the Respondent to the subject Complaint are made in the Annexure(s) hereto, for ease of reference.

3. That the complainant has filed a complaint, questioning two broadcasts telecasted by the channel on 16.10.2023. The complainant has raised frivolous allegations regarding the non-compliance of the fundamental principles and principles of self-regulation. The complainant has raised baseless allegations and questioned the intent behind carrying these broadcasts on the channel, without reviewing the context and entirety of the subject matter of these broadcasts and also the media's right to raise difficult questions on relevant discourse in the country. Such an attempt not only aims at undermining the editorial freedom of the channel but also casts baseless aspersions on the credibility of its anchors and journalists appearing on the channel; hence, it must be deprecated outrightly.

4. The complaint is not maintainable as it had not violated any rules and regulations. It is pertinent to mention that the subject programmes were live shows on Times Now Navbharat that depicted comments/views and responses from various guests/speakers and experts on a specific, pointed and focused issue. Through such shows, the channel provides an equitable platform for panellists to put forth their views freely. These debates raise questions and issues that have gained public importance in the recent past and have an impact on the nation and the public at large. These are predominantly current issues, keeping in mind public interest and the significance of such news items in a democracy. It has always been and continues to be the endeavour of the broadcaster and its representatives to bring to the fore core issues and project as many diverse views as possible on such issues.

5. The debates impugned in the complaint did not violate any code of ethics, rules, regulations of NBDSA in any manner whatsoever as alleged or otherwise or at all *inter alia* on the following counts:
   - The debates/programmes in question have to be viewed in the context of the questions raised.
   - The complaint focuses only on one side of the spectrum and does not

appreciate that a counterargument is equally relevant, important and critical for viewers to form their opinions, specifically when popular beliefs and criticisms are challenged. Viewers have a right to know an alternative argument to such popular beliefs on significant matters.

6. The channel has been consistently refuting allegations levelled against it, which is nothing but a deliberate attempt to malign the reputation of the news channel and its journalists/ anchors with a certain agenda. Further, the channel has been completely able to maintain the Fundamental Principles of the Code of Ethics and Broadcasting Standards by proving time and again its impartiality and independence/ objectivity while debating the issues of national importance to bring out the correct facts on the impugned subject before the public at at-large, and this is exactly what the respondent channel and its journalists/ anchors are supposed to do in order to discharge its professional obligations. Hence, the allegations contained in the subject complaint are wholly misconceived.

7. Further, by no stretch of the imagination does such coverage amount to any violations of NBDSA guidelines as alleged or otherwise. The complainant is deliberately targeting the channel as being against a particular community on frivolous grounds. Their pivotal intention is to malign the reputation of the channel and to dissuade it from broadcasting news on important issues. A complete perusal of the subject debate/ programme would show that there was no communal color or angle introduced by the channel. Further, through such debates/programmes the respondent has not propagated or attacked any particular religion or communal attitudes in any manner. These frivolous allegations raised by the complainant are hereby vehemently denied.

Factual submissions

8. Retired Col. RSM Singh (Security expert), Rajeev Jaitly (BJP), Anish Kureshi (AIMIM), Hajik Khan (Islamic Scholar) and Deepak Pandey (SP) were invited as panellists in the first impugned broadcast.

9. Shubham Tyagi (BJP), Wajahad Kasmi (Muslim scholar), Captain Sikandar Rizvi (expert), Mumtaaz Alam Rizvi (Muslim scholar) and Lokesh Jindal (Political expert) were invited as panellists in the second impugned broadcast.

10. Being a responsible channel, it presents all its programs on the basis of facts and in an unbiased manner. The purpose of creating any program is not to create any kind of social disharmony.

11. Both news debates were based on the Israel- Palestine conflict, being one of the

oldest and persisting conflicts in the world. It is a matter of fact that the Hamas group from Palestine launched an attack from the Gaza Strip upon Israel on October 7, 2023. In retaliation, the Israeli military conducted extensive bombardment on the Gaza Strip. This is a global news story affecting people all over the world, including the political climate in India. The channel merely highlighted the statements given by political leaders of our country on this ongoing conflict. The channel also highlighted the fact that students from Aligarh Muslim University and Jamia Milia Islamia took to the streets to protest against the violence in Palestine.

12. The channel raised important questions relating to condemning the Hamas group for its actions as it is an alleged terrorist group. The entire debate was factual. Indian Muslims were not shown as sympathizers of the Hamas group due to their religious connection, but the channel has a right to question all the possibilities around it. The purpose was to include all the questions related to that issue in the debate. Further, in a live debate show, the anchor attempts to pose questions to all factions, with a view to getting views and opinions across the board on a given topic. Therefore, the channel only reported factual news on the basis of a topic of current and national importance.

13. The complainant has wrongfully called such coverage as being against a religion, which, in fact, raises questions on the intention of the complainant. It shows that the complainant has a very communal mindset. The complaint accuses the channel of furthering hate propaganda against Muslims, whereas the channel showed the statements of both Hindu and Muslim leaders. The broadcaster questioned whether it was necessary to compare every news story (that may expose wrongdoing) based on religion. It stated that the complainant has become so accustomed to looking at every news story from a religious angle that the complainant sees a Hindu-Muslim angle, even in a global war that involves mainly Jews and Arabs. The allegations raised in this complaint were baseless and lacked merit and are hereby denied.

14. An overall perusal of the broadcast clearly shows that no specific community was targeted. Merely discussing the opinions of a select few does not mean that it amounts to Islamophobia, nor does discussing the mindset of the people in our country violate any of the extant rules or norms. Further, no personal views were made by either the anchors or the channel. It is to be highlighted here that the views and opinions expressed on the show are independent and individual personal views of the panellists, and the channel does not, in any manner

whatsoever, promote, endorse, or ratify any of such views as that of its own.

15. Terrorism and terror activities cannot be supported in any way. There was opposition in the country to the silence on Hamas's attack on Israel under the guise of Palestine and the strong attack on terror by Israel. The crackdown on Hamas was being linked to Palestine. India has been a victim of terror and has faced many attacks. In such a situation, terrorism and terrorist attacks cannot be supported in any way. It is also important to question those who try to justify the terror attack. Both these debates were carried out to elaborate on these angles.

16. ST Hasan, who is an MP, kept silent on Hamas' attack but was seen opposing Israel's action. Asaduddin Owaisi said that this cruel Israeli regime had made 10 lakh out of a population of 21 lakh homeless in 6 days. The tyrannical regime is saying to move from north to south Gaza. Owaisi also refrained from speaking openly about Hamas. AIMPLB says Israel is responsible for the war, and it is not right to call Hamas's response as terror. In view of the above, the broadcaster questioned whether it was wrong to raise this question when organizations like the Muslim Personal Law Board were openly supporting Hamas.

17. The channel pursued a balanced debate based on the statements of both sides, and the intention was not to promote animosity. It is the broadcaster's responsibility to seriously debate sensitive questions, which was done through these debates. The questions that were asked during the debate were not the opinion of the anchor or the channel. It can be seen that they have acted only as moderators based on factual information available on the ground and actual statements of political leaders.

18. The panellists coming to the show are free to express their views. The channel selects its guests on the basis that they can express their opinions clearly on the issue of debate. While time constraints play a vital role in how much time is given to each panellist, it was wrong to accuse the channel or its anchors of interrupting the panellists when the focus of these debates is to get as many opinions as possible and responses to the questions raised, within the time available for the show. The same was done to report a public issue of national importance in the exercise of its rights guaranteed by Article 19 of the Constitution.

19. The purpose of the debate was to raise questions and issues that have gained public importance in the recent past and have had an impact on the nation and the public at large. These are predominantly current issues, keeping in mind the

public interest and significance of such news items in a democracy.

20. It has always been and continues to be the endeavour of the channel and its representatives to bring to the forefront core issues and project as many diverse views as possible on such issues.

Legal submissions

1. The fundamental principles in the Code of Ethics and Broadcasting Standards were framed to regulate the contents of the broadcasters to provide impartiality and objectivity in reporting. The programme in question merely debated the issues of public importance. Nowhere does the said programme violate any fundamental principle or principles of self-regulation.

2. The channel or the anchor had not, by way of such debates, violated any guidelines or regulations as alleged or otherwise or at all. The debate was conducted in an open and objective manner and did not cause any incitement of communal bias or influence or mislead the viewers in any manner whatsoever.

3. The aforesaid programme by no stretch of the imagination could be deemed to have been made on selective and biased coverage or have outraged religious feelings of any class or community, statement creating or promoting enmity or promoting enmity, hatred or ill-will between classes or violated any of the guidelines issued by the NBDSA. Media freedom is an essential pillar of a free democracy, and plurality of views and opinions, however strong and direct they may be, must be allowed to protect this sanctity.

4. It is a settled law that the media and press should not be unnecessarily restricted in their speech as the same may amount to curtailment of expression of the ideas and free discussion in the public on the basis of which a democratic country functions. It has been held by the Hon'ble Supreme Court that the freedom of speech and expression includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation, without which the publication would be of little value. The Hon'ble Supreme Court has also held that the liberty of the press is an essential part of the right to freedom of speech and expression and that this liberty consists of allowing no previous restraint upon publication.

5. Apart from the right of the respondent to disseminate to the public at large, the citizens of India have the right to know about the current affairs of the

country, and the right to know is also another aspect of free speech and democracy. The freedom of speech and expression includes the right to hold opinions without interference and to seek, receive and impart information and ideas to any media regardless of frontiers. The Hon'ble Supreme Court of India has observed that when freedom of expression is put to use by the mass media, it requires additional dimensions and becomes freedom of information. It has been held that the constitutional guarantee of freedom of speech is not so much for the benefit of the press as it is for the benefit of the public. The freedom of speech includes within its compass the right of all citizens to read and be informed. The aforesaid programme was one such criticism and a fair one.

6. 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.

7. It is settled law that the press is entitled to make fair comments on issues that impact the public at large, which is a right guaranteed under Article 19(1)(a) of the Constitution of India. This is an integral part of the right of free speech and expression and the same must not be whittled away.

8. The broadcaster relied on several judgments of the Hon'ble Supreme Court and the orders of NBDSA in support of its submissions.

9. The programme merely reflected the various facets of the topic being reported upon and must not be viewed in isolation but in the overall context of the subject being discussed. The reporting was factually correct and of public importance; thus, no prejudice was caused to any specific community or religion under any circumstances whatsoever.

10. The debate/ programme must be viewed as a whole and not on the basis of breaking and dissecting a sentence or a stanza to show any adverse effect without contextually understanding as to why that statement, sentence or stanza came about.

11. The choice of a news debate is entirely editorial discretion. The topic chosen here was based on recent incidents that took place in the country. There was no cherry picking or interest groups being served by such debate. The channel did not impose its opinions in the debate. Raising pertinent questions is the media's right to report on issues that are of public interest. Several opinions are made available on debates like these. Addressing the debates as polarising or the anchors as partial to one aspect of the issue is

baseless and frivolous.

12. A comment or a sentence or, stanza or the programme as a whole may be independent, bold, and even exaggerated. That mere exaggeration, however gross it may be, would not make the comment unfair, if not founded by malafide.

13. Hence, it is clear that:

1. The channel's or the anchor's intent has never been to communalize any issue or to degrade a particular faction or party or sensationalize any issue but to depict the correct picture before the public.

2. In a live news debate, connected issues are invariably raised by the panellists. Multiple views and opinions are put forth and dissected, which is essential to have a free debate on the chosen topic.

3. Actions or comments made by public figures are often subjected to intensive and invasive dissection by all members of the public, due care thus must be exercised by such public figures before commenting.

4. The anchor did not make any statements that would create any controversy. The anchors have always limited themselves to journalistic principles and acted in good faith. They merely conducted an unbiased, free debate on certain burning issues of recent significance.

5. The issue taken up for the debate was relevant and significant, keeping in mind the current happenings. The intent of the debate was to seek answers to specific issues, make available counter perspectives on a widely popular narrative and get opinions to support or oppose such narratives. The idea was to ensure narratives were freely analyzed and the public at large also consumed views that were not always popular or publicized.

14. Considering the aforesaid, it is pertinent to state that a news channel is well within its right to present the news event and current affairs of extreme public and national importance in the (i) manner that it deems appropriate, without violating the restrictions contained under Article 19(2) of the Constitution of India, (ii) discuss the same leading to a fruitful discussion amongst the participants, and (iii) present unpopular views for the public to review the same.

15. Sensitive topics covered by the channel have not been covered by it in isolation, but the same has also been covered by other media houses in the exercise of their rights as free media. The complainant is deliberately filing complaints against the channel only to malign its reputation, which is strongly deprecated. It is reiterated that the sole purpose of telecasting the broadcasts raising sensitive issues was to inform the public at large of the latest news events and happenings around us. No malafide can be attributed upon the channel or its anchors in telecasting the said broadcasts.

In the light of various submissions made, both factual and legal and also various judgments referred to, the respondent, in the exercise of its fundamental right envisaged under Art 19(1)(a), telecasted the said debate/news programme. There was no violation of any programme code or any other rules and regulations. Thus, the present complaint is not legally sustainable and, hence, needs to be rejected outright.

Decision of NBDSA at its meeting held on 14.03.2024

NBDSA considered the complaint, response of the broadcaster and, after viewing the footage of the broadcast, decided to call the parties for a hearing.

On being served with notices, the following persons were present for the hearing on 01.07.2024:

Complainant

1. Ms. Tanya Arora
2. Mr. Aman Khan

Broadcaster

1. Mr. Kunal Tandon, Advocate, Tandon & Co.
2. Ms. Kirtima Maroovar, Compliance Officer
3. Mr. Utkarsh Singh, News Editor - TNNB

Submissions of the Complainant

The complainant submitted that its complaint was concerning two news debate segments on the ongoing Israel-Hamas conflict, which were aired on 16.10.2023 on Times Now Navbharat. Its objection to the impugned debates was the communal colour given to the Israel-Hamas-Palestine issue, wherein people in India who were advocating for Palestine were shown as being sympathizers of Hamas and violence. The debates were framed in such a manner wherein anyone who spoke for the Palestine cause was deemed as "supporting terrorism". The Muslim community in India, in particular, came under attack due to their religious commonality.

The anchor began the first impugned broadcast with a question, *"Does a spiritual connection with religion mean a support of terrorism?"*. The premise of the show was that while the whole world was supporting Israel against Hamas, however Muslim politicians in India were supporting Palestine and were thereby supporting Hamas. During the broadcast, statements made by Asaduddin Owaisi, ST Hasan and Atikur Rehman in support of Palestine following the retaliatory attack by Israel were aired. They were shown as statements supporting the terrorism of Hamas. Further, during the broadcast, clippings of protests carried out in Jamia Milia Islamia and Aligarh Muslim University in support of Palestine were aired to create a suspicion that these student organizations were supporting Hamas.

The complainant invited the attention of the Authority to a press briefing conducted on October 12, four days prior to the airing of the impugned broadcasts, wherein India had issued a statement in support of Palestine. Despite this press briefing, statements made by the politicians mentioned above, and those who advocated for Palestine were shown as statements made by someone who was standing against the stance of India.

It may be relevant to state that none of the politicians whose statements were aired during the broadcast had made any statement in support of Hamas.

Before the impugned debate, the anchor raised three polarizing questions for discussion: *"Will there be support for terrorism owing to the religious connection shared?"; "Has the 'Muslim leadership' been exposed in this Israel-Hamas conflict?"* and *"Who is building the 'Hamas think tank' in India?"*.

Even before the debate began, the anchor made certain objectionable statements, "*People are supporting the "terrorism" of Hamas under the garb of supporting Palestinians, while some are talking about their spiritual and religious connection with them and that "this raises the question of who is building this Hamas think tank in India?"; "where were these sentiments when the Israelis were being attacked? By calling these Islamic Nations our friends, these are setting an agenda." "Maybe the leaders of the opposition should learn something from Israel themselves. There are disagreements within Israel, but when it comes to a national decision, they all stand together. Even during this time, they have formed a War committee which includes the leaders of the opposition too. Meanwhile, our leaders of the opposition have been habitual in opposing the stand of the government. No matter what the issue is."*

Throughout the broadcast, the right to freedom of speech and expression and the right to protest were shown in a very negative light. The anchor presented a one-sided view of the entire issue.

There was a clear distinction in how the anchor treated panellists from the ruling

party and the panellists who represented the opposition. During both debates, the hosts posed questions to the participants from the Muslim community or the ones representing the opposition political parties on the debating panel in an accusatory manner, while an urbane and inclusive attitude was displayed towards participants from the majority Hindu community or the ruling political party. The whole issue was communalized to a point wherein the Muslim representatives were made to stand in the spotlight and asked to "*prove their intentions and motives*" for speaking up for Palestine. At one point, the anchor asked one of the panellists', Deepak Pandey from the Samajwadi Party, to condemn Hamas by saying "*Hamas Murdabad*" even though the said panellist had not expressed any sympathy for Hamas. The anchor also accused the said panellist of having ulterior motives and questioned whether he was part of Hamas or Gaza.

The second impugned debate was also based on the same theme, with statements by the opposition leaders and pictures of students protesting for the Palestine cause. The only departure was the use of the phrase '*Hamas Gang*' by the anchor as opposed to the '*Hamas Think Tank*', which was used in the first impugned broadcast.

There was also similar treatment meted out to the panellists in the second broadcast. The anchor interrupted panellists, who either expressed their support for Palestine or whose views did not align with hers. In contrast, ample space was provided to the panellists from the ruling party to give a communal colour to the conflict and attack those supporting Palestine.

One of the panellists, Mr. Shubham Tyagi from BJP, attacked the Congress party for standing in solidarity with Palestine and compared it with Congress supporting terrorist entities such as Osama, ISIS and Hamas. At no point did the anchor stop Mr. Tyagi from indulging in such a diatribe.

In both debates, the anchors were keen on leading the debates with the question of whether the Muslim leaders of the opposition, protestors and the Muslim community were supporting Hamas and creating a 'Hamas think tank' within India. Nowhere during the debates did either of the anchors consider an individual's right to freedom of expression as guaranteed under Article 19 of India's Constitution while questioning the panellists for expressing support for the Palestinian cause. Instead, the anchors deemed the same to be support of terrorism owing to the religious connection shared with the Palestinian people and a betrayal of India's support for Israel.

By airing the impugned debate, the broadcaster had failed to adhere to the principle of neutrality and impartiality and had given the issue of Israel–Palestine a biased and communal colour. The two debate shows were not moderated to ensure impartiality.

The clear intention of the host was to create in the viewer's mind a prejudicial picture regarding those who were expressing support for Palestine, especially the Muslim community. Ignoring the state-sponsored killing of the Palestinian people, the anchors used this opportunity to show that the Muslim leaders were supporting the Palestinians due to their religion or even to save their vote bank.

Submissions of the Broadcaster

The broadcaster submitted that the debates were premised on India's stance on the Israel issue, which has been documented in various Lok Sabha discussions. As far as Palestine is concerned, India's stance has been that it wants peace and a two-state policy. Further, India has condemned the terror attacks on Israel by Hamas and called for restrain and de-escalation, emphasizing the peaceful resolution of the conflict through dialogue and diplomacy and also called for the release of remaining hostages. In this regard, the Prime Minister and the External Affairs Minister have spoken to several leaders, including the President and Foreign Minister of Israel and Palestine. India's stance has also been reiterated in several multilateral forums such as the UN, BRICS, and G20.

Both the debates started with Hamas and the anchors questioning whether we should support them or not. Further, in both the debates, the anchors condemned the killing of civilians.

The stance taken by the anchors in the broadcasts was the stance taken by India at various global forums. On the other hand, the panellists invited to the debates raised the issue of support for Hamas, which was discussed in the impugned debates.

The issue raised for discussion was, therefore, sensitive, which consequently may have resulted in an aggressive tone being used, which may have caused annoyance or irritation to certain people. However, the impugned broadcasts themselves cannot be branded as being violative of the Code of Ethics & Guidelines. The mannerisms of the debate and the tone should be left to the discretion of the anchor.

Further, the broadcaster objected to the complainant cherry-picking statements from the broadcasts. It submitted that the broadcasts have to be seen in the light of the tone set by the anchors at the beginning of the broadcasts.

It submitted that while an aggressive tone may have been used in the first debate, it may have caused annoyance or irritation to certain people. However, the second debate was wholly factual and was based on public statements made by various people at public forums and rallies.

The broadcast was carried out in the context of the war going on between Israel and

Hamas. It highlighted the contradictory stand taken by various leaders of political parties with the Government of India. The anchor of the debate show sought to shed light on a pressing issue, questioning why certain leaders express views contrary to India's stance, appearing to support actions akin to terrorism and inflame communal tensions.

The purpose of the debate was to delve into the intentions behind such statements and encourage critical thinking amongst the public. The debate aimed to uncover the motives behind such statements, which unfairly painted India's decisions in a communal light, potentially stoking resentment towards the government.
The aim was to ensure that people base their opinions on accurate facts rather than being swayed by inflammatory remarks made by certain leaders, which could fuel hatred towards the country and its government. Such debates are crucial in clarifying misconceptions generated by misleading statements, which could otherwise breed hostility towards the nation and its leadership.

The clips of inflammatory statements made against the government and its stance by certain leaders were also run during the live show. The broadcast was a reflection of its commitment to responsible journalism, ensuring that the viewers were provided with reliable information related to the subject topic.

The coverage by the broadcast did not constitute any violation of the guidelines of NBDSA and was purely based on the report and ground coverage. The anchor only attempted to put a question to the panellist with a view to uncover to viewers the intentions behind such kind of statements. Mere organizing a broadcast on inflammatory statements made by political leaders against the government in the country does not violate any of the extant rules or norms.

In rebuttal, the complainant invited the attention of the Authority to the Specific Guidelines for Anchors conducting Programmes including Debates and the judgment of the Hon'ble Bombay High Court in *Nilesh Navalakha & Anr. vs. Union of India & Ors (2021) SCC Online BOM 56*, which emphasize on the duties of the anchor. In response to the broadcaster's submission that it had merely reported the stance taken by the Government of India, the complainant submitted that the broadcaster should have also reported India's support for Palestine.

The complainant submitted that the broadcaster had failed to highlight even a single statement made in favour of Hamas. In the broadcasts, support for Palestine was conflated with support for Hamas and such persons were termed as "Hamas Gang" and "Hamas Think Tank".

In counter, the broadcaster submitted that both the anchors open the debate by

saying "*desh ke aage badkar kuch nhi hai*", they then inform the audience of India's foreign policy. At time stamps 3:20 and 18:37, Mr. Shafikur Rehman and Mr. ST Hassan from Samajwadi Party, who had appeared in public and said that *"inka ruhaani Rishta hai Hamas se and Palestine se"* were shown. The broadcaster submitted that if the issue was not related to Hamas, there was no need for the aforementioned politicians to express their anguish, as India was already supporting the cause for Palestine in its two-state policy. This issue was raised in the broadcast because of the statements made in support of Hamas, particularly by the aforementioned politicians. This entire issue had arisen because there was an overall tone of going against India's foreign policy.

Further, an anchor is not supposed to pass judgment in a news broadcast, he is only required to discuss and allow other panellists an opportunity to express their views. Merely because the broadcast causes annoyance, irritation, or displeasure does not imply that the broadcast should not be aired. The broadcaster submitted that the broadcasts must be seen in its entirety.

Decision

NBDSA considered the complaint, response of the broadcaster, gave due consideration to the arguments of the complainant and the broadcaster and reviewed the footage of the broadcast.

The impugned broadcasts were debates conducted by the broadcaster based on the Israel-Palestine conflict.

NBDSA noted that the complainant's primary objection to the broadcast appears to be the communal colour given to the conflict in order to portray the Muslim community in a suspicious light and question the intention behind their support for Palestine.

NBDSA also noted that it was the submission of the broadcaster that the impugned broadcasts merely featured statements given by political leaders on the ongoing conflict and raised questions about condemning the Hamas group for its action as an alleged terrorist group. NBDSA observed that if the debates had confined themselves to this objective, there would have been no objections to the subject of the broadcasts. However, from the beginning of the broadcasts, there was an attempt at deliberate obfuscation, as statements made by politicians condemning the violence in Gaza and the protests carried out at Jantar Mantar, Aligarh Muslim University and Jamia Milia University in support of Palestine/incidents of violence in Gaza were projected as support for Hamas.

In so far as criticism of Hamas is concerned, NBDSA is not making any observations

as it was a part of the freedom of speech of the broadcaster to express its views thereupon. However, while criticizing Hamas, the broadcaster exceeded the limits by targeting a particular community, which was apparent from the statements of SP Maurya and Sangeet Som, which were aired during the broadcasts and the questions raised by the anchors for the debates, *"Will there be support of terrorism owing to the religious connection shared?, "Who is building the 'Hamas think tank in India?"* and *"whether people of India will also support Hamas and are leaders of the opposition instigating people?"*. In this way, the broadcaster digressed from the 'subject' of the debate. These statements made by the anchors during the broadcasts are violative of the Code of Ethics & Broadcasting Standards and Guidelines of NBDSA.

Further, in the broadcasts, the anchors also failed to comply with the Specific Guidelines for Anchors conducting Programmes, including Debates, as panellists like Mr. Rajeev Jaitly and Mr. Shubham Tyagi were provided with a platform to engage in communal diatribes and expound their extremist views. The conduct of the anchors violated the guidelines issued by the Hon'ble Bombay High Court in *Nilesh Navalakha & Anr. vs. Union of India & Ors (2021) SCC Online BOM 56.*

In view of the above violations, NBDSA decided to issue a warning to the broadcaster. It also decided to advise the broadcaster to bear in mind the Code of Conduct and, in particular, the Specific Guidelines for Anchors conducting Programmes, including Debates when conducting debates on sensitive topics such as the Israel-Palestine conflict, as they have the ability to shape public perception.

NBDSA further also directed the broadcaster to remove the video of the said broadcasts, 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.

Justice A.K Sikri (Retd.)
Chairperson

Place: New Delhi
Date: 24.01.2025