

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

(ORIGINAL JURISDICTION)

W. P. No. _____ / 2020 (PIL)

BETWEEN:

1. Campaign against Hate Speech
An unregistered organisation represented

...PETITIONERS

AND:

1. State of Karnataka
Represented by its Chief Secretary
Vidhana Soudha,
Bengaluru-560 001
2. Ministry of Home
Government of Karnataka,
Represented by its Secretary

Vidhana Soudha, Bengaluru-560 001

3. Director General and Inspector General of Police,
Karnataka, Nrupathunga Road,
Bengaluru-560 001
4. Ministry of Information and Broadcasting
Represented by the Secretary,
Room No.552, 'A' wing,
Shastri Bhavan,
New Delhi-110001
5. Press Information Bureau
'A' wing, Shastri Bhavan,
New Delhi-110001
6. The Chairperson
Karnataka State Level Monitoring
Committee for Private Television Channels,
Department of Information and Broadcasting
Infantry Road, Bengaluru-560 001.
7. Commissioner of Police,
District Level Monitoring Committee
For Private Television Channels,
No.2, Ali Asker Road,
Vasanth Nagar, Bengaluru-560 051.
8. National Commission of Minorities
3rd floor, Block 3, CGO Complex,
New Delhi-110 003.
9. Karnataka State Minorities Commission
5th Floor, Viswesaraya Main Tower,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
10. National Human Rights Commission
Represented by the Secretary.

Fardikot House, Copernicus Marg,
New Delhi-110001.

11. Karnataka State Human Rights Commission
Represented by its Secretary,
1st to 4th floor, M.S. Building,
5th Phase, Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001. ...RESPONDENTS

MEMORANDUM OF WRIT PETITION UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA

The Petitioners above named respectfully submits as follows:

1. The address of the Petitioners for the purpose of service of notice, summons and other court processes is as shown in the cause-title or through their counsel, Mr. Harish B. Narasappa and Ms. Poornima Hatti, Samvad Partners at No. 62/1 Palace Road, Vasanth Nagar, Bangalore – 560 001. The email of the Petitioners authorising counsel to represent them before this Hon’ble Court is produced herewith as **Annexure A (Colly)**.
2. The address of the Respondents for similar purposes is as shown in the cause-title above.

BRIEF DESCRIPTION OF THE PARTIES

3. The Petitioner No.1, the Campaign Against Hate Speech, is a group of highly accomplished academics, lawyers and concerned citizens from different professional backgrounds working to combat hate speech by sections of media, public personalities and on social media. It also works to ensure compliance by media companies to law and ethics regarding hate speech. The Petitioner No.2 is a social anthropologist and was a former professor at the National Institute of Advanced Studies, Bengaluru. It is noteworthy to mention that the

Petitioner No.2 is also a recipient of the The Infosys Prize 2013 in Social Sciences - Sociology and Anthropology, for her distinctive and pioneering research spanning a remarkable range covering the areas of Agrarian societies at the intersection of economy, culture and environment, social science from the vantage point of Indian languages and regional cultures, etc. The Petitioner No. 2 is currently working on alternative learning programmes for rural youth. The Petitioner No.3 is an accomplished researcher based in Bangalore who is engaged in the work and analysis of issues pertaining to human rights and social justice.

4. The Respondent No.1 is the State of Karnataka through the Chief Secretary. The Respondent No.2 is the Ministry of Home of the Government of Karnataka. The Respondent Nos.1 and 2 are responsible for the overall administration including law and order, in the State of Karnataka. The Respondent No.3 is the Director General and Inspector General of Police. The Respondent No. 3 is the highest-ranked police officer in the State of Karnataka and as the head of the State's police force, is tasked with the specific duty of maintaining law and order in the State of Karnataka. The Respondent No.4 is the Ministry of Information and Broadcasting and is responsible for formulation and administration of laws, rules and regulations in the areas of information, broadcasting, the press and cinema in India. The Respondent No.5 is the Press Information Bureau, and is one of the arms of the Ministry of Information and Broadcasting, and functions as the nodal agency of the Government of India to disseminate information to the print and electronic media on government policies, programmes and initiatives, functioning as the interface between

the Government and the media. Respondent No.6 is the Chairperson of the Karnataka State Level Monitoring for Private Television Channels and Respondent No.7 is the Commissioner of Police and functions as the head of the District Level Monitoring for Private Television Channels. Respondent Nos.6 and 7 are the monitoring committees established under the provisions of the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994. The Respondent No.8 is the National Commission of Minorities, a body set up under the provisions of the National Commission for Minorities Act, 1992 to *inter alia*, safeguard the rights and interests of the minorities in India. The Respondent No.9 is the Karnataka State Minorities Commission, a body set up under the provisions of the Karnataka State Minorities Commission Act, 1994 to *inter alia*, safeguard the rights and interests of the minorities in the state of Karnataka. The Respondent No.10 is the National Human Rights Commission, a body set up under the provisions of the Protection of Human Rights Act, 1993 to *inter alia*, protect and promote human rights in India. The Respondent No.11 is the Karnataka State Human Rights Commission, a body set up under the provisions of the Protection of Human Rights Act, 1993 to *inter alia*, protect and promote human rights in the state of Karnataka.

I. Brief Background and Facts: Overview on Hate Speech

5. The Petitioners have filed this writ petition, in public interest, seeking the immediate action of the Respondents to uphold the rule of law in the State of Karnataka by enforcing the statutory provisions and *inter*

alia, register complaints and initiate prosecution against individuals accused of delivering hate speeches, specifically targeting people of a minority religion and community which has resulted in tragic instances of the social and economic boycott of the community.

6. Article 19(1)(a) of the Constitution guarantees freedom of speech and expression to all citizens of India. However, clause (2) of Article 19 authorises the State to impose reasonable restrictions to the exercise of the freedom guaranteed under that article in the interest of sovereignty and integrity of India, the security of the State, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence, etc. Essentially, the Constitution protects speech as long as it is within the four corners of Article 19.
7. Hate speech is an expression for speech which goes beyond causing 'offence, shock or disturbance' for individual persons and rises to the level of having a societal impact. Hate speech dehumanizes entire groups and lays the ground for attacks on vulnerable groups including social and economic boycotts, segregation, ghettoization and in extreme cases genocide. Hate speech is thus an attack on values the Constitution holds dear including non-discrimination, fraternity and dignity..
8. Hate speech, therefore, stands directly in contrast to responsible speech by abusing the notion of freedom of speech that is granted under Article 19(1)(a) of the Constitution of India. The Petitioners humbly submit that effective action against hate speech is absolutely necessary to safeguard and protect the constitutional values of equality, non-discrimination, dignity and fraternity

9. The Hon'ble Supreme Court has consistently recognised that the freedom of speech is not an absolute right and that it cannot be made at the cost of affecting the larger interests of the community. The Hon'ble Supreme Court in *Superintendent, Central Prison v. Ram Manohar Lohia* (AIR 1960 SC 633) has observed as follows:

“There does indeed have to be a compromise between the interest of freedom of expression and social interests. But we cannot simply balance the two interests as if they are of equal weight. Our commitment to freedom of expression demands that it cannot be suppressed unless the situations created by allowing the freedom are pressing and the community interest is endangered. The anticipated danger should not be remote, conjectural or farfetched. It should have a proximate and direct nexus with the expression. The expression of thought should be intrinsically dangerous to the public interest. In other words, the expression should be inseparably locked up with the action contemplated like the equivalent of a ‘spark in a powder keg’”.

10. The Hon'ble Supreme Court in *State of Karnataka v. Praveen Bhai Togadia* (2004 (4) SCC 684) has observed as follows:

“It is therefore, imperative that if any individual or group of persons, by their action or caustic and inflammatory speech are bent upon sowing seed of mutual hatred, and their proposed activities are likely to create disharmony and disturb equilibrium, sacrificing public peace and tranquility, strong action, and more so preventive actions are essentially and vitally needed to be taken. Any speech or action which would result in ostracization of communal harmony would destroy all those high values which the Constitution aims at. Welfare

of the people is the ultimate goal of all laws, and State action and above all the Constitution. They have one common object, that is to promote well-being and larger interest of the society as a whole and not of any individual or particular groups carrying any brand names. It is inconceivable that there can be social well-being without communal harmony, love for each other and hatred for none.”

11. The Indian Penal Code, 1860 (“**IPC**”) contains provisions that punish certain kinds of speech.
12. Section 153A of the IPC criminalises the ‘promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and doing acts prejudicial to the maintenance of harmony’. Sub-sections (a) and (b) of Section 153(1) have been extracted below:

“153(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 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,*

.....

Shall be punished with imprisonment which may extend to three years, or with fine, or with both."

13. Section 153B (c) states that-“Whoever, by words, spoken or written or by signs or by visible representations or otherwise, makes or publishes assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members or other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.”
14. Sections 295-A and 298 of the IPC penalises acts and statements which insult or wound the religious feelings of any person or a certain class of people. Section 295-A reads as follows:

“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 four years, or with fine, or with both.”

15. Similarly, Section 298 of the IPC reads as follows:

“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.”

16. Section 505(2) of the IPC penalises statements which create or promote enmity, hatred and ill-will between classes. Section 505(2) reads as follows:

“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 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.”

II. Outbreak of the COVID-19 Pandemic

17. At the end of last year, an infectious disease by the name of the novel coronavirus or COVID-19 originated from the wet-markets of Wuhan, China and started to spread throughout the world. The World Health Organisation (“WHO”) declared COVID-19 to be a public health emergency of international concern on January 30, 2020. COVID-19 does not know or understand man made differences such as religion or nationality and has spread with great speed across the world.
18. In India, the first case of COVID 19 was reported on January 30, 2020 and cases have been reported regularly after that. In order to prevent the further spread of the pandemic, India enforced a nationwide “lockdown” on March 24, 2020. Some states, including Karnataka had

imposed lockdowns even earlier than the nationwide lockdown.

19. As on the date of this petition, more than 27,000 people across India have tested positive for COVID-19 and more than 800 people have succumbed to the disease. Just as everywhere else in the world, COVID-19 has affected and continues to affect individuals irrespective of religion, caste, gender and economic status.

III. Inciteful and irresponsible speech and reportage on the COVID-19 in India

20. Media which is referred to as the fourth pillar of democracy plays a pivotal role in disseminating information to the members of the public. The Hon'ble Supreme Court as well as various Hon'ble High Courts in India have recognised this and have consistently held that the freedom of the press is an integral part of Article 19(1)(a) of the Constitution when media reporting has sought to be curtailed.
21. As the rights of the media are safeguarded under Article 19(1)(a), due to the media's extended reach and the impact it can play when it comes to the reporting of events, the role and responsibility of the media gains additional importance, particularly in ensuring that there is no dissemination of hate speech.. The media is obligated to report facts and to not indulge in propagating or promoting hate speech. Hate Speech is antithetical to the constitutional values of respect for the dignity of the individual, equality and fraternity which the media is duty bound to respect.
22. The Cable Television Networks (Regulation) Act, 1995 (“**Cable TV Regulation Act**”) is the overarching legislation which regulates the operation of the TV

channels as well as the content aired by them. The Cable Television Network Rules, 1994 (“**Cable TV Regulation Rules**”) outlines the nature of the content and other particulars that can be aired by the TV channels. Respondent No. 4 is responsible for regulating the media in India.

23. Section 2(a) of the Cable TV Regulation Act has designated certain personnel including Respondent No.7 as the ‘authorised officer’. Any violation of the Cable TV Regulation Act amounts to an offence punishable under Section 16 of the Cable TV Regulation Act, cognizance of which can be taken only upon the written complaint of the authorised officer.
24. Section 5 of the Cable TV Regulation Act prevents a person from transmitting or re-transmitting through a cable service any programme unless the said programme follows the prescribed programme code. The programme code is defined under Rule 6 of the Cable TV Regulation Rules. Rule 6 lists the items which a given programme that is to be telecast by a channel has to follow. Rule 6(1) (c), Rule 6(1) (d), Rule 6(1) (e), Rule 6(1) (i) and Rule 6(1) (m) have been extracted below:

“Rule 6: Programme Code: (1) 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 promotes anti-national attitudes;*

...

(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.”*

25. The Respondent No.4 has also regularly issued advisories to private satellite TV channels to broadcast content that strictly adheres to and satisfies the ingredients of the Programme and Advertising Codes as prescribed in the Cable TV Regulation Act, 1995, and the Cable TV Regulation Rules framed thereunder.

26. Additionally, the Respondent No.4 issued directions to all Private Satellite TV channels, seeking their cooperation in refraining from broadcasting content that may incite violence, threaten national integrity and violate the aforesaid prescribed Codes. A copy of the Advisory dated December 11, 2019 is produced herewith and marked as **Annexure B.**

27. As various media organisations had not strictly followed the aforesaid advisory dated December 11, 2019, the Respondent No.4 issued another advisory dated December 20, 2019 addressed to all private TV channels whereby they were asked to abstain from showing any content which:

“a. is likely to instigate violence or contains anything against maintenance of law and order or which promotes anti-national attitudes;

b. Contains anything affecting the integrity of the nation;

c. **Criticises, maligns or slanders any individual in person or certain groups, segments of social public and moral life of the country**” (emphasis supplied)

A copy of the Advisory dated December 20, 2019 is produced herewith as **Annexure C**.

28. The Respondent No.4 issued another advisory dated February 25, 2020 to all private satellite TV channels and advised the TV channels to be cautious to report any content which:

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

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

(iii) **Contains anything defamatory, deliberate, false and suggestive innuendos and half-truths.**” (emphasis supplied).

A copy of the said Advisory dated February 25, 2020 is produced herewith and marked as **Annexure D**.

29. Unfortunately, various political leaders and media in the country in general and in the State of Karnataka, in particular, have indulged in hateful and inciteful speech and reportage in connection with the spread of the

COVID 19 in India. There has been a continuous and sustained campaign to link the spread of the disease to a minority community. This has led to fear and hate in society contributing to social and economic boycott of people from the minority community across the state of Karnataka.

30. Some of the inflammatory remarks that have been made through private television channels include “*Corona super spreaders.....they have no right to live on this soil.*”,

“We have identified the corona villains and all we need to do is, firstly isolate, second catch them, third punish them and lastly defeat them and this will be a major achievement.”,

“The government should initiate Draconian steps, unforgiving steps to teach this a lesson, make them pay, destroy their financial base, put huge fines on them, lock up leadership in jail”.

31. This consistent, prominent and obviously inflammatory language has provided communally charged persons within society an avenue to let out their biased opinions thus dividing communities, impacting livelihood and endangering lives in this difficult time. A detailed compilation of some of the leading private news channels covering this divisive and communally charged statements and reporting is provided at **Annexure E**.
32. It is abundantly clear from these derogatory statements made on news-channels on national and regional television and in various publications that they have been made with the sole intention and purpose of inciting hatred against certain communities. Such repeatedly biased and even false coverage (in the light of clear scientific and medical facts) is a clear offence under

Section 153A IPC as it promotes enmity between different religions.

33. These reports and statements made by the media, deliberately and maliciously insult the religious beliefs of certain minority community and these reports and statements clearly constitute an offence under Section 295-A and Section 298 of the IPC.
34. Further, the reports and statements made by the media are in explicit violation of the provisions of the Cable TV Regulation Act read with the Cable TV Regulation Rules and are also against the advisories produced at Annexures B, C and D issued by the Respondent No.4.
35. A careful examination of the screengrabs of media reports furnished along with this Petition at Annexure E establishes that the media houses and TV channels are intentionally singling out citizens who belong to a minority community and falsely attributing the spread of COVID-19 solely to one community. By doing so, the aforesaid media reports have been successful in inciting hatred against citizens belonging to the above minority community and continue to do so.
36. Various political leaders in the State of Karnataka have also made statements that have added fuel to the fire. Some of the reported statements made by Members of Parliament and members of the state Legislative Assembly are produced at **Annexure F**.
37. The aforesaid reports by the various media houses and statements made by political leaders falsely attributing the spread of the pandemic in the country solely to one community (and against scientific and medical facts) has resulted in several reported instances wherein members

of the community have been boycotted, socially and economically and in many cases have also been attacked.

38. Unfortunately, some members of the public have acted on these biased reports shared across media platforms by denying to the community access to timely medical care and other welfare measures including rations. Moreover, the members of the community have also been subjected to physical attacks by the public in certain areas of Karnataka.
39. Members of the community were attacked in Bidari village in Bagalkot district when they had gone fishing. In Dasarahalli area of Bengaluru, relief workers belonging to the community were attacked by goons when the relief workers were distributing essential items to different households in the area. Vendors belonging to the community have been barred from entering certain areas in Dakshina Kannada district. Currency notes that have been given by members of the community have been washed with water in Mandya for fear that the same were tainted with the virus. Instances where the members of the community have been boycotted as well as attacked have been reported in the media as produced along with this petition at **Annexure G**.
40. The Petitioners humbly submit that such boycott violates the spirit of fraternity amongst all people in the country, which is one of the objectives of our Constitution and set out in the Preamble. The Petitioner also submits that such forms of social boycott amounts to an unfortunate practice of untouchability and violates Article 17 of the Constitution of India. This is also violative of the right to life and livelihood guaranteed by Article 21 of the Constitution.

41. The slanderous media reports and related propaganda against a specific community clearly amounts to hate speech as defined by the Hon'ble Supreme Court in *Pravasi Bhalai Sangathan v. Union of India* (AIR 2014 SC 1591) ("**Pravasi Bhalai Sangathan**") and the 267th Report of the Law Commission. The said Report defines 'Hate Speech' as "incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief and the like. Thus, hate speech is any word written or spoken, signs, visible representation within the hearing or sight of a person with the intention to cause fear or alarm, or incitement to violence". The Hon'ble Supreme Court in Pravasi Bhalai Sangathan defined 'Hate Speech' as "*an effort to marginalise individuals based on their membership in a group*". Crucially the Supreme Court, elucidated the impact of hate speech noting "*hate speech, therefore, rises beyond causing distress to individual group members. It can have a societal impact. Hate speech lays the groundwork for later broad attacks on the vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts a protected group's ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy.*"
42. The Petitioners humbly submit that the statements made by the media and political leaders in the instant case fall within the definition of hate speech as propounded by the Supreme Court. It is also submitted that news reports regarding violence and social & economic boycott of one community shows that part of the grave consequences of hate speech which flow from unrestricted hate speech are

already in operation, due to the lack of action on the hate speech by concerned authorities.

43. The fact that there is social and economic boycott of members of the minority community and that there have been calls to eliminate members of the minority community, indicate that even what the Supreme Court considers the “extreme case of genocide” is within the realm of possibility, if urgent action is not taken by the Respondents to fulfil their legal obligations and restore faith of all communities that the rule of law applies to all persons without fear or favour.
44. In addition, these reports and statements attributing blame to, and targeting members of a specific minority community, give rise to communal disharmony and increasing ill will towards the said minority community and also amount to offences under Sections 153A, 153B, 295-A and 298 of the Indian Penal Code.
45. These statements and reports have also led to continuous circulation of slanderous posts and related propaganda on social media against a specific community, calling for their social and economic boycott and violence against the members of the community.
46. The Petitioners humbly submit that despite these clear and continued violations of the law, the Respondents have not taken any steps whatsoever to initiate legal action against the perpetrators of such hate speech despite the identity of these individuals and organisations being publicly known.
47. Alarmed by this state of affairs, the Petitioner No.1 was constrained to write emails and letters to all the Respondents, seeking their immediate action in punishing the offenders and bring to a stop the rampant

circulation of hate speech and propaganda. The Petitioner No.1 addressed emails to the Respondent Nos.1,2,3, 6, 9 and 11 vide emails dated April 13, 2020; addressed emails to Respondent Nos. 8 and 10 vide emails dated April 15, 2020; addressed email to Respondent No.4 vide email dated April 18, 2020 and addressed emails to Respondent No.5 vide emails dated April 14, 2020 and April 17, 2020. Details of the violations were meticulously collected and included in such communication. The said emails are collectively produced herewith as **Annexure H**. Unfortunately, the Respondents have not taken any action even after these communications.

48. Further inaction by the authorities will result in a state of anarchy, gross violation of human rights and the citizens of this country who belong to a certain community and practice a certain religion will be marginalized in clear violation of the principles enshrined in the Constitution.
49. It is in this background that the Petitioners have moved this Hon'ble Court for the reliefs claimed here under, being aggrieved by the inaction of the Respondents in failing to take cognizance of these various acts of hate speech. It is submitted that the Petitioners have not filed a case before any other Court arising from the same cause of action. It is further submitted that the Petitioners do not have any other alternative remedy in the present instance. Therefore, the Petitioners have approached this Hon'ble Court to seek necessary relief.

GROUND

50. The Respondents have failed to enforce the applicable law as they have not taken any action against the

perpetrators of hate speech targeting specific communities and calling for violence against them.

51. The Respondents have failed to uphold the “rule of law” which is part of the basic structure of the Constitution by their continued inaction.
52. The failure of the Respondents to take action against the violators has encouraged behaviour which perpetrates new forms of social boycott that violates not only the principle of fraternity but also specifically Article 17 of the Constitution.
53. The Hon’ble Supreme Court has held that the freedom of speech is not an absolute right. Freedom of speech cannot be used to target specific communities. Hate speech is harmful and divisive for communities and poses a serious threat to national integrity and the principles of democracy. It also has real and devastating effects on people’s lives and risks their health and safety. The media reports and statements made by political leaders mentioned above targeting ill will, blame and hatred towards one particular community poses a serious threat to communal harmony and national integration and are violative of the Constitutional principles and reasonable restrictions enshrined under Article 19 of the Constitution of India. The Respondents have failed to take action under the applicable statutory law, including the IPC.
54. The reports and statements mentioned above have resulted in the social and economic boycott of the members of the minority community and have deprived a significant section of the community from sustaining their livelihood and depriving their rights to live with

dignity, thereby violating Article 21 of the Constitution of India.

55. The economic and social boycott of the minority community which is a direct consequence of the hate speech is also a violation of the non-discrimination guarantee in Article 15(2).
56. The reports and statements mentioned above are violative of the programme code under Section 5 of the Cable TV Regulation Act and is punishable under Section 16 of the Cable TV Regulation Act. Despite these offences having been brought to the notice of Respondent Nos.4,5,6 and 7, these Respondents have failed to take any action.
57. The reports and statements mentioned above explicitly attack a minority community and have called for violence against them and clearly amount to offences under Sections 153A, 153 B, 295 A, 298 and 505(2) of the IPC. Despite these offences being brought to their attention, the Respondents have failed to take any action.
58. The media reports and statements described above have maligned a single minority community, instigated acts of violence and boycott of the said minority community, thereby violating the constitutionally guaranteed right of fraternity, non-discrimination and dignity of the individual.
59. The media reports and statements described above have promoted communal disharmony and ill will against members of a single community and are severely prejudicial to the maintenance of communal harmony. These media reports also disturb public tranquillity as they blatantly promote hatred, distrust, and discrimination against the minority community by

placing blame on them for the spread of the deadly disease. Therefore, these media reports amount to the commission of offences under Section 153A of the IPC. The Respondent No. 3 has failed to take any cognizance or carry out any investigations in respect of this offence despite the offence being brought to his notice.

60. These media reports and statements, by making imputations regarding the liability of the targeted community in the spread of the pandemic, have caused disharmony between the said community and other communities, and have also caused ill-will against the said community, amounting to an offence under Section 153B(c) of the IPC. However, no action has been taken in this regard by the Respondent No. 3 despite the Petitioner No.1 having brought the aforesaid offence to the notice of the Respondent No. 3.
61. The media reports and statements, by focusing on one community and stating that they are the primary cause for the spreading of the disease, with the malicious and deliberate intention of outraging the feelings and beliefs of the said community, amounts to an offence under Section 295-A of the IPC. Further, the media, by its portrayal of the community, through words, gestures and objects, with a deliberate intention to wound the religious feelings of the community, have committed an offence under Section 298 of the IPC. No action has been taken in this regard by the Respondent No.3 despite the Petitioner No.1 bringing the same to the notice of the Respondent No.3.
62. The publication of the media reports and statements targeting members of a single community for the spread of the pandemic also amounts to fear mongering, with the intention to create feelings of ill-will, as well as hatred

against the said community therefore attracting the provisions of Section 505(2) of the IPC. The Respondent No. 3 has failed to take cognizance of this offence, despite the Petitioner bringing the same to his notice.

63. The publication and media reports and statements target members belonging to a minority community. The Respondent Nos.8 and 9, have been established to primarily protect the welfare of minorities. The Respondent Nos.8 and 9 also have the power to “look into specific complaints regarding the deprivation of rights and safeguards of the minorities and to take up such matter with the appropriate authorities”. Despite the Petitioners, through the Campaign Against Hate Speech, bringing these complaints to the notice of Respondent Nos.8 and 9, no action has been taken in this regard.
64. The publication of the media reports and statements targeting members of a single community for the spread of the pandemic also amounts to a violation of human rights of the community. Respondent No.10 and Respondent No.11 have been established to protect the human rights of victims. Respondent Nos.10 and 11 also have *suo moto* powers to initiate inquiries in case humans’ rights violations are alleged. Further, Respondent Nos.10 and 11 have powers similar to a civil court when inquiring into complaints alleging violation of the Protection of Human Rights Act, 1993. Despite the Petitioners, through the Campaign Against Hate Speech, bringing documented instances of the violations that have been carried out against the community to the notice of Respondent Nos.10 and 11, no action has been taken in this regard.

65. That the above grounds are urged without prejudice to one another. The Petitioners crave leave of this Hon'ble Court to urge additional grounds at the time of hearing.

GROUND FOR INTERIM PRAYER

66. That if urgent interim reliefs and / or measures are not passed, it would result in further continued inflammatory remarks being passed, leading to the alienation of already marginalized communities.

67. Over the last few weeks, there have been instances of members of the targeted community being subjected to discrimination, ill-treatment and even physical violence. If strict and immediate action is not taken by the Respondents to curb these media reports and statements, the Petitioners apprehend that instances of physical violence targeted at the marginalized community are likely to increase.

68. Further, the continued inaction by the authorities will result in a state of anarchy, which is likely to result in gross violation of human rights of the marginalized community who are citizens of the country and are entitled to protection and prevention against discrimination under the Constitution.

69. That continued failure of the Respondents to curb these instances of hate speech will result in a gross violation of the Constitutional rights granted to all citizens inter alia those belonging to the marginalized community, who are entitled to be treated with the same dignity and respect as all other citizens of the country.

70. That the failure of the Respondents in taking appropriate action in accordance with law amounts to a condonation of these actions and will only result in an increase in

crimes against these people belonging to the marginalized community carried out with unprecedented impunity. Such actions will have a cascading effect resulting in further erosion on restrictions of freedom of speech.

71. The Petitioners crave leave to raise additional grounds at the time of hearing and submits that the aforesaid grounds are raised without prejudice to one another.
72. No writ or other proceedings have been initiated by the Petitioners on the same cause of action before this Hon'ble Court or any other Court, Forum or Tribunal.
73. Court fees of Rs.100/- has been paid on this Petition.
74. That this Hon'ble High Court has the necessary jurisdiction to entertain the writ petition.
75. The Petitioners submit that for the reliefs sought in the instant Petition, the Petitioners do not have any alternative, efficacious remedy apart from this Petition.

PRAYER

WHEREFORE, it is humbly prayed that this Hon'ble Court may be pleased to:

- a. Call for records from the Respondents with respect to any action they may have taken in connection with the offences and violations specified in this petition;
- b. Issue a writ of Mandamus directing the Respondents to take action in accordance with law against media houses and political leaders who have done, and continue to, violate the law with impunity;
- c. Issue a writ of mandamus directing the Respondent No.1 to initiate steps to take down inflammatory videos and reports targeting specific communities;

- d. Issue a writ of mandamus directing the Respondent No.3 to initiate action against media houses and political leaders who have violated provisions of the IPC and other applicable penal laws.
- e. Issue a writ of mandamus directing the Respondent No.4 to issue appropriate orders against the media houses who have violated the provisions of the Cable Television Networks (Regulation) Act, 1995 read the Cable Television Networks (Regulation) Rules, 1994 as well as the Advisories issued by Respondent No.4;
- f. Call for records from Respondent No.4 with respect to the constitution and functioning of the State Level Monitoring Committee for Private Television Channels as well as the District Level Monitoring Committee for Private Television Channels;
- g. Issue a writ of Mandamus directing Respondent No.8 to register the complaint filed by the Campaign Against Hate Speech and co-ordinate the said resolution of the said complaint with the appropriate authorities under the terms of the National Commission for Minorities Act, 1992;
- h. Issue a writ of Mandamus directing Respondent No.9 to register the complaint filed by the Campaign Against Hate Speech and co-ordinate the said resolution of the said complaint with the appropriate authorities under the terms of the Karnataka State Minorities Commission Act, 1994;
- i. Issue a writ of Mandamus directing Respondent Nos.10 and 11 to register the complaint filed by the Campaign Against Hate Speech and initiate inquiries in accordance with the provisions of the Protection of Human Rights Act, 1993;

j. Pass any other necessary writ, order or direction as may be deemed necessary in the facts and circumstances of the case.

INTERIM PRAYER

WHEREFORE, it is humbly prayed that this Hon'ble Court may be pleased to pass an Order:

Directing the Respondent No. 3 to act on the emails and complaints filed by the Petitioner, registering First Information Reports in respect of the media reports produced at Annexures E, F and G, that are in violation of Sections 153A, 153B, 295-A, 298 and 505(2) of the Indian Penal Code, 1860

Place: Bengaluru

Date:

Advocate for

Petitioner

Address for Service

Samvād: Partners

Advocates

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