

HOW TO WRITE AN OP INDIA ARTICLE

STEP 1: RESEARCH



THOROUGHLY RESEARCH THE TOPIC OR INCIDENT YOU ARE WRITING ABOUT

STEP 2: FACT CHECKING



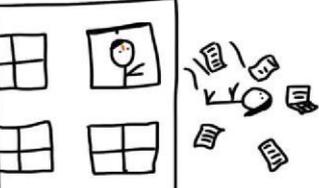
MAKE SURE YOU VERIFY THE AUTHENTICITY OF ALL THE FACTS

STEP 3: SOURCES



CITE ALL YOUR SOURCES FOR CREDIBILITY

STEP 4: THROW IT ALL OUT THE WINDOW



SWIFTLY EJECT THE PERSON AND THEIR WORK OUT THE NEAREST WINDOW

STEP 5: VOMIT SOME FAKE INFORMATION



THE MORE ISLAMOPHOBIC, THE BETTER

STEP 6: ADD A QUOTE FROM BJP



OH HHHH YEEEEAAHHHHH

STEP 7: PUBLISH



SUCCESS!

STEP 8: FORWARD TO BJP IT CELL



YOUR WAD OF CASH IS ON ITS WAY FROM THE RSS HEADQUARTER

@sanitarypanels

An Atmosphere of Hate

Case Study: OpIndia

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Foundation The London Story are forever grateful for the hard work of our interns who painstakingly collected the data necessary for this analysis.

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An Atmosphere of Hate

Preliminary Report

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1. Introduction

The rise of hate speech in India needs to be contextualised in terms of fear, violence, time (history) and space (ghettoization of communities). Our initial findings and hunches have shown us that India is indeed at a verge of a Genocide and we are constantly and actively monitoring, documenting, analysing, and reporting the situation.

In this report we encapsulate the preliminary investigating into the role of one particular media house in promoting a divisive polarized environment in India. The decision for investigating OpIndia in our current reporting was due to a growing number of articles negatively reporting about Indian Muslims; increased spotting of OpIndia article on social media (particularly Facebook) to rationalize the violence against anti-CAA protestors in Delhi; and an ongoing twitter campaign which has made several businesses block OpIndia from its advertiser base.¹ The report analysis a total of 2296 articles for its reporting involving Muslim in India from 2014 to 2019 period. Our preliminary analysis shows:

- In period between 2014-2016 when the media house was still in its infancy the political discussions while being critical were more banal and focused on geopolitical relations between India and Pakistan, questioning of regressive practices like Triple Talaq and had a commonplace discussion on Muslims and Hindu co-existence in India which mirrored the sentiment of the time after BJP came into power.
- From 2017 to 2018 – the narrative of 'Hindu being in danger' because of Islamic terrorism or Muslim over-procreation can be seen. We define this period as creation of 'Hinduphobia'.
- From 2019 onwards there is a measurable shift in not just frequency of articles written on Indian Muslims but also on the negative terminology which is prominently used. This is a period of acute polarization and othering of Muslims of India.
- The period of late 2018 and early 2019 also coincide with several ultra-nationalist rightwing groups being formed on Facebook, in the run-up to the general elections. These groups have regularly used OpIndia, Swaraj Mag and The Frustrated Indian content to push for a anti-Muslim narrative, while furthering a Hindu Rashtra agenda.

¹ <https://www.newslandry.com/20/06/23/opindia-hate-speech-vanishing-advertisers-and-an-undisclosed-bjpconnection>

- While we are still to analyse year 2020 articles through deep-learning process, our hypothesis is that the articles tend to either (a) dox dissenters or (b) rationalise violence against them.

The focus of the present report is purely upon analysing hate speech through the case of OpIndia in India. In a separate report we talk about the alleged involvement of RSS (BJP's ideological mother-body) in creation of these media houses and their involvement with ultraright wing outfits including Adf.

2. Case Study OpIndia

OpIndia is a news outlet which was started in 2014 by Rahul Raj as a blog reporting critical right of centre news analysis. In 2016 the outlet was transferred to Kovai Media private Ltd., which also currently owns and operates Centre-right online magazine Swaraj Mag. OpIndia was incorporated under Adhyaasi media in 2018. The outlet is an example of power imbalance and impunity which has allowed propaganda, fake news and hate speech against certain groups and communities on a daily basis. An examination of OpIndia articles in recent past has given a growing list of content which can be summarized as fake news or propaganda (List A). Part of this list was published earlier by NewsLaundry an independent investigative media house in India and confirmed by AltNews which is a renowned Fact-check website in India. In our study we focus on analysing the nature of content published by OpIndia. Elsewhere, it is argued that the establishment of right-wing news outlets like OpIndia has been primarily to discredit the professional journalism.² The expression of anti-media sentiments by right-wing forces – as a constitutive element of populism – through partisan ideological platforms such as *OpIndia.com* has emerged as a significant feature of the Indian media landscape. These attacks on the mainstream media are generally articulated through a discursive repertoire aimed at undermining the claims to accuracy, neutrality, and ethics that underpin professional journalism's occupational identity and legitimacy. For example, the strategy of “highlighting mainstream media mistakes” is used by right-wing outlets such as *OpIndia.com* to engender skepticism and mistrust in the professional practices of mainstream news sources.³ OpIndia regularly engages in “interest-based” criticism that seeks to challenge the credibility of established news organizations within society.⁴ Similarly, by “naming and shaming

² Prashanth Bhat & Kalyani Chadha (2020) Anti-media populism: Expressions of media distrust by right-wing media in India, *Journal of International and Intercultural Communication*, 13:2, 166-182, DOI: 10.1080/17513057.2020.1739320

³ Figenschou & Ihlebæk, 2019a, p. 1223

⁴ Stiernstedt, [2014](#)

journalists,” as well as “publicizing critiques of journalism by prominent individuals,” rightwing outlets seek to challenge public perceptions of journalists as ethical and acting in the public interest, thereby affecting their ability to position themselves as actors who have the right to “create legitimate discursive knowledge for others”⁵

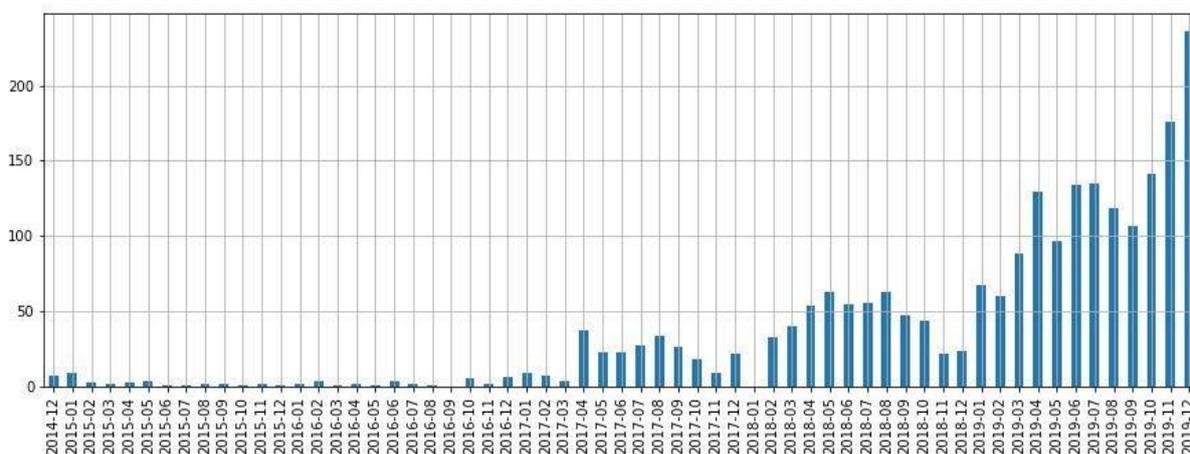
2.1 Methodology

We manually collected articles with ‘Muslim’ keyword, in order to understand how the news paper talks about Muslim communities. These articles were analysed line by line using natural language processing tool kit developed at the Stanford University⁶. We segregated the lines based on the positive, negative and neutral sentiment. Then we used each sentiment to create a word cloud using python’s word-cloud library.⁷ 200 most frequent used words were generated as per their frequency of use, and noise in terms of random consonants and nonaction verbs were removed.

The article were grouped and analysed into four time frames 2014-2016 (incubation period), 2017 (regrouping period), 2018 (rise of othering period) and 2019 (Hindu-Phobia period).

2.2 Results and Explanation

There is an observable rise in the frequency of articles written on Muslims from 2014 to end of 2019. While we have not yet analysed the data for 2020, our keyword search has shown that the rise of articles on Muslims is exponential jumping from 1800 plus articles in 2019 to more than 2000 articles in the first six months of 2020 alone.



⁵ Carlson, [2017](#), p. 182

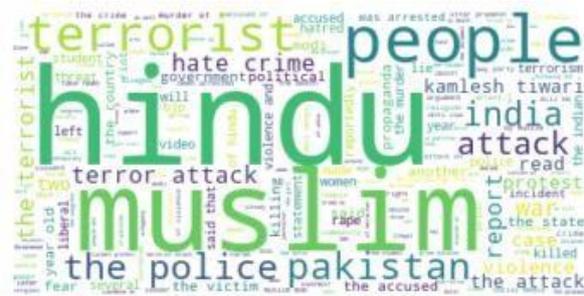
⁶ <https://arxiv.org/abs/cs/0205028>

⁷ https://github.com/amueller/word_cloud

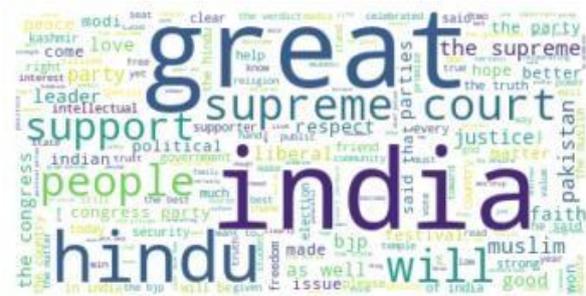
Exclusion: 2019

This period in the world of OpIndia Media saw a considerable jump in the articles mentioning Muslims. The number of articles almost tripled (1800 plus) from the preceding years (collective publication of 600 articles roughly). The website also saw a growth in traction and monetization revenue from intermediary platforms like Google AdSense. And there was an upward trend of Islamophobia, fake news, and propaganda. We have in List A (appended) provided a list of fake news and misrepresentation from OpIndia. The Negative sentiment cloud from the year 2019 sees an increased polarization between Hindu and Muslims and increase in the narrative of religious fueled ‘Hate-crime’, ‘terrorism’, and ‘attack’. The outlet actively peddled the narrative of Muslims responsible for attacks on Hindu and India, while also negatively talking about the role of Law enforcement (as passive players in Muslim led crimes). Narrative of partition and formation of Pakistan as Muslim states came into picture, and Indian Muslim community was pitched as an ‘outsiders’ with suggestions that their loyalties lie with Pakistan. At the same time the Positive sentiment from 2019 reduced the use of term Muslim. The Positive sentiment of 2019 can be summed up in three words – **India: Great Hindu** (Nation). The media actively produced content strengthening the narrative of ‘Historic greatness’ of the Hindu Nation. It must be mentioned here that Kashmir and abrogation of Art. 370 was one of the biggest event of 2019 in Indian policy sphere, however, mention and critical engagement of Kashmir is not found in OpIndia’s most frequent mentioning.

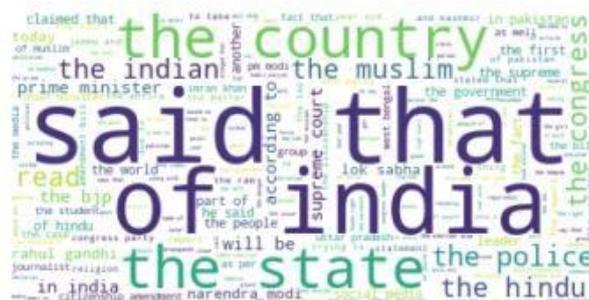
Negative (2019)



Positive (2019)



Interestingly, the Neutral sentiment of 2019 carried a lot of noise as shown in the image below. However, one can infer that prime minister, ‘the Hindu’, ‘the Muslim’, ‘the congress party were few of the main noised down issues.



From our analysis we have found that the narrative built by this media outlet is increasingly communal, Islamophobic and insidious in nature. Like OpIndia several other news channels within India identify themselves as non-partisan and centre right aligned. While some of them like The Frustrated Indian and Swarajya Mag seem to have leadership overlap and RSS affiliation, it requires further investigation. Irrespective of network connection, affiliations, or alignments, OpIndia and similar propaganda websites clearly shows an upward trend in hate speech and polarisation in India.

Within Indian legal sphere there are laws which can be potentially utilized to confront hateful media activities. We believe the problem in jurisprudence is not only with the limited definition of the Hate speech but also in (a) power imbalances within the premise of hate speech which needs further acceptance in Indian context; (b) misappropriation of law to further jeopardize the rights of minority community and (c) certain impunity resting in the hand of those in power, which allows them to get away with hate speech.⁸

The section below gives a comprehensive overview of the primary law and jurisprudence concerning hate speech in India. The culpability rest strongly on ‘public order’, instead of protection of minorities or on principles against discrimination and dehumanization. The reliance on maintenance of ‘public order’ has been a key premise for Supreme court rulings against published content. This means that majority groups have a better positioning at the disruption of public order, because of their majority status, in cases where ban on publication is not favourable to the majority groups.

It must be noted here that a First Information Report was filed against the editors of OpIndia for inciting hate, under section 295(a) of IPC. However, this FIR was quashed by the lower judiciary on the grounds that the FIR may lead to mass protest from the supporters of OpIndia.⁹

⁸ We speak of impunity in wider context of violence in India in our March and June 20 briefing where we have recorded details of hate-speech, incitement and propaganda that led to Delhi Riots on 23rd March 20 where 50 person (largely belonging to Muslim community) lost their lives. Within these reports we highlight the role of hateful speech and incitement creating an atmosphere of fear. The reports further compile and document detailed testimonies of victims of violence including minor Muslim boys who were kidnapped and brutalised by the law-enforcement agents in the pretext of pre-emptive arrests.

⁹ <https://www.freepressjournal.in/india/why-bihar-police-filed-an-fir-against-opindia-and-other-right-wing-website-against-minors-death>

Thus, the circle of impunity, protected by majority, and political leadership around OpIndia is robust.

3. Laws Relating to Hate Speech in India

Discourse around fake news, propaganda and hate speech has become increasingly relevant in modern democracies. India as one of the largest democracies of the world has seen an exponential rise in hate speech, propaganda and fake news in recent years.¹¹ Recently the Indian Chief Justice in the Tablighi Jamat case has once again expressed serious concerns against hate speech and have asked coherent suggestions towards defining and countering propaganda and hate speech.¹⁰ In the following section we identify and discuss the jurisprudence on Freedom of Speech, hate speech, fake news and propaganda in India.

3.1 Freedom of Speech in India

Freedom of speech and expression are the hallmark of a democratic society, as it enables vibrant, multi-faceted public interest debate giving voice to different perspectives and viewpoints. The right of everyone to be heard, to speak and to participate in political, artistic, and social life are integral to the attainment and enjoyment of equality. When people are denied public participation and voice, their issues, experiences, and concerns are rendered invisible, and they become more vulnerable to bigotry, prejudice, and marginalisation. India as one of largest plural democracy has enshrined the Freedom of speech and Expression under Article 19(1) (a) of Indian Constitution.¹¹ This guarantee includes the right to freedom of opinion and expression, through any medium of communication,¹² and includes the right to seek information.¹⁵

¹⁰ In *Pravasi Bhalai Sangathan v, Union of India & Ors.*, [AIR 2014 SC 1591] Supreme Court of India observed that the issue of hate speech deserved deeper consideration by the Law Commission of India. Subsequently in 2017 the Law commission of India released its report on Hate speech in India, wherein the Law Commission did not clearly outline what should construct hate speech leaving the question open to academic discourse and deliberation (<http://lawcommissionofindia.nic.in/reports/Report267.pdf>).

¹¹ All citizens shall have the right to freedom of speech and expression

¹² In *Romesh Thappar v. State of Madras* [AIR 1950 SC 124] Supreme Court declared freedom of press as a part of freedom of speech and expression. In *Brij Bhushan v. State of Delhi* [AIR 1950 SC 129], the validity of order imposing pre-censorship on English Weekly of Delhi was struck down by court. In *Sakal Papers Ltd. v. Union of India*, [AIR 1962 SC 305] and in *Bennett Coleman and Co. v. Union of India*, [AIR 1973 SC 106], the validity of the Newsprint Control Order, fixing the maximum number of pages, was struck down by the Supreme Court of India holding it to be violative of Article 19(1)(a). In *Indian Express v. Union of India* [(1985) 1 SCC 641]

3.2 Reasonable Restrictions

The Constitution of India under Article 19(2) sets grounds for reasonable restriction.¹⁶ Indian Parliament and the Supreme court of India has further interpreted the scope of such reasonable restrictions on the grounds of Security of the State,¹⁷ Individual privacy;¹⁸ Friendly relations with foreign States;¹³ Public order;¹⁴ Decency and morality;¹⁵ defamation;¹⁶ incitement of offence¹⁷ and Sovereignty and integrity of India.¹⁸ India is also party to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination which particularly commands member States to criminalise hate speech.¹⁹

3.3 Banning speech acts under Electoral laws

Similarly, section 8 of the Representation of The People Act, 1951 disqualifies a person from contesting election if they are convicted for indulging in acts amounting to illegitimate use of freedom of speech and expression; and section 123(3A) and 125 prohibits promotion of enmity on grounds of religion, race, caste, community or language in connection with election as a corrupt electoral practice and prohibits it. In *Abhiram Singh vs CD Commachen (dead) by lrs & ors.* [1996 SCC (1) 169] the supreme court held that the ascription of ‘corrupt electoral practices’ also applies to the voters, therefore, laying that the promotion of enmity on grounds

¹⁶ 19(2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly

Supreme Court of India held that the courts have duty to uphold the freedom of press and invalidate all laws and administrative actions that abridge that freedom. In S. Rangarajan v. P. Jagjivan Ram, the court held that everyone has a fundamental right to openly criticise government policies. In *Bijoe Emmanuel v. State of Kerala* [1986 3 SC 615] the Supreme Court, held that the Right to Freedom of Speech and expression also included the right to remain silent and there was no law under which the fundamental right under Article 19(1) (a) could be curtailed.

¹⁵ In *Union of India v. Assn. for Democratic Reforms* [(2002) 5 SCC 294], Supreme Court of Indian held that the freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions.

¹³ This ground was added by the Constitution (First Amendment) Act of 1951 in light of the anti-immigrant sentiments and insidious remarks made against Pakistan which were seen as hampering the friendly relationship in the region.

¹⁴ In *Om Prakash v. Emperor*, [AIR 1948 Nag, 199] Supreme court held that ‘public order’ connotes the sense of public peace, safety and tranquillity. However, mere criticism of the government does not necessarily disturb public order. The court also held that the deliberate utterances hurting the religious feelings of any class will validate reasonable restriction aimed at maintaining the public order.

¹⁵ Section 292 to 294 of the Indian Penal Code provide instances of restrictions on the freedom of speech and expression on the grounds of decency and morality, it prohibits the sale or distribution or exhibition of obscene words. In *Ranjit Udeshi v. State of Maharashtra* [AIR 1965 SC 881] Supreme court upheld the conviction of a book seller who was prosecuted under Section 292, I.P.C., for selling and keeping the book *Lady Chatterley’s Lover*.

¹⁶ The clause (2) of Article 19 prevents any person from making any statement that defames the reputation of another. Defamation is a crime in India under Section 499 and 500 of the I.P.C.

¹⁷ This ground was also added by the Constitution (First Amendment) Act, 1951. The Constitution also prohibits a person from making any statement that incites people to commit offense.

¹⁸ This ground was added subsequently by the Constitution (Sixteenth Amendment) Act, 1963. This is aimed to prohibit anyone from making the statements that challenge the integrity and sovereignty of India.

¹⁹ Article 4 CERD

relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence ¹⁷In *People's Union for Civil Liberty* [AIR 1997 SC 568] case the Supreme court interpreted the security of state to constitute offences of serious and aggravated nature, example rebellion, waging war against the state [entire state or part of the state], insurrection etc.

¹⁸ *Ibid.* The Supreme Court held that the Section 5(2) of The Indian Telegraph Act, 1885 was only applicable in event of a public emergency or in the interest of public safety. In the absence of these conditions the government has no right to exercise its power under the said section and the Telephone tapping, will violate the right under Article 19(1) (a).

of religion, race, caste, community or language is also prohibited for voters and campaigners and not just the candidate.

3.4 Speech Acts under Civil Jurisprudence

Section 7 of Protection of Civil Rights Act, 1955 penalises incitement to, and encouragement of untouchability through words, either spoken or written, or by signs or by visible representations or otherwise. Section 3(g) of Religious Institutions (Prevention of Misuse) Act, 1988 prohibits religious institution or its manager to allow the use of any premise for promoting or attempting to promote disharmony, feelings of enmity, hatred, ill-will between different religious, racial, language or regional groups or castes or communities.

It can be seen through these penal legislations that the hate speech act, including act of written speech directed towards creating communal disharmony, animosity and ill-will on grounds of gender, race, caste, class and religion are widely prohibited under the Indian legal system. However, the standing of Supreme court especially in terms of portrayal of narrative, events and history has not been very consistent. For example in *Ramesh vs Union of India* [AIR 1988 SC 775], the Supreme Court held that TV series aimed at building awareness against violence and triumph of good over evil is not violative of s.5B of Cinematography Act, 1952. Or S.153A of the IPC despite the negative description of a religious group. Similarly in *Baburao Patel vs State of Delhi* (AIR 1980 SC 763) two articles of a monthly magazine titled 'A tale of two communalisms' and 'Lingering disgrace of history' were found not in violation of S. 153A of IPC and the writer who was convicted in 2 separate cases by the high court was discharged by the Supreme court. While, in *State of Maharashtra & ors vs Sangharaj Damodar Rupawate & ors* ((2010) 7 SCC 298) the Supreme Court used 'ground occurrences of wide-spread protest' to forfeit James W Laine's book -*Shivaji-Hindu King in Islamic India* stating that if any piece of work led to creation of public disorder, even the fact that it contains historical truth, publication of such work is not an acceptable defence.

3.5 Fake News and Propaganda.

It is our opinion that several laws in India prohibit select forms of speech as an exception to freedom of speech. And while it does not particularly define hate speech, fake news or propaganda Indian jurisprudence has a legal capacity to ban speech which may disrupt public order, promotes enmity amongst groups, is seditious, or is detrimental to India's foreign relationship. For example Section 153A of Indian Penal Code (IPC) penalises speech acts which are aimed at promoting enmity between different groups on grounds of religion, race, place of birth, residence, language.²⁶ Section 295A IPC penalises deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.²⁰ In *State of UP vs Lalai Singh Yadav* [AIR 1977 SC 202] Supreme court ordered forfeiture of every published copy of the Hindi Book published by the state government which promoted hate, enmity and ill-will against Hindus of Vaishnava Sampradaya. The court found the publication in violation of S.153A(1)(a) and 295A of IPC and held that India is secular nation where government is deeply obligated to preserve and protect society against breaches caused by ribald writings or offensive publications intended to provoke or outrage groups into possible violent action.

Section 298 IPC penalises speech and expression acts that are deliberate intent to wound the religious feelings of any person.²¹ Section 505 IPC penalises publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes.²² The Criminal Procedure Code (CrPC) most notable section 95, section 107, section

²⁶ 153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony: (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any

²⁰ Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. In *Ramji Lal Modi vs State of UP* [1957 AIR 620] Supreme Court held that 295A is well within the protection of cl. 2 of Art. 19 of the constitution.

²¹ Uttering, words, etc., with deliberate intent to wound the religious feelings of any person.—Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places, any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

²² Statements conducing to public mischief (1) Whoever makes, publishes or circulates any statement, rumour or report,—(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Statements creating or promoting enmity, hatred or ill-will between classes.—Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community

other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, 2[or] 2[(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,] shall be punished with imprisonment which may extend to three years, or with fine, or with both.

144 empowers the law enforcement agencies to take appropriate actions against any person propagating communal or group based hate through speech or written act.

3.6 Intermediary and Tech responsibility

Since 1990, India government of the time also made attempt at combating spread of communal hate and disharmony through fast-media. Given the growth of cable TV sections 5 and 6 of the Cable Television Network Regulation Act were adopted to prohibit transmission or retransmission of a programme through cable network if it contain hateful speech against a religious group, social group, or individual.³⁰ Similar restrictions were put in place for the advertising agencies as well through the of the Cable Television Network Rules, 1994³¹. More recently under the IT Act of India, while attempts were made to pin the responsibility of the third part ad providers, the responsibility to provide a hate free content continue to rest with the people directly responsible for its creation.³² The Act through its section 66A tried to provide a wide definition of hate-speech on the internet, however, in *Shreya Singhal vs Union*

or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(Exception) —It does not amount to an offence, within the meaning of this section when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it [in good faith and] without any such intent as aforesaid.

³⁰Rule 6: No programme should be carried in the cable service which -

(c)Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;

(d)Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half-truths;

(e)Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;

(i)Criticizes, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;

(m) Contains visuals or words which reflect a slandering, ironical -and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups:

³¹ Rule 7: Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which:

- (i) Derides any race, caste, colour, creed and nationality,
- (ii) Is against any provisions of the Constitution of India;
- (iii) Tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;
- (iv) Presents criminality as desirable;
- (v) Exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
- (vi) In its depiction of women violates the constitutional guarantees to all citizens..... Women must not be portrayed in a manner that emphasizes passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society.

³² Article 79 IT Act, 2000

of India (AIR 2015 SC 1523) Indian Supreme Court declared the law unconstitutional as being too vague allowing misuse of power.

While in case of OpIndia it is a direct publisher of the content and thus can come under the purview of other criminal and civil laws pertaining to hate speech and fake news, it is worth noting here that the IT act of India in some ways absolve the intermediaries like Google AdSense which are primarily responsible for monetization and success of OpIndia like media houses. However, several advertisers as we highlight in the section below have come forward to distance itself from OpIndia due to their brand commitment against Hate speech.

4. Collective Action

The lack of checks and balances has meant that collective diasporic groups like Stichting the London Story, India Solidarity Network, and AntiCAA-D along with friends and allies, Stop Funding Hate, Solidarity Belgium, Indian Alliance Paris, EuLiberal Indians, Hate speech Beda and several others have launched dedicated twitter campaigns. Through these campaigns we politely ask advertisers to pull out of OpIndia due to their brand commitment and negative Islamophobic reporting on OpIndia. While this methods has been useful in cutting revenues and raising awareness it has its constraints. So far over 32 companies have readjusting their advertisement on OpIndia page (List B).

5. Recommendations

The right to freedom of expression enables vibrant, multi-faceted public interest debate giving voice to different perspectives and viewpoints. The right of everyone to be heard, to speak and to participate in political, artistic, and social life are integral to any prospering society. While the right to free speech is the bedrock of modern society, this right, as has been opined by many legal scholars and philosophers, as not being an absolute right. Words have consequences. The

repercussions and negative externalities of some speech acts may far outweigh the value of the liberty of an individual to express freely.

‘Hate Speech’ often hides behind the guise of free speech but blatantly promotes violence and dehumanization of groups of people.

Drawing from the existing jurisprudence on free speech and India’s national and international obligation under the conventions on elimination of discrimination, torture, war crimes, crime against humanity and genocide; and reaffirming the fundamental importance of freedom of expression and opinion, tolerance, and respect for the equal dignity of all human beings for a democratic and pluralistic society [Article 19 (1) (a), Constitution of India]; We invite relevant parties to define Hate speech as:

Abusive or threatening speech, writing behaviour, or behaviour that attacks or uses pejorative or discriminatory language *that expresses prejudice against a particular group or persons, on the basis of race, religion, caste, nationality and sexual orientation.* For the present general policy recommendations we further define hate speech as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons. As well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of race, colour, descent, national or ethnic origin, age, disability, language, religion or belief, gender identity or sexual orientation and other personal characteristics or status. We further invite relevant actors to:

- Take strict action against media houses like OpIndia based on the premise of religious discrimination, othering and dehumanization.
- Accept, that freedom of expression and opinion is not an unqualified right and that it must not be exercised in a manner inconsistent with the rights of others;
- Recognizing, that nations as well as big businesses increasingly have an international obligation against the rise of racism, racial discrimination, casteism, gender based discrimination, sexism, homophobia, transphobia, xenophobia, islamophobia, and intolerance, as well as of crimes of genocide, crimes against humanity or war crimes and the public denial, trivialisation, justification or condonation of such crimes;
- Recognizing, that hate speech may take the form of the public denial, trivialisation, justification or condonation of crimes of genocide, crimes against humanity or war crimes which have been found by courts to have occurred, and of the glorification of persons convicted for having committed such crimes;

- Recognize, also that forms of expression that offend, shock or disturb will not on that account alone amount to hate speech and that action against the use of hate speech should serve to protect individuals and groups of persons rather than particular beliefs, ideologies or religions;
- Recognize, that the use of hate speech can reflect or promote the unjustified assumption that the user is in some way superior to a person or a group of persons that is or are targeted by it;
- Recognize, that the use of hate speech may be intended to incite, or reasonably expected to have the effect of inciting others to commit, acts of violence, intimidation, hostility or discrimination against those who are targeted by it and that this is an especially serious form of such speech;
- Adopt, self-regulation and voluntary codes of conduct as an effective means of preventing and condemning the use of hate speech;
- Stop, supporting organisations or collective groups that continue to facilitate the use of hate speech.
- Conduct prompt and effective investigation into complaints about hate speech;

Annexures

List A: Random Sample of Problematic OpIndia Articles

Date	OpIndia piece	Type
03/03/17	Rohingya Muslims in India – from refugees to a security threat	Hate against Refugees
08/05/17	How fake news about ‘RSS-linked org promising fair babies’ was invented by media	False News
27/05/17	The apologia for terrorism – an industry of unending distress	Propaganda
08/07/17	Cow vs Kaaba – the missing spine of ‘liberals’ when it comes to Islam	Propaganda
28/02/18	Bollywood actor and serial abuser was invited as chief guest for an event by Mumbai Police?	False news
01/03/18	Renuka Chowdhary laughs in between Rahul Gandhi meeting, will Congress supporters defend her now?	False news
13/08/18	As ‘Liberals’ blame Arnab Goswami, eye witness claims Umar Khalid wasn’t even present at alleged firing site	False news
31/08/18	Ex-President Pranab Mukherjee to inaugurate villages he had adopted in 2016 under Smartgram in Haryana	False news
14/10/18	Gurugram double shooting being perceived as a result of fanatic evangelism by a neoconvert	Misreporting
25/11/18	‘Kasam Khuda ki khaate hai, mandir wahin banayenge’, Muslim women pledge support for Ram Mandir	Misreporting
17/12/18	Rajasthan Police ends up declaring a true incident as ‘fake news’ on Twitter	False news
13/03/19	Pakistan shifted bodies, enough evidence that Indian airstrikes were successful: US based activist from Gilgit	False news
28/05/19	Gurugram ‘hate crime’: CCTV shows no skullcap thrown, police says no complaint about ‘Jai Shriram’ being forced	Misreporting
05/06/19	Aligarh: 3-year-old girl brutally murdered by Zahid over loan of Rs 10,000	Misreporting
06/06/19	Bihar: Muslims enter tribal land to offer namaz on Eid, tribals attack them fearing land grabbing attempt	Misreporting
29/06/19	Fatwa issued against Nusrat Jahan for wearing Sindoor and Mangalsutra, Deoband cleric says “A Muslim can only marry a Muslim”	False news
03/07/19	Minor Hindu boy who had gone missing from Hauz Qazi returns, says Muslim youths assaulted him after they got to know he was Hindu	Misreporting
13/08/19	Fabricated reports on Kashmir: Govt asks BBC and Al-Jazeera to produce raw footage of their reports	False news
31/08/19	Kerala: Pakistani flag waved at student union election campaign, police book 25 persons in Kozhikode	False news
29/09/19	Pakistan PM Imran Khan’s wife Bushra Bibi’s images don’t appear in mirror, has two ‘jinns’ whom she feeds cooked meat: Reports	False news
28/10/19	Odisha: Man hacked to death over bursting of crackers on Diwali	Misreporting
29/10/19	Russian President Vladimir Putin may attend Jallikattu, the bull-taming festival, in Madurai next year	False news
11/12/19	Sibal attacks Ambedkar as the person who agreed to two-nation theory, gives clean chit to Congress	Misreporting
12/01/20	Watch: India Today journalist and JNUSU VP talking in a hushed, off the record conversation. Does this point to collusion?	False news
14/01/20	संक्रान्ति उत्सव पर पतंगबाजी हैदराबाद में बैन, पुलिस ने लदया ‘सुरक्षा’ कारण ंका हवािा	False news
16/01/20	Viral video claims Shaheen Bagh protestors are paid Rs 500-700 to ‘protest’ in shifts, BJP alleges Congress support	False news
27/01/20	Nexus between Congress and Islamists in stoking anti-CAA riots? PFI spent over 120 crores, transferred huge sums to Kapil Sibal and Indira Jaising: Read details	False news
11/02/20	Shaheen Bagh protest site seen empty as AAP all set to return in Delhi	False news

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25/02/20	Mosque attacked during Delhi riots and Hanuman flag foisted? Rana Ayyub reports video, The Wire changed its report: Here is everything that happened	Misreporting
27/02/20	Delhi anti-Hindu riots ground report: Islamist mob in Delhi's Chand Bagh forcibly occupied a Shiv Mandir, hurled stones at Hindus from the roof	False news
04/03/20	Watch: "Supreme Court did not save secularism in Ayodhya, so now time has come to hit the streets" Harsh Mander inciting mob violence	Misreporting
06/03/20	Article deleted without clarification	Misreporting
20/03/20	Islam does not approve: Four Muslims who returned from Dubai threaten health officials in Karnataka, refuse to undergo Coronavirus test	False news
11/04/20	Facebook page called 'Aligarh Muslim University' promotes Rahul Gandhi, AMU distances itself from the page	False news
29/04/20	5,450 tonnes of free rice to 2,985 mosques, 47 temples have to pay rupees 10 crores: Tamil Nadu government order	Misreporting
06/05/20	Joseph Pulitzer – the story of the founder of the Pulitzer Prizes, and the Father of Yellow Journalism	Plagiarism
10/05/20	Hindu family leaves Gopalganj district in Bihar due to fear after their minor son was killed	False news
12/05/20	अब वंदावन के साधु पर क्रूर हमला... इमीतालिया मंलदर के संत तमाकिका षण दासक बुरी तरह पीटा	False news
14/05/20	Since Halal is legal, non-Muslims have the right to advertise that they don't hire Muslims: Here is why	Promoting discrimination
31/05/20	George Floyd killing: Rioter chants 'La Ilaha Illalaha' while 'protesting' in America	Communal angle to BLM
31/05/20	Rioters Desecrate St Patricks Cathedral	BLM
01/06/20	Looting' for justice: See how US 'protestors' are busy looting stores amidst violent 'resistance' after the George Floyd killing	BLM
01/06/20	Communists in America burn down homeless man's only possessions. Watch video	Propoganda
02/06/20	Communists drae false equivalence	Communal angle to BLM
03/06/20	Devotees of the same faith	Propoganda
03/06/20	ISIS supporters rejoice at violent riots in America, claiming them to be 'divine payback for the treatment of Muslims'	Propoganda
03/06/20	Jamia students want to 'blow up' proctor's office, carry out Minneapolis style 'protests' over slapping of UAPA on Delhi rioters	Propoganda against Islam
03/06/20	Here's how liberals in USA were celebrating, justifying and inciting riots after George Floyd's death	Propoganda
04/06/20	GoAir fires trainee officer Asif Khan after screenshots of his Hinduphobic comment went viral on social media	False News
05/06/20	Tested positive for Coronavirus, report reveals fentanyl intoxication, recent meth use, cardiopulmonary arrest listed as cause of death	Propoganda
11/06/20	Historian Ram Guha gets history wrong while drawing up comparison between Gujarat and Bengal	Misreporting
16/06/20	43 Chinese soldiers killed in the stand-off at Ladakh, 20 Indian soldiers attained martyrdom, govt sources indicate	False News

List B: List of Advertisers pulling out of Oplndia

S.no.	Companies	Tweets	Source Tag	Archive Link
1	Zalando	https://twitter.com/Zalando_Press/status/1267798896232841217?s=20	https://twitter.com/NLiberalIndians/status/1266307905445408773?s=20	http://archive.is/caBEv
2	Tylko Furniture	https://twitter.com/tylko_furniture/status/1267412311779803137?s=20	https://twitter.com/moranicly/status/1266483824575291393?s=20	http://archive.is/HLa3F

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3	Hans Anders	https://twitter.com/hansanders/status/1266674971763408901?s=20	https://twitter.com/SolidarityBelg/status/1266342240353427456?s=20	http://archive.is/OsIZO
4	GumGum	https://twitter.com/MeesamHyder/status/1267053907097739265?s=20	email	http://archive.is/tJBzz
5	MUBI India	https://twitter.com/mubiindia/status/1266320788489199617?s=20	https://twitter.com/quantumsapien/status/1266301826170621952?s=20	http://archive.is/4Qc6y
6	Said Business School	https://twitter.com/OxfordSBS/status/1266365133099429893?s=20	https://twitter.com/StopFundingHate/status/1266300167910592513?s=20	http://archive.is/wyRxi

7	Rubicon	https://twitter.com/nandoodles/status/1266060703535947776?s=20	email	http://archive.is/d3UV4
8	LiveWorx	https://twitter.com/LiveWorx/status/1265771751075610632?s=20	https://twitter.com/MeesamHyder/status/1265762963085905921?s=20	http://archive.is/sPqmv
9	La Trobe University	https://twitter.com/latrobe/status/1268353778610135041?s=20	https://twitter.com/StopFundingHate/status/1268300493542940672?s=20	http://archive.is/sXT98
10	World Remit	https://twitter.com/WorldRemit/status/1268566974600282112?s=20	https://twitter.com/AnticaaD/status/1265897806117699585?s=20	http://archive.is/zdSei
11	IPSoft	https://twitter.com/IPsoft/status/1268550399134400517?s=20	https://twitter.com/SolidarityBelg/status/1268472912274690051?s=20	http://archive.is/A0tbk
12	Auckland University	https://twitter.com/AUTuni/status/1268715722919665665?s=20	https://twitter.com/StopFundingHate/status/1268675815652253697?s=20	http://archive.is/qg7Z2
13	Aqua Security	https://twitter.com/AquaSecTeam/status/1268881267120111617?s=20	https://twitter.com/AnalyticsKumar/status/1268571543363354624?s=20	http://archive.is/im2Mt
14	Berlin Packaging	https://twitter.com/BerlinPackaging/status/1268887869621444608?s=20	https://twitter.com/mirdotcom/status/1268607702193889288?s=20	http://archive.is/nAIPW
15	Arturia	https://twitter.com/ArturiaOfficial/status/1268939645204738049?s=20	https://twitter.com/JagdishPranav/status/1266664861666246656?s=20	http://archive.is/040sF
16	Octopus Energy	https://twitter.com/octopus_energy/status/1269671942757507072?s=20	https://twitter.com/StopFundingHate/status/1269667731634339842?s=20	http://archive.is/qpBNF
17	SEMrush	https://twitter.com/semrush/status/1269602729162420225?s=20	https://twitter.com/SolidarityBelg/status/1269584907845668866?s=20	http://archive.is/UdAfN
18	Square Space	https://twitter.com/SquarespaceHelp/status/1268996269042622465?s=19	https://twitter.com/StopFundingHate/status/1268680986801442825?s=19	http://archive.is/74Uta
19	Car Max	https://twitter.com/CarMax/status/1270008660312416256?s=20	src tweet deleted - acc - @vr_sundar	http://archive.is/gqcyI
20	Sonic	https://twitter.com/sonic/status/12689491842589702?s=20	https://twitter.com/vr_sundar/status/1268743858772271104?s=20	http://archive.is/tYNHJ
21	taboola	https://twitter.com/StopFundingHate/status/1267011332521549825?s=20	SFH Tweet	http://archive.is/YFbTP

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22	Unacademy	tweet deleted after backlash	https://web.archive.org/web/200605070052/https://twitter.com/StopFundingHate/status/1268799417999667201	https://web.archive.org/web/200605070859/https://twitter.com/unacademy/status/1268798873167736832
23	Team Viewer	https://twitter.com/TeamViewer_help/status/1270509950989676545?s=20	https://twitter.com/AijazAl00771995/status/1270125433661657088?s=20	http://archive.is/xvKhA
24	PMP® Exam Tips	https://twitter.com/mirdotcom/status/1270876284466475010?s=20	email	http://archive.is/l2s9X
25	Air Purifiers America	https://twitter.com/mirdotcom/status/1270840431392235520?s=20	email	http://archive.is/m48aE
26	Digital Ocean	https://twitter.com/digitalocean/status/1272933295651721218?s=20	https://twitter.com/NLiberalindians/status/1272821571275698176?s=20	http://archive.is/j66lW
27	Monster Finland	https://twitter.com/Monster_Finland/status/1272791744732692481?s=20	https://twitter.com/NoCAA_Finland/status/1272641657280835585?s=20	http://archive.is/Z8ie2
28	Verkkokauppa.com	https://twitter.com/Verkkokauppa.com/status/1272752901165854726?s=20	https://twitter.com/NoCAA_Finland/status/1272548947874271241?s=20	http://archive.is/Vmb3y
29	wrike	https://twitter.com/wrike/status/1273379590291873792?s=19	https://twitter.com/syedfraz/status/1273327330447036417?s=20	http://archive.is/OYslj
30	IXL Learning	https://twitter.com/IXLLearning/status/1273375711902838784?s=19		
31	VW Middle East	https://twitter.com/VWMiddleEast/status/1274976213736579072?s=19	https://twitter.com/syedfraz/status/1273734430646034434?s=19	
32	PeerJ Life and Environmental Journal	https://twitter.com/thePeerJ/status/1275361762804674567?s=19	https://twitter.com/CarbonSkeletons/status/1275338143038758912?s=19	http://archive.is/uHW8u