[GB] Republic Bharat’s programme breached Ofcom rules by including unjustified derogatory and offensive language

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Ofcom determined that Republic Bharat’s current affairs discussion programme had breached Rules 3.3 and 2.3 of the Broadcasting Code by allowing its presenter and some of the guests to make statements that amounted to derogatory and abusive treatment of Pakistani people. Further, the content was potentially offensive and not sufficiently justified by the context. Republic Bharat is a satellite TV channel, broadcasting mainly in the UK, and predominantly in Hindi. The station’s Ofcom licence is held by Worldview Media Network Limited (WM).

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 [...] services [...] except where justified by the context." Whilst Rule 2.3 states: "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 considered the audience’s and broadcaster’s right to freedom of expression pursuant to Article 10 of the European Convention of Human Rights. On 16 July 2020 a discussion programme presented by Arnab Goswani called *The Debate with Arnab* debated the Pakistan court martial and sentencing to death of an Indian national Mr Kulbhuscan Jadhav for alleged spying. His conviction was a source of much controversy and included the Indian government successfully applying to the International Court of Justice (ICJ) for an order that Mr Jadhav have access to Indian consular officials and legal representations. Although visits were allowed, including a visit from Jadhav’s wife and mother, India had made allegations of non-compliance with the ICJ order, for instance the visits were filmed.

Apart from Mr Goswani there were four Indian and three Pakistani guests as panellists. The discussion was very heated and mainly dominated by the Indian guests and the presenter shouting down the Pakistani guests.

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Some of the comments included the presenter saying to one Pakistani guest: "Hamid please don't behave like a Pakistani please on my programme [...] Please behave like a human being." Another comment from one of the Indian guests was: "listen you pathetic little Pakistani." Other comments likened all Pakistanis to terrorists.

Ofcom noted that some of the Pakistani panellists' comments were inflammatory, for instance suggesting that Kulbhushan would have been hung by now were it not for Pakistani mercy. Another comment: "Did Kulbhushan Jadhav come here to get his sister married?" Such a statement is considered insulting in both Indian and Pakistani culture.

WM argued that the language was not derogatory but reference to the fact that similar Indo-Pakistan debates become a shouting match and comments were not made with malice but just a refection that India and Pakistan did not "see eye to eye with one another."

Ofcom recognised that its 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. Likewise, a broadcaster had the right to be fundamentally critical of the Pakistani Government but a distinction had to be made between criticism of the government and its people. However, parts of the programme were used to abuse guests merely for being Pakistani and matters were not assisted by the presenter not moderating the debate. Whilst the Pakistani guests made derogatory remarks Ofcom considered these were in response and in defence.

Ofcom did not accept that the "combative" and "tit for tat sparring match" was typical of Asian news channels and their communities. Ofcom determined that they did not accept the debate was within UK audience expectations for Republic Bharat.

Taking account of contextual factors including the genre and editorial content, the service on which the programme is broadcast, and the likely size and expectations of the audience there was no justification for the derogatory and abusive language used against the Pakistani people included in the programme. In conclusion Rule 3.3 had been breached.

In Ofcom's view, the channel's audience which was predominantly the Indian community in the UK was unlikely to have expected to view the content of *The Debate with Arnab* without sufficient contextual justification or appropriate information to avoid or minimize the level of potential offence and, therefore, Rule 2.3 was breached.

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