

Date: May 5, 2022

To,

Shri Iqbal Singh Lalpura  
Hon'ble Chairperson  
National Commission for Minorities  
Government of India  
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**Subject: Complaint against Shri Pravin Togadia for his anti-minority statements at a Trishul Deeksha in Assam on 24.04.2022**

Respected Sir,

We, at Citizens for Justice and Peace, Mumbai are concerned about the derogatory remarks made by Shri Pravin Togadia, surgeon-turned-Hindutva leader and president of Antarashtriya Hindu Parishad (AHP) at a Trishul Deeksha event held in Assam.

In a viral video on twitter dated April 24, 2022, Shri Pravin Togadia is seen making innocent people of Assam, repeat an anti-Muslim 'oath' after him in Hindi, while holding sharp trishuls (traditional Indian tridents). In teh video, Togadia can be seen sporting a traditional gamusa (scarf) of the state, and leading an oath, "Hum veer hain. Vijay prapt karenge. Hum maa Kamakhya devi, mahamaya kanthika devi. Bhagwan Shankar ka trishul dharan karke sankalp karte hain ki, loktantrik, kanooni padhyati se 50 lakh Bangladeshi Musalmano ko Bangladesh bhej kar hi dum lenge. Hum desh mein 2 crore, Assam mein 5 lakh yuvaon ko trishul dharan karvake, Assam

ke veeron ko vijayta banayenge.” Translated, this is an anti-Muslim oath, in the garb of being anti-Bangladeshi-Muslim vow. He invoked gods and goddesses to convince the people that the trident is a ‘divine’ weapon, and encouraged them rest only after they “deport 50 Lakh Bangladeshi Muslims, back to Bangladesh”. He uses the term “we” to signify that he is with the people of Assam who do this for him, and tries to water down this call for violence adding that this “chasing away Muslims”, should be done in a ‘democratic and legal way’. He then repeats his plan that he and his group are in the process of giving weapons to “2 Crore Indians” and “5 lakh in Assam”.

**The video uploaded on Twitter website dated April 24, 2022 is marked and annexed hereto as Annexure A**

This is not the first time that Shri Pravin Togadia has promoted the distribution of trishuls. Earlier in April, Shri Pravin Togadia’s Antarashtriya Hindu Parishad (AHP)’ team organised an event in Gujarat where they made Anti-Muslim Speech and distributed approx. 5100 swords and tridents or trishuls as reported by the Economic Times. At this event, Praveen Togadia’s close aide Manoj Kumar said, “tell these Katuw@s (slur used by the right wing for Muslim Men), Salma (as he called Muslim women) is waiting for her Bajrangis (Hindu men). Muslim men are not enough for her, she wants to remove her burqa and give birth to Luv-Kush”. Claiming to be talking on behalf of Muslim women he says “Salma factory nahi banna chahti” (Salma doesn’t want to be a birthing factory of children). He also claims that Muslim women wish to convert into Hindus. He went on to say that just “Hanuman is in the heart of Ram, Togadia lives in his heart.” That the declaration of Kumar’s love for Togadia came after his instigating his supporters against Muslim women as if they were mere objects to be owned is telling. The disgusting speech went viral on social media.

**The video uploaded in Twitter website on April 7, 2022 is marked and annexed hereto as Annexure B.**

**Copy of the Economic Times report dated March 13, 2022 is marked and annexed hereto as Annexure C**

Previously in Assam, Shri Pravin Togadia has held a similar meeting in Assam’s Dhubri districted where he sent out an invitation in his facebook post, dated 05.04.2022. Shri Pravin Togadia had posted, “In Assam’s Dhubri district, there are 75% Muslims and 25% Hindus due to these Bangladeshi Muslim intruders. Be ready FB Live Hindu Friends for Dr. Pravin Togadia tomorrow afternoon at 11.45 AM at Hindu convention on Bangladesh border in Gokalganj where Veer Hindu victors will hold Hindu Trident and resolve to protect Hindu. We are brave. We will be victorious. We are not alone. We are 100 crore heroes.”

**The image uploaded on Facebook website on April 5, 2022 is marked and annexed hereto as Annexure D**

As per Times of India, he demanded “a fresh update of the National Register of Citizens (NRC) with 1951 as the cut-off year within one year claiming that there are 50 lakh Bangladeshi infiltrators in the state, who need to be detected and deported. He further said, “the detection of all the illegal migrants from Bangladesh was required to save Assam from becoming a subject for film similar to The Kashmir Files”. He reportedly claimed, “We too must defend the state from the infiltrators”.

**The copy of the Times of India reported dated April 6, 2022 has been marked and annexed hereto as Annexure E**

Togadia has a way of announcing an ‘ethnic cleansing’ drive under a dangerous mix of ‘religion’ and ‘bravery’ or even demands for National Register of Citizens for that matter. India’s principle of secularism and plurality must help strengthen the fraternity among different groups, both majority and minority, but instead an environment of tension and violence has prevailed in India over the past few years. The Justice Rajinder Sachar Committee Report 2005, had stated.

*“While Muslims need to prove on a daily basis that they are not ‘anti-national’ and ‘terrorists’, it is not recognised that the alleged ‘appeasement’ has not resulted in the desired level of socio-economic development of the community. In general, Muslims complained that they are constantly looked upon with a great degree of suspicion not only by certain sections of society but also by public institutions and governance structures. This has a depressing effect on their psyche.”*

The perils of identifying as a Muslim has been devastating for many Muslims who as a community feel a shared anxiety about their socio-political position in the society and brazen speeches and activity like this, further damages the cause of social evolution. Mahatma Gandhi had famously said, “A nation’s greatness is measured by how it treats its weakest members”.

**The copy of the ‘Social, Economic and Educational Status of the Muslim Community of India’ report published in November 2006 has been marked and annexed hereto as Annexure F**

**Violation of Indian Penal Code:**

S. 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.**

S.153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony—

(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,

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

153AA. Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.—

Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144A of the Code of Criminal Procedure, 1973 (2 of 1974) **shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.**

Explanation.—“Arms” means articles of any description designed or adapted as weapons for offence or defence and includes firearms, sharp edged weapons, lathis, dandas and sticks.

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.**

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.**

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.**

**Arms Act, 1959**

Sec 2 (1)(c) "arms" means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharpedged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking

stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;

### 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.**]

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. It poses a serious threat to the secular fabric of our country and need to be acted against at every instance so that it acts as a deterrent. If appropriate action is taken by this Commission, it will not only give a sense of security to the minority community but will also strengthen the values of fraternity, secularism that our Constitution upholds. We, thus, strongly, urge this Commission to take action against the individuals indulging in hate speech and distribution of weapons.

The speech made by Shri Pravin Togadia also violates the constitutional provision of Article 15 of the Constitution of India. **Article 15** prohibits any citizen from discriminating on grounds of religion, race, caste, sex or place of birth. In order to respect the diverse religious groups and composite cultures of India, it is essential to keep a check on such unverified claims and hate propaganda that is unleashed against the already marginalised minorities of the country. 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 in order to maintain public order and communal harmony.

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 **Law Commission Report**, 2017 has also stated that “Hate Speech has the potential of provoking individuals or society to commit acts of terrorism, genocide, 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.”

**A copy of the Law Commission Report issued in 2017 has been marked and annexed hereto as Annexure G**

The Father of the Nation, Mahatma Gandhi had also said, “There are many religions as there are individuals; but those who are conscious of the spirit of nationality do not interfere with one another religion. If Hindus believe that India should be peopled only by Hindus, they are living in a dreamland. The Hindus, the Mahomedans, the Parsees and the Christians who have made their country are fellow countrymen and they will have to live in unity if only for their own interest. In no part of the world are one nationality and one religion synonymous terms; nor has it ever been so in India”, which was quoted by Jagmohan Reddy and Nusserwanji Vakil in the Judicial Commission Report on the Ahmedabad Riots, 1969.

In light of such unfortunate incidents, 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 hate monger Shri Pravin Togadia 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, Assam and Gujarat or any other appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech;
5. Issue directions to the Assam Police to submit Action Taken Report and give updates to this Commission regarding progress in investigation in the case;
6. Issue any other directions to Assam 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 Maluste, CJP President

Teesta Setalvad, CJP Secretary

### **Annexures**

Annexure A Video uploaded on Twitter dated 24.04.2022

Annexure B Video uploaded on Twitter dated 07.04.2022

Annexure C News report by The Economic Times dated 13.03.2022

Annexure D Image uploaded Facebook on 05.04.2022

Annexure E News report by The Times of India dated 06.04.2022

Annexure F Copy of the 'Social, Economic and Educational Status of the Muslim Community of India' report published in November 2006

Annexure G Copy of the Law Commission Report issued in 2017