



Date: July 12, 2024

To,

Shri Shri Mukesh  
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Shri Sharad Kumar Dwivedi  
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**Subject: Complaint against Gautam Khattar for delivering a provocative/hate speech at an event organised in Newtown, Kolkata**

Respected Madam/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 communal speech delivered by Gautam Khattar in Kolkata, West Bengal in April 2024. As per the details available, the said speech had been delivered by Khattar between April 5-7 at the National Yuva Conclave-2024 event organised by Friends of Tribals Society at Acharya Mahapragya Mahashraman Education & Research Foundation (AMMERF), Newtown, Kolkata. Through his speech, he propagated fake conspiracy theories about religious conversion, promoted enmity between Muslims, Christians and Hindus, accused Muslim and Christian citizens of proselytisation, and also advocated Hindus to take up arms. He further said that Muslims of the country are on a mission to make India into Islamic State and termed them as terrorists. Additionally, he used derogatory terms like *Aatankvaadi* (terrorist) to refer to Muslims, accusing them of being brainwashed in Madrasas, and misinterpreted religious scriptures to incite hatred and enmity.

An Uttarakhand resident, Gautam Khattar, has been flagged multiple times for making inflammatory remarks against religious minority communities. In the past, he has delivered hate speech targeting Muslims and has repeatedly eulogised violence. He, thus, has a history of disturbing the communal harmony of India through his provoking and misinformed statements. We would like to bring your attention to the instigating speech video that has surfaced from Newtown (Kolkata) event, urging the police officials to take stringent action against the perpetrator to ensure that these hate-driven speeches are not left unchecked, and the peace and harmony of our country is not affected direly.

### Extracts from the Speech:

“Lord Ram holds bow and arrow, Lord Krishna has Sudarshan Chakra (discus), Veer Hanuman wields Gadda (mace), Shiva has Trishul (trident) in his hands, Jagadamba and Maharana Pratap holds Bhalla (spear), your ancestors are trying to convey a message but you are not understanding it, their Madrasas hoard weapons and you have iPhone worth 1 lakh in your hands but you do not possess a weapon - this is why our daughters’ respect and dignity is time and again snatched away by Jihadis but we still do not open our eyes.”

“Idols of Ram, Shiva and Krishna were broken and placed at stairways of Masjids (mosques) in Afghanistan but is your *Hasti* (existence) still not being taken away? 7 lakhs Kashmiri Pandits were driven away from their homes, even those who applied *tilak* to their foreheads were taught a lesson, mothers were slaughtered, sisters were dishonoured, but they just stood mum...**if only 100 out of 7 lakhs Kashmiri Pandits had picked up weapons**, we would not have had a flag of Pakistan on our soil.”

“But none of us took up arms that **is why I am telling study the sacred texts but also keep weapons alongside. Islam says that sword should be placed on a person’s neck if they do not believe in the Prophet – you force them through fear and might of sword to wear Salwar.**”

“Similarly, Christianity instructs that people should be converted to Christianity in whatever way possible – if somebody needs *atta* (flour) give them *atta*, if somebody needs dal (lentils) provide them the same and convert them to Christianity, if somebody needs rice, give them rice and convert them to Christianity, if somebody needs house, money and education, **give them education in Convent school and make them Christian...Their Quran instructs to cut off the head of idol-worshippers and those who do not believe in Allah and the Prophet.**”

“This is not what I am saying, this is what their Quran says, but we still talk about Hindu-Muslim-Sikh brotherhood – now who will save you? Study their Quran – Surah-Tawbah no.9, Ayah no.29 talks about your destruction – **it says that those who do not believe in Quran, Allah, the Prophet, and Islam, would see their heads chopped off when they (Islam) would be in the majority...Then we talk about Ram Rajya and Hindu Rashtra, but mind you, they will make Islamic State, because they don’t just limit themselves to slogans and speeches, every son of a Muslim go to Madrasa, and therefore it is easier for them to make Islamic State.**”

“They will make Islamic State and they won’t even make proclamation before it, they won’t be giving speeches like us or celebrate festivity like us, but **by sending their children to Madrasas, they will ensure that flag of Islam is eventually hoisted in India and across the world while we would still be merely chanting Hindu Rashtra Zindabad...Isa Messiah (Jesus) says in the Bible that do not suppose that I have come to bring peace to the Earth, I did not come to bring peace but sword, I have come to turn man against his father, a daughter against his mother, a daughter-in-law against her mother-in-law, man’s enemy will be the member of his own household – who is telling this? I am not telling this; it is Isha Messiah who is telling this...These are not Isais but butchers of your neck. Therefore, I am advising you to be cautious against them (Christians), otherwise you will be in trouble...Many temples are built around you...and there is no need to bow down your heads on the tombs of terrorists (*Aatankvaadi*)...Stop going**

to the cemeteries of Pirs, because people who have been buried there are destroyers of your ancestors, and you go and worship these people! Have you seen a community which worship such people? No community which does such thing commends respect and therefore you people should also stop doing this.”

**“They even killed your Prithviraj Chauhan and built his tomb outside the mosque and put a shoe on the top of it. So, whenever any Mullah or any Muslim would go to the mosque to do Namaz, he would strike the tomb four times with a shoe. And you (people) built a grave for Moinuddin Chishti in Ajmer who had killed Prithviraj Chauhan!”**

The video had been uploaded on Telegram by Hindutva Watch on May 4, 2024.

The video of the speech has been downloaded by CJP is marked and annexed hereto as **Annexure A**

<https://t.me/hindutvawatchin/354>

Ma’am/Sir, it is important to note that this is not the first time that Gautam Khattar has delivered such a hate speech in the country. We at CJP, have regularly tracked the speeches that had been made by him during 2024. It is also essential to highlight here that in the month of March this year, Khattar had engaged in fear-mongering by delivering anti-Muslim inflammatory [speech](#) in Nawada, Bihar. Similarly, in February 2024, he gave yet another incendiary [speech](#) targeting minorities in Tankara, Gujarat. Thus, he has a strong history of fomenting trouble, engaging in disinformation campaign, fear-mongering, inciting hatred between different communities, and disturbing communal peace in a sensitive country like ours.

Ma’am/Sir, we are also generally concerned with the overall unsafe atmosphere for the minorities that is being generated through the systemic and perpetrated use of hate speech and writing within the country, but also in West Bengal, and urge that urgent steps are taken to curtail and prosecute the same.

### **Recent Directions of the Supreme Court on preventing/prosecuting hate speakers**

As you must know, the issue of rampant hate speech being delivered in Maharashtra and the inaction by law enforcement agencies has been highlighted before the Supreme Court multiple times since 2023. We would 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 the Sakal Hindu Samaj, another extremist fringe Hindutva group. 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 scrutinised by the court at the next hearing. The court has also taken an undertaking from the 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.”*

Even in 2024 itself, while on January 17, the Supreme Court bench of Justices Sanjiv Khanna and Dipankar Datta had expressed their anguish at the petitioners being forced to approach the Supreme Court multiple times against individuals and organisations even after there being guidelines for tacking and taking action against hate speeches. During the said hearing, the Supreme Court issued an order directing the District Magistrate and Superintendent of Police at Yavatmal, Maharashtra and Raipur, Chhattisgarh to take ‘appropriate steps’ to ensure that no incitement to violence or hate speech occurs at the rallies scheduled in the said districts in the coming few days of January. The said order was passed following the concerns raised by the petitioners over delivery of potential hate speeches at rallies planned by Hindu Janajagruti Samiti and Bharatiya Janata Party legislator T Raja Singh in the month of January.

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

*“We would require the authorities to be conscious that no incitement to violence and hate speech are permissible. The concerned District Magistrates and Superintendent of Police of Yavatmal, Maharashtra and Raipur, Chhattisgarh will take necessary steps, as may be required. If necessary and deemed appropriate, police/ administration will install CCTV Cameras having recording facility, so as to ensure identification of the perpetrators in the event of any violence/ hate speech.”*

### **Circulars issued by DG and IGP West Bengal in 2023 urging strict action on Hate Speech**

In Circular - Memo No.678/Law Cell/Adm/CR-397/18 - issued by P. Nirajnayan (Director General and Inspector General of Police – Administration) dated September 18, 2018, the Supreme Court order dated July 17, 2018 has been highlighted where the court had asked the police to ensure that as and when any speech which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC take place, suo moto action is taken if no complaint is forthcoming.

The circular had directed all police officers to follow the Supreme Court order.

The said circular is titled, “Compliance to the guidelines issued by the Hon'ble Supreme Court of India in its Judgement passed on 17th July, 2018 in WP (Civil) No.754 of 2016 in the matter of Tehseen S. Poonawalla Vs. Union of India and others.” The copy of the circular can be found [here](#).

It gives detailed instructions on what steps are to be taken when any hate speeches are made:

v. The officers-in-charge of the identified areas shall maintain extra vigil and keep watch on social media with the help of the Special Police Units being set up to counter hate messages and videos on social media and take legal action against those spreading rumours.

v. The Superintendents of Police and Nodal Officers in the Commissionerates shall hold regular monthly meetings with Local Intelligence Units and officer-in-charge of Police Stations so as to identify the tendency of vigilantism, mob violence or lynching and take necessary steps to stop instances of dissemination of offensive material through different social media platforms or any other means.

xi. CID, West Bengal shall take necessary measures to issue directions for taking preventive measures based on inputs and to ensure that criminal cases registered in this regard are supervised properly and necessary action taken timely and effectively. CID shall also monitor trial of important cases.

xii. FIR shall be registered under appropriate section of law including Section 153-A of IPC against persons who disseminate irresponsible and explosive messages and videos having content which is likely to incite mob violence and lynching.

### **Action taken against hate speakers and offenders**

Ma'am/Sir, on April 28, 2023 the Supreme Court had held that all States/UTs, including West Bengal, are enjoined and bound to take suo moto action to register FIR against hate speeches, without waiting for any formal complaint. In its order, the Supreme Court bench comprising Justices KM Joseph and BV Nagarathna had said the following:

*"Respondents (states) shall ensure that immediately, as and when any speech or any action takes place which attracts offences such as Section 153A, 153B, 295A and 506 of IPC etc, without any complaint being filed suo moto action be taken to register cases and proceed against the offenders in accordance with law. Respondents will issue directions to the subordinates so that appropriate action can be taken at the earliest. We further make it clear that such action be taken irrespective of the religion of the maker of the speech, so that the secular character of Bharat as envisaged by the Preamble is preserved."*

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. Sir, given the well-orchestrated and numerous instances of hate speech and actual hate crimes being committed, the minority community in various parts of India already feels insecure and threatened. 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 these videos 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 have been worse.

### **Sections of Indian Penal Law attracted**

The inflammatory and divisive speech delivered by Gautam Khattar amounts to inciteful, hate speech which is a punishable offence under various sections of the Indian Penal Code (IPC) and Bharatiya Nyaya Sanhita:

**Section 153A** [promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony],

**Sections 505 (1) and (2)** [publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes].

### **Sections of Bharatiya Nyaya Sanhita, 2023 (BNS) attracted**

**196. (1) Whoever—**

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication 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 feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or 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.

**197. (1) Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise,—**

(a) makes or publishes any imputation that any class of persons 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 persons 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 religious, 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; or

(d) makes or publishes false or misleading information, jeopardising the sovereignty, unity and integrity or security of India,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

**351. (1) Whoever threatens another by any means,** 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.

(2) 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.

**353. (1) Whoever makes, publishes or circulates any statement, false information, rumour, or report, including through electronic means—**

(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.**

In view of the same, we urge you to you to take cognizance of the video enclosed herewith, register a case against the perpetrators identified as well as the organizer, and arrest them for the cognizable offences under the relevant sections. We also wish for you to inform whether the said event had been videotaped by the police officials as per the orders of the Supreme Court. Additionally, we wish for the police to keep us abreast of developments and the action taken in this case, based on the relevant section, as 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.

Ma'am/Sir, do note that we are sending this complaint, by email and registered post, on which we urge you to register an FIR if one has not been filed yet.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

**Annexures:** Annexure A- Video of Gautam Khattar dated May 4, 2024 downloaded by CJP