

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

I A. NO. ___ OF 2020

IN

W.P. (C) No.956 OF 2020

IN THE MATTER OF:

FIROZ IQBAL KHAN PETITIONER

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

AND IN THE MATTER OF:

OPINDIA & ORS. APPLICANTS/

INTERVENORS

WITH

I.A.No. of 2020

AN APPLICATION FOR INTERVENTION/ IMPLEADMENT

[FOR INDEX PLEASE SEE INSIDE]

ADVOCATE FOR THE APPLICANT: **SUVIDUTT M.S.**
FILED ON: **21.09.2020**

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. OF 2020

IN

WRIT PETITION (CIVIL) No. 956 OF 2020**IN THE MATTER OF:**

FIROZ IQBAL KHAN PETITIONER

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

AND IN THE MATTER OF:

1. OPINDIA

THROUGH ITS AUTHORISED SIGNATORY,
C/O AADHYAASI MEDIA & CONTENT SERVICES PVT LTD,
DA 16, SFS FLATS,
SHALIMAR BAGH,
NEW DELHI - 110088
DELHI **APPLICANT NO.1**

2. INDIC COLLECTIVE TRUST,

THROUGH ITS AUTHORISED SIGNATORY,

5E, BHARAT GANGA APARTMENTS,
MAHALAKSHMI NAGAR,
4TH CROSS STREET,
ADAMBAKKAM,
CHENNAI - 600 088
TAMIL NADU

..... **APPLICANT NO.2**

3. UPWORD FOUNDATION,
THROUGH ITS AUTHORISED SIGNATORY,
L-97/98, GROUND FLOOR,
LAJPAT NAGAR-II,
NEW DELHI- 110024
DELHI

..... **APPLICANT NO.3**

**AN APPLICATION FOR INTERVENTION/ IMPLEADMENT OF
THE APPLICANT AS PARTY RESPONDENT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE APPLICANTS ABOVE NAMED

MOST RESPECTFULLY SHOWEH:

1. The instant Application for Impleadment cum intervention is being preferred on behalf of OpIndia, Indic Collective Trust and Upword Foundation in Writ Petition (Civil) No. 956/2020.
2. This Hon'ble Court on last date of hearing dated 18.09.2020 had adjourned the above-mentioned matter to 21.09.2020. A true copy of the said order dated 18.09.2020 is produced herewith and marked as **ANNEXURE – A1**
3. The first Applicant, OpIndia, is a news website which is fully owned and operated by Aadhyaasi Media & Content Services Pvt Ltd office at DA 16, SFS flats, Shalimar Bagh, New Delhi 110088 (CIN no. U93090DL2018PTC337057) (PAN No AARCA1656N) (TAN DELA50682C). Adhyaasi is a private limited company that has been incorporated under the Companies Act of India. The first Applicant is one of the leading digital websites of India publishing news and opinion articles in Hindi and English. The domain OpIndia was registered on 30th November 2014. Its monthly pageviews run upto 13.36 million for the period from January 2020 to August 2020, with unique users per month numbering 5.17 million in the last 6 months. The website publishes news articles as well as opinion pieces by its contributing authors and in-house team. It publishes articles on civilisational aspects, human rights violations, crimes, policy and politics. The website has several

times published reports that have presented an accurate picture after mass media had distorted facts. Recently, it published a book that charts the genesis of the violence that culminated in the Delhi Riots.

4. The second Applicant, Indic Collective Trust, is a registered trust under the Indian Trusts Act, 1882 with its registered office at 5E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross Street, Adambakkam, Chennai – 600 088. The second Applicant, which was registered in June 2017, is a think-tank of activists, intellectuals, researchers and civil liberties campaigners which works on civilizational issues, including on issues relating to free speech and expression. In fact, the second Applicant has assisted this Hon'ble Court as well as other Constitutional Courts of this country on matters of public and civilizational interest.
5. The third Applicant, Upword Foundation, is a not-for-profit company incorporated in 2018 under Section 8 of the Companies Act, 2013 with its registered office at L-97/98, Ground Floor, Lajpat Nagar-II, New Delhi- 110024. The said Applicant was established with the object of raising cultural, civilizational and environmental awareness in the society. It is a knowledge platform which produces well-researched content in the form of animated and non-animated videos on civilizational issues as well as on issues of public interest, including global interest. The

content produced by the third Applicant is presented by reputed domain experts, scholars and researchers. In fact, the content produced by the said Applicant, more often than not, challenges the status quo at the level of thought itself, which could often be perceived as contrarian by the average person who consumes information from conventional sources and accepts them unquestioningly.

6. It is humbly submitted that the instant Application is being preferred in view of the larger questions of principle and law in relation to permissible free speech which this Hon'ble Court is seized of in the Writ Petition as also in light of the ad interim order dated September 15, 2020 passed in the Petition, both of which have implications on the treatment of content under the legal framework in India. Given the conspectus of issues which have arisen for consideration before this Hon'ble Court and the manifest implications of the outcome on free speech advocates and in particular on organizations which disseminate content for public consumption, it is humbly submitted that the Applicants have the requisite locus to be arrayed as parties to the proceedings to put forth their position on the said issues. Importantly, given the field of their work, the Applicants are in a position to assist the Court not just on the law but also on certain factual issues which shed light on the current standards of public discourse which ought to

be considered before any orders are passed which have a precedential value and before any law is laid down on the broader questions involved.

7. It is humbly submitted that the following Issues have arisen for consideration by this Hon'ble Court as a consequence of the issues raised, reliefs sought and the orders passed thus far in the Writ Petition:

- i. Is a Constitutional Court, either under Articles 226 or 32, cloaked with the necessary jurisdiction to directly restrain content during the pendency of an examination by the appropriate State authority on the legality of the content under applicable laws?
- ii. Assuming the appropriate State authority finds nothing objectionable with the content under the applicable law, does any statute or the Constitution itself permit Constitutional Courts to step into the shoes of the State to restrain the broadcast and consumption of such content?
- iii. Given that this Hon'ble Court has recognized the fundamental right of the public to consume content, can a Constitutional Court fetter the broadcast of such content without considering the public's right to consume?

- iv. Is it constitutionally permissible for Constitutional Courts to judicially legislate a new species of impermissible speech, namely "Hate Speech"?
 - v. What is the jurisprudence on "Hate Speech" in India and in other jurisdictions?
 - vi. Independent of the above questions and without prejudice to them, would it be fair and reasonable to lay down the law on hate speech based on a particular instance which forms the basis of the Writ Petition without considering the contemporary landscape on exercise of free speech which sheds light on the standards observed in current discourse?
8. It is humbly submitted on behalf of the Applicants that neither morals nor laws can or must be laid down in vacuum. After all, they do not operate in vacuum and must, therefore, be informed by experience. To quote the legendary American Jurist Justice Oliver Wendell Holmes Jr., "*the life of the law has not been logic; it has been experience*". Consequently, before proceeding to address Issues (i)-(v) as enumerated in the preceding Paragraph, the Applicants humbly seek to address Issue (vi) by placing before this Hon'ble Court a broad lay of the land on the contemporary exercise of free speech by vast sections of the media lest this Hon'ble Court assumes that the specific instance which has been escalated for this Hon'ble Court's consideration in the Writ Petition

is a one-off instance. To this end, the Applicants seek to place before this Hon'ble Court a Report titled "A Study on Contemporary Standards in Religious Reporting by Mass Media" prepared by the first Applicant which captures approximately 100 instances of patently false reportage by mainstream media organizations whose reach and stature lend credibility to their content in the minds of the readers. In each of these instances, Indic faiths and Indic communities have been the subject of blanket stereotyping, generalization and demonization which have become par for course in the mainstream media. Applying the standards which appear to emanate from the *ad interim* Order passed in the Writ Petition restraining the telecast of the impugned content, it is clear that each of the 100 instances enumerated in the Report ought to have been or must be actioned against on similar lines at the very least. A true copy of the above-mentioned report has been produced herewith and marked as **ANNEXURE - A2**

9. Conversely, it would be fair to presume that the impugned content is merely consistent with the standards set by mass media over the decades on religious reporting. That this is the contemporary standard of religious reporting is evident from the fact that no authority has initiated any legal proceeding against any of these entities or authors for misrepresentation or fanning communal

passions or demonising Indic communities and their ways of life which are clearly the subject of their reportage. Such being the case, the fifth Respondent would be justified in assuming that it was merely playing by the rules of reportage which have not caused a stir in any quarter or conscience hitherto, and which have, in fact, been celebrated as examples of “stellar” and “courageous” journalistic work. It is clarified that the Applicants do not hold brief for the fifth Respondent, however, it is certainly the case of the Appellants that at least under the law, what is good for the goose is and must equally hold good for the gander. Treating content otherwise would be a textbook instance of insidious application of the law and community standards based on which particular individual or community is the subject of reportage. It is further submitted, with great humility, that the law on free speech is and must remain impervious to sentiments being affected or hurt on the basis of the numerical strength of a particular community, failing which the law would be patently communal and defeat the very object of fundamental freedoms of free speech and expression. To paraphrase the United States Supreme Court in *R. A. V. v. St. Paul* 505 U.S. 377 (1992), the Petitioner and the Intervenors herein cannot license one side of a debate to fight freestyle, while requiring the other to follow

Marquis of Queensberry rules. It is in the above light that the Applicants shall address Issues (i)-(v).

ISSUES (i)-(iv)

10. It is humbly submitted that the preliminary legal question that needs to be addressed in the context of redressal of grievances with respect to a certain content is whether such content is governed or regulated by any existing law, and if so, whether the law has provided a specific mechanism for redressal of grievances with respect to such content. Importantly, whether such a law envisages *ex ante* examination of the content by way of censorship or does it envisage *ex post facto* evaluation of the content based on complaints received in respect of the content. Typically, in providing such mechanisms, regard is had by the Legislature to the nature of the medium and the quantum of content that is expected to be generated, which has a bearing on any feasible mechanism that may be put in place to regulate it, either *ex ante* or *ex post facto*.
11. For instance, in the case of cinematograph films, the Cinematograph Act 1952 applies specifically to public exhibition of films which is subject to the grant of an appropriate certificate by the Central Board for Film Certification (CBFC). Given the relatively manageable number of films which are produced for public exhibition in the manner envisaged by the said Act, it is

feasible to undertake an *ex ante* exercise. However, in stark contrast, given the sheer volume of content that is produced for consumption through television, the Cable Television Networks (Regulation) Act, 1995 envisages a different mechanism altogether which spells out a Programme Code and an Advertisement Code pursuant to Sections 5 and 6 of the said Act, which are further elaborated in Rules 6 and 7 of the Cable Television Network Rules, 1994. Pertinently, Chapter V of the said Act under Sections 19 and 20 envisage what is broadly an *ex post facto* mechanism. Further, the said mechanism also spells out the specific authority which shall preside over and adjudicate complaints and grievances received under Sections 19 and 20. The underlying point that is being made is that the Cable TV framework expects content creators to comply with the Codes, and violation of the Code is escalated to the appropriate authorities identified under the statute through what is now known as “community support” in the internet parlance.

12. A similar *ex post facto* mechanism exists in the case of the Information Technology Act, 2000 which expects platforms which claim to be intermediaries to operate within the lines set out by the intermediary guidelines, the violation of which is addressed through a similar community support mechanism. This is necessitated by the sheer volume of content that is generated on

such platforms on the internet which outstrips other media by several orders of magnitude. This critical fact has been taken note by this Hon'ble Court in its landmark judgement delivered in *Shreya Singhal v. Union of India* AIR 2015 SC 1523. Further, in the said judgement, this Hon'ble Court has also recognised that it is not possible for platforms to adjudicate on the legality and legitimacy of grievances aired with respect to the content hosted on the platform, and, therefore, such grievances must be supported by a Court order before the content can be sought to be taken down.

13. From the above, it emerges that in seeking to regulate content, regard must be had to the nature of the medium and the specific legislation that applies to such content which is the primary legislation that has dominion over the said content. Any exercise of jurisdiction even by Constitutional Courts pursuant to their plenary powers under Articles 226 and 32 must necessarily conform to the black letter of such legislations, and cannot be in derogation of them. Importantly, the jurisdiction of Constitutional Courts is limited to examining the validity of State action within the four corners of such legislations, but cannot extend to prescribing fetters on such content. The bar against judicially crafted restraints on such content is clearer when there exists no legal vacuum with respect to the regulation of such content. In

Jafar Imam Naqvi vs Election Commission of India, AIR 2014 SC 2537, this Hon'ble Court has clarified that directions have been issued by this Hon'ble Court only when there has been a total vacuum in law, i.e. complete absence of active law to provide for the effective enforcement of a basic human right. In the event of legal vacuum to deal with a particular situation, the Court may issue guidelines to provide absolution till such time as the Legislature acts to perform its role by enacting proper legislation to cover the field. Therefore, directions can be issued only in a situation where the will of the elected legislature has not yet been expressed.

14. This Hon'ble Court has further held that in the *Jafar Imam* judgement that in case there is inaction on the part of the Executive for whatsoever reason, the Court may step in, in exercise of its constitutional obligations to enforce the law. However, in order for the Court to conclude that the Executive is guilty of inaction, it must account for lapsation of a reasonable period of time before the inference of inaction on the part of the State can be drawn. If this safeguard is not observed, it would result in clear and serious transgression of the doctrine of separation of powers. Particularly, when there exists a statute which represents the will and preserve of the Legislature, which vests the Executive with a specific power to deal with an exigency

which represents the preserve of the Executive, law and propriety require that Constitutional Courts must observe restraint until the Executive has had a reasonable period to discharge its duty. The anxiety of a few hyper-sensitive individuals is not an adequate reason to abandon these safeguards since not only do they preserve the respective domains of the three organs, they also preserve the valuable right of the content creator to disseminate her content and the equally valuable right of the public to consume such content.

15. It is submitted that the other critical reason for the existence of such a safeguard is to prevent Constitutional Courts from substituting their discretion for that of the authority prescribed under the applicable law. After all, the power to regulate content is the exclusive preserve of the State, and the Judiciary, in particular Constitutional Courts, do not form part of the State within the meaning of Article 12 as has been laid down by this Hon'ble Court in a catena of decisions starting from the verdict of a nine-Judge Bench in *Naresh Shridhar Mirajkar v. State of Maharashtra* 1966 SCR (3) 744 to a Constitution Bench in *Rupa Ashok Hurra vs Ashok Hurra & Anr* AIR 2002 SC 177. It is precisely for this reason that this Hon'ble Court had held in *Bobby Art International, Etc vs Om Pal Singh Hoon & Ors* (1996) 4 SCC 1 that the drawing of the line is best left to statutory authorities who

have been cloaked with the jurisdiction to preside over such issues.

16. Importantly, to reiterate an earlier submission, even in enforcing the law in the event of Executive inaction, Constitutional Courts must have regard to contemporary standards of discourse in a given field or on a particular medium in respect of an issue before concluding that a specific instance is proof of transgression of the contemporary standards and the law. It is precisely for this reason that the Applicants herein beseech this Hon'ble Court to have regard to the Report prepared by the first Applicant before passing directions which have serious implications for exercise of free speech in the context of the media.

ISSUE (v)- THE LAW ON HATE SPEECH

17. It is humbly submitted that the first document that merits consideration on the said issue is the 267th Report of the Law Commission of India on Hate Speech. In the said Report, in 2017, the Law Commission has undertaken a detailed analysis of the subject based on the findings and recommendations of this Hon'ble Court in *Pravasi Bhalai Sangathan vs U.O.I. & Ors* (2014) 11 SCC 477. Before the said Report is discussed in detail, it bears noting that in the *Pravasi* judgement, in the facts of the said case, this Hon'ble Court had come to the conclusion that statutory provisions, in particular penal law, provide sufficient remedy to

curb the menace of "Hate Speech". This Hon'ble Court had further held that a person aggrieved must resort to the remedy provided under a particular statute instead of resorting to a vague "hate speech" based argument whose metes and bounds are unclear under Indian law. In fact, this Court had even observed that the root of the problem is not the absence of laws but rather a lack of their effective execution. In view of this finding of a three-Judge Bench of this Hon'ble Court, it is for the Petitioner, for the purposes of the Writ Petition, to demonstrate as to the need to recognize a new form of restriction on free speech, namely "hate speech", which the existing legal framework is not equipped to address bearing in mind the express language of Article 19(2) of the Constitution. This is without prejudice to the preliminary contention that creating a new fetter even under the grounds enumerated under article 19(2) is the exclusive preserve of the Legislature, and resort to judicial legislation in exercise of the powers of this Hon'ble Court must be sparing and an option of last resort lest it upsets the Constitutional scheme.

18. The Report of the Law Commission also recognises that under the law as laid down by this Hon'ble Court in several judgements, a distinction has been validly struck between discussion/advocacy on the one hand, and incitement on the other. The Report also acknowledges that under Indian law the effect of the words used

in the offending material must be judged applying the standards of reasonable, strong-minded, firm and courageous women, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view. Critically, the Report notes that India follows a speech protective regime as in practice in the United States and that Indian Courts are extremely cautious in restricting Article 19 of the Constitution. The Report also highlights that the reason behind such a position is the apprehension and fear of misuse of restrictive statutes by the State. This is a factor that must be considered by this Hon'ble Court in evaluating the expectation by the Petitioner and Intervenors that this Court must lay down the law on hate speech.

19. The Report undertakes a survey of the existing positions on hate speech in various jurisdictions and notes that there exists a stark difference between the protection available to hate speech in the United States and the restrictions on hate speech under the EU Law. What is pertinent to note is that the difference in the said positions is not merely attributable to the difference in legal frameworks, but also to cultural and historical backdrops which significantly differ on either sides of the Atlantic. After all, free speech and its limits are determined by extremely contextual and civilizational considerations, which warrant that no principle from abroad on hate speech be mechanically imported and applied to

Indian circumstances especially through a non-legislative route that lacks the benefit of greater participation by all stakeholders, including and especially the general public. It is underscored by the Applicants herein that India being an extremely complex country with an equally complex history must be treated as being in a class of its own on issues relating to free speech and expression. To try and seek parity on issues of free speech with other jurisdictions is to ignore the ground realities of India and the issues which resonate with Indians. This is precisely why the Report of the Law Commission, while recognizing that hate speech as a class merits consideration, is also acutely alive to the fact that this class eludes a clear and precise definition and could hand a tool of persecution in the hands of the State and motivated parties to the detriment of the freedoms guaranteed under Article 19.

20. Importantly, given that history is the subject of constant debate in India, a poorly and hastily conceived position on hate speech is bound to stifle free speech to the detriment of the process of truth and reconciliation which is possible only if the envelope of free speech is pushed. It must also be borne in mind that all reform starts with the exercise of free speech, which is bound to affect and hurt those who resist it. "Hate speech" without clear metes and bounds could end up strengthening the hands of those who

wish to prevent the truth from emerging or who wish to resist reform by alleging persecution and discrimination merely because certain facts are politically incorrect or do not fall within their worldview. With the deepest of respect, the Applicants also wish to candidly express their apprehension that a judicially defined "hate speech" without adequate representation from all stakeholders and devoid of a legislative debate could inadvertently result in a lopsided definition which furthers one position over the other. Therefore, it is humbly submitted that law and propriety warrant that the cogitation on "hate speech" must be relegated to the Legislature which is better suited and constitutionally mandated to undertake the said exercise, and that the scope of adjudication in the Writ Petition may be limited to the specific instance which is the subject of the Petitioner's grievance, applying, of course, the contemporary standards of religious reporting in mass media.

21. The Applicants humbly seek the permission of this Hon'ble Court to present the above submissions, in addition to other material, should the Court proceed to pass directions with respect to hate speech and content regulation.

PRAYER

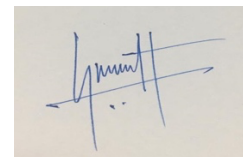
It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

- i. Implead the Applicant organisations as a Party Respondents in the above-mentioned Writ Petition;
- ii. Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT, AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

A rectangular box containing a handwritten signature in blue ink. The signature is stylized and appears to read 'Suvidutt M.S.'.

J. SAI DEEPAK

SUVIDUTT M.S.

ADVOCATE

ADVOCATE FOR APPLICANTS

Drawn on: 19.09.2020

Filed on: 21.09.2020

New Delhi

IN THE SUPREME COURT OF INDIA
CIVIL APPELATE JURISDICTION
W.P. (C) No. 956 OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|-------------|
| FIROZ IQBAL KHAN | | PETITIONER |
| | VERSUS | |
| UNION OF INDIA & ORS. | | RESPONDENTS |

AFFIDAVIT

I, Ashish Dhar, S/O Dr. L.N. Dhar, aged 39 years, Head of Operations, Indic Collective Trust, having registered office at 5E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross Street, Adambakkam, Chennai – 600 088, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the Head of Operations of the Applicant No.2 Organization in the present Application and being well conversant with the facts and circumstances of the present case am competent to swear this affidavit on behalf of the Applicant No.2 organization and other Applicant organizations as well;
2. That I have read over the accompanying Application from Paras 1 to 21 (pages 1 to 20) and Annexures from A1 to A2 and I have understood the contents therein which are true to my knowledge.



DEPONENT

VERIFICATION

Verified this on this 20th day of September, 2020, at New Delhi that the contents of the above Affidavit from para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.



DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

I A. NO. ___ OF 2020

IN

W.P. (C) No.956 OF 2020**IN THE MATTER OF:**

FIROZ IQBAL KHAN PETITIONER

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

AND IN THE MATTER OF:

OPINDIA & ORS. APPLICANTS/

INTERVENORS

APPLICATION FROM EXEMPTION FROM FILING**NOTARIZED AFFIDAVIT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE

SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF

THE APPLICANTS ABOVE NAMED

MOST RESPECTFULLY SHOWEH:

1. It is humbly submitted that the Applicant organizations namely OpIndia, Indic Collective Trust and Upword Foundation are not in a position to get the Affidavit notarized in IA filed in the Writ Petition (Civil) No. 956/2020 owing to COVID-19 pandemic spread.
2. That in the interest of justice present IA may be entertained without filing notarized affidavit.

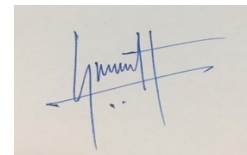
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

- iii. Exempt the Applicant organisations from filing notarized affidavit in the above-mentioned IA;
- iv. Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT, AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:



SUVIDUTT M.S.

ADVOCATE FOR APPLICANTS

Drawn on: 19.09.2020

Filed on: 21.09.2020

IN THE SUPREME COURT OF INDIA
CIVIL APPELATE JURISDICTION
W.P. (C) No. 956 OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|-------------|
| FIROZ IQBAL KHAN | | PETITIONER |
| | VERSUS | |
| UNION OF INDIA & ORS. | | RESPONDENTS |

AFFIDAVIT

I, Ashish Dhar, S/O Dr. L.N. Dhar, aged 39 years, Head of Operations, Indic Collective Trust, having registered office at 5E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross Street, Adambakkam, Chennai – 600 088, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the Head of Operations of the Applicant No.2 Organization in the present Application and being well conversant with the facts and circumstances of the present case am competent to swear this affidavit on behalf of the Applicant No.2 organization and other Applicant organizations as well;
2. That I have read over the accompanying Application and I have understood the contents therein which are true to my knowledge.



DEPONENT

VERIFICATION

Verified this on this 20th day of September, 2020, at New Delhi that the contents of the above Affidavit from para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.



DEPONENT

ITEM NO.1

Court 5 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.956/2020

FIROZ IQBAL KHAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for appropriate orders/directions and exemption from filing affidavit)

Date : 18-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Anoop J. Chaudhari, Sr. Adv.
Mr. V. Elanchezhiyan, AOR

For Respondent(s) Mr. Tushar Mehta, SG
R-1 & R-2 Mr. K.M. Nataraj, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Rajat Nair, Adv.
Mr. Amit Sharma, Adv.

For R-3 Mr. Preetesh Kapur, Sr. Adv.
Mr. Anshuman Ashok, AOR

For R-4 Ms. Nisha Bhambhani, Adv.
Mr. Rahul Bhatia, AOR

For R-5 Mr. Shyam Divan, Sr. Adv.
Mr. Bijendar Singh, Adv.
Ms. Amita Sachdeva, Adv.
Mr. Pankaj Kumar Verma, Adv.
Ms. Vaishnavi Ranjana, Adv.
Mr. Chanakya Gupta, Adv.

Ms. Mallika Parmar, Adv.
 Mr. Vinay Rajput, Adv.
 Mr. Sudipto Sircar, Adv.
 Ms. Sugandha Yadav, Adv.
 Ms. Anshula L Bakhru, Adv.
 Mr. Vishnu Shankar Jain, AOR

IA 91167/2020 &
 (For Intervention)

Mr. Anas Tanwir, AOR
 Mr. Gautam Bhatia, Adv.

IA 91132/2020
 (For Intervention)

Mr. Shadan Farasat, AOR
 Mr. Shourya Dasgupta, Adv.
 Mr. Bharat Gupta, Adv.

IA 90940/2020
 (For Intervention)

Ms. Sharukh Alam, Adv.
 Ms. Liz Mathew, AOR
 Mr. Shantanu Singh, Adv.
 Mr. Ankur Gulyani Panda, Adv.
 Mr. Navneet R., Adv.
 Ms. Sonali Jain, Adv.

**UPON hearing the counsel the Court made the following
 O R D E R**

List the Writ Petition on 21 September 2020 at 2 pm for further hearing.

(CHETAN KUMAR)
 AR-cum-PS

(SAROJ KUMARI GAUR)
 BRANCH OFFICER

TRUE COPY





A STUDY OF CONTEMPORARY STANDARDS IN RELIGIOUS REPORTING BY MASS MEDIA



WRITTEN BY:

NUPUR J SHARMA
EDITOR
OPINDIA.COM

HATRED!

...e, and then murder, of a child ha
...conscience. Every articulate c
...so much hatred that the b
...become a battleground c
...within us.

**A STUDY OF
CONTEMPORARY
STANDARDS IN
RELIGIOUS REPORTING
BY MASS MEDIA**

**3 THE
HINDUPHOBIA IN
DELHI RIOTS
COVERAGE**

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In 1988, Noam Chomsky and Edward Harman explained rather effectively in their book, *Manufacturing Consent*, the illusion of a free and independent media whose sole function is to inform people. The media, often toes the line of the establishment which would include powerful entities like corporates, political powers and those who wish to control how a people think and what they believe.

While the ownership of the mass media in today's India and the power of corporates hold over them are equally important subjects and certainly, to a large extent, explain why the media today behaves in the manner it does, for the purpose of this report, we must understand the other 'filters' that are usually in play.

The mass media today barely relies on documents and hard facts. They rely on sources, information that has been fed to them, and how that information can be twisted, broken, represented to ensure that the people believe that agents of power want them to believe. The mass media decides a common enemy and anyone who dares to present anything that is in non-observance of the narrative that has been decided, receives flak.

The common enemy and the universal victim is pre-decided and facts, which inconvenience the narrative that is to be furthered, are pushed under the rug, till someone manages to shine the light on them, at which point the cycle of them receiving flak from 'the powers that be' is kickstarted anew till the facts are conveniently filtered again – to help the elite subjugate the people.

The mass media today has decided who the common enemy must be and which community should be deemed the universal victims. What we see today is how one community, the Hindus, are demonized and denied dignity and the media has been one of the most essential cogs that have facilitated in the spread of rampant Hinduphobia in the name of the principles of secularism which are now applied selectively to shield one community and demonise the other.

Essentially, the media has managed to reinforce that the yardstick for justice and dignity should vary in degree, determined by which community is the subject of discussion. The heathens, religiously and metaphorically, are stripped of their dignity with lies, manufactured narratives, offensive visual aids like 'representative images', being branded with factually incorrect and fancy words like Brahmanism and declared the aggressors simply because they dared to be Heathens.

In the light of the litigation that has been presented to the court in the case of Sudarshan News, as a journalist certain important questions have come to the fore.

What has been the acceptable discourse for one community is now being called to question when the same standard is being applied to a different community. Further, the standard is not only being questioned by means of 'flak' to ensure that the discourse remains limited to the Hindu community, but has now entered the legal area where journalists are being told that the same standard of discourse that has been applied to Hindus cannot be applied when it comes to the Muslim community.

In the course of reporting, that yardstick becomes problematic because the media would then essentially have to differentiate between two communities and apply standards of discourse which are different for both communities – Muslims and Hindus.

It is pertinent to note that in none of the instances cited in the report have the media been prosecuted or pulled up by any court of law for Hinduphobia or even for extrapolating fake news to brand the entire community.

In the light of this, an examination of the journalistic practices prevalent when talking about one community must be examined to ensure that the same standard is acceptable when talking about another community.

While 'hate speech' is certainly a subjective matter, facts, essentially should not be. And when facts are twisted to force-fit 'hate speech' against Hindus, and perpetrators of one community are shielded at the expense of the other community, the moral construct of what constitutes 'hate speech' cannot be applied selectively whilst talking about the former community.

In this report, we will demonstrate instances of blatant Hinduphobia that was displayed by the media in their coverage by distorting facts, selectively quoting details, pictorial representations, fake news and opinion articles. In the light of the case before the court now, this report is meant to assist the court in discerning how the standard of discourse has been set by the mass media over the years.

OpIndia, over the years, has documented several such instances and only a select few have been presented here as a representation of the mass media standard of reporting when it comes to the Indic faiths.

I. The Hinduphobia in Delhi Riots coverage

Activist who called for Jihad against Kafirs Hailed as 'Shero'

One of the greatest exercises in manufacturing support/consent of the people in recent times by the mass media, was seen during and after the Delhi Riots this year. While the investigation today is focused on the Delhi Riots that erupted on the 24th and 25th of February, it is true that violence started back in December 2019 and the rampant Hinduphobia was also visible from December itself.

The first example of rampant Hinduphobia that can be cited is, how Ms Barkha Dutt turned an individual who called for the systematic targeting of Hindus and celebrated the Moplah riots, as a 'Shero' after the Jamia violence in December.

On 11th December 2019, A student Ladeeda Farzana aka Ladeeda Sakhatoon, who reappeared much later after unbridled violence erupted, had given a call to Jihad, a fact that was discovered much later. In a Facebook post from 11th December, Ladeeda had given a call to Jihad against 'Kafirs'. The call to Jihad had mentioned the battles of Karbala, Uhud and Badar. The mention of Badr, Uhud and Karbala is significant as these are the battles where the early Muslims had scored decisive victories against the 'Kaafirs'. The Battle of Badr was fought by Prophet Muhammad himself and is considered to be won by Allah's divine intervention. The Battle of Uhud was the second military encounter between the 'Kaafir' Meccans and the Prophet.

The battle of Karbala was fought between the Second Umayyad Caliph Yazid - I and grandson of the Islamic prophet. This battle ultimately sealed the Shia-Sunni divide. She ends the post with "*La ilaha illa allah, Muhammad rasoolullah.*"

Given the mention of the three places along with Jihad is ample evidence that Ladeeda Sakhatoon's call for Jihad cannot be whitewashed as a mere non-violent struggle or spiritual struggle.

Clearly, Ladeeda Sakhatoon is drawing an analogy with breaking a peace treaty with 'Kaafirs' and going to war against them. This cannot be dubbed as a call for spiritual Jihad or non-violent Jihad.

However, Ms Ladeeda was hailed as a 'Shero' by the Media after the Jamia violence.

Here are some headlines and stories that glorified the student activist who had called for Jihad against Hindus:

1. ScoopWhoop - Meet Ayesha Renna & Ladeeda Farzana, The Women Who Became The Brave Faces Of The Jamia Protests
2. The Lallantop: [https://www.lallantop.com/2020/03/06/indian-police-try-to-beat-up-a-protester-then-a-group-of-young-women-stopped-them/](#). While the article itself also addressed the issues of her Facebook post, the featured image of the article seemed to communicate to the people that these activists were trying to shield India, thereby, painting them as 'sheroes'.
3. The Washington Post: Indian police tried to beat up a protester. Then a group of young women stopped them.
4. The Outlook: 'Wanted Our Voice To Reach Miles': Meet Jamia Millia Islamia's Three Girls Protesting Against Citizenship Act. In this article, there was no mention of her radical and extremist views.
5. The Mojo Story: They were termed as Sheroes by Mojo Story and Ms Barkha Dutt with no mention of their call for Jihad against Hindus.

Essentially, what happened in this case was that a person who was calling for violence against Hindus was branded as a hero who was fighting the state's oppression.

How the media whitewashed the Delhi Riots in an attempt to allege that Hindus started the violence

The investigation into the Delhi Riots has unearthed a conspiracy to unleash violence in the streets of Delhi. The names that have come forward thus far in the chargesheets filed on the matter by the Delhi Police include a former AAP Councillor Mr. Tahir Hussain, Mr. Umar Khali and Mr. Khalid Saifi among others. The Delhi Police suspects the three to have played a prominent role in hatching the conspiracy.

The chargesheet filed on the basis of FIR No. 59, filed by the Crime Branch of the Delhi Police on the 6th of March 2020, was admitted by Additional Sessions Judge Amitabh Rawat recently. The Delhi police had invoked various sections of the Unlawful Activities (Prevention) Act (UAPA) along with the Indian Penal Code in the case.

The Delhi Police has named 15 prime accused in the Delhi riots case that includes Tahir Hussain, former Congress leader Ishrat Jahan, self-proclaimed activist Khalid Saifi and Jamia Coordination Committee members Safoora

Zargar and Meeran Haider. 'Activists' and members of Pinjra Tod – Devangana Kalita and Natasha Narwal have also been named in the charge-sheet along with Jamia Millia Islamia (JMI) student Asif Iqbal Tanha.

The other names in the Delhi Police chargesheet are Mohd Parvez Ahmed, Mohd Illyas, Shahdab Ahmed, Tasleem Ahmed, Saleem Malik, Mohd Saleem Khan and Athar Khan. The chargesheet also mentions the role of Umar Khalid in fomenting chaos in the country during United States President Donald Trump's official visit to India.

The Delhi Police, in its chargesheet, had said that on February 23, 2020, as per a pre-planned conspiracy, many children and women were instigated to block the Jaffrabad metro station. According to the police, this resulted in a clash at the metro station, which subsequently escalated into communal riots across North-East Delhi. In the charge-sheet, the Delhi police has revealed that on January 8, Tahir Hussain had met Umar Khalid and Khalid Saifi at the sit-in protest in Shaheen Bagh. During such meetings, Umar Khalid is reported to have assured logistical support to the mob through his contacts in the Popular Front of India (PFI), the police said.

Therefore, the investigation thus far clearly points towards a larger conspiracy behind the riots at the national capital. In this context, it is also pertinent to mention Sharjeel Imam who was seen inciting people to cut off North-East India from the rest of the country by blocking the Chicken's Neck, a sensitive area that is of great importance for Indian national security. He is currently in prison as well.

The Media's communally charged coverage

The communal riots in Delhi caused immense damage to life and property. 53 people lost their lives in the violence that ensued. Of those identified, 36 were Muslims and 15 Hindus. Despite the significant deaths of Hindus in the communal violence, the media portrayed it as an 'anti-Muslim pogrom' despite the lack of evidence to support such a claim. It is a fact that the attempt by Muslim women to block the road at Jafrabad metro station was the trigger that set the cycle of events in motion and the violence that ensued was communal in nature. And yet, a dedicated attempt was made to pin the entire blame for the riots on a community whose members did not instigate the violence.

It was also ignored that the communal riots in Delhi were the culmination of a cycle of violence that was set into motion as far back as December 2019, right after the passage of the Citizenship Amendment Act. Anarchy erupted across the streets of Delhi as well as large parts of the country. Vehicles were

set on fire, private and public property were damaged and especially in Delhi, things never really calmed down since violence first broke out in the first half of December. All of this reached a breaking point with the communal riots in the national capital in the month of February.

The mainstream media ignored all of this and chose, instead, to portray the Delhi Riots in isolation of what happened earlier. It was necessary to further the claim that it was an 'anti-Muslim pogrom'. Throughout the entire episode, there were monumental lies that were peddled as gospel truth and truth that was sought to be silenced in order to further a preconceived narrative.

The media and the murder of Ankit Sharma

The Wall Street Journal (WSJ) claimed that Ankur Sharma, brother of the deceased IB officer, told them that the rioters had come armed with stones, rods, knives, and even swords, and chanted slogans of 'Jai Shri Ram' before attacking his brother Ankit Sharma. 'Jai Shri Ram' is a widely popular slogan among Hindus that literally means 'Glory to Shri Rama'. WSJ's report dated ____ that claimed that Ankur Sharma had told them that his deceased brother was attacked by a mob chanting 'Jai Shri Ram' was naturally interpreted by people across the political spectrum that the murder was committed by a Hindu mob.

The only problem with WSJ's report is that Ankur Sharma has never said such a thing. Every time that they have spoken to the media, Ankit Sharma's family has always maintained that Tahir Hussain is responsible for his death. Even the FIR filed by the Police on the basis of the statement given by the family holds the AAP leader as the accused party. It was quite clearly a malicious lie that was peddled by the WSJ. Speaking to OpIndia Editor Nupur J Sharma, Ankur Sharma refuted the quote that was attributed to him by the WSJ. "I have never said this madam, the people who murdered my brother were not shouting Jai Shri Ram", he said.

The WSJ's malicious report was then used by newspapers such as Jansatta to claim that Ankit Sharma was murdered by sword-wielding goons chanting 'Jai Shri Ram'. Another media portal, Swaraj Express, made similar claims based on the lies spread by the WSJ. In a news clip that was posted on YouTube, the anchor said, "His [Ankit Sharma] brother has revealed that the people who murdered Ankit Sharma were raising Jai Shri Ram slogans and they carried swords in their hands. According to the Wall Street Journal report, when he was returning home, a mob started pelting stones and took him to a nearby lane. According to the report, Ankur Sharma said in a telephonic interview, the mob had come armed with stones and swords, they were raising slogans of Jai Shri Ram loudly. Some had even worn helmets."

Relevant Links

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<https://www.opindia.com/2020/02/wall-street-journal-ankit-sharma-delhi-riots-fake-quote/>

<https://www.opindia.com/2020/02/opindia-exclusive-ib-officer-murder-islamists-delhi-anti-hindu-riotsshaheed-status-arvind-kejriwal-tahir-hussain/>

<https://www.opindia.com/2020/02/jansatta-ankit-sharma-murder-brother-blame-hindu-fake-news/>

<https://www.opindia.com/2020/03/swaraj-express-vinod-dua-wsj-ankit-sharma-lies-delhi-riots/>

The 'anti-Muslim pogrom' narrative

A 'pogrom' is described as an "organized massacre of a particular ethnic group, in particular that of Jews in Russia or Eastern Europe." Clearly, what happened in Delhi was not a 'pogrom' but communal riots and yet, the mainstream media paid no heed to facts.

When a journalist reports instances of communal violence, what is essential is to not get completely swayed by the tragic death one sees everywhere but to trace, clinically, the genesis of the violence – who started it, when did it start and why did it start. In this case, the violence erupted right from the 15th of December 2019 and culminated in the February 2020 riots. The investigation clearly reveals that the riots were pre-planned, where according to the investigation so far, there was a meeting in Shaheen Bagh on the 8th of January 2020 between Tahir Hussain, Umar Khalid and Khalid Saifi to plan the riots. In fact, during ground reportage, one found several hints of the planned riots against Hindus which are now being vindicated by the police investigation into the matter. However, disregarding the mounting evidence, from the moment the violence erupted, it was furthered by the mass media that the violence was started by the Hindu community against the minority community. There was no due diligence and none of the publication houses or news channels have been pulled up for this blatant sabre-rattling.

A journalist has to make conclusions based on the evidence at hand, however, here, the conclusion was already reached by the mass media and instances, facts, statements were cherry picked to suit that conclusion.

The New York Times, in a report published on the 12th March 2020 titled, 'How Delhi's Police Turned Against Muslims' claimed that the Police engaged in an organized campaign of violence. The NYT stated in its report, *"India has suffered its worst sectarian bloodshed in years, in what many here see as the inevitable result of Hindu extremism that has flourished under the government of Prime Minister Narendra Modi. His party has embraced a militant brand of Hindu nationalism and its leaders have openly vilified Indian Muslims."*

In an opinion piece published by The Guardian on 1st March 2020, authored by one Kenal Malik, the headline declared, *"The violence in Delhi is not a 'riot'. It is targeted anti-Muslim brutality"*. Malik wrote, *"Journalists and politicians have talked of "rioting" and "communal violence". That's no more accurate than describing the attack on Notting Hill's black residents as a "riot". What Delhi witnessed over the past week is the Indian equivalent of "nigger hunting", targeted violence against Muslims, led by mobs of Hindu nationalists, mainly supporters of the BJP, India's governing party, many chanting "Jai Shri Ram" ("glory to Lord Rama") and "Hinduon ka Hindustan" (India for Hindus)." It is a gross misrepresentation of what actually happened.*

The Atlantic published an article titled *"What Happened in Delhi Was a Pogrom"* by Mira Kamdar on the 28 February, 2020. It said, *"The violence unleashed against Muslims in Delhi by armed Hindu mobs during President Donald Trump's visit to India is a portent and a lesson. As Trump sat down to dine with India's prime minister, Narendra Modi, on Tuesday, Hindus in the same city were beating and shooting Muslims, and Muslims were fighting back, trying to defend their homes and businesses from looters and arsonists. More than 40 people were killed—including an 85-year-old woman too frail to flee her burning home—and more than 200 people, mostly Muslims, were injured."* Thus, we see attempts to whitewash the crimes committed by the members of one community as 'self-defence'. This is, again, quite the inversion of reality.

The Times declaring in its report, *"Hindu mobs threaten to purge Delhi of Muslims"*. France24 publishing a report titled *"Hindu nationalist BJP supporters' 'pent-up anger' behind deadly Delhi riots"* are also works of journalism that were riddled with lies and distortions and offensive and vilifying a particular community. One lecturer at the School of Oriental and African Studies in London was quoted by the media outlet as saying, *"Since December, you've had relatively consistent demonstrations going on in Delhi and then in many other towns in India as well. These were completely non-violent demonstrations, in which women had taken part in large numbers. This became far more volatile when the BJP, especially its senior leader Amit Shah – also the home [interior] minister – as well as leading BJP politicians in Delhi began to use the protests against the C itizenship A ct as part of their*

campaign for the Delhi state elections." This is, again, a blatant distortion of reality as evidenced by the fact that the communal riots in Delhi was the climax of a cycle of violence that began in December 2019.

The Associated Press said in its report on the communal violence in Delhi, *"India's hard-line Hindu nationalist watched anti-government protests centred in Muslim communities for months in anger that finally boiled over in the worst communal rioting in New Delhi in decades, leaving 38 People dead and the Indian capital shell shocked."* The New Yorker said on the matter, *"Since Sunday, mobs had been destroying the shops and homes of Muslims, vandalizing mosques, and assaulting Muslims on the streets. In their chants of "Jai Shri Ram," praising a Hindu deity, their loyalties were clear. The attackers were Hindu nationalists, part of a right wing that has been empowered by Prime Minister Narendra Modi's government; many of them were even members of his party."*

In an opinion piece for The Wire on the 4 March, 2020 titled *'Let's Call it By its Real Name – Ethnic Cleansing'*, Siddharth Bhatia wrote, *"What we are seeing is the Indian version of ethnic cleansing. In a country as large as India, and with entrenched democratic institutions and a fairly robust federal structure, to say nothing of diversity, 'getting rid' of 200 million Muslims won't be an easy task. But that is not going to stop the Sangh from trying."* He had also commented, *"The prime minister maintains a stoic silence, Amit Shah is trying to sound like his combative best and the police allows violence against Muslims to continue. Meanwhile, His Lordships show no urgency in stepping in, declaring the courts cannot be expected to stop violence from occurring and the sarkari media finds different ways to convey the brutality of Muslims against Hindus."*

In another article on the 29th of February, The Wire claimed, *"Majoritarianism Has Turned the Populace Into an Ever-Ready Mob"*. The author claimed, *"One particular chant – Jai Shri Ram – has undergone a tectonic transformation. From being a simple phrase of greeting that it used to be – Jai Siya Ram – it has become a deadly weapon of fear to scare off the 'other'. The change in message and its meaning characterizes the change in social relationships."* It is hard to imagine the author making such claims about the chants of any other religion.

The *Scroll* on the 9 January, 2020 much before the Delhi Riots, published an article titled, *'The growing radicalisation of Hindus threatens the Indian republic and the Constitution'*. The author of this particular incendiary article opined, *"A growing number of Hindus now speak the insecure and angry language of those willing to discard their own culture, law and constitution and succumb to the dark fantasies of Hindu supremacy. Majoritarian visions,*

now openly expressed, empowered and normalised as reality, are the armoury from which India's ruling party fashions its arsenal of Hindu supremacist behavior, from the assaults on India's universities to using a raft of laws, new and old, against Muslims."

The author went on to add, *"There are more than a billion Hindus in India, and it is not my case that they are all radicalised, dangerous fanatics. The fundamentalists among the Hindus may not even be a majority. But they are more than they were, and they hold the key to determining the course India will take. The radicalised, or those they have brow-beaten into submission, now control large swathes of India's unfolding narratives. 'Hindu-first' policies, symbols and feelings are now predominant in politics, in the media, among the judiciary and the police and in public life. Hospital unions in Mumbai fly the bhagwa dhvaj, the Hindu flag, while police vehicles and public transport in Bangalore and elsewhere are adorned with images of Hindu gods."*

On the 25 February, 2020 The Caravan published a report titled *'Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections'*. The article went to great lengths to portray the series of events as a pogrom against the Muslim community by *'Hindu right-wing mobs'*, with saffron scarves and Tilaks on their forehead, chanting *'Jai Shri Ram'* and *'Har Har Mahadev'*.

The coverage of the Delhi Riots was replete with misrepresentations, half-truths and outright lies in order to peddle the narrative that there was only one community that was the aggressor and only one that was the victim. The coverage was tailor-made to craft the narrative of an *'anti-Muslim pogrom'* in Delhi despite the gruesome manner in which Hindus have been murdered as well. The coverage could not ever hope to build an atmosphere of peace and reconciliation but would inevitably generate a fear psychosis among the Muslim community that an ethnic cleansing was only days away.

In fact, the media went out of its way to ensure that violence committed by members of the Muslim community against Hindus was downplayed so that the violence suffered by them stands out in stark contrast. In one such instance, NDTV cropped out visuals of a Mosque in the riot-hit areas of Delhi. In the said video, a drone footage of the area being monitored to ensure peace, large heaps of stones could be spotted on the rooftop of a Mosque. That was deliberately cropped out by NDTV in its report.

In another such incidence, NDTV actually managed to put the life of an ordinary citizen in jeopardy. During his show dated 26 February, 2020, Ravish Kumar claimed that Mohammad Shahrukh, who was spotted with a gun during the violence that ensued, was actually Anurag Mishra. *"Police ki haalat yeh hai*

ki abhi tak giraftar nahin hua hai. Police saaf kehti hai ki Shahrukh hai magar aap social media mein dekhiye Anurag Mishra bataya jaa raha hai. (Situation of Police is such that they have not yet arrested him. Police says his name is Shahrukh but if you see on social media, he is called Anurag Mishra),” .

Similarly, The Wire downplayed the brutal murder of Dilbar Singh Negi during the Delhi Riots. The 20-year old ‘died of burn injuries’ said the media outlet. In reality, he was burnt alive by a Muslim mob after his limbs were cut off with a sword. The rioters, after cutting his hands and feet, threw the rest of his body into the burning fire. In similar fashion, Ankit Sharma was ‘beaten to death’, The Wire claimed. In reality, the IB constable was brutally thrashed and tortured before he was put to death. The savagery that wreaked upon his body is unparalleled.

Thus, we see a concerted attempt directed towards creating a narrative where one community emerges as the sole aggressor while the members of the other completely blameless victims. Needless to say, this is a recipe for chaos. The coverage of the media with regards to the Citizenship Amendment Act and the National Register of Citizens also, no doubt, contributed to the hysteria that was generated across the country despite the fact the CAA does not affect any citizen of India at all. Yet, the coverage gave citizens the impression that the law was discriminatory towards Indian Muslims and their citizenship was under threat in the country. Undoubtedly, it harmed communal harmony greatly and jeopardized the stability and social cohesiveness of our society.

Relevant Links:

<https://www.nytimes.com/2020/03/12/world/asia/india-police-muslims.html>

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<https://www.thetimes.co.uk/article/hindu-mobs-threaten-to-purge-delhi-of-muslims-brmlsm9s5>

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<https://scroll.in/article/949101/the-growing-radicalisation-of-hindus-threatens-indias-republic-and-the-constitution>

<https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu>

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<https://www.opindia.com/2020/03/the-wire-downplays-dilbar-negi-murder-details/>

II. Hate crimes by Hindus against Muslims that turned out to be fake, propagated by the media to tarnish Hindus as the aggressors against Muslims

In recent times, the mass media began a systematic campaign against the Hindu religious chant of 'Jai Shree Ram'. While the media pixelated the perpetrators of the minority community, it decided to create an alternate monster to assist them in justifying the different standards applied to different communities by falsely claiming that India had become a den of hatred against the dominant minority community and the majority was to be blamed.

As explained earlier, when the narrative furthered by the mass media is countered, the filter applied is to unleash a cycle of 'flak' so the dissenting narratives falls in line with the narrative that the mass media has chosen to further. Any opposition to the line taken by the mass media was met with legal notices, defamation and sustained campaigns to discredit the truth and assigned to Islamophobia.

OpIndia tracked at least 11 cases where the mass media had claimed that victims (Muslims) were lynched or attacked for not chanting the "Jai Shree Ram" slogan. Upon further inquiry, those cases turned out to be fabricated. After these fake cases were furthered, the media then proceeded to write opinion pieces branding the entire majority community as communal aggressors against the Muslim community based on the fake news.

1. The Gurugram Fake Hate Crime: May 2019

Media reports of a Muslim man, Barkat Ali, in Gurugram being beaten up by some Hindu men in Sadar Bazar area had gone viral on social media around May 2019. The event had gotten significant attention on social and mainstream media after newly elected BJP MP Gautam Gambhir had tweeted about it, insinuating it to be a hate crime and preaching about 'secularism'.

Many mainstream media channels had reported the incident as a case of anti-Muslim hate crime.

- a) Indian Express: <https://indianexpress.com/article/india/gurgaon-man-beaten-forced-to-chant-bharat-mata-ki-jai-jai-sri-ram-5749113/>
- b) Scroll.in: <https://scroll.in/latest/924826/gurugram-muslim-man-allegedly-thrashed-asked-to-remove-skull-cap-and-chant-jai-shri-ram>

- c) The Hindu: <https://www.thehindu.com/news/national/other-states/muslim-man-beaten-up-in-gurugram-told-to-remove-skullcap-and-chant-jai-shri-ram/article27253414.ece>
- d) The Quint: <https://www.thequint.com/voices/opinion/indian-muslims-way-ahead-narendra-modi-asaduddin-owaisi-jharkhand-lynching> (This report mentions the "hate crime" which was proven fake as an authentic hate crime and sermonises to Muslims what they should do to counter Hindus)

The alleged victim, Barkat Ali, claimed that he was beaten up by a group of men who removed his skull cap claiming it was now 'allowed' in the area and had forced him to chant 'Jai Shri Ram'. However, the Police denied that it was a hate crime after going through the facts of the matter. Gurugram police had said that the incident was a case of a minor brawl in a drunken state.

The police had registered an FIR in the case. The statement by the victim had not mentioned him being forced to chant 'Jai Shriram' or being threatened to be fed pork. The police had also stated that from CCTV footage, it is seen that the entire incident was over within a minute. The police had stated that some 'anti-social elements' are trying to paint the incident in communal colours.

The Police also said that Barkat Ali may have been tutored to give the entire incident a communal spin. The CCTV footage also showed that no one had deliberately removed his skull cap and that it had fallen accidentally. The entire thing was over within a minute.

<https://www.opindia.com/2019/05/gurugram-hate-crime-police-says-barkat-alam-may-have-been-tutored-to-give-it-a-communal-angle/>

2. Gurugram Road Rage Incident: May 2019

In an unfortunate incident of road rage, one Dr Narul in Gurugram was beaten up by a mob when he went to buy milk for Iftar. However, IndiaTimes.com, a Times Group website, decided to twist its own report and give it a communal angle and declare the road rage as hate crime.

Dr Narul had gone to Ardee City at around 8 pm to buy milk in his Baleno car when two men got off from their Fortuner car and abused him. Dr Narul mentions that when he told them that they were coming from the wrong side of the road, the duo called up a few other men who then beat him up in what clearly appears to be a case of road rage.

He mentioned that when he was being beaten up, he heard someone say that he (Dr Narul) is a Muslim and hence they (the men allegedly beating him up) should leave because this incident could lead to communal riots.

"They thrashed me brutally and I could not understand the reason. I heard two of them saying that I am a Muslim and they should leave otherwise riots will take place. They fled after leaving me on the road side. I don't know any of them. I want strict action against the accused," Narul told TOI.

However, IndiaTimes, another Times Group website, reproduced this story by giving it a communal twist. The headline reads that the mob thrashed Dr Narul while shouting "Muslims should leave", while in fact, they fled the scene when they realised the person they were beating up was a Muslim. Following OpIndia report on the same, they later changed the headline.

<https://www.opindia.com/2019/05/india-times-muslims-should-leave-gurugram-hate-crime-ardee-city/>

3. Delhi Madarsa Teacher Incident: June 2019

On June 21, a controversy had erupted after a Muslim man had claimed that he was allegedly hit by a car after he refused to chant 'Jai Shri Ram'. A madarsa teacher named Mohammed Momin had alleged that he was allegedly abused and then run over by the car as he refused to chant Hindu religious slogans at Delhi's Rohini Sector.

However, eyewitnesses rubbished Momin's allegations. A Police officer said, *"The accounts given by some eyewitnesses of the incident do not substantiate the claims made by the victim but the investigation is underway"*. CCTV footage from near the crime scene has also not been able to prove the allegations.

Following the incident, the mass media had begun to demonise Hindus for attacking a madarsa teacher.

Media coverage of the incident:

- a) India.com: <https://www.india.com/news/india/delhi-muslim-man-thrashed-in-rohini-for-refusing-to-chant-jai-shree-ram-3696104/>

- b) Jansatta: <https://www.jansatta.com/crime-news-hindi/delhi-people-asked-me-to-say-jai-shree-ram-i-avoided-then-they-abused-and-hit-me-said-mohammad-momin-in-rohini-jsp/1060757/>

4. Criminal Incident Given a Communal Spin, Rajasthan: June 2017

The incident happened in Nagaur district of Rajasthan where a group of men, some hiding their faces, were recorded on camera abusing and assaulting a woman with plastic pipes and forcing her to chant religious slogans. It was not clear who recorded the incident, but the video clearly showed that the men were forcing the woman to chant "Allah" and "Jai Shri Ram".

However, people from expected quarters conveniently ignored the 'Allah' part and focused only on the 'Jai Shri Ram' part to give the entire incident a communal spin even though the incident was purely criminal and was horrifying enough even without the communal spin.

The Propaganda has been traced by OpIndia here:

<https://www.opindia.com/2017/06/men-beat-up-and-force-woman-to-chant-allah-and-ram-journalists-hide-allah-part/>

5. The Junaid Incident: June 2017

On 22nd June, 17 years old Junaid was returning home along with his brothers after Eid shopping in Delhi when he was stabbed onboard a Delhi-Mathura passenger train between Ballabgarh and Mathura stations.

The fight started over seat sharing, and later religious slurs were also allegedly thrown in the fight, but media reports highlighted this case as a 'beef' related lynching. Police investigations in the case though have found out that neither the complainant nor the accused talked about beef.

Many media houses reported how Junaid was killed because of the suspicion that he was 'carrying beef'. The media's elite and their intelligentsia had also launched a "not in my name" campaign when the beef theory peaked.

The Punjab and Haryana High Court in its order dated 28th March 2018 confirmed that the fight started over seat dispute and there was no communal intention to the crime. The judgement made it amply clear that the

fight started over seats and "caste" slurs. The High Court observation doesn't mention beef or religious slurs to be a part of the reason for violence.

Media propaganda:

- a) <https://www.hindustantimes.com/india-news/man-stabbed-to-death-2-injured-on-mathura-train-after-fight-with-passengers-for-allegedly-carrying-beef/story-BiJyILYIUloErWASvKQ51M.html>
- b) BBC: <https://www.bbc.com/news/world-asia-india-40393331>
- c) The Wire: <https://thewire.in/communalism/beef-train-cow-vigilantism>
- d) Scroll.in: <https://scroll.in/article/841901/why-200-people-did-not-see-a-dead-muslim-teenager-on-a-railway-platform-in-north-india>
(Mentions: "He reports all the ways in which people – Hindus – did not see the body of a dead Muslim child that lay in front of them. The Hindus on the train managed to collectively not see a 15-year-old Muslim boy being stabbed to death. Then they collectively, and without prior agreement, continued to not see what they had seen after the event")

6. **The Tihar Fake Hate Crime: April 2019**

In April, a Muslim inmate at Tihar jail, Nabbir, had claimed that he was branded with the 'Om' symbol on his back by the jail superintendent. He had also claimed that the authorities had forced him to fast during Navratri and he had been thrashed. He had made these allegations in front of the Metropolitan Magistrate Richar Parihar who ordered a probe into the entire matter.

However, the probe concluded that Nabbir was, in fact, branded by an associate of his. Nabbir had made these false claims to implicate the jail superintendent and pressurise the jail authorities.

The narrative of it being a hate crime was furthered by the likes of politicians such as Asaduddin Owaisi aided by media reports on the same.

Media reports:

- a) The Wire: <https://thewire.in/rights/muslim-undertrial-prisoner-om-symbol-branded-tihar-jail>

- b) India Today: <https://www.indiatoday.in/india/story/muslim-man-tihar-jail-branded-om-beaten-hindu-new-delhi-1505892-2019-04-19>
- c) NDTV: <https://www.ndtv.com/delhi-news/tihar-jail-new-delhi-tihar-jail-prisoner-alleges-tihar-jail-superintendent-branded-om-on-his-back-2025797>
- d) DNA: <https://www.dnaindia.com/india/photo-gallery-muslim-inmate-in-tihar-forcefully-branded-with-om-symbol-enquiry-ordered-2741422>

7. The Delhi Malviya Nagar Incident: October 2018

An eight-year-old boy Azeem had died in a scuffle over a playground in Delhi's Malviya Nagar outside a Madarsa. The incident took place when two groups of children between the age 8 to 12 years, from different communities, got into a fight where the victim Azeem lost his consciousness after he was pushed and hit his head on a motorcycle. Four minors, aged 10 to 12 years, had reportedly been apprehended by the police.

However, the unfortunate incident was given a communal twist by usual suspects, terming the death as 'lynching' and 'hate crime'. One certain individual even went on to say that the fact that the young boy had died in a scuffle is a 'cover-up' and that the elders 'instigated' the young children to kill Azeem.

OpIndia.com had reached out to Malviya Nagar Police Station where the police confirmed that it was not a case of lynching. Malviya Nagar SHO also confirmed that it was neither a hate crime nor does it have any communal angle to it.

Later, Azeem's father himself had confirmed that this was an unfortunate incident and there was no hate crime angle to it. Khaleel Ahmed, a farmer by profession had said, *"Please do not politicise my son's death. This is not a communal matter. It was an accident. I used to speak to him regularly. He never suggested that he was being bothered or troubled by anyone."*

Media reports:

- a) Scroll.in: <https://scroll.in/article/899778/muslims-boys-death-in-scuffle-reopens-old-communal-fissures-in-south-delhis-begumpur>
- b) The Print: <https://theprint.in/politics/8-yr-old-muslim-kid-wasnt-a-victim-of-lynching-says-aaps-bharti/141484/>

8. Man Killed for 'Stealing' Calf, Manipur: November 2015

The mainstream media story went that the headmaster of a school, Md Hasmad Ali, was beaten to death after he was seen with a calf that was missing from the shed of one of the villagers. This lynching story was picked up even by NYTimes. Even though the mass media had decided which narrative was to be furthered in the case, Ali's elder son said something different:

"It's a cold-blooded murder because of some land dispute. The murderers shift the blame on another community and take advantage of the (sensitive) functioning of the society."

The son further blamed his father's death on a personal land dispute with his neighbour and also distant relative, Mohammad Amu, and Amu's brother. The family said that Amu tried to mask his personal enmity by using communal overtones to shift the blame elsewhere even as he was settling scores with his enemy.

Media propaganda:

- a) Hindustan Times: <https://www.hindustantimes.com/india/manipur-protestors-refuse-to-bury-cattle-thief-seek-justice/story-9bc2aHmUvP260JCGQzd6aM.html>
- b) Scroll.in: <https://scroll.in/latest/1308/manipuri-headmaster-lynched-for-allegedly-stealing-a-calf>
- c) Quint: <https://www.thequint.com/news/hot-news/headmaster-dies-after-being-lynched-for-stealing-cow-in-manipur>

10. "Jai Shree Ram" Fake Hate Crime, Telangana: June 2019

A former AIMIM leader who is now a leader of Majlis Bachao Tehreek took to Twitter to share that a Muslim man was beaten up in Karimnagar,

Telangana. He alleged that the Muslim man was beaten up for not chanting 'Jai Shree Ram'. It was also shared by other social media users.

However, Commissioner of Police, Karimnagar, Telangana State, shared a video of the Muslim man where he clarified that he was beaten up over a personal issue and there was no communal side to it.

He mentioned how it took place over a 'love story'. He was beaten up for allegedly harassing a teenaged girl over the last few days. The police have registered a case against five persons who beat him up under various sections of the IPC.

The man's father also came on record to confess how it was his son's fault which led to the incident and even apologised for the same. He too clarified that there was no communal angle to it.

Media:

1. New Indian Express:

<https://www.newindianexpress.com/states/teelangana/2019/jun/02/tension-in-karimnagar-after-youngster-beaten-up-by-mob-1984897.html>

11. Kolkata Nun Rape: March 2015

On 14th March 2015, the 71-year-old nun was gang-raped at a convent allegedly by a group of six Bangladeshi nationals who had entered the convent after overpowering the security guard. They broke the safe and stole around Rs 12 lakh before proceeding to the first floor of the convent and raping the nun in her room. The CCTVs installed in the campus captured most of the incident which took place between 1 and 4 am.

The five accused, Salim Sheikh, Gopal Sarkar, Khaleda Rahaman Mintoo, Milan Sarkar and Ohidul Seikh, were charged under IPC sections 120B (punishment for criminal conspiracy), 395 (punishment for dacoity), 397 (robbery or dacoity with attempt to cause death or grievous hurt), 376 (sexual assault), 376 D (intercourse), 212 (harbouring offender), 216 A (penalty for harbouring robbers or dacoits) and 109 (punishment of abetment). One suspect is currently missing.

The Kolkata City Court had found one of them guilty in 2017. The mainstream media, however, had blamed the 'inherent hatred' of the RSS and Hindutva proponents for the crime even before the Police had finished its investigation.

Media Reports:

DailyO published an "opinion piece" by Rana Ayyub declaring that the rapists of a Nun from West Bengal were RSS backed.

<https://www.opindia.com/2015/03/rana-ayyub-the-ace-detective-cbi-never-had/>

12. The Barun Kashyap Saga, 2016

Barun Kashyap, a creative director with a production house, had made headlines in 2016 when he claimed that he was abused and threatened by some Gau Rakshaks after they mistook his bag as made of cow leather.

He wrote about his experience in a Facebook post, which was made popular on social media by self-declared liberal activists and some Aam Aadmi Party (AAP) leaders who vouched for the 24-year-old executive being the "gentlest, most soft-spoken kid".

His version of the story was reported by the mainstream media as gospel truth, and there was usual commentary about how there was "rising intolerance" in India and how "right wing" elements were making India a "Hindu Taliban".

After police investigated the case, however, it turned out that the culprits were not Gau Rakshaks but Barun himself, who made up the entire story to gain some popularity. Police informed that the CCTV footage of the area and Barun's mobile locations didn't match the story claimed by the "creative" director. Even the vehicle registration number provided by Barun and the sketch of the auto-driver didn't match any real auto or person after talking to about 180 auto drivers in that region. Police declared that they were treating Barun as a suspect after their initial findings.

Despite AAP leaders like Priti Sharma Menon shielding him and providing him moral and legal support, police took Barun Kashyap in custody on 4th October 2015 for further investigations. And now it has come to light that Barun has accepted that he made up the story. And apparently, he did so, because he

hates Hindus. *"I lied because I have hatred towards Hindus."* Barun was quoted as saying by Mumbai Mirror.

Barun Kashyap was booked under section 153A (promoting enmity between groups) and 182B (for use of lawful power of a public servant to injure or annoy any person) of the Indian Penal Code and was lodged in Arthur Road jail. Due to AAP leaders figuring in this incident, the Police was also investigating whether there was any political conspiracy behind the whole story.

The first time is chance, second is a coincidence, third is a pattern. And what does a dozen times mean?

One has to wonder, what is the endgame here? The objective of the mainstream media is not to report objective truth, its primary objective is to deflect attention from events that 'the powers that be' do not want the public to focus on. Therefore, it appears that the mass media was peddling these fake hate crime stories with the explicit purpose of deflecting attention from the actual hate crimes being committed against Hindus and pixilate the crimes committed by the Muslim community against Hindus in the name of faith.

That theory is cemented when one takes a look at the opinion pieces that were then published by the media after fake stories of Hindus attacking Muslims for not chanting Jai Shree Ram were propagated by the same media.

1. The logical Indian: 'Beaten and murdered in the name of Ram' <https://thelogicalindian.com/opinion/tabrez-ansari-jai-shri-ram/>
2. Scroll: This article mentions 'Hindu' 21 times. Here is an excerpt:

"Hindus – did not see the body of a dead Muslim child that lay in front of them. The Hindus on the train managed to collectively not see a 15-year-old Muslim boy being stabbed to death. Then they collectively, and without prior agreement, continued to not see what they had seen after the event. This is the uniquely terrifying aspect of this incident on which this report reflects: the totalising force of an unspoken, but collectively binding, agreement between Hindus to not see the dead body of a Muslim child. Hindus on this railway platform in a small station in north India instantly produced a stranger sociality, a common social bond between people who do not otherwise know each other. By mutual recognition between strangers, Hindus at this platform agreed to abide by a code of silence by which the death of a Muslim child can not be seen by 200 people in full public view on a railway platform in today's India"

<https://scroll.in/article/841901/why-200-people-did-not-see-a-dead-muslim-teenager-on-a-railway-platform-in-north-india>

3. Frontline: 'Jai Shree Ram', the new battle cry'. <https://frontline.thehindu.com/the-nation/article28758718.ece>
4. The Quint: Jai Shree Ram: How a chant became a war cry for attacking Muslims <https://www.thequint.com/news/politics/jai-shri-ram-slogans-anti-muslim-lynchings-in-india>
5. BBC: 'Jai Shree Ram: The Hindu chant that became a murder cry'. <https://www.bbc.com/news/world-asia-india-48882053>
6. Foreign Policy: 'Jai Shree Ram: The three most polarising words in India'. <https://foreignpolicy.com/2020/02/13/jai-shri-ram-india-hindi/>

What the media did in this case was to create fake crimes against Muslims by Hindus and then used those fake crimes to say that a religious and spiritual chant by Hindus was a war cry – a chant before they murder Muslim men. They went on to incite hate against the entire Hindu community based on fake stories they created.

As a journalist, we are often told by the establishment that the word 'Muslim' symbolises sectarian hate while reporting. It is for that purpose that the media usually paraphrases to use words like 'Samuday Vishesh', 'a particular community', etc. However, when Hindus are being vilified for murdering Muslims without any evidence, how does a journalist report without delving into the sectarian divide and the facts of the case? Hate speech is a convenient weapon to silence the truth and with each passing day, that seems to be the case even more glaringly.

III. **How the media reports when the victim is a Muslim vs. when the victim is a Hindu**

That the standards of discourse are vastly different while reporting hate crimes against the majority community from those against the minority community, even when fabricated, are apparent from the headlines mentioned below:

When Muslims are killed: (The following portion does not delve into the veracity of the report but is simply documenting some headlines).

1. The Print: Mob beats 35-year-old Muslim man to death in Saharanpur, police dismiss 'lynching' angle. <https://theprint.in/india/mob-beats-35-year-old-muslim-man-to-death-in-saharanpur-police-dismiss-lynching-angle/447343/>
2. The Wire: 'Say Jai Shri Ram', Killers of Muslim Man in NCR Said, Police Deny Murder Was Hate Crime <https://thewire.in/communalism/jai-shri-ram-muslim-driver-lynched-death-uttar-pradesh>
3. There is an entire section of reports on NDTV that is titled: "Muslim man beaten". <https://www.ndtv.com/topic/muslim-man-beaten>
4. The New York Times: Forced to chant Hindu slogans, Muslim man is beaten to death. <https://www.nytimes.com/2019/06/25/world/asia/india-hindu-muslim-beating.html>
5. TimesNow: Muslim man lynched to death in Jharkhand <https://www.timesnownews.com/videos/times-now/india/muslim-man-lynched-to-death-in-jharkhand-why-is-congress-silent/61208>
6. India Today: Muslim man lynched, forced to chant Jai Shree Ram <https://www.indiatoday.in/india/video/muslim-man-lynched-by-mob-over-suspicion-of-stealing-motorbike-succumbs-to-injuries-1555016-2019-06-24>
7. Scroll: Jharkhand: Muslim man dies four days after mob beats him up, forces him to chant 'Jai Shri Ram' <https://scroll.in/latest/928071/jharkhand-muslim-man-dies-of-injuries-allegedly-sustained-in-mob-attack-in-seraikela-kharsawan>

When Hindus are killed: (The following portion does not delve into the veracity of the report but is simply documenting some headlines).

1. Timesnow: Man beaten to death on the suspicion of theft <https://www.timesnownews.com/mirror-now/crime/article/delhi-man-beaten-to-death-on-suspicion-of-mobile-theft/644582>

2. Times of India: Tension grips Udaipur Hamlet over murder of Tribal Youth <https://timesofindia.indiatimes.com/city/jaipur/tension-grips-udaipur-hamlet-over-murder-of-tribal-youth/articleshow/76164993.cms>
3. Quint: No country for love? Netizens outrage over Ankit Saxena murder <https://www.thequint.com/news/india/twitter-reacts-to-ankit-saxena-murder>
4. Hindustan Times: UP: Man killed, another injured as communal clashes break out in Kasganj <https://www.hindustantimes.com/india-news/mobs-clash-in-up-town-over-republic-day-celebrations/story-xO7AUWpreQLluucrCuE0VJ.html>
5. Hindustan Times: Dalit man beaten up to death in Barmer allegedly over affair <https://www.hindustantimes.com/jaipur/dalit-man-beaten-up-to-death-in-barmer-allegedly-over-affair/story-MqXRQdEAhZZ8VsXSEuTs4O.html>
6. Amarujala: <https://www.amarujala.com/uttar-pradesh/gorakhpur/ambedkar-stature-broken-in-deoria>
7. **The News Minute:** Tensions run high in Dakshina Kannada, stones pelted at RSS activist's funeral procession <https://www.thenewsminute.com/article/tensions-run-high-dakshina-kannada-stones-pelted-rss-activists-funeral-procession-64881>

The examples are endless where one set of rules of discourse are followed when the victim belongs to the majority community and the perpetrator belongs to the minority community and when the victim belongs to the minority community.

Therefore the standard is that the first set would be considered acceptable discourse while reporting the truth without the imposed veil of political correctness whereas, in the second case where Hindus are the victims by minority community perpetrators would amount to 'hate speech'.

In cases where the victim is a person belonging to the Muslim community, his religious identity is specifically mentioned in the headline by the mass media. Whereas, when the victim is a Hindu and even if the cause of his death is sectarian, his religious identity and the perpetrators religious identities are pixelated .

As a journalist, different standards being applied to different communities are not only problematic as far as the standard discourse in the media is concerned but also works against the natural course of justice and truth. As mentioned, OpIndia has over the years reported on several such instances of hypocrisy and double standards and these are simply indicative of the larger malaise.

IV. When Muslim perpetrators were projected as Hindus by the mass media

The mass media has normalised not only pixilating the identity of the Muslim perpetrators and highlighting the religious identity only when the victim is Muslim, they have also on several occasions changed the identity of the perpetrator altogether to ensure that the decided narrative of the establishment finds acceptance and the inconvenient truth is obfuscated.

On several occasions, the mass media has replaced the identity of the Muslim perpetrator or the Muslim community with that of a Hindu perpetrator or the Hindu community at large.

While OpIndia has recorded several such incidents over the years, here are 10 such incidents that are indicative of the malaise:

1. In 2019, a report published by India Today quoted a report of the State's Economics and Statistics Department which provided the maternity data of the year 2017. The report claimed that the State has a large number of mothers, 22,552 precisely, below the age of 19 years. Out of these 22,552 mothers 17,082 were Muslims, 4,734 were Hindus and 702 were Christians. It is sufficiently clear from the data provided in the report that the problem of child marriage largely existed among the Muslim community as compared to the Hindu community. In fact, the number of underage mothers among Hindus was nowhere close to the numbers belonging to the Muslim community. However, the image that India Today chose to go with for their article was one of a Hindu child bride. The details can be read here: <https://www.opindia.com/2019/03/india-today-uses-the-photo-of-a-hindu-girl-to-highlight-the-high-rate-of-child-marriage-among-muslims-in-kerala/>
2. In 2019, a horrific incident of child abuse and rape had surfaced from Karnataka's Bantwal region where a 42-year-old man has been accused of repeatedly raping his minor daughter. The News Minute had reported that the minor girl was being raped by her father Dinesh earlier for over a year and also by her uncle named Pradeep. The News Minute report didn't include the real name of the accused persons, and it had used representative names. But by using the names Pradeep and Dinesh, it gave an impression that the perpetrators are Hindu. But soon the incident was reported by other media organisations, and it was revealed that the father of the girl is named Dawood. Reportedly, Dawood has four wives, and while his first wife has left him, the rest three wives were staying at different places. The victim is the daughter of his second wife. The details of the incident can be read here:

<https://www.opindia.com/2019/04/the-news-minute-uses-hindu-representative-name-for-muslim-man-with-four-wives-who-raped-his-own-daughter/>

3. In June 2019, four people were convicted in the 2005 Ayodhya Terror Attack case while one person was acquitted by a special court in Prayagraj. The four convicts were sentenced to life imprisonment. Irfan, Ashiq Iqbal alias Farooque, Shakeel Ahmed and Mohammad Naseem were found guilty while Mohammad Aziz was acquitted. India Today, however, had used the image of the Demolition of Babri for the news on the convictions in the Ayodhya Terror Attack, thereby making it appear as if the people convicted in the 'terror attack' were those who had brought down the disputed structure at Ayodhya. The details can be read here: <https://www.opindia.com/2019/06/india-today-uses-image-of-babri-mosque-demolition-to-represent-2005-ayodhya-terror-attack-committed-by-islamic-terrorists/>
4. In 2018, The Times of India reported that in Maharashtra, a 'godman' forced his male devotees into 'unnatural sex'. As per the report, one Asif Noori, a 38-year-old self-styled godman was arrested in Buldhana district in Maharashtra days after video and audio clips of allegedly forcing male devotees into unnatural sex went viral on social media. In this news, the image that was used as a 'featured image' of the article was a sketch of a Hindu Sadhu wearing Rudraksh around his neck, a Kumkum tika on his head and his hand hand-cuffed. The details can be read here: <https://www.opindia.com/2018/07/times-of-india-godman-asif-noori-image-sadhu-hindu/>
5. As per a *Hindu* [report](#) from April, a woman had accused a "tantrik" of raping her in Ajmer, after taking her there on the "pretext of offering prayers at a *Dargah*".
<http://www.thehindu.com/news/cities/Delhi/woman-accuses-tantrik-of-rape/article23676064.ece>
6. In the same month, *Times of India* had carried an article titled, "*Tantrik gets 10 years in jail for rape and extortion*". Like the reports mentioned above, the name of the accused was "Warsi".
7. *Hindi News18* in its [article](#) carried the headline, "*Tantrik arrested for committing misdemeanour with a minor, under the pretext of chasing away ghosts*". The *tantrik* was later identified as Hafiz Sajid. It is to be remembered that in a general parlance, the *Tantrik* – practitioner of the "*tantra vidya*", is mainly associated with Hinduism, leading to a perception that the crime was committed by a Hindu individual. The reports and our fact-check can be read below :
<https://hindi.news18.com/news/uttar-pradesh/lucknow-tantrik-arrested-in-lucknow-for-rape-of-minor-1333650.html>
<https://www.opindia.com/2018/05/media-crimes-hindu-spin-to-muslim-crimes-tantrik-ashram/>

8. In 2019, A day after the Hindu festival of 'Karwa Chauth', Aaj Tak News published a report with a controversial headline saying "*On the day of Karwa Chauth, Husband's brutality against his wife, severed wife's tongue with a blade*". However, the incident was a barbaric case of domestic abuse where a Muslim man has beaten up his second wife and had severed her tongue. Since the crime was perpetrated by a Muslim man on his wife, the significance of the Hindu festival of Karwa Chauth was inconsequential, however, to make it appear as if the crime was committed by a Hindu, perhaps, the headline was given a malicious spin. More details can be read here: <https://www.opindia.com/2019/10/aaj-tak-muslim-man-second-wife-headline-opindia-karwa-chauth/>
9. In April 2020, The Telegraph India and The Logical Indian published articles alleging that even amidst the coronavirus outbreak, rampant casteism continued to prevail in the country. With no reference to the identity of the transgressors, the article alleged that two men in Kushinagar district of Uttar Pradesh refused to consume food at a coronavirus quarantine centre simply because it was cooked by a Dalit. The articles also used a picture of RSS men distributing food to imply that they were the ones who practised casteism in the midst of the coronavirus lockdown. While the identity of the Dalit cook was mentioned in the article, along with the celebrated individuals such as Vijay Dubey, the BJP MP from Kushinagar, who attended the quarantine centre and had food there, the identities of the two offenders who refused to consume food citing that it was cooked by a Dalit were conspicuously missing from the article. 'The Telegraph' very conveniently masked their identities by referring to them as "two-middle aged men". In truth, Seraj Ahmad was one of two individuals who refused to intake food cooked by a Dalit. Details can be read here: <https://www.opindia.com/2020/04/fake-news-propaganda-telegraph-logical-indian-muslim-refuses-food-dalit-quarantine-blamed-hindus/>
10. During the Delhi Riots 2020 which erupted on the 24th and 25th of February, the saga of two schools in Shiv Vihar was an important aspect that was analysed. One is Rajdhani Public School and the other is called DRP Public School. While the Rajdhani school belongs to a Muslim, DRP is owned by one Mr Sharma. During the Delhi riots, one of these schools were gutted and the other was made a den to perpetrate violence. On the rooftop of Rajdhani school, which was a Muslim owned school, our reporters found sacks of bricks to be hurled during the Delhi riots, petrol bombs and several other country-made weapons.

While the Rajdhani school was turned into a base to launch attacks, DRP school, which is a Hindu owned school was completely gutted by the Muslim mob.

During our ground reportage, it also emerged that the Muslim mob had simply overturned some chairs and furniture, with others remaining intact, in the Rajdhani school to present a false picture of the school being vandalised. Hindus of the area then came out of their homes, braved the stones and petrol bombs in an attempt to ward off the Muslim mob. In fact, the Hindus of the area said that had they not tried to repel the mob, they were prepared to enter the homes of the Hindus.

Rajdhani school building is relatively higher than the rest of the buildings in the area. The surrounding areas had several Hindu establishments and homes which were targeted by the Islamist mobs. In fact, there was not one Hindu house that could be seen that had not been pelted with stones by the Islamists. Guns were also fired from the Rajdhani school and in the process, a Hindu man named Dinesh Kumar had also lost his life. Several other Hindus are injured and undergoing treatment.

The full reportage of the incident can be read here:

<https://www.opindia.com/2020/02/delhi-anti-hindu-riots-ground-report-shiv-vihar-rajdhani-school-drp-school/>

This incident where a Hindu owned school was gutted, a Muslim owned school was used as a base to launch an attack against Hindus and a Hindu man was killed by the guns fired by Islamists was completely misrepresented by NDTV and The Wire. (we covered their misrepresentation here: <https://www.opindia.com/2020/03/delhi-riots-the-wire-ndtv-lie-shiv-vihar-paints-hindus-as-aggressors-two-schools/>)

In an [article](#) that claimed to be a "ground report" by The Wire, the portal furthered lies to paint the entire incident as one of aggression by the Hindus.

The Wire claimed that both schools were owned by Muslims. the article can be read at <https://web.archive.org/web/20200229075558/https://thewire.in/communalism/mustafabad-delhi-riots-ground-report>.

This, however, is a lie. The Rajdhani school was a Muslim owned school that was used as a base to launch attacks and it was the DRP school which was completely gutted by the Muslim mob.

Essentially, The Wire took vandalism and planned hooliganism by an Islamist mob and painted it as if a Hindu mob had attacked two schools that belonged to Muslims.

In fact, in their report from the same area, they have also failed to mention that a Hindu man, Dinesh Kumar lost his life in the onslaught by the Islamist mob.

As for NDTV, while publishing the correct ownership of the school, NDTV sneakily added a line that would tell the readers, wrongly, that it was the Hindus who started the assault first. This is a patent lie and our ground report has adequately proven that. How would Rajdhani school be attacked first if, on its rooftop, the Islamist mob had stacked weapons and country-made bombs to attack the Hindus.

In fact, in the video that was released by NDTV, the NDTV reporter herself says that the attack on DRP was completely organised and the school was completely gutted. The furniture was collected in an organised manner and burnt down. The building laid charred and there were massive holes in the walls that could have only been made by country-made bombs, as Pankaj Sharma held up during his interview with the Republic.

When the NDTV reporter herself had admitted that the school was gutted in an organised manner and even reported how rioters descended inside the DRP school from the Rajdhani school, one wonders how in the written report they can claim that Rajdhani was attacked by Hindus first. The NDTV video also says that the mobs attacked the fire tenders who were trying to reach DRP school to douse the fire. In the NDTV report, there is no mention of the Hindu man who died in the rioting. One Dinesh Kumar.

As is evident from the indicative list of 10 instances cited above, mass media has often, deliberately or otherwise, given the impression that the perpetrators were Hindus when in fact, the perpetrators belonged to the Muslim community. Many of these instances are never rectified even after being explicitly pointed out. In most cases, the damage is done since the news articles become a part of the record when one searches for relevant instances.

V. Opinion pieces that direct hate towards the Hindu community

While the will of the elite establishment and the mass media are enforced on the people by lies, obfuscation of the truth, pictorial manipulations,

manufactured incidents and applying the principles of 'flak' when anyone chooses to challenge the established narrative, the media has shifted gears from the days of Doordarshan.

Earlier, the function of the media in India was limited to delivering to the people the bare facts. They essentially answered the questions – what, when, where, why, who and how. From that basic function, the media evolved further to own its true function – ensuring that they armed the public with the information that they needed to not only understand their surroundings better, but also how they were being governed. With corporate ownership and the empowerment of the political establishment, that can be independent of the government in power, biases of the worst kind started creeping into the profession where one could really differentiate where journalism ended and propaganda at the behest of 'the powers that be' started. We saw scandals such as the Radiia Tapes, Cash for Votes, Essar Leaks and the likes. Facts started being twisted to suit the narrative that had to be pushed to ensure that the masses remained subjugated. The media fancied itself in the role of the Pied Piper of Hamelin and more often than not, behind the scenes, they became Nero's guests, while Nero himself changed per the whoever held the purse strings. Those who dared to tell the emperor that he wore no clothes were not just banished, but were burnt as witches. And this entire cycle of intellectual violence was perpetrated not only by twisting facts, commission by omission, furthering fake news etc, but also, by furthering opinion pieces based on the obfuscation by dressing it up as a fight for the lofty ideals that this country stands on, while gnawing, slowly at the very foundation that this country stands on.

In this section, we list 7 such opinion pieces that are representative of the malaise that has become synonymous with the mass media today, that toes the line of the establishment and 'the powers that be' which are more often than not, independent of the government in power.

1. Countercurrents: Hindus must convert to Islam to prove they are 'secular'

In the wake of the passage of the Citizenship Amendment Act and the pending NRC, an article published on the website, Countercurrents .org claims that Hindus must show solidarity with Muslims in India by converting to Islam. The author proceeds to say that even then "*it might not be enough*".

The article begins with the declaration, "*Cow vigilantism, Article 370, Ayodhya verdict and now the evil conjoined twins NRC-CAA. This dispensation is unsurprisingly on an exclusionist rampage and will one leave no stone*

untuned till they are well on their way to attaining Hindu-Rashtra as they have purported to achieve directly and indirectly."

The author, after a long litany of propaganda, says, "Amid all this, chants of 'Hindu Muslim ek hai' might be all fine and dandy. But I wish to ask Hindus and fellow atheists born to Hindu parents, does this really have grim ramifications on you? A show of support and solidarity is much needed and appreciated, but is it really enough? What I wish to express next is a rather sensitive matter, but if we truly wish to save India from her government, relentlessly seeking a Hindu India, perhaps this might be the only truly effectual way."

Then, the article declares emphatically, "At this point, I call to all my fellow liberals who are practising Hindus, or atheists born into Hindu faith, to consider converting to Islam. The motivations may be purely political in nature, but I do believe this is one bandwagon that needs to be jumped. Is it not worth considering? Will it not be an apt slap in the face of Hindutva?" It adds, "While it is true that people of all faiths have come out in throngs to condemn the communalising of the ruling dispensation, being the 'majority', is it not incumbent on liberals who practise Hinduism to go a step ahead? Is it not time for us to denounce the religion altogether and join the ranks of our Muslim brethren, not just in spirit, but also through action?"

The author also has an answer for those who believe her comments are merely 'communalizing' the issue and 'rabbleroxing'. She says, "Some might impugn this view by calling it a rabbleroxing and communalising one. To them, I will like to remind that Hindus and Hinduism have gotten away with far too much for far too long."

The author further says, "To be sure, even converting won't take away from the privilege that we are conferred with. Our lived experiences will continue to remain those of a cocooned, sheltered community with forces like the RSS crying ad nauseum about imaginary threats and persecution. Dissociation with Hindutva while clinging to Hinduism and its virtues is not enough. Nor is it legitimate. Dissociation in the truest sense is only possible by joining the ranks of those who will be in the line of fire in the real sense."

The article as well as a full analysis by OpIndia can be read from below :
<https://countercurrents.org/2020/01/can-hindus-give-up-their-hindu-privilege/>
<https://www.opindia.com/2020/01/countercurrents-hindus-convert-islam-secularism-left-website/>

2. Aakar Patel writes in National Herald: 'India still secular despite Hindus, not because of them'.

He writes, *"In Nehru's government, the Hindutva voice was represented by Syama Prasad Mookerjee (who founded Jana Sangh, which later became BJP) who became a Congressman to take office. We must recognise that despite this inherent conservatism among its MPs and legislators (who were reflecting the cultural conservatism of the society which they came from), the Congress was able to pass reform. This was entirely because it was a party that had a liberal vision and was led by a truly great individual, Nehru.*

Alone in South Asia, India has a secular and liberal constitution. Afghanistan and Pakistan are Islamic states where no non-Muslim can hold high office. Maldives is an Islamic state also. Sri Lanka's constitution gives primacy to Buddhism, Bangladesh's constitution opens with the phrase Bismillah ir rehman ir rahim.

Bhutan's government and religion are both controlled by a Buddhist king. Till 2008 Nepal was a Hindu Rashtra where executive authority came from a Kshatriya king, as prescribed in Manusmriti".

Aakar further writes , *"Only India has been secular constitutionally. Why? This is not because India is a Hindu majority. Nepal is also a Hindu majority. Nobody asked Indians as the British were leaving to vote on whether we wanted a Hindu Rashtra or whether we should include religious aspects in our Constitution."*

He adds, *"It is only because of the Congress that we became a secular republic. It will be interesting to see, as we enter a period where another political force has become dominant, whether this legacy of Nehru and the Congress is sustained or we are taken to a new direction."*

While political preferences and activism is the sole prerogative of the individual, the opinion piece that was normalised and published was deeply problematic since it gave a sweeping dictum against the Hindu population of the country and even the constitution that was formulated by Dr BR Ambedkar. The link to article is given below.

<https://www.nationalheraldindia.com/opinion/india-still-secular-despite-hindus-not-because-of-them>

3. RoundtableIndia: Brahmins obstruct India's development

The opening paragraph of their article published on 8 April 2018 says, *"The presence of brahmins as key decision makers in India has adversely affected our progress on many fronts. Their deep-rooted social, cultural and religious mindset often persists inspite of contrary scientific, social or humanitarian logic. If India really wants to and needs to progress at a pace that is appropriate and necessary, then brahmins should be actively taken out of certain key spaces"*.

The article further says, *"It goes against the grain of the brahmin bureaucrat to do things that remove inequality, injustice and discrimination, which are the pillars of the caste system. If all Indians were given equal opportunities, then who would be left at the lower rungs of the caste system? This is more cause for concern for the brahmin bureaucrat than any scheme aimed at improving the condition of India's citizens. Those brahmins who have occupied most positions in the education system and academia, actively and passively encourage all forms of discrimination which are detrimental to our educational progress, to flourish rampantly. They wouldn't object when funds are cut to public institutions because they intrinsically believe that non-brahmin children shouldn't really be educated. How can someone who doesn't believe in universal education, genuinely fight for it? A brahmin fighting for universal education would be like a cow fighting for beef pickle, and that is why our educational systems are so weak and our children struggling to reach even one small fraction of their vast potential. Brahmin teachers are more than happy to repeatedly tell non-brahmin children that they cannot be taught because they are not brahmins and that their place is outside the classroom, working (read slaving) for the brahmin. One doesn't need to have a very big IQ to understand that this can damage a child's sense of self-esteem and creates an unequal world, but since that is precisely what the brahmin desires, it is precisely the reason why no brahmin should be allowed into educational institutions as teachers, principals or anyone remotely connected to teaching children. Clearly what they teach children currently are not things we want our children to learn"*.

Further, *"The judiciary has oftentimes made a mockery of law. When non-brahmins have been raped, murdered, massacred and lynched, the judiciary, in the interest of its narrow caste group, sometimes say there's not enough evidence even when it is staring straight into their faces. If we don't want Manu's code of ethics to operate within the courts of law, but the Constitution instead, then the Manu enforcing judicial system should be cleansed en masse and Constitution upholding law makers should be brought in"*.

The entire article is a litany of hate speech against the Brahmin community of India and above are only certain aspects of it. The full article can be accessed [here](#)

https://roundtableindia.co.in/index.php?option=com_content&view=article&id=9348:brahmins-obstruct-india-s-development&catid=119:feature&Itemid=132

While reading this article, which is now been normalised as acceptable discourse against Hindus, a journalist or a columnist is left wondering if the same standard of discourse would be acceptable if the community in question was changed. With the observations of the Court recently, one would imagine that even the judiciary is opposed to the same standard being applied to the dominant minority community. However, it must be kept in mind that when for decades, the standard of discourse with respect to Hindus has been set and not challenged by the judiciary or any press council, then the same standard being applied to any other community too has to be beyond reproach.

4. Outlook: 'Hatred!' published on the cover page with an image of a Ku Klux Klan symbol complete with a saffron tilak.

In a 2018 issue of Outlook magazine, an attempt was made to equate Hinduism with the vicious ideology of the Ku Klux Klan by having the cover of the issue portray a member of the white supremacist American outfit sporting a Tilak.

The counter opinion on the image can be read here: <https://www.opindia.com/2018/04/comparing-hindutva-to-the-ku-klux-klan-is-nothing-but-shameless-lies-and-propaganda/>

Per the recent comments that have been made with regards to the Sudarshan case, one would imagine that the counter to the Outlook magazine cover page that equated Hinduism to the white supremacist group KKK would be considered hate speech and the cover page of the magazine would fall in the realm of freedom of expression and freedom of the press.

The duality in this standard is extremely problematic. Suppose the Outlook magazine cover is covered under the realm of freedom of the press. The counter to that cover, that would invoke the Monotheistic faiths and the difference between Hinduism and the other faiths should also be considered freedom of expression. When one discourse is normalised for one community, the same discourse must be normalised for the other community.

As a journalist, when one is to counter the malicious propaganda that is spread for any community, applying different standards of parity for different communities is not just hypocritical but also deeply problematic, especially when such a double-standard gets normalised by legal sanction, if at all.

5. BuzzFeed News: One Too Many Mishras: India's Supreme Court Is A Brahmin Bastion

One of the operative portions of this opinion piece published on 24 January, 2018 is as follows: *"Mishra is a common surname among Hindu Brahmins from the northern, eastern and central parts of India. This naturally raises the question — are Brahmins over represented in India's judiciary?"*.

The article further says, *"A level playing field in India has come to mean one in which savarnas get most of the pie under the guise of merit. And yet, the government has failed to take any action in this regard. The reason has to do with the widespread mischaracterisation of the purpose of reservations. "The notion has been created that reservation means awarding quota to non-deserving candidates, which is not true," said Dr. Yengde. "Reservation means diversity. It brings representation and inclusion to a society as diverse as India"*

The fact is, a level playing field in India has come to mean one in which savarnas get most of the pie under the guise of merit. This is precisely why fields which are not covered by reservation have no representation from the OBCs, SCs, and STs who represent more than 80% of India's population.

It remains to be seen how the battle between the Chief Justice and his fellow judges plays out. But the crisis has exposed the elephant in the courtroom, and that is one thing we can be thankful for".

For any average Indian, the Judiciary has ordinarily been above caste and religious considerations. However, when Hinduphobic content is normalised and its counter is considered hate speech by the judiciary, the establishment or even by the mass media at large, no institution remains unscathed from the hatred. This opinion piece seems to be an example of the malaise.

The article can be read here: <https://www.buzzfeed.com/ravikiranshinde/one-too-many-mishras-indias-supreme-court-is-a-brahmin>

6. Sharjeel Imam writes in The Wire: It is time we absolve Jinnah

The opening paragraph of the article published on 7 May, 2018 reads: *"Whenever Mohammed Ali Jinnah is in the news, Indian Muslims tend to pander to the insecurities of their Hindu co-nationalists, and come out and criticise the founder of Pakistan for harming the nation and the community. It*

happened when L.K. Advani visited his tomb in 2005. Over a decade later, it is happening again in the case of Aligarh Muslim University (AMU)".

From his eulogy of Jinnah on The Wire, it is evident that Sharjeel and by extension, the publication that allowed these dangerous views to be published, do not find any fault with Jinnah's conduct that led to the partition of the country. He does not even believe that partition was necessarily a bad thing. He says, *"In order to demystify Jinnah and to resolve such contradictions, a fuller discussion of Partition should have been a part of our educational setup. However, it has been made impossible to know such a historic figure by attributing violence of Partition to him. This as an attempt by Congress to hide its failures to accommodate the genuine Muslim demands and aspirations for political proportional representation."*

Sharjeel did not stop there of course. He says that the 'questions' raised by Jinnah *"are just the starting point of a larger debate which will inevitably take place again and again, as the situation of Indian Muslims is made to worsen."* He believes that Jinnah led a righteous struggle to protect Indian Muslims from Hindu rule. Also, Sharjeel goes to great lengths to prove that Jinnah was a leader of Indian Muslims. He says, *"Indian Muslims, despite having been indoctrinated for generations now, retain some memory of Partition and Jinnah. For many of them, Jinnah is the author of Partition and yet one of the greatest leaders of "Muslim India" in the last century, who made the Muslim League into a national party by mobilising millions of Muslims across British India."*

He states further, *"Jinnah's communalism is positive communalism as discussed above, and need not be understood through the contemporary meaning of the word. He did not believe that India was a nation, as is shown by the frequent use of the term 'continent' as well as 'subcontinent'. He was merely representing one community in this grand ocean of communities, and in this process, he was trying to secure rights for all numerically inferior communities."*

Sharjeel adds, *"Jinnah argued that it does not matter if we are 15% or 25%, unless we receive safeguards, they have all the resources to monopolise power. In other words, the Muslim majority provinces chose to secede rather than stay in a Hindu-dominated centralised India, as they saw no other option. Hence Partition is not their responsibility, it is their compulsion by the conditions created by Congress."*

Lastly, according to Sharjeel, *"Jinnah raised questions which are still relevant. As the largest religious minority in the world, Indian Muslims, are one of the major victims of majoritarian democracy. It is the political struggle of these*

hundreds of millions of besieged Muslims which will define the meaning of plural democracy for the coming centuries.” He ends the article with the words, “The AMU portrait of Jinnah must not go. If anything, we need thousands more.”

In this article, Sharjeel Imam, who is now in custody for the Delhi Riots, whitewashes the sectarian violence that claimed the lives of thousands of Hindus during riots like Naokhali and even the Direct Action Day and brands the communalism of Jinnah as ‘positive communalism’. While laced in sophistry and intellectual shenanigans, the article presents itself as laying the groundwork for the justification of genocide of one community while giving a free pass to the ideology that facilitated that genocide.

The full article and OpIndia’s counter:

<https://thewire.in/history/aligarh-muslim-university-jinnah-portrait>
<https://www.opindia.com/2020/01/all-you-need-to-know-shaheen-bagh-sharjeel-imam-writings-islamist/>

7. Caravan Magazine: Urban Upper Castes Driving Hindu Nationalism have Little Representation among Pulwama’s slain Jawans

Under normal circumstances, focusing on the caste of martyred soldiers is the worst that any journalist would be capable of in a single report. However, Mr Ashraf in his article published by the Caravan Magazine on 21 February 2019, says quite clearly that he called the martyrs of the family to in their moment of unimaginable tragedy to inquire about their caste.

He writes, “While the names of a few jawans revealed their respective caste identities, for those bearing caste-neutral last names, I spoke with their family members on telephone numbers registered with the CRPF. I also determined the caste identities through conversations with journalists who covered the jawans’ cremation; local politicians; social activists; sociologists; and by scanning media reports.”

While it is held that reducing Muslims to their religious identity amounts to hate speech, it is interesting to note that reducing even Martyres to their caste identity was considered common parlance and acceptable standard of discourse. It is worthy to point out that no punitive action was taken against the publication and the article still exists.

Link to the article: <https://caravanmagazine.in/caste/urban-upper-castes-driving-hindutva-nationalism-little-representation-pulwama-jawans>

Link to OpIndia's counter: <https://www.opindia.com/2019/02/after-ajaz-ashraf-of-caravan-reduced-martyrs-to-their-caste-he-shouldnt-play-victim-when-he-is-reduced-to-his-religion/>

VI. Conclusion

To understand how blatantly the mass media violates rules in their reportage, we must first understand some guidelines that have been laid out by the Press Council in its 'Norms for Journalistic Conduct' published in 2010 (<http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>).

The rules are as follows:

- (i) News, views or comments relating to communal or religious disputes/clashes shall be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace. Sensational, provocative and alarming headlines are to be avoided. Acts of communal violence or vandalism shall be reported in a manner as may not undermine the people's confidence in the law and order machinery of the State. Giving community-wise figures of the victims of communal riot, or writing about the incident in a style which is likely to inflame passions, aggravate the tension, or accentuate the strained relations between the communities/religious groups concerned, or which has a potential to exacerbate the trouble, shall be avoided.
- (ii) Journalists and columnists owe a very special responsibility to their country in promoting communal peace and amity. Their writings are not a mere reflection of their own feelings but help to large extent in moulding the feelings and sentiments of the society at large. It is, therefore, of utmost importance that they use their pen with circumspection and restraint.
- (iii) The role of media in such situations (Gujarat Carnage/Crisis) is to be peacemakers and not abettors, to be troubleshooters and not troublemakers. Let the media play their noble role of promoting peace and harmony among the people in the present crisis in Gujarat. Any trend to disrupt the same either directly or indirectly would be an anti-national act. There is a greater moral responsibility on the media to do their best to build up the national solidarity and to re-cement the communal harmony at all levels remembering the noble role they had played during the pre-independence days.
- (iv) The media, as a chronicle of tomorrow's history, owes an undeniable duty to the future to record events as simple untailed facts. The analysis of the events and opinion thereon are a different genre altogether. The treatment of the two also thus has necessarily to be different. In times of crisis, facts unadorned and

simply put, with due care and restraint, cannot be reasonably objected to in a democracy. However, a heavy responsibility devolves on the author of opinion articles. The author has to ensure that not only are his or her analysis free from any personal preferences, prejudices or notions, but also they are based on verified, accurate and established facts and do not tend to foment disharmony or enmity between castes, communities and races.

- (v) While the role and responsibility of the media in breaking down communal fences and promoting harmony and national interest should not be undermined it is also essential to allow the citizens their freedom of speech. The press of India has necessarily to judge and balance the two.

The rules further say that the headlines of the news should not be provocative and reflect the true character of the report.

Further, the rules state:

- i) In general, the caste identification of a person or a particular class should be avoided, particularly when in the context it conveys a sense or attributes a conduct or practice derogatory to that caste.
- ii) Newspapers are advised against the use of word 'Scheduled Caste' or 'Harijan' which has been objected to by some.
- iii) An accused or a victim shall not be described by his caste or community when the same does not have anything to do with the offence or the crime and plays no part either in the identification of any accused or proceeding, if there be any.
- iv) Newspaper should not publish any fictional literature distorting and portraying the religious or well known characters in an adverse light offending the susceptibilities of large sections of society who hold those characters in high esteem, invested with attributes of the virtuous and lofty.
- v) Commercial exploitation of the name of prophets, seers or deities is repugnant to journalistic ethics and good taste.
- vi) It is the duty of the newspaper to ensure that the tone, spirit and language of a write up is not objectionable, provocative, against the unity and integrity of the country, spirit of the constitution seditious and inflammatory in nature or designed to promote communal disharmony. It should also not attempt to promote balkanisation of the country.
- vii) One of the jobs of the journalists is also to bring forth to the public notice the plight of the weaker sections of society. They are the watchdogs on behalf of the society of its weaker sections.

The guidelines look down upon the use of caste or religious identifiers, have norms for factual headlines and headlines that are not provocative in nature, be factual, don't spread fake information, does not distort information etc.

From the examples presented in this limited report, it is important to note that the blatant non-observance of these basic rules have been observed for years when it comes to one community, however, these rules are almost militantly enforced when it comes to reporting on the minority community or even countering the blatant transgressions of the media when it comes to inaccurate reporting with respect to the Hindu community.

We live in an age where journalists were caught trying to manipulate Dalit victims who were attacked by local Muslims to ensure that they admit that no hate crime was committed by the members of the Muslim community. We live in an age where biased 'hate-trackers', who claimed to document all instances of hate crimes, deliberately omit hate crimes against Hindus. One recalls how in January 2018, the severed head of one Palakuri Ramesh Goud was found on a flagpost near a mosque, in an area thickly populated by Muslims. His body was traced about a kilometre away. This does not get included in the 'hate tracker' because 'police did not find any communal angle to crime'. However, when Junaid was killed over a seat dispute in the train, it got included in 'hate crime' despite the fact that the court had given a verdict that it was not a hate crime.

In August 2018, one Babu Khan was beaten up in a mosque for participating in the Kanwar Yatra. But it was not included in 'hate tracker' because the religion of victim as well as perpetrators was Muslim. However, when a Dalit man was allegedly slapped and harassed for converting to Islam by Hindus, it is still a hate crime. One recalls how Hindustan Times had also launched a biased 'hate tracker' which had similar biased reporting and factual flaws. IndiaSpend's 'fact-checker' website also launched a 'tracker' which tried to track 'cow-related' crimes'. That data was also equally flawed and biased. One recalls how these flawed hate-crime trackers were then picked up by international news agencies to paint majority Hindus and by extension, India, in terrible light.

One recalls how 'fact-checkers' had misrepresented the Hindu Swastika to willy-nilly target the majority community and their faith, for no apparent reason other than to equate Hindus with Nazis. Or how even the Supreme Court was considered subservient to the Hindu community and a tool to subjugate the minority population after it had given its verdict in the Ayodhya case.

Links to the OpIndia coverage of above referred items:

1. <https://www.opindia.com/2019/08/factchecker-wire-journalist-manipulates-dalit-victim-hate-crime/>
2. <https://www.opindia.com/2018/12/indiaspends-faulty-hate-tracker-tries-to-show-they-are-neutral-expose-their-anti-hindu-bias-further/>
3. <https://www.opindia.com/2018/11/fact-check-media-lies-washington-post-publishes-story-hate-crimes-in-india-cow-related-fake-data-from-indiaspend/>
4. <https://www.opindia.com/2020/01/caa-protest-alt-news-swastika-hindu-nazi-symbol-dot-tilted-fact-check/>
5. <https://www.opindia.com/2019/11/a-hindu-perennially-ashamed-and-guilty-how-narrative-after-ayodhya-verdict-is-trying-to-achieve-it/>

In the spirit of evaluation and, the code of conduct laid down by the Press Council of India, one also has to evaluate how the bogey of Saffron Terror was furthered by the media with complete disregard for the truth.

The term 'Hindu Terrorism' or 'Saffron Terror' came into existence following the Congress party's efforts at normalizing the term. However, the media played a significant part in attempting to invent grounds for justification for the usage of the term. Over the years, numerous media outlets have propagated the theory for their own ends and in the process, have maligned the Hindu community.

In May 2016, Scroll published an opinion piece by Ashok Swain with the title 'Why saffron terror is not a myth'. The columnist wrote, "*The Sangh Parivar always accuses the Congress of being soft on terrorism. However, when the Sangh uses the word terrorism it actually means Islamic terrorism. When it comes to terror activities of Hindutva groups, the Rashtriya Swayamsevak Sangh and Bharatiya Janata Party refuse to even accept that it exists.*"

He further stated, "*Sri Lanka's Tamil Tigers were among the most dangerous and deadly terrorists the world has ever produced, and they were also Hindus. In 1984, many years before Al Qaeda's anthrax attacks, the United States was subjected to bio-terrorism by the followers of Rajneesh, a Hindu self-styled godman. So, the argument that Hindus are incapable of committing terror acts does not hold.*" The comments were made in the aftermath of the NIA's decision to drop all terror related charges against Sadhvi Pragya.

In June, 2018, DailyO published an opinion piece by Gurmehar Kaur titled, 'Quantico is not the problem. The reality of 'Hindu terrorism' is'. The article was penned in the aftermath of the Quantico controversy where the show

decided to reignite the mythical narrative of Hindu Terror. Kaur wrote in the article, *"If that is so, where is this leaving us in the current context wherein "Hindu terrorism" isn't fiction — not with the recent lynchings that have taken place in the name of the cow or the cold-blooded murder of a journalist Gauri Lankesh?"*

Writing for The Guardian in January 2011, Kapil Komireddi opined in article titled 'India must face up to Hindu terrorism', *"If this institutional exclusion should breed resentment, and the resentment produce violence, no one will hesitate to call it another instance of Islamic terrorism. But when self-pitying Hindus massacre minorities and detonate bombs in the midst of Muslim crowds, we are expected to be polite. No, let us call it what it actually is: Hindu terrorism."*

The Mili Gazette published an article titled 'Sadhvi Pragya, saffron terror and remembering Manto' in April 2019. Humra Qureshi wrote, *"After many politicians with criminal backgrounds to them are the BJP's much-flaunted faces in these elections, there comes up another shocker. Mind you, this new entry is a terror-accused! Yes, Sadhvi Pragya is still not acquitted in the Malegaon terror blasts case, yet she is projected by the rulers of the day as one of the potential future rulers of this land! A terror-accused to be placed up there on our heads? Why? Perhaps, to terrorize us!"*

Then, there was Apoorvanand, an accused in the Delhi Riots case himself, who wrote an article for the Al Jazeera in March 2019 titled 'The Samjhauta acquittals: Hindu terror goes unpunished in India'. He stated, *"Earlier this month, the acquittal of the four main suspects in the 2007 Samjhauta Express blast case has once again brought the Indian government's commitment to fighting Hindu terror groups into question."*

Frontline's print edition of February 2015 carried an article titled 'Saffron Terror'. The author commented on the Gujarat Riots of 2002, *"What the State witnessed was a fascist pogrom, conducted by organised death squads of the Hindu Right with the entire State apparatus at their disposal. The pogrom was initiated with two objectives. The first was to ensure that the State's Muslim population remained confined to its ghettos, and the second to ensure that the authority of the Hindu Right remained stamped forever on Gujarat's political landscape. The scale of the violence was not the worst the country has seen, but its significance is unmistakable: if Hindu fascists ever wield unchecked power, Gujarat is what India might look like."*

These are only a few examples of the kind of narrative that has been allowed to be furthered, based on complete conjecture and personal prejudice, that has inflicted catastrophic damage to the social fabric of the country. There

was never any evidence for Hindu Terror and Saffron Terror that was ever found. Even the headlines while covering Mr Chidambaram's comments reflected the media's own biases. The Straits Times published a report titled, 'Rise of Hindu 'saffron terror'' while reporting on the same.

Relevant Links:

<https://scroll.in/article/808306/why-saffron-terror-is-not-a-myth>
<https://www.theguardian.com/commentisfree/belief/2011/jan/19/india-hindu-terrorism-threat>

<https://www.dailyo.in/voices/priyanka-chopra-quantico-hindutva-saffron-terror-outrage-apology-homeland-islamic-terrorism/story/1/24846.html>

<https://www.milligazette.com/news/4-national/16655-sadhvi-pragya-saffron-terror-and-remembering-manto/>

<https://www.aljazeera.com/indepth/opinion/samjhauta-acquittals-hindu-terror-unpunished-india-190327111755815.html>

https://web.archive.org/web/20110120090509/http://www.straitstimes.com/BreakingNews/Asia/Story/STIStory_570749.html

<https://frontline.thehindu.com/the-nation/saffron-terror/article6805169.ece>

When such conjectures have been normalised by the media and none of these publications have been pulled up for the blatant disregard for the code of conduct laid down by the press council, when a different show uses the word 'Je had' to show how extremists are entering the civil services or shows skull caps graphics while talking about Islamic extremists, the moral trepidation should not be a question that must be debated by the judiciary.

As journalists, in difficult situations, we are to evaluate facts and present it in a manner that accurately represents the situation. In today's day and age, however, the responsibility to counter the mass media that aims to create strife and hate towards the very sanctity of the nation becomes pronounced. Beyond the counter arguments that need to respond in the same language and tenor, even when factual positions are articulated, the high standards of political correctness are often enforced only when the reportage pertains to a particular minority while even falsehoods against the Hindu community are considered common parlance and acceptable standards of discourse.

When such confabulation with regards to religious communities have been normalised for the Hindu community, setting completely different standards when the parley pertains to the minority community is not just hypocrisy but could be safely considered tyranny of the few. Journalism cannot exist in a vacuum independent of the conversation that is normalised around it. Journalism also cannot exist when the colour of the shirt attains far more importance than the facts presented in the reports, especially, when the media has been allowed to normalise this very discourse against one community.

TRUE COPY

A handwritten signature in black ink, consisting of several stylized, overlapping strokes that form a cursive or semi-cursive name.