



Date: March 9, 2023

To,

Sri. Patil Yalagouda Shivanagouda
Deputy Commissioner
DC Office Mini Vidhan Soudha, Tumakuru
Phone: 0816-2272480
Email: deo.tumkur@gmail.com

Rahul Kumar Shahapurwad
Superintendent of Police
SP Office Ashok Nagar, B H Road Tumakuru
Phone: 08162272451
Email: sptkr@ksp.gov.in

Police Inspector
Tumakuru Town Police Station
Phone: 0816-2278388, 9480802945
Email: towntkr@ksp.gov.in

Dear Sirs,

We, at Citizens for Justice and Peace (CJP), are extremely concerned about a proposed and publicised “event” of Hindu Janajagruti Samiti that, according to the information available on their website, is going to be held at Divya Hall, K.S.R.T.C. Depot Road in Kunigal, Tumakuru, Karnataka on Friday, March 10, 2023, at 5.30 pm. **This is tomorrow.** While there is no information that has been available on their website regarding the people who have been invited to speak at this said event, it is near certain that hate-ridden and provocative speeches will be delivered and calls for violence will be made, given the recent track record of the organization and the “principles” that they stand for. This kind of aggressive mobilization is a threat to both social harmony in general and the security and safety of targeted sections of the population in particular.

Sir, we had sent a similar preventive memorandum to the Tumakuru authorities on February 22, 2023, regarding the Hindu Janajagruti Samiti event that was supposed to take place on February 23 at at Shri Kodandashrama Math in Hebburu, Tumakuru. Not action was taken on the said preventive complaint then. Sir, as a civil rights group, committed to maintaining harmony and social peace, we urge that adequate preventive action is taken under the law. Sir, we are stating this on the basis of the recent Supreme Court order of February 3, 2023 and other earlier orders (Judgements) on the issue of discriminatory hate speech. We are also issuing this cautionary memorandum given the history and politics of the people attached to this organisation, and the communally divisive issues that this Samiti advocates for. Such gatherings where inegalitarian, divisive and stigmatising words are uttered and

mobs provoked violate both the fundamental rights guaranteed to all Indians under the Indian Constitution as are in violation of provisions of Indian criminal law. Articles 14, 15, 16, 21 and 25 of the Constitution stands violated.

Preventive Measures when Speakers & Organisers have a record of Provocative Hate Speech:

We are sure that the Police is aware of a slew of directives that the Hon'ble Supreme Court has issued *time and again* for effective prevention of social disharmony, hate crimes and communal violence.

These include:

In *Mobd. Haroon and others v. Union of India* (2014) 5 SCC 252 and another, 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 *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 *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 given specific directions for the police to adopt preventative measures, in which a senior police officer, not below the rank of Superintendent of Police, shall work as Nodal Officer in each district. Such Nodal officers were then directed to constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes, as mob violence and lynching, or who are involved in spreading hate speeches, provocative statements and fake news.

In addition to this, the Nodal Officer, along with the Station House officers, have been directed to take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting tendencies leading to mob-violence and lynching.

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.

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 4 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 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.”

On February 26, the Navi Mumbai Commissioner of Police, Milind Bharambe, had videotaped the entire event organized by Sakal Hindu Samajh in Navi Mumbai, Maharashtra as per the orders of the Supreme Court. The content of the speeches given at the event are now being investigated on whether they can be classified as hate speeches. The decision of video-tapping the event came after Mr. Tushar Gandhi, president of the Mahatma Gandhi Foundation had written a preventive letter to the Navi Mumbai police seeking preventative measures, much like we are doing.

We urge that the Tumakuru unit of the Karnataka police follows these strict, laid down preventive measures.

Recent Directions of the Supreme Court on Events after they Occur/are allowed:

We would also like to highlight that on February 3, 2023, the Supreme Court issued directions with respect to an event which was scheduled to be held in Mumbai on February 5, 2023 by another extremist Hindutva group, Sakal Hindu Samaj. The petitioner, Shaheen Abdullah had contended that similar to its anti-Muslim speech during 'Hindu Jan Aakrosh Morcha' held in Mumbai on January 29,

it can be apprehended that the same will be repeated during the February 5 meeting as well. The apex court had thus sought a video of the entire event to be scrutinized by the court at the next hearing. The court has also taken an undertaking from government of Maharashtra that if permission for this event is granted “it will be subject to the condition that nobody will make any hate speech and in defiance of law or disturbing the public order.”

The court also outlined directives with respect to taking preventive action in such cases:

“We also direct that the Officer(s), in case, permission is granted and, in case, the occasion arises for invoking the power under Section 151 of Cr.P.C. as aforesaid, it shall be the duty of the Officer(s) concerned to invoke the said power and to act as per the mandate of Section 151 of the Cr.P.C.”

The apex court has, thus, again outlined already codified statutory duties of a police officer which makes it mandatory for them to take action under section 151 of CrPC in case there is apprehension of hate speech. The court, during the last hearing on February 3 had also expressed its disappointment that the police was not taking preventive action or filing complaints suo moto in cases of hate speech, as it had directed in October, 2022 while hearing a bath of petitions against hate speech at various occasions.

A copy of the Supreme Court order dated February 3, 2023 has been marked and annexed hereto as Annexure A

In its October 21, 2022 order, the Supreme Court had issued interim directions to the state Police wherein it had directed that

“As and when any speech or any action takes place which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC etc., suo moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law.”

The court had further said that non-compliance would amount to contempt of court:

“We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers,” the order reads.

A copy of the Supreme Court order dated October 21, 2022 has been marked and annexed hereto as Annexure B

In light of this, we urge you to take action as per sections 149 (Police to prevent cognizable offences), 150 (Information of design to commit cognizable offences) and 151 (Arrest to prevent the

commission of cognizable offences) of the CrPC and any other provisions of law, as deemed necessary by you.

Prior to the event that was scheduled in Maharashtra to be held on February 21, CJP had sent a preemptive memo to the Ratnagiri authorities, namely the District Collector and the Superintendent of Police, to take preventive action against the event. We had also urged the Lok Sabha member from Ratnagiri, Shri Vinayak Bhaurao Raut, Shiv Sena to ensure that the police carry out their duties by either stopping the event from happening or ensuring that no hate speeches are delivered. We are sending this preemptive memo to you with the same hopes.

Oath under the Indian Constitution

Sir, we are sure you are aware of Schedule III of the Constitution that lays down the constitutional obligation of every government servant. For a government servant, when they take office after elections the Third Schedule of the Constitution [Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219], the Oath is straightforward: whether sworn in the name of God or the Constitution, the government servant must only be wedded to true faith solemnly affirm and allegiance to the Constitution of India as by law established and function in accordance with the Constitution and the law, without fear or favour, affection or ill will.

In your esteemed case, Sir, under the Third Schedule, the Form of oath or affirmation to be made by a government servant is as follows:—

["I, A.B., do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office loyally, honestly, and with impartiality." (So, help me God!)"

Divisive, majoritarian background of the HJS

As per the website of Hindu Janajagruti Samiti, many events for the month of March have been planned in various parts of Maharashtra, Jharkhand and Karnataka, which started from February 21, and the next one is scheduled for March 10 in the Tumakuru district of Karnataka.

The link of their website: <https://www.hindujagruti.org/events>

On March 10, they are holding a Hindu Rashtra Jagruti Sabha, and as per their website, "The purpose of these Hindu Rashtra-Jagruti Sabhas is to unite ordinary Hindus, Hindu organisations and various sects to get India declared as a 'Hindu Rashtra'. Hindu Rashtra-Jagruti Sabhas spread awareness about the political, cultural and social onslaught on Hindus and Hinduism. The Sabhas kindle the spark of love towards Dharma and the Nation. This spark should then become a roaring fire of intense activism in the form of concrete and organised steps for the establishment of Hindu Rashtra. Hindus should make a firm resolve

to participate in this great Yajna of Hindu Rashtra-Jagruti Sabhas which accord an opportunity to fulfil your duty towards Dharma and the Nation.”

It can be clearly deduced from the above statement that speeches of provocative and instigating nature will be made in that event. These speeches will also be targeted at the religious minorities of our country, as to establish a nation for Hindus, these extremists Hindutva organisations are instilling anti-Muslim sentiments among the people.

While the details of the said event are lacking, just a mere perusal of the website of the HJS is enough to clear any doubts that one can have regarding their agenda. As per the HJS website, the motto behind setting up of this organization is to move towards the establishment of a “Hindu Rashtra” or a Hindu nation.

Many tweets regarding the upcoming event can be seen on social media. Rallies are also being taken out by the HJS prior to the events to make people aware regarding the upcoming events. The same was also taken out before the February 21 event.



“Hindu-Issues” advocated for by the HJS



The HJS runs a campaign advocating for the passing of anti-Love Jihad laws in Maharashtra. Extremist Right-wing Hindu groups have been using the term “love-Jihad” loosely now, wielded by an aggressive majoritarianism, woven into a dominant caste Hindu narrative of religious extremism, Islamophobia, and communal hatred. It has also been provided on their website that HJS has been conducting regular workshops to make Hindus “aware” of the consequences of autonomous and free choice marriages, derogatively and provocatively termed ‘Love Jihad.’

On their website, HJS has also mentioned the case of Shraddha Walker-Aftab Poonawalla case, the tragic murder of a woman by her boyfriend that was given a communal turn and used by the right-wing outfits to push their agenda of love-jihad. As a responsible member of the Indian Police force (IPS) you must surely be aware that violence that women are subjected to within relationships have all to do with patriarchy and little do with the faith of one of the partners. To selectively pick on one such heinous murder, politicise it and demonise and stigmatise Muslims amounts to a violation of the basic tenets of the Constitution. This trend of using the suffix of ‘jihad’ to propagate a communally divisive narrative has caught traction in the recent times. The moment any news wherein a person from Muslim Community is involved, the extremist Hindu outfits rush to label it as some kind of Jihad.



This Right-wing extremist organisation also organized various events in the past advocating for the boycott of Halal and the economic boycott of Muslims in India. Other than this, their websites have also provided a communal color to issues such as religious conversions and cow slaughter.

It is pertinent to note, that in the current environment of oppression and otherisation of the Muslim community, such religious issues when portrayed in a prejudicial or hysterical way, without any rational basis to that questioning, with an intention to pitch views of only one segment/community amounts to stigmatizing of an already marginalized section.

Previous speakers at HJS events

Many notorious hate offenders and hate speakers, such as T. Raja, Pramod Muthalik, Meenakshi Sharan, H.H. Sambhajirao Bhide, Kalicharan Maharaj and Suresh Chavhanke, have been associated with HJS, and participated in their activities. A post of last year shows that all these hate offenders, and more, got together and participated in an event organised by the HJS for the establishment of Hindu Rashtra.



In another tweet, it was also found that notorious hate offender Sambhajji Bhide had also been a speaker at one of the events organised by the HJS in the past, which advocated for the boycott of Halal Products.



Sambhaji Bhide, along with Milind Ekbote, stand accused of inciting Bhima Koregaon violence by giving inciteful and hate speeches just before the event which was the bi-centenary of the Battle of Bhima Koregaon. He is a controversial figure who has been active in propagating militant Hindutva ideology and building Shiv Pratishthan Hindustan. He has been rather active in the past three decades in supposedly 'spreading awareness' on the life of Maratha warrior king Shivaji.

A former Rashtriya Swyamasevak Sangh (RSS) worker, he also faces charges of instigating communal riots in Miraj-Sangli in Sangli district during Ganpati emersion, over an arch sporting a poster depicting the slaying of Afzal Khan. He also played a major role when his organisation ransacked theatres to protest the film, Jodha Akbar in 2008.

In view of the state-wide attempts to stigmatise India's minorities and even provoke violence we strongly urge the Tumakuru police to do everything in their capacity to prevent this event and rally which could do much damage to not just the secular fabric of the society but also to communal harmony in Tumakuru and state of Karnataka as a whole.

As members of the Indian Police Forces (IPS) and bureaucracy (IAS officers), our Constitution states that once the uniform is donned on by an individual, they are wedded to ensure that the remit of the Constitution rules.

Hindu Janajagruti Samiti has been notorious for organizing events and calling people who are known to deliver hate speeches in the past. It is clear from the history of events organized by Hindu Janajagruti Samiti in the recent past and the history of hate offences associated with them and participate in their activities that similar speeches will be made and derogatory comments that will tend to disturb the peace and harmony and with tendency to disrupt law and order will be made.

In the light of this, we again urge you to take action as per sections 149 (Police to prevent cognizable offences), 150 (Information of design to commit cognizable offences) and 151 (Arrest to prevent the commission of cognizable offences) of the CrPC and any other provisions of law, as deemed necessary by you.

Considering the indisputable history of hate speech of the speakers and the organisers as well, it is pertinent that you take immediate action in this regard and cancel the permission (if given) or deny permission for this event, in the light of the Supreme Court directions of February 3, (as indicated above).

We urge you to take necessary action and follow due process of law to stop this event from taking place and take any other preventive action within the powers of the Police. If the wider public is kept abreast of developments, this would go a long way in re building faith and confidence in the rule of law in general and a police-citizen relationship in particular.



In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

List of Annexures:

Annexure A: A copy of the Supreme court order dated February 3, 2023

Annexure B: A copy of the Supreme Court order dated October 21, 2022