

Ofcom Broadcast and On Demand Bulletin

Issue 403
26 May 2020

The Debate with Arnab Goswami

Type of case	Broadcast Standards
Outcome	In Breach
Service	Republic Bharat
Date & time	22 October 2019, 21:30
Category	Abusive treatment and generally accepted standards
Summary	Statements made in a current affairs programme amounted to derogatory and abusive treatment of Pakistani people, which was not 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 in the UK, predominantly in Hindi. The licence for Republic Bharat is held by Worldview Media Network Limited (“Worldview Media” or “the Licensee”).

The Debate with Arnab Goswami (“*The Debate*”) is a daily current affairs discussion programme presented by the journalist Arnab Goswami. Ofcom received a complaint that the programme’s presenter was abusive towards the Pakistani guests contributing to the show and the wider Pakistani community.

This episode of *The Debate* was broadcast mostly in English, with some dialogue in Hindi, and we assessed the programme as a whole. The programme took place in the context of a recent military strike on alleged terror camps in Pakistan by the Indian Army. It focused on India’s military capabilities in comparison to Pakistan’s, the ongoing dispute between Pakistan and India over Kashmir, and Pakistan’s alleged involvement in terrorist activities against Indian targets. Guest contributors were invited to participate in the debate.

Background

From 5 August 2019 to the date of broadcast of the programme, there was a period of increased tension between India and Pakistan, focusing mainly on the disputed region of Kashmir which is claimed by both countries. This included:

- On 5 August 2019, the Government of India revoked Article 370 of the constitution, effectively rescinding the special status of autonomy attributed to the regions of Jammu and Kashmir since 1945. The Parliament of India passed the Jammu and Kashmir Reorganisation 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. At the time of its dissolution, Jammu and Kashmir was the only state in India with a Muslim-majority population;
- On 15 August 2019, Pakistani and Indian forces exchanged fire near the disputed border in Kashmir, resulting in five deaths (three Pakistani soldiers and two civilians);
- On 4 September 2019, the Indian Army claimed it had arrested two Pakistani nationals allegedly associated with the terrorist group Lashkar-e-Taiba; and,
- On 19-20 October 2019, the Indian Army launched artillery strikes on alleged terrorist camps in Pakistan-occupied-Kashmir.

These events provided the backdrop to the broadcast of *The Debate* on 22 October 2019.

The Programme

The programme began with the presenter, Arnab Goswami, introducing the lead story. He told viewers that following Pakistan's escalation of attacks across the Yellow Sea in the past 72 hours, India's army had responded by striking seven alleged terror camps in Pakistan. He claimed details were coming in of another attack by Pakistan adding:

"While details are not clear yet, I am saying tonight with all responsibility, that this is the time to rollover into POK¹ and end this once and for all".

The presenter said the impact of India's military strikes had shocked the Pakistani army. He went on to quote a "deep source in the Indian Army" who said the impact of the military strike had caused the Pakistani generals to lose "their mental balance".

The presenter told Indian viewers to be prepared for an escalation in the conflict. He declared "Operation POK" had started and India would "get back POK".

During this introduction captions were shown including "PANIC AND MAYHEM IN POK" and "PAK TERROR ANNIHILATION" and "DEEP STRIKE STUNS PAK".

In the next section of the programme, the presenter told viewers there was "panic and complete mayhem in Pakistan". He said India's military action had "crippled Islamabad" and promised viewers "then we'll take these Pakistanis on [pointing to the Pakistani guests] in tonight's debate".

¹ POK – Pakistan Occupied Kashmir.

The programme then broadcast a summary of the latest headlines on the attacks by India and Pakistan in Kashmir featuring footage of the military strikes on Pakistan; a clip of a reporter in Jammu and a clip of the head of the Indian army. The headlines included captions such as “PAK PUNISHED” and “PAK POSITIONS BLOWN”.

The programme then featured a live interview with a reporter in Jammu who outlined Pakistan's alleged violation of ceasefire along the Line of Control² and the apparent success of the Indian Army's retaliation.

The presenter went on to open the discussion:

“Intent is absolutely clear and on The Debate today, given the gravity of the situation, I would like to tell all our Pakistani panellists, I don’t need to tell the Indian panellists, that we will debate properly. I will listen to one person at one time. But, you know, I don’t want your grandiloquent rubbish. I want a reasonable discussion because the fact is, Sushant Sareen [one of the guests], I want to start with you, the situation is extremely grave”.

The presenter went on to say Pakistan was surprised by the level of India’s military response to the alleged terror attacks adding:

“The casualties on the Pakistani side are enormous, enormous. Now, I just want to understand from you, what did they expect, Sushant? I want to start with you and my question to you is what did the Pakistanis expect? This is just the kind of reaction they deserve given what they were trying to do”.

The programme went on to feature a 35-minute debate hosted by Arnab Goswami. The discussion included five Indian guests and four Pakistani guests. All nine guests participated in the debate via a live video link and were displayed on separate sides of the screen under the headings “INDIA VIEW” and “PAK VIEW”. Ofcom observed that the host and the Indian guests repeatedly interrupted the responses given by the Pakistani guests, and the Indian guests were provided with more opportunities to contribute to the discussion by the presenter.

In the quotes below, the language used was English except where otherwise stated. Ofcom’s translation of the Hindi content was provided to the Licensee along with our Preliminary View for comment. The Licensee did not have any comments on the accuracy of the translation and our decision is therefore based on that translation. In the quotes below, the speaker is Indian except where otherwise stated.

During an extended description of the enhanced capabilities of the Indian Air Force's missiles, the presenter said:

Presenter: *“... I think there are many people who want a demonstration of the deep strike ability on these Pakis right now”.*

² Line of Control (LoC) refers to the military control line between the Indian and Pakistani controlled parts of Jammu and Kashmir. The LoC is not a legally recognised international boundary.

After the presenter interrupted a response given by the Pakistani guest, Zahid Saeed, on curfews in Kashmir, the following exchange ensued between the presenter and guests:

Presenter: *“Barrister, listen, I speak to you today with respect”.*

Zahid Saeed (Pakistani guest): *“Are you letting me speak or are you going to talk constantly? Why the hell am I here?”.*

Presenter: *“You are here to get hammered by me. You are there so I can hammer you. All of us will hammer you collectively”.*

Maleeha Hashmi (Pakistani guest): *“Arnab, let me hammer you. Give me the opportunity to hammer you. Let me hammer you with facts”.*

[crosstalk]

Zahid Saeed (Pakistani guest): *“Wait a second, let me talk. Why am I here? Should I go home?”*

Presenter: *“Don’t ask me existential questions like ‘why am I here?’”.*

The presenter then said that Gaurav Bhatia (Indian guest) and Zahid Saeed (Pakistani guest) should debate. The following statements were made by the guests during this exchange:

Gaurav Bhatia: *“All countries, we all know that this country is a terrorist camp. And look at the sequence of events. How we are – ”*

[crosstalk]

Zahid Saeed (Pakistani guest): *“Modi is a terrorist”.*³

[cross talk]

Zahid Saeed (Pakistani guest): *“Modi is a terrorist...there is state terrorism against the Kashmiri⁴, that is our point of view”.*

Gaurav Bhatia: *“... Modi showed the political will and abrogated Article 370⁵”.*

[cross talk]

³ A reference to the current Prime Minister of India Narendra Modi.

⁴ Since the abrogation of Article 370 in Indian administered Kashmir, Pakistan has consistently made claims alleging human rights violations against the Kashmiri population.

⁵ Article 370 of the constitution was revoked by the Indian Government on 5 August 2019. The revocation of Article 370 effectively rescinded the special status of autonomy attributed to the regions of Jammu and Kashmir since 1945.

Zahid Saeed (Pakistani guest): *"You Indians are maniacs. You've become maniacs. You cannot have a straight conversation".*

Gaurav Bhatia: *"Narendra Modi Jee spoke about peace. And Imran Khan was calling, "jihad" cries..."*

[cross talk]

Zahid Saeed (Pakistani guest): *"Modi. What is Modi doing in Kashmir?"*

Gaurav Bhatia: *"...This is the difference between democracy and a terrorist nation".*

[cross talk]

Zahid Saeed (Pakistani guest): *"I'm not seeing that these are terrorists. What is Modi doing in Kashmir? Locking up eight million people? He is the one who has created this problem".*

Gaurav Bhatia: *"Next, Xi Jinping⁶, Xi Jinping [crosstalk] reliable partner. He came to India. And Narendra Modi Jee and Xi Jinping showed how two strong powerful nations [crosstalk] each other".*

Zahid Saeed (Pakistani guest): *"You Indians are belligerent, impatient, you're living in a fool's paradise".*

[Crosstalk]

Presenter: [Responding to a Pakistani guest saying that India should inspect the areas it has bombed] *"...we are not children here playing these games, don't talk like a child. I mean I'm sorry even children are, small children, are smarter than this... What are you talking about? Talk brass tacks Maleeha. You're talking like a Pakistani. No, you're talking like a Pakistani".*

Gaurav Arya: [In Hindi, responding to a Pakistani guest discussing the curfews and alleged human rights violations in Kashmir] *"Pakistanis are all thieves. They are not Kashmiris. You are all thieves. Each and every one of them is a thief. Get out of here...They tell lies always about Kashmir. What do they know*

⁶ Xi Jinping: President of the People's Republic of China.

about what is happening in Kashmir? They are the DG ISPR's⁷ domesticated sycophants. These people are paid by DG ISPR. They live off Asif Ghafoor's⁸ money".

Presenter: [Responding to an Indian guest stating that the Pakistani guests are lying about the current state of Kashmir. The presenter shouted angrily as he spoke.] *"They are lying because they are scared of us. Show the pictures from Rajasthan ...Do you think we're playing games out here? Do you think, you Pakis, that we're playing games out here? Show the pictures from Rajasthan and tell them what is coming up".*

Presenter: [Saying that India's strikes on Pakistan are warnings before India moves into Kashmir] *"I'm seeing the link between the war games in Rajasthan on the one side, the firing of the BrahMos⁹ on the other, and the fire assault that we've carried out deep into the Yellow Sea of the Pakistani on the other. All these are actually signalling, signalling, signalling. We are constantly signalling the Pakis, telling them this is what is".*

Gaurav Arya: [In Hindi, responding to the presenter's allegations that the Pakistan Army fired empty shells at India] *"There is a reason why they fired empty shells, Arnab. Like their shells that are full of helium – Arnab, their nation is full of helium. These people are a fake people. They are sell-outs. They are fake people Arnab. That is what they do. That is what they do. Maximum they can do is kill civilians".*

Presenter: *"Maleeha you said something and I want to ask you this. Did you actually mean it? Because you just said that you have faith in the United Nations. You said it, right, Maleeha? You*

⁷ DG ISPR: Director-General of Inter-Services Public Relations. The Inter-Services Public Relations is the military media directorate of the Pakistan Armed Forces which broadcasts military news to the media and general public.

⁸ Asif Ghafoor: DG ISPR of the Pakistan Armed Forces.

⁹ The BrahMos is a cruise missile developed and manufactured by India.

spoke about United Nations reports¹⁰, right? And you spoke about why they need to be taken seriously, right? You said that, Maleeha? You take the UN report seriously? Do you take the UN report seriously?"

Maleeha Hashmi (Pakistani guest): *"Yes".*

Presenter: *"Yes or no, Maleeha?"*

Maleeha Hashmi (Pakistani guest): *"Yes and you reminding me...[continues to try to speak]"*

Presenter: *"No no no no no no no no no no. Since you take the UN report seriously, my follow up question to you is the following. No, no, no, no listen please. Are you incapable of hearing or are you incapable of comprehension? Or do you, like all Pakistanis, not understand simple English? Good, now listen to me Maleeha. Since you believe in the UN Reports –"*

Maleeha Hashmi (Pakistani guest): *"I'm capable of everything–"*

Presenter: *"Please don't behave like a Pakistani, please. Unfortunately, you have to because you are, unfortunately, a Pakistani".*

Maleeha Hashmi (Pakistani guest): *"I'm capable of giving India the much-needed reality check at the moment, that India's Army Chief chickened out. India's Army Chief did not accept the DG ISPR's open invitation for his Indian human, India's high commission staff to make it to the Line of Control and see things for themselves".*

We considered that the content raised issues under the following Code rules:

Rule 3.3: *"Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television...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 but is not limited to...discriminatory treatment or language...".*

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

¹⁰ United Nations High Commissioner for Human Rights, Michelle Bachelet, [urged India to ease curfews in Kashmir](#) during her address to the UN Human Rights Council. Also see '[UN rights chief asks India to ease Kashmir lockdown](#)'.

Response

The Licensee said that the programme “aimed to call out terror operations in Pakistan and confront panellists from the region” on this issue.

The Licensee referred to recent events which it said provided the “background to the debate and the political context and developments in India-Pakistan relations which formed the basis of much of the discussion”, including, for example:

- statements made by US officials condemning alleged terrorist operations in Pakistan;
- a pro-freedom demonstration in Pakistan occupied Kashmir in which 50 civilians were allegedly injured by Pakistani police;
- videos accessed by Republic Media Network of the Indian Army defusing artillery shells supposedly fired by Pakistan and said to be violating the Line of Control (LoC);
- alleged reports that the Pakistani Army breached ceasefire violations across the LoC; and,
- protests in New Delhi by communities displaced from Pakistan occupied Kashmir.

It made several points which it believed provided contextual justification as to how the programme complied with the rules set out above. Specifically, the Licensee argued that:

- the presenter set the tone of the debate at the beginning of the programme by stating that he wanted a “*reasonable discussion*”;
- the tone of the discussion was similar from guests on both sides and the language “was not insulting but part of a discourse between India and Pakistan on matters of national security”;
- it believed that the programme “allowed adequate opportunity for all guests, Pakistanis specifically, to challenge the language used if considered unacceptable or derogatory”; and
- the audience of Republic Bharat are “likely to be Indians who are aware of the status of India-Pakistan ties”.

Finally, the Licensee argued that the use of the word “*Pakis*” during the programme was not intended as an insult but as a “casual reference to the nationality of Pakistan”. It said that the word “*Pakis*” was also used by the presenter “as an abbreviation of ‘Pakistani’” and that the two words were used interchangeably throughout the programme. It further argued that the Pakistani guests did not object to the use of the word “*Pakis*” during the programme, which “confirms the fact that the reference was considered common parlance” and that viewers would have interpreted the word “as a casual, non-derogatory reference to Pakistanis”. It cited several sources, including a tweet from the Chief of Awami Muslim league and several articles by Pakistani media outlets, which it said provided examples of the common use of the word “Paki” as an inoffensive word and that its use had been reclaimed by Pakistani people.

The Licensee made further representations on Ofcom’s Preliminary View. It said that Republic Bharat is a Hindi news channel appealing to a Hindi-speaking audience who are likely to have Indian roots, be of Indian origin or have an awareness of the Indian subcontinent. It added that its primary audience were likely to have understood “the nature and context in which references were made during the show, the history of India-Pakistan relationship, and the immediate context in which the programme was aired”. It said that it did not consider that the programme contained any abusive and derogatory

treatment and, “given the nature of the channel, the trend on ground, and the nature of the news, it is unlikely that the audience was misled”.

The Licensee referred to various events, in addition to those referenced in its initial response, which occurred shortly before broadcast and which it believed meant that the material in the programme was not “uncontextualized”, including, for example:

- the “abrogation of Article 370 in India and repeated Pakistan interference in India’s internal policy”¹¹;
- the Financial Action Task Force (FATF) retaining Pakistan on the “grey list”¹² and the US having “called out Pakistan for terror operations”; and,
- multiple alleged ceasefire violations by Pakistan in October 2019 including violations resulting in the deaths of two soldiers and a civilian in India’s Jammu and Kashmir’s Kupwara district.

The Licensee said it had taken into account guidance issued by Ofcom regarding due impartiality and Arnab Goswami’s treatment of viewpoints with which he does not agree. In light of this, it said it had removed live broadcasts of Arnab Goswami’s current affairs programmes from its schedule in order “to review and edit them in line with the guidance provided”. It added that this was evidence of its efforts to “adapt our scheduling and editing processes to improve compliance whilst striving to engage our viewers in the fast-moving news agenda concerning India and its geo-political situation”.

Decision

Reflecting our duties under 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 hatred, 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 (“ECHR”) when considering the Licensee’s compliance with the Code.

Ofcom also had due regard¹³ 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 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

¹¹ Article 370 of the Indian Constitution provided for special autonomous status to Kashmir and Jammu.

¹² The FATF “grey list” includes countries which it identifies as having deficiencies in regulatory regimes to counter matters such as money laundering and financing of terrorist activities.

¹³ Under section 149 of the Equality Act 2010.

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 matters of national security between India and Pakistan, and Pakistan's alleged involvement in terrorist activities against India. 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:

“Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio 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. In the context of Rule 3.3, when assessing whether content complies with the Code, Ofcom must take into consideration the right to freedom of expression, which encompasses the broadcaster's and audience's right to receive material, information and ideas without interference, as well as the right to freedom of thought, 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. The presenter referred three times to Pakistani people as “*Pakis*”, a word which is considered racist and highly offensive in the UK¹⁴. He also made comments as follows: “*we are not children here, don't talk like a child. Unfortunately, even children, small children, are smarter than this...You're talking like a Pakistani, you're talking like a Pakistani*”; “*do you, like all Pakistanis, not understand simple English?*”; “*Please don't behave like a Pakistani, please. Unfortunately, you have to because you are, unfortunately, a Pakistani*”.

We considered the Licensee's argument that Pakistani people themselves had sought to “reclaim” the word “Paki” and it was not intended as an offensive insult, particularly when used in the sub-continent. We also considered its representations that the word was used by the presenter as an abbreviation of the word Pakistani and “as a casual reference to the nationality of Pakistan”, and that Pakistani guests on the programme did not specifically object to the use of the term, despite being afforded “adequate opportunity” to do so.

Ofcom research strongly indicates that UK audiences find the word “Paki” highly offensive. We considered that it was used by an Indian presenter while he was expressing strong criticism of Pakistan. He used the word during a series of taunts towards Pakistani people about the seriousness of the threat of Indian military action against targets inside Pakistani territory. Specifically, he said, “*many people who want a demonstration of the deep strike ability on these Pakis right now*” and “*Do you think, you Pakis, that we're playing games out here?*” and “*We are constantly signalling the Pakis, telling them this is what is*”. In our view, the audience of this programme would have understood the use of this word in this context to be abusive and derogatory. We did not consider the failure by the

¹⁴ See Ofcom's [research](#) on offensive language.

Pakistani guests to directly challenge the use of the word “*Pakis*” indicated that it was acceptable to them. We took into account that the Pakistani guests were repeatedly interrupted and afforded little time to make points that may have provided challenge and context, including to voice objection to the word “*Pakis*”. Nor did we consider that the fact that the full word “*Pakistanis*” was used at times meant that the word “*Pakis*” would have been perceived by viewers merely as an abbreviation. Ofcom considered the context in which the word was used in the programme made it clear that the presenter understood that the term was highly offensive and that he was using it as a term of abuse.

Further, when the presenter did use the full term “*Pakistani*”, he did so in a way that was derogatory. For example, when addressing one Pakistani guest, the presenter said: “...*we are not children here, don't talk like a child. Unfortunately, even children, small children, are smarter than this...You're talking like a Pakistani, you're talking like a Pakistani*”. Later in the programme, addressing a Pakistani guest, the presenter said: “*Are you incapable of hearing or are you incapable of comprehension. Or do you, like all Pakistanis not understand simple English?*”. In our view the implication of these comments in the context in which they were used was to characterise all Pakistanis as uneducated and stupid.

We also considered that the presenter’s remarks were made along with angry and provocatively expressed criticisms of Pakistan’s conduct relating to Kashmir, by some of the Indian guests in this programme. For example, when responding to a Pakistani guest’s comments about the curfews in Kashmir, one Indian guest said: “*Pakistanis are all thieves. They are not Kashmiris. You are all thieves. Each and every one of them is a thief. Get out of here...*”. Later in the programme, when discussing the Pakistani Army’s alleged firing of empty shells, one Indian guest said: “*There is a reason why they fired empty shells, Arnab. Like their shells that are full of helium – Arnab, their nation is full of helium. These people are a fake people. They are sell-outs. They are fake people Arnab. That is what they do. That is what they do. Maximum they can do is kill civilians*”. Ofcom recognised that these statements were made in the context of India and Pakistan’s territorial dispute over Kashmir and the increased military conflict between the two regions. However in our view, alongside the presenter’s abusive and pejorative statements about Pakistani people, these statements by some of the Indian guests were likely to be understood by viewers as derogatory criticisms of the Pakistani community.

We therefore considered that the broadcast contained material which amounted to abusive or derogatory treatment of Pakistani people on the basis of their nationality.

We acknowledged that a Pakistani guest said “*you Indians are maniacs*” and that “*you Indians are belligerent, impatient*”. We considered whether this amounted to abusive and derogatory treatment of the Indian community and concluded that it did not. The context was a discussion of Indian air strikes against points in Pakistan Occupied Kashmir which had been celebrated and applauded by all the Indian guests who had contributed, as well as the presenter. We considered that in this context, viewers were unlikely to have taken the Pakistani guest’s statements as a criticism of the whole of the Indian community but as a comment on the impact of the policy adopted by India in Kashmir, directed at the Indian guests taking part in the programme.

We next considered whether there was sufficient context to justify the broadcast of the abusive and derogatory treatment of Pakistani people.

The Code states that contextual factors relevant to Rule 3.3 of the Code may 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 Hindi television channel delivering news and current affairs with a specific focus on India and its relationship with Pakistan to a Hindi-speaking audience in the UK, who are likely to be of Indian origin or have a particular interest in the Indian subcontinent. We accepted that Republic Bharat's viewers would expect to see discussions of political issues on the channel, including topics such as "developments in India-Pakistan relations" and "matters of national security" between India and Pakistan. We also recognised that viewers would be likely to expect that a discussion programme involving Indian and Pakistani representatives about these matters at a time of heightened international sensitivity would involve some panellists expressing challenging views. We acknowledge that the broadcast took place in the evening, when audiences might expect to see stronger content.

As set out above, the relationship between India and Pakistan and the alleged link between Pakistan and terrorism were legitimate topics for discussion in a programme on a channel aimed specifically at the Indian community in the UK. However, Rule 3.3 is clear that individuals, groups, religions or communities must not be subject to uncontextualised abusive or derogatory treatment.

We also acknowledged that the presenter set an ambition of having a "*reasonable discussion*" in his introduction. However, we did not agree that his expression of this ambition set a tone that was "not insulting". On the contrary, the presenter was provocative to his Pakistani guests from the outset: "*I would like to tell all our Pakistani panellists, I don't need to tell the Indian panellists, that we will debate properly and listen one person at one time. But, you know, I don't want your grandiloquent rubbish. I want a reasonable discussion*". As explained below, Ofcom does not consider that Arnab Goswami's moderation of the debate achieved his stated aim of a "*reasonable discussion*".

Ofcom acknowledged that as the established presenter of *The Debate*, viewers may have been aware of Arnab Goswami's vocal and hard-hitting style. However, we were particularly concerned, that in his role as presenter of this programme, Arnab Goswami was responsible for voicing abusive and pejorative statements towards Pakistani people. In our view, his status as the established presenter and editorial voice of the programme gave a legitimacy to these statements which compounded their abusive and derogatory nature.

We were also concerned that the presenter did not seek to challenge or contextualise any of the critical statements made by the Indian guests. Instead he encouraged these panellists and endorsed their views. We considered this compounded the impact of their and his own abusive and derogatory statements during the programme.

We also took into account the Licensee's representations that it considered the programme allowed Pakistani guests sufficient opportunities to challenge unacceptable or derogatory language. We disagreed. In our view, the Pakistani contributors were repeatedly interrupted and afforded little time to make points that may otherwise have provided challenge and context to the broadcast of the abusive and derogatory treatment of Pakistani people. For example, Zahid Saeed, one of the Pakistani guests said: *"Are you letting me speak or are you going to talk constantly? Why the hell am I here?"*. To which the presenter responded: *"You are here to get hammered by me. You are there so I can hammer you. All of us will hammer you collectively"*. Later the same guest said: *"Wait a second, let me talk. Why am I here? Should I go home?"*, to which the presenter replied dismissively: *"Don't ask me existential questions like 'why am I here?'"*.

The Licensee also argued that the tone of the debate "from both sides involved making a large statement about the nation" as part of a "discourse between India and Pakistan on matters of national security". We acknowledged that the programme included some very critical comments about the Indian Government from the Pakistani guests in retaliation to statements made by the presenter and the Indian guests on the programme. For example, when responding to accusations of terrorism in Pakistan, one Pakistani guest said: *"Modi is a terrorist, that is our point of view. A terrorist state, terrorism against the Kashmiris that is our point of view"*. When discussing current events in Kashmir, one Pakistani guest said: *"What is Modi doing in Kashmir, locking up eight million people? He is the one who has created the problem"*. However, we did not consider that the inclusion of these statements from Pakistani guests justified or sufficiently contextualised the broadcast of derogatory and abusive language against the Pakistani community as a whole. They amounted to political speech criticising the Indian state and individual politicians within India and were not directed against Indian people generally.

We considered the Licensee's representations on our Preliminary View that viewers of Republic Bharat were likely to have understood the current context of certain references and the history and tensions surrounding the India-Pakistan relationship. Having regard to the audience's level of understanding of this political context, we recognised that viewers would likely expect a discussion about the India-Pakistan relationship on the programme, and that this was a legitimate topic for a channel aimed primarily at the Indian community in the UK to debate.

However, we also consider that while it was entirely legitimate to discuss sensitive issues of international relations, the context referred to by the Licensee also underlined the particular importance of ensuring that where contributors made comments that could cause offence, appropriate challenge was provided. Taking into account the strength of the derogatory and abusive views expressed in the programme by the presenter and Indian guests about Pakistani people, and the lack of challenge to those views, we considered that the material was likely to have exceeded viewers' expectations of a current affairs discussion programme hosted by a general entertainment channel such as Republic Bharat.

We took into account that the Licensee said it had taken steps to improve its compliance procedures since Ofcom brought the programme to its attention. While we welcome the Licensee's willingness to improve compliance, Ofcom remained concerned that material containing abusive and derogatory treatment was broadcast on its service. We were particularly concerned that the Licensee appeared to

have misunderstood the compliance issues this case raised, and its response to our Preliminary View referred to guidance and rules on due impartiality and misleading material, which were not the rules we provisionally identified in our Preliminary View as having been breached. The Licensee is reminded of its responsibility to ensure it understands the Code and that the material broadcast on its service complies with these rules.

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

Rule 2.3

This rule 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 [...] religion or belief [...]). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

We acknowledge that sometimes offence can be caused not just by the actual content of a programme but by people with extreme and very controversial views being given airtime. The Code does not prohibit the broadcast of material or the inclusion in programmes 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. Ofcom therefore considered this programme clearly had the potential to cause significant offence.

We therefore went on to consider whether the broadcast of the potentially offensive material was justified by the context. As previously discussed, context is assessed by reference to a range of factors including: the service on which the material was broadcast, the editorial content of the programme, likely audience expectations, warnings given to viewers, and the effect on viewers who may come across the material unawares.

As discussed above, Republic Bharat is a Hindi television channel which broadcasts news and current affairs looking at issues relevant to a Hindi-speaking audience in the UK, who are likely to be of Indian origin or have a particular interest in the Indian subcontinent. It was therefore entirely legitimate for a channel of this type to explore India-Pakistan relations and, within this topic, the alleged link between Pakistan and terrorism. However, this programme contained potentially highly offensive material through its inclusion of gratuitous abuse and derogatory treatment towards the Pakistani community.

Given this episode of *The Debate* formed part of a daily series, we acknowledged that it was likely that regular viewers of the channel would have been familiar with the adversarial tone and confrontational nature of the programme and its presenter, Arnab Goswami. We also acknowledged that the programme was broadcast in the evening, when audiences expect to see stronger content. We took into account the Licensee's argument that viewers of Republic Bharat would have been aware of the relations between India and Pakistan and would have understood the word "Paki" as a common abbreviation of the word "Pakistani". We disagreed. As explained above, the programme was broadcast to an audience in the UK, where Ofcom research¹⁵ indicates that the word "Paki" is considered highly offensive.

We also took into account that viewers may have expected more challenging material in an evening current affairs discussion programme, which debated contentious political issues, and were likely to be aware that Arnab Goswami, as the established presenter of *The Debate*, has a vocal and hard-hitting style. However, we considered the strength and frequency of the abusive and derogatory language used towards the Pakistani community by the presenter and some of the Indian guests in this episode was likely to have exceeded audience expectations. In our view, the fact that the presenter and editorial voice of the programme used such language was likely to have heightened the level of offence caused by the abusive and derogatory material aired in the programme. Although there was a degree of challenge to the views of the presenter from some of the Pakistani guests during the discussion, we also took into account that they were repeatedly interrupted and afforded little time to make points that may otherwise have provided challenge and context.

Further, there was no material broadcast before or after this segment that provided any warning or mitigation for viewers about the statements made by the presenter and his guests.

Finally, we took into account the Licensee's representations that it had taken steps to improve its compliance procedures since Ofcom brought the content to its attention. As discussed above, we were concerned that the Licensee appeared to have misunderstood the compliance issues upon receiving our Preliminary View.

Given the strength of the material and our assessment of the relevant contextual factors, in Ofcom's view the channel's 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 Rule 2.3 was breached.

Breaches of Rules 3.3 and 2.3

¹⁵ See footnote 14.