



Date: July 16, 2024

To,

Shri Upendra Nath Verma
Superintendent of Police, Purnia
Email: sp-purnea-bih@nic.in

Shri Kundan Kumar
Collector and District Magistrate, Purnia
Email: dm-purnea.bih@nic.in

Subject: Complaint against hate speech offender and the Antarrashtriya Hindu Parishad-National Bajrang Dal speaker for delivering a provocative speech at an event organised in Purnia, Bihar

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 speaker of Antarrashtriya Hindu Parishad-National Bajrang Dal in Purnia, Bihar in June 2024. As per the details available, the said speech had been delivered by the Antarrashtriya Hindu Parishad speaker (whose identity can be ascertained from the attached video) on June 4 at the event organised by Antarrashtriya Hindu Parishad-National Bajrang Dal in Purnia, Bihar. Through his speech, he propagated disinformation and fake conspiracy theories about Love Jihad and religious conversion, promoted enmity between Muslims and Hindus, eulogised violence, and incited the audience primarily consisting of young students and minors. Additionally, he used derogatory terms to describe Muslims, calling them circumcised, and threatened to cut them into pieces.

As an extremist organisation, Antarrashtriya 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 Purnia, Bihar, 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:

"Would any Muslim dare to run away with our daughters? They are already circumcised, but we will cut them from top to bottom." [Timestamp: 00:24 – 00:35]

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

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

<https://t.me/hindutvawatchin/451>

Ma'am/Sir, it is important to note that this is not the first time that Antarrashtriya Hindu Parishad (AHP) leaders have delivered such a hate speech in the country. We at CJP, have regularly tracked the speeches that had been made by them during 2023-24. It is also essential to highlight here that in the month of December last year, a AHP leader had made the speech in Jaipur (Rajasthan) demonising Muslims and reiterated calls to convert mosques in Mathura and Varanasi into temples. Similarly, in May 2023, inflammatory comments were made by AHP leader Pravin Togadia targeting Muslims and accusing them of Islamisation during VHP organised rallies in Madhya Pradesh. 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 Bihar, 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 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."

Action taken against hate speakers and offenders

Ma'am/Sir, on April 28, 2023 the Supreme Court had held that all States/UTs, including Gujarat, 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 speech dated June 4, 2024 downloaded by CJP