



Date: July 23, 2024

To,

Shri Devendra Kumar Bishnoi

Superintendence of Police, Ajmer

SP Office, Ajmer - 335007

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Dr. Bharati Dixit

Collector and District Magistrate

Collectorate Ajmer - 335001, Ajmer, Rajasthan

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Subject: Complaint against the Durga Vahini (VHP's Women Wing), for spreading communal hatred against Muslim Citizens and peddling anti-Muslim love jihad theory on June 7, 2024 in Ajmer Rajasthan

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 spreading communal hatred against Muslim Citizens and peddling anti-Muslim love jihad theory by the members of Durga Vahini (VHP's Women Wing) on June 7, 2024 in Ajmer, Rajasthan. As per the details available, the extracts of the speech herein in question given by the member of the Durga Vahini in Ajmer, Rajasthan. Through her speech, the member in the video is seen as attempting to propagate a fake conspiracy theory of love jihad and with deliberate intention to disturb the long-standing harmony of this country. The members of Durga Vahini openly spreading hatred and attempted to create communal tensions. We would like to bring your attention to the instigating speech video that has surfaced from the Ajmer and urging the police officials to take stringent action against the perpetrator to ensure that these hate-drive.

Extracts from the Speech:

“The blackmailing incident happened in Ajmer in 92, it will happen here too. Muslims made our Hindu sisters and daughters’ victims of love jihad through conspiracy.” [Time Stamp – 00:01 – 00:11]

“Similarly, in Ajmer again in 2024, they (Muslims) are doing love jihad in various ways, through restaurants, through photography, so the license of all these, we demand from the

government that their license be cancelled and for insulting our sisters and daughters in this way. We demand from the government through the collector that no punishment other than death will be accepted for them.” [Time Stamp – 00:12 - 00:42]

“If they do not listen to us, they the army of Durga Vahini Matr Shakti will come out in every street and it will be opposed not only in Ajmer but in the whole of Rajasthan and if needed, we will give a fierce form to this movement in the whole of India.” [Time Stamp – 00:43 – 01:00]

The member of Durga Vahini in video seen as publicly provoking the peoples gathered there against the Muslim Citizens and attempts to provoke communal violence and narrated Muslim citizens as enemies of this Country.

The member of Durga Vahini further urges that *“bulldozer should be run on all their (Muslims) properties and assets.” [Time Stamp – 01:05 – 01:11]*

The video had been uploaded on Telegram by Hindutva Watch on June 9, 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/455>

It is pertinent to mention that this is not the first time when VHP’s women wing “Durga Vahini” accused of spreading communal hate speech against the religious minorities of this country. On October 28, 2023, Vishwa Hindu Parishad (VHP) & Durga Vahini delivered communal speeches with demonizing Muslims and Christians.

Durga Vahini also known for promoting possession of illegal arms through rallies and weapons/arms training events. There have been strong antecedents against the Durga Vahini and VHP of spreading communal hatred and provoking peoples for violence against the religious minorities of this country.

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 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 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.

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 Durga Vahini dated June 7, 2024 downloaded by CJP