

**CAMPAIGN AGAINST HATE SPEECH**  
**ದ್ವೇಷದ ಮಾತುಗಳ ವಿರುದ್ಧ ಜನಾಂದೋಲನ**



09.05.2023

To,

The Chief Election Commissioner,  
Election Commission of India,  
Nirvachan Sadan, Ashoka Road,  
New Delhi-110001.

CC To,

The Director General of Police – Karnataka,  
No. 2, Police Headquarters,  
Nrupathunga Road,  
Bengaluru, Karnataka – 560001.

Respected Sir,

**Sub: Seeking registration of FIR and criminal action against Mr K.S Eshwarappa campaigning for Bharatiya Janata Party**

The Campaign against Hate Speech is a group of concerned activists, parents, lawyers, researchers, media persons and academicians who are working towards combating hate speech, to ensure action is taken against those perpetrating hate speech.

We are filing the present complaint against Mr K.S. Eshwarappa, for disrupting communal harmony through his statements, in violation of the law. On April 25th 2023, during the BJP election campaign in Shimoga, made a speech, the tone and subject of which was discriminatory, and derogatory and was intended to spread hate between Hindus and Muslims. In this public speech, he said that the BJP does not want a single Muslim vote and that the Congress leaders will not come when Muslim boys harass Hindu girls.

He said, "When our girls are troubled by those Muslims will Congress leaders come? Will they stand with us? Here we should not just think about roads, sewage, street lamp and water. We should think of our personal lives, our dharma, our culture, and we should save this country. Whoever plants the poisonous seed of caste should be shown their place. The reason why I am saying this is because, we should tell those who engage in caste based and sub-caste politics that we are united and please don't divide us. They also say another thing that there are 50-55 thousand Muslims votes, we don't want a single vote from that. I'll tell you directly, we don't want a single one."

The relevant portion of his derogatory speech can be found in this link <https://m.youtube.com/watch?v=SMR3bLB7ekk> which was circulated and broadcasted in different news channels. While he makes the claim that one must not engage in caste based voting he without refrain goes on to say that "50-55 thousand Muslims votes, we don't want a single vote from that."

Mr K.S. Eshwarappa is a clear violation of the law, disrupting communal harmony, and inciting hatred, and discrimination. His statements amount to offences under Sections 153A, 153B, 295A, 298, and 505(2) of the Indian Penal Code, 1860. He has not only pitted Hindus against Muslims but is seeking to create ill will and hatred against Muslims, ostracise them, polarised them and promote enmity against them, by making such derogatory statements. His statements are a direct assault on the core values of our Constitution. His statements are in gross violation of the law, as follows:

1. Section 153A(1)(a): Mr K.S. Eshwarappa, by making the above-mentioned statements, has through his words promoted disharmony, enmity, and ill-will between religious groups based on religion. His statements pit other minority religious communities against Hindus, creating hatred against such minority religious communities. The ingredients of the provision have clearly been made out, amounting to an offence under Section 153A(1)(c) punishable with imprisonment which may extend to 3 years, or with fine, or with both.
2. Section 153B(1)(b): Mr K.S. Eshwarappa's above statements are an attempt to deprive other religious communities of their equal citizenship in the country, by denying their right to the country. By stating that Muslim boys harass Hindu girls, he attempted to spread hate against Muslim citizens. Further by stating

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that the BJP does not require a single muslim vote, these statements are polarising, derogatory and discriminatory. Such statements, which assert, counsel and advise that other religions shall by reason of their being members of those religions, and not being Hindus, be deprived of their right as citizens of the country, is in complete violation of the provision, and is thus punishable with up to 3 years, or with fine, or with both.

3. Section 295A: Mr K.S. Eshwarappa's statements maliciously and deliberately outrage the religious feelings of a class of citizens and insult the religions by imputing that Muslim boys harass Hindu girls and that their votes are not valuable because of their religious identity. It is an attempt to threaten violence against them and instil fear in the minds of the Muslim community that they might be accused of harassing Hindu girls on the count of them being Muslims. The ingredients of the provision are made out. Thus, he is punishable with imprisonment up to 3 years or with fine or with both.
4. Section 298: Mr K.S. Eshwarappa's statements and the tone of the speech were meant to incite violence and were uttered with the deliberate intent to wound the religious feelings of all religious communities outside of Hindus, and is punishable with imprisonment which may extend to 1 year, or with fine, or with both.
5. Section 505(2): Mr K.S. Eshwarappa's statements, were intended to wedge a divide between Hindus and Muslims. The above statements clearly promote on the grounds of religious enmity and ill-will between religions, amounts to an offence, punishable with up to 3 years imprisonment, or with fine, or both.
6. The Hon'ble Supreme Court in Pravasi Bhalai Sangathan v. Union of India reported in AIR 2014 SC 1591 has approved the Communal Harmony Guidelines. Further, under Clause 2.8, activities of organisations with avowed goals that could undermine communal harmony should be kept under careful watch, with District Police monitoring of these organisations, including Mr K.S. Eshwarappa's activities.

As the offences except for the offence under Section 298 are both cognizable and non-bailable offences per Schedule I of the Code of Criminal Procedure, 1973, per the

directions of the Hon'ble Supreme Court in Lalita Kumari v. State of U.P. reported in (2014) 2 SCC 1, registration of an FIR is mandatory. In light of the above, we seek that you:

1. Immediately register an FIR against Mr K.S. Eshwarappa under Sections 153A, 153B, 295A, 298, and 505(2) of the Indian Penal Code, 1860 and ensure his arrest.
2. Undertake urgent measures to promote and maintain communal harmony in Karnataka during elections.
3. Take immediate steps to implement the Guidelines on Communal Harmony.

Statements such as those made by Mr K.S. Eshwarappa, if left unpunished, undermine the secular fabric of our Constitution and severely strain the quality of equality enshrined in Article 14. These statements, which effectively deny equal citizenship to religious communities, are in gross violation of the anti-discrimination principle underpinning our Constitution. Every person has the right to live with dignity under Article 21 of the Constitution, which includes in its fold the right to live free from fear. Out rightly rejecting votes of an entire religious community for the election amounts to hate speech that excludes the said community. More so, it indicates that if the said party comes in to power they will completely ignore the citizenship rights, well being of the community. This as a whole is detrimental to the democracy where in all people regardless of who they vote to form the government must be treated non discriminatorily. In order to protect these core values of our Constitution, and to ensure that religious communities are not subjected to hate speech and denial of citizenship, we urge you to take urgent action in this regard.

Yours Sincerely,  
Campaign against Hate Speech

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