



Date: December 28, 2022

To,

1. Mr. Praveen Sood

DGP, Karnataka

Email id: police@ksp.gov.in

2. Mr. GK Mithun Kumar, IPS

Superintendent of Police, Shivamogga,

Karnataka

Email id: spshi@ksp.gov.in

Subject: Complaint against Pragya Singh Thakur for hateful and inciteful speech, provoking breach of public order and peace

Respected Sirs,

We, at Citizens for Justice and Peace (CJP) are writing to you raising concerns about an incident of inciteful hate speech by a Member of Parliament, Ms. Pragya Singh Thakur that has taken place in Shivamogga, Karnataka. CJP is a human rights movement, operating in Mumbai which has a history of fighting against hate speech and fighting for safeguarding constitutional values and fundamental rights of fellow citizens.

This is to bring to your notice that on December 25, Thakur, was speaking at Hindu Jagarana Vedike's South Region annual conference in Shivamogga. Her speech has been captured on video and is being widely circulated on social media for being inciteful, provocative and egging people on to take up arms against the minority community. Through this complaint letter, we urge you to take immediate and stringent action in this regard by lodging a complaint and arresting Thakur for her criminal actions.

We are sure, you may have come across the video, yet, we are reiterating here those parts of the video where her comments amount to criminal offences under the Indian Penal Code.

Thakur can be heard saying, "Keep weapons in your homes, if nothing else, at least keep the knives used to cut vegetables, sharp. I am speaking clearly. In our homes as well knives should be sharp. They Killed our Harsha with a knife. They have stabbed our bravehearts, workers of Bajrang Dal, of BJP and workers of Yuva Morcha. So we should also keep our knives sharp as we don't know when the situation will arise. When our vegetables are cut properly, then our

enemies' heads will also get cut properly". This comment was made in reference to the killing of activist Harsha in Shivamogga. She further says that Hindus should "answer those involved in love jihad the same way".

She does not mince her words during her speech and has clearly incited Hindus to take up weapons and provoked them to use knives to kill people from the Muslim community if the situation arises. While she does not explicitly mention 'muslim community', the fact that she has said "they killed Harsha" makes it clear who the incitement is against, since the accused in Harsha's murder case are Muslims.

There is no doubt that the "they" she keeps referring to is the Muslim community and there is a clear provocation to kill Muslim whenever the need arises. Furthermore, this was spoken at a public event and this speech has reached not only the audience at the event but also all those who may have seen this video on their mobile phones, by the medium of social media. How large and wide the reach of social media can be, we are sure you must be aware. The consequences of such an inflammatory speech could be dire.

A copy of the video downloaded by us from Twitter has been marked and annexed as Annexure A

To cite an example, when Delhi witnessed violence in February 2020, the precursor to the violence was inciteful speeches made by prominent political figures, namely, Anurag Thakur, Parvesh Verma and Kapil Mishra. Anurag Thakur had raised slogans like "*Desh ke gaddaron ko goli maaro saalon ko*" (Shoot the traitors). Mishra, while addressing a crowd, merely 3 days before the violence broke out, had given an ultimatum to the police, in the presence of police personnel, to evict the protestors and threatened violence in case they failed to do so within three days. Verma had said that the protestors at Shaheen Bagh, who were protesting against the Citizenship Amendment Act, will enter people's homes to "rape their sisters and daughters and kill them".

The result of such inciteful and provocative speeches was the Delhi violence which claimed 53 lives among which majority were Muslims, and also resulted in public and private property getting destroyed.

This should serve as a warning sign and the police ought to act against such inciteful hate speech for it to serve as a deterrent to avoid disturbance to public order and to maintain law and order in the district.

The following sections of IPC need to be invoked against Thakur:

141- Unlawful Assembly

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

153B- Imputation, assertions prejudicial to national-integration.

268- Public Nuisance

503- Criminal intimidation

504. Intentional insult with intent to provoke breach of the peace

505 - Statements conducing to public mischief and Statements creating or promoting enmity, hatred or ill-will between classes

In *Mohd. Haroon and others v. Union of India (2014) 5 SCC 252 and another*⁴, it has been clearly held that it is the responsibility of the State Administration in association with the intelligence agencies of both the State and the Centre to prevent recurrence of communal violence in any part of the State. If any officer responsible for maintaining law and order is found negligent, he/she should be brought within the ambit of law.

In *Nandini Sundar and others v. State of Chhattisgarh AIR 2011 SC 2839*, it has been stated that it is the duty of the states to strive, incessantly and consistently, to promote fraternity amongst all citizens so that the dignity of every citizen is protected, nourished and promoted.

In *Tehseen Poonawalla v UOI and ors (2018) 9 SCC 501* the Supreme Court held that, it is the responsibility of the States to prevent untoward incidents and to prevent crime. The court further said,

17. There can be no shadow of doubt that the authorities which are conferred with the responsibility to maintain law and order in the States have the principal obligation to see that vigilantism, be it cow vigilantism or any other vigilantism of any perception, does not take place. When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion... No one has the authority to enter into the said field and harbour the feeling that he is the law and the punisher himself. A country where the rule of law prevails does not allow any such thought. It, in fact, commands for ostracisation of such thoughts with immediacy. (emphasis added)

20. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency. A fabricated identity with bigoted approach sans acceptance of plurality and diversity results in provocative sentiments and display of reactionary retributive attitude transforming itself into dehumanisation of human beings. Such an atmosphere is one in which rational debate, logical discussion and sound administration of law eludes thereby manifesting clear danger to various freedoms including freedom of speech and



expression. One man's freedom of thought, action, speech, expression, belief, conscience and personal choices is not being tolerated by the other and this is due to lack of objective rationalisation of acts and situations'

In *Pravasi Bhalai Sangathan v. Union of India, (AIR 2014 SC 1591)*, 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.

In the case of *Amish Devgan 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."

We have come across a news report by *The Hindu*, which states that Mr. GK Mithun Kumar has told the publication that he would take actions against Thakur if he receives any complaint against her. We, earnestly urge you to consider this complaint and register an FIR on the basis of the same. We also request you to take stringent action in this regard against Thakur, for the reasons mentioned above in relation to Delhi violence of 2020.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary