

To,  
The Duty Officer in-charge  
.....Police Station  
City/District.....  
State .....

Subject: Complaint/FIR against (FULL NAME OF ACCUSED/ ORGANISATIONAL AFFILIATION AND DESIGNATION/ADDRESS OF ACCUSED) under Sections 153A, 153B and 505 of the Indian Penal Code

1) The text of the speeches made/pamphlets distributed etc need to be detailed, especially those passages that clearly offend sentiments and create a communal atmosphere.

2) State that after they were published/telecast, the statements have not been denied by the accused.

3) Point out that the above statements are a grave threat to peace and the unity and integrity of India. Especially so, in view of the sensitive atmosphere today when aggression is being unleashed on sections of our population. That these statements violate S.153-A, 153-B, 505(1) and (2) of the Indian Penal Code. (Section 501(1) and (2) are also sections on Hate Speech and therefore strengthens the case).

4) Mention that S.153-A of the Indian Penal Code states:

(1) Whoever-

a) by words, either spoken or written, or by signs or by visible representation 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 feeling of enmity, hatred or ill-will between different religious, racial, language or regional groups 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,

c) ...shall be punished with imprisonment which may extend to three years, or with fine or with both.

5) Mention that S.153-B of the IPC states:

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, -

(a) makes or publishes any imputation that any class of person cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of person shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religions, 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 and other persons,

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

6) Relevant extract of Section 505 reads as under:

" (1) Whoever makes, publishes or circulates any statement rumours or reports,

(a) .....

(b) with intent to cause or which is likely to cause fear or alarm to public or to any section of public whereby any person may be induced to commit an offence against the state or against the public tranquillity, or.

(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 extent to three years or with fine or with both.

(2). Whoever makes, publishes or circulates any statements or report containing rumours or alarming news with intent to create or promote or which is likely to create or promote, on grounds of religion, . . . .feeling 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 extent to three years or with fine or with both."

7) As per the above statements of **(FULL NAME OF ACCUSED)**, the minority community in various parts of India is likely to feel more insecure and threatened by these statements. Besides, such statements are bound to generate communal disharmony or feelings of ill will, enmity and hatred between different religious groups. It is also an act which is prejudicial to the maintenance of harmony between different religious groups and is likely to disturb the public tranquillity. (Mention how, alienating one section of the population by imputing that they do not bear true faith and allegiance to the Constitution of India or uphold the sovereignty and integrity of India amounts to leaving them vulnerable to violent acts.)

8) Add more details of how, by stereotyping a particular section of the population and stigmatising them, an atmosphere of hatred is created which is ripe for generating aggression and violence against them.

9) Such wide-scale, alarming and false attack on sections of Indians could create and contribute to an atmosphere of causing communal carnage elsewhere in the country, and then a section of Indians could face widespread persecution.

10) As declared by the Supreme Court of India, secularism is part of the basic structure of our Constitution and these statements of **(NAME OF ACCUSED)** attack the very fabric of our Constitution.

11) I am making this complaint in my capacity as a citizen of India and under my fundamental duty to uphold the Constitution of India as laid down under Article 52 of the Constitution. The offence is likely to have an all India impact and as such falls also within your jurisdiction.

12) **(NAME OF ACCUSED)** has committed an offence under S. 153A, S. 153 B and S. 505(1) and (2) of the Indian Penal Code. Hence, cognisance should be taken of this complaint by treating it as an FIR, the matter be investigated into, and necessary action, including arrest and prosecution, be taken forthwith against **(NAME OF ACCUSED)**.

13) Please keep the undersigned informed about the developments and let me know immediately about the steps you propose to take against (**NAME OF ACCUSED**). We have already applied for sanction of the necessary authorities but you are also requested to apply for the necessary sanction. Copies for the applications for sanction are enclosed for your ready reference.

Sincerely,

Name and signature of complainant.