

Only by Email

October 28, 2020

Mr. Mayank Aggarwal Compliance Officer NBSA Zee Media Corporation Ltd No 19, Film City, Sector 16A Noida 201301 Email: <mayank.a@zeemedia.esselgroup.com>	Citizens for Justice and Peace Nirant, Juhu Tara Road, Juhu, Santacruz (W) Mumbai – 400 049 Email
	Mr. Saket Gokhale

Dear Sirs,

Re: (1) Complaint dated 16.4.2020 from Citizens for Justice and Peace (CJP) against a programme on Zee News on 11.3.2020 Daily News and Analysis”, Jammu में ज़मीन के 'इस्लामीकरण' का DNA टेस्ट”

(2) Complaint from Shri Saket Gokhale against programme titled 'DNA' Zee TV channel on 11.03.2020 - Received from MOI&B vide letter dated 25.6.2020

Since the complainant did not receive a response to the complaint dated 24.3.2020, the complaint was escalated to the second level, which is the NBSA and complaint dated 16.4.2020 was filed with NBSA. It is prayed that the NBSA take cognizance of the violations as stated in their complaint dated 16.4.2020 to the broadcaster and pass the following directions:

1. To remove the program “DNA: Jammu में ज़मीन के 'इस्लामीकरण' का DNA टेस्ट” (DNA test of Islamic conversion of land in Jammu) from their website, from their YouTube channel and any other digital platform
2. To issue a public apology on its channel for posting such hateful content and for hurting the sentiments of certain communities.
3. To refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.
4. To refrain from broadcasting or posting, in the future, any such content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. To provide proportionate monetary compensation to be awarded to a Citizen's Group like CJP battling the vicious politics of hatred.
6. Take any other punitive action that the Authority deems fit.

Complaint dated 24.3.2020 filed with the broadcaster:

In the programme titled, “**DNA: Jammu में ज़मीन के 'इस्लामीकरण' का DNA टेस्ट**”. Mr. Chaudhary showed his viewers a Jihad diagram propagating various types of Jihad in the country categorising them as soft jihad and hard jihad. The complainant alleged that in a country which is walking a tight rope when it comes to its communal issues, such a brazen display of cooked up concepts and types of Jihad is an attempt to create and propagate Islamophobia among the masses.

The complainant alleged that the anchor went on to explain how there were two types of Jihad – Hard Jihad and Soft Jihad further ‘educating’ his viewers by saying, “Hard Jihad includes Population Jihad, Love Jihad, Land Jihad, Education Jihad, Victim Jihad and Direct Jihad, while Soft Jihad includes Economic Jihad, History Jihad, Media Jihad, Movies and Songs Jihad and Secular Jihad.”

Apart from the extremely offensive and shockingly inflammatory content of this programme, what was especially disturbing was how the host, Mr. Chaudhary was encouraging people to tweet using #ZameenJihad a deeply communal hash tag, a brazenly provocative move that can also incite hate.

It was alleged that the intent of the show, seemingly, was to put forth a point that land in Jammu is owned 90 % per cent by Muslims while Jammu is known to be a Hindu majority region. He even termed it as a conspiracy to turn Hindu populated Jammu into a Muslim dominated region. He even tried to justify his theory by twisting statements made by former political leadership of India during the time of partition and their views of Muslim settlement in India, further communalising his content.

While speaking of Zameen Jihad, Mr. Chaudhary said, *“Some people are playing the trick of capturing the government’s land to change the population in terms of religion.”* He added that “Islamists” are even trying to “change the religion of land, jungles and rivers”.

The complainant stated that the content of the show was not only inflammatory but replete with incitement and provocation against the Muslim community at large and this amounts to criminal offences under the Indian Penal Code besides violating the Code of Ethics and other guidelines set out by the News Broadcasters Standards Authority (NBSA). The show not only defies the fundamental principles of Code of Ethics but also other principles such as impartiality, objectivity, neutrality & fairness in reporting and also the guideline relating to Racial & Religious Harmony.

The complainant desired Zee News to take down the video of this show from all digital platforms and to issue an apology for publicizing such inflammatory content devoid of journalistic ethics and principles.

Reply dated 17.4.2020 by broadcaster to the complainant:

The broadcaster submitted that in the show DNA aired on 11.03.2020, after conducting a thorough research and verifying the facts and official records, they highlighted the biggest scam of Jammu and Kashmir, whereby, for the past 18 years, the then Government of Jammu and Kashmir and other stake holders have been trying to change the demography *i.e. population ratio of Jammu Region with a sole intention to make Jammu a Muslim majority area.* To carry out the aforesaid objective, the then Government of Jammu and Kashmir, in the year 2001, enacted Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act, 2001, *popularly known as ‘Roshni Scheme’, whereby, it has been decided to grant ownership of thousands of kanals of the valuable State Land to the unauthorised occupants/encroachers in consideration of meagre amount.* Although, the objective of the Act *was to generate funds to finance the power projects in the State, however, the mode and manner of implementation of aforesaid Act by the State Government over the years unveil the hidden objective of the aforesaid Act, pursuant to which, a large chunk of forest and agricultural land in Jammu region have been transferred free of cost to people belonging to one particular religion with a sole intention to change the demography of Jammu Region.*

That the aforesaid scam was first came to light in the year 2014, when the Comptroller and Auditor General of India (CAG), in its report, observed gross irregularities on the part of the State Government in implementation of the Act. The CAG, in its report, inter alia, noted that the rules framed by the Government of J&K under the Act were contrary to the objectives of the Act,

inasmuch as, the rules provided for transfer of agricultural lands free of cost, which is beyond the scope, objectives and mandatory provisions of the Act. With the aforesaid observations, the CAG, *in its findings, inter alia, recorded that "all the transfer of agricultural lands under the provisions of the Act are illegal". The CAG has further given its findings that out of actual transfer of 3,48,160 kanals in the State, a major portion of land i.e. 3,40,091 kanals were categorised as 'agricultural' and were transferred free of cost, which has resulted in loss of thousands of crores of Rupees to the State Ex-chequer.*

That based on the aforesaid report of CAG, a Public Interest Litigation being PIL No. 41/2014 was also filed by one Mr. Ankur Sharma, Advocate before the Hon'ble Jammu and Kashmir High Court, wherein, pursuant to the order dated 21.11.2019, the Revenue Department filed a compliance report dated 21.12.2019 before the Hon'ble High Court stating therein the region wise distribution of beneficiaries. As per the said report, 25,000 persons were granted ownership of the forest and agricultural land in the Jammu Region alone, whereas, the number of beneficiaries in Srinagar region were only 4500 and no land were transferred in Ladakh Region. After perusal of the aforesaid report, even the Hon'ble High Court of Jammu and Kashmir in its order dated 20.02.2020 has observed as under: *"This status report reveals shocking state of affairs which had prevailed and the manner in which the land encroachers in Jammu and Kashmir have become owners of large trenches of public land by the operation of the Roshni Scheme."*

In order to decode the hidden objective of the aforesaid Act, which is in larger public interest, they got the list of beneficiaries who have been granted ownership of land in Jammu under the aforesaid Act. *As per the said list, 90% of the beneficiaries of the agricultural and forest land of Jammu, which have been transferred in their favour free of cost, belongs to Muslim community. In order to know the truth, their reporters visited Jammu and came to know from the people of Jammu that for past 18 years, the Government of Jammu and Kashmir, in connivance with the extremist groups, have been trying to eliminate the Hindus from Jammu and wants to change its demography.*

That in order to further verify the aforesaid allegations of the people of Jammu, they spoke to Mr. Ankur Sharma, Advocate, who stated that the beneficiaries who have been given state land in Jammu under the provisions of the Act, were not even the residents of Jammu and majority of them have been migrated from Kashmir. The aforesaid advocate has further given reference of some of books written by Military Strategist of Ghazwa-e-Hind, wherein, it is written that to accomplish Ghazwa-e-Hind fall of northern India and particularly Jammu is very critical. They also spoke to Mr. Sushil Pandit, who is an expert on Kashmir issues. He said in his byte that Roshni Act is a scam to disturb the population ration in Jammu and by the said Act, the Government has compromised with the national security. Thereafter, they also talked to Mr. M.M. Khajuria, Ex-DGP of Jammu and Kashmir on the issue, who said that it has been a major policy of the Governments of Jammu and Kashmir to facilitate the migrated population in Jammu to permanently settle there.

In order to expose the real intention and conspiracy behind enacting the aforesaid controversial legislation, they also referred to a report titled 'White Paper on Kashmir' written by Head of Department of Political Science, University of Jammu and Kashmir. In the aforesaid Report, it has clearly been stated that the Pakistan always intended to increase militancy in Muslim majority areas of Jammu and they wanted to accumulate the Muslim populations on the west of Chinab River and to prepare them to attack India. The aforesaid report further talks about the intention of the Pakistan to completely eliminate the 7 minority Hindus in Kashmir. *They also spoke to Mr. Tariq Fateh, who is well known writer. In his byte, he stated that the fact of transferring 90 percent of land situated in Hindu majority area to the people of Muslim community talks a lot about the intention of the Government and other stakeholders.*

In view of the aforesaid facts and situation, in their show DNA, they have conducted a fair analysis of the following questions:

- a. If Roshni Act was enacted to give ownership of State Land to the unauthorized occupants, then how, in Jammu region, where majority population is Hindu, 90 percent beneficiaries of the State Lands are Muslims?
- b. Whether enactment of Roshni Act is part of the conspiracy to change the population ratio of Jammu?

While raising the aforesaid questions on our show, they have clarified that they are Secular and not against any religion. To further clarify to the viewers, they defined the concept of secularism, which means not to give importance to any one religion and all the religion must be treated equally. Since, in the present case, the Hindus of Jammu region were not given equal treatment, they have stated in their show that the Act of the Government of Jammu and Kashmir was anti-secular and against the interest of our nation.

While presenting the aforesaid news report, they have not only explained the concept of secularism to their viewers *but also clarified that they are not against any particular religion and their report relates only to those group of extremists and/or terrorists, who, in the garb of jihad and Ghazwa-e-Hind, have been trying to convert India into an Islamic Nation. Needless to state that the such extremists and/or terrorists have no religion and as a responsible media, they have all right to expose them in the interest of our nation.*

They have telecasted the aforesaid report *with true spirit of nationality* and only to preserve the integrity and unity of the country without crossing the secular lines or hurting the religious feelings of any religious community. *In their report they have only exposed the proponents of those extremist groups who wanted India to be an Islamic State and, on whose behest, the then Government of Jammu and Kashmir enacted the controversial Roshni Act with a hidden object to change the population ratio of Jammu Region in furtherance of Ghazwa-e-Hind.*

The flow chart of Jihad, which we presented to the viewers during our show, merely explained the modus operandi of the people of extremist groups, who in the garb of Jihad, have been trying to convert India into a complete Islamic Country. That so far as the display of flow chart of Jihad is concerned, the same was related to only those people who want our country to be divided into pieces irrespectively of their religion and therefore, while displaying the aforesaid chart, our anchor, as a disclaimer, has stated that they are not targeting any particular religion and the aforesaid news report is only relates to those who wants to destroy our country. In the show, they have never tried to promote and incite the communal hatred as falsely alleged.

That immediately after displaying the aforesaid chart, they had clarified that the aforesaid chart of Jihad does not relates to those people who wants India to remain unified and integrated. That immediately after airing the aforesaid news report, *they have received accolades and appreciations from various sections of the society and it is a great shock and dismay that despite bringing into light the biggest monetary and religious scam of the country without disturbing the communal harmony, various pseudo secular and pseudo intellectual citizens of this Country, who never had any problem with the word 'Hindu Atankwad', have started criticizing their sincere efforts in exposing those extremists and terrorists group who, in the garb of Jihad and Ghazwa-e-Hind, are trying to destroy our country.*

They responded to the aforesaid criticism in their same prime time show aired on the next day i.e. on 12.03.2020, wherein, they have stated that majority of India Muslims are peace loving citizens and have nothing to do either with Jihad or with Ghazwa-e-Hind and in our aforesaid news report they have only exposed those few people who wants to divide our country. It is relevant to mention here that in response to their aforesaid news report, the Ex-Deputy Chief Minister of Jammu and Kashmir posted a tweet appreciating us for raising the important issue of change of population ration in Jammu. They have also received *appreciation from various political leaders and citizens of our country.*

The aforesaid show analyzing the concept of Zameen Jihad in Jammu and Kashmir is completely uncolored from any motive, prejudice or notions but are based completely on verified, accurate and established facts and do not tend to promote disharmony or enmity between the different religion. They have imposed self-restraint while conducting the analysis in their aforesaid show.

The broadcaster stated that they have neither breached any of the guidelines of NBSA nor committed any offence, much less offences under Section 153A, 295A, 298 and 505 of India Penal Code. They have strictly adhered to the laid down principles of neutrality, impartiality and fairness in our telecast of the aforesaid news report.

Rejoinder dated 8.5.2020 to Zee News from CJP

CJP submitted a common rejoinder to their complaint dated 24.3.2020, sent to the broadcaster as well as the complaint dated 16.4. 2020 sent to NBSA.

The complainant in the rejoinder stated that the broadcaster's response is replete with factual assertions and their point of argument and their allegations is the manner of presentation of these facts, which has been done with the malicious intention of creating a communal divide by pitching one religion against the other. There seems to be a misrepresentation of facts by the broadcaster in its show which shows not only its abject disregard towards presentation of truth but its thrust and focus being on airing a divisive, partisan and communal narrative to appease to a certain ideology. A simple viewing and re-viewing of the show reveals the intent of the broadcaster which is to showcase both the religion of Islam and 'jihad' as having negative and predatory qualities.

They would like to point to the many problematic statements made by the host of the program in question, "Daily News and Analysis" aired on March 11, 2020. The topic of that day was "DNA: Jammu में जमीन के 'इस्लामीकरण' का DNA टेस्ट".

Firstly, the host of the show in the beginning itself puts forth the concept of "Zameen Jihad" or 'Land jihad' by comparing it to 'Love Jihad'. This term, 'Love jihad' is a cleverly crafted term increasingly loosely used to detrimentally describe inter-community marriages, which, incidentally the Indian Constitutional mandate is completely and utterly in tune with, given India's commitment to the right to life, the right to liberty and freedom and the right to equality before the law. That the term selectively vilifies only one faith and religion is clear from the suffix of 'Jihad' to the term 'Love' given especially the misuse of the very term by rabid, outfits who have carried out acts of terror and violence justifying these in the name of 'Jihad' and 'Islam.' Never is 'Love' coupled with say a term like 'Yuddh' or 'Mahayuddh' which would give it a completely different connotation.

This term, 'love jihad', which is increasingly used in sections of the news media is one replete with a track of an anti-minority mindset. Besides, many rightwing supremacist outfits, be it of the majority or minority kind position themselves against the free association and intermingle, even though friendship, business, marriage and association as these will further the real secularisation of the Indian polity (Articles 14,15, 16, 19, 21 and 25 of the Indian Constitution).

Many cases of 'Love Jihad' have been disposed by the courts of law, as being legitimate relationships of love that culminated into marriage and had been termed as 'Love Jihad' to intentionally demonise a particular religion.

In the exact words of the host, "*Hamaredesh me love jihad kitarah ab zameen jihad bhi ho rabihai*" (Translation- Just like love jihad, land jihad is also taking place in our country). Through this statement, the host, Mr. Sudhir Chaudhary, has implied his acceptance of the abhorrent term 'love jihad' as being a real phenomenon and so same basis validates the term "zameen jihad" as well.

Further, the host poses facts related to the Roshni Act in Jammu and Kashmir region, where in the Jammu district, which is a Hindu majority district the lands have been handed over mostly to Muslims. To be precise, he states that 25,000 persons, who were illegally occupying government lands have bought these lands from the government as per the provisions of the Roshni Act and 90% of these buyers belong to the Muslim community. *Basis these statements, the show has questioned the intention of the law, and imputed whether it was enacted to change the demography of the Jammu district by converting it from a Hindu dominated region to a Muslim majority region.*

Hamaredesh me love jihad kitarah ab zameen jihad bhi ho rahihai Jihad ka hathyar Kanoon kea ad me dharm k aadhar par jansankhya ko badalne kikoshish hotirahi 25,000 people were given land under the Act and 90% of these are Muslims.

The programme and the Anchor is questioning the law and its intent and imputing/questioning whether the purpose of the law was to in fact allow or orchestrate a change in the demography of Jammu; whether this motive was to effect a change from Jammu being a Hindu Majority region into a region with a majority Muslim population. To prove his point, the host relies on population data (without citing a source) of the Jammu district which is as follows:

This data then becomes the basis of the ‘claims’ and ‘assertions’ made on the show that state that the Roshni Act was a conspiracy to change the demography of Jammu district. Thus, calling it ‘Zameen Jihad’ which is loosely defined as an act of usurping land in order to increase Muslim population in Jammu.

Since the channel has not cited the source for this data, they found some official figures from the Indian Census office. They found that the population figures claimed by the show for the year 2001 matched with our search. The population of Hindus was 65.23% and Muslim population was 30.69% for the total population of Jammu District (source: <https://jk.gov.in/jammukashmir/?q=demographics>).

On the other hand, they found a stark difference in the actual population figures of census 2011 and the ones presented on the show (in 2020). They found that as per 2011 census, the Hindu population in Jammu district was 84.27% (12,89,240 persons) and Muslim population had dropped considerably to 7.03% (1,07,489 persons). This data is readily available on the official census website: <http://censusindia.gov.in/>

If the broadcaster was really professional, ethical, secular and unbiased in its/his intent –also having a high regard for the Laws of the Land, the Constitution, the Unity and Integrity of the nation -- claimed in its response -- one would have expected, at the bare minimum a thorough fact check before propagating such blatantly divisive propaganda and rhetoric through its show. The ‘perpetrated fears’ of ‘unbridled’ Muslim/Islamic growth is an oft and old hashed out narrative among supremacist and communal narrative in India, being ill-used to perpetrate hatred of and alienation from the Indian Muslim community.

Thus, by relying on and making an entire show based on a wrong set of facts and figures and erroneously conceived ‘information’, the broadcaster has shown utter disregard towards the very basics of the ethics of journalism that this Authority endeavours to safeguard. This further makes the broadcaster liable to violating the “Accuracy”, Errors of fact should be corrected at the earliest and facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

Manipulation of Term ‘Jehad/Jihad’

The entire broadcast, is to play, twist and manipulate the term ‘Jehad,’ a term of Islamic/Arab usage that has a certain etymology, historicity and connotation. They stated that the overall impact of the broadcast by ‘Zee News’ on March 11, 2020 is nothing short of a brazen attempt to ride on this popular distaste and fear of the term (‘Jihad/Jehad’) and in fact turn that, very dangerously, into an overall dislike and antipathy against all that is either Islamic or Muslim.

What however makes the broadcast even more sinister is that in its entirety and in toto, whether its speaking of ‘Hard Jehad’ or ‘Soft Jehad’, the objective is to paint the very concept –and the religion, Islam from where it hails –as dangerous, sinister and worthy of distancing, alienation and hate.

Further in the show, the host goes on to explain how there were two types of ‘Jihad’ – ‘Hard Jihad’ and ‘Soft Jihad’ further ‘educating’ his viewers by saying, “Hard Jihad includes ‘Population Jihad’, ‘Love Jihad’, ‘Land Jihad’, ‘Education Jihad’, ‘Victim Jihad’ and ‘Direct Jihad’, while ‘Soft Jihad’ includes ‘Economic Jihad’, ‘History Jihad’, ‘Media Jihad’, ‘Movies and Songs Jihad’ and ‘Secular Jihad’.” The bias and bent of the entire broadcast is evident that each and all of those alluded to in this broadcast are those having negative connotations all together in toto therefore aimed to further a hatred of and alienation of all that is Islamic and Muslim.

While explaining, each kind of jihad, the show labels regular and usual occurrences as “jihad” thus leaving no stone unturned in terming almost everything that identifies with Islam or the Muslim community as ‘jihad’ (with the aforementioned negative connotations of a kind of war with intent), thus further inciting hatred towards the community in general. In times when the country is walking the tight rope of communal harmony, such divisive and inciteful rhetoric, masked under false information, is nothing but malafide agenda of the broadcaster. At a time when hate-infilled rhetoric appears not even to invite politically powerful rebuke and institutional censure, leave alone punishment, the impact of such a programme can be further imagined.

The host of the show/broadcast has termed things like the mere mention of Mughals (termed as glorification) in history or education as ‘History jihad’ or ‘Education jihad’. He even termed propagation of Islamic culture like songs of the Sufis, Mystics or anyone who emerged from Islamic cultures, stories and narratives reflecting in movies, as ‘Film and Music jihad’. What could be the intent of such a single-minded negative portrayal than to further divides and actually test the principles of objectivity in broadcasting? He also defines ‘Zameen jihad’ as the acts of usurping land and building mosques, madrasas and kabristans (muslim burial grounds), thus implying that that all such buildings are on usurped land and amount to some kind of ‘jihad’ or ‘holy war’ waged by ‘kattar’ (hard line, fanatical) Muslims. The anchor terms ‘secularism jihad’ as one that is supported categorically by leftists, communists and liberals in the country, thus showing utter disregard to a gamut of ideologies and way of thinking; also clearly violating the principle of neutrality in journalism. He also terms ‘victim jihad’ (‘pidit jihad’) as one where Muslims demand separate personal laws, reservations for themselves and so on. These “definitions” created by the broadcaster not only contradicts their claims of being secular but also displays their blatantly partisan approach towards news and broadcasting. In the overall context this broadcast is no doubt inflammatory and inciteful maliciously aimed towards creating a divide and promoting enmity between religions.

Apart from the extremely offensive and shockingly inflammatory content of this programme, what was especially disturbing was how the host, the anchor was encouraging people to tweet using #ZameenJihad a deeply communal hash tag, a brazenly provocative move that can also incite hate. This action takes the offensive broadcast steps further as it uses the micro blogging site (Twitter)

and social media platforms for developing a mass and mob hate mentality against Muslims, Islam through single minded, negative and adversarial usage of the term 'Jihad.'

The constant prompts to tweet using this hashtag made users post inflammatory tweets. The said tweets are proof that the incitement sown by the show has had a long-lasting effect and that the term has caught on and being used to abuse the Muslim Community, to humiliate them. These are just few of the thousands of tweets posted by netizens proving the wide impact of the show and its inflammatory content. Such contents are aimed at fueling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

Finally, in the response of the broadcaster the remark that people have not objected terms like 'Hindu Terrorism' is neither here nor there nor relevant to the present case. For the record however, those among us who have pointed to the ills of home grown 'Hindutva terrorism' have been at pains to show that this has nothing to do with the eclectic and catholic inclusiveness of the Hindu faith though in its organized form with caste ridden exclusions, unimaginable rights violations and injustices have resulted for years, even centuries. If at all this means that faiths and ideologies and traditions have both sides: the liberative, binding and inspiring ones and those that control, exclude and enjoin followers to hate and violence.

The programme and content is also a violation of Indian Criminal Law i.e. Sections 153A, 153B, 295A, 298, and 505(2) of the Indian Penal Code, 1860.

These discriminatory statements and unverified claims amount to generating an atmosphere that can lead to mass violence and targeting of the Muslim community. 'Journalism as genocide' is a context that is being documented worldwide especially after Rwanda. The hatred perpetrated by the media has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare associations boycotting Muslims in their apartments and colonies; Stopping Muslims from entering specific areas; Preventing volunteers who are providing relief measures to the poor, because they are Muslims. The community subjected to this form of vicious hatred has been transformed from being persons to objects. This dehumanization has resulted in calls for elimination of the community and the same is nothing short of a call for genocide. The call to genocide is a violation of the right to life and personal liberty of an entire community under Article 21 of the Constitution, and needs to be dealt with strictly. The calls for social and economic boycott being made are the precursors to genocide. Hate speech which repeatedly dehumanizes an entire community, makes them targets of vigilante violence.

The media has an additional responsibility in the time of the Pandemic. Though the broadcast was on March 11, 2020 on the eve of the lockdown this is not irrelevant. The World Health Organisation has, in its message dated 18.03.2020, advised that no particular ethnicity or nationality should be held responsible for COVID-19 since it is a world-wide pandemic and can affect anyone in any part of the world. This is essential, as the WHO advises, to "reduce stigma".

Decision of NBSA

NBSA considered the complaint, response and the further rejoinder by the complainant and also viewed the broadcast. NBSA also considered the complaint received from MOI&B vide letter dated 25.6.2020 along with a copy of the email dated 12.3.2020 received from Shri Saket Gokhale on the same broadcast and the response received from the broadcaster dated 8.7.2020.

NBSA noted that in the said programme the anchor was questioning the Roshini Act and whether the purpose of the law was to in fact allow a change in the demography of Jammu from being a Hindu majority region into a region with Muslim population in majority.

NBSA also noted that in the programme, the anchor presented different kinds of "Jihad" practiced in India through a diagrammatic representation which aimed at further increasing the hatred /alienation of the Muslim community and targeting the said community specifically.

NBSA was of the prima facie view that the programme was not in consonance with the *Fundamental Principles of the Code of Ethics No 6 which states that "Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcasters should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy"*. Also the *Guidelines on Broadcast of Potentially Defamatory Content No 5 which states that "a news anchor/journalist/presenter should not make any derogatory, derisive or judgmental statements as part of reporting or commenting"* and also the Specific Guideline Covering Reportage relating to Racial & Religious Harmony, at Clause 9 states that "*Racial and religious stereotyping should be avoided*" and "*Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.*" The broadcast had also violated the fundamental principles of Code of Ethics such as impartiality, objectivity, neutrality & fairness in reporting.

NBSA was also of the prima facie view that the tone and tenor of the programme was divisive and that the broadcast certainly was targeting a particular community which is against the secular ethos of our country.

NBSA decided to call the broadcaster and the complainants for a hearing at the next meeting of the NBSA.

You are accordingly requested to appear for a hearing on 26.11.2020 through video conference, the time and link for which will be sent a day before the hearing.

Parties should ensure the presence of their authorized representative or counsel at the said date, and time failing which the matter will be dealt with without further reference.

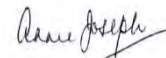
Kindly ensure that ONLY two persons represents the parties as the hearing is through video conference.

Attached please find the complaint, response/s from the broadcaster along with footage, which is being sent separately by electronic transfer. Kindly download the same. Please see the footage in totality and pinpoint the objectionable portion with timing at the bottom to save the time in the hearing.

Please acknowledge receipt of this communication and confirm your participation in the above hearing.

Thanking you,

Yours faithfully,



Annie Joseph
For & on behalf of NBSA

Encl: As above

*CC: Ms. Sonika Khattar, Under Secretary, MoI&B <s.khattar@nic.in>
Ref. your letter No. N-41012/11/2020-BC-III dated 25.6.2020 on the subject.
piyush.choudhary@zeemedia.esselgroup.com, sudhir.chaudhary@zeemedia.esselgroup.com,
purushottam.vaishnava@zeemedia.esselgroup.com, dileep.timari@zeemedia.esselgroup.com*

Complaint dated 16.4.2020 received from Citizens for Justice and Peace (CJP) against a programme aired by Zee News on 11.3.2020

Since the complainant did not receive a response to their complaint dated 24.3.2020, the complaint has been escalated to the second level, which is the NBSA.

Complaint dated 24.3.20 filed with the broadcaster:

Sub: Complaint by CJP against a program aired by Zee News on the show “Daily News and Analysis” hosted by Sudhir Chaudhary available

at: https://www.youtube.com/watch?v=R83Z_E6EM-0&feature=emb_title

This is with regards to the programme titled Daily News and Analysis (DNA) hosted by Mr. Sudhir Chaudhary. The programme was titled, “DNA:

Jammu में ज़मीन के 'इस्लामीकरण' का DNA टेस्ट” (DNA test of Islamic conversion of land in Jammu) and was aired on March 11 (https://www.youtube.com/watch?v=R83Z_E6EM-0&feature=emb_title).

In this programme, Mr. Chaudhary showed his viewers a **Jihad diagram propagating various types of Jihad in the country** categorising them as soft jihad and hard jihad. In a country which is walking a tight rope when it comes to its communal issues, such a brazen display of cooked up concepts and types of Jihad is an attempt to create and propagate Islamophobia among the masses.

It is not only the view point of CJP, but many well-known journalists as well as many regular netizens have also criticised the so called **“Diagram of Jihad”** presented by Mr. Chaudhary and **called him out for not focusing on the prime issues in the country and instead propagating unwarranted communal content.**

He then went to explain how there were two types of Jihad – Hard Jihad and Soft Jihad further ‘educating’ his viewers by saying, “Hard Jihad includes Population Jihad, Love Jihad, Land Jihad, Education Jihad, Victim Jihad and Direct Jihad, while Soft Jihad includes Economic Jihad, History Jihad, Media Jihad, Movies and Songs Jihad and Secular Jihad.”

The Following diagram was displayed during the show:



On your YouTube channel, this video has garnered more than 3 lakh views and the number of people that may have watched this programme when it was first broadcasted could be a much larger number. **Apart from the extremely offensive and shockingly inflammatory content of this programme, what was especially disturbing was how the host, Mr. Chaudhary was encouraging people to tweet using #ZameenJihad a deeply communal hash tag, a brazenly provocative move that can also incite hate.**

The intent of the show, seemingly, was to put forth a point that land in Jammu is owned 90 % per cent by Muslims while Jammu is known to be a Hindu majority region. He even termed it as a conspiracy to turn Hindu populated Jammu into a Muslim dominated region. He even tried to justify his theory by twisting statements made by former political leadership of India during the time of partition and their views of Muslim settlement in India, further communalising his content.

While speaking of Zameen Jihad, Mr. Chaudhary said, “Some people are playing the trick of capturing the government’s land to change the population in terms of religion.” He added that “Islamists” are even trying to “change the religion of land, jungles and rivers”.

You must be aware of the kind of criticism this show has drawn from some prominent media persons as well as general public. A complaint by a citizen, **Saket Gokhale**, has already reached the Information and Broadcasting Ministry and action is awaited on that front.

The content of your show is not only inflammatory but replete with incitement and provocation against the Muslim community at large and this amounts to criminal offences under the Indian Penal Code besides violating the Code of Ethics and other guidelines set out by the News Broadcasters Standards Authority (NBSA). Your show not only defies the fundamental principles of Code of Ethics but also other principles such as impartiality and objectivity in reporting as well as ensuring neutrality in reporting.

The fundamental principles as well as principles of self-regulation which your show violates are as follows:

- 4) Broadcasters shall, in particular, ensure that they do not select news for the purpose of either promoting or hindering either side of any controversial public issue. News shall not be selected or designed to promote any particular belief, opinion or desires of any interest group.
- 6) Broadcasters shall ensure a full and fair presentation of news as the same is the fundamental responsibility of each news channel. Realizing the importance of presenting all points of view in a democracy, the broadcaster should, therefore, take responsibility in ensuring that controversial subjects are fairly presented, with

time being allotted fairly to each point of view. Besides, the selection of items of news shall also be governed by public interest and importance based on the significance of these items of news in a democracy.

Ensuring neutrality

TV news channels must provide for neutrality by offering equality for all affected parties, players and actors in any dispute or conflict to present their point of view. Though neutrality does not always come down to giving equal space to all sides (news channels shall strive to give main view points of the main parties) news channels must strive to ensure that allegations are not portrayed as fact and charges are not conveyed as an act of guilt.

Your show, further violated **Specific Guidelines Covering Reportage:**

2.Impartiality, Neutrality &Fairness

2.1 For balanced reportage, broadcasters should remain neutral and ensure that diverse views are covered in their reporting, especially on a controversial subject, without giving undue prominence to any particular view.

9. Racial & Religious Harmony

9.2 Caution should be exercised in reporting content which denigrates or is likely to offend the sensitivities of any racial or religious group or that may create religious intolerance or disharmony.

Further, the inflammatory content of your show amounts to hate speech which is a punishable offence under various sections of the Indian Penal Code (IPC); sections 153A [promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony], 295A [deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs], 298 [uttering, words, etc., with deliberate intent to wound the religious feelings of any person] and 505 (1) and (2) [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes].

In the interest of public good and to avoid legal implications for your channel, CJP hereby asks of Zee News to take down the video of this show from all digital platforms and to issue an apology for publicising such inflammatory content devoid of journalistic ethics and principles. India's Constitution promotes harmony, dialogue and understanding between sections of Indians, is based on equality and non-discrimination of all and programmes/views such as these violate these basic, fundamental tenets.

You are also put on notice that failure on your part to respond to this complaint and the failure to satisfy the complainants with an apology on your news channel, within 7 days of receipt of this complaint, may result in legal consequences for your channel at the appropriate fora, at your risk to costs.

Complaint dated 16.4.2020 filed with NBSA:

SUB: Complaint by CJP against a program aired by Zee News titled “DNA: Jammu में जमीन के 'इस्लामीकरण' का DNA टेस्ट”

(DNA test of Islamic conversion of land in Jammu) hosted by Sudhir Chaudhary available at: https://www.youtube.com/watch?v=R83Z_E6EM-0

NOTE: The full complaint sent to NBSA has not been reproduced as the text is verbatim the complaint filed with the broadcaster, which is stated above.

.....CJP had, in the recent past, brought to your attention a show on the news channel AajTak titled “देश के सबसे बड़े फैसले पर सबसे बड़ी बहस अयोध्या से Rohit Sardana के साथ” in which an individual who was addressed as “Swami Karpatri Ji Maharaj” had expressed some controversial and abhorrent views with respect to the Ayodhya case. This was a provocative statement made without a disclaimer by the channel especially when the verdict, in such a sensitive and crucial matter, from the Hon’ble Supreme Court was awaited. NBSA had taken cognizance of this incident and in January, reprimanded AajTak for broadcasting such communally divisive and inflammatory content and also directed AajTak to remove the programme in its entirety from its YouTube channel.

We have kept our endeavour to fight hate crimes to the best of our efforts, ongoing and in this process, we have come across the news channel “Zee News” where the program titled “DNA: Jammu में जमीन के 'इस्लामीकरण' का DNA टेस्ट” (DNA test of Islamic conversion of land in Jammu) was aired on national TV on March 11 and is now available for public viewing on their YouTube channel at the following link: https://www.youtube.com/watch?v=R83Z_E6EM-0

It is prayed that the NBSA take cognizance of the aforementioned violations and it is further prayed that the NBSA:

1. Direct Zee News to remove the program “DNA: Jammu में जमीन के 'इस्लामीकरण' का DNA टेस्ट” (DNA test of Islamic conversion of land in Jammu) from their website, from their YouTube channel and any other digital platform
2. Direct Zee News to issue a public apology on its channel for posting such hateful content and for hurting the sentiments of certain communities.
3. Direct Zee News to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.
4. Direct Zee News to refrain from broadcasting or posting, in the future, any such content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. Direct Zee News to provide Proportionate Monetary Compensation to be awarded to a Citizen’s Group like CJP battling the vicious politics of hatred.
6. Take any other punitive action that the Authority deems fit.

Reply dated 17.4.2020 given by broadcaster to the complainant:

.....In our show DNA aired on 11.03.2020, after conducting a thorough research and verifying the facts and official records, we have **highlighted the biggest scam of Jammu and Kashmir**, whereby, for the past 18 years, the then Government of Jammu and Kashmir and other stake holders have been trying to change the demography i.e. population ratio of Jammu Region with a sole intention to make Jammu a Muslim majority area. To carry out the aforesaid objective, the then Government of Jammu and Kashmir, in the year 2001, enacted Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act, 2001, popularly known as '*Roshni Scheme*' [herein after referred to as 'the Act'], whereby, it has been decided to grant ownership of thousands of kanals of the valuable State Land to the unauthorised occupants/encroachers in consideration of meagre amount. Although, the objective of the Act was to generate funds to finance the power projects in the State, however, the mode and manner of implementation of aforesaid Act by the State Government over the years unveil the hidden objective of the aforesaid Act, pursuant to which, a large chunk of forest and agricultural land in Jammu region have been transferred free of cost to people belonging to one particular religion with a sole intention to change the demography of Jammu Region.

That the aforesaid scam was first came to light in the year 2014, when the Comptroller and Auditor General of India (CAG), in its report, observed gross irregularities on the part of the State Government in implementation of the Act. The CAG, in its report, *inter alia*, noted that the rules framed by the Government of J&K under the Act were contrary to the objectives of the Act, inasmuch as, the rules provided for transfer of agricultural lands free of cost, which is beyond the scope, objectives and mandatory provisions of the Act. With the aforesaid observations, the CAG, in its findings, *inter alia*, recorded that "*all the transfer of agricultural lands under the provisions of the Act are illegal*". The CAG has further given its findings that out of actual transfer of 3,48,160 kanals in the State, a major portion of land i.e. 3,40,091 kanals were categorised as '*agricultural*' and were transferred free of cost, which has resulted in loss of thousands of crores of Rupees to the State Ex-chequer.

That based on the aforesaid report of CAG, a **Public Interest Litigation** being PIL No. 41/2014 was also filed by one Mr. Ankur Sharma, Advocate before the Hon'ble Jammu and Kashmir High Court, wherein, pursuant to the order dated 21.11.2019, the Revenue Department filed a compliance report dated 21.12.2019 before the Hon'ble High Court stating therein the **region-wise distribution of beneficiaries**. As per the said report, 25,000 persons were granted ownership of the forest and agricultural land in the Jammu Region alone, whereas, the number of beneficiaries in Srinagar region were only 4500 and no land were transferred in Ladakh Region. After perusal of the aforesaid report, even the Hon'ble High Court of Jammu and Kashmir in its order dated 20.02.2020 has observed as under:

“This status report reveals shocking state of affairs which had prevailed and the manner in which the land encroachers in Jammu and Kashmir have become owners of large trenches of public land by the operation of the Roshni Scheme.”

That despite the objective of the aforesaid Act was to raise and collect revenue to finance the power projects in the State, the then Government of Jammu and Kashmir transferred a large chunk of agricultural land of Jammu to the encroachers and illegal occupants free of cost, which raised a serious doubt on the intention of the Government of Jammu and Kashmir behind enacting the aforesaid legislation. In order to decode the hidden objective of the aforesaid Act, which is in larger public interest, we have got the list of beneficiaries who have been granted ownership of land in Jammu under the aforesaid Act. **As per the said list, 90% of the beneficiaries of the agricultural and forest land of Jammu, which have been transferred in their favour free of cost, belongs to Muslim community. In order to know the truth, our reporters visited Jammu and came to know from the people of Jammu that for past 18 years, the Government of Jammu and Kashmir, in connivance with the extremist groups, have been trying to eliminate the Hindus from Jammu and wants to change its demography.**

That in order to further verify the aforesaid allegations of the people of Jammu, we have talked to Mr. Ankur Sharma, Advocate, who stated that the **beneficiaries who have been given state land in Jammu under the provisions of the Act, were not even the residents of Jammu and majority of them have been migrated from Kashmir.** The aforesaid advocate has further given reference of some of books written by Military Strategist of Ghazwa-e-Hind, wherein, it is written that to accomplish *Ghazwa-e-Hind* fall of northern India and particularly Jammu is very critical. We have further talked to **Mr. Sushil Pandit, who is an expert on Kashmir issues. He said in his byte that Roshni Act is a scam to disturb the population ration in Jammu and by the said Act, the Government has compromised with the national security. Thereafter we have also talked to Mr. M.M. Khajuria, Ex-DGP of Jammu and Kashmir on the issue, who said that it has been a major policy of the Governments of Jammu and Kashmir to facilitate the migrated population in Jammu to permanently settle there.**

That in order to expose the real intention and conspiracy behind enacting the aforesaid controversial legislation, we have also referred to a report titled ***‘White Paper on Kashmir’*** written by Head of Department of Political Science, University of Jammu and Kashmir. In the aforesaid Report, it has clearly been stated that the **Pakistan always intended to increase militancy in Muslim majority areas of Jammu and they wanted to accumulate the Muslim populations on the west of Chinab River and to prepare them to attack India. The aforesaid report further talks about the intention of the Pakistan to completely eliminate the minority Hindus in Kashmir.** On the aforesaid issue, we have also talked to Mr. Tariq Fateh, who is well known writer. In his

byte, he stated that the fact of transferring 90 percent of land situated in Hindu majority area to the people of Muslim community talks a lot about the intention of the Government and other stakeholders.

In view of the aforesaid facts and situation, in our show DNA, we have conducted a fair analysis of the following questions:

- a. If Roshni Act was enacted to give ownership of State Land to the unauthorized occupants, then how, in Jammu region, where majority population is Hindu, 90 percent beneficiaries of the State Lands are Muslims?
- b. Whether enactment of Roshni Act is part of the conspiracy to change the population ratio of Jammu?

Please note, that while raising the aforesaid questions on our show, we have clarified that we are Secular and not against any religion. To further clarify our viewers, we defined the concept of secularism, which means not to give importance to any one religion and all the religion must be treated equally. Since, in the present case, the Hindus of Jammu region were not given equal treatment, we have stated in our show that the Act of the Government of Jammu and Kashmir was anti-secular and against the interest of our nation.

While presenting the aforesaid news report, we have not only explained the concept of secularism to our viewers but also clarified that we are not against any particular religion and our report relates only to those group of extremists and/or terrorists, who, in the garb of jihad and Ghazwa-e-Hind, have been trying to convert India into an Islamic Nation. Needless to state that the such extremists and/or terrorists have no religion and as a responsible media, we have all right to expose them in the interest of our nation.

That we telecasted the aforesaid report with true spirit of nationality and only to preserve the integrity and unity of the country without crossing the secular lines or hurting the religious feelings of any religious community. In our aforesaid report we have only exposed the proponents of those extremist groups who wanted India to be an Islamic State and, on whose behest, the then Government of Jammu and Kashmir enacted the controversial *Roshni Act* with an hidden object to change the population ratio of Jammu Region in furtherance of *Ghazwa-e-Hind*. The flow chart of Jihad, which we presented to our viewers during our show, merely explained the modus operandi of the people of extremist groups, who in the garb of Jihad, have been trying to convert India into a complete Islamic Country. That so far as the display of flow chart of Jihad is concerned, the same was related to only those people who want our country to be divided into pieces irrespectively of their religion and therefore, while displaying the aforesaid chart, our anchor, as a disclaimer, has stated that we are not targeting any particular religion and the aforesaid news report is only relates to those who wants to destroy our country. In our show, we have never tried to promote and incite the communal hatred as

falsely alleged by you. That immediately after displaying the aforesaid chart, we had clarified that the aforesaid chart of Jihad does not relates to those people who wants India to remain unified and integrated.

That immediately after airing the aforesaid news report, we have received accolades and appreciations from various sections of the society and it is a great shock and dismay that despite bringing into light the biggest monetary and religious scam of the country without disturbing the communal harmony, **various pseudo secular and pseudo intellectual citizens of this Country, who never had any problem with the word '*Hindu Atankwad*', have started criticizing our sincere efforts in exposing those extremists and terrorists group who, in the garb of *Jihad* and *Ghazwa-e-Hind*, are trying to destroy our country.**

That we have responded to the aforesaid criticism in our same prime time show aired on the next day i.e. on 12.03.2020, wherein, **we have stated that majority of India Muslims are peace loving citizens and have nothing to do either with Jihad or with Ghazwa-e-Hind and in our aforesaid news report we have only exposed those few people who wants to divide our country. It is relevant to mention here that in response to our aforesaid news report, the Ex-Deputy Chief Minister of Jammu and Kashmir posted a tweet appreciating us for raising the important issue of change of population ration in Jammu. We have also received appreciation from various political leaders and citizens of our country.**

We once again state here that our aforesaid show analysing the concept of *Zameen Jihād* in Jammu and Kashmir is completely uncoloured from any motive, prejudice or notions but are based completely on verified, accurate and established facts and do not tend to promote disharmony or enmity between the different religion. We have imposed self-restraint while conducting the analysis in our aforesaid show.

That perusal of your complaint shows that it is based upon the self-selected contents of our show and while making the complaint, you have not considered our entire news report in right perspective.

Thus, in view of the aforesaid, it is stated that we have neither breached any of the guidelines of NBSA nor committed any offence, much less offences under Section 153A, 295A, 298 and 505 of India Penal Code. It is reiterated once again we have strictly adhered to the laid down principles of neutrality, impartiality and fairness in our telecast of the aforesaid news report.

Rejoinder dated 8.5.2020 to Zee News response

We, at Citizens for Justice and Peace, have received a common response from Zee News to our complaint dated March 24, 2020 sent to the broadcaster as well as our complaint dated April 16, 2020 sent to NBSA.

Before we proceed to reply to the contentions put forth by the broadcaster (Zee News), we would like to reiterate the contents of our complaint dated April 16, 2020 sent to NBSA and we stand by every statement made by us in this complaint. At the outset we would like to state that the broadcaster's claims made in its response dated April 17, 2020 received by us on April 22, 2020 do not in any way affect the viability of the allegations made by us in our complaint. For the benefit of NBSA, we shall, hereunder, reassert the broadcaster's liability towards its violations of Code of Ethics and fundamental principles of self regulation, with more emphasis on the elements of these violations.

At the outset, we also, refuse to accept the denials made by the broadcaster in its response and reiterate our assertions, in response to the same.

We would also like to state here, that the broadcaster's response is replete with factual assertions and our point of argument and our allegations is the manner of presentation of these facts, which has been done with the malicious intention of creating a communal divide by pitching one religion against the other. **We further also find that there seems to be a misrepresentation of facts by the broadcaster in its show which shows not only its abject disregard towards presentation of truth but its thrust and focus being on airing a divisive, partisan and communal narrative to appease to a certain ideology. A simple viewing and re-viewing of the show reveals the intent of the broadcaster which is to showcase both the religion of Islam and 'jihad' as having negative and predatory qualities.**

We would like to point to the many problematic statements made by the host of the program in question, "Daily News and Analysis" aired on March 11, 2020. The topic of that day was "DNA: Jammu में जमीन के 'इस्लामीकरण' का DNA टेस्ट" (DNA test of Islamic conversion of land in Jammu) (https://www.youtube.com/watch?v=R83Z_E6EM-0).

Firstly, the host of the show in the beginning itself puts forth the concept of "Zameen Jihad" or 'Land jihad' by comparing it to 'Love Jihad'. This term, 'Love jihad' is a cleverly crafted term increasingly loosely used to detrimentally describe inter-community marriages, which, incidentally the Indian Constitutional mandate is completely and utterly in tune with, given India's commitment to the right to life, the right to liberty and freedom and the right to equality before the law. That the term selectively vilifies only one faith and religion is clear from the suffix of 'Jihad' to the term 'Love' given especially the misuse of the very term by rabid, outfits who have carried out acts of terror and violence justifying these in the name of 'Jihad' and 'Islam.' Never is 'Love' coupled with say a term like 'Yuddh' or 'Mahayuddh' which would give it a completely different connotation.

This term, 'love jihad', which is increasingly used in sections of the news media is one replete with a track of an anti-minority mindset. Besides, many rightwing supremacist outfits, be it of the majority or minority kind posit themselves against

the free association and intermingling, even through friendship, business, marriage and association as these will further the real secularisation of the Indian polity (Articles 14, 15, 16, 19, 21 and 25 of the Indian Constitution).

Many cases of 'Love Jihad' have been disposed by the courts of law, as the Hon'ble National Broadcasting Statutory Authority (NBSA) is surely aware, as being legitimate relationships of love that culminated into marriage and had been termed as 'Love Jihad' to intentionally demonise a particular religion.

In the exact words of the host, **"Hamaredesh me love jihad kitarah ab zameen jihad bhi ho rahihai"** (Translation- Just like love jihad, land jihad is also taking place in our country). **Through this statement, the host, Mr. Sudhir Chaudhary, has implied his acceptance of the abhorrent term 'love jihad' as being a real phenomenon and so same basis validates the term "zameen jihad" as well.**

Further, the host poses facts related to the Roshni Act in Jammu and Kashmir region, where in the Jammu district, which is a Hindu majority district the lands have been handed over mostly to Muslims. To be precise, he states that 25,000 persons, who were illegally occupying government lands have bought these lands from the government as per the provisions of the Roshni Act and 90% of these buyers belong to the Muslim community. **Basis these statements, the show has questioned the intention of the law, and imputed whether it was enacted to change the demography of the Jammu district by converting it from a Hindu dominated region to a Muslim majority region.**

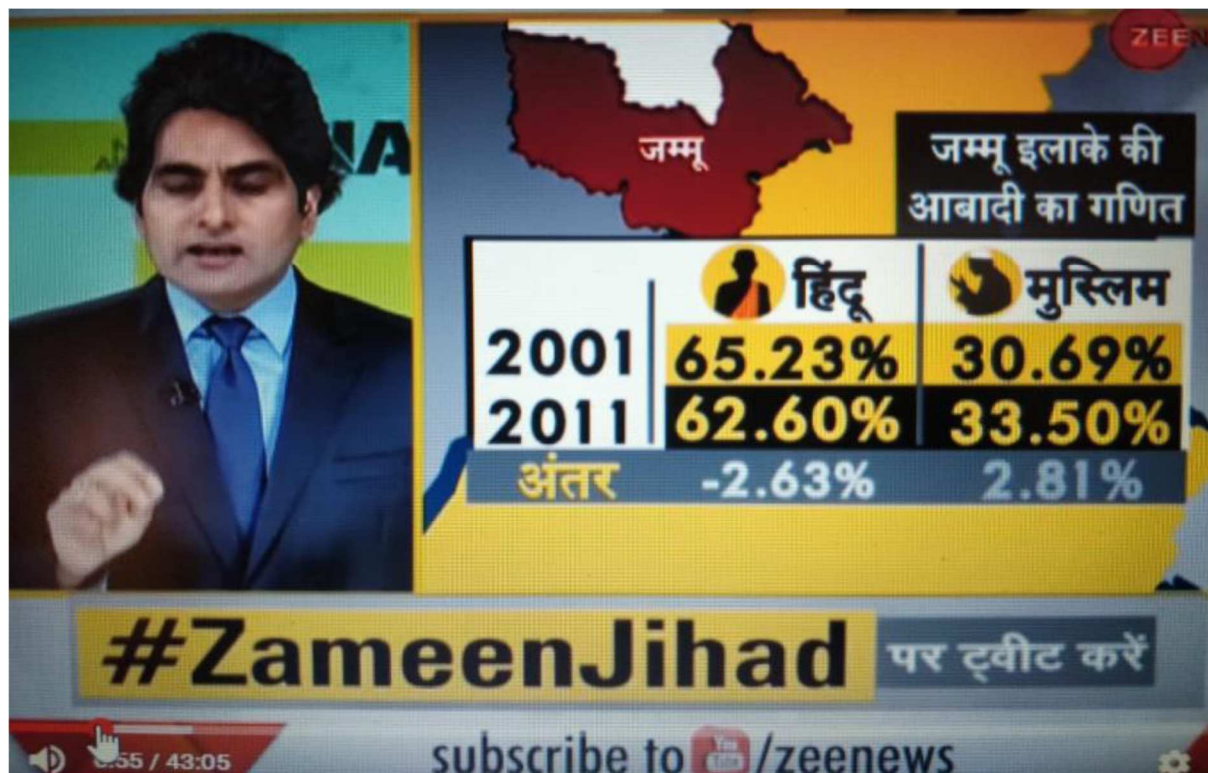
Hamaredesh me love jihad kitarah ab zameen jihad bhi ho rahihai

Jihad ka hathyar

Kanoon kea ad me dharm k aadhar par jansankhya ko badalne koshish hotirahi

25,000 people were given land under the Act and 90% of these are Muslims

The programme and the Anchor is questioning the law and its intent and imputing/questioning whether the purpose of the law was to in fact allow or orchestrate a change in the demography of Jammu; whether this motive was to effect a change from Jammu being a Hindu Majority region into a region with a majority Muslim population. To prove his point, the host relies on population data (without citing a source) of the Jammu district which is as follows:



This data then becomes the basis of the ‘claims’ and ‘assertions’ made on the show that state that the Roshni Act was a conspiracy to change the demography of Jammu district. Thus, calling it ‘Zameen Jihad’ which is loosely defined as an act of usurping land in order to increase Muslim population in Jammu.

Since the channel has not cited the source for this data, we found some official figures from the Indian Census office. We found that the population figures claimed by the show for the year 2001 matched with our search. The population of Hindus was 65.23% and Muslim population was 30.69% for the total population of Jammu District (source: <https://jk.gov.in/jammukashmir/?q=demographics>).

On the other hand, we found a stark difference in the actual population figures of census 2011 and the ones presented on the show (in 2020). We found that as per 2011 census, the Hindu population in Jammu district was 84.27% (12,89,240 persons) and Muslim population had dropped considerably to 7.03% (1,07,489 persons). This data is readily available on the official census website: <http://censusindia.gov.in/>

If the broadcaster was really professional, ethical, secular and unbiased in its/his intent –also having a high regard for the Laws of the Land, the Constitution, the Unity and Integrity of the nation -- claimed in its response -- **one would have expected, at the bare minimum a thorough fact check by the ‘premier and leading news broadcaster Zee News’ before propagating such blatantly divisive propaganda and rhetoric through its show.** We would like to add, that the ‘perpetrated fears’ of ‘unbridled’ Muslim/Islamic growth is an oft

and old hashed out narrative among supremacist and communal narrative in India, being ill-used to perpetrate hatred of and alienation from the Indian Muslim community.

Thus, by relying on and making an entire show based on a wrong set of facts and figures and erroneously conceived ‘information’, the broadcaster has shown utter disregard towards the very basics of the ethics of journalism that this Authority endeavours to safeguard. This further makes the broadcaster liable to violating the “Accuracy” standards as set out in the Specific Guidelines Covering Reportage. This is in addition to the violations asserted by us in our complaint.

1. Accuracy

1.1 Information should be gathered first-hand from more than one source, if possible.

1.5 Errors of fact should be corrected at the earliest, giving sufficient prominence to the broadcast of the correct version of fact(s).

1.6 Facts should be clearly distinguishable from, and not be mixed-up with, opinion, analysis and comment.

Manipulation of Term ‘Jehad/Jihad’

The entire broadcast, in our humble opinion, is to play, twist and manipulate the term ‘Jehad,’ a term of Islamic/Arab usage that has a certain etymology, historicity and connotation. We would like to state at the outset that we would in no way like to downplay or brush aside the deleterious use of the word and term, especially by Islamic supremacists/fundamentalists when they propagate violence and terror in the name of a great world faith. However despite the fact there has been a significant tendency of the kind mentioned by us here, the overall impact of the broadcast of the kind telecast by ‘Zee News’ on March 11, 2020 is nothing short of a brazen attempt to ride on this popular distaste and fear of the term (‘Jihad/Jehad’) and in fact turn that, very dangerously, into an overall dislike and antipathy against all that is either Islamic or Muslim.

Though this response is neither the place to go into this aspect in great academic and historic detail, eminent papers written by historians, analysts on the subject of the Islamic interpretation of ‘Jehad’ bear this out. Attached to this response, as **Annexure B**, (which is attached at **Annexure – 1**) is but one sample of these. If in fact the aim and object of the broadcaster had been to show in a wide sweep how the very concept of ‘Jehad’ can have its positive and also its twisted and deleterious connotations, there could have been no complaint.

What however makes the broadcast even more sinister is that *in its entirety and in toto*, whether its speaking of ‘Hard Jihad’ or ‘Soft Jihad’, the objective is to paint the very concept –and the religion, Islam from where it hails –as dangerous, sinister and worthy of distancing, alienation and hate.

Further in the show, the host goes on to explain how there were two types of 'Jihad' – 'Hard Jihad' and 'Soft Jihad' further 'educating' his viewers by saying, "Hard Jihad includes 'Population Jihad', 'Love Jihad', 'Land Jihad', 'Education Jihad', 'Victim Jihad' and 'Direct Jihad', while 'Soft Jihad' includes 'Economic Jihad', 'History Jihad', 'Media Jihad', 'Movies and Songs Jihad' and 'Secular Jihad'." We would like to emphasise that the bias and bent of the entire broadcast is evident that each and all of those alluded to in this broadcast are those having negative connotations all together *in toto* therefore aimed to further a hatred of and alienation of all that is Islamic and Muslim.

The Following diagram was displayed during the show: **Diagram removed as it is mentioned above**

While explaining, each kind of jihad, the show labels regular and usual occurrences as "jihad" thus leaving no stone unturned in terming almost everything that identifies with Islam or the Muslim community as 'jihad' (with the aforementioned negative connotations of a kind of war with intent), thus further inciting hatred towards the community in general. In times when the country is walking the tight rope of communal harmony, such divisive and inciteful rhetoric, masked under false information, is nothing but malafide agenda of the broadcaster. At a time when hate-infilled rhetoric appears not even to invite politically powerful rebuke and institutional censure, leave alone punishment, the impact of such a programme can be further imagined.

It is interesting to test the examples alluded to through the broadcast. The host of the show/broadcast has termed things like the mere mention of Mughals (termed as glorification) in history or education as 'History jihad' or 'Education jihad'. He even termed propagation of Islamic culture like songs of the Sufis, Mystics or anyone who emerged from Islamic cultures, stories and narratives reflecting in movies, as 'Film and Music jihad'. What could be the intent of such a single-minded negative portrayal than to further divides and actually test the principles of objectivity in broadcasting? He/Sudhir Chaudhary also defines 'Zameen jihad' as the acts of usurping land and building mosques, madrasas and kabristans (muslim burial grounds), thus implying that that all such buildings are on usurped land and amount to some kind of 'jihad' or 'holy war' waged by 'kattar' (hard line, fanatical) Muslims. Chaudhary terms 'secularism jihad' as one that is supported categorically by leftists, communists and liberals in the country, thus showing utter disregard to a gamut of ideologies and way of thinking; also clearly violating the principle of neutrality in journalism. He also terms 'victim jihad' ('pidit jihad') as one where Muslims demand separate personal laws, reservations for themselves and so on. These "definitions" created by the broadcaster not only contradicts their claims of being secular but also displays their blatantly partisan approach towards news and broadcasting. In the overall context this broadcast is no doubt inflammatory and inciteful maliciously aimed towards creating a divide and promoting enmity between religions.

Apart from the extremely offensive and shockingly inflammatory content of this programme, what was especially disturbing was how the host, Mr. Chaudhary was encouraging people to tweet using **#ZameenJihad** a deeply communal hash tag, a brazenly provocative move that can also incite hate. This action takes the offensive broadcast steps further as it uses the micro blogging site (Twitter) and social media platforms for developing a mass and mob hate mentality against Muslims, Islam through singleminded, negative and adversarial usage of the term 'Jihad.'

The constant prompts to tweet using this hashtag made users post inflammatory tweets, some of which are mentioned below:

<https://twitter.com/anujkum74749512/status/1254221952899846144>



Anuj kumar
@anujkum74749512

When Muslim population will cross 50 crs in India they will demand India to be declared as an Islamic country
[#Bring_PopulationControlBill](#) [#zameenjihad](#)
[@ZeeNews](#)
[#Bring_PopulationControlBill](#)

7:03 AM · Apr 26, 2020 · [Twitter for Android](#)

https://twitter.com/Abhishek_Mshra/status/1239111993841160193



Abhishek Mishra ✓
@Abhishek_Mshra

By doing Burial, they capture land. We can say it is under [#ZameenJihad](#)



ANI ✓ @ANI · Mar 14

Dr Sudhir Gupta, head of AIIMS' forensic medicine department: Cremation, by any method - using fire or electricity or gas, of people who died due to #Coronavirus has no side effect. In case of burial, the surface above the grave should be cemented.

2:21 PM · Mar 15, 2020 · [Twitter for Android](#)

<https://twitter.com/punarusuthana/status/1239534090967076864>



भारत पुनरुत्थान Bharata Punarutthana
@punarutthana

We see fake dargahs encroaching hills, Highways, Railways, next to temples or prime Hindu locations to shows case [#GangaJamunaTehzeeb](#).

But in reality they are after Hindu funds & converting that entire 1km- x Kms surroundings into [#ghettos](#) [#ShariaZones](#)

This is [#ZameenJihad](#)



AAK @AshfaqAk_ · Mar 16

Replying to @TlinExile

This account wants extremist Hindu to demolish this Dargah too.

6:18 PM · Mar 16, 2020 · [Twitter for Android](#)

The above tweets are proof that the incitement sown by the show has had a long-lasting effect and that the term has caught on and being used to abuse the Muslim Community, to humiliate them. These are just few of the thousands of tweets posted by netizens proving the wide impact of the show and its inflammatory content. Such contents are aimed at fuelling disharmony within the nation and it undermines the promise of brotherhood, peace and inclusivity on which the Indian nation is premised.

Finally, in the response of the broadcaster the remark that people have not objected terms like 'Hindu Terrorism' is neither here nor there nor relevant to the present case. For the record however, those among us who have pointed to the ills of home grown 'Hindutva terrorism' have been at pains to show that this has nothing to do with the eclectic and catholic inclusiveness of the Hindu faith though in its organised form with caste ridden exclusions, unamalgamable rights violations and injustices have resulted for years, even centuries. If at all this means that faiths and ideologies and traditions have both sides: the liberative, binding and inspiring ones and those that control, exclude and enjoin followers to hate and violence.

Violations of Indian Law

Incidentally the programme and content is also a violation of Indian Criminal Law.

I. Sections 153A, 153B, 295A, 298, and 505(2) of the Indian Penal Code, 1860:

The broadcaster's statements amount to the following offences:

I. **Section 153A(a):** The provision under sub-section (a) criminalizes the promotion/attempt to promote feelings of enmity, disharmony, hatred or ill-will between religious groups and doing acts prejudicial to the maintenance of harmony by, *inter alia*, words, either written or spoken, on grounds of, *inter alia*, religion or community.

‘Zee News’, the broadcaster and Sudhir Chaudhary, the anchor have unambiguously violated Section 153A the news article promotes feelings of hatred and ill-will against Muslims by referring to their practices as bigotry and idiocy, and depicts Muslims as barbaric persons who violate the law and spit at doctors. **The broadcast attempts to promote hatred and disharmony between other religious groups and the Muslims through statements such as, the devious role of ‘Zameen Jihad’, ‘Love Jihad’, ‘Music Jihad, ‘History and Education Jihad.’ By boxing everything that is Muslim and Islamic into these ‘seven problematic sections’ the aim and intent is clearly to generate suspicion, hatred and even violence against Indian Muslims.**

Further, the broadcast is also prejudicial to the maintenance of harmony and has disturbed public tranquillity as it blatantly promotes hatred, distrust, and discrimination against the minority community by placing blame on them for some sort of deep-rooted conspiracy against the rest of **Indians**. In doing so, the statements displace harmony and exacerbate religious tensions by portraying Muslims as villains and wrongdoers. Therefore, the ingredients for an offence under Section 153A(a) are satisfied and an offence under the section is clearly made out, with punishment of imprisonment extendable to 3 years, or fine, or both.

II. **Section 153B(c):** The provision under sub-section (c) criminalizes, the making or publication of any assertion/counsel/plea/appeal concerning the obligation of any class of persons by reasons of their membership to a religion/community which is likely to cause disharmony or feelings of enmity, hatred, or ill-will between the members of the religious group and other persons, *inter alia*, by word either written or spoken. By both making and publishing the aforementioned statements such as “*Zameen Jihad, Music Jihad, History and Education Jihad, Leftists, Liberals, Secularists are part of this Conspiracy*”, Sudhir Chaudhary and Zee News are imputing the liability of the Muslim community for all the ills that befall India and Indians. This is not only likely to cause disharmony between the minority religion in question and other religions, but also is bound to cause ill will between the religions. Therefore, the ingredients under Section 153B(c) have been satisfied and an offence under the provision may be made out, punishable with imprisonment upto 3 years, or fine, or both.

III. **Section 295A:** The provision criminalizes, *inter alia*, words, either written or spoken that with deliberate and malicious intention of outraging religious feelings of any class of citizens, insults or attempts to insult the religion/its beliefs. By indicating that Islamic practices are unacceptable by referring to them as “all kinds of war and Jihad”, belittling the Islamic culture, literature, history and music by stating, “*that one form or another is suspicious and problematic and moreover a kind of conspiracy that needs to be watched out for*”, and by asking India and Indians to ‘beware of seven kinds of Jihad” the broadcaster has acted with the malicious and deliberate intention of outraging the religious feelings and beliefs of the Muslim community.

Further, he has attempted to impute the need to punish the community by stringent criminal laws, in a clearly discriminatory attack against the community. Therefore, the ingredients under Section 295A have been satisfied and an offence under the provision has clearly been made out. This offence is punishable with imprisonment of either description for upto 3 years, or fine, or both.

IV. **Section 298:** The provision criminalizes the utterance of any word/sound/gesture in sight of a person with the deliberate intention of wounding the religious feelings of any person, punishable with imprisonment of either description upto 1 year, with fine, or both. By demonstrating in the programme with assertion that everything that is Muslim or Islamic Is 'Jihad' and therefore something to be of suspicion and even alienation and hatred the broadcaster has illustrated a deliberate intention to wound religious feelings of Muslims, specifically be berating their religion and clergy. In doing so, a clear offence has been made out under Section 298.

V. **Section 505(2):** The provision criminalizes the publication or circulation of any statement or report containing rumours/alarming news with an intent to or which is likely to create or promote on the grounds of, *inter alia*, religion or community, feelings of hatred, enmity, ill-will, between different religious groups or communities. The entire content, orientation and thrust of the broadcast does just this.

Therefore, the ingredients under the provision are evidently satisfied and the offence may be triggered, attracting imprisonment extendable to 3 years, or fine, or both.

For the record, offences under several provisions of the Indian Penal Code, 1860 have also been made out.

Moreover, these discriminatory statements and unverified claims amount to generating an atmosphere that can lead to mass violence and targeting of the Muslim community. **'Journalism as genocide'** is a context that is being documented worldwide especially after Rwanda. **The hatred perpetrated by the Media has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare associations boycotting Muslims in their apartments and colonies; Stopping Muslims from entering specific areas; Preventing volunteers who are providing relief measures to the poor, because they are Muslims.**

The community subjected to this form of vicious hatred has been transformed from being persons to objects. This dehumanization has resulted in calls for elimination of the community and the same is nothing short of a call for genocide. The call to genocide is a violation of the right to life and personal liberty of an entire community under Article 21 of the Constitution, and needs to be dealt with strictly. The calls for social and economic boycott being made are the precursors to genocide. Hate speech which repeatedly dehumanizes an entire community, makes them targets of vigilante violence.

In *PravasiBhalaiSangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.) the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.

The Media has an additional responsibility in the time of the Pandemic and the manner in which Times of India has conducted itself puts people at a larger risk. Though the broadcast was on March 11, 2020 on the eve of the lockdown this is not irrelevant. The World Health Organisation has, in its message dated 18.03.2020, advised that no particular ethnicity or nationality should be held responsible for COVID-19 since it is a world-wide pandemic and can affect anyone in any part of the world. This is essential, as the WHO advises, to “reduce stigma”.

Respected Sir, we urge that this complaint is taken forward to its logical conclusion. We believe humbly that there is enough on record to decide the matter. If however the News Broadcaster is given an opportunity for oral submissions we would urge to also be given the same.

We reiterate the prayers contained in our original complaint. That the NBSA

1. Direct Zee News to remove the program “DNA: Jammu में ज़मीन के 'इस्लामीकरण' का DNA टेस्ट” (DNA test of Islamic conversion of land in Jammu) from their website, from their YouTube channel and any other digital platform
2. Direct Zee News to issue a public apology on its channel for posting such hateful content and for hurting the sentiments of certain communities.
3. Direct Zee News to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.
4. Direct Zee News to refrain from broadcasting or posting, in the future, any such content which would violate the Code of Ethics and other guidelines issued by the NBSA.
5. Direct Zee News to provide Proportionate Monetary Compensation to be awarded to a Citizen's Group like CJP battling the vicious politics of hatred.
6. Take any other punitive action that the Authority deems fit.

Jihad in Islam

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Abstract

The word Islam as a verbal form is derived from the infinitive Arabic triliteral root of *silm*, *salamet* (peace and security). Therefore, if its nature has been peace and salvation, how can we interpret *Jihad* verses? The subject of this article focuses on this point. In this article, the writer discusses the subject and the impact of this apparent paradox on the direction of Islam according to Quranic verses. The interpretation of *Jihad* that the writer intends to explore best fits the religion which in its nature is peace and salvation.

Keywords: Verse; Jihad; Revealed Cause; War

Introduction

The Arabic word *Jihad* is a very comprehensive term. It includes every kind of effort, exertion, conflict and war. The etymological origin of the word *Jihad* is derived from *j-h-d* which means striving one's utmost or exerting one's utmost power, efforts, endeavours, toil or hardwork and ability in contending with an object of disapprobation (Ibn Manzur, 1955; Al-Tahanawi, 1998; M'aluf, 1884; Baalbaki, 1997; Jamaatun, 1989; Steingasa, 1884). As the root of this word carries this meaning, *ijtihad*, which comes from the same root, is the spending of man's power to get meaning from works that require great effort to understand. For instance, saying *bazala juhduhu* in Arabic means that he exerts his utmost power. *Jihad* or *ijtihad* thus means, "striving one's utmost in any matter" (Firuzabadi, 1977; Az-Zabidi, undated).

Al-Tahânwî says that this is the reason why this word is especially being used for the hardness. The Arab people say "*Ijtahada fi hamli al-*

hajar" that is "*He struggled bearing the rock*". Otherwise they do not use this word for the easy works as "*Ijtahada fi hamli al-Khardala*" or "*He struggled bearing the mustard*" (At-Tahanawî, 1998). From the beginning, we have been told *Jahada ash-Shakhsu: Jadde, kana yajhadu li'an yukmila dirasatahu fi waktin mubakkirin. s'aa hatta wasala ila al-ghaya* or The man struggled (*Jadde, kana yajhadu*) to finish his lesson in early time and finally he reached to his aim (Jamaatun, 1989). So, *Jihad* refers to the maxim of struggle and sacrifice of a Muslim, physically, orally, mentally and materially, in the cause of Islam.

Therefore, *Jihad* not only means combat against enemies but also has other meanings. For this reason, *Jihad* in Hadith sources has used these meanings: (1) "*the (true) believer and he who struggles against his nature*" (Tirmidhi, 1992); (2) "*The most deserving fight is (to speak) just words before an iniquitous sovereign*" (Abu Daud, 1992; Tirmidhi, 1992); (3) "*Person's combat against his self or personality in serving his parent is Jihad*" (Bukhari, 1992; Muslim, 1992); (4) "*The best Jihad is accepted as pilgrimage to Macca*" (Bukhari, 1992) "*Mumin (Believer) combat by his sword and tongue*" (Ahmed Ibn Hanbal, 1992).

As it is seen this expression means to make an effort for Allah in many fields of life.

The Aim of Jihad

In reality the doctrine of *Jihad* mobilizes and motivates Muslim people to protectiveness in all areas. This mobilization and motivation is strongly fed by the Quran. If a man acts in a way according to Qur'anic verses and gets God's consent he will be awarded with paradise.

Jihad manifests its true character in the Quran when it represents a move from aimlessness to an aim for the sake of Allah.

The characteristic term used in the Quran is “*Jihad fi sebiliallah*” i.e. “*strive in the way of Allah*” This shows the aim of *Jihad* has to be for the sake of Allah, even if it is in war.

There are certain verses in the Qur’an conveying the command to do battle (*qital*) Al-Quran, 22:39-40. The first point in this connection is that the launching of an offensive by the believers is not totally forbidden, it is permissible with certain conditions. For example, “*Fight (fa qatilu) in the way of Allah those who fight you (yuqatilukum) but do not transgress*. Indeed, Allah does not like *transgressors*” (Al-Quran, 2:190). This clearly shows that defensive war is permitted in Islam. The believers are allowed to fight in self defence. According to the verse committing hostility is not permitted for Muslims.

In particular, there are two verses in the Qur’an which are normally quoted by those most eager to criticise Quranic teaching on war: “*Kill them wherever you come upon them, and drive them out from where they drove you out*” (Al-Quran, 2:191) and verse “*When the sacred months have passed, then kill (faqtulu) the idolaters wherever you find them, and capture them and besiege them and sit in wait for them at every place of ambush*” (Al-Quran, 9:5); the name of this last verse is *Sword Verse* (Al-Alusi, 1987; Al-Qurtubi, 1988). This verse has been made the basis of attack upon Islam. However, according to some Muslim scholars the *sword verse* is “*And fight against the disbelievers collectively as they fight against you collectively...*” (At-Taubah, 9:36) (Zamakhsahari, 1987), whereas some other scholars say that both or other verses are sword verses (Rashid Rida, undated).

The Historical Concept of Verses Commanding *Qital*

Every verse that includes *qital* (war) has a

historical context and has a revealed cause (*sabab al-nuzûl*) and this is primarily related to its first event and manifests a character that belongs to this event. For a good understanding of these verses one must refer to the historical background or *Sabab al-Nuzul* (Revealed Causes) of these verses. These two verses belong to At-Taubah which was revealed in Madina, especially revealed in the latter period in Madina. The contents of the surah are related to events arising from the Treaty of Hudaibiyah. The ancient Jahiliyah of Arabia resorted to desperate acts of belligerency. On the occasion of the Battle of Hunayn other tribes loyal to jahiliyah mustered their military forces together in a bid to prevent the spread of Islam’s reformatory revolution which, after the capture of Mecca, had almost reached its zenith (Razi, undated). Therefore, the time of these two verses is in a context of extreme hostility increased against Islam.

In reality the first permission given about *qital* is in the Quranic verses, Al-Quran 22:39- 40, as mentioned above (Al-Tabari, 1999). When Muslims were persecuted by all and threatened by the Quraysh of Mecca who were declared war against them, God gave permission to fight in these words: “*Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. [They are] those who have been evicted from their homes without right-only because they say: “Our Lord is Allah”*” (Al-Quran, 22:39- 40). This is considered the first revelation allowing the Muslims to engage in fighting. This was the first passage of the Qur’an which allowed Muhammad and his companions to defend themselves against their enemies by force and was revealed a little before the emigration to Madina.

Prophet Muhammad (pbuh) had not been given permission to fight (*qital*) or allowed to shed blood before this verse. He (pbuh) had simply been ordered to call men to God and to endure insult and forgive the ignorant (A. Guillaume, 1955). Until that time Prophet Muhammad

(pbuh) had exhorted his Muslims to suffer the injuries given to them with patience which is also commanded in 70 different places of the Qur'an. Commentators say that Allah related the cause of this permission to be exposed to persecution because until this verse companions of Muhammad (pbuh) had been coming to Him (pbuh) wounded. He (pbuh) had always advised them to be patient and He (pbuh) said, *"I haven't been ordered to make war"* (Al-Wahidi, 1988; Al-Khazin, undated; Al-Baghawi, 1993; Ash-Shawkani, 1964). This, was the first verse which allowed Muslims to make war after some 70 verses had been revealed (sent down) that rejected going war (Zamakhsahari, 1987; Baydâwî, 1991; Abu Hayyan, 2001; al-Alusi 1987).

The translator of Ibn Ishaq A. Guillaume, explains this period by these words: The Apostle Muhammad (pbuh) had not been given permission to fight or allowed to shed blood before the second 'Aqaba. He had simply been ordered to call men to God and to endure insult and forgive the ignorant. The Quraysh had persecuted his followers, seducing some from their religion, and exiling others from their country. When Quraysh became insolent towards God and rejected His gracious purpose, accused His prophet of lying, and ill treated and exiled those who served Him and proclaimed His unity, believed in His prophet, and held fast to His religion, He gave permission to His apostle to fight and to protect himself against those who wronged them and treated them badly (Al-Quran, 22:39-40) (A. Guillaume, 1955). All of these prove that the religion of Islam is a religion of peace, Prophet Muhammad (pbuh) is a prophet of peace and Islam never orders war unless there is a compulsory and acceptable cause.

Thus, as Afzalur Rahman said clearly, this commandment to fight is for self-preservation and self defence. It should be noted that the Quran, in treating the theme of war, as with many other themes, regularly gives the reasons and justifications for any action it demands.

The Quran says *"Permission [to fight] has been given to those who are being fought, because they were wronged."* Permission had been given to them for Muslims were under oppression and cruelty. We understand from this that for Muslims to participate in war there must be valid justifications, and strict conditions must be fulfilled. So because of events like these sometimes war may become necessary for Muslims to stop evil attacks against them. Under these circumstances, fighting becomes obligatory on all Muslims in order to protect not only their ideology and beliefs but their homes, lives, property and everything else. Thus, whenever a Muslim state is attacked by any other state or states, it becomes the religious duty of every Muslim of that state to join in fighting (*qital*) against the invaders (Afzalur Rahman, 1988). Thus, in this scenario war is necessary. For example, we understand from Al-Quran, 2:217-218, fighting being necessary in defence of sacred things and faith. If Muslims are faced with people who are determined to make Muslims abandon what they have and enter into their religion they have no choice but to fight and will be held accountable for it if they do not.

Thus, we understand from the Quran war becomes an obligation for self-defence according to Al-Baqarah, 2:190; Al-Quran, 22:39-40, defending religious freedom (Al-Quran, 22:39-41), and defending those who are oppressed: men, women and children who cry for help (Al-Quran, 4:75). Similarly, it is the duty of Muslims to help oppressed Muslims who cry for help, except against people with whom they have a treaty (Al-Quran, 8:72).

If we look carefully at the revealed cause of the related verses of the Quran and read them according to the background of the Quran as a whole, we will see that *qital* is an attempt against transgressors who wronged Muslims and treated them badly.

"And if they break their oaths after their treaty and defame your religion, then fight (fa qatilu)

the leaders of disbelief" (Al-Quran, 9:12). In this verse that seems to order Muslims to fight the unbelievers unconditionally, the general condition that fighting is only allowed by way of defence could be said to be understood "*And when the sacred months have passed, then kill (faqtulu) the idolaters wherever you find them, and capture them and besiege them and sit in wait for them at every place of ambush*" (Al-Quran, 9:5) Those who were mentioned in this verse are the idolaters who act bad against Muslims.

Conditions for Fulfilling Jihad

According to Muslim scholars the aim of the verse "*Fight (fa qatilu) in the way of Allah those who fight you (yuqatilukum) but do not transgress. Indeed, Allah does not like transgressors*" (Al-Quran, 2:190). Zamakhshari says the aim of the verse is Quraysh's idolaters who fought against Muslims not Quraysh's idolaters who did not fight against Muslims. According to Rabi ibn Anas the verse is the first one being revealed in Madina about war (Zamakhshari, 1987). Qurtubi is in the same opinion. According to him, Al-Quran, 2:190 is the first verse that relates to making war. War was prohibited before Hicre (Al-Quran, 41:34; Al-Al-Quran, 73:10, Al-Quran, 88:22). Like this verse none of the verses revealed in Mecca allowed the instigation of war. When Prophet Muhammad (pbuh) moved to Madina, the verse from Al-Quran, 2:190 was revealed (Al-Qurtubi, 1988). According to Zamakhsari (1987), the Prophet (pbuh) was fighting those who fought him (Al-Quran, 2:190) alone until Al-Quran, 9:36 (Zamakhshari, 1987). But according to Qurtubi this kind of behaviour of the Prophet's continued until Al-Quran, 9:5 but this verse was abrogated by Al-Quran, 9:36 and has contained orders in it to go to war against all idolaters (Al-Qurtubi, 1988). According to Ibn Al- Arabi, there is not any abrogation. According to him the first verse about war is Al-Quran, 22:39 and in it had been given permission for war. The second verse is 2:190, the permission turned to obligation but in it fighting with those who

fought Muslims. The third verse, that is 9:5, ordered in it to fight all of idolaters (Ibn Al-Arabi, 1988).

As Zarkasi and Suyuti, some Islamic scholars did not accept any abrogation on the verses which mentioned the relations with the *mushrik* (idolater), too. They defined this kind of Qur'anic verse in the traditional understanding of the Islamic theology namely *Munsaat*. It means that when the situation and the condition of necessity came about and whichever Quranic verses coincided with the events, they could be applied to its own meaning in the context of time. The systematic method of Quranic interpretation evaluates verses under different conditions. However, we use one of the propositions of the Quranic hermeneutical method. If the first categorical condition vanishes in any occasion, the second categorical Quranic verses could be active in their own meaning in the context of time. For instance; the Quran advised Muslims how to struggle against idolaters. In a weaker position, such verses advised Muslims to be patient against their cruelty but when their power increased, they were instructed to defend themselves or fight against their oppressors (Al-Zarkashi, 2006; Al-Suyuti, 1987). Therefore, regarding the wisdom the gradual coming of the verses *Fakhr al-Din Al-Razi and Ibn Kathir* said: The cause of this is related to being the first in Islam. During this time Muslims were weak and the conditions of the time required this kind of behaviour. But after getting strong, the Muslims increased, as in the verse Al-Quran, 9:5 ordered in it the fighting all of idolaters (Ar-Razi, undated; Ibn Kathir, 2002).

But *Ash-Shankiti* analyses the reality according to laws of the soul and says the wisdom of the gradual coming is this: When Allah wants a behaviour which is hard on souls, legalization of it is accorded gradually (*tadric*), otherwise the reality of the new law being imposed suddenly would be too hard on those obliged to follow it. *Jihad* is like this because *Jihad* is very hard on souls. For *Jihad* includes death and surrendering of property. For the reality about *Jihad* firstly

they have been told “*Permission is given to those...*” (Al-Quran, 22:39). Later, when the souls of obliged people were used to Jihad, they have ordered to them “*Fight in the way of Allah those who fight you,*” (Al-Quran, 2:190). This is passing from permission to a private proposal. Lastly, when obliged people were further used to the new condition, namely act according to war which ordered in Al-Quran, 2:190. God ordered to them to fight against their enemies completely.

“*And when the sacred months have passed, then kill the idolaters wherever you find them...*” (Al-Quran, 9:5)” and “*And fight against the disbelievers collectively as they fight against you collectively...*” (Al-Quran, 9:36). The reality of gradually is in all of the requirements of hard behaviours in the Quran. The prohibition of drinking alcohol and fasting is like this (Ash-Shankiti).

Muslim scholars giving these explanations show Al-Quran, 9:5, 36 are the latest verses about war (Al-Alusi, 1987; Al-Qurtubi, 1988). They are putting into effect the aims to kill Quraysh’s idolaters and their partners. But the verse is not simply an order for killing, but also to take slaves, prisoners and to look after them appropriately. According to the Islamic scholar The people of the Book and Zoroastrians are not attacked by Muslims until they have broken their pledge and have caused harm and have to pay protective tax (*Jizya or Jaziyah*) (Al-Tabari, 1992; Al-Alusi, 1987) according to Al-Quran, 9:29 verse but, women, children, old people, men who want to live in peace, monks, men who have made a pledge, and sick people are excluded from fighting in all conditions so long as they have not been in private actions against Muslims.

Islam protects the people of the Book as long as they pay the *jizya / Jaziyah* and keep peace. When Umar saw a Jew begging in the streets he called the responsible person from the Baytu Al-Mal and said to him that swearing to God he would not allow an old person who had been

useful in his youth, to perish in his later years and ordered him to find and make list of such people (Abu Yusuf). This is an extraordinary example of a historical anecdote.

Again when Ibn Taymiyah meets Kutlushâh, the commander of the Monguls, to negotiate regarding the slaves held, he strongly declared “*unless the last of the Muslim, Jewish and Christian slaves are released, the war goes on. Jews and Christians are under our protection. We don’t accept any single one of them to remain as a slave.*” (Emin, 1977). In response to this determined attitude, not daring risk a new war, Mongul commander Kutlushâh released all the prisoners.

This following statement of Abu Bakr reveals the sensitivity of Muslims towards other minorities. When Abu Bakr (r.a.) sent Usamah’s army to war he said to them: “*Oh army, stop and I will order you (to do) ten (things); learn them from me by heart. You shall not engage in treachery; you shall not act unfaithfully; you shall not engage in deception; you shall not indulge in mutilation; you shall kill neither a young child nor an old man nor a woman; you shall not fell palm trees or burn them; you shall not cut down (any) fruit-bearing tree; you shall not slaughter a sheep or a cow or a camel except for food. You will pass people who occupy themselves in monks’ cells; leave them alone, what they busy themselves in which are varieties of food; if you eat anything from (those dishes), mention the name of God over them*” (Al-Tabari, 1992). All of these are evidence of tolerance of Islam about Islam’s outlook towards non-Muslims.

So we understand from the interpretations of the classical interpreters that Surah Taubah 9: 5 and 36 abrogated all the 124 verses which encouraged positive attitudes such as forgiveness, refraining from bad, establishing good relations and working towards peace. Examples of the verses which aim at establishing good relation in this world can be Al-Quran, 4:90, 94; 8: 61. It goes without saying that this classical and radical interpretation implies that

ninety percent of the verses in the same theme were abrogated. Indeed, with due respect, this cannot be accepted. This is the failure of these great commentators in terms of not adopting a holistic and integrated approach despite their immense contribution to hermeneutics of the Qur'an. Whereas, if we take Ibn Al-Arabî's opinion on the subject, which in the writer's opinion is the most logical approach, one can see there is a gradualness that infers Islam does not want war. This opinion is the best opinion on the subject according to Quranic perspective and its holistic background as a whole, because the Qur'anic universal rule is "*there shall be no compulsion in [acceptance of] the religion*" (Al-Quran, 2:256).

So Al-Quran, 9:5 and 36 verses have its purpose on the Quraysh and the idolaters of the Arabian Peninsula. They were persecuting Muslims, exhibiting extreme behaviours against them, breaking their pledge and beginning to offer resistance, wanting new Muslim converts to be again like them, idolaters. All of these were showing that they were a great danger for the new religion. For these reasons we understand Al-Quran, 9:5 and 36 verse purposes is on the Quraysh and the idolaters of the Arabia Peninsula.

If we think in this way, then any unabrogated verses offer an explanation and give meaning in context. This is the best interpretation as it fits the religion which is by nature peace and salvation. Moreover, Ibn Al-Arabi says the aim of the sword verse (At-Taubah, 9:5) is the idolaters who fought with Muslims (Ibn Al-Arabi, undated; Zuhayli, 1989).

Jassas, in the same parallel says "*Wa anna dhalike innama kane khassen fi qavmin minhum kanu ahla ghadrin ve khiyanatin*". This verse was sent for a particular event (or some people) rather than referring to the general, aiming for the idolaters who had been misleading Muslims (Jassas, 1993; Zuhayli, 1989) because they were instigating this behaviour and oppressing Muslims. They wanted Muslims to convert,

be like them, idolaters (Razi). This view is the most appropriate in the context of the Quran holistic background as a whole. Indeed, in the Qur'an for the other idolaters it is revealed as thus: "*Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes-from being righteous toward them and acting justly towards them. Indeed, Allah loves those who act justly*" (Al-Quran, 60:8).

This shows us that those who have good relations with Muslims do not wage war and any action against these good relations has been prohibited in the Qur'an. For this reason, *Abu Hanifa's* view that the idolaters in the Arabian Peninsula must be Muslim or they will be killed, no *Jizya* from them shall be taken there is no other alternative for them, must be a rigid one (*ijtihad*) (Al-Alusi 1987; Ibn Qayyim, 1961).

In this issue the best analysis belongs to *Ibn Qayyim Al-Jawziyya*. He says in his book: *Ahkam Ahl Al-Dhimma, Jizya (protective tax)* has been taken from all of disbelievers. No disbeliever shall be exempted from *Jizya*, it is not for the people of the books alone because, according to a hadith (Muslim, 1992; Al-Darimi, 1992), when the Messenger of Allah (pbuh) appointed anyone as leader of an army or detachment he would especially exhort him. "*If they (the disbelievers) refuse to accept Islam, demand from them the Jizya. If they agree to pay, accept it from them and hold off your hands*".

Therefore, taking of *Jizya* from the people of the Book is according to the Qur'an but taking of it from disbelievers generally is according to the Sunna. Just as the Apostle of God (pbuh) took *Jizya* from Zoroastrians. There is no difference between Zoroastrians and idolaters. If you are asked: why the Apostle of God (pbuh) did not take *Jizya* from them although a lot of wars were made with idolaters, it can be said thus: Well, of course he did not take *Jizya* from them.

The verse of *Jizya* was revealed in the year of Tabuk war, namely at the ninth year of Hicrah

after the Arabian Peninsula's idolaters had converted to Islam. After the revelation of the verse the Apostle of God (pbuh), *Jizya* was taken from Zoroastrians and Christians. At the time no idolaters were in the peninsula. The Apostle of God (pbuh), after revealing the verse, took *Jizya* from Zoroastrians and Christians who were the settlers of the peninsula. After the arrival of The Apostle of God (pbuh) in Madina, he did not take *Jizya* from Madina's and Haybar's Jews, too. This was because, the Apostle of God (pbuh) had made an agreement of peace with them before the *Jizya* verse (Ibn Qayyim, 1961). This shows the writer that the rights of idolaters to live were granted if they gave *jizya*. The verses within the context of the killing of idolaters were revealed before the verses of *jizya* and addressed mainly those idolaters who are antagonistic to Islam.

In spite of all these premises, in the writer's opinion the interpretations made by some classical commentators who say that idolaters have not been given the right to live is a psychological consequence of living under conditions of war. But according to modernist authors, this is due to the situation prevalent during the first centuries of Islam, as the Islamic state was then surrounded by bitter enemies. The believers were at war (Asad, 1980; Darwaza, 1998; Ates, 1991). Since the second half of the nineteenth century, modernist authors have asserted that the relationship between the Islamic and the other states and tribes had essentially a peaceful character. They argue that this principle is firmly rooted in the Quran and cite the following verses (Peters, 2005) "*Allah*" "*If they withdraw from you, and do not fight you, and offer you peace, then God assign not any way to you against them*" (Al-Quran, 4 : 90) " *...Do not say to him who offers you a greeting (salam, which also means peace) 'Thou art not a believer, 'seeking the change goods of the present life*" (Al-Quran, 4 : 94) and "*And if they incline to peace, do thou incline to it; and put thy trust in God*" (Al-Quran, 8:61)

For example *Muhammad Asad* says: "Every

verse of the Quran must be read and interpreted against background of the Quran as whole. The Taubah, 9 :5 verse, which speaks of a possible conversion to Islam on the part of "those who ascribe divinity to aught beside God" with whom the believers are at war, must, therefore, be considered in conjunction with several fundamental Qur'anic ordinances. One of them, "there shall be no coercion in matters of faith" (Al-Quran, 2:256), lays down categorically that any attempt at a forcible conversion of unbelievers is prohibited-which precludes the possibility of the Muslims' demanding or expecting that a defeated enemy should embrace Islam as the price of immunity. Secondly, the Qur'an ordains, "Fight in God's cause against those who wage war against you; but do not commit aggression, for, verily, God does not love aggressors" (Al-Quran, 2:190); Al-Quran, 4:91). Thus, war is permissible only in self-defence." Not in any other way. The only way of Muslims is their avoidance from every hostility (Asad, 1980).

A number of modernist interpreters have liked this point of view. This is incongruence with the writer's stand with the modernist scholars' ideas. Perhaps the classical interpretations of *Jihad* verses have an important function in historical time. Maybe the great expansion of Islam in the short time after its inception was largely due to the combative spirit of the new faith. *Jihad* verses of this kind played a large part in creating a conquering spirit in historical times; however this may not be the case in today's modern world. *Jihad* expresses the struggle of intelligence and persuasion. This is agreeable with *Said Nursi's* view: "*Jihad of the time being by love not by terror. The outside Jihad being by the glory of the certainty of Islam. Because outside enemies are civilized people we must do Jihad with evidence of Shari'a (Sari'a)*" (Nursi, 1990)

Conclusion

As a result, it is understood that the word Islam is derived from the root word peace and due

to its roots, Islam aims to build peace in the world. In this issue the difference of some commentators about *Jihad* verse comments stem from their approach to the Qur'an. Some of them comment the Quranic verses as partial and exceptions of chronological fact of the verses. As it is seen in the other issues and subjects, when they comment on verses according to Quranic holistic background as a whole and chronological fact of the verses they see that the Qur'an does the right according to Islamic name and aims for peace for humanity in the world.

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Letter dated 25.6.2020 from Under Secretary, MoI&B forwarding complaint dated 12.3.2020 from Mr. Saket Gokhale regarding a programme titled DNA by Zee News on 11.3.20

Complaint:

Subject: Notice reg. violation of Advisory No. N-41015/1//2019-BC-III dt. 25.2.20 by Zee News through its show "DNA" anchored by Sudhir Chaudhury and telecast on 11.3.20

This is to bring to your urgent notice the violation of the above-mentioned advisory of your Ministry by Zee News through its programme "DNA" on 11.3.20.

In this programme, the editor-in-chief of the channel Sudhir Chaudhary presented a special report on different kinds of 'Jihad' practised in India through a diagrammatic representation especially targeting the Muslim community in Jammu in particular and rest of India in general.

Under clause 2(ii) of the Ministry's advisory mentioned above, TV channels are prohibited from broadcasting content which "contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes."

Through this programme "DNA" broadcast on the evening of 11/03/2020, the channel Zee News has blatantly violated this advisory and telecast content which is not only communal but also seeks to incite hatred amongst religious communities in India.

This notice is to specifically request the Ministry of Information & Broadcasting to convene a meeting of the Inter-Ministerial Committee (IMC) to examine this issue urgently and decide on the action to be taken against Zee News after issuing a show-cause notice.

The appellant is issuing this notice to specifically alert you to this malicious and communal broadcast which is blatantly in violation of the Cable Television Networks (Regulation) Act, 1955, and the rules framed thereunder.

The appellant also seeks an urgent "action taken" report on this complaint and an update of what measures are being taken to address the grievance that has been highlighted above.

Please note that a lack of a suitable response or action on this complaint or any demonstration of a bias in favor of the channel shall leave the appellant with no choice but to approach the judiciary praying for an appropriate writ in this matter with the Ministry of I&B also being made a respondent.

Advisory No. N-41015/1/2019-BC-III dated 25.2.20 issued by MoI&B:

All Private Satellite TV Channels

On various occasions in the past, this Ministry has issued advisories for private satellite TV channels to broadcast content strictly in adherence to the Programme and Advertising Codes as prescribed in the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder.

2. It is hereby reiterated that all TV channels are advised to be particularly cautious with regard to any content which:

- (i) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promotes antinational attitudes;
- (ii) contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
- (iii) contains anything defamatory, deliberate, false and suggestive innuendos and half-truths

3. It may kindly be ensured that no content is telecast which is violative of the afore-mentioned Programme Codes.

All private satellite TV channels are requested to ensure strict compliance of the above.

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Reply dated 8.7.20

Zee Media Corporation Limited (ZMCL) is in receipt of an email dated 29.06.2020 from your good office (hereinafter referred to as '**the Hon'ble Authority**'), whereby, we have been directed to submit our response to the subject complaint dated 12.03.2020 made by Mr. Saket Gokhale raising various false and frivolous objections against the contents of our show DNA i.e. *Daily News and Analysis* aired on our channel 'Zee News' on 11.03.2020. Our reply to the allegations levelled in the subject complaint are as under:

1. At the outset, it is to state that we have carefully gone through the contents of the complaint under reply and we vehemently deny each and every allegations levelled therein, which are devoid of merits and are completely baseless and without any substance.
2. ZMCL is the nation's foremost media company and has been disseminating newsworthy contents for close to two decades. Zee News, the channel under the spotlight is owned by ZMCL and is a prominent and leading national Hindi news channel and is known for its ethical and unbiased reporting by taking due care and attention to the journalistic principles and code of ethics framed by this Hon'ble Authority.

3. In reply to the allegations levelled in the complaint, it is submitted that in our show DNA, aired on 11.03.2020, after conducting a thorough research and verifying the facts and official records, we have highlighted and exposed the biggest scam of Jammu and Kashmir, whereby, for the past 18 years, the then Government of Jammu and Kashmir and other stake holders have been trying to change the demography i.e. population ratio of Jammu Region, with a sole intention to make Jammu a Muslim majority area. To carry out the aforesaid objective, the then Government of Jammu and Kashmir, in the year 2001, enacted **Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act, 2001**, popularly known as '**Roshni Scheme**' [herein after referred to as '**the Act**'], whereby, it has been decided to grant ownership of thousands of kanals of the valuable State Land to the unauthorised occupants/encroachers in consideration of meagre amount. Although, the objective of the Act was to generate funds to finance the power projects in the State, however, the mode and manner of implementation of aforesaid Act by the State Government over the years unveil the hidden objective of the aforesaid Act, pursuant to which, a large chunk of forest and agricultural land in Jammu region have been transferred free of cost to people belonging to one particular religion with a sole intention to change the demography of Jammu Region.
4. That the aforesaid scam was first came to light in the year 2014, when the Comptroller and Auditor General of India (CAG), in its report, observed gross irregularities on the part of the State Government in implementation of the Act. The CAG, in its report, *inter alia*, noted that the rules framed by the Government of J&K under the Act were contrary to the objectives of the Act, inasmuch as, the rules provided for transfer of agricultural lands free of cost, which is beyond the scope, objectives and mandatory provisions of the Act. With the aforesaid observations, the CAG, in its findings, *inter alia*, recorded that "*all the transfer of agricultural lands under the provisions of the Act are illegal*". The CAG has further given its findings that out of actual transfer of 3,48,160 kanals in the State, a major portion of land i.e. 3,40,091 kanals were categorised as '*agricultural*' and were transferred free of cost, which has resulted in loss of thousands of crores of Rupees to the State Ex-chequer.
5. That based on the aforesaid report of CAG, a Public Interest Litigation being PIL No. 41/2014 was also filed by one Mr. Ankur Sharma, Advocate before the Hon'ble Jammu and Kashmir High Court, wherein, pursuant to the order dated 21.11.2019, the Revenue Department filed a compliance report dated 21.12.2019 before the Hon'ble High Court stating therein the region-wise distribution of beneficiaries. As per the said report, 25,000 persons were granted ownership of the forest and agricultural land in the Jammu Region alone, whereas, the number of beneficiaries in Srinagar region were only 4500 and no land were transferred in Ladakh Region. After perusal of the aforesaid report, even the Hon'ble High Court of Jammu and Kashmir in its order dated 20.02.2020 has observed as under:

“This status report reveals shocking state of affairs which had prevailed and the manner in which the land encroachers in Jammu and Kashmir have become owners of large trenches of public land by the operation of the Roshni Scheme.”

6. That despite the objective of the aforesaid Act was to raise and collect revenue to finance the power projects in the State, the then Government of Jammu and Kashmir transferred a large chunk of agricultural land of Jammu to the encroachers and illegal occupants free of cost, which raised a serious doubt on the intention of the Government of Jammu and Kashmir behind enacting the aforesaid legislation. In order to decode the hidden objective of the aforesaid Act, which is in larger public interest, we have got the list of beneficiaries who have been granted ownership of land in Jammu under the aforesaid Act. As per the said list, 90% of the beneficiaries of the agricultural and forest land of Jammu, which have been transferred in their favour free of cost, belongs to Muslim community. In order to know the truth, our reporters visited Jammu and came to know from the people of Jammu that for past 18 years, the Government of Jammu and Kashmir, in connivance with the extremist groups, have been trying to eliminate the Hindus from Jammu and wants to change its demography.
7. That in order to further verify the aforesaid allegations of the people of Jammu, we have talked to Mr. Ankur Sharma, Advocate, who stated that the beneficiaries who have been given state land in Jammu under the provisions of the Act, were not even the residents of Jammu and majority of them have been migrated from Kashmir. The aforesaid advocate has further given reference of some of books written by Military Strategist of Ghazwa-e-Hind, wherein, it is written that to accomplish *Ghazwa-e-Hind* fall of northern India and particularly Jammu is very critical. We have further talked to Mr. Sushil Pandit, who is an expert on Kashmir issues. He said in his byte that Roshni Act is a scam to disturb the population ration in Jammu and by the said Act, the Government has compromised with the national security. Thereafter we have also talked to Mr. M.M. Khajuria, Ex-DGP of Jammu and Kashmir on the issue, who said that it has been a major policy of the Governments of Jammu and Kashmir to facilitate the migrated population in Jammu to permanently settle there.
8. That in order to expose the real intention and conspiracy behind enacting the aforesaid controversial legislation, we have also referred to a report titled **‘White Paper on Kashmir’** written by Head of Department of Political Science, University of Jammu and Kashmir. In the aforesaid Report, it has clearly been stated that the Pakistan always intended to increase militancy in Muslim majority areas of Jammu and they wanted to accumulate the Muslim populations on the west of Chinab River and to prepare them to attack India. The aforesaid report further talks about the intention of the Pakistan to completely eliminate the minority Hindus in Kashmir. On the aforesaid issue, we have also talked to Mr. Tariq Fateh, who is well known writer. In

his byte, he stated that the fact of transferring 90 percent of land situated in Hindu majority area to the people of Muslim community talks a lot about the intention of the Government and other stakeholders.

9. In view of the aforesaid facts and situation, in our show DNA, we have conducted a fair analysis of the following questions:
 - a. If Roshni Act was enacted to give ownership of State Land to the unauthorized occupants, then how, in Jammu region, where majority population is Hindu, 90 percent beneficiaries of the State Lands are Muslims?
 - b. Whether enactment of Roshni Act is part of the conspiracy to change the population ratio of Jammu?

Please note, that while raising the aforesaid questions on our show, we have clarified that we are Secular and not against any religion. To further clarify our viewers, we defined the concept of secularism, which means not to give importance to any one religion and all the religion must be treated equally. Since, in the present case, the Hindus of Jammu region were not given equal treatment, we have stated in our show that the Act of the Government of Jammu and Kashmir was anti-secular and against the interest of our nation.

10. It is submitted that while presenting the aforesaid news report, we have not only explained the concept of secularism to our viewers but also clarified that we are not against any particular religion and our report relates only to those group of extremists and/or terrorists, who, in the garb of jihad and Ghazwa-e-Hind, have been trying to convert India into an Islamic Nation. Needless to state that such extremists and/or terrorists have no religion and as a responsible media, it is our right to expose them in the interest of security of our nation.
11. That we telecast the aforesaid report with true spirit of nationality and only to preserve the integrity and unity of the country without crossing the secular lines or hurting the religious feelings of any particular community or religion. In our aforesaid report we have only exposed the proponents of those extremist groups who wanted India to be an Islamic State and on whose behest the then Government of Jammu and Kashmir enacted the controversial ***Roshni Act*** with an hidden object to change the population ratio of Jammu Region in furtherance of *Ghazwa-e-Hind*.
12. It is submitted that the flow chart of Jihad, which we presented to our viewers during our show, merely explained the modus operandi of the people of extremist groups, who in the garb of Jihad, have been trying to convert India into a complete Islamic Country. That so far as the display of flow chart of Jihad is concerned, the same was related to only those people who want our country to be divided into pieces irrespective of their religion and therefore, while displaying the aforesaid chart, our anchor, as a

disclaimer, has stated that we are not targeting any particular religion and the aforesaid news report is only relates to those who wants to destroy our country. In our show, we have never tried to promote and incite the communal hatred as falsely alleged by you. That immediately after displaying the aforesaid chart, we had clarified that the aforesaid chart of Jihad does not relates to those people who wants India to remain unified and integrated.

13. That immediately after airing the aforesaid news report, we have received accolades and appreciations from various sections of the society and it is a great shock and dismay that despite bringing into light the biggest monetary and religious scam of the country without disturbing the communal harmony, various pseudo secular and pseudo intellectual citizens of this Country, who never had any problem with the word '*Hindu Atankwad*', have started criticizing our sincere and honest efforts in exposing those extremists and terrorists group who, in the garb of *Jihad* and *Ghazwa-e-Hind*, are trying to destroy our country.
14. That we have responded to the aforesaid criticism in our same prime time show aired on the next day i.e. on 12.03.2020, wherein, we have stated that majority of India Muslims are peace loving citizens and have nothing to do either with Jihad or with Ghazwa-e-Hind and in our aforesaid news report we have only exposed those few people who wants to divide our country. It is relevant to mention here that in response to our aforesaid news report, the Ex-Deputy Chief Minister of Jammu and Kashmir posted a tweet appreciating us for raising the important issue of change of population ratio in Jammu. We have also received appreciation from various political leaders and citizens of our country.
15. We once again state here that our aforesaid show analysing the concept of *Zameen Jihad* in Jammu and Kashmir is completely uncoloured from any motive, prejudice or notions but are based completely on verified, accurate and established facts and do not tend to promote disharmony or enmity between the different religion. We have imposed self-restraint while conducting the analysis in our aforesaid show.
16. That perusal of your complaint shows that it is based upon the self-selected contents of our show and while making the complaint, you have not considered our entire news report in right perspective.
17. Thus, in view of the aforesaid, it is stated that we have neither breached any of the guidelines of NBSA or any of the advisory issued by the Ministry of Information and Broadcasting, Government of India. It is submitted once again that we have strictly adhered to the laid down principles of neutrality, impartiality and fairness in our telecast of the aforesaid news report.
18. It is reiterated that all channels owned and managed by ZMCL, including Zee News are responsible channels and take due care and caution while

broadcasting any news. ZMCL has always abided by journalistic principles of fair and neutral reporting and conforms to all guidelines provided under law.

In view of the above, it is stated that ZMCL has abided by the principles of news reporting, broadcasting and journalistic norms and the complainant has failed to establish any deviations therefrom by ZMCL and therefore, the present complaint may be dismissed.