

May 12, 2022

To,

Shri Iqbal Singh Lalpura
Hon'ble Chairperson
National Commission for Minorities
Government of India
3 rd Floor, Block 3, C.G.O Complex,
Lodhi Road New Delhi- 110003
Ph: 011-24366132/01124360591
Email: chairman-ncm@nic.in

Shri Siddharth Kishore Dev Verman
Secretary
Ph: 024364816
Email: secy-ncm@nic.in

Shri Shariq Saeed
Under Secretary
Ph: 24362527
Email: usgr-ncm@nic.in

Subject: Complaint against Bihar BJP MLA Haribhushan Thakur Bachaul for his genocidal speech to news reporters as uploaded by News 24 on 08.05.2022

Respected Sir,

We at Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the genocidal speech made by BJP MLA Haribhushan Thakur Bachaul from Bihar to news reporters brazenly calling for the mass burning and in effect, a genocide of members of the Muslim minority. We would like to bring your attention to this violence instigating video of MLA Haribhushan Thakur Bachaul uploaded by News 24 on its Youtube Channel dated 08.05.2022.

As can be clearly seen and observed in the video, MLA Haribhushan Bachaul is caught openly calling for violence on the Muslim minorities addressing them as

demon-like Ravana. “We need Hanuman ji so that our youth could be strong, the people of our country could be strong. Just like Ravana’s Lanka was burnt by Hanuman ji, the demon-like Ravana, who are hovering over Bihar and the country, should also be burnt”, says MLA Bachaul to the reporters. When asked where are these Ravana in Bihar, he says, “You go and see what’s happening in Kishanganj, Purnia or Jokihaat for that matter”. According to a report in the National Herald, these districts in the Seemanchal region in Bihar, and have a significant, 47% of Muslim population. They also account for 24 assembly seats. Moreover, he draws unsubstantiated comparisons between these districts and the areas where Muslim dominated pockets in the Kashmir Valley had been depicted with tragic incidents depicted in the controversial and recently released movie, *Kashmir Files*.

The video uploaded on Youtube website dated 08.05.2022 is marked and annexed hereto as Annexure A

A copy of the report by The National Herald dated 06.11.2020 is marked and annexed hereto as Annexure B

The statements made by Haribhushan Bachaul clearly amount to incitement and instigation of violence against vulnerable and marginalised sections, besides being a grave threat to the peace, unity and integrity of India. Especially so, in view of the sensitive and hypercharged atmosphere today wherein aggression is being unleashed, unchecked, with impunity, on sections of our population.

It is also to be noted that this is not the first time when MLA Haribhushan has made such derogatory remarks against the Muslim minority. Previously he has also been reported to have said that Muslims living in India should be stripped of voting rights and treated as second class citizens. As reported by Hindustan Times on February 26, 2022, the MLA accused the community of working on the agenda of Pakistan’s Inter-Services Intelligence (ISI) to make India an “Islamic country” and said, “In 1947, the country [India] was divided in the name of religion and they got another country [Pakistan]. They should go to another country. If they are living here, then I demand from the government that their voting rights be withdrawn. They [Muslims] can live in India as second-class citizens.” These remarks are not just baseless but geared towards whipping up public violence and anger against a section of Indians.

A copy of the report by Hindustan Times dated 26.02.2022 is marked and annexed hereto as Annexure C

Even last year (2021) he was in the news for his remarks on Muslims fertility rate. As reported by India Today on February 24, 2021, the legislator said, “Muslims want to convert India into an Islamic state. Law should be brought to control the population in the country. The resources in the country are very limited but some people want to increase the population and capture and turn India into an Islamic country. Muslim community is indulging into this. It is important to control the population in order to make India into a developed country from a developing country”.

A copy of the report by India Today dated 24.02.2021 is marked and annexed hereto as Annexure D

It is quite clear so far that, given the well-orchestrated and numerous instances of hate speech and actual hate crimes being committed, the minority community in various parts of India already feels insecure and threatened. Such statements are bound to make things worse; to further generate communal disharmony or feelings of ill will, enmity and hatred between the supporters of different political parties. The utterances also amount to an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb the public tranquillity. Moreover, such open intimidation only makes the targeted group more vulnerable to violent acts. Such genocidal speech that is illegal and unconstitutional violates the following provisions of the law:

Indian Penal Code, 1860:

S.153B. Imputations, assertions prejudicial to national integration.—

- (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.**

Sec. 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 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.**”

Sec 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.

Sec 506. Punishment for criminal intimidation.—

Whoever commits the offence of criminal intimidation shall **be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;**

If threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 8 [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be **punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.**

S.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.**

S.505. Statements conducing to public mischief:

- (1) Whoever makes, publishes or circulates any statement, rumour or report,-
- a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the 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 extend to three years, or with fine, or with both.

We urge this Commission to take cognizance of the matter and ensure that a proper inquiry is instituted and concluded in this matter. If such open intimidation and instigating speeches are allowed to continue unabated, such miscreants will only be encouraged to create such tension and cause mischief that disturb public order not just in those areas but 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 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 miscreant is 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.

Callous and brazen statements such as this one, made by political leaders at public platforms have far reaching impact and rather perilous repercussions. In order to avoid targeted violence against vulnerable sections to erupt and communal clashes to follow, we urge this Commission to take cognizance and reprimand people,

especially political leaders who have a following and influence, to refrain from making comments that would shake the secular fabric of the country.

Judicial precedent:

In **Firoz Iqbal Khan vs Union of India** [W.P (Civ.) No. 956 of 2020], the Supreme Court had held,

“..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 civilizations, 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.”

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.

The extent of hate and anti-minority sentiment is on the rise all over the country, where public figures such as Haribhushan Thakur Bachaul openly target certain groups. Therefore, this needs your immediate attention and rapid action. We, at CJP, urge this Hon’ble Commission to:

1. Take cognisance of this complaint under section 9(1)(d) of the National Commission for Minorities, 1992;
2. To direct the attendance of BJP MLA Haribhushan Thakur Bachaul along with the members of his organisation before your commission to examine such allegations under section 9(4)(a) of the Act, 1992;
3. Keep a close eye on the investigation and call for the discovery and production of any document, receive affidavits, requisition any public record or copy thereof from any court or office, issue commissions for the examination of witnesses and documents under section 9(4) (b) to (e) under the Act;

4. To direct the DGP, Bihar or any other appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech ensuring that all relevant sections of the Indian Criminal law and Police Acts are included in the said criminal complaint;
5. Issue directions to the Bihar Police to submit an Action Taken Report and give updates to this Commission regarding progress in investigation in the case;
6. Issue any other directions to Bihar Police as the Commission may deem fit and proper in the circumstances of the case;
7. Undertake any other action as the Commission may deem fit.

Yours sincerely,

Nandan Malsute, President

Teesta Setalvad, Secretary

Annexures

Annexure A Video by News 24 uploaded on Youtube website on 08.05.2022

Annexure B Copy of news report by The National Herald dated 06.11.2020

Annexure C Copy of news report by Hindustan Times dated 26.02.2022

Annexure D Copy of news report by India Today dated 24.02.2021