

CAMPAIGN AGAINST HATE SPEECH

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Date: 13.04.2020

To,

State Level Monitoring Committee

Under the Cable Television Network (Regulation) Act

Respected Sir,

Subject: Complaint against incidents of spreading dangerous misinformation, communal hatred and advocacy of genocide by online and print media as well as by individuals on social media

Campaign Against Hate Speech is a group of concerned activists, parents, lawyers and academics working to combat hate speech by sections of media and public personalities and on social media. It also works to ensure compliance by media companies to law and ethics regarding hate speech.

We are filing this complaint to bring to your attention gross violations of law by media companies and individuals and seek your immediate action on these perpetrators. Sending a strong message to these irresponsible media companies and individuals at the crucial juncture of the COVID-19 global pandemic is important to avoid breakdown of societal solidarities, prevent the aggravation of societal divides and ensure that the calls for genocide by criminally irresponsible elements do not become a reality.

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The incidents mentioned below all amount to offences under the Indian Penal Code, 1860, including under Sections 153A, 153B, 295A, 295B, 298, and 505(2) of the Indian Penal Code, 1860, as detailed subsequently.

This disturbing trend emerged, after the increase of COVID-19 positive cases following the religious gathering in Delhi - hosted by Tablighi Jamaat on 13-14 March, 2020. This health emergency was unfortunately given a communal colour in the English and Kannada media. Some sections of the media took to labelling the entire community as 'corona criminals' propagating a 'corona jihad', and laying the blame for the entire pandemic at the doorstep of the Muslim community. There were also wild and baseless allegations by news anchors and politicians that the virus is being spread on purpose to defeat the lockdown. All of this has given a dangerous communal colour to the reporting of the pandemic, in a criminal manner.

News Channels have been promoting and inciting hatred against members of the Muslim community in a concerted manner. Some of these programs are detailed below:

1. **Public TV:** <https://www.youtube.com/watch?v=qIk1W74GRRs>; In this report, statements such as the following were made: '*namma rajyaku bandidhe avara ondhu buddhi*'; went to jamaat and '*antiskond bandiro antha jaana*'; *we'll spit on you, touch you*'. Allegations were made that those who had gone to the jamaat were blackmailing doctors and nurses. Their actions were termed '*Jamaat sonkitara rowdyism*'. It was stated that these people were asking for hi-fi rooms and refers to an incident where people were allegedly walking around half-naked. The channel broadcasts an interview with the district administration official, where he did not confirm any of the incendiary rhetoric sought to be promoted by the channel, yet the anchor subsequently claims that the official is helpless and could not say what is actually happening. The

reporting is blatantly anti-Islamic and violates the secular spirit of our nation.

2. **Suvarna news:** <https://www.youtube.com/watch?v=pfo7Vz-qPQ>; calls Muslims who attended the jamaat 'shaitan', 'more dangerous than corona virus', 'corona criminals', traced by Suvarna news, shows a Muslim man saying that there is no cure for corona and that it is a bimari for all of you.
3. **Suvarna news:** <https://www.youtube.com/watch?v=gCCZ1aID52M>; Anchor Ramakant talks disparagingly against Maulana Saad of Nizamuddin mosque, and argues he has put everyone else at risk and then gone into home quarantine himself.
4. **Suvarna news:** <https://www.youtube.com/watch?v=gDsPGWnT24>; claims that police are trying to find the source of funds for the Jamaat, which are alleged to have foreign sources.
5. **Suvarna news:** <https://www.youtube.com/watch?v=CSUC-25THEc>; The anchor made incendiary statements including "*Dehali palige naraka aag bidathe nizamuddin masidi.*" "*avaru haal agthare, avarannu nambidavaru haal aagthare,*" "*amayakarige sonku tarasbidthare ivaru*" "*Devaru, dharma ivara obbarde sokk alla. yellara sokku*", "*...illidarantha jana bere bere masidi ge hodru allu antasakke.*" "*was Kejriwal soft on some peoples*"
6. **Suvarna news;** <https://www.youtube.com/watch?v=x-I6HwJdqtM>; In this story, news anchor Ramakant, totally without evidence, stated that while the entire country is under lockdown, some mosques are still running where people are gathering for *namaz*.
7. **Suvarna news:** <https://www.youtube.com/watch?v=FSP26dh1Dcw>; In this piece of reporting it is stated, totally without evidence, that those quarantined in Bidar are being arrogant, asking for luxurious stay, non-veg or home cooked food. It claims that doctors and the district administration are feeling exhausted with these demands.

8. **Suvarna news:** <https://www.youtube.com/watch?v=nBNmDLVOyOo;>
This was a piece of reporting relating to the Tablighi Jamaat gathering at Nizamuddin Markaz. The reporter Shashi accused the masjid of breaking lockdown rules without 'care' for government rules, which is a total falsehood. He also accuses those who have come from outside on visa to the country of 'hiding' (tale marskondu') in mosques because they were violating visa rules.
9. **TV9 Kannada:** <https://www.youtube.com/watch?v=N OciuVz23c;> In this news report, it is claimed that Muslim youth are scaring people by saying they went to Nizamuddin and participated in the jamaat meeting; calls it 'pundaata' and stating that they are walking around Benson town and scaring people.
10. **News 18:** <https://www.youtube.com/watch?v=dYL2S8nxd1M;> In this report, Nizamuddin Markaz is compared to China's Wuhan and termed the hotspot for India
11. **Republic TV:** <https://www.youtube.com/watch?v=Oo4G 8rCHPE>. In the programme 'Arnab Goswami in the debate' dated 31st March 2020 at around 9.03 PM, the following statements were made:

"The of Nizamuddin in Delhi has become the biggest Coronavirus super spreader but still the organisers are unrepentant. They have broken every law of this country. They have been spreading hate against the lockdown. They have told their followers to do everything possible to defy and defeat the national lockdown and as of now this minute at least 118 Coronavirus positive cases come from this Islamic congregation alone. This Islamic congregation has also effectively 3000 corona suspects. All those who broke the lockdown, and all those who attended the tabli ki janadh markaz are congregation of Muslim clerics from 16 countries. Many of them Coronavirus affected and 19 States. These people came together and not only did they break the lockdown but they actually asked their followers everywhere to break the lockdown. The leaders of this group even went on record to question a logic of a lockdown,

they made fun of our national effort and they used religious teachings which are all out on YouTube now. They use religious teachings to claim that the lockdown announced by Narendra Modi needs to be defeated. They said the lockdown made by the Indian government makes no sense. These are dangerous people. These lockdown cheats. They have compromised us all. We were just winning when they did everything to defeat us."

12. **Times Now**, <https://www.youtube.com/watch?v=Fxnv3y2PszE>; In this piece of reporting, it is alleged that the Tabligi Jamaat meeting was wilful sabotage and alleges spitting on doctors and railway officials.

The above-said programs are in flagrant violation of Rule - 6 of the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994, which provides as follows:

Rule 6 (1)states that 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;

...

(h) Contains anything affecting the integrity of the Nation;

(i) Criticises, 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;

Grave Impacts due to the promotion and incitement of hatred

Economic and social boycott of the Muslim Community

Hatred spread by the media has destroyed and damaged the lives of ordinary people. Some adverse effects of this hatred are seen in reports that detail how miscreants are taking law onto their hands and forcing general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare associations boycotting Muslims in their apartments and colonies; Stopping Muslims from entering specific areas; Preventing volunteers who are providing relief measures to the poor, because they are Muslims.

In Karnataka, the same has resulted in social and economic boycott of members of the Muslim community. Some extremely grave instances that have been reported include:

1. On 06.04.2020, residents of a village in Bagalakote humiliated members of the Muslim community, who had gone to the banks of the Krishna river to fish. Around 10 to 15 residents of Bidari village in Rabkavi Banahatti taluk in Bagalakote heckled three Muslim men while holding wooden sticks and iron rods. The news report appearing in the Newsminute dated 06.04.2020 is available at <https://www.thenewsminute.com/article/covid-19-muslims-amd-muslim-volunteers-heckled-harassed-karnataka-121977>
2. Certain persons attacked the family members of Zareen Taj, an activist with Swaraj Abhiyan, while they were distributing relief material amid the Covid-19 lockdown in Dasarahalli in Bengaluru on 06.04.2020. The news report appearing in the Hindu is available at <https://www.thehindu.com/news/national/karnataka/volunteers-distributing-relief-material-attacked/article31274032.ece>

3. In Ankanahalli village in Ramanagara district of Karnataka, a communally divisive message has spread saying "Listen everyone! The Gram panchayat (local village administration) is making this announcement. No Muslims (Sahibs) should come into the village. No one should work for Muslims. If you do, you should pay a fine of Rs 500 to Rs 1000." The news report appearing in the Newsminute dated 09.04.2020 is available at <https://www.thenewsminute.com/article/video-karnataka-panchayat-bans-and-ostracises-muslims-over-covid-19-stigma-122222>

These are just few instances that show the very serious impact such promotion of hate is having on the lives of people. It must be remembered that on 5th April, 2020 in Una district of Himachal Pradesh, a man was pushed into taking his own life after villagers taunted him over the spread of a communal virus. In fact, his test was found negative. We need to act immediately lest we lose more people to the hatred being spread and incited by the media.

It may be noted that the failure to act on such communally motivated, malicious and criminal reportage has resulted in a situation where public personalities and elected representatives are feeling free to make such communal statement on television and in interviews. In fact, MP Shobha Karandlaje, has indulged in promotion of communal disharmony and hatred on the basis of religion, in an interview aired by Suvarna TV on 05.04.2020, with the title, "MP Shobha Karandlaje Calls Delhi's Tablighi Jamaat event 'corona-jihad'"(translated from Kannada; original available at <https://youtu.be/JMReOF2Vp3w>). In this interview, she was recorded as saying "It feels like they are doing a kind of corona jihad in the country. Today in Belgaum, someone who has been infected with coronavirus, if that person hugs a doctor, what is his psychological state? If they say, we'll infect the nurse, the doctor, what terrorism, what jihad was there in this country, it

is a continuation of that terrorism, we should state that simply. We should take action against such people, they should be placed in quarantine and once that is done, they should be given life imprisonment and put in jail...Those who are doing politics, those who went to Tablighi institution, those who escaped from there and came, those who are still not apprehended by police, those who still haven't gone to the doctor..."

Similarly, MLA MP Renukacharya, promoted and incited communal disharmony and hatred on the basis of religion in an interview aired by TV9 Kannada on 07.04.2020, with the title, "Should Encounter People Who Spread Coronavirus, it has become like Terrorism now' Says MP Renukacharya in Davangere" (translated from Kannada; original available at <https://www.youtube.com/watch?v=fxQAoRYqZP8&feature=youtu.be>). This interview recorded Renukacharya saying "Those who had participated in Tablighi Jamaat, the Prime Minister, CM have repeatedly asked them to come to hospitals, take treatment, told them to be in quarantine. But some people have deliberately, religion says, we should die in mosques, it's okay if we die there, it's okay if you die there, but you want to infect others?...Today mostly whatever virus we have, it was getting controlled after lockdown. Those who came from there if they had gone to the doctors, this problem would not have happened. Some do this kind of deshadroha, those who are spreading the virus, this is indirect terrorism, it won't be wrong to say that. I am forced to say this, Modiji has given a call, entire nation is troubled because of lockdown, the government is suffering a loss 35000-40000 crore loss, state government is suffering financial loss, the CM at his age is doing so much work, they should understand it, isn't it? For them, religion, prayers is important? Shouldn't they stay at home? We all did chandra darshana, where were we? Didn't we do it by ourselves? Further, police are being attacked, you media people have only shown the lathicharge, should we keep quiet? This is deshadroha work, whoever is doing this are deshadrohis, I'll say this directly. Those who had gone to Tablighi Jamaat and have escaped, I am telling this, the government should not protect them."

Incitement to Genocide

The fact that hate speech against particular communities has enjoyed impunity has meant that the hatred has been taken to the next logical level. The community subjected to this form of vicious hatred has been transformed from being persons to becoming objects. This dehumanization has made the calls for elimination of the community become the new norm. This calls for elimination as noted above are summarized below:

1. The Star of Mysore newspaper, in Mysuru city published a news item titled 'Bad apples in the basket' dated 06-04-2020 that targets and spreads hatred towards the Muslim community. The report states:

"The nation is currently hosting an annoying 18 percent of its population self-identifying as rotten apples."

"The presence of bad apples cannot be wished away. They are there in whatever way one wants to identify them, doesn't matter if it is religious, political or social, taking care not to generalise. An ideal solution to the problem created by bad apples is to get rid of them, as the former leader of Singapore did a few decades ago or as the leadership in Israel is currently doing."

2. MP Renukacharya, in a tweet made by him on April 7, 2020 has stated that "It's true that people have been inconvenienced by the lockdown. In his age also, the CM is doing so much effort. Those Muslims who have participated in Tablighi Jamaat and are not getting treated in hospitals are deshdrohis. Those who are not going in for treatment and hiding and walking around should be shot at and should not be protected (translated from Kannada; available at <https://twitter.com/MPRBJP/status/1247533452196319232>).

3. Similarly, MLA Basangouda Patil Yatnal has made public tweets stating that "Warning about legal action should be given to fundamentalists who are spreading Corona and those religious leaders who dont have a shred of humanity in them and not to patriotic communities. Give a last warning to Tablighi Jamaat jihadis, if they don't cooperate, shoot them. If you think this is provocative, then please take action against me." (translated from Kannada; available at https://twitter.com/b_yatnal/status/1247577517755527169);
4. Along similar lines, the MLA Anantkumar Hegde has stated on Facebook that *"In a way there is a striking similarity between the Corona virus that multiplies at a fast rate and is killing people en masse by casting its shadow over the entire world and the religion of Islam that poses a grave threat to Humanity by promoting terrorism and acts of destruction"* (Translated. Original available at https://m.facebook.com/story.php?story_fbid=3168433083181502&id=744889218869246) Such statements are actionable and criminal offences.

These statements calling for elimination of an entire religious community come within the understanding of genocide. As UN General Assembly put it:

"Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

While genocide is not defined as an offence in Indian criminal law, the call to genocide is a violation of the right to life of an entire community under Article 21 of the Indian Constitution and needs to be dealt with strictly.

The statements made promoting hatred are a punishable offence and an assault on our constitutional values including the right to life of an entire community

Sir, apart from the massive impact of such statements on the lives of people, they also amount to criminal offences under the following sections of the Indian Penal Code, 1860.

1. Section 153A: Distorted statements that aim to promote communal disharmony amount to an offence under Section 153A of the IPC. The provision under sub-section (a) criminalizes the promotion/attempt to promote feelings of enmity, disharmony, hatred or ill-will between religious groups and doing acts prejudicial to the maintenance of harmony by, *inter alia*, words, either written or spoken, on grounds of, *inter alia*, religion or community. These statements are further prejudicial to the maintenance of harmony and disturb public tranquility as they blatantly promote hatred, distrust, and discrimination against the minority community by placing blame on them for the spread of an extremely serious disease. In doing so, the statements displace harmony and exacerbate religious tensions by portraying Muslims as villains and wrongdoers. Therefore, the ingredients for an offence under Section 153A(a) and (b) are satisfied and an offence under the section is clearly made out, with punishment of imprisonment extendable to 3 years, or fine, or both.
2. Section 153B(c): The provision under sub-section (c) criminalizes, the making or publication of any assertion/counsel/plea/appeal concerning the obligation of any class of persons by reasons of their membership to a religion/community which is likely to cause disharmony or feelings of enmity, hatred, or ill-will between the members of the religious group and other persons, *inter alia*, by word either written or spoken.

The statements made and published above, by making imputations regarding the liability of the Muslim community and their obligations to stop propagating the disease, are not only likely to cause disharmony between the minority religion in question and other religions, but are also bound to cause ill-will between the religions. Therefore, the ingredients under Section 153B(c) have been satisfied and an offence under the provision may be made out, punishable with imprisonment upto 3 years, or fine, or both.

3. Section 295A: The provision criminalizes, *inter alia*, words, either written or spoken that with deliberate and malicious intention of outraging religious feelings of any class of citizens, insults or attempts to insult the religion/its beliefs. By indicating that Islamic practices are unacceptable, and stating that they are the cause for the spreading of a disease, with the malicious and deliberate intention of outraging their feelings and beliefs, the ingredients under Section 295A have been satisfied and an offence under the provision has clearly been made out. This offence is punishable with imprisonment of either description for upto 3 years, or fine, or both.
4. Section 298: The provision criminalizes the utterance of any word/sound/gesture in sight of a person with the deliberate intention of wounding the religious feelings of any person, punishable with imprisonment of either description upto 1 year, with fine, or both. A large number of the above statements illustrate a deliberate intention to wound religious feelings of Muslims, specifically by berating their practices and places of worship. In doing so, a clear offence has been made out under Section 298.
5. Section 505(2): The provision criminalizes the publication or circulation of any statement or report containing rumors/alarming news with an intent to or which is likely to create or promote on the grounds of,

inter alia, religion or community, feelings of hatred, enmity, ill-will, between different religious groups or communities. The publication of statements and reports that fear monger and spread fake rumors about Muslims that will likely create feelings of ill-will, as well as hatred between Muslims and other communities, as such statements impute an irrational guilt and actions on the part of the religion to spread a contagious disease intentionally and wreak havoc in the country. Therefore, the ingredients under the provision are evidently satisfied and the offence may be triggered, attracting imprisonment extendable to 3 years, or fine, or both.

6. Section 300 read with Section 107: The calls to eliminate the Muslim Community are abetment to murder under Section 300 read with Section 107. Section 107 defines abetment as '*instigating a person to do a thing*' and in this case both politicians and media are abetting the offence of murder.

It is evident from the record that offences under several provisions of the Indian Penal Code, 1860 have been made out, and immediate action is required to identify, punish, and rectify these actions.

Taking action under these provisions will be to 'bear true faith and allegiance to the Constitution of India'. This is so because these offences violate the fundamental values of the respect for life, dignity and freedom which underlie the constitution.

Keeping these outright violations of fundamental rights and statutory provisions in mind, as the highest ranking police officer in the State of Karnataka, we sincerely request you to direct the jurisdictional police officers to immediately register an FIR against persons indulging in hate campaigns under sections 153A, 153B, 295A, 295B, 298,505(2) and section 300 read

with Section 107 of the IPC and take all other actions to counter such misinformation.

Your urgent action is solicited on the above points as a failure to take these violations seriously could result in genocide, which is nothing but the intentional elimination of an entire community. The calls for social and economic boycott are the precursors to genocide. This has been detailed in the complaint. So is hate speech which repeatedly dehumanizes an entire community, making them targets of vigilante violence. This too has been detailed in this complaint. Most troubling of all, both media and politicians have not hesitated to move from dehumanisation and calls for boycott to directly advocate genocide as well. These too have been detailed in the complaint. We stand on the precipice of another catastrophe to add to the health crisis of COVID-19.

The Chief Minister of Karnataka has recognized the seriousness of the crisis in his comments where he has noted that, 'The Muslim community is cooperating and that nobody should speak a word against them. You cant say that because of one small incident, the entire community is responsible and that 'he would take action against such persons'. The statement by the Commissioner of Bangalore Police condemning the spread of hateful messages was also a welcome step in the right direction.

In light of the same, we seek for appropriate legal action to be taken against the above-mentioned TV channels for the gross violation of the Programme Code in the speech made in the appended video including seizure of equipment used for operating the cable television network under Section 11 of the Cable Television Networks (Regulation) Act, 1995 for violation of Programme Code, requiring them to scroll an apology for a 2 months and suspension of their broadcast for a period of 2 months. The journalists

concerned should also be stripped off his press credentials to uphold the credibility and ethics of journalism.

We urge you to also act on this matter urgently as any delay could have precipitous consequences.

Awaiting your response,
Campaign Against Hate Speech

Endorsed By:

1. Maitreyi Krishnan
2. Siddharth K J
3. Manavi Atri
4. Bharat Palavalli
5. Robin Christopher
6. Prasanna R
7. Jyotsna Jha
8. Poorna Ravishankar
9. Pradeep Koulgi, wildlife biologist and independent researcher.
10. Swathi Shivanand