



June 29, 2022

To,

Shri Iqbal Singh Lalpura
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Subject: Complaint against hardline outfit and fringe group 'Hindu Sena' for distributing swords on 19.06.2022

Respected Sir,

We, at Citizens for Justice and Peace, Mumbai, are concerned about the event organised by Hindu Sena's National president Vishnu Gupta and its Delhi president Deepak Malik at Vishwagiri temple in Rajouri Garden, Delhi on 19.06.2022, in support of suspended and sacked BJP leaders Nupur Sharma and Naveen Jindal.

The said event began with the recitation of Hanuman Chalisa and reportedly ended with swords being distributed. While Malik reportedly denied any such claims of swords being distributed, Gupta didn't.

Malik reportedly said, “We did not distribute swords. People brought swords from their homes as symbols of support for Nupur Sharma and Naveen Jinda.” He claimed that Sena colleagues had brought only three-four swords from a gurudwara and gifted them to people just for clicking photographs, reported the New Indian Express. But Gupta openly said, “We distributed the swords for the protection of our Hindu women. This was only for the purpose of self-defence.” He further claimed that Hindu Sena had distributed around 10,000 swords in Delhi NCR, reported by the New Indian Express. As per the same report, the event was allegedly organised without police permission because it was an indoor and personal programme, claimed Malik.

A copy of the report dated 21.06.2022 by The New Indian Express is marked and annexed hereto as Annexure A

A copy of the images sourced from News 24 Twitter account are marked and annexed hereto as Annexure B and Annexure C

Hindu Sena's track record

Recently on June 11, the right-wing group claimed that Delhi Police had detained 12 of its volunteers during a march organised in support of former Bharatiya Janata Party (BJP) spokesperson Nupur Sharma. Vishnu Gupta told The Quint, “If Ms Nupur Sharma has said something wrong, they should take legal action and not terrorise the society with stone pelting. The Indian Government must investigate such rioters under NSA and also investigate international fundings to such rioters.”

A copy of the report dated 11.06.2022 by The Quint is marked and annexed hereto as Annexure D

In February 2022, Hindu Sena’s National president, Vishnu Gupta even wrote to Union Education Minister, Dharmendra Pradhan demanding to ban all kinds of Hijab, Burqa or Islamic symbol from educational institutions. As reported by News Nine, he was reportedly quoted saying, “Hijab is a security threat. Anyone can disguise himself/ herself by wearing a hijab or a burqa, no one knows if they're hiding something. Tomorrow, if a Muslim girl is applying for a job, she will wear the Hijab there too which will hurt her chances of getting the job as she wouldn't be obeying the dress code of that place. People are trying to Islamify the educational system and institutions. This must be stopped.”

A copy of the report dated 10.02.2022 by News Nine is marked and annexed hereto as Annexure E

In September 2021, the Delhi Police had arrested five members of the Hindu Sena for allegedly vandalising the official residence of All India Majlis-e-Ittehadul Muslimeen (AIMIM) chief and Hyderabad Member of Parliament Asaduddin Owaisi in New Delhi.

A copy of the report dated 22.09.2021 by Firspost is marked and annexed hereto as Annexure F

In January 2021, a protest was organised by Hindu Sena against farmers at Singhu border who gave them an ultimatum to clear the area. As per Alt News report, Vishnu Gupta had issued a press release stating, “Today, local Hindu Sena activists along with local area residents went to Singhu border amid farmers and raised slogans against Khalistan supporters and appealed to the farmers to clear the road. Hindu Sena warned pro-Khalistan protesters that they resolve their problems in 24 hours after talking to the government and empty the Singhu border and the road.”

A copy of the report dated 28.01.2021 by Alt News is marked and annexed hereto as Annexure G

In yet another example, the members of Hindu Sena held a protest on Valentine’s Day in Coimbatore as they reportedly ripped the cards and set them on fire outside the Coimbatore district collector’s office in February 2020.

A copy of the report dated 13.02.2020 by The New Indian Express is marked and annexed hereto as Annexure H

According to *The Hindu*, the fringe group, Hindu Sena came into existence in 2011, only with 50 members and went to grow steadily upto a membership of approximately 5 lakhs as of last year (October 2021). According to Gupta, the Hindu Sena reportedly accepts members “who are already trained in “Rashtriya Swayamsewak Sangh Shakhas” or those who “want a Hindu Rashtra”, and that the outfit now has presence in 16 states, and over 10 lakh people have joined it through social media platforms.

A copy of the report dated 10.10.2021 by the Hindu is marked and annexed hereto as Annexure I

This is not the first time when swords have been distributed by a right-wing group at an event. We have previously brought to your notice in our complaint dated 05.05.2022 (Ref: F. No C/MH/116/00055/2022) made against Hindutva leader Pravin Togadia, president of Antarashtriya Hindu Parishad (AHP) who openly took an anti-Muslim oath and distributed swords in Assam in April 2022.

Earlier same month, AHP had organised an event in Gujarat they made Anti-Muslim Speech and reportedly distributed approx. 5100 swords and tridents or trishuls.

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 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.

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.

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.

Prayers:

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 Act, 1992;
2. To direct the attendance of Hindu Sena National President Vishnu Gupta and Delhi President Deeapk Malik 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 Hindu Sena;
5. To direct the Delhi Police or any other appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech;
6. Issue directions to the Delhi Police to submit Action Taken Report and give updates to this Commission regarding progress in investigation in the case;
7. Issue any other directions to Delhi Police as the Commission may deem fit and proper in the circumstances of the case;

8. To direct the Delhi 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.
9. Undertake any other action as the Commission may deem fit.

Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary

Annexures

Annexure A	A copy of the report dated 21.06.2022 by The New Indian Express
Annexure B	A copy of the images sourced from News 24 Twitter account
Annexure C	A copy of the images sourced from News 24 Twitter account
Annexure D	A copy of the report dated 11.06.2022 by The Quint
Annexure E	A copy of the report dated 10.02.2022 by News Nine
Annexure F	A copy of the report dated 22.09.2021 by Firspost
Annexure G	A copy of the report dated 28.01.2021 by Alt News
Annexure H	A copy of the report dated 13.02.2020 by The New Indian Express
Annexure I	A copy of the report dated 10.10.2021 by the Hindu