

Poochta Hai Bharat¹

Type of case	Broadcast Standards
Outcome	In Breach
Service	Republic Bharat
Date & time	6 September 2019, 14:26
Category	Hate speech, abusive and derogatory treatment, and Generally Accepted Standards
Summary	<p>During a current affairs discussion programme the presenter and some of his guests made several statements which amounted to hate speech against, and derogatory and abusive treatment of, Pakistani people. The content was also potentially offensive and was not sufficiently justified by the context. In breach of Rules 3.2, 3.3 and 2.3 of the Broadcasting Code. Due to the serious nature of these breaches we are considering imposing a statutory sanction.</p>

Introduction

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

During routine monitoring, we identified the above programme. The material was broadcast in Hindi and Ofcom commissioned a translation of the programme, which we used for the purposes of this investigation. The Licensee disagreed with some parts of our translation in its response to Ofcom and suggested some changes. We therefore reviewed the translation in light of the Licensee’s comments.

¹ Meaning “India is asking” in Hindi.

Where we have made amendments based on the Licensee's comments and revised translation, these have been incorporated into the text below and are explained in the footnotes. We have also made clear where we have not accepted the Licensee's suggested changes. Where meanings have been disputed by the Licensee, we have carefully considered the surrounding context and explained our reasoning.

Pootcha Hai Bharat is a daily current affairs discussion programme presented by the journalist Arnab Goswami. The debate featured in this episode took place in the context of India's attempt to send the Indian spacecraft Chandrayaan 2² on its mission to the Moon on 22 July 2019. It focused on: India's record of space exploration and other technological advancements 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); and
- On 4 September 2019, the Indian Army claimed it had arrested two Pakistani nationals allegedly associated with the terrorist group Lashkar-e-Taiba.

These tensions provided the backdrop to the broadcast of *Pootcha Hai Bharat* on 6 September 2019.

The Programme

Arnab Goswami introduced the programme:

“Namaskar [greeting in Hindi], I am Arnab Goswami. Today once again India will be on the moon. But while India is going to the moon, Pakistan is weeping very badly. At the time when India is winning the moon, Pakistan is losing on the issue of Kashmir. Pakistan could only add a moon in the national flag. And we reached the moon twice. But why are these Pakistanis weeping? And we are sending Chandrayaan, and you are sending terrorists. You will only do what you are capable of. We

² Mission Chandrayaan-2, translated from Hindi “mooncraft”, is the second lunar exploration mission developed by the Indian Space Research Organisation. The spacecraft was launched on its mission to the Moon from the second launch pad at the Satish Dhawan Space Centre on 22 July 2019. At the time of the broadcast, the spacecraft was still travelling to the Moon.

make scientists and you make terrorists. Mr Bajwa³ is saying that we will make sacrifices for Kashmir. You should come, we want you to come. We will kill you⁴. You will send terrorists; we will send their dead bodies. Pakistan is saying that Kashmir is burning in the fire of torture. Oh Pakistani, it is you who is actually burning with jealousy from Indian power. You should feel jealous and more jealous. But you should remember that if India can reach the moon, then it will take no more than one minute to reach Lahore. Therefore today, India is asking if India has reached the moon then why is Pakistan bothered about it? Is Pakistan afraid of India's one victory from land to the sky? Whether India is going to hoist its flag in PoK⁵ after the moon? And the biggest question this evening is whether Mr Bajwa and Mr Imran⁶ will die while continuously weeping on the issue of Kashmir. It is not me, but India who is asking this question".

The programme went on to feature a 35-minute debate hosted by Arnab Goswami. The discussion included one Indian guest in the studio with the host and contributions from three Indian guests and three Pakistani guests who participated in the discussion from other locations via a live link to the studio. The host and the Indian guests dominated the discussion, with the Pakistani guests attempting to respond but largely being shouted down by the presenter and Indian guests. During the debate, the following comments were made by the host and guests. We have noted below where the guests are Pakistani. Where nationality is not stated the guest is Indian:

Unknown Speaker⁷: *"...They cannot make scientists because they think it is their victory to produce terrorists. Pakistan itself is going to hell. But it is spreading false rumours on the issue of Kashmir".*

Gaurav Arya⁸: *"Arnab I want to say briefly, first of all I disagree with you. You said that India makes scientists and Pakistan makes terrorists [the word "terrorists" was in English]. Arnab, they do make*

³ Qamar Javed Bajwa: The current Chief of Army staff of Pakistan.

⁴ The Licensee said that the Hindi word "Hum tumko mareng" used by Arnab Goswami did not mean "kill" but meant "beat" and that it was in response to the threat of Jihad it said was issued by Pakistan. Ofcom understands the expression "tumko mareng" could have several meanings depending on the context, including "to strike, to hit" to "to murder, to kill". However, we looked at the context surrounding Arnab Goswami's use of the word and it was followed immediately after by him stating that "you [Pakistan] will send terrorists; we [India] will send their dead bodies". We took the view that, in this context, it was clear that the word meant "to kill".

⁵ PoK refers to Pakistan-Occupied Kashmir.

⁶ Imran Khan: Prime Minister of Pakistan.

⁷ The name of the contributor was not audible.

⁸ Ofcom understands that Major Gaurav Arya is a former Indian army officer who served in the army from 1993 to 1999 and that he is now the consulting editor for strategic affairs for Republic Bharat.

scientists but their scientists are terrorists [the word “terrorists” was in English] They had AQ Khan⁹, who was the most famous scientist of Pakistan; he was jailed for nuclear proliferation. So, their scientists too are terrorists [the word “terrorists” was in English]. [Omar Altaf crosstalk]. Their whole country is full of terrorists [the word “terrorists” was in English], their scientists are also terrorists [the word “terrorists” was in English]. The second thing, as they are saying our economy is going down. Arnab, for the economy to go up and down an economic system has to exist. These helpless, these helpless people do not even have any economic system. [Omar Altaf crosstalk]. Arnab, this is a country of terrorists. Their scientists, doctors, their leaders, politicians all are terrorists. Even their sports people. You have seen what Javed Miandad¹⁰ has said, Javed Miandad, with a sword in his hand is saying he will kill¹¹ Indians. Arnab, even their sports stars are terrorists [this last sentence was in English, including the word “terrorist”] [Raja Kaiser crosstalk]. This whole nation is terrorist [the word “terrorists” was in English]. I do not think anyone has been saved. Every child is a terrorist over there. Every child is a terrorist. You are dealing with a terrorist entity [the word “terrorists” was in English]. Arnab, you are dealing with a terrorist entity [this last sentence was in English, including the word “terrorists”].

Omar Inam (Pakistani): *“When someone goes to the moon, whether it is India or it is Pakistan, it is a matter of joy for us that our neighbouring country has achieved something very big today. Because when you go to the moon it is a victory not only for India, it is a victory for humanity. It is a victory of all humans living on this planet. When the Americans went to the moon, this was for humanity”.*

Arnab Goswami: *“Omar, come and debate”.*

Major Arya: *“Arnab see, they have taken credit even for this thing”.*

⁹ Ofcom understands this to be a reference to Dr. Abdul Qadeer Khan, known as Dr. A. Q. Khan. He is a Pakistani nuclear physicist and a metallurgical engineer, who founded the uranium enrichment program for Pakistan's atomic bomb project.

¹⁰ Former Pakistan cricket captain, currently coaching and an occasional cricket commentator.

¹¹ The Licensee argued that the phrase “Maroon Ga” did not mean “kill” but “threaten”. Ofcom disagreed. Taking into account the context (“saying he will kill Indians”) in which this statement was made, and the existence of other more precise Hindi words if the intended meaning was “threaten” in our view, the correct translation is “kill”.

Arnab Goswami: *“Speak loudly, speak loudly. Omar, you should speak loudly”.*

[Omar Inam (Pakistani): [crosstalk]

Arnab Goswami: *“Speak loudly, no you should speak loudly. Wait for a minute”.*

[Crosstalk]

Arnab Goswami: *“Omar, come forward. Pakistanis like you are needed”.*

[Crosstalk]

Arnab Goswami: *“Pakistanis like you are needed, Pakistanis like you are needed. Mr Omar, Mr Omar, listen to me. Can you hear me? Mr Omar, Mr Omar Inam. Mr Omar Inam, can you hear me?”*

[Crosstalk]

Omar Inam (Pakistani): *“With God’s grace the first Pakistani will be on the moon”.*

Arnab Goswami: *“Omar Inam”.*

Omar Inam (Pakistani): *“Yes, I can hear you”.*

Arnab Goswami: *“Omar Inam, Mr Omar Inam, I want to tell you two things. Yes, that is a very good thing”.*

Omar Inam (Pakistani): *“Yes, please tell me”.*

Arnab Goswami: *“Mr Omar Inam, it is not you who is reaching the moon. Like the Russians had sent a monkey into space before sending a human being, similarly China will take you in their space shuttle, like a monkey”.*

[Omar Inam (Pakistani): [crosstalk]

Arnab Goswami: *“They will take you on a space journey. You are not reaching the moon. SUPARCO¹² has lied to you. SUPARCO has lied to you. I am telling you the truth. Am I telling a lie? General K K¹³, please tell them if I am wrong. You should make them understand”.*

Omar Inam (Pakistani): *“You are telling wrong facts”.*

¹² Space and Upper Atmosphere Research Commission - an executive and national space agency of the Government of Pakistan.

¹³ Ofcom understands that Genera K.K. refers to Maj. Gen. K.K. Sinha, a retired Major General from the Indian army. General K.K. Sinha regularly appears on various Indian language channels as a defence expert, including Republic Bharat. See: [‘Here is how India executed strike on Pakistan to take revenge for death of four soldiers’; ‘GEN KK SINHA’](#).

Omar Altaf (Pakistani): *"The policy you have adopted, something very bad is going to happen with you- [Other speakers trying to intervene] Kashmiris will teach you the lesson".*

General K K: *"Listen to me. Omar, listen to me. Hey, what do you have?"*

Unknown speaker: *"You should lift the curfew. They will selectively kill your army".*

General K K: *"Send your army chief, Mr Bajwa. Send Mr Bajwa".*

Omar Altaf (Pakistani): *"I have this request for you".*

General K K: *"So you will kill selectively? Have you seen, 300 were killed in Balakot".*

Raja Kaiser (Pakistani): *"You should talk about reaching the moon some other day. First, you should discuss the atrocities that are being committed in Kashmir. It is the 34th day since the imposition of the curfew. People are dying without water. For God's sake, you should talk about that".*

Arnab Goswami: *"Mr professor, Mr professor, come and participate in the debate. Come and debate with Raja Kaiser. Mr professor come, tell them".*

Sri Ram Cholia: [Crosstalk] *"Is good for humanity. They do not want to be part of the South Asian satellite. This is despite the fact that we are ready to help them. Why do they not want to take our help. In the area of space science we are way ahead of them. The South Asian satellite is giving so much benefit to the SAARC members, except one country".*

Omar Altaf (Pakistani): *"You better not help us".*

Sri Ram Cholia: *"They are thinking we will spy on them".*

Omar Altaf (Pakistani): *"We will be thankful to you".*

Sri Ram Cholia: *"They are not ready to accept that we are a hundred times ahead of them. They are not ready to accept and talk about the religious struggle. They are thinking that they will kill Indians. This is their mindset. That is why they are lagging behind. Come and join the South Asian satellite, we want to share our advancement. The motto of our prime minister is "Company of all, development of all". We can even help Pakistan. You should denounce terrorism. Take our help and you will go very far in space science. The Chinese will give you nothing. You just beg in front of them and they give you very little help. You should study our science space programme, you should study our model. Check how far we have gone since 1960. It is a miracle".*

Omar Altaf (Pakistani): [Crosstalk] *"Come out of this fraud. Modi is the biggest terrorist. First of all, he should seek an apology for Gujarat".*

Raja Kaiser (Pakistani): -[Crosstalk]

Arnab Goswami: *“Please come in front of me. Mr Omar, listen to me. Listen to me. I think you have a somewhat better mentality than the mentality of your nation. Because you accept that if India has advanced so much, if India has so much advanced technology, then this is good news for the world, good news for South Asia that India has advanced so much. Then everyone will benefit from it, even Pakistanis will be benefitted from it”.*

Omar Inam (Pakistani): *“Yes, it will benefit”.*

Arnab Goswami: *“If a nation has advanced so far, today, they are teaching NASA. India is doing a project to teach NASA about how the technology is developed. If so much advanced technology, if India has a technology which is advanced even more than the American technology, then we should think how it will benefit all. I am asking you Mr Omar Inam, you please make Omar Altaf understand this”.*

Raja Kaiser (Pakistani): [Crosstalk]

Arnab Goswami: *“You should not look at it through the India-Pakistan equation. They should be happy that India has such an advanced technology, that today it can even help Pakistan. You should explain this to Omar”.*

Omar Inam (Pakistani): *“India has very good surgeons. You have very good surgeons, we want to learn surgery from you, we want to learn about health. We want cooperation on education. We want to lift this region with love and peace. It is a matter of happiness that India has so much advanced technology that they have reached the moon”.*

Arnab Goswami: *“Mr Omar Inam, will you please explain about space technology. Mr Omar Inam, please explain about space technology. Mr Omar Inam, will you please explain about space technology. Mr Omar Inam, Mr Omar Inam, and not Omar Altaf, please explain to us the one thousand per cent, no, no, I am saying Mr Omar Inam. Please reduce the volume of Omar Altaf. Mr Omar Inam, please explain to them that if India has benefited so much, has got so much technology then there should be happiness in Pakistan as well for this achievement. It should be in Pakistan, it should be in China. It should be everywhere”.*

Omar Altaf (Pakistani): [crosstalk]

Omar Inam (Pakistani): *“Yes, it should be”.*

Arnab Goswami: *“Because it is the advancement of our society. It is not the advancement of our country only. It is the advancement of the whole world. Mr Omar Inam, please make him understand this. Omar Altaf, you should keep quiet for two minutes. Omar Altaf, you should let others speak. Omar Altaf, you should keep quiet for two minutes and should listen to Omar Inam. Omar Inam, please speak. Mr Omar Inam, please speak”.*

Omar Inam (Pakistani): *“Mr Arnab, you are right. Mr Altaf is saying, the whole of Pakistan is saying, why do we will feel jealous? What problem do we have? If India is advancing in technology, in education, in health and in protection of minorities, then it is a matter of happiness for us”.*

Gaurav Arya: *“Arnab. Arnab, I want to say that Pakistanis, that Pakistanis have spent 72 years of their life on the issue of India, Hindus and Muslims, Kashmiris. Arnab, these people cannot grow their food grains properly. There is going to be a drought in their country. I am surprised by the fact that these people have become so backward, Arnab, that the word Pakistan has become a word of abuse in the world... This word has become an abuse. When they carry a green passport, when they carry a green passport to the airport, they have to go through a strip-search. Their previous prime minister, he was strip-searched by the Americans. Arnab, this is the creditability of the Pakistani passport. Now you should think... And your credibility is your prime minister was banned... This is the creditability of the Pakistani passport. These people keep raising the issue of Kashmir, but while doing this they have destroyed their nation. Today, the word Pakistani, the word Pakistani, Arnab, it is being used as a word of abuse in the whole world. And they should know that the word Pakistani does not belong to a community or a nation only. It is an abuse now... Whether Omar Altaf likes it or not, but it is the truth Arnab, that the word Pakistan has become an abuse... People use the word Paki, the word Paki is an abuse, if you go anywhere in America, or if you will go to Europe, when you use the word, it is an abuse. It has become an abuse. They do not know”.*

Prem Shukla: *“Look Arnab, if we discuss science with a donkey, what else will a donkey do than give you a double kick?... Pakistan is a country of donkeys, what do they have to do with space science? They have the scientists like AQ Khan, who steal nuclear weapons and do business with them... So their scientists are thieves, their*

scientists are terrorists, their people are ready for civil war, and their press reporters speak like donkeys. They do not want to talk about anything sensible. If you talk about science in a country of donkeys, it is like if you rub oysters on a donkey, it will make no difference to him. The donkey is not going to enjoy the oyster... The donkey is not going to smell the oyster. So similarly, if you are talking to them about space science and they are kicking you like donkeys, kicking you like donkeys. You are asking them to participate in our South Asian space science programme and they are saying, "no sir, we will send terrorists, we will produce terrorists".

General K. K: *"What? You are an artificial lion. Oh you useless people. Beggars. Oh beggars, oh beggars. We will douse you with 1.25kg, .75kg-, with two inches. PoK, PoK, we are coming to the PoK. We are coming to the Gilgit, Baltistan, in Khyber Pakhtunkhwa...We are going to come, be ready. People in your country are shivering with fear that the Indian army may come, the Indian army may come. We will barge inside your home in Baluchistan, in Khyber Pakhtunkhwa, in Karachi, in your area, in Multan, in Rawalpindi and kill you. From Lahore, from Karachi to Gilgit-Baltistan when we will have control".*

We considered this content raised issues under the following rules of the Code:

- Rule 3.2: "Material which contains hate speech must not be included in television... programmes... except where it is justified by the context".
- 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 [...] 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 was based on "a legitimate story covering Pakistan's involvement in terror activities backed by recent events and statements from leading Pakistani public figures at a time when India was working to become a Space power". It said that purpose of the debate was "to showcase how India has moved forward, while Pakistan in the same period has failed to develop at the same pace and how terror groups had been allowed to operate in [Pakistan]". It

added that this was an “emotionally charged” discussion and that the content was based on evidence that “Pakistan was trying to infiltrate terrorists, threaten Indian sovereignty and destabilize India”. Worldview Media argued that the programme “did not promote terrorism or hatred and it certainly did not promote or justify hatred in any way”.

The Licensee referred to recent events which it said provided the background to understand “the Indian-Pakistan equation at the time of the debate”, including for example:

- Alleged threats made by the Pakistan Army Chief, General Bajwa, and Pakistan’s Director General of the Inter-Services Public Relations (ISPR), Maj Gen Asif Ghafoor, towards India;
- Recent arrests made by the Indian Army of two Pakistani nationals allegedly associated with the terrorist group, Laskhar-e-Taiba;
- The release of photos by the Republic Media Network, supposedly exposing terrorist training camps in PoK.

It 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 hate speech. Specifically, the Licensee argued that:

- the programme celebrated technological advancements in both India and Pakistan and the presenter made several positive remarks in favour of Pakistani developments. The Licensee argued that it was therefore “evident that the programme was calling for peace and unity and uplift of the entire region regardless of nationality”;
- the programme was balanced as it featured representatives from both India and Pakistan;
- the Pakistani panellists “voiced violent” remarks towards Indian officers and were also given the opportunity to counter statements made by the Indian guests;
- Pakistan’s terror links and Pakistani army’s involvement in “pushing terrorism into Jammu and Kashmir” are well established;
- the statement made in the programme by the presenter “*You will send terrorists; we will send their dead bodies*” was “only a reiteration of India’s established position of zero tolerance to terror” which is well established;
- the audience would have been aware of “India’s space programme, India-Pakistan ties and the Kashmir dispute”; and,
- it would have been unlikely for children to have viewed the content as the service is a “dedicated news channel featuring adult debate on international and public policy issues”.

Finally, the Licensee argued that use of the word “Paki” during the programme was not intended as an insult but as a “casual reference to the nationality of Pakistan”. It cited several sources, included 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 term and that the use of the term had been reclaimed by Pakistani people.

The Licensee made further representations on Ofcom’s Preliminary View. It apologised for any offence caused to viewers by the broadcast; adding it did not intentionally breach the Code and was taking the matter very seriously.

The Licensee said it had subsequently put in place several measures to ensure the content broadcast on its service would comply with the Code in the future, including:

- stopping the broadcast of live debates and discussions around Indo-Pakistan relations “with immediate effect” and ensuring all content is reviewed before being broadcast. It added it would apply this process to all current affairs debates on wider political issues.
- introducing new processes “to curate the content to be shown on the service for our UK viewers”.
- strengthening the briefings for guests appearing on the channel “to ensure they refrain from using derogatory language”.

The Licensee noted that the comments *“What? You are an artificial lion. Oh you useless people. Beggars. Oh beggars, oh beggars. We will douse you with 1.25kg, .75kg-, with two inches.13 PoK, PoK, we are coming to the PoK. We are coming to the Gilgit, Baltistan, in Khyber Pakhtunkhwa”* were said by the guest General KK Sinha in exchanges with Omar Altaf and Raja Kaiser. The Licensee clarified that the presenter was not involved in this discussion. It said it understood from Ofcom’s Preliminary View that the guest should not have been allowed to express these views “although some were figures of speech not intended to be taken literally, which Asian viewers would have understood clearly”.

Finally, the Licensee expressed concern that Ofcom had indicated in our Preliminary View that we may consider the breach for the imposition of a statutory sanction. It argued that the channel was relatively new and that it was the first time the channel breached Section Three of the Code. It said it was “implementing the findings proposed in the PV and tightening our programme procedures” and hoped that Ofcom would understand its “commitment to improving compliance on the service”.

Decision

Reflecting our duties under the Communications Act 2003 (section 319), 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 when considering the Licensee’s compliance with the Code.

Ofcom has also had due regard¹⁴ 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 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

¹⁴ Under section 149 of the Equality Act 2010.

for a channel like Republic Bharat to broadcast a programme that discussed the disputed territory of Kashmir and Pakistan's alleged involvement in terror activities against India. However, when dealing with sensitive or controversial topics and views, broadcasters must ensure they comply with the Code.

Rule 3.2

Rule 3.2 of the Code states:

“Material which contains hate speech must not be included in television and radio programmes except where it is justified by the context”.

The Code defines “hate speech” as: “all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, gender, gender reassignment, nationality, race, religion, or sexual orientation”.

We first considered whether the statements included in the programme constituted hate speech. Statements were made which implied not just that there are threats to Indian interests and citizens from particular people and groups inside Pakistan, but that all Pakistanis represent a terrorist threat to Indians and others. In the programme, the presenter and some of his guests conveyed the view that all Pakistani people are terrorists, including that: *“their scientists, doctors, their leaders, politicians all are terrorists. Even their sports people”*; *“every child is a terrorist over there. Every child is a terrorist. You are dealing with a terrorist entity”*. One guest also described Pakistani scientists as *“thieves”*, while another described Pakistani people as *“beggars”*. In the context of these criticisms, the presenter, addressing Pakistan and/or Pakistani people, said: *“We make scientists, you make terrorists”*. We considered these statements to be expressions of hatred based on intolerance of Pakistani people based on their nationality alone, and that the broadcast of these statements spread, incited, promoted and justified such intolerance towards Pakistani people among viewers.

We also took into account the statements made by General K.K. Sinha, one of the guests invited to contribute to the debate who, Ofcom understands, is a retired Major General from the Indian Army. Addressing Pakistan and the Pakistani people, he said:

“We will douse you with 1.25kg, .75kg, with two inches. PoK, PoK, we are coming to the PoK. We are coming to the Gilgit, Baltistan, in Khyber Pakhtunkhwa... We are going to come, be ready. People in your country are shivering with fear that the Indian army may come. We will barge inside your home in Baluchistan, in Khyber Pakhtunkhwa, in Karachi, in your area, in Multan, in Rawalpindi and kill you. From Lahore, from Karachi to Gilgit-Balistan when we will have control”.

The Licensee suggested that these statements were “figures of speech not intended to be taken literally, which Asian viewers would have understood clearly”. We considered however that these statements, made by a retired Major General from the Indian Army, which clearly threatened that the Indian military would attack Pakistani civilians in their homes, were an expression of hatred and desire to kill by a figure of authority. In our view the broadcast of these statements also promoted hatred and intolerance towards Pakistani people.

Therefore, it is Ofcom's Decision that the programme included hate speech as defined by the Code.

We next considered whether there was sufficient context to justify the broadcast of hate speech in this case. Our [published Guidance](#) to Rule 3.2 makes clear that there are certain genres of programming such as drama, comedy, 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 hate speech against 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.

The Code states that contextual factors relevant to Rules 3.2 and 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 Hindi speaking 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 topics such as "India-Pakistan ties and the Kashmir dispute" and "India's space programme". We also recognised that audiences would be likely to expect a discussion programme involving Indian and Pakistani representatives about these matters at a time of heightened international sensitivity to involve some panellists expressing challenging views.

However, as we set out in our guidance, the greater the risk for the material to cause harm and offence, the greater the need for contextual justification. Hate speech risks causing very significant harm and offence.

We considered whether the political context and associated heightened emotion was sufficient context for the content concerned and concluded that it was not. Opposition to Pakistan's government and its policies, a fear of war and a fear of terrorism did not sufficiently contextualise the hate speech directed towards its people including children, scientists, doctors and sports stars.

The Licensee argued that the programme was in fact "calling for peace and unity and uplift of the entire region regardless of nationality". We did not accept that this was the overall message of the programme. Those parts of the programme which did not amount to hate speech were by and large still robust and provocatively expressed criticisms of Pakistan and its policies by contrast with those of India. We acknowledged that the programme included one Pakistani guest who expressed the view

three times that the success of India's space programme was *"a victory for humanity"* and *"a matter of happiness"*. The same guest welcomed any advances by India in technology, in education, in health and in protection of minorities and indicated that Pakistan wished to learn from Indian surgeons and cooperate in sectors such as education and technology. The programme presenter indicated that India's advance in space technology was *"the advancement of the whole world"*. However, the programme presenter commented that everyone, *"even Pakistanis"*, would benefit. He responded directly once to the Pakistani speaker with a criticism of Pakistan's political policy expressed in extremely provocative terms: *"Mr Omar Inam, it is not you who is reaching the moon. Like the Russians had sent a monkey into space before sending a human being, similarly China will take you in their space shuttle, like a monkey also"*. Another guest, unchallenged, said *"if we discuss science with a donkey, what else will a donkey do than give you a double kick?... Pakistan is a country of donkeys, what do they have to do with space science?"*. We did not consider that the limited statements of a more conciliatory nature in the programme provided sufficient challenge or context for the strong and repeated expressions of hate speech directed at Pakistani people during the programme.

We took into account the Licensee's representations that it considered that the programme was balanced as it featured representatives from both India and Pakistan; that the Pakistani panellists made *"violent"* remarks towards Indian military officers and were also given the opportunity to counter statements made by the Indian guests. We acknowledge that the debate included contributions from three Pakistani panellists, two of whom offered highly critical statements about India. For example, one Pakistani guest referred to: the *"atrocities that are being committed in Kashmir"* by India, following the curfew imposed in Kashmir and the lack of access to water leading to Pakistani people dying. Another Pakistani guest referred to *"The policy you have adopted, something very bad is going to happen with you....Kashmiris will teach you a lesson"* and described the Indian Prime Minister as *"the biggest terrorist"*.

Ofcom must carefully assess whether there was sufficient challenge and editorial justification to provide adequate context to the hate speech contained in the programme. In our view, the inclusion of some very brief highly critical statements about India from Pakistani contributors did not constitute sufficient challenge to the hate speech described above. We also considered that the Pakistani contributors to the programme were repeatedly interrupted and afforded little time to make points that may have provided challenge and context.

We took into account that the Licensee said it had subsequently taken steps to improve its compliance procedures including: ensuring that all current affairs debates are reviewed before being broadcast; introducing new processes *"to curate the content to be shown on the service for our UK viewers"*; and strengthening the briefings to guests appearing on the channel *"to ensure they refrain from using derogatory language"*.

However, taking all the elements above into account, we considered that there were insufficient contextual factors to justify the hate speech included in this programme. Therefore, our Decision is it breached Rule 3.2.

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. 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, 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. As set out above, throughout the programme, the presenter and his guests referred to Pakistani people as terrorists. We considered that the statement that *“every child is a terrorist over there. Every child is a terrorist”* was particularly derogatory and abusive as it implied that all Pakistani people are born terrorists.

One of the guests also referred to Pakistani people as *“Paki”*, a racist term considered highly offensive in the UK¹⁵. Pakistani people were also described as *“beggars”* and *“thieves”*. In addition, the programme contained comments which suggested Pakistani people were *“backward”* and likened them to donkeys: *“If you talk about science in a country of donkeys, it is like if you rub oysters on a donkey, it will make no difference to him. The donkey is not going to enjoy the oyster... The donkey is not going to smell the oyster. So similarly, if you are talking to them about space science and they are kicking you like donkeys, kicking you like donkeys. You are asking them to participate in our South Asian space science programme and they are saying, “no sir, we will send terrorists, we will produce terrorists”*.

We considered these statements characterised Pakistani people as uncultured and uneducated as well as a nation which routinely produces terrorists. It was our view therefore that the broadcast contained material which amounted to abusive or derogatory treatment of Pakistani people on the basis of their nationality.

The Licensee argued that Pakistanis themselves had sought to “reclaim” the word “Paki” and it was not intended as an offensive insult, particularly when used in the sub-continent. However, Ofcom research continues to show audiences find the term highly unacceptable. Additionally, the context in which the word was used in the programme made it clear that the contributor fully understood that the term was highly offensive and that he was using it as a term of abuse. Specifically, he said, *“People use the word Paki, the word Paki is an abuse, if you go anywhere in America, or if you will go to Europe, when you use the word, it is an abuse. It has become an abuse”*. We also considered the programme promoted a clear view that to be called Pakistani was considered internationally as an abusive term, due to the negative characteristics ascribed to Pakistan and its people by the presenter and Indian guests featured in this programme.

¹⁵ Ofcom [research](#) on offensive language.

We next considered whether there was sufficient context to justify the broadcast of this abusive and derogatory treatment. As set out above, the relationship between India and Pakistan over Kashmir and the alleged link between Pakistan and terrorism were legitimate topics for discussion in a programme aimed at the Hindi speaking 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. For the reasons already discussed under Rule 3.2, taking account of the strength of the derogatory views expressed in the programme by the presenter and Indian guests about Pakistani people, we considered that the strength of this material was likely to have exceeded viewers' expectations.

In its response to Ofcom, the Licensee sought to substantiate allegations linking the Pakistani state to support for terrorism, and to threats towards Indian sovereignty. There is an important distinction between expressing concerns and having a debate over the policy and activities of the Pakistani state, and abusive or derogatory treatment of Pakistani people on the basis of their nationality, such as that referred to above. Substantiating allegations linking the Pakistani state or people to terror activities would not in itself provide contextualisation to the otherwise abusive and derogatory treatment of Pakistani people on the ground of their nationality. As a result, we considered that there was insufficient context to justify the broadcast of these gratuitously abusive and derogatory statements about Pakistani people.

We took into account that the Licensee said it had taken steps to improve its compliance procedures since Ofcom brought the content to its attention. However, given all the elements above, it was our decision that there was insufficient context to justify the broadcast of the abusive and derogatory statements against Pakistani people.

Therefore, our Decision is this content 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, at times, 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 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 Rules 3.2 and 3.3, this programme contained material which constituted hate speech and 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 potentially offensive material was justified by the context. As previously discussed, Republic Bharat is a television channel which broadcasts news and current affairs looking at issues relevant to the Hindi speaking community in the UK and the contentious issue of Kashmir is a legitimate topic for the channel to explore. However, this programme contained potentially highly offensive material including allegations that all Pakistani people were terrorists and used pejorative abusive terms towards them.

Again, 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. Nevertheless, 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 3.2, 3.3 and 2.3 of the Code.

In this case, we considered that the uncontextualised hate speech and abusive and derogatory treatment of groups and communities was serious. We are putting the Licensee on notice that we are minded to consider these breaches for the imposition of a statutory sanction.