



**Urgent: MCC Complaint**

**Date: January 20, 2025**

To,

**Ms. R. Alice Vaz (IAS)**

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CC:

**Shri Rajiv Kumar**

Chief Election Commissioner

Election Commission of India

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**Subject: MCC violation complaint against BJP leader Nazia Elahi Khan for delivering a hate-filled speech targeting Islam and Muslims in Rohini, Delhi on January 5, 2025**

**Respected Madam & Sir,**

We, at Citizens for Justice and Peace (CJP), are filing this complaint for a blatant violation of the Model Code of Conduct (MCC) by BJP leader and habitual hate offender Nazia Elahi Khan, also known as Nazia Sanatani, for delivering a deeply inflammatory and hate-filled speech during an event organized by the Hindu nationalist group "Chetna" in Rohini, Delhi, on January 5, 2025. The speech was not only divisive but also blatantly violated the provisions of the MCC, which aims to ensure free and fair elections by promoting peace and harmony and preventing the use of religion, caste, or community as tools for political advantage. In her speech, Khan made disturbing remarks targeting Islam and the Muslim community, propagating false and damaging stereotypes. She accused Muslims of being inherently criminal, stating that they quickly resort to activities such as rape, "love jihad," and terrorism. These remarks are not only factually incorrect but have the potential to inflame tensions and create an environment of fear and distrust among different communities.

Furthermore, Khan's speech included derogatory and disrespectful comments about Islamic practices. She referred to Muslim women in polygamous marriages as "sex toys," a statement that is both offensive and deeply harmful to the dignity of women. These comments have no basis in truth and contribute to further marginalization of an already vulnerable community.

By making such divisive remarks during a time when the MCC directives have been issued for the Delhi Assembly Elections 2025, Khan has violated the Model Code of Conduct, which calls for the promotion of communal harmony and forbids any candidate or political leader from making speeches or engaging in activities that could disturb public peace. Khan's inflammatory speech

also infringes upon Sections 123(2), 123(3), and 123(3A) of the Representation of the People Act, 1951, which prohibits speeches aimed at promoting enmity between different classes of society or appealing to voters on the basis of religion or caste.

### **Transcripts and context of the speech:**

“So, I want to ask that if Islam is the message of peace, if Muslims are a peaceful community, then how do you protect the mosque, the house of Allah, from slippers and stones, brother? How? Since 1947, Muslims have told people through their activities, their behaviour that they are not Aman-e-Rasool. They are not followers of Prophet Muhammad (SAW), they are the perverts of Aurangzeb. They are the Jaahile-e-Azam of Mughal-e-Azam. This is their only identity, apart from this, there is no other identity of theirs.” **[Time Stamp: 01:00 – 01:10]**

This part of the speech falsely presents the entire Muslim community as violent and disruptive, undermining their religious identity and associating them with negative historical figures like Aurangzeb. The speech promotes a harmful narrative that Muslims are inherently problematic, thus fostering animosity. This is clearly violative of the MCC, which prohibits speeches that inflame communal tensions and disturb public harmony. By casting an entire community as violent and disrespectful of their own faith, the speaker attempts to divide society along communal lines, inciting hatred and mistrust, which undermines the principles of a free and fair election.

“Tell them (Muslims) to get education, they will not! Tell them to become human, they will not! Tell them to study, they will not study! Tell them to do something, they will not do it! But if you tell them to rape, they will do it immediately. Tell them to do love jihad, they will do it immediately. Tell them to throw bombs, bullets and ammunition!

Here, the speaker engages in harmful stereotyping by accusing Muslims of being inherently violent and prone to terrorism. By falsely associating the Muslim community with rape, "love jihad," and terrorism, the speech spreads misinformation and incites fear and hatred

They will throw it immediately. Tell them to create terror, they will do it immediately. What is it after all? What is there in this community?

What is the secret of that heavenly book, that Al-Quran, which is a community that has been troubling people of all religions in the world.” **[Time Stamp: 01:11 – 01:37]**

This speech is deeply problematic and derogatory, especially during the period of the Delhi Assembly Elections 2025. The speaker makes sweeping and false generalizations about the Muslim community, portraying them as inherently violent, criminal, and prone to terrorism. By linking Muslims to heinous acts such as rape, "love jihad," and terrorism, the speaker promotes harmful stereotypes that incite fear and hostility. These divisive and baseless accusations are not only factually incorrect but also inflammatory, creating an atmosphere of mistrust and hostility between communities.

During a pre-election period, such statements are highly dangerous as they have the potential to polarize voters based on religion, undermining the principles of free and fair elections. Elections should focus on issues of governance, policy, and development, not on spreading hate and division. The speech directly violates the Model Code of Conduct, which calls for peaceful and respectful discourse, and jeopardizes the social harmony needed for democratic participation. By targeting an entire community with such derogatory remarks, the speaker seeks to manipulate voter sentiment through fear, rather than fostering an informed, inclusive, and fair election process.

“Nazia Elahi Khan also looked into the gathering of Muslims! She saw halala. Daughter-in-law in bed with father-in-law. I am sorry to say but I use that word only. Father-in-law is doing halala of daughter-in-law and in Sanatan Dharma, I saw how daughter-in-law was serving food like a daughter.” **[Time Stamp: 01:38 – 02:05]**

“I also looked into the gathering of Muslims and found polygamy! One man and four “sex toys” and the permission is for eleven! That you can comfortably fulfill your sexual desires by taking eleven women on one bed. Neither father will say anything, nor mother will say anything, nor family will say anything, nor the followers of Islam, nor the contractors of Islam will say anything.” **[Time Stamp: 02:06 – 02:40]**

“I also looked into this gathering and found nikah Mutta! Temporary sexual marriage. For some time, a Muslim girl went to a wedding or an event and there a middle-aged married man liked a chirpy, jumping and dancing Muslim girl and told his father to take five lakh rupees and give him your daughter for a week. There is a contract, there is a contract!” **[Time Stamp: 02:41 – 03:05]**

So, I found out that there is also a Nikah Masiyar. What is a Nikah Masiyar like? That the girl will stay for a month for one lakh rupees and the sun will not rise in the morning and the groom will leave her and run away and you are not supposed to ask back because in a Masiyar Nikah you are not supposed to know where you have run away. **[Time Stamp: 03:06 - \*\*\*]**

I know that the way people of Sanatan Dharma read Ramayana, Mahabharata, Shrimad Bhagwad Gita, there is peace inside them, there is humanity inside them, there is a yearning for forgiveness inside them. I know! But you will have to ask for the address of the lane you don't want to go to, you will have to explain to your daughters that no Abdul is good, you will have to convince your daughters that Shahrukh Khan has married Gauri Khan but every street vendor, every orange seller, every lemon seller, every pickle seller, every puncture repairer is not Shahrukh Khan.” **[Time Stamp: 03:07 – 03:47]**

The speech in question is overtly anti-Muslim and derogatory, engaging in harmful stereotyping and misrepresentation of Muslim practices and beliefs. The speaker makes a series of inflammatory and baseless claims about Muslims, portraying them as immoral, sexually depraved, and culturally corrupt. For example, the speaker misrepresents the practice of *halala* by describing it in a sensationalized, vulgar manner, intending to shock and disgust the audience. This kind of portrayal distorts the true meaning and practice of *halala*, which is a legal procedure in Islamic law, and reduces it to something grotesque and immoral.

Similarly, the speaker falsely associates Muslims with polygamy, describing it in degrading terms, likening women to mere “sex toys.” Such language is not only factually inaccurate but also intended to degrade and dehumanize Muslim men and women, reinforcing negative stereotypes. The speech further misrepresents practices like *Nikah Mut'ab* (temporary marriage) and *Nikah Masiyar*, presenting them as exploitative and immoral, when in reality these practices, while controversial, are often misunderstood or misrepresented in mainstream discourse. The speaker's portrayal is intended to shock and instill a sense of moral superiority over Muslims, feeding into prejudices and misconceptions.

Additionally, the speaker's attempt to differentiate Muslims from Hindus by invoking *Sanatan Dharma* and claiming that followers of Islam are not “good” or morally upright fosters division

and suspicion. By associating Muslims with negative and sensationalized traits, the speaker creates an “us vs. them” narrative that exacerbates communal tensions, undermines social harmony, and harms the democratic process, especially in the sensitive period of the Delhi Assembly Elections 2025.

This speech is a clear violation of the Model Code of Conduct, as it spreads hate and misinformation, inflames communal tensions, and disrupts the peaceful, inclusive spirit essential for free and fair elections.

**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/1239>

### **The Harmful Impact of Divisive Rhetoric on Delhi’s Social Fabric and Democratic Values**

The divisive rhetoric in BJP leader and habitual hate offender, Nazia Elahi Khan’s speech poses a severe threat to Delhi’s social fabric and democratic values during the Delhi Assembly Elections - 2025. By categorizing the Muslim community based on religious identity, Khan fosters division and resentment between Hindus and Muslims. Her statements, such as labelling Muslims as “the perverts of Aurangzeb” and accusing them of being inherently violent, perpetuate harmful stereotypes and vilify a significant portion of the population. This creates an environment where religious identity becomes the foundation for trust and belonging, overshadowing shared values of equality and mutual respect.

#### **Impact on the Electoral Environment**

Nazia Elahi Khan’s divisive language significantly influences voting behaviour, pushing voters to make choices based on communal anxieties rather than issues related to governance, development, or social welfare. Instead of focusing on important concerns like economic growth, healthcare, and infrastructure, political discourse shifts towards identity politics and exclusionary agendas. This kind of electoral mobilization deepens divisions between communities, transforming elections from forums for collective progress into contests for communal dominance. Voters are swayed by alarmist narratives exploiting religious insecurities, undermining the integrity of the democratic process.

Furthermore, Khan’s approach erodes public trust in democratic institutions. When prominent political figures resort to communal narratives, they set a dangerous precedent, prioritizing polarization over unity and antagonism over dialogue. This shift weakens the foundations of representative democracy, where diverse groups should be encouraged to coexist and engage constructively. By transforming elections into battlegrounds for communal mobilization, Khan’s rhetoric risks inciting social unrest, which could have lasting consequences for peace and stability in Delhi.

#### **Violations of the Model Code of Conduct (MCC)**

The Model Code of Conduct (MCC), enforced by the Election Commission of India during the Delhi Assembly Elections 2025, aims to ensure free, fair, and peaceful elections by prohibiting divisive and inflammatory rhetoric. Nazia Elahi Khan’s statements violate several guidelines outlined in the MCC:

##### **Part I, General Conduct:**

MCC mandates that political parties and candidates avoid actions that exacerbate existing differences, such as communal and caste tensions. Khan's statements, including calling Muslims "the perverts of Aurangzeb," violate this directive by using religious identity to incite political loyalty. Her remarks directly fuel communal polarization, portraying the protection of Hindu interests as an exclusive duty and positioning Muslims as a threat. By alienating Muslims with her derogatory comments, Khan contributes to a divisive atmosphere that exacerbates communal tensions.

### **Part V, Election Campaigning:**

MCC specifies that political parties should refrain from appeals based on caste, religion, or communal sentiments. Khan's statements violate this guideline as well. Her speech, particularly the claims about Muslims being inherently violent or linked to "love jihad," rape, and terrorism, directly appeals to religious sentiments, reinforcing negative stereotypes and inflaming tensions between communities. This speech not only manipulates the electorate by exploiting fears but also undermines the democratic process by shifting focus from policy and governance to communal discord.

- **Violation:** *"So, I want to ask that if Islam is the message of peace, if Muslims are a peaceful community, then how do you protect the mosque, the house of Allah, from slippers and stones, brother? Since 1947, Muslims have told people through their activities, their behaviour that they are not Aman-e-Rasool. They are not followers of Prophet Muhammad (SAW), they are the perverts of Aurangzeb."* [Time Stamp: 01:00 – 01:10]
- This part of the speech falsely portrays Muslims as violent and disruptive, associating them with negative historical figures such as Aurangzeb, and presents an entire community as inherently problematic. This directly contravenes the MCC, which prohibits speeches that incite communal tensions and disturb public harmony.
- **Further Violations:** Khan's sweeping generalizations about Muslims being prone to violence, "love jihad," terrorism, and the misrepresentation of practices such as halala, polygamy, and temporary marriage (Nikah Mut'ah and Nikah Masiyar) are baseless and derogatory. These falsehoods serve to dehumanize the Muslim community, inciting fear, hatred, and mistrust, which undermines the core principles of democracy and peaceful electoral discourse. By portraying the Muslim community in a sensationalized, derogatory light, the speaker seeks to manipulate voter sentiment and sow division rather than promoting unity and informed participation.

### **Additional Violations:**

**The speech also violates the following MCC guidelines:**

- **Integrity of the Election Process:** MCC stresses the importance of ensuring that elections are conducted in a peaceful environment, free from external influences that disrupt electoral integrity. Khan's rhetoric promotes hate and division, thereby disturbing the peaceful electoral process and undermining its integrity.
- **Maintenance of Public Peace:** The MCC mandates that election campaigning must not disturb public peace. Khan's inflammatory speech has the potential to cause communal

riots and public unrest, particularly in a diverse city like Delhi, where any form of communal rhetoric could exacerbate inter-community conflicts.

By making derogatory remarks about Muslims and their religious practices, and invoking unfounded fears about terrorism, rape, and communal violence, Khan not only violates MCC guidelines but also jeopardizes the peaceful, inclusive spirit that is vital for free and fair elections. This rhetoric directly incites hostility, erodes social harmony, and disrupts the foundation of democratic participation, especially during the critical pre-election period of the Delhi Assembly Elections 2025.

Her speech does not focus on governance or policy issues, instead diverting the conversation to hate-fuelled narratives that exploit religious insecurities. This divisive approach severely undermines the electoral process, making it a contest of identity rather than one based on merit, progress, and governance. Thus, Nazia Elahi Khan's remarks are a clear violation of the Model Code of Conduct, disrupting the democratic fabric and undermining the principles of peace and inclusion.

### **Inflammatory and Stereotyping Claims**

Throughout her speech, Nazia Elahi Khan engages in harmful stereotyping and misrepresentation of Muslim practices, portraying the community as inherently violent, sexually immoral, and culturally corrupt. She makes sweeping generalizations, falsely associating Muslims with rape, terrorism, “love jihad,” and other heinous acts. Her inflammatory claims about practices like halala, polygamy, nikah mut'ah (temporary marriage), and nikah masiyar distort the true meanings of these practices and sensationalize them to shock and disgust the audience. These gross misrepresentations not only mislead listeners but also incite fear, hostility, and division among different communities.

Khan's attempt to distinguish Muslims from Hindus by invoking Sanatan Dharma and claiming that followers of Islam are morally corrupt fosters suspicion and deepens the “us vs. them” narrative. Her portrayal of Muslims as fundamentally inferior to Hindus perpetuates negative stereotypes, which undermines social harmony and stirs up communal tensions. In doing so, she seeks to manipulate public opinion through fear and prejudice, rather than promoting an informed and inclusive approach to the electoral process.

### **Legal Violations under the Representation of People Act, 1951**

The speech by BJP Leader Nazia Elahi Khan constitute clear violations under Section 123 of the Representation of People Act, 1951, specifically in the following sub-sections:

#### **Undue Influence**

1. **Section 123(2):** *Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or her agent, or of any other person [with the consent of the candidate or her election agent], with the free exercise of any electoral right.*

**Violation:** Khan's speech attempts to exert undue influence on voters by making divisive religious appeals, particularly targeting the Muslim community. By casting Muslims in a negative light and portraying her political stance as the protector of Hindu interests, Khan indirectly pressures voters to align with her political ideology based on religious identity. The implication is that voting for her or her party is not just a political choice but a moral

or religious duty, effectively coercing voters into making decisions based on their faith rather than informed democratic choice. This violates the principles of free and fair elections, as it pressures voters into casting their votes along communal lines rather than policy or merit.

### Appeal on Religious Grounds

- Section 123(3):** *The appeal by a candidate or her agent or by any other person with the consent of a candidate or her election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.*

**Violation:** Khan's speech constitutes a direct appeal to voters based on their religious identity. By invoking religiously charged language and casting Muslims as morally corrupt, Khan's rhetoric explicitly appeals to Hindu voters to support her cause on the basis of religious loyalty. The speech's references to Muslims as a community of "perverts" and its narrative of Islamic practices as inherently violent and disrespectful is an appeal to voters on the grounds of religion, not policy. This contravenes Section 123(3), as it encourages voters to make electoral decisions based on religious identity rather than merit or policy-related issues.

### Promotion of Enmity or Hatred

- Section 123(3A):** *The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or her agent or any other person with the consent of the candidate or her election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.*

**Violation:** Khan's speech promotes and amplifies enmity and hatred between the Hindu and Muslim communities. Her remarks about Muslims as a threat to Hindu interests, her characterization of them as "the perverts of Aurangzeb," and her false assertions about Muslims' disrespect for their own faith and other religious groups foster a deep sense of mistrust and hostility. The rhetoric further demonizes Muslims, portraying them as violent, sexually immoral, and disrespectful. These statements not only perpetuate harmful stereotypes but also inflame communal tensions, thus undermining public peace and harmony. By spreading divisive rhetoric, Khan's speech violates Section 123(3A) as it seeks to promote feelings of animosity and hostility between different religious groups for electoral gain.

### Laws violated by the hate speech under Bharatiya Nyaya Sanhita, 2023

The inflammatory and divisive speech delivered by Khan 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.*

#### **Relevant jurisprudence:**

In *Abhiram Singh v. C.D. Commachen* (Civil Appeal No. 37 of 1992; decided on January 2, 2017), a 7-judge bench decided whether the word ‘his’ under section 123(3) pertained to the identity of the candidate or his rival only (literal interpretation), or also extended to the identity of the voter/s (purposive interpretation). By a 4:3 margin, the court upheld the purposive interpretation of ‘his’ and thus proscribed any appeal pertaining to the identity of the candidate, his rival or the voter. This meant that electoral appeals to voters based on their religion is a “corrupt practice” which can result in declaring the election of the candidate as void and further disqualification for a period of six years.

Justice T.S. Thakur in his concurring judgment said,

*“The State being secular in character will not identify itself with anyone of the religions or religious denominations. This necessarily implies that religion will not play any role in the governance of the country which must at all times be secular in nature. The elections to the State legislature or to the Parliament or for that matter or any other body in the State is a secular exercise just as the functions of the elected representatives must be secular in both outlook and practice. Suffice it to say that the Constitutional ethos forbids mixing of religions or religious considerations with the secular functions of the State.”*

In *Ziyauddin Burhanuddin Bukhari vs Brijmohan Ramdass Mehra* (1975 SCR 453), the Supreme Court held thus,

*“As already indicated by us, our democracy can only survive if those who aspire to become people's representatives and leaders understand the spirit of secular democracy. That spirit was characterised by Montesquieu long ago as one of "virtue". It implies, as the late Pandit Jawaharlal Nehru once said, "self-discipline". For such a spirit to prevail, candidates at elections have to try to persuade electors by showing them the light of reason and not by inflaming their blind and disruptive passions. Heresy hunting propaganda on professedly religious grounds directed against a candidate at an election may be permitted a theocratic state but not in a secular republic like ours. It is evident that, if such propaganda was permitted here, it would injure the interests of members of religious minority groups more than those of 6 others. It is forbidden in this country in order to preserve the spirit of equality, fraternity,*



*and amity between rivals even during elections. Indeed, such prohibitions are necessary in the interests of elementary public peace and order.”*

It further held,

*“Therefore, candidates at an election to a legislature, which is a part of “the State”, cannot be allowed to tell electors that their rivals are unfit to act as their representatives on grounds of their religious professions or practices. To permit such propaganda would be not merely to permit undignified; personal attacks on candidates concerned but also to allow assaults on what sustains the basic structure of our Democratic State.”*

The above-mentioned are merely excerpts of some of the landmark judgements of the Supreme Court which run into pages and emphasise on upholding of secular character of the Constitution while holding that candidate for elections must at all costs avoid using any language that appeals to religion or that is against any religious community.

### **Prayer for Immediate Action**

In light of the aforementioned violations and the harmful impact on communal harmony and electoral integrity in Delhi, we respectfully request that the Election Commission consider the following specific actions against BJP leader Nazia Elahi Khan for his inflammatory and divisive speech:

1. **Immediate Public Censure:** Issue a public censure against BJP leader Nazia Elahi Khan for delivering a speech that incites communal tensions and violates the Model Code of Conduct (MCC) and sections of the Representation of People Act, 1951. This censure should explicitly highlight the divisive nature of his statements, including his reference to religious identity to influence voters and his portrayal of Muslims as enemies, which undermines the secular fabric of India. The censure should also serve as a deterrent to prevent future violations by other political figures.
2. **Prohibition on Future Campaigning in Delhi:** As a preventive measure, prohibit Khan from participating in further campaigning activities within Delhi. This step will ensure the preservation of communal harmony and maintain a fair and peaceful electoral environment, free from religious polarization and hate speech.
3. **Take Appropriate Action:** Take appropriate punitive measures against the BJP for allowing its leaders to engage in corrupt practices under Section 123 of the Representation of People Act (RPA). This should include a thorough investigation into the party’s role in encouraging divisive rhetoric for electoral gain.
4. **Direction to Political Parties:** Issue a directive to the Bharatiya Janata Party (BJP) to refrain from using communal rhetoric and appeals in election campaigns in Delhi. This directive would remind all party candidates and leaders of their responsibility to uphold the MCC and respect the law, ensuring that future campaigns are focused on inclusive governance and unity.
5. **Monitoring of Campaign Speeches:** Deploy monitoring teams to review the speeches of all political candidates and campaigners in Delhi throughout the election period. This proactive measure will ensure compliance with the MCC, safeguard against further hate speech or divisive language, and protect the integrity of the election process.



By taking these actions, the Election Commission can help preserve the secular values enshrined in India's Constitution and ensure that the electoral process remains free from religious manipulation and divisive politics in Delhi.

We trust that the Chief Electoral Officer, Delhi will take immediate and decisive action to address this issue, thereby safeguarding the integrity of the electoral process and ensuring that the people of Delhi can vote in an environment free from fear and communal discord.

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]***, 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.

Thank you for your consideration of this urgent matter.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

### **Annexures**

Annexure A- Video uploaded on Telegram by Hindutva Watch on January 13, 2025, downloaded by CJP