

ORDER

In the matter of a COMPLAINT filed by Pesticides Manufacturers and Formulators Association of India (PMFAI) against the programme 'Satyamev Jayate' telecast on STAR Plus Channel on 24 June 2012. The BCCC has received the Complaint, lodged initially by PMFAI with the Prime Minister's Office, from the Ministry of I&B.

The present Complaint is against the telecast of the programme '*Satyamev Jayate*' on STAR Plus Channel on 24.06.2012, which dealt with the subject of use of pesticides in agriculture. The programme was telecast in two parts.

The show consisted of a live audience, a large number of which were homemakers. Several doctors, experts and representatives of Non-Governmental Organizations appeared on the show. Mr. Rajju Shroff, who is the owner of one of the biggest pesticide companies in India, also appeared on the show.

Subsequently, on 13.07.2012, Pesticides Manufacturers and Formulators Association of India (PMFAI) wrote a letter to the Prime Minister's Office, stating that the show '*Satyamev Jayate*', aired on STAR Plus Channel on 24.06.2012 on the issue of pesticides in agriculture and conducted by Aamir Khan, the anchor, was without inclusion of competent authorities or experts from the Ministry of Agriculture, Central Insecticides Board, Indian Agricultural Research Institute or Indian Council of Agricultural Research. Therefore, it was urged that necessary steps be taken to "stop the media and activists from spreading wrong, unscientific and misleading information to the public at large and farmers in particular".

A note was also appended to the above letter by PMFAI President Mr. Pradip Dave, which stated that suicides of farmers are not due to the costs of pesticides, but because of failure of crops due of lack of water, very high interest rates and non-use of pesticides. It was stated that Indian agriculture sector produces record levels of food grains, fruits and vegetables than before and feeds 1.2 billion people. Record quantity of tea, chillies, fruits, vegetables and food grains are exported to the USA and the EU, who duly check pesticide residues in Indian exports. However, if the version given by '*Satyamev Jayate*' is believed to be true, all Indian export consignments would be rejected and sent back.

It was further stated in the said note that pesticide consumption in India is one of the lowest in the world, being 0.48 kg/ha, whereas the average world

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consumption is around 3-5 kg/ha. In some countries like Japan, the pesticide consumption is 10.7 kg/ha. Also according to the Standing Committee Report of Ministry of Chemicals and Fertilizers, annual crop losses in India due to pests and diseases are to the tune of Rs. 90,000 crore which could be saved by judicious use of pesticides. It was, therefore, stated that the entire show was biased and the outcome was pre-decided.

Subsequently, the Ministry of Information & Broadcasting sent a letter dated 28.12.2012, informing this Council that it has received a letter dated 13.07.2012 from the PMFAI pointing out the objections to the show. Therefore, it was requested that the complaint be placed before the Council for appropriate action.

Accordingly, the Complaint was placed before BCCC. On 01.04.2013, the Council sent a mail to the Parties, asking them to attend a meeting on 12.04.2013 for discussion on this subject. PMFAI also wrote a letter to the Council on 10.04.2013, submitting certain documents in support of their claims. It was also requested therein that further telecast of '*Satyamev Jayate*' should be stopped.

Thereafter, a meeting was held on 12.04.2013, which was attended by two sets of Parties. On the one hand, Aamir Khan Productions (producers of the show) appeared with the representatives of the STAR Plus Channel. On the other hand, the representatives of PMFAI appeared. The Council viewed both parts of the show in the presence of the Parties.

The representatives of PMFAI claimed that the version of one of the participants, who claimed to have carried out a research in IIT-Kanpur, was found to be incorrect as upon an RTI query, it was found that there was no such study ever conducted. It was also stated that the views expressed by the doctors/experts/NGOs were completely one-sided and wrong. Reliance was also placed on Article 51(A)(h) of the Constitution of India, which calls upon citizens to develop a "scientific temper".

The Council has viewed both parts of the show and has duly considered all submissions made by the Parties and documents produced by them in detail.

In view of the Council, nothing objectionable has been found in the programme. At the highest, the programme is critical of use of pesticides, particularly excessive use of pesticides. However, in the opinion of the Council, the issue has been dealt with proper sensitivity and maturity.

Mr. Rajju Shroff, who appeared on the show, was fairly and sufficiently given a reasonably long time to explain his position on the use of pesticides.

The issue of use of pesticides in agriculture is not free from controversy. Extreme opinions have been expressed on this subject. However, in the present case, the Complainant has failed to demonstrate any violation of the IBF's Self-Regulatory Guidelines. In putting across his viewpoint, the anchor has exercised his right of

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free speech and expression. Even if the Pesticide Industry does not accept this, it does not mean that such views cannot be allowed to be expressed.

It is apposite to refer to the decision of the Hon'ble Supreme Court of India in *S. Rangarajan v. P. Jagajivan Ram*, (1989) 2 SCC 574 in this regard, wherein it was held as under:

“The democracy is a Government by the people via open discussion. The democratic form of government itself demands its citizens an active and intelligent participation in the affairs of the community. The public discussion with people participation is a basic feature and a rational process of democracy which distinguishes it from all other forms of government. The democracy can neither work nor prosper unless people go out to share their views.”

Earlier, in *Naraindas v. State of Madhya Pradesh*, [1974] 3 SCR 624, the Supreme Court, stated that:

*“There must be freedom not only for the thought that we cherish, but also for the thought that we hate. As pointed out by Mr. Justice Holmes in *Abramson v. United States*, 250 U.S. 616: ‘The ultimate good desired is better reached by free trade in ideas – the best test of truth is the power of the thought to get itself accepted in the competition of the market.’ There must be freedom of thought and the mind must be ready to receive new ideas, to critically analyse and examine them and to accept those which are found to stand the test of scrutiny and to reject the rest.”*

Also, in *Sakal v. Union of India*, [1962] 3 SCR 842 it was held that

“This Court must be ever vigilant in guarding perhaps the most precious of all the freedoms guaranteed by our Constitution. The reason for this is obvious. The freedom of speech and expression of opinion is of paramount importance under a democratic Constitution which envisages changes in the composition of legislatures and governments and must be preserved.”

The Court in *S. Rangarajan*, cited with approval, the observation of Alexander Meiklejohn as under:

“When men govern themselves, it is they—and no one else—who must pass judgment upon unwisdom and unfairness and danger. And that means that unwise ideas must have a hearing as well as wise ones, unfair as well as fair, dangerous as well as safe, an American as well....American.... If then, on any occasion in the United States it is allowable, in that situation, to say that the Constitution is a good document it is equally allowable, in that situation, to say that the Constitution is a bad document. If a public building may be used in which to say, in time of war, that the war is justified, then the same building may be used in which to say that it is not justified. If it be publicly argued

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that conscription for armed service is moral and necessary, it may likewise be publicly argued that it is immoral and unnecessary. If it may be said that American political institutions are superior to those of England or Russia or German, it may with equal freedom, be said that those of England or Russia or Germany are superiors to ours. These conflicting views may be expressed, must be expressed, not because they are valid, but because they are relevant.... To be afraid of ideas, any idea, is to be unfit for self government."

In light of the above discussion, the Council is of the considered opinion that the complaint of PMFAI is without any merit. The Council does not find the violation of any guideline of IBF and even otherwise, in the opinion of the Council, it is not a fit case for taking any action, either against the Channel or against the Producers of the show.

The Complainant also gave a CD, stating to contain material in reply to the show. However, the Complainant would be free to proceed with the telecast of any such material as it considers appropriate.

For & on behalf of:

Broadcasting Content Complaints Council



Justice (Retd.) A.P. Shah
Chairperson
Broadcasting Content Complaints Council

22 April 2013
New Delhi