

Date: October 8, 2021

To,  
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Shri Bhupesh Bhagel  
Hon'ble Chief Minister  
Chhattisgarh  
Email: [cmcg@gov.in](mailto:cmcg@gov.in)

**Subject:** Complaint against unruly Hindutva mob vandalizing homes, violating curfew in Kawardha, Kabirdham

Dear Sir,

We at Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians. We would like to bring to your attention, a very violent and extremely worrying incident that recently took place in Kawardha town in Chhattisgarh's Kabirdham district on October 5, 2021.

As can be observed and noted from a video widely circulated on social media (that we believe must also have already been brought to your attention), a mob of nearly 3,000 miscreants, led by extreme right-wing outfits, marched the streets of Kawardha allegedly attacking houses and vehicles of people from "another community" and pelting stones on police personnel. In the said video, you can see people pelting stone, carrying saffron flags, and hear them chanting "*Jai Shri Ram*" (long live Lord Ram).

One individual in the video also says, "*Hindu ab jaag uttha hai, usko koi jhuka nahi sakta hai*" (The Hindus have woken up, nobody can look down upon them). In another video, you can see that one of the miscreants has climbed onto the terrace of a building and flung down a green flag. A group of men, holding saffron flags is seen cheering him on. What causes great misgivings to any right-think persons is, that, some police officials can be seen standing observing the incidents but not taking action against the mob. Local people from the area of Kabirdham district have even said the area has not seen communal tension of this kind in decades. Clearly, it is politically motivated and needs to be nipped in the bud.

According to details available in a report published on an internet portal, *The Wire*, some policemen sustained minor injuries while dispersing the mob which pelted stones at houses and shops and ransacked some vehicles. Officials have also been reported to have said that no permission was given by the administration for the rally which was taken out two days after a clash broke out between the Hindu and Muslim communities over the removal of religious flags from a thoroughfare in the town, the headquarters of Kabirdham district located around 126 km from Chhattisgarh's capital Raipur. After this clash over the removal of flags, a peace committee meeting was called which unfortunately bore no results. Predictably, a representative/functionary of the Vishwa Hindu Parishad (VHP) announced that they would protest on October 5. Anticipating trouble, the District Collector imposed curfew in the town and more than 5,000 state police personnel were deployed on the streets.

News reports indicate that both the Bajrang Dal and the VHP had called for a "peaceful" protest on Tuesday, which went out of control from the outset. The Indian Express reported that former BJP MLA Abhishek Singh, who is the son of former chief minister Raman Singh, flagged off the protest, after

which a mob of mostly young men entered Muslim neighbourhoods and began attacking vehicles, handcarts, and doors and windows of houses.

Shoaib Akhtar, the 54-year-old 'hafiz' of a nearby mosque, said: "I was pulled off my vehicle and beaten. Only when I started to bleed profusely did they leave me. The police were present but were unable to do much. They were just waving their batons and trying to shoo away the armed men."

**Both videos were downloaded by CJP from Twitter on October 6, 2021. They are annexed hereto as Annexure A and Annexure B.**

**The Wire report is annexed hereto as Annexure C.**

**The Indian Express report is annexed hereto as Annexure D.**

### **Violations**

Sirs, the incident shows a complete breakdown of the rule of law and Constitutional governance. Besides the incidents reveal various brazen violations of the Indian Penal Code. They amount to violent and direct attacks to hurt and alienate the minority community of the minority Muslim community in the said town. This has gone beyond the extent of hate speech and was a direct attack engagement with violence by coming out in a group with a common objective to humiliate and adversely impact the sentiments of Muslims. Despite prohibitory orders in place, a mob of allegedly 3,000 people roamed the streets of Kawardha with sticks and flags to cause damage. It is clear that the common objective of these people was to brazenly attack and threaten the minorities and the videos annexed show a chilling impact of such an overwhelming crowd, with closed doors of houses and shops (as precaution). Several provisions of Indian criminal law have been attracted and need to be ascribed to the accused individuals and organisations.

The violations include: the following sections of the Indian Penal Code:

**351. Assault** —Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

**149. Every member of unlawful assembly guilty of offence committed in prosecution of common object** —If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

**146. Rioting** —Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

**142. Being member of unlawful assembly** —Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

**153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed** —Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

**188. Disobedience to order duly promulgated by public servant** —Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,

shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both;

and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**Section 322. Voluntarily causing grievous hurt** —Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt”.

**Section 334. Voluntarily causing hurt on provocation** —Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

**Section 307. Attempt to murder** —Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to 1 [imprisonment for life], or to such punishment as is hereinbefore mentioned.

At the outset for the minority residents of Kabirdham district, their right to equality before the law, right to a life without discrimination and the right to life and property and freedom of movement is at grave risk (Articles 14, 15, 19 and 21 of the Indian Constitution).

**Besides these provisions are also attracted:**

**Section 295A: Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs** —Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of 7 [citizens of India], 8 [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 9 [three years], or with fine, or with both.]

**Section 298: Uttering words, etc., with deliberate intent to wound religious feelings** —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 persons 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.

**Section 425: Mischief**—Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits “mischief”.

Also, other sections pertaining to bodily harm, unlawful assemblies and disobeying of order of public servant.

The vandalization also attracts **section 3 of the Prevention of Damage to Public Property Act, 1984.**

**Section 3: Mischief causing damage to public property** —(1) Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.

### Impact

As the locals have mentioned, the area has not seen communal clashes in many decades now. It is stated that the area was under curfew and police was deployed beforehand in the area to avoid untoward incidents. In the face of such police presence, an unprecedented mob of saffron wielding mob of over 3,000 miscreants has overpowered police present in riot gear. Even in the video that we have attached as Annexure B, it can be seen that while a man has thrown a green flag from the rooftop of a building, the police standing amidst the mob did nothing to stop them or reprimand their actions. The mob is clearly riotous and certainly there is a method for police to retaliate and control such a mob at least to deter them.

Instead, many policemen were themselves injured. The police can also be seen making no attempts to arrest any of the members of this unlawful assembly that was present and had turned violent, as they are seen pelting stones and vandalizing public property as well shops and homes of people.

Once a communal clash of this scale is allowed to continue unabated, such miscreants will only be encouraged to create such tension and cause mischief disturbing public order not just in those areas in many other areas across the state. The importance to act strictly and earnestly in this matter cannot be stressed upon enough and we are certain that in your experience as an officer, you understand the magnitude of the situation. We thus, humbly urge you to take necessary action to ensure that effective investigation is carried out in this regard and the miscreants are brought to book so as not to encourage such incidents in any other areas of the state in order to maintain public order and communal harmony.

### Prayers:

Sir, the recent attacks in many states and anti-minority sentiment is on the rise. This needs your immediate attention and rapid action. Media reports have suggested that some have been detained in the town but there has been no official statement. We urge your Hon'ble authorities:

1. To immediate investigate, in a time-bound fashion, the violent clashes by the extreme right wing groups, both individuals and organisations under the Indian Penal Code, the Police Act, in order to maintain peace and order and make the investigations public.
2. To register FIRs against the accused persons and organisations who were part of the mob, vandalising property.
3. To constitute *Mohalla Committees* (Peace Committees) of the kind implemented in the famed Bhiwandi Model where not those who are vocal aggressors, but ordinary professional persons and other sections of society are regularly involved in interactions with the local population (representative of all sections of society) and the local police. These are crucial confidence building measures and also work towards *preventing pre-planned attacks and or outbursts that may take place.*
4. To take any other action as you may deem fit.



Yours sincerely,

Citizens for Justice & Peace,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures

Annexure A Video downloaded dated 06.10.2021

Annexure B Video downloaded dated 06.10.2021

Annexure C The Wire report

Annexure D The Indian Express report