



Date: July 12, 2024

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Subject: Complaint against the preacher Swami Sachidanand, for delivering Hate Speech against the Muslims and Christians on June 3, 2023 in Bainsroli, Mainpuri (Uttar Pradesh).

Dear Madam/Sir,

We, at Citizens for Justice and Peace (CJP), a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the communal and hate-spewing speech delivered by “Preacher”, Swami Sachidanand targeting Muslims and Christians for their religion. As per the details available, the said speech had been delivered by Swami Sachidanand on June 3, 2024 in Bainsroli, Mainpuri (U.P.). Through his speech he propagated false conspiracy theory about against the Muslims and Christians. The contents of the speech given by Swami attracts prosecution under Sections 196 (Promoting enmity on grounds of religion), 197 (1), 299 (Malicious act to insult a religion), 352 (Intentional insult with intent to provoke breach of peace), 353 (Statements conducing to public mischief) of the Bharatiya Nyaya Sanhita, 2023. Swami Sachidanand gives communal and provocative speech and makes objectionable derogatory remarks about Prophet Mohammad and Jesus Christ and attempts were made to defame him. He said in his speech that Prophet Mohammed neither spared a 6-year-old girl nor a 40-year-old woman and called the Prophet a “big adulterer”. He further added in his speech that Jesus Christ had no character. Swami attempts to propagate a false narrative about Muslim citizens and with deliberate intention to create fear among the citizens of the country about Muslim and Christian citizens of the country.

It is necessary to highlight here that Swami, being the previous and habitual hate offender, endorsed the statement made by the former BJP Spokesperson Nupur Sharma, uttering similar blasphemous remarks against Prophet Mohammad wilfully and intentionally in his speech. As you well know, such kind of insightful and inflammatory statements can easily hurt the sentiment of a person with particular faith and beliefs and a threat to internal peace and harmony of the country. The speech delivered by Swami not only hurts the religious sentiments of Muslims and Christian citizens of the country but is also a provocation to violate the religious tolerance of the people and can create an atmosphere of communal rioting. Swami’s speech is clearly against the peace and tranquility by spreading hatred and promoting enmity on grounds of religion.

Extracts from the Speech:

“Mohammed (Prophet) who neither spared a 6-year-old girl nor a 40-year-old woman, he was such a big adulterer that married 43 times in his life”. “Their Jesus Christ had no character” **[Time Stamp - 00:01 - 00:25]**

“A Mullah (Muslim Priest) who has only a rotten mosque and he converts the entire village” **[Time Stamp - 00:29 - 00:40]**

“These peoples (Muslims) thought that our Mohammed was doomed, their Krishna is a celibate, he had married only once, our Mohammed married 43 times, he neither left a 6-year-old girl nor a 40-year-old woman. On one hand, Muslims have money, so what do they do? They do Jihad, give Zakat, open Madrasas, and build mosques. Not a single penny of Muslims and non-Hindus is spent uselessly, they want to convert this entire country” **[Time Stamp - 01:15 - 01:45]**

The video had been uploaded on Telegram by Hindutva Watch on June 3, 2024.

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

The video can be accessed through this link: <https://t.me/hindutvawatchin/444>

Sir, it is important to note that this is not the first time that Swami Sachidanand has delivered such a communal and inflammatory speech. We at CJP, have regularly tracked the speeches that have been made by him during 2023-24. It is pertinent to highlight here that in the month of December in 2019, in a video on the social media in which Swami Sachidanand said Islam and Christianity as the top enemies of Hinduism and urged for social and economic boycott of Muslims. During his address at an event held in Noida, Uttar Pradesh, the Far-right saint advocated for a social and economic boycott of Muslims. “There are four enemies of yours. First Islam, second – Christianity.

Similarly, In May 2024, he again delivered communal hate speech in Bharatpur, Rajasthan. Swami in his speech attempts to create hatred and enmity between citizens and propagated fake Nai (Barbour) Jihad, love jihad and urged peoples to boycott Muslim shopkeepers and Muslim tenants.

Again, on May 11, 2024, Swami Sachidanand delivered hate speech against Muslims on grounds of fake propagated theory of love jihad and land jihad. In his speech he also accused Muslim womens.

That, we are also generally concerned with the overall unsafe atmosphere for the Muslim community that is being generated through the systemic and perpetrated use of hate speech and writing within the state of Uttar Pradesh and urge that urgent steps are taken to curtail and prosecute the same.

Circulars issued by DGP Uttar Pradesh in December, 2022 urging strict action on Hate Speech

In Circular DG No. 39/2022, issued by Mr. Devendra Singh Chauhan (IPS), Director General of Police, Uttar Pradesh, dated December 03, 2022, in which Hon'ble Supreme Court order dated 21.10.2022 in *Shaheen Abdulla vs. Union of India and Others* [Writ Petition (Civil) No. 940/2022] 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 directed to all the police officials across the state that;

“The Hon’ble Supreme Court, through its above referred order, has mainly directed that after the incident of Hate Speech comes to the notice, in case a complainant does not register the First Information Report by giving a complaint, then the local police should take suo motu cognizance. A case will be registered and action will be taken against the guilty persons as per law. It is also mentioned in the judicial order that laxity in following these instructions will be considered as “contempt of court” and action will be taken against the guilty officers.

Using the powers conferred by Section 4 and Section 12 of the Police Act 1861 and Paragraph 1 of the Police Regulation as the State Police Chief, all of you are directed to receive any complaint regarding an incident of Hate Crime or Hate Speech. As soon as the complaint is received or in case the complaint is not received, taking suo motu cognizance, a case will be registered against the guilty persons by the local police and action will be taken as per law.

The above instructions are being issued in compliance with the instructions of the Hon’ble Supreme Court of India, hence all Additional Director Generals of Police, Zones and Police Commissioners, Police Commissionerate’s should take personal interest and ensure compliance with the instructions.”

Action taken against hate speakers and offenders

Sir, it is also important to note that the Hon'ble Supreme Court of India, in Writ Petition (Civil) No. 940/2022, *Shaheen Abdulla vs. Union of India & Ors.*, mandated the police authorities in the States of Uttar Pradesh, Uttarakhand and UT of NCT of Delhi to take suo moto action against those indulging in hate speeches as provided under the Indian Penal Code. Moreover, the state authorities have also been asked to issue directions to their subordinates in this regard that without looking at the religion of the accused, action has to be taken. 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.

Laws Violated by the Hate Speech **Under Bharatiya Nyaya Sanhita, 2023 (BNS)**

The inflammatory and divisive speech delivered by Kajal Hindustani amounts to insightful, hate speech which is a punishable offence under the various sections of the Bharatiya Nyaya Sanhita (BNS):

Section 196 - Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony

Section 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;

Section 299 - (Malicious act to insult a religion), 352 (Intentional insult with intent to provoke breach of peace)

Section 302 - Uttering words, etc., with deliberate intent to wound religious feelings of any person.

Section 352 - Whoever intentionally insults in any manner, 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.

Section 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 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.

Provisions of the Indian Penal Code, 1860

Section 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.

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

Section 504 - intentional insult with intent to provoke breach of the peace

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].

On April 28, 2023, the division bench of Justice KM Joseph and BV Nagarathna in *Ashwini Kumar Upadhyay v. Union of India [W.P. (C) No. 943 of 2021]*, extended its order and directed all States/UTs to register Suo moto FIR against Hate Speech irrespective of religion. The court added that when any speech or any action takes place which attracts offences such as Section 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.

In view of the same, we urge 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 us 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 Swami Sachidanand dated June 3, 2024 downloaded by CJP