

# Ofcom Broadcast and On Demand Bulletin

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## The Debate with Arnab

**Type of case** Broadcast Standards

**Outcome** In Breach

**Service** Republic Bharat

**Date & time** 17 September 2020, 21:30

**Category** Abusive treatment  
Generally accepted standards

**Summary** During a current affairs discussion programme, statements were made which amounted to abusive and derogatory treatment of Pakistani people. The content was also potentially highly offensive and not sufficiently justified by the context. In breach of Rules 3.3 and 2.3 of the Broadcasting Code.

### Introduction

Republic Bharat is a satellite television channel broadcasting rolling news and discussion programmes in the UK, both in English and in Hindi. The licence for Republic Bharat is held by Worldview Media Network Limited (“Worldview Media” or “the Licensee”).

Ofcom received a complaint that the above programme contained “demeaning” statements which amounted to abusive and derogatory treatment of Pakistani people.

While the programme was primarily in English, it also contained brief discussions between the participants in Hindi, Urdu and Punjabi. Ofcom commissioned a translation of this content, which it sent to the Licensee for comment. The Licensee did not dispute the accuracy of this translation.

*The Debate with Arnab* is a regular English-language current affairs debate and discussion programme presented by the journalist Arnab Goswami. The debate featured in this episode took place in the context of Pakistan’s announcement that it was planning to hold parliamentary elections in Gilgit-Baltistan.

Gilgit-Baltistan is a disputed territory in the Kashmir region, currently administered by Pakistan. The proposed election was for seats in the Pakistan National Assembly<sup>1</sup>. The announcement of the election followed [India's decision in August 2019 to revoke much of Article 370 of the Indian Constitution](#), which had granted the Indian-administered state of Jammu and Kashmir (also part of the wider Kashmir region) significant autonomy within the Indian republic. Pakistan also indicated that it was planning to fully integrate the region of Gilgit-Baltistan as a fifth province in Pakistan<sup>2</sup>.

India, which considers the entire territory of Kashmir (including those territories administered by Pakistan) an “integral part” of India, [responded to Pakistan's decision by saying there was no legal basis for an election in the region](#), as it was, in the Indian Government's view, under illegal occupation.

The debate within this programme focused on:

- Pakistan's announcement of holding elections in Gilgit-Baltistan;
- Pakistan's moves to integrate Gilgit-Baltistan into Pakistan;
- the economic and infrastructure development activity taking place in Gilgit-Baltistan under the China Pakistan Economic Corridor (CPEC)<sup>3</sup> and Pakistan's evolving relationship with China;
- other regions within Pakistan where separatist movements are active, such as Balochistan;
- the treatment of minorities in both Pakistan and India; and
- India's then-ongoing military standoff with China along the Sino-Indian border.

The discussion hosted by Arnab Goswami took place between several guest contributors, from both India and Pakistan, who were invited to participate in the programme.

## Background

Between August 2019 and the date of broadcast, there was a period of increased tension between India and Pakistan over the disputed region of Kashmir which is claimed by both countries. This focussed particularly on states within the region of Kashmir which are, or were until recently, administered by India or Pakistan respectively as semi-autonomous territories. This included:

- in August 2019, the Indian Government revoked Article 370 of the Indian Constitution, effectively rescinding the special status of autonomy attributed to the state of Jammu and Kashmir since 1945. The Parliament of India passed the Jammu and Kashmir Reorganisation

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<sup>1</sup> The lower house of the Pakistani Parliament.

<sup>2</sup> See ['Pakistan's Gilgit-Baltistan 'province': Will it make the Kashmir dispute irrelevant?'](#) dw.com.

<sup>3</sup> The China-Pakistan Economic Corridor, or CPEC, is a bilateral undertaking comprising a number of infrastructure projects, intended to improve and modernise Pakistan's transportation networks and connect its ports to China.

Act, which contained provisions that dissolved the state and reorganised it into two union territories – Jammu and Kashmir in the west and Ladakh in the east, with effect from 31 October 2019;

- subsequently, between 2019 and 2020, the Indian Government imposed a lockdown on Jammu and Kashmir to prevent protests following the revocation and reorganisation, as well as reportedly detaining a large number of politicians and civilians in the region;
- on 31 March 2020, the Indian Government introduced new citizenship laws in Kashmir which no longer prioritised the local population for Kashmiri domicile certificates, a form of citizenship entitling the holder to residency and other privileges;
- on 30 April 2020, the Supreme Court of Pakistan accepted the Pakistani Government’s request to amend a 2018 administrative order to conduct National Assembly elections in Gilgit-Baltistan. In response, the following week, India served a formal protest to a Pakistani diplomat;
- on 11 July 2020, Pakistan’s Gilgit-Baltistan Election Commission postponed the election, originally scheduled for August 2020, citing the Coronavirus pandemic;
- on 17 July 2020, the Indian Government amended the Jammu and Kashmir Development Act of 1970 to allow the Indian Army to construct infrastructure in the region, followed by an order on 24 July 2020 to the effect that Indian Army or paramilitary forces need not seek special permission for acquiring land there; and,
- on 17 September 2020, the date of this programme, Pakistani media reported that the Pakistani Government had decided to elevate Gilgit-Baltistan’s status to that of a fully-fledged province, with constitutional rights and political representation at the national level. India immediately registered its disapproval of the move, releasing a statement to the effect that all territories within the region of Kashmir are an integral part of India according to the Instrument of Accession of Jammu and Kashmir<sup>4</sup>.

These events provided the backdrop to the broadcast of *The Debate with Arnab* on 17 September 2020.

## The Programme

The presenter Arnab Goswami’s introduction to the programme was delivered as the caption “#FreeGilgitBaltistan” appeared on the screen behind him<sup>5</sup>:

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<sup>4</sup> A legal document executed in 1947 by the ruler of the then-princely state of Jammu and Kashmir, hitherto a vassal state of British India, acceding to the Dominion of India (later to become the Republic of India).

<sup>5</sup> The caption “#FreeGilgitBaltistan” also appeared in on-screen tickers throughout the programme.

*“And, ladies and gentlemen, it is laughable that Pakistan thinks that it can appropriate the Indian territory of Gilgit-Baltistan. Tonight, as India stares back at China along the Line of Actual Control<sup>6</sup>, Imran Khan<sup>7</sup> must realise that we haven’t taken our eye off Pak-Occupied Kashmir and Gilgit-Baltistan<sup>8</sup>, which rightfully belong to us. Here is why Pakistan’s latest symbolic move has absolutely no credence. And then, tonight, the Free Gilgit-Baltistan debate. Let’s start”.*

A short news summary was then broadcast mostly in Hindi, detailing the latest developments in Gilgit-Baltistan and India’s stance on the territory. The programme went on to feature a 45-minute debate on this subject. The discussion featured contributions from: (representing the Indian viewpoint) four India-based guests, a US-based guest from Gilgit-Baltistan and a guest from Balochistan; and (representing the Pakistani viewpoint), four Pakistan-based guests. All contributors participated in the discussion from remote locations via a live link to the studio. The host and the Indian guests dominated the discussion, with the Pakistani guests attempting to respond. However, they were largely cut off by the presenter and Indian guests.

At the start of the debate section of the programme, Arnab Goswami introduced the guests and welcomed them to the debate, during which he referred to “*Pakistani brutes*” occupying the territory of Gilgit-Baltistan, describing the Pakistani state as “*brutal*”, “*soon to be extinct*” and “*failed*”. The presenter then opened the debate, addressing the Pakistani guest Qamar Cheema<sup>9</sup>, as follows:

*“But remember...As we begin the debate, Qamar Cheema, remember it is not a gulli<sup>10</sup> in Karachi that the debate is happening in, so behave yourself properly. Behave in a civilised way, even though you are a Pakistani. That may handicap you, but...show respect to everyone”.*

The debate began with a statement by guest Senge Hasnan Sering<sup>11</sup>, who summarised the Indian viewpoint on Gilgit-Baltistan; namely, that Gilgit-Baltistan is occupied by Pakistan and that Pakistan “*does not have any legal right*” to incorporate it. This viewpoint was lauded and encouraged by Arnab Goswami, who said the statement had caused “*panic*” on the “*Pakistani side*”. When a Pakistani contributor, Raja Faisal<sup>12</sup>, attempted to refute Senge Hasnan Sering’s statement, the presenter

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<sup>6</sup> A demarcation line separating Indian-controlled territory from Chinese-controlled territory along the Sino-Indian border.

<sup>7</sup> Pakistan’s Prime Minister.

<sup>8</sup> Referring to the Pakistani-administered areas of Kashmir.

<sup>9</sup> One of the regular guests on the programme, representing the Pakistani viewpoint.

<sup>10</sup> “*Gulli*” is the Hindi word for alley.

<sup>11</sup> An activist for Gilgit-Baltistan, representing a pro-India viewpoint.

<sup>12</sup> A regular guest on the programme, representing the Pakistani viewpoint.

accused Mr Faisal of trying to “browbeat” the other guest and urged Mr Sering to continue speaking. When Raja Faisal attempted a rebuttal a second time, Arnab Goswami again told Senge Hasnan Sering to continue, saying “don’t let this man [Faisal] try and stop you” and asking him to “speak louder”. When Raja Faisal, whose voice appeared to be at a normal volume, once again attempted to counter Senge Hasnan Sering’s view, he was told “don’t shout” by the presenter.

When another Pakistani guest, Qamar Cheema, then requested an opportunity to speak, he was asked by Arnab Goswami to “calm down” and told “I’ve not even unleashed General [G. D.] Bakshi<sup>13</sup> on you...when General Bakshi starts speaking, you’ll not open your mouth, that smile will have gone off your face for the next decade”. Before Mr Cheema could speak, the presenter immediately followed his previous comment with a story about the “fools” in Pakistan and their plan for Gilgit-Baltistan:

*“One minute. Let me tell you a story, Qamar. I asked someone that ‘These fools in Pakistan’... They said, ‘Which fools? All of them are fools’. I said, ‘Well, some of the greater fools among the fools’. So there is a fool who is a minister, he says, for Gilgit-Baltistan Affairs, some fellow called [Ali] Amin [Gandapur]<sup>14</sup>. He was asked, how are you – what are you going to do for Gilgit-Baltistan? So he says, ‘We have a great plan’. He says, ‘Can you share the great plan with us?’. He said, ‘Yes, we have a three-pronged plan for Gilgit-Baltistan’. ‘So I said, okay, tell us what is your three-pronged plan’. He said first-pronged plan is that we are going to build fifty guesthouses so that the [Pakistani] Army generals can come and stay in the salubrious climate. So I said, okay, what is your second plan? The second plan – and this is on record, don’t laugh, Sushant [Sareen]<sup>15</sup>, uh, General [G. D.] Bakshi – but the second plan, he said, is that we are going to – the central government of [Pakistani Prime Minister] Imran Khan – is going to provide furniture to the people in Gilgit-Baltistan. So we were flabbergasted. I said, ‘What else, what is the third plan that you will do for Gilgit-Baltistan?’ Then this person [Gandapur] is saying that ‘We want to do work for the wildlife in Gilgit-Baltistan’. Then the person who was asking them the question says ‘The only wildlife there is the Pakistani Army officers!’ So your entire programme, for [inaudible] guesthouses, furniture and wildlife, is aimed at the support of the occupation army!”*

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<sup>13</sup> A retired Indian Army officer and a regular guest on the programme, representing the Indian viewpoint.

<sup>14</sup> Pakistan’s Federal Minister for Kashmir Affairs and Gilgit-Baltistan.

<sup>15</sup> One of the guests on the programme, representing the Indian viewpoint.

The debate then shifted to a comparison between Gilgit-Baltistan and Balochistan, a province in south-west Pakistan where separatist movements are active<sup>16</sup>. At this point, Jamal Baloch<sup>17</sup>, representing Balochistan but speaking from a pro-Indian viewpoint, was invited to contribute to the debate. When Qamar Cheema attempted to cut in, Arnab Goswami replied that *“I said Mr Baloch will speak”*, adding *“that’s the problem with the Pakistanis”*. Jamal Baloch then stated that Balochistan is occupied by Pakistan, which he called a *“terrorist state”* and said that *“every terrorism attack is linked to Pakistan”*. When Qamar Cheema came to respond to this statement from the Pakistani perspective, the following exchange took place:

Qamar Cheema (Pakistan): *“Balochistan is Pakistani territory the way Delhi is your territory. Kashmir is not your territory. Balochistan is Pakistani territory and don’t try to make it a controversial place. There are no UN Charters, there are no UN resolutions on Balochistan, but there are UN resolutions on Kashmir. So don’t try to make Balochistan or Gilgit-Baltistan as [sic] controversial territories. They are part of the Pakistani territory and we are going for Indian-occupied Kashmir now. Time is up. Narendra Modi has not understood the language of peace and friendship. Narendra Modi understands the language which we better know how to tell him. So we are going to get Indian-occupied Kashmir this time. We got the half of that Kashmir, we got those people. Now, immigration can restart for the other people as well”*.

Jamal Baloch: [speaking over Qamar Cheema] *“You are not going anywhere. You are just hoodwinking your people. You’re just hoodwinking your people. [The] entire world knows you have occupied Balochistan, you’re plundering the resources, you’re killing Baloch people, everyone knows that. You cannot hide these things by shouting. You cannot hide these things by interrupting. Let me talk”*.

Qamar Cheema: *“So don’t bring this...[interrupted]”*

Arnab Goswami: [to Qamar Cheema] *“So don’t interrupt. Let, let Jamal [Baloch] speak. Don’t you have any decency? I know you are a Pakistani, but still – you sound like a Pakistani”*.

Jamal Baloch: *“You are afraid for me to talk”*.

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<sup>16</sup> Balochistan is a Pakistani province, part of a larger territory divided between Iran, Pakistan and Afghanistan. Like Gilgit-Baltistan, it is known for its distinct culture and ethnic minority population. The region has seen disputes and insurgencies by ethnic Baloch nationalists since the mid-20th century, most notably in Pakistan.

<sup>17</sup> A guest from Balochistan on the programme, representing a pro-India viewpoint.

Following this exchange, the presenter turned to G. D. Bakshi, who was one of the contributors representing the Indian viewpoint on the programme, to ask for his view on the prospect of Indian military action to free Gilgit-Baltistan. A discussion of the people of Gilgit-Baltistan and their attitude towards Pakistan followed, with Arnab Goswami suggesting the local population hates Pakistan as it does in Balochistan and other ethnic minority regions. Mr Goswami suggested that Pakistan's approach to these regions was to raise taxes as a mode of suppression, just as the Mughal emperor Aurangzeb<sup>18</sup> had restored the *jizya*<sup>19</sup> tax on non-Muslims during his reign in order to subjugate them.

A debate between Pakistani contributor Mona Alam and pro-India contributor Senge Hasnan Sering followed. This was cut short by the presenter, and the following exchange then took place between him and Mona Alam:

Arnab Goswami: *"Mona, one second. You know, this is the problem with all of you people, you know. You're all backbenchers<sup>20</sup> in Class Three<sup>21</sup>. That's why you don't [sentence incomplete] – you are all backbenchers in Class Three. All of you. Raja – Raja Faisal, you, and this Qamar Cheema, you are all backbenchers. That's why you don't listen when the class prefect is telling you to please be quiet. You see, I tell you –"*

Mona Alam: *"No, even the frontbenchers<sup>22</sup> are such losers".*

Arnab Goswami: *"Arrey baba<sup>23</sup>, Pakistanis don't even have a sense of humour".*

Mona Alam: *"If you claim to be a frontbencher, you don't appear like one".*

When, at the end of this exchange, Mona Alam accused Arnab Goswami of being *"biased"*, the presenter responded by saying, *"yes, I am biased towards the right thing. Yes, did I ever tell you I was neutral?"*

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<sup>18</sup> A historical figure widely reputed to be tyrannical and bigoted, particularly within India.

<sup>19</sup> This is a head tax levied on non-Muslim subjects in a state governed by Islamic law. Historically, however, it has not always been levied in practice. In the Indian subcontinent, the Mughal emperor Akbar famously abolished the tax. It was restored in the following century by his great-grandson, Aurangzeb.

<sup>20</sup> In India, *"backbencher"* refers to a school pupil who sits in the back of the classroom. It usually connotes poor marks and a lack of discipline.

<sup>21</sup> The Indian equivalent of Year 4 in primary education.

<sup>22</sup> The pupils sitting at the front of the class.

<sup>23</sup> An expression of mild annoyance in Hindi.

In the next phase of the debate, Arnab Goswami introduced the topic of the China-Pakistan Economic Corridor and suggested that the people of Gilgit-Baltistan were being used as a “*bargaining chip*” in Pakistan’s relationship with China. A debate between pro-Pakistani guest Abid Abbasi and pro-Indian guest Sushant Sareen, partially in Urdu and Hindi, followed.

In the first instance, Abid Abbasi suggested that steps taken by the Pakistani Government to develop Gilgit-Baltistan were aimed at raising the standard of life in the region rather than incorporating it. Arnab Goswami then interrupted, saying the following:

*“[Translated from Hindi: “What you have conquered and kept hold of... This is like stealing something and then chest-thumping. First you stole it [Gilgit-Baltistan] and now you are saying you will repair it? You don’t even have a right over what you have stolen! You don’t have the right, what are you saying?”].”*

When Mr Abbasi later referred to elections, presumably those being held in Gilgit-Baltistan, Indian contributor Sushant Sareen made the following statement in response<sup>24</sup>:

*“[Translated from Hindi: “Oh brother, election, what election are you [sentence incomplete] – There is not even an election in your country”]. What is the [Translated from Urdu: “election”] in Pakistan, who have that idiot, [Pakistani Prime Minister] Imran Khan, running this country? He has been appointed, he has been picked up by the [Pakistani] Army and put out there and this guy is talking about [Translated from Hindi: “elections. What election is there for him? Who votes for him? They keep talking such nonsense”].”*

Mr Sareen then raised a number of issues relating to the geopolitical situation in South Asia, including: the UN resolutions on Kashmir; the independence of Bangladesh; and the possibility of independence in other ethnic minority regions in Pakistan, such as Balochistan. In reference to Mr Abbasi and his statements, he went on to say:

*“This clown [Abbasi] was talking about [Translated from Urdu: “elections”] and [Translated from Urdu: “occupied territory”] and all of that. Number one, this guy [sentence incomplete] – I can bet this guy has never read the UN resolutions [on Kashmir], otherwise he would not be blabbing his mouth off. Number two, you know, when he talks about [sentence incomplete] – This is the typical Pakistan low cunning and disingenuity, that this is an administrative arrangement. If this was an administrative arrangement, you do not need to give it the status of a fifth province”.*

As Sushant Sareen was making this point, the pro-Pakistani contributor Raja Faisal cut in to list various regions in India which are under dispute or threat of military action, or are the subject of separatist

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<sup>24</sup> Mr Sareen spoke this statement in English, Hindi and Urdu. We have identified within the quote the parts of the statement that have been translated from Hindi or Urdu.



agitation. Mr Sareen responded by listing similar regions in Pakistan, going on to suggest that India *“ha[s] to even liberate Pakistan-occupied Punjab”* – a province which forms the heartland of Pakistan and is not under territorial dispute. Raja Faisal then said *“send your army”*, to which Sushant Sareen responded, *“we’ll come, we’ll come, don’t worry”*.

In the next segment of the debate, pro-Indian guest Senge Hasnan Sering and pro-Pakistani guest Mona Alam made claims and counter-claims regarding each country’s governing of the portion of Kashmir administered by it, respectively. While Mr Sering said Pakistan was exploiting the parts of Kashmir under its rule, Mona Alam made a similar claim regarding India. As Mr Sering was speaking, Arnab Goswami said, *“shame on you Pakistanis, shame on you”*. As Mona Alam was speaking, the presenter interrupted to cut to another debate, this time between G. D. Bakshi and Qamar Cheema.

G. D. Bakshi asked Qamar Cheema to wait while he made his points. At the outset, he raised the treatment of minorities in Pakistan. Mr Cheema tried to speak as General Bakshi was making his points, but his words couldn’t be heard. Arnab Goswami asked Cheema to *“be quiet”* a number of times, then went on to say *“you have killed some thousands of Sikhs in Pakistan”* to endorse General Bakshi’s point regarding Pakistan’s treatment of minorities.

Following this, the presenter brought up the subject of the Pakistani Army’s actions in Gilgit-Baltistan, alleging that *“these shameless Pakistanis”* had sent the Pakistani Army to break 1,200-year-old sacred Buddhist rock carvings in the area *“like Genghis Khan’s troops”*<sup>25</sup>. During this part of the discussion, Arnab Goswami made the following statement:

*“Then I decided that these Pakistanis have gone mad. But then I realised that...But, you know, the Pakistanis have gone worse. They were mad and now they are totally insane”*.

Arnab Goswami went on to allege that the Pakistani Army had instructed that people who tested positive for Coronavirus be *“sent from Punjab to Gilgit-Baltistan”* to contain the spread of the virus in Punjab. At this point, Indian guest R. P. Singh<sup>26</sup> cut in to say it is a known fact that minorities in Pakistan are *“treated like shit in a gutter”* before going on to debate with Raja Faisal and Qamar Cheema in Punjabi, with Arnab Goswami shouting *“well done”* in Hindi and English as he spoke.

As he moved to introduce the next segment of the debate, which was between Pakistani guest Abid Abbasi and Indian guest Sushant Sareen, Arnab Goswami commented in Hindi that Mr Abbasi, who was off-screen, was [Translated from Hindi: *“shouting”*], saying *“calm down, [Translated from Hindi: “we have not reached Pakistan yet”]*”. When Abid Abbasi began speaking and making his points, the presenter called on Indian guests Sushant Sareen and G. D. Bakshi to *“give it back [to him]”*.

At the conclusion of the debate about Gilgit-Baltistan and related issues, Arnab Goswami announced the launch of a *“non-stop campaign”* on the network’s website in support of a movement to *“free Balochistan, free Gilgit-Baltistan”*. The programme was accompanied by recurring onscreen tickers

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<sup>25</sup> A reference to the Mongol hordes, connoting barbarism and brutality.

<sup>26</sup> An Indian Sikh politician who is a member of India’s ruling party, the Bharatiya Janata Party (BJP), representing the Indian viewpoint on the programme.

which read “India will take back Gilgit-Baltistan”, “Desperate Pakistan move on Gilgit”, and “Exposed by India, Pak panics in Gilgit”, which were repeated throughout the programme in rotation.

We considered this content raised issues under the following Rules of the [Broadcasting Code](#) (“the Code”):

- Rule 3.3: “Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...services...except where it is justified by the context”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Such material may include...offensive language...discriminatory treatment or language (for example on the grounds of...race, religion or belief... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested the Licensee’s comments on how this material complied with these rules.

## Response

The Licensee said that the programme featured a “confrontational debate” about Gilgit-Baltistan, which has been “the subject of a dispute between India and Pakistan since 1947” and more recently “subject to disputes between India and China”. It acknowledged that the exchanges between the participants in the debate were “highly charged”, with “several parties talking over each other and even shouting insults at each other”, but stated that the host, Arnab Goswami, “tried to manage the contributions and control people talking over each other”. Worldview Media stated that it was in this context that the remarks cited above were made.

While the Licensee acknowledged that “these comments about Pakistanis could be taken as offensive”, it argued that it did not believe these remarks “constituted abusive treatment” when viewed “in the context of the programme”. The Licensee made several points which it believed provided contextual justification as to how the programme complied with the rules as set out above and did not amount to abuse. Specifically, the Licensee argued that Arnab Goswami’s tone during the discussion was “jovial and familiar, as he knows all the contributors well”. It said viewers would have been aware of this and would have understood the “sparring” to be “typical in South Asian culture”.

The Licensee also said that Republic Bharat is a channel “serving the South Asian community in the UK with no intention to offend anyone or any specific group”.

Worldview Media told Ofcom it had recently taken measures to improve its compliance, including suspending over 60 programmes between January and late September 2020 in order to “avoid” broadcasting “live debates which could contain inappropriate verbal exchanges” in the UK.

The Licensee acknowledged that “given the Geo-political nature of this debate, this live programme should have been identified as potentially problematic in terms of commentary” and “assigned as ‘suspended’ in our scheduling system”. The Licensee added that it was investigating “why the suspension instruction was not actioned” in the case of this programme considering its subject matter.

Worldview Media also said it would supply Ofcom with a spreadsheet detailing the programmes which had been suspended from its schedule. Ofcom did not receive this additional information.

The Licensee made no further representations on our Preliminary View other than to indicate that the Republic Bharat channel is not currently broadcasting on its Ofcom licensed service and has not done so since May 2021.

## Decision

Reflecting our duties under section 319 of the Communications Act 2003, Sections Two and Three of the Code require that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material in programmes including material containing abusive and derogatory treatment of individuals, groups, religions or communities.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights when considering the Licensee's compliance with the Code.

Ofcom has also had due regard<sup>27</sup> in the exercise of its functions to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as race, religion or belief, and those who do not.

Broadcasters should be able to, and can, make programmes which address controversial subjects, as this is clearly in the public interest. The Code does not prohibit people from appearing on television and radio services because their views have the potential to cause offence. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. In this context, Ofcom considered that it was clearly legitimate for a channel like Republic Bharat to broadcast a programme that discussed the Pakistani-administered territory of Gilgit-Baltistan in the disputed region of Kashmir and steps taken by Pakistan towards integrating it as a province. However, when dealing with sensitive or controversial topics and views, broadcasters must ensure they comply with the Code.

## Rule 3.3

Rule 3.3 of the Code states that:

“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...services...except where it is justified by the context”.

The Code does not prohibit criticism of any country or citizens of that country. However, such criticism must not spill over into pejorative abuse. The Code has been drafted in light of the Human Rights Act 1998 and the ECHR and seeks to strike an appropriate balance where broadcast content engages competing rights. In the context of Rule 3.3, it does so in particular in relation to the right to freedom of expression, which encompasses the broadcaster's and audience's right to receive material, information and ideas without unnecessary interference, as well as the right to freedom of thought,

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<sup>27</sup> Under section 149 of the Equality Act 2010.

conscience and religion and the right to enjoyment of human rights without discrimination on grounds such as nationality or ethnicity.

We first considered whether this programme contained abusive or derogatory treatment of individuals, groups, religions or communities.

During the programme, the presenter, Arnab Goswami, and one of the pro-Indian guests, Sushant Sareen, ascribed negative and derogatory characteristics to Pakistani people, implying or explicitly saying that they are uncivilised, foolish, and lacking in respect and decency by virtue of their nationality.

The presenter opened the debate by saying to a Pakistani guest:

*“Remember it is not a gulli<sup>28</sup> in Karachi that the debate is happening in, so behave yourself properly. Behave in a civilised way, even though you are a Pakistani. That may handicap you, but...show respect to everyone”.*

Later in the debate, he said to Pakistani guest Qamar Cheema:

*“Don’t you have any decency? I know you are a Pakistani, but still – you sound like a Pakistani”.*

When a Pakistani guest mistakenly thought he had been invited to speak, the presenter said:

*“That’s the problem with the Pakistanis”.*

Later in the programme, Sushant Sareen, a guest representing the pro-Indian viewpoint, responded to a point made by Pakistani guest Abid Abbasi as follows:

*“When he talks about [sentence incomplete] – This is the typical Pakistan low cunning and disingenuity”.*

Similarly, when recounting an anecdote about Pakistani policy on the region of Gilgit-Baltistan, the presenter said:

*“I asked someone that ‘These fools in Pakistan’...They said, ‘Which fools? All of them are fools’. I said, ‘Well, some of the greater fools among the fools’”.*

This statement characterised all Pakistani people as foolish and was presented in a way that suggested that this is a view held by others, in addition to the presenter.

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<sup>28</sup> See footnote 10

Overall, we considered the presenter and one of the guests on the programme attributed various negative characteristics to Pakistani people as a whole merely by virtue of their nationality, characterising them as uncivilised, disingenuous, disrespectful, and foolish.

Therefore, it is Ofcom's Decision that this programme contained material which amounted to abusive or derogatory treatment of Pakistani people on the basis of their nationality.

We next considered whether there was sufficient context to justify the broadcast of this abusive and derogatory treatment. Our [published Guidance](#) to Section 3 makes clear that there are certain genres of programming, such as news or current affairs, where there is likely to be editorial justification to include challenging or extreme views in keeping with audience expectations, provided there is sufficient context. However, the greater the risk the material may cause harm or offence, the greater the need for contextual justification. In this case, we considered that the risk of the material broadcast causing harm or offence was high, given that statements amounting to abusive or derogatory treatment of Pakistani people were made throughout the programme. We therefore considered that the need for contextual justification was particularly high in this case.

In assessing whether there was a contextual justification, Ofcom must take proper account of the broadcaster's right to freedom of expression, and the audience's right to receive information without interference. Ofcom recognised the particular importance of freedom of expression when assessing content containing political speech.

The Code states that contextual factors relevant to Rule 3.3 of the Code include, but are not limited to:

- the genre and editorial content of the programme;
- the extent to which sufficient challenge is provided;
- the status of anyone featured in the material; and
- the service on which the programme is broadcast and the likely size and expectations of the audience.

We therefore considered whether these or any other contextual factors were relevant to this case.

We acknowledged that Republic Bharat is a television channel delivering news and current affairs to the Indian community in the UK, with a specific focus on India and its relationship with Pakistan. We accepted that Republic Bharat's viewers would expect to see robust discussions of political issues on the channel, including the relationship between India and Pakistan, both generally and in relation to the latest developments in Kashmir, including the steps taken by Pakistan to incorporate Gilgit-Baltistan as a province and India's prior steps to incorporate Jammu and Kashmir. Given the heightened sensitivity among Indian and Pakistani people to these issues at the time of broadcast, we also recognised that audiences would be likely to expect a provocative debate between Indian and Pakistani guests about these matters which would involve some panellists expressing challenging views. We recognise that debates on matters touching on relations between the two countries are emotive and sometimes heated, and that this too would be within audience expectations.

However, Rule 3.3 requires that individuals, groups, religions or communities are not subject to uncontextualised abusive or derogatory treatment. As we set out in our Section Three Guidance, the greater the risk for the material to cause harm and offence, the greater the need for contextual justification.

The Licensee said it did not believe Arnab Goswami's remarks "constituted abusive treatment" when viewed within the context of the programme, arguing his tone throughout the discussion was "jovial and familiar", reflecting that he "knows the contributors well". The Licensee said viewers would be aware of the familiarity between the host and the contributors and would understand the "'sparring'" between them as "typical in South Asian culture". It added the channel was fulfilling its mandate of "serving the South Asian community in the UK with no intention to offend anyone or any specific group".

We therefore considered whether the political background to these discussions provided sufficient context for the content broadcast in this programme and concluded that it did not. Ofcom recognises that there is longstanding tension between India and Pakistan, which can often lead to heated discussions between guests when discussing political issues between the two countries. We acknowledged that viewers would expect a "combative" style of debate of such topics on the channel and that the presenter, Arnab Goswami, is well known for his confrontational debating style. However, there is an important distinction between scrutinising and challenging the policies and activities of the Pakistani state, and abusive or derogatory treatment of Pakistani people on the basis of their nationality, such as that broadcast in this programme. As a result, we considered that the political circumstances and associated emotive views expressed by the guests were insufficient context to justify the broadcast of abusive and derogatory statements about Pakistani people. We considered the abusive remarks went beyond the expression of a political opinion and exceeded the expectations of the audience of this channel. Those parts of the programme which did not amount to abuse and derogatory treatment were still robust and provocatively expressed criticisms of Pakistan and its actions.

We noted the Licensee's submission that the comments made in the programme were "jovial and familiar as he knows all the contributors well. Viewers would have been aware of this and we believe would understand the 'sparring' to be typical in South Asian culture". While familiar, we did not consider that Arnab Goswami's tone towards his Pakistani guests was jovial, nor did we accept that derogatory comments towards Pakistani people generally would be contextualised by such a tone in the context of this programme as a whole.

For example, we noted that at one point in the programme, while addressing Pakistani guest Mona Alam, Arnab Goswami said:

*“You know, this is the problem with all of you people, you know. You’re all backbenchers<sup>29</sup> in Class Three<sup>30</sup> ... That’s why you don’t listen when the class prefect is telling you to please be quiet”.*

When Ms Alam took exception to this remark, Arnab Goswami responded by saying: *“Arrey baba<sup>31</sup>, Pakistanis don’t even have a sense of humour”.*

Ofcom understands the reference to *“backbenchers”* to connote to an Indian or Pakistani audience ill-discipline and low achievement, while Arnab Goswami refers to himself as *“the class prefect”*.

While it was not clear from the context whether the presenter’s mention of *“all of you people”* referred to the Pakistani guests on the programme or to Pakistani people as a whole, it was evident from Ms Alam’s reaction to this remark that she did not welcome it, even if it could be said to be familiar or jovial in tone. Ofcom noted that in the presenter’s subsequent response to Ms Alam, he dismissed her concern with the comment that Pakistanis *“don’t even have a sense of humour”*. While Mr Goswami’s use of the informal Hindi expression *“Arrey baba”* can be seen as lending a tone of jocularly to his remark, the remark itself did nothing to allay any offence caused, and if anything tended to add to the negative or unfavourable characterisation of Pakistani people in general on the programme.

The Licensee argued that the presenter’s remarks were made in the context of trying to manage a *“confrontational debate”* on a controversial political subject and that his remarks were made in an attempt to moderate the discussion, which included *“highly charged”* exchanges with several guests *“talking over each other and even shouting insults at each other”*. However, Ofcom considered that rather than trying to manage a confrontation, the presenter himself initiated the confrontation. He adopted a strongly provocative tone towards the Pakistani guests from the beginning of the programme by reminding them to act in a civilised and respectful way throughout the discussion and indicating that being Pakistani may *“handicap”* them in this.

We also considered that, at several points in the debate, Arnab Goswami encouraged the Indian guests to speak while attempting to silence the Pakistani guests, and that throughout the debate, the Pakistani guests were repeatedly interrupted and afforded little time to make their points, that may have provided challenge to the derogatory statements made about Pakistani people.

Further, at several points in the debate, the way in which Arnab Goswami asked his Pakistani guests to refrain from speaking was belittling; for instance, telling a Pakistani guest, *“calm down, we have not reached Pakistan yet”*. At other points, he endorsed his Indian guests’ points by punctuating their remarks with comments such as *“shame on you Pakistanis”*.

We were also concerned that these comments amounting to derogatory treatment of Pakistani people were made by the presenter, Arnab Goswami, a high-profile news anchor and the editorial voice of the

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<sup>29</sup> See footnote 20.

<sup>30</sup> See footnote 21.

<sup>31</sup> An expression of mild annoyance in Hindi.

Republic Bharat channel, which would give additional weight and legitimacy to his statements among viewers.

Finally, we acknowledged that the Licensee said that, prior to the broadcast, it had introduced measures to strengthen its compliance, including suspending over 60 programmes between January and late September 2020 in order to “avoid” broadcasting “live debates which could contain inappropriate verbal exchanges” in the UK. We also acknowledged the Licensee’s representations said that given the geo-political nature of this debate, this live programme “should have been identified as potentially problematic in terms of commentary” and “assigned as ‘suspended’ in our scheduling system”. We noted that Worldview Media added that it was investigating “why the suspension instruction was not actioned” in this case given the subject matter. However, Ofcom was concerned that despite these measures, content amounting to abusive and derogatory treatment was broadcast on this service.

Ofcom carefully assessed all of the factors outlined above and considered that, on balance, there was insufficient context to justify the broadcast of abusive and derogatory statements about Pakistani people.

Therefore, our Decision is that this content breached Rule 3.3.

### Rule 2.3

Rule 2.3 of the Code states that:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...offensive language...discriminatory treatment or language (for example on the grounds of...race, religion or belief... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We acknowledge that, at times, offence can be caused not just by the actual content of a programme but by controversial views being given airtime. The Code does not prohibit the broadcast of material or the inclusion of people or groups whose views and actions have the potential to cause offence. To do so would, in our view, be a disproportionate interference with the broadcaster’s right to freedom of expression and the audience’s right to receive information. Rule 2.3 places no restrictions on the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as potentially offensive content is justified by the context. Ofcom first considered whether the material in the programme had the potential to cause offence.

As discussed under Rule 3.3, this programme contained material which was abusive and derogatory towards Pakistani people, in particular, by ascribing negative characteristics to Pakistani people as a whole on the basis of their nationality. Ofcom therefore considered this programme clearly had the potential to cause significant offence.

We then went on to consider whether the broadcast of this potentially offensive material was justified by the context. While the Licensee acknowledged that “these comments about Pakistanis could be taken as offensive”, it argued that it did not believe these remarks “constituted abusive treatment”



when viewed “in the context of the programme”. As previously discussed, Republic Bharat is a television channel which broadcasts news and current affairs programmes, focusing on issues relevant to the Indian community in the UK. Therefore, it is legitimate for the channel to explore the contentious issues of Kashmir and Gilgit-Baltistan and for these discussions to include challenging and critical views of Pakistani government’s handling of the situation. However, we did not consider that the political context of the programme, or associated heightened emotive views expressed by the guests regarding the issues discussed, provided justification for the inclusion of potentially highly offensive material, including pejorative abuse towards Pakistani people on the basis of their nationality as set out above.

Given the strength of the material and our assessment of the relevant contextual factors, in Ofcom’s view the audience was unlikely to have expected to view content of this type broadcast without sufficient contextual justification or appropriate information to avoid or minimise the level of potential offence.

Our Decision is therefore that this content also breached Rule 2.3.

#### **Breaches of Rules 3.3 and 2.3 of the Code.**

The following breaches are part of the Licensee’s record:

- In February 2020, we found a programme broadcast on Republic Bharat in breach of Rules 3.2 and 3.3 (along with Rule 2.3) of the Code<sup>32</sup>. Due to the serious nature of this breach, [Ofcom subsequently fined the Licensee £20,000](#).
- In May 2020, Ofcom recorded a breach of Rule 3.3 (and Rule 2.3) of the Code<sup>33</sup> for material broadcast on this channel.

We are concerned that after the publication of the above decisions, the Licensee went on to broadcast two further programmes which we have found to be in breach of Rule 3.3 of the Code, i.e. the programme which is the subject of the breaches in the present case set out above, and content which was the subject of [our recent breach decision published on 4 July 2021](#). In all the cases, the breaches concerned abusive, derogatory and offensive statements relating to Pakistani people being broadcast without sufficient context.

We note that Worldview Media has indicated that the Republic Bharat channel is not currently broadcasting on its Ofcom licensed service. Should the Licensee recommence broadcasting, we would consider it appropriate to invite it to a meeting to discuss its compliance with regard to Rule 3.3 of the Code.

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<sup>32</sup> See [Issue 397 of Ofcom’s Broadcast and On Demand Bulletin](#), published on 24 February 2020.

<sup>33</sup> See [Issue 403 of Ofcom’s Broadcast and On Demand Bulletin](#), published on 26 May 2020.