



Date: July 16, 2024

To,

Shri Rajendra Singh

Commissioner of Police, Jodhpur

Office of Commissioner of Police, Near Rotary Circle, Jodhpur

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Email Id: cp.jodhpur@rajpolice.gov.in

Shri Gaurav Agrawal

Collector and District Magistrate, Jodhpur

Collectorate Campus Building, High Court Rd, Kachari Parisar, Paota, Jodhpur, Rajasthan

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Subject: Complaint against Swami Sachidanand, for delivering provocative speech and advocating use of arms and violence on June 8 in Jodhpur, Rajasthan.

Dear 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 speech delivered by Preacher Swami Sachidanand on June 8, 2024 at an event organized in Jodhpur, Rajasthan. As per the details available, the said speech had been given by serial hate offender Swami Sachidanand at an event. Through his speech, he again propagated the fake conspiracy theory of Ghazwa-e-Hind about Muslim Citizens. During his speech he publicly urges people to carry arms/weapons. While referring Muslim citizens as responsible for population rise, he gave false information and gave fake figures by accusing Muslim citizens for the population growth. He gave derogatory statements against the Madrassas and Mosques and narrated them as a store of arms/weapons. Swami in his entire speech constantly accused and blamed Muslim citizens as responsible for illegal population growth and narrated them as land encroached while referring to fake and self-generated figures in public. We are deeply concerned about the Swami's continuous attempts to narrate Muslim citizens as enemies of this country and the affect over the communal harmony of this country through this kind of inciteful and provocative speeches.

It is necessary to highlight here that Swami, being the habitual offender attempts to provoke other citizens against the Muslims Citizens on grounds of Religion and fake propagated theory. Swami's speech is clearly against the peace and tranquillity by spreading hatred and promoting enmity on grounds of religion and promoting use of arms/weapons.

Extracts from the Speech:

“Education of both weapons and scriptures is necessary and should be done. Today it is extremely needed in this country and especially in the Hindu Community”. If our daughters will carry swords in their hands, can those (Muslims) heretics cast their evil eye? When our procession starts, they throw stones and block the way with sticks. If we also knew how to use sticks and swords and our children had weapons in their hands, would they have the courage? **[Time Stamp: 00:01 – 00:50]**

“There (Muslims) houses, madrassas and mosques are stocked with weapons”. **[Time Stamp: 01:12 – 01:22]**

“Your business, your home, your family, nothing is safe. Preparations are going on in this country for Ghazwa-e-Hind. The non-Hindus are completely active, and we Sanatani people, this land belongs to our ancestors’, the decedents of Ram and Krishna.

[Time Stamp: 02:17 – 02:42]

“In this country, people of different community increased by 44 percent.44 percent are those people with round cap (Muslims), whose only aim is to make this country Ghazwa-e-Hind;

While attempts to promote enmity and hatred on ground of religion Swami further narrated that, “these infidels have to be killed, their properties have to be looted and their sisters and daughters have to be raped and molested, this is their only aim.” “Peoples believing in that distorted ideology has increased by 44 percent in this country.” **[Time Stamp: 02:52 – 03:20]**

“You have one child and they have seventeen, how will you compete? Who has the vote bank of the country? You want to give birth to one child and make him a government servant, they want to give birth to seventeen children and want to form their own government. When their government is formed, will their children be in jobs or your children? **[Time Stamp: 03:28 – 03:54]**

Through his speech, Swami presented fake and illogical figures and said “there are 36 provinces in India, out of which 9 provinces have gone out of your hands. There are 800 districts in India, out of 200 districts have gone out of your hands. Hindus have been wiped out, have become a minority. There are 6 thousand tehsils in India, out of which 1500 tehsils have gone out of your hands. That means 25 percent of the land area has gone out of our hands” **[Time Stamp: 03:55 – 04:26]**

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/458>

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 had 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.

It is important to note that on July 12, 2024, CJP has also filed a complaint to the Superintendence of Police and District Magistrate, Mainpuri (Uttar Pradesh) against 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 nor 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.

Swami is a habitual hate offender and multiples times he delivered hate speeches and attempts to breach the pubic peace and tranquillity by giving such inflammatory statements while targeting citizens of a particular community.

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 8, 2024 downloaded by CJP