



Date: June 7, 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 Hate Offender Swami Jitendranand Saraswati calling for lynching of pregnant women

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 hate speech made by Hate Offender Swami Jitendranand Saraswati calling for lynching of pregnant women and unborn babies. We would like to bring your attention to this violence instigating video of Hate Offender Swami Jitendranand Saraswati uploaded by him on his Youtube Channel called 'Swami Jitendranand Saraswati Ji Maharaj' dated 17.02.2022. Sir, we are also generally concerned with the overall atmosphere that is being generated through the systemic and perpetrated use of hate speech and writing within the country.

In the said hate speech video called “[देश धर्म पर आघात हम चुप क्यों है](#)” (Why is the country silent on the attack on religion?) on his Youtube channel he says, “*Aisa singhnad karo ki desh virodhi mahila ki kokeh mein koi gauhatyara, koi rashtravirodhi pal raba ho to kokeh phaadkar gir jaaye.* (Translation: Roar like a lion, so that if there is a ‘cow killer’ or an anti-national, being nurtured in the womb of an anti-national woman, your slogans should result in the unborn baby falling out of the ripped open womb.)” He

invokes his fantasy of an '*Akhand Bharat*' or undivided India, and claims, "Our forefathers have made a lot of mistakes and we are bearing the fall out... Afghanistan etc was all *akhand bharat* then it disintegrated and we were left with this small piece ... and secularism." He suggests that secularism, as enshrined in the Constitution, is wrong. Thus his words are anti-Constitutional as well.

He claims [Taliban] were [once] "stripping and selling Indian women in the markets" and claims he sees it happening again. He dubs all those who don't believe in his idea of Hindutva, "heretic". In his latest video he says, "Mumbai is a sensitive area... where people like Dawood... dogs and bastards... are everywhere. They slaughter cows, dogs, pigs, they do it... Vidharmis..." Apart from the fact that these declarations contain a high dose of utter falsehoods, the content is such that it can cause a poisonous degree of venom and aggression against a certain section of Indians, India's Muslims, to take root, spread and even result in violence.

"Hindus never hurt an ant... yet Amir Khan, Shahrukh Khan, these singing dancing men say we are intolerant. You will teach us humanity? Go teach Taliban.... They won't say it there.... They will say that *sant samaj*," he says, and then tells the audience that the "the colour of terrorism is green" hinting at the Islamic flag and tells the audience to repeat his hate words.

In the video he goes on to explain his supposed encounter with a Jewish woman at Mumbai Airport who allegedly confessed to him that she has come to seek refuge in India and claimed that her mother was gang raped until death while her 13 year old sister was sold for \$2. Equating all people following Muslim religion with the Taliban, he says that these people are so cruel that I do not even have the words to describe. He claims that these people who marry and rape 2 year olds will enter your house also tomorrow. He warns the crowd that they are in danger and asks them to say, *Ab humko bolna hai watan ki fikra kar naadaan, museebat aanewaali hai. Tere barbaadiyon ke mashware asmaano mai.... Naa samjhoge toh mit jaoge hindustaanwaalo.... Tumbaari dastaan tak nahi hogi daastano mai. Toh aap sabhi log jaagruk ho jaiye. Aap sabhi log khade ho jaiye dharama ke prati. Apna dharama sikhata hai ke maa ko maa maan. Dusro ke beti ko beben maan. Duniya mai ek stri ke alawa sab teri maa aur beben betiya hai. Lekin who kya sikha rahe hai? Chaar shaadiya karo, dusro ke patniyo ko loot lo, dusro ke betiyon ko cheen lo, dusro ke dharama ka ant kardo, dusro ke pooja karnewaali gey ko kaat ke fek do.* (Translation: Now we have to worry about the country, trouble is about to come. Be aware. All of you should stand up for our religion. Our religion teaches that consider mother as mother, daughter of others as sister.... In the world except one woman, all mothers are your mother and other's daughters are your sisters. But what are they teaching? Do four marriages, rob the wives of others, take the daughters of others, put an end to the religion of others, cut and throw away the cows worshiped by others.)

At the end of the speech he also claims to set a flag on fire and at the end of the video he expresses his wish to turn India into a 'Hindu rashtra', seeking support from his viewers. It is important to note that Swami Saraswati is a close aid of Haridwar hate offender and genocide monger 'Yati Narsinghanand' who got away when he gave genocide calls at the Dharma Sansad in Haridwar, Uttarakhand in 2021. At present the matter is in the Hon'ble Supreme Court of India. Our experience

with tracking hate has shown that even this could have been contained *if* Yati Narsinghanand had been first acted upon, when in 2018 he started mis-using the social media (facebook etc) to threaten [violence and urge the arming of 'Hindu society.'](#)

The sheer violence of those words will make any normal person recoil in horror, but to the audience and colleagues of Jitendranand, these were to be applauded, absorbed, and perhaps enacted when called to do so. The men on the stage at the Hindutva event, as yet not identified, let him give the call to violence, as the unseen audience is exhorted by him to cheer and repeat the hate words that follow. The video hints at the fact that the event was perhaps somewhere in Maharashtra or Madhya Pradesh but this is not confirmed yet.

The video posted by Swami Jitendranand Saraswati on his youtube channel is marked and annexed hereto as Annexure A

It is also important to note that two months ago in March, he had brought a trishul to The Kashmir Files screening in March where he openly and regularly issued calls to violence, and made speeches to hurt religious sentiments of Muslims. His words were aimed to incite communal violence and anti-Muslim hate among his audience that included children and women as seen at the movie screening. In the video, he can be heard saying, "You think that you are safe here but you are not. You have no preparation... They're everywhere, not just in MP. They're a threat to the whole world."

The video dated 23.03.2022 downloaded from Twitter website is marked and annexed hereto as Annexure B

The vile threats are made by Swami Saraswati target Muslim women, both for their gender and religion. Such verbalised gender violence and abuse creates a hostile environment for women where they are shamed, intimidated, degraded, belittled and silenced. Such propaganda creates a band of men who view women of a particular community as targets for mass gendered/sexual violence and in every instance of mass violence, women are attacked to insult and attack as symbols of the honour of a community.

The statements made by Swami Saraswati are a grave threat to peace, unity and integrity of India. Especially so, in view of the sensitive atmosphere today when aggression is being unleashed on sections of our population. It is quite clear so far that the minority community in various parts of India already feels insecure and threatened. Such statements are bound to generate communal disharmony or feelings of ill will, enmity and hatred between the people of different communities. It is an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb the public tranquility. Most importantly, such open intimidation only makes the targeted group more vulnerable to violent acts.

This example of explicit and abusive intimidation is part of a worldwide trend and needs to be taken with the seriousness that such repeated public offences deserve. It is not an isolated act. Besides, the violence and abuse many women experience online and offline has a detrimental effect on their right to express themselves equally, freely and without fear. A December 2021 survey commissioned by Amnesty International also shows that women who are more active on the platform were more likely to report experiencing online abuse, compared to those less active – 40 per cent of women who use the platform more than once a day report experiencing abuse, compared to thirteen per cent who use the platform less than once a week.

A copy of the survey published in 2021 by Amnesty International is marked and annexed hereto as Annexure C

Violation of Indian Penal Code, 1860:

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.**

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.”**

S. 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.**

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 tranquility; 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.

Violation of 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, sharpened 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.**]

Violations of Information Technology Act, 2000:

Section 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.**

Judicial Precedents:

As a citizens civil rights group concerned with the equality and dignity of *all Indians*, we are also concerned that such repeated offenders who enjoy protection and impunity from powerful political forces are also released easily on bail after the arrest. We urge that this case be considered with the seriousness of the offence as done by the Uttarakhand High Court (March 2022) in the case of *Jitendra Narayan Tyagi alias Waseem Rizvi vs. State of Uttarakhand*.

In that case, the Hon'ble Uttarakhand High Court rejecting the bail application of serial hate offender, Jitendra Tyagi, held that Hate Speech didn't fall under the purview of the fundamental Right to Freedom of Speech and Expression granted under Article 19(1)(a) of the Indian Constitution. The Court insisted moreover that "a balance has to be struck between the right to individual liberty and the interest of society," the Uttarakhand High Court overturned an earlier order by a Sessions Court. Examining closely the balancing rights available under the Indian Constitution, the Court further held, "No right can be absolute, and reasonable restrictions can be placed on them."

In the case of *Amish Deygan vs Union Of India 2021 1 SCC 1*, the Supreme Court quoted Benjamin Franklin, "It remains difficult in law to draw the outmost bounds of freedom of speech and

expression, the limit beyond which the right would fall foul and can be subordinated to other democratic values and public law considerations, so as to constitute a criminal offence. The difficulty arises in ascertaining the legitimate countervailing public duty, and in proportionality and reasonableness of the restriction which criminalizes written or spoken words. Further, criminalization of speech is often demarcated and delineated by the past and recent significant events affecting the nation including explanation of their causes. Therefore, constitutional and statutory treatment of ‘hate speech’ depends on the values sought to be promoted, perceived harm involved and the importance of these harms. Consequently, a universal definition of ‘hate speech’ remains difficult, except for one commonality that ‘incitement to violence’ is punishable.”

In that judgement, the Hon’ble Supreme Court elaborated on the concept of Hate Speech by identifying three elements:

- **Content-based:** Open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society.
- **Intent-based:** Speaker’s message to intend only to promote hatred, violence or resentment against a particular class or group.
- **Harm-based/ impact-based:** There is an element of harm to the victim which can be violent or such as loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena.

In the same case, the Apex court also cited Andre Sellars from his essay ‘Defining Hate Speech’ where he examined the concept of hate speech in different democratic jurisdictions and formulated common traits in defining ‘hate speech’. He says:

- Hate speech targets a group, or an individual as a member of the group
- One should be able to objectively identify the speech as an insult or threat to the members of the targeted group, including stigmatising the targeted group by ascribing to it qualities widely disregarded as undesirable
- Speech should cause harm, which can be physical harm such as violence or incitement and true threats of violence
- Speech should have no redeeming purpose, which means that ‘the speech primarily carries no meaning other than hatred towards a particular group’

In the case of *State of Karnataka and anr vs. Dr Pravinbhai Togadia (2004) 4 SCC 684*, the Supreme Court held, “Communal harmony should not be made to suffer and be made dependent upon the will of an individual or a group of individuals whatever be their religion bit of a minority or that of the majority... the valuable and cherished right of freedom of expression and speech may at times have to be subjected to reasonable subordination to social interests needs and necessities to preserve the very core of democratic life preservation of public order and rule of law. At some such grave situation at

least the decision as to the need and necessity to take private reactions must be left to the discretion of those entrusted with the duty of maintaining law and order and interposition of courts...”

In the case of *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 the case of *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.

What is concerning is that this blatantly abusive behaviour of Swami JitendranandSaraswati is spearheaded with impunity by such right-wing extremists and socio-culturally influential members of the majority community. Muslims are subject to an orchestrated right-wing campaign which is made worse with the tacit complicity of the government of the day that harbours a hate-filled ideology and holds undisputed sway and power.

We, therefore, urge this Hon’ble Commission to 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 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.

We have already reported this hate speech to YouTube, as soon as it was spotted. More calls have gone out on social media for his arrest and many users shared his hate speech videos tagging the handles of government authorities, asking that the hate offenders be put behind bars.

Prayer:

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 Swami Jitendranand Saraswati 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. For the NCM to determine the organisational linkages of the hate and venom generated by Swami Jitendranand Saraswati and others of similar vein;
5. To direct the appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech;
6. Undertake any other action as the Commission may deem fit.

Yours sincerely,

Nandan Malsute, President

Teesta Setalvad, Secretary

Annexure:

Annexure A Video dated 17.02.2022 by Swami Jitendranand Saraswati on his Youtube channel

Annexure B Video dated 23.03.2022 downloaded from Twitter website

Annexure C Copy of the survey published in 2021 by Amnesty International