



Date: July 23, 2024

To,

Shri Rajendra Avhad

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Shri Rajendra Shankar Kshirsagar

Collector and District Magistrate, Mumbai City

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Subject: Complaint against hate speech offender and Vishwa Hindu Parishad leader for delivering a provocative speech at an event organised in Dadar, Mumbai

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 the VHP leader in Dadar, Mumbai in June 2024. As per the details available, the said speech had been delivered by the Vishwa Hindu Parishad leader (whose identity can be ascertained from the attached video) on June 13 at the event organised by Vishwa Hindu Parishad-Bajrang Dal in Dadar, Mumbai. Through her speech, she propagated fake conspiracy theories about population jihad, Ghazwa-e-Hind, promoted enmity between Muslims and Hindus, threatened economic blockade of Muslim vendors, and further used derogatory term mini-Pakistan to describe Malvani (area in Mumbai). She further said that Muslims of the country are on a mission to make India into a Muslim majority country and accused them of promoting population jihad.

As an extremist organisation, Vishwa Hindu Parishad has been flagged multiple times for spewing hate speeches against religious minority communities and its role in physical violence. In the past, the organisation has delivered hate speech targeting Muslims and has repeatedly eulogised violence. Thus, it has a history of disturbing the communal harmony of India through its provoking and threatening conduct. We would like to bring your attention to the instigating speech video that has surfaced from Dadar, Mumbai, urging the police officials to take stringent action against the speaker and the organisation 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:

“A year and a half ago, I did a protest here. How many Rohingyas in Dadar, now they say, Main West Bengal se hoon, Main Bihar se hoon. But for me, **they are Muslims only and only, because if any of my Hindus can't do business in Kurla or Bhiwandi, then why do any**

Muslims do business here? Our (Hindus’) money is going in their pocket, it is our money only that is going in their pocket.” [Timestamp: 00:00 – 00:29]

“So I will say only this from here when we protested last time against Muslim hawkers, people said to me Akshata why do you speak Muslim Bangladeshi Muslim.” [Timestamp: 00:30 - 00:40]

“Why should I say Bangladeshi Muslim? When Hindus are oppressed, how many Muslims oppose it openly. When there is an attack on Palestine, we shamelessly keep a status like, I am with Palestine, all eyes on Rafah. But we don't know how many states we see on our Hindus every day West Bengal, Kerala, Kashmir, wherever we see on us, why are we going so far.” [Timestamp: 00:40 – 01: 10]

“You go to Malvani in Mumbai, mini Pakistan has become there, we cannot celebrate any Hindu festival, how far is Malvani from here. If you take a fast train, you will reach Malvani in half an hour. There is no need to go to Pakistan, there is no need to go to West Bengal either.” [Timestamp: 01:10 – 01:29]

“But the time has come for us to make our children die-hard Hindus, otherwise in 15-20 years we will all see Gajwe-e-Hind with our own eyes. Muslim will dance on the road with a sword. So I tell you again and again we don't want just Hindus. **We want a radical Hindu.** Which will really be the mawla of Chhatrapati Shivaji Maharaj. When Maharaj fought for Swarajya, he fought thinking about our future. Otherwise, Akshata would not have stood here today, Asma Bisma would have stood wearing a veil. I would not have had a bindi on my head and a burqa on my face, so I will say to all of you especially mothers and sisters that it is time to educate your children. **The time has come how we can make a fanatical Hindu.**” [Timestamp: 01:30 – 02:27]

“When Swatantraveer Savarkar, not now in 1940, said that I am not afraid of the British, nor am I afraid of the Muslims. I am afraid that Hindus oppose Hindus. And really when you look today there is no political platform here. When I stand here, I am not BJP, here I am only Hindu. But I tell you that after 500 years when the temple was built in Ayodhya, we lost the seat there.” [Timestamp: 02:27 – 03:00]

“I mean what are we voting for, we want CAA, NRC, population bill, all these important bills we want.” [Timestamp: 03:00 – 03:10]

“Why?”

“I can stop at Hum 2 Hamare 1, but if a Muslim is producing Hum Do Hamare 10, Hamare 6 to create his presence, power over India why not we can pass the bill. Because we Hindus have not given a majority government today.” [Timestamp: 03:10 – 03:30]

The video had been uploaded on Telegram by Hindutva Watch on June 22, 2024.

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

<https://t.me/hindutvawatchin/480>

Ma'am/Sir, it is important to note that this is not the first time that VHP leaders have delivered such a hate speech in the country. We at CJP, have regularly tracked the speeches that had been made by them. It is also essential to highlight here that in the month of August last year, the Supreme Court had asked authorities to act against potential violence and hate speech at VHP rallies in Delhi NCR and Haryana. Similarly, in October 2022, inflammatory comments were passed urging economic boycott of Muslims during VHP organised rally in Dilshad Garden, Delhi. Thus, the organisation and its speakers have 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, Chattisgarh 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 DGP Maharashtra in February 2023 and May 2023 urging strict action on Hate Speech

In Circular No. DGP 20/ Petition No.940/ 2022/54.2023. issued by Dr Suhas Warke (Spl. Inspector General of Police (L&O) for The Director General of Police M.S., Mumbai), dated February 2, 2023, the Supreme Court order dated January 13, 2023 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 Unit Commanders to follow the Supreme Court order.

The Circular No. DGP/20/Petition No. 940-2022/54/2023 issued by Dr Suhas Warke (Spl. Inspector General of Police (L&O) for The Director General of Police M.S., Mumbai), dated April 3, 2023, entails “measures to be taken to maintain law and order due to agitations, *morchas*, speeches etc.”

It gives detailed instructions on what steps are to be taken when any *morchas* are to be held:

2. All the Unit Commanders should hold a meeting with the concerned organizers before such a *morcha* and fix the route of the *morcha* with appropriate terms and condition. A combined meeting of all social groups should be taken to convey clearly to all that they should maintain peace and keep law and order during the *morcha*. Preventive action against Anti-social elements should be taken. Those elements who help in maintaining peace and harmony should be encouraged. Audio Video recording of the *morcha* should be done. Police Head Quarters should ensure adequate supply of equipment’s, like Lathi, Helmets, etc. to police men deployed for *morcha bandobast*. If any law and order situation arises, offences should be registered immediately and arrest should be made. Intelligence machinery should be activated to collect advance information about *morcha*, agitation and efforts should be made to pre-empt any communal incidents.

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 the VHP leader 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 the VHP leader dated June 22, 2024 downloaded by CJP