

Date: August 8, 2023

To,

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Subject: Complaint against arms training camps and arms distribution events being organised by Bajrang Dal-Vishwa Hindu Parishad

Dear Sirs,

We, at Citizens for Justice and Peace (CJP) Mumbai, human rights movement dedicated to furthering the constitutional rights of all Indians, are writing to bring to your immediate attention a matter of grave concern regarding the recent arms distribution events, hate speech, and arms training organized by Hindutva groups in the states of Assam and Rajasthan.

The said events were and are being organised by Hindutva extremist outfits, Vishwa Hindu Parishad, Rashtriya Bajrang Dal and Bajrang Dal. At these events, arms and tridents are reportedly being distributed amongst Hindu men, hate speeches are delivered exhorting Hindus to take up arms. At the arms training camps, Hindu men are also being reportedly trained to use guns and other machinery to be used against “enemies of the country and Hindu culture”. CJP, among other things, has been a crusader against hate speech and runs a campaign to fight against hate based crimes, by not just reporting such incidents but also reaching out to authorities seeking appropriate action.

Through this complaint, we wish to flag the events that took place in the state of Rajasthan and Assam between the periods of July 30- August 1, 2023, that is over a three day period only. Sir, these events are purported to be attended and participated by more than people in amounts. Additionally, at these events, the speakers and members have reportedly indulged in peddling various conspiracy theories to generate hate towards religious minority communities, especially Muslims. The speakers also made misinformed and offensive claims against the minority community and their culture, with the agenda of provoking the Hindu audience to

take up arms against them. The speakers and members even administer oaths to resort to violence against the Muslim community.

We would like to bring your attention these events which are based on “brandishing of weapons as well as camps to train individuals to use arms and weapons, instigating speeches, and urging you to take stringent action against the perpetrators,” because, if these hate-driven actions are left unchecked, the peace and harmony of our country will be affected direly. Sir, 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 country, and then such events are giving another platform to such hate mongers.

Events that took place between July 30 to August 1-

The following incidents have taken place in the mentioned states:

1. Arms training camps in Assam:

An arms training camp was organised by the Rashtriya Bajrang Dal in Darrang District of the state of Assam. The video was accessed by us on July 30. As has been alleged, around 350 Hindu youths received training in handling firearms, martial arts, survival skills, and quick thinking. The intention of this camp was allegedly to fight against "love jihad" and create a divide among people from different communities, religions, and linguistic affiliations. The videos and photos of this event have gone viral on social media platforms.

It has also been purported that members of Rashtriya Bajrang Dal took out a street march donning army trousers and Bajrang Dal T-shirts in Mangaldoi, Assam, which appears to have been intended to create a provocative atmosphere and intimidate communities. A video of the same, accessed by us on July 30, also shows young boys being trained in handling firearms and other combat skills at an arms training camp organized by the Rastriya Bajrang Dal in Assam's. The participants are seen practicing shooting while chanting nationalist slogans like "Vande Mataram" and "Jai Shree Ram." The scale of the event is massive, with around 400 people reportedly receiving training.

The arms training camps, distribution of weapons, and provocative marches by these groups send a clear message of hostility towards the Muslim community. The focus on fighting against "love jihad" is often used to target inter-religious relationships, specifically those involving Muslim men and Hindu women, fostering an atmosphere of fear and suspicion. This can lead to increased incidents of violence, discrimination, and intimidation against Muslims, making them feel insecure and vulnerable.

The link for the video is as follows:

<https://twitter.com/hindutvawatchin/status/1685502673313820672?s=46>

Sir, these event are highlight concerning as the distribution of weapons and firearms to young individuals, especially in a training camp with a communal tone, can have severe implications:

- a. Illegal Distribution of Arms:** The distribution of firearms without proper authorization or licenses is a violation of the Arms Act, 1959, and can lead to legal action against the organizers.
- b. Incitement of Communal Tensions:** The nationalist slogans and the training's communal nature can create an atmosphere of fear and division among communities. It can fuel tensions and hostility, leading to violence and disharmony.
- c. Promotion of Militant Ideology:** The training camp's intention seems to be instilling a militant ideology in the minds of the participants. This can result in the radicalization of young individuals and pose a threat to social stability.
- d. Violation of Constitutional Principles:** The camp's focus on creating divisions among communities based on religion and linguistic affiliations goes against the principles of secularism and religious harmony enshrined in the Indian Constitution

2. Trident distribution event in Rajasthan:

The said event was organised by Vishwa Hindu Parishad (VHP) and Bajrang Dal in Jaitaran, Pali, Rajasthan. The video for the same was accessed by us on August 1. At the event, sharp-edged tridents were allegedly distributed amongst hundreds of Hindu men. An oath was also administered to the large saffron donning group. The participants could be seen raising their weapons and taking an oath to adopt the role of 'Kshatriya Hindu' and work towards establishing of a Hindu nation. The oath further emphasised on their devotion to the nation and cows, protection of women. The said oath concluded with the popular religiously motivated chant of 'Jai Shri Ram' and "*Hindu Rashtra ki jao ho*".

The distribution of sharp-edged tridents and arms training by private groups is unconstitutional and goes against the principles of law and order in the country. Only authorized state security forces are allowed to handle and use firearms. Such actions by private groups raise serious concerns about public safety and can potentially lead to misuse of weapons, accidents, and violent incidents that harm innocent people.

The proliferation of arms and weapons in the hands of untrained individuals from extremist groups poses a direct threat to national security. It increases the potential for acts of violence, civil unrest, and even acts of terrorism. These activities can destabilize regions and create law and order challenges for the government.

The video can be viewed here-

<https://twitter.com/HindutvaWatchIn/status/1686213405340803072>

This event further raises serious concerns over public safety and inter-community relations, as it promotes a sense of religious vigilantism.

The distribution of tridents and the communal oath-taking ceremony can have concerning implications:

a. Symbol of Violence: The distribution of sharp-edged tridents, which are traditionally associated with Hindu deities, can be interpreted as a symbol of violence and aggression.

b. Intimidation and Polarization: Such events can create fear and intimidation among minority communities, leading to polarization and communal divisions.

c. Hindutva Assertion: The agenda behind organising the event signifies a militant assertion of Hindutva ideology, which can further alienate and marginalize minority communities.

The incendiary speeches delivered at these camps, threatening violence against Muslim and inciting hatred, further fuel communal tensions and contribute to the rise of hate speech. Hate speech perpetuates a climate of hostility, discrimination, and animosity against the Muslim community, leading to a breakdown of trust and social cohesion.

By promoting a divisive agenda and intimidating tactics, these groups contribute to the polarization of communities along religious lines. This division erodes the social fabric of the nation, hampers progress, and undermines the idea of India as a secular and inclusive country.

Far-right groups that engage in such activities often have extremist ideologies that seek to marginalize and suppress minority communities, particularly Muslims. The spread of such extremist ideologies can lead to the radicalization of individuals and pose long-term security challenges for the nation.

It is essential that the background of these groups organising these events is also looked into to understand the deep rooted divisive and partisan Hindutva agenda they promote, which have instigated violence against the minority communities of India.

Bajrang Dal-

Bajrang Dal is a right-wing Hindu nationalist organisation in India. The group is a part of the broader Rashtriya Swayamsevak Sangh (RSS) family of organizations, which includes the ruling Bharatiya Janata Party (BJP). The Bajrang Dal was founded in 1984 and is named after Lord Hanuman, who is also known as Bajrangbali.

The organization claims to work towards the protection of Hindu culture, traditions, and values. They are known for various activities, including organizing processions, events, and campaigns promoting Hindu causes, as well as conducting "self-defence" training programs.

Some of the controversial activities attributed to the organization include:

1. **Communal Violence**: The Bajrang Dal has been also reportedly accused of inciting communal violence and engaging in acts of vigilantism. There have been instances where the group has been allegedly involved in attacks on religious minorities, particularly Muslims, and has been accused of promoting hatred and intolerance towards non-Hindus.
2. **Cow Protection**: The Bajrang Dal has been active in "advocating for the protection of cows", which are considered sacred in Hinduism. However, their methods have often

been criticized, as they have been involved in "cow protection" raids on slaughterhouses and transportation vehicles, sometimes resorting to violence against those they perceive as involved in cow slaughter or beef trade.

3. **Moral Policing:** The group has been accused of engaging in moral policing, where they enforce their interpretation of Hindu culture and traditions on others. This has involved targeting couples, especially those from different religious backgrounds, on Valentine's Day and other occasions, alleging that such displays are against Indian culture.
4. **Conversion Activities:** Bajrang Dal has been accused of conducting "reconversion" or "ghar wapsi" campaigns, aiming to bring back individuals who had converted to other religions to Hinduism. These campaigns being coercive have raised concerns about religious freedom and have been criticized as coercive and divisive.
5. **Vandalism and Protests:** The organisation has been involved in various protests and demonstrations, sometimes leading to vandalism and destruction of property. They have targeted films, books, and art they perceive as offensive to Hindu sentiments.
6. **Arms Training Camps:** Bajrang Dal has been reported to conduct arms training camps, raising concerns about the militarization of the organization and the potential for violence.

Bajrang Dal has faced significant criticism for its activities and ideology by several authorities in India. The organisation, self-acclaimed-ly promotes Hindu majoritarianism and communalism, they often target religious minorities, particularly Muslims and Christians, which goes against the principles of secularism and religious freedom enshrined in India's constitution. The group has also been accused of engaging in violence and vigilantism against "perceived threats to Hindu culture," undermining the rule of law and creating an atmosphere of fear and insecurity among targeted communities.

Bajrang Dal's involvement in "re-conversion" campaigns and opposition to religious conversions to non-Hindu faiths has raised concerns about religious freedom and the coercion of individuals in their choice of religion. Additionally, the organisation's promotion of Hindutva ideology has undermined India's diverse fabric and principles of secularism and equal treatment of all citizens. The group's involvement in protests against artistic works and artistic freedom has been seen as an attack on freedom of expression, hindering intellectual growth and creativity.

Reports of such arms training camps and youth indoctrination have raised worries about the militarization of the organization and the potential for radicalization. In a country like India, where unity in diversity and secularism are celebrated, an organization like Bajrang Dal, promoting communalism and divisive ideologies, is detrimental to the nation's social fabric. Fostering inclusivity and mutual respect among diverse communities is vital for the country's progress and harmony, and any group or organization that undermines these principles may face criticism and scrutiny for its actions and potential impact on society.

Vishwa Hindu Parishad-

VHP is a supremacist Hindu nationalist organization based in India. The VHP was founded in 1964 by members of the Rashtriya Swayamsevak Sangh (RSS), a right-wing Hindu nationalist organization, and it is considered to be a part of the broader RSS family.

The main objectives of the Vishva Hindu Parishad are:

1. To promote and protect Hindu culture, traditions, and values.
2. To work towards the unity and solidarity of Hindus worldwide.

The VHP is known for its involvement in various social, cultural, and religious activities, such as organizing Hindu festivals, conducting religious and cultural events, running schools, and supporting charitable initiatives. It has also been active in advocating for the protection of cows, which are considered sacred in Hinduism.

However, the VHP, like other organizations affiliated to the wider RSS family, has faced criticism for its Hindu nationalist (supremacist) ideology and its involvement in various controversial activities. Some of the criticisms directed at the VHP are similar to those leveled against the Bajrang Dal:

1. **Communalism:** Critics argue that the VHP's focus on promoting Hindu identity and interests can sometimes lead to communal polarization and alienation of religious minorities, undermining the principle of secularism.
2. **Conversion Activities:** The VHP has been involved in "re-conversion" campaigns, or what they term "ghar wapsi," aimed at bringing back individuals who had converted to other religions to Hinduism. These campaigns have been criticised as being coercive for their potential to create religious tensions and conflicts.
3. **Advocacy of Hindutva:** The VHP is often associated with the promotion of Hindutva, an ideology seeking to establish the dominance of Hindu culture and values in India. Critics argue that this ideology can threaten the country's pluralistic character and secular fabric.
4. **Ayodhya Controversy:** The VHP's involvement in advocating for the construction of the Ram Mandir in Ayodhya- not in a pacifist manner but through stigmatisation of the minorities and even violent attacks- has been a contentious issue, as it involved the demolition of the Babri Masjid in 1992, leading to communal riots and violence.
5. **Gujarat Riots:** The VHP was also reportedly linked to the several of the incidents of the 2002 Gujarat riots, one of the most devastating instances of communal violence in India's recent history. Critics argued that VHP leaders made inflammatory speeches that may have incited violence, further exacerbating the situation. The fallout from the riots continues to have lasting impacts on social cohesion and communal harmony in the region.

These instances illustrate how the actions of the VHP have contributed to communal tensions, violence, and social polarization. VHP's promotion of a Hindu nationalist ideology and its association with groups advocating for a homogenized Hindu identity undermine the country's cherished principles of unity in diversity and secularism.

In an ethnically and religiously diverse country like India, fostering inclusivity, mutual respect, and understanding among different communities is essential for social cohesion and national development. The actions and rhetoric of organizations like the VHP that are perceived to exacerbate communal tensions and promote a divisive agenda can have far-reaching consequences. They may impede the process of nation-building, hinder economic progress, and damage India's international reputation as a tolerant and pluralistic society.

In conclusion, the events described can create an unsafe environment for the Muslim community in India, foster hate speech and communal tensions, and pose a threat to national security and communal harmony. It is essential for the government and law enforcement agencies to take appropriate measures to prevent such activities, uphold the rule of law, and ensure the safety and security of all citizens, regardless of their religion or background. Upholding the principles of a secular and inclusive democracy is crucial in maintaining peace and harmony within the nation.

It is evident through the oaths administered at the event that the organisations clearly aim to incite Hindus against the Muslim community by bringing in falsified versions of Islam and the culture of Muslims. They have also provided gross misinformation related to the Muslims in India, with the aim of creating a fear in the minds of their audience and raising suspicions regarding the intentions of the whole of the Muslim community.

Such expression of targeted and extreme hate with a clear communal objective to establish religious hegemony upon a community that is already a minority in numbers in the country, is deplorable and against the constitutional values that we uphold as citizens of this country. Such speech and hate content has the direct potential to cause physical and mentally bodily harm to marginalized groups, their women and render their already insecure life further eroded of dignity and equality.

Penal Implications

Under Indian Penal Code:

Statements and actions such as these are bound to make things worse; to further generate communal disharmony or feelings of ill will, enmity and hatred between the supporters of different political parties. The utterances also amount to an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb public tranquillity. Moreover, such open intimidation and hate-filled statements only makes the targeted group

more vulnerable to violent Acts. Such hate speech that is illegal and unconstitutional violates the following provisions of the Law:

120A- Definition of criminal conspiracy

121- Waging, or attempting to wage war, or abetting waging of war, against the Government of India

141- Unlawful assembly

144- Joining unlawful assembly armed with deadly weapon 149- Every member of unlawful assembly guilty of offence committed in prosecution of common object

153- Wantonly giving provocation with intent to cause riot—if rioting be committed—if not committed

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.

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

268- Public Nuisance

295A- Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs

298- Uttering words, etc., with deliberate intent to wound religious feelings

503- Criminal intimidation

504. Intentional insult with intent to provoke breach of the peace

505 - Statements conducing to public mischief and Statements creating or promoting enmity, hatred or ill-will between classes

Under Arms Act:

Section 2 (1) (c) of the Arms Act defines “arms” as:

Articles of any description designed or adapted as weapons for offences, or defence, and includes firearms, sharp-edged and other deadly weapons, and parts of, and machinery for manufacturing arms, but does not include articles designed solely for domestic or agricultural uses such as a *lathi* or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons.”

When it comes to sharp object that may be used as weapons, according to Schedule 1 – Rule 3 (V) that deals with arms other than fire arms:

Sharp-edged and deadly weapons, namely-Swords (including sword-sticks), daggers, bayonets, spears (including lances and javelins); battle-axes, knives (including kripans and khukries) and other such weapons with blades longer than 9" or wider than 2" other than those designed for domestic, agricultural, scientific or industrial purposes, steel batton; "Zipo" and other such weapons, called "life preservers", machinery for making arms, other than category II, and any other arms which the Central Government may notify under section 4."

Under **section 5** of the Arms Act, it is prohibited to offer arms for sale, unless he holds a license and the punishment for the same is imprisonment of up to 7 years. Under **section 20**, a police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle can arrest without warrant any person found carrying or conveying any arms under suspicious circumstance. Under **section 22**, the District Magistrate is empowered to issue orders for search and seizure if he/she has reason to believe that any person residing within the local limits as in his possession any arms or ammunition for any unlawful purpose or such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety.

Under **section 25(3)** whoever sells or transfers arms without informing the district magistrate or the police officer in charge of nearest police station shall be punishable with imprisonment up to 6 months.

It also amounts to violations under the Indian penal Code under the following sections:

122- Collecting arms, etc., with intention of waging war against the Government of India

153AA- Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.

The Code of Criminal Procedure (CrPC) also enumerates the powers of the District Magistrate in such instances:

'144A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.—(1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

There are also powers to **disperse unlawful assemblies** (sec 129).

Hate speech:

Such statements are bound to make things worse; to further generate communal disharmony or feelings of ill will, enmity and hatred between the supporters of different political parties. The utterances also amount to an act which is prejudicial to the maintenance of harmony between

different groups and is likely to disturb public tranquillity. Moreover, such open intimidation and hate-filled statements only makes the targeted group more vulnerable to violent acts. Such hate speech that is illegal and unconstitutional violates the following provisions of the law:

In the light of this, we urge you to take action as per the following sections of IPC against the speakers:

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.

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

268- Public Nuisance

503- Criminal intimidation

504. Intentional insult with intent to provoke breach of the peace

505 - Statements conducing to public mischief and Statements creating or promoting enmity, hatred or ill-will between classes

Supreme Court Directives on Provocative Hate Speech:

We are sure that the Police is aware of a slew of directives that the Hon'ble Supreme Court has issued time and again for effective prevention of social disharmony, hate crimes and communal violence. These specify measures that need to be taken have speakers who are repeat offenders and organisations with a similar record keep violating hate speech law.

These include:

In the most recent hearing in the Supreme Court in Shaheen Abdullah case, on August 2, 2023 the bench issued direction to the state authorities of Delhi, Uttar Pradesh and Haryana to adopt certain measures during the rallies organised by VHP and Bajrang Dal to ensure no untoward events take place. The bench of Justices Sanjiv Khanna and SVN Bhatti stated the following:

“We hope and trust that the State Governments, including the police authorities, will ensure that there are no hate speeches against any community and there is no violence or damage to properties. Wherever required, adequate police force or paramilitary forces will be deployed. Further, authorities including the police will take use of the CCTV cameras where installed or make video recordings in all sensitive areas wherever required. The CCTV footage and the videos will be preserved”.

On April 28, the Supreme Court, in a significant development, the Supreme Court extended the application of its October 2022 order (which directed the Delhi, Uttar Pradesh and Uttarakhand Police to take suo moto action against hate speech cases) to all States and Union Territories. So now, all States/UTs, including Maharashtra, are enjoined and bound to take suo moto action to

register FIR against hate speeches, without waiting for any formal complaint. The bench comprising Justices KM Joseph and BV Nagarathna 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."

In its October 21, 2022 order, the Supreme Court had issued interim directions to the state Police wherein it had directed that:

As and when any speech or any action takes place which attracts offences such as Sections 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."

The court had further said that non-compliance would amount to contempt of court:

"We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers," the order reads.

We would also 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."

In *Mohd. Haroon and others v. Union of India and another* (2014) 5 SCC 252, it has been clearly held that it is the responsibility of the State Administration in association with the intelligence agencies of both the State and the Centre to prevent recurrence of communal violence in any part of the State. If any officer responsible for maintaining law and order is found negligent, he/she should be brought within the ambit of law.

In *Firoz Iqbal Khan vs Union of India [W.P (Civ.) No. 956 of 2020]*, the Supreme Court had held,

"..the edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties is founded on the co-existence of communities. India is a melting pot of civilizations, cultures, religions and languages. Any attempt to vilify a religious

community must be viewed with grave disfavour by this Court as the custodian of constitutional values.”

In the case of *Tehseen Poonawalla v UOI and ors* (2018) 9 SCC 501 the Supreme Court held that, it is the responsibility of the States to prevent untoward incidents and to prevent crime. The court further given specific directions for the police to adopt preventative measures, in which a senior police officer, not below the rank of Superintendent of Police, shall work as Nodal Officer in each district. Such Nodal officers were then directed to constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes, as mob violence and lynching, or who are involved in spreading hate speeches, provocative statements and fake news.

In addition to this, the Nodal Officer, along with the Station House officers, have been directed to take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting tendencies leading to mob-violence and lynching.

The court further said,

17. There can be no shadow of doubt that the authorities which are conferred with the responsibility to maintain law and order in the States have the principal obligation to see that vigilantism, be it cow vigilantism or any other vigilantism of any perception, does not take place. When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion... No one has the authority to enter into the said field and harbour the feeling that he is the law and the punisher himself. A country where the rule of law prevails does not allow any such thought. It, in fact, commands for ostracisation of such thoughts with immediacy.

20. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency. A fabricated identity with bigoted approach sans acceptance of plurality and diversity results in provocative sentiments and display of reactionary retributive attitude transforming itself into dehumanisation of human beings. Such an atmosphere is one in which rational debate, logical discussion and sound administration of law eludes thereby manifesting clear danger to various freedoms including freedom of speech and for expression. One man's freedom of thought, action, speech, expression, belief, conscience and personal choices is not being tolerated by the other and this is due to lack of objective rationalisation of acts and situations’.

In the case of *Amish Devgan vs Union Of India 2021 1 SCC 1*, the Supreme Court quoted Benjamin Franklin, “It remains difficult in law to draw the outmost bounds of freedom of

speech and expression, the limit beyond which the right would fall foul and can be subordinated to other democratic values and public law considerations, so as to constitute a criminal offence. The difficulty arises in ascertaining the legitimate countervailing public duty, and in proportionality and reasonableness of the restriction which criminalises written or spoken words. Further, criminalisation of speech is often demarcated and delineated by the past and recent significant events affecting the nation including explanation of their causes. Therefore, constitutional and statutory treatment of ‘hate speech’ depends on the values sought to be promoted, perceived harm involved and the importance of these harms. Consequently, a universal definition of ‘hate speech’ remains difficult, except for one commonality that ‘incitement to violence’ is punishable.”

Our prayer

It can be clearly deduced from the provocative and instigating statements made by the speakers at the trident distribution event as well as the act of brandishing weapons in the arms training camp that the penal provisions of Indian law are attracted here. The law and directives of the Hon’ble Supreme Court require that in the case of such speeches, wherein religious minorities of our country are being attacked and sentiments that have the potential to disrupt social peace and cause violence and harm to marginalized sections, the police needs to act and act promptly.

The state of Assam and Rajasthan has clearly had a history of being unresponsive in tackling such fringe elements trying to disrupt the communal harmony and the general law and order situation in the state. We, thus urge you to take immediate and stringent action against Hindutva outfits- Rashtriya Bajrang Dal and Vishwa Hindu Parishad for organizing such event.

We, thus, humbly request you to look into this grave matter at the earliest, in the interest of the public and also in the interest of maintaining law and order and public order in the states and accordingly take stringent action against the organizers of such events. We especially urge the honourable Commission to ensure that the law enforcement officers of both the states take necessary steps to ensure that the perpetrators behind the highlighted events are identified and booked, and any further such events are prevented at all costs. This will serve as a deterrent for other such fringe elements so that they do not organize such kind of events in the state in the future.

A sense of anger and fear are both being provoked by the Bajrang Dal and the Vishwa Hindu Parishad. In light of this, the Commission may invoke any other sections of IPC or provisions of any other relevant law against the speakers, in addition to the ones mentioned above, as they may deem fit and necessary in this case.

We, thus urge you to take immediate and stringent action against Hindutva outfits- Bajrang Dal and Vishwa Hindu Parishad for organizing such rallies, camps and giving any hate speeches. We further urge you to take cognizance of the videos provided by us in the complaint, register a case against the perpetrators identified and arrest them for the cognizable offences. Any action against them and regular updates against these perpetrators

to the wider public would go a long way in re-building faith and confidence of the people in the rule of law in general.

We, at CJP, urge this Hon'ble Commission to:

1. Take cognisance of this complaint under section 9(1)(d) of the National Commission for Minorities, 1992;
2. Keep a close eye on the investigation and call for the discovery and production of any document, receive affidavits, requisition any public record or copy thereof from any court or office, issue commissions for the examination of witnesses and documents under section 9(4) (b) to (e) under the Act;
3. To direct the DGP, Assam and DGP, Rajasthan or any other appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech and illegal usage of weapons, ensuring that all relevant sections of the Indian Criminal law and Arms Acts are included in the said criminal complaint;
4. Issue directions to the Assam Police and Rajasthan Police to submit an Action Taken Report and give updates to this Commission regarding progress in investigation in the case;
5. Issue any other directions to Assam Police and Rajasthan Police as the Commission may deem fit and proper in the circumstances of the case;
6. Undertake any other action as the Commission may deem fit.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary