



Date: December 28, 2021

To,

Shri Iqbal Singh Lalpura

Hon'ble Chairman

National Commission for Minorities

Government of India

3 rd Floor, Block 3, C.G.O Complex,

Lodhi Road New Delhi- 110003

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Subject: Hate speech and call for genocide made at the 3-day 'Dharam Sansad' in Uttarakhand

Dear sir,

We, at Citizens for Justice and Peace (CJP) are deeply concerned about a 'Hindutva Conclave' that was held in Haridwar, Uttarakhand between December 17-19 where several so-called religious leaders, espousing a hard, right-wing, exclusionist ideology and activists of the same ilk, along with hardline fundamentalist speakers and delivered incendiary and inciteful speeches. In these speeches delivered and video-taped – the video has gone “viral” and reached hundreds of thousands – they have exhorted mobs to targeted violence and even directly called for a genocide of the minority community.

The videos of the 'Dharma Sansad' or 'Religious Parliament' have, as mentioned above, gone viral over social media making it clear that the event was nothing but a platform for hate speech and a call for violence.

The persons who took part in this 'Dharma Sansad' and delivered hate speech and calls for genocide include Swami Prabodhanand Giri, president of Uttarakhand Hindu Raksha Sena; Yati Narsinghanand, Head Priest Dasna Devi temple; Sadhvi Annapurna aka Pooja Shakun Pandey, general secretary Hindu Mahasabha; Swami Anandswaroop; Swami Sagar Sindhu Maharaj from Roorkee; and Dharam Das Maharaj from Patna. Ashwini Upadhyay of the Bharatiya Janata Party (BJP), the party in power in the state, also unveiled a “Hindutva” Constitution during the said event. The presence of a ruling party member at the controversial event not only lent the affair an official stamp but also guaranteed an impunity and protection to the hate offenders.



Here are some excerpts of the speeches made at the event:

Swami Prabodhanand Giri, president of Uttarakhand Hindu Raksha Sena: “No more delay. Be ready to kill, ready to die. Start preparations, do not delay. Like in Myanmar, politicians, government, army, police and Hindu citizens will have to, the police here, the politicians here, the army and every Hindu will have to start this ‘cleansing campaign’ to pick up weapons and we will have to conduct this cleanliness drive (*safai abhiyan*). There is no solution apart from this. I say this upfront, before you get distracted elsewhere.”

Yati Narsinghanand: “No community will survive without taking up arms. They have good money power, good weapons. You need better weapons than them, forget swords, they look good only on stages. You need to update your weapons. Have more children, get better weapons. We are standing with you. Fight your own fight, save your own women and children. Speakers should not downplay the need for weapons.”

“...Swords won't be enough to kill Muslims. We need beater weapons. Without picking up arms no religion on earth is safe. When I was nine years old, even then we were speaking of economic boycott and even today we are speaking of the same. When will you update yourself?”

Sadhvi Annapurna aka Pooja Shakun Pandey, general secretary Hindu

Mahasabha: “Nothing is possible without weapons. If you want to eliminate their population then kill them. Be ready to kill and be ready to go to jail. Even if 100 of us are ready to kill 20 lakhs of them (Muslims), then we will be victorious, and go to jail... Like [Nathuram] Godse, I am ready to be maligned, but I will pick up arms to defend my Hindutva from every demon who is a threat to my religion. I will raise swords, to save my Hindu dharma, and rip them with my tigress like nails. If we give a call, it will not be Islamic Bharat, Hindu rashtra will be declared.”

Swami Anandswaroop: “The decision of this Dharma Sansad would be a word of God and the government will have to listen to it. Else we will wage a war that would be more gruesome than the revolt of 1857. The street in which I live, every morning I used to spot a Mullah [slur used by right wing to refer to Muslims] with a big beard and nowadays they keep a saffron beard. This is Haridwar, Maharaj. There is no Muslim buyer here, so throw him out.”

Swami Sagar Sindhu Maharaj from Roorkee: “Babur came with a cannon and we did not have any arms to combat it. I say you must keep lathis, and weapons worth at least Rs. 1 lakh. So if anyone [Muslim] comes they should not return alive.”

Dharam Das Maharaj from Patna: “Half of India is Islamic... There are 500 Pakistans in India. If I was present in the Parliament when PM Manmohan Singh said that minorities have first right over national resources, I would've become Nathuram [Godse]. I'd have shot him six times in the chest with a revolver inside Parliament. But I am a fakir.”

Clippings of videos downloaded by CJP from twitter account of the Dharma Sansad have been annexed hereto as Annexures A-D

About the speakers

Swami Prabodhanand Giri has deep political connections and has been seen with prominent BJP leaders on more than one occasion. In June 2021, he was also photographed with former Uttarakhand CM and BJP member Tirath Singh Rawat, giving him a sword. Other examples of his hate diatribe have been doing the rounds for years now. In a speech at Shamli in 2018, he said that only Muslims rape Hindu women and spoke about the bogey of ‘love jihad’, apart from expressing other anti-Muslim sentiments.

In June this year (2021), he made genocidal statements in a video with Yati Narsinghanand where he says, “In the entire world, if we want humanity to last, we will need to clean it of jihadis. There should be treatment, management for jihadis on this earth. A few days ago, someone said that in Islam, rapists are born, jihadis are born – I have been saying this for some time, there is a jihadi and a terrorist in each Islamic home... Hindu society needs to stand up and find a cure for jihadis, otherwise these jihadis will find a cure for Hindus, and there will be no place on this earth for us to live... One thing is certain, if he comes into my space and I find out, he will not leave. I have lived for 14 years among jihadis, I’m not that weak... They should not think that if Narsinghanand or I are killed, you can live happily. There will be a pile of corpses, across the country you will see corpses. This is certain, nobody will stop us.”

The video may be viewed here: https://www.youtube.com/watch?v=eC_NM2UC_Y

Sadhvi Annapurna aka Pooja Shakun Pandey: In an interview to a YouTube channel called ‘Vishalviews’ shot at the Dharma Sansad, she said, “Today is the time when women need to take swords in one hand along with *belans* (rolling pins) in the other. I request my mothers to not become the weakness of their sons but instead become their strength. Tell them if adharm is happening anywhere I will come with you to cut them up. There won’t be any cases but only a little inconvenience for some days; call us, we will be there with you.”

In April 2020 when she made provocative comments against Tablighi Jamaat members an [FIR was filed](#) against her but she was also just arrested briefly. Before that, in May 2019, [she distributed knives](#) to minor girls on Savarkar Jayanti.

Swami Anandswaroop Apart from the genocidal statements that he has made at the Dharam Sansad, he has his own portfolio and history of making inciteful statements in the past. Earlier this year, he had demanded non-Hindus should be banned from entering Uttarakhand.

In January 2021, he had given a call to Hindus to destroy them (Muslims) socially, politically and economically, so that they are compelled to convert to Hinduism. In the same video he said that people who read the Quran are “no longer human, they become a beast. For those who wish to remain connected to India, they must give up the Quran and *namaḥ*.” The UP Police had not taken any action in this matter until there was a furore on social media about the inaction. The police had [began the probe](#), however there has been no news of a case being registered against him.

Yati Narsinghanand: About Yati Narsinghanand, we, at CJP, have already apprised this Hon’ble Commission in our previous complaints which detail not only acts done by him, but also his ‘so-

called' young followers who get brainwashed by his hateful ideology and indulge in anti-minority acts. At the risk of sounding repetitive, we earnestly urge initiation of strict action against criminals like Yati, we are enclosing here with once again our complaints file with this Hon'ble Commission on previous occasions against Yati which contains details of how Yati has built an ecosystem of hate. Not only that, it is clear that between Delhi and its outskirts in western Uttar Pradesh, now stretching to Uttarakhand, this eco-system means that on the ground minorities, especially Muslims are vulnerable and at risk, their lives, liberty and dignity is under threat of attack.

Further, given the fact that in both Uttar Pradesh and Uttarakhand, state elections are due, it is more than likely that these kind of hate speeches/writings generating targeted violent attacks are likely to spiral, making marginalized sections vulnerable and social harmony threatened.

In our complaint dated August 11 2021, about Yati, we have highlighted how he has made derogatory reference about workers like plumbers, electricians, delivery boys, vegetable vendors are Muslims who enter Hindu homes, befriend Hindu women who then fall prey to the 'Jihadis'.

CJP complaint to NCM dated August 11, 2021 is marked and annexed hereto as Annexure E

Further, we have also complained against the so-called followers of Yati, including Vikas Sehrawat for his anti-minority and vile statements against Muslims as well as another against Rahul Sharma and Suresh Rajput for abusing women on Muslim community

CJP complaint to NCM dated July 22, 2021 against Vikas Sehrawat is marked and annexed hereto as Annexure F

CJP complaint to NCM dated November 12, 2021 against Rahul Sharma and Suresh Rajput is marked and annexed hereto as Annexure G

As the chief priest of the Dasna temple in Ghaziabad, it appears that Yati has made Dasna a breeding ground for training and manipulating politically-motivated Hindus to act against Muslims and disrupt harmony. His disciples have been pulled up by the Police on grounds of law-and-order problems, time and again, and it seems like Hindu men are being systematically radicalised (not trained) through sustained utterances of men like Yati Narsinghanand who calls these men "mere bachche" (my children).

Impact

These statements have now gone beyond being just hate speech and have become brazen calls for genocide and encouragement to pick up arms against the minority community. Hate speech has not been dealt with an iron hand in the past few years and these makers of hate speech have not faced any serious legal action till date which has resultantly given them a free hand and has pushed them to make worse statements than they may have made before. The impunity with which they have been dealt with until now has made the social media a breeding ground for such public figures who have a wide audience who comments on their hate speeches, gets inspired by them and commit more illegal acts.

Such expression of extreme hate with a clear communal objective to establish religious hegemony upon a community that is already a minority in numbers in the country, is deplorable and against the constitutional values that we uphold as citizens of this country.

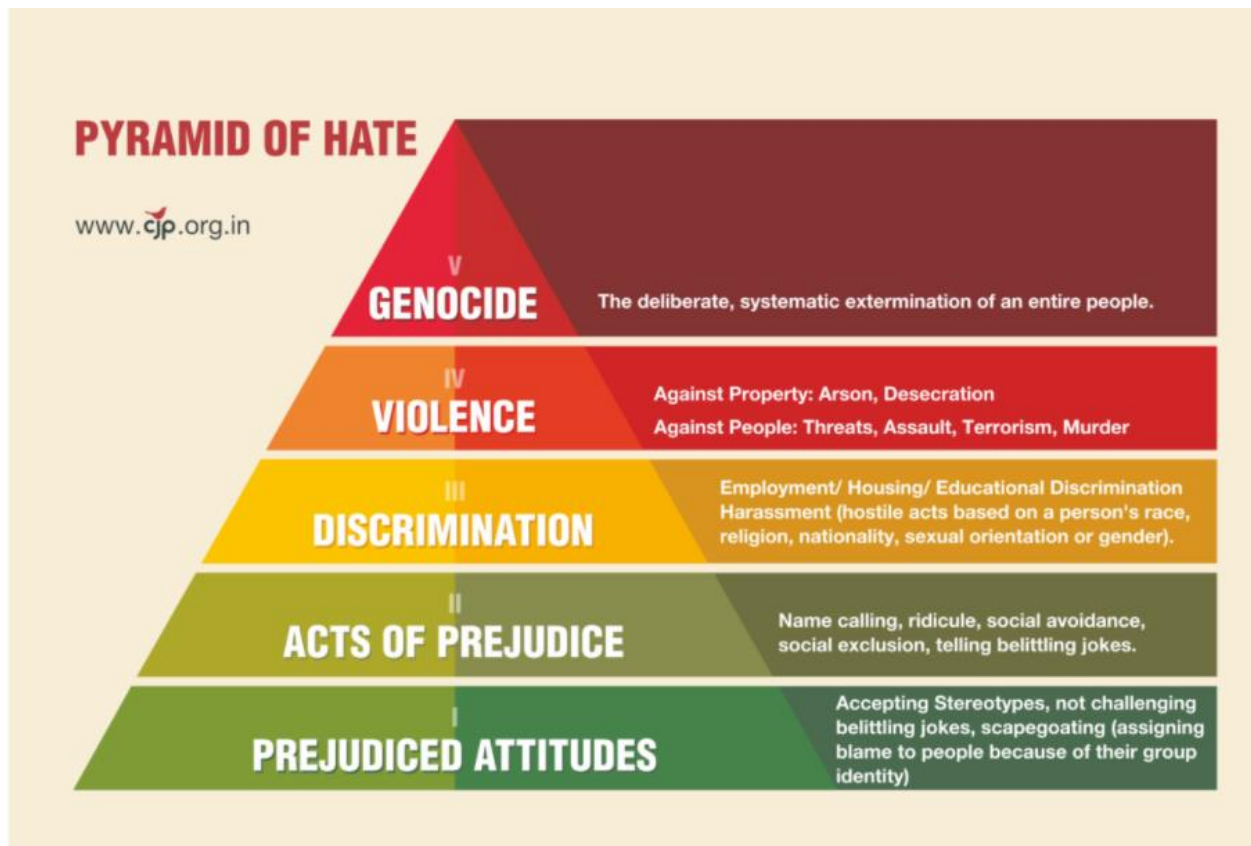
Pyramid of hate

On the basis on the multitude of these attacks, CJP Secretary, Teesta Setalvad conceptualized a “Pyramid of Hate” which describes the various stages through which a pyramid of hate is built.

Teesta Setalvad explains how minute biases and prejudices like looking down on one’s appearance, their mannerisms, how one chooses to pray, has the capacity to consume us within a society and this prejudiced attitude is the first stage in the pyramid of hate. The next stage is acts of prejudice which involves name calling, social exclusion, targeting particular sections of the society by telling belittling jokes. The third stage is discrimination, where certain communities are subject to harassment, bullying, exclusion in housing, employment, education issues, based on their race, sexual orientation, caste, class, religion etc.

The fourth stage in the hate pyramid is that of violence, of targeted hate crime which includes threat, assault, battery, murder, and terrorism. India has already entered the fourth stage of the pyramid. The fifth and last stage is genocide, a deliberate systematic cleansing of a community.

This is what a pyramid of hate looks like:



In *Pravasi Bhalai Sangathan v. Union of India* (Ref: AIR 2014 SC 1591, at para. 7.) the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.

In *Firoz Iqbal Khan vs Union of India* (W.P Civil No. 956 of 2020), the apex court said, “The edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties, is founded on the co-existence of communities. India is a melting pot of civilisations cultures, religions and languages. Any attempt to vilify a religious community must be viewed with grave disfavour by this Court as the custodian of constitutional values.”

The 267th Law Commission Report on Hate Speech agrees with this stance and states that:

“Hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. Such speech is considered outside the realm of protective discourse. Indisputably, offensive speech has real and devastating effects on people’s lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked hate speech can severely affect right to life of every individual.”

Violations of Indian Penal Code

The hateful content of the videos of Sharma and Rajput amount to violations of the following sections of the Indian Penal Code:

Section 153: 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.

Section 153A: “Whoever 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 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, or shall be punished with imprisonment which may extend to three years, or with fine, or with both.”

Section 153B: (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 persons 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 persons 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 and 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 and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Section 295A: “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 three years, or with fine, or with both.”

Section 298: “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 505(2): “Statements creating or promoting enmity, hatred or ill-will between classes.—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.”

503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

509. Word, gesture or act intended to insult the modesty of a woman.—Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, 2[shall be punished with simple imprisonment for a term which may extend to three years, and also with fine].

Moreover, this speech amounts to hate speech that also violates the constitutional provision of **Article 15** of the Constitution of India that prohibits citizens from discriminating on the grounds of

religion, race, caste, sex etc. Such comments are not only vicious but hurts the sentiments of the Muslim community and highlights the virulent Islamophobia in the country.

Matters have reached a stage where a statutory commission like yours needs to utilize and apply its mandate to the maximum in order to act as a deterrent to such extreme incidents of hate speech where calls for genocide are openly and brazenly being made. It is also apparent that the threat and risk of spurious violent acts is looming high and the threat of a full blown genocidal attack is also not far reaching seeing the brazenness of these acts.

It is pertinent to mention here that Uttarakhand police has taken cognizance and filed an FIR against Jitendra Narayan Tyagi (formerly known as Wasim Rizvi) and some others. On December 27, it was reported that two others were added to this FIR, namely, Dharamdas Maharaj and Sadhvi Annapurna. Additionally, media reports have quoted Haridwar Kotwali Police station SHO Rakinder Singh saying that FIR has been registered under section 153A (promoting enmity between different groups on grounds of religion etc) of the IPC., however there are several other sections that are applicable in this case as mentioned hereinabove and the same need to be invoked in order make a strong case against these perpetrators of hate and provocators of violence.

It has thus become pertinent, now more than ever, that this Hon'ble Commission take serious note of this incident where all these hate offenders gathered to commit illegal acts of hate crimes and institute an inquiry to ensure strict action against these offenders and to push law enforcement to make a strong case against them so that law can take its due course.

We earnestly urge this Hon'ble Commission to take matters into their hands and play a monitoring role in this case to ensure that law enforcement does not let these hate offenders get away this time around when these incendiary videos have reached a far and wide audience.

Prayers

It is our earnest and humble request to your esteemed authority to

1. Take cognizance of this complaint under section 9(1)(d) of the National Commission for Minorities Act, 1992.
2. Monitor the police investigation in this case and seek details of accused and charges invoked
3. Institute inquiry through a Commission under section 9(4) of the National Commission for Minorities Act, 1992 in order to ensure that subordinate investigations assists police investigation to make a strong case against the offenders
4. Issue directions to the Haridwar Kotwali Police to submit Action Taken Report and give updates to this Commission regarding progress in investigation in the case
5. Undertake any other action as may be deemed necessary
6. Continue to monitor the situation on the ground as far as the particular hate offenders are concerned
7. Set up a specialized committee of experts monitoring Hate Speech, Hate Writing and Targeted Violence.



Yours sincerely,

Citizens for Justice and Peace

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures:

Annexures A-D: Video clippings downloaded by CJP of the Dharam Sansad

Annexure E: CJP complaint to NCM dated August 11, 2021

Annexure F: CJP complaint to NCM dated July 22, 2021 against Vikas Sehrawat

Annexure G: CJP complaint to NCM dated November 12, 2021 against Rahul Sharma and
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