

Date: May 5, 2022

To,

P.K. Agrawal  
Director General of Police (DGP)  
Haryana Police Headquarters,  
Sector 6, Panchkula, Haryana 134108  
Tel: (0172) 2587529, 2740239/ 9779822255  
E-mail: [police@hry.nic.in](mailto:police@hry.nic.in)

**Subject: Complaint against an armed mob for abducting men, verbally abusing women, and firing in the air in Shekhpur Village, Mewat, Haryana**

Dear 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 videos circulating on social media (Twitter and Youtube) on April 21 and 26, 2022 where a mob is seen abducting men, verbally abusing women and threatening them by firing gun in the air in broad daylight in Sekhpur Village, Mewat, Haryana. We would like to bring your attention to the offensive videos uploaded on Youtube and Twitter on April 21 and 26, 2022.

As observed and noted from two videos, a mob wielding sticks and guns is seen to be dragging two men from their houses through the streets of a village towards a waiting white SUV screaming, "Take him to the [police] chowki". Warning the women coming forward to interrupt them, a person yells, "Get away, we will shoot" and fires his gun in the air. While accusing the man in their "custody" of slaughtering cows another person claims, "We caught him red handed". The video of the crime, where the threats to shoot can clearly be heard, was captioned "MISSION MEVAT GAU RAKSHA DAL KI TEAM NE MAUKE PAR PAKDA GAAY KAAT TE HUE" (Gau Raksha Dal Team caught a cow being slaughtered) was uploaded on the YouTube channel of the group "GAU RAKSHA DAL PATAUDI". As on April 27 the page had merely 41 subscribers and the video had nearly 800 views. However, within a day the subscribers increased to 158 and views reached to 4,678. There are more such videos of assault, threat, which are on the channel, including those that show these goons wielding guns, in the face of the locals, who then hastily move to safety.

**The video uploaded on Youtube website on 21.04.2022 is annexed hereto as Annexure A**

**The video uploaded on Twitter website on 26.04.2022 is annexed hereto as Annexure B**

We believe that each culprit in the video should be identified and all of them should held liable as they have acted in furtherance of common intention under IPC section 34. Accordingly, they should be charged with IPC section 120A (Criminal Conspiracy), 295A (Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs), 308 (Attempt to commit culpable homicide), 321 (Voluntarily causing hurt), 336 (Act endangering life or personal safety of others), 339 (Wrongful restraint), 350 (Criminal force), 351 (Assault) 367 (Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc), 503 (Criminal intimidation). Moreover, we urge you to investigate whether the person in possession of the gun had the licence to do so under section 3, 4 or 5 of the Arms Act, 1959 or if he was in possession of a prohibited arms in violation of section 7 of the Arms Act. We therefore, urge you to invoke the power to demand the production of license conferred upon you under Section 19 of the Arms Act and determine if they are punishable under any of the offences under Section 25 and 27 of the said Act. We are also concerned about the fact that such videos are rampantly shared on social media which further encourages people in other parts of the country to follow suit. We urge you to invoke Section 67 of the Information Technology Act against them for publishing and transmitting such content online.

### **Indian Penal Code, 1860**

#### **34. Acts done by several persons in furtherance of common intention.—**

When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

#### **120A. Definition of criminal conspiracy.—**

When two or more persons agree to do, or cause to be done,—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy: Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

[Under Section 120B —

**(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, [imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.**

**(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]**

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 9 [three years], or with fine, or with both.]**

308. Attempt to commit culpable homicide—

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 culpable homicide not amounting to murder, shall **be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.**

321. Voluntarily causing hurt.—

Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”.

Under Section 323, **whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.**

336. Act endangering life or personal safety of others.—

Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, **shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees, or with both.**

339. Wrongful restraint —

Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Under Section 341, whoever wrongfully restrains any person **shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.**

350. Criminal force.—

Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

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.

Under Section 352, **whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.**

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.—

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, **shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.**

### 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.

Under Section 506, **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;**

## **Arms Act, 1959**

### 3. Licence for acquisition and possession of firearms and ammunition.—

[(1)] No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder: Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.

[(2)] Notwithstanding anything contained in sub-section (1), no person, other than a person referred to in sub-section (3), shall acquire, have in his possession or carry, at any time, more than three firearms: Provided that a person who has in his possession more firearms than three at the commencement of the Arms (Amendment) Act, 1983 (25 of 1983), may retain with him any three of such firearms and shall deposit, within ninety days from such commencement, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section.

(3) Nothing contained in sub-section (2) shall apply to any dealer in firearms or to any member of a rifle club or rifle association licensed or recognised by the Central Government using a point 22 bore rifle or an air rifle for target practice.

(4) The provisions of sub-sections (2) to (6) (both inclusive) of section 21 shall apply in relation to any deposit of firearms under the proviso to sub-section (2) as they apply

in relation to the deposit of any arm or ammunition under sub-section (1) of that section.]

4. Licence for acquisition and possession of arms of specified description in certain cases.—

If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than firearms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry in that area arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

5. Licence for manufacture, sale, etc., of arms and ammunition.—

[(1)] No person shall— (a) 2 [use, manufacture] sell, transfer, convert, repair, test or prove, or (b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any firearm or any other arms of such class or description as may be prescribed or any ammunition, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

[(2)] Notwithstanding anything contained in sub-section (1), a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having in his possession such arms or ammunition: Provided that no firearm or ammunition in respect of which a licence is required under section 3 and no arms in respect of which a licence is required under section 4 shall be so sold or transferred by any person unless— (a) he has informed in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms, ammunition or other arms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or the other arms, and (b) a period of not less than forty-five days has expired after the giving of such information.]

7. Prohibition of acquisition or possession, or of manufacture or sale of prohibited arms or prohibited ammunition.—

No person shall— (a) acquire, have in his possession or carry; or (b) [use, manufacture] sell, transfer, convert, repair, test or prove; or (c) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or

proof; any prohibited arms or prohibited ammunition unless he has been specially authorised by the Central Government in this behalf.

19. Power to demand production of licence, etc.—

(1) Any police officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.

(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may require him to give his name and address and if such officer considers it necessary, seize from that person the arms or ammunition which he is carrying.

(3) If that person refuses to give his name and address or if the officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant.

25. Punishment for certain offences.—

[(1) Whoever— (a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

(d) brings into, or takes out of, India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(1A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

.....

(1B) Whoever— (a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

(b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such class or description as has been specified in that notification in contravention of that section; or

.....

(d) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or

.....

(h) fails to deposit arms or ammunition as required by sub-section (2) of section 3, or sub-section (1) of section 21; or

.....

**shall be punishable with imprisonment for a term which shall not be less than 3 [one year] but which may extend to three years and shall also be liable to fine:**

Provided that the Court may for any adequate and special reasons to be recorded in the judgment **impose a sentence of imprisonment for a term of less than [one year].**

.....

(5) Whoever, when required under section 19 to give his name and address, refuses to give such name and address or gives a name or address which subsequently transpires to be false **shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to two hundred rupees, or with both.**

#### 27. Punishment for using arms, etc.—

(1) Whoever uses any arms or ammunition in contravention of section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(2) Whoever uses any prohibited arms or prohibited ammunition in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.

(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, shall be punishable with death.]

### **Information Technology Act, 2000**

#### 67. Punishment for publishing or transmitting obscene material in electronic form

Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, **shall be punished on first conviction with imprisonment of**



**either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.**

There has been increasing violence in the name of cow protection and incidents of cow vigilantism where private citizens violently punish people who they suspect of consuming beef. In the case of *Tehseen Poonawalla vs. UOI & Ors (2018) 9 SCC 501 2016*, the Supreme Court had condemned the widespread acts of mob lynching and violence in the country. While prescribing a bunch of guidelines to curb such unlawful activities, the Court had observed, "It is our constitutional duty to take a call to protect lives and human rights. There cannot be a right higher than the right to live with dignity and further to be treated with humanness that the law provides. What the law provides may be taken away by lawful means; that is the fundamental concept of law. No one is entitled to shake the said foundation. No citizen can assault the human dignity of another, for such an action would comatose the majesty of law. In a civilized society, it is the fear of law that prevents crimes. Commencing from the legal space of democratic Athens till the legal system of modern societies today, the law makers try to prevent crimes and make the people aware of the same but some persons who develop masterly skill to transgress the law jostle in the streets that eventually leads to an atmosphere which witnesses bloodshed and tears. When the preventive measures face failure, the crime takes place and then there have to be remedial and punitive measures. Steps to be taken at every stage for implementation of law are extremely important. Hence, the guidelines are necessary to be prescribed."

We, therefore, urge your Hon'ble authorities to take cognizance of the matter in its entirety applying full proof and adequate sections of the law and ensure that a proper inquiry is instituted and concluded in this matter. If such open intimidation and violent acts are allowed to continue unabated, such miscreants will only be encouraged to create such tension and cause mischief. 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 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.

**Prayers:**

Sir, the extent of hate and anti-minority sentiment is on the rise all over the country where certain groups are openly targeted. This needs your immediate attention and rapid action. We urge your Hon'ble authorities:

1. To immediately investigate, in a time-bound fashion, the acts committed by the accused under the Indian Penal Code, the Arms Act, in order to maintain peace and order and make the investigations public
2. To register an FIR against the accused and ensure that relevant sections of Indian Penal Code, the Arms Act, the Information Technology Act and others are included.
3. To work towards the implementation of the guidelines laid down by the Supreme Court in the case of Tehseen Poonawalla vs. UOI & Ors (2018) 9 SCC 501 2016.
4. For the Haryana police to closely monitor online and offline intimidation and abuse especially directed against all marginalised sections of Indians, including religious minorities.
5. For the Haryana police to ensure that data on such monitoring is made public digitally and that progress in this case is also visible and made public electronically and digitally.
6. To take any other action as you may deem fit.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary



**Annexures:**

Annexure A- Video uploaded on 21.04.2022 on Youtube

Annexure B- Video uploaded on 26.04.2022 on Twitter