



June 29, 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: Follow-up complaint against BJP MLA Haribhushan Thakur Bachaul (ref. File no. M/MH/116/00058/2022).

Respected Sir,

This is in reference to our email dated 12.05.2022 regarding the complaint made against BJP MLA Haribhushan Thakur Bachaul by Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians. The complaint pertains to his genocidal speech to news reporters as uploaded by News 24 on 08.05.2022. We acknowledge the letter written by this Hon'ble Commission to the Director General of Police (DGP), Bihar seeking their response on the action taken within 21 days from 02.06.2022 (File No.- M/MH/116/00058/2022).



Copy of the complaint dated 12.05.2022 is marked and annexed hereto Annexure A

Copy of the letter dated 02.06.2022 from NCM is marked and annexed hereto as Annexure B

We would like to bring to your notice that Haribhushan Thakur Bachaul was recently caught spewing hate against the youth protesting the Agnipath scheme for army recruitment. He used the term “Jihadi” (which originally means ‘Muslims carrying out a holy war as sacred duty’, often used by Islamophobes in an attempt to demonise the minority community) to vilify the youth.

As reported by the *Times of India*, Bachaul said, “Who are indulging in violence? Those involved are the ‘jihadi’ people and also the ‘samikaranvadi log’ (people who believe in forging political equations to form a government).” Bachaul further said, “Those who are desperate to form government by hook or crook are behind the violence,” referring to the Rashtriya Janata Dal (RJD) without actually naming it specifically. He continued, “However, youths who nurse ‘desh prem’ and are ready to sacrifice themselves for it are happy (with the Agnipath scheme).”

Copy of the report by Times of India dated 21.06.2022 is marked and annexed hereto as Annexure C

As stated in our previous complaint, MLA Haribhushan Bachaul had openly called for violence against Muslim minorities addressing them as demon-like Ravana in a YouTube video dated 08.05.2022. Previously he was also reported to have said that Muslims living in India should be stripped of voting rights and treated as second class citizens. In the year 2021, he was in the news for his remarks on Muslims fertility rate.

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 hyper-charged atmosphere today wherein aggression is being unleashed, unchecked, with impunity, on sections of our population.



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.

Such brazen comments made by prominent individuals pose 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 in this regard as well as it has done in the past.

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.

Moreover, this speech amounts to hate speech that also violates the constitutional provision of **Article 15** of the Constitution of India that prohibits citizens from discriminating on the grounds of religion, race, caste, sex etc. Such comments are not only vicious but hurts the sentiments of the Muslim community and highlights the virulent Islamophobia in the country.

Our consistent complaints to this Hon'ble Commission are an endeavour in our fight against hate and the atmosphere of hate that is being created by such perpetrators who are going on unabated at this point and such brazen attacks need a relentless struggle to stifle them.

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. We, therefore, humbly urge this Hon'ble Commission 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.

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 Maluste, President

Teesta Setalvad, Secretary

Annexure:

- | | |
|------------|---|
| Annexure A | Copy of the complaint dated 12.05.2022 |
| Annexure B | Copy of the letter dated 02.06.2022 from NCM |
| Annexure C | Copy of the report by Times of India dated 21.06.2022 |