

August 6, 2018

To,

**Shri Om Prakash Singh,**

The Director General of Police,

Uttar Pradesh

1-Tilak Marg, Lucknow

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Subject- Complaint/FIR against Acharya Jitendra ji Maharaj under Sections 153A, 153B, 505 and 503 of the Indian Penal Code in relation to Criminal Intimidation and Inciteful Utterances made at the event organized by Vishwa Hindu Parishad (VHP), in Uttar Pradesh on June 2-3, 2018

1. The complaint is in reference to the speech of Acharya Jitendra ji Maharaj made at 'Dharm Sansad', a two-day conference organised at the Hindi Bhavan, Ghaziabad. The date of the event as reported is June 2-3, 2018. Jitendra Maharaj spoke on the approaching end of Islam in India, and he is liable under section 153(1), 153(2), 505 and 503 of Indian Penal Code (IPC).
2. During the course of his speech, he talked about the enemies of the Hindu religion, whom the Hindus should destroy to make India a "Hindu Rashtra". He accused the Maulvis of Islam of having a network so strong that they can kill any Hindu in two minutes. He then said that to fight such a network, Hindus have to create their own network that is a thousand times larger, and the Guruji (Unidentified) is working to make it happen. Jitendra Maharaj then claimed that they have already prepared a team of more than 1000 "dangerous" Hindu Yodhas (Fighters) to fight them. He openly challenged political leaders, saying that if they ditched them again, they will put a bullet in their heads. He further said, "We won't listen to your false promises, and instead put not one but ten bullets in your heads if you do something wrong." The statements made by him clearly fall under section 503 of the Indian Penal Code, threatening to cause injury to a person with intent to cause to alarm.

Jitendra Maharaj in his statement made more threatening and polarizing statements. He said, "Tell the government that Islam is in big danger, we will remove the pants of these Muslim Maulanas." He further said that the beef-eating Muslims are not eligible to even stand next to the Hindus, and incited the public to beat them and send them out of the



country. He also remarked that he is not joking about any of the things he said and that he is not afraid of Islam, which has no worth. The YouTube link of the video of Jitendra Maharaj speaking at the Dharm Sansad uploaded from his own channel is attached herewith and marked as **Exhibit A**.

3. Sir, the statements made by him are clearly violative of the law.
4. **Laws Violated : Section 153–A of the Indian Penal Code** states: (1) Whoever– a) by words, either spoken or written, or by signs or by visible representation 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 feeling 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 tranquility, c) ...shall be punished with imprisonment which may extend to three years, or with fine or with both.

Jitendra Maharaj in his speech made comments that promote disharmony and hatred on the grounds of religion. He claimed that the Maulvis of Islam can kill any Hindu in two minutes and incited Hindus to beat them out of the country, thus inciting violence and feelings of ill will on the grounds of religion. He also created fear in the minds of the Muslim population, while inciting and professing to commit violence against them.

**Section 153–B of the IPC** states: (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, - (a) makes or publishes any imputation that any class of person 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 person 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 religions, 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, shall be punished with imprisonment which may extend to three years, or with fine, or with both.



Jitendra Maharaj is liable under this section of the IPC. He proclaimed that Muslim Maulvis have a strong network that can kill any Hindu in two minutes, thus accusing them of not bearing true faith and allegiance to the Constitution of India. He further propagated that Muslims are not worthy to stand next to Hindus and should be beaten and sent out of the country. Therefore, in light of following statements made by him, he is clearly liable under the above-mentioned section of the IPC.

**Section 505 of the IPC** states: 1[505. Statements conducing to public mischief.—2[

(1) ] Whoever makes, publishes or circulates any statement, rumour or report,—  
(a) with intent to cause, or which is likely to cause, any officer, soldier, 3[sailor or airman] in the Army, 4[Navy or Air Force] 5[of India] to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to 6[three years], or with fine, or with both. 7[(2)

Statements creating or promoting enmity, hatred or ill-will between classes.—Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Offence under sub-section (2) committed in place of worship, etc.—Whoever commits an offence specified in sub-section (2) in any place of worship or in an assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

Jitendra Maharaj, with his statement of killing political leaders and people from the Muslim community, clearly created alarm and fear in the minds of people. He has also incited violence by asking people to beat Muslims out of the country, thus inducing people to commit crimes against public tranquility. He is therefore liable under this section of the IPC and should be punished accordingly.



**Section 503 of the IPC** states, Criminal intimidation.—Whoever threatens another 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.

Jitendra Maharaj committed the crime of criminal intimidation by proclaiming that he has an army of 1,000 dangerous Hindus who will put bullets in the heads of political leaders and Muslim Maulvis and thus creating alarm in the minds of people. He has clearly threatened to commit a crime against public peace and is therefore liable under section 503 of the IPC and should be punished accordingly.

5. The above statements are a grave threat to the peace and tranquility of the country, more so in the light of the communal atmosphere brewing in the country. The atmosphere is highly sensitive, and aggression is being unleashed on minority sections of the population already. These statements were made with the intention (and are enough) to cause violence towards the Muslim population.
6. As per the above statements of Acharya Jitendra ji Maharaj, the minority community in various parts of India is likely to feel more insecure and threatened by these statements. Besides, such statements are bound to generate communal disharmony or feelings of ill will, enmity and hatred between different religious groups. It is also an act that is prejudicial to the maintenance of harmony between different religious groups and is likely to disturb the public tranquility. It is severely alienating the Muslim population by imputing that they are not eligible to stand next to the people of Hindu community, in a country where the Right to Equality is a Fundamental Right of every citizen, irrespective of the religion they follow. It thus amounts to leaving them vulnerable to violent acts. Stereotyping the Maulvis of Islam as criminals is bound to create disharmony in the different groups of society. It demeans the population being tagged as unworthy, and leaves them vulnerable. It also incites the other community to turn violent against them. Such wide-scale, alarming, and false attacks on sections of Indians could create and contribute to an atmosphere of causing communal carnage anywhere in the country, and then a section of Indians could face widespread persecution.



7. As declared by the Supreme Court of India, secularism is part of the basic structure of our Constitution and these statements of Acharya Jitendra ji Maharaj attack the very fabric of our Constitution.
  
8. We are making this complaint in our capacity as citizens of India and under our fundamental duties to uphold the Constitution of India as laid down under Article 51 of the Constitution. The offence is likely to have an all India impact and as such falls within your jurisdiction.
  
9. The Fundamental Duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of **India**. These duties, set out in Part IV–A of the **Constitution**, concern individuals and the nation. Under Article 51-A, Indian Citizens are bound to uphold the integral values of equality and non-discrimination as imbibed in the Constitution of India. Article 51-A says that  
It shall be the duty of every citizens of India-
  - a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
  - (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
  - (c) to uphold and protect the sovereignty, unity and integrity of India;
  - (d) to defend the country and render national service when called upon to do so;
  - (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
  - (f) to value and preserve the rich heritage of our composite culture;
  - (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
  - (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
  - (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.]



10. Acharya Jitendra ji Maharaj has committed an offence under Sections 153A, 153 B, 503 and 505(1) and (2) of the Indian Penal Code. Hence, cognizance should be taken of this complaint by treating it as an FIR, the matter be investigated into, and necessary action, including arrest and prosecution, be taken forthwith against Acharya Jitendra ji Maharaj.
  
11. Please keep the undersigned informed about the developments and let us know immediately about the steps you propose to take against Acharya Jitendra ji Maharaj. We have already applied for sanction of the necessary authorities but you are also requested to apply for the necessary sanction. Copies for the applications for sanction are enclosed for your ready reference.
  
12. We would also like to humbly point out that in the name of religion, the 'Dharma Sansad' has been continually, and for decades, carrying out programmes that have been in a similar vein, fashioned to be intimidatory and full of hate speech that has the potential to provoke violence against sections of Indians, particularly Indians who are from the voiceless marginalized sections. Some examples of these are as follows:
  - a. In the fourth Dharm Sansad that was held on 2<sup>nd</sup> and 3<sup>rd</sup> April in the year 1991 in New Delhi, a resolution was passed to call upon the Hindu populace to rise against the countrywide plans of Muslims of mass annihilation. Text of the resolution, taken from the official website of VHP, is attached herewith and marked as **Exhibit B**.
  - b. In the Dharm Sansad, held in Haryana this year, a lady in her speech said that Islam is not a religion, but a "Political Moment", started to grab political power. She further said that the only aim of Muslims is to destroy Hindus and they won't stop until even one 'Kafir' is alive. She alleged that the Roza kept by the Muslims and Namaz read are all for the fulfillment of the same purpose, i.e., destroying the Hindus. She continued asking Hindus that how they could still not agitate knowing that the invading army (Muslims) is ready. The video of her speech made at the Dharm Sansad, Haryana is attached herewith and marked as **Exhibit C**. A complaint of the same has already been sent to the DGP, Haryana.
  
13. We therefore humbly request that, in the light of words perpetrating disharmony spoken above by Acharya Jitendra ji Maharaj, strict action be taken against him for perpetrating hate and inciting violence against a targeted section of the community under sections 153(1), 153(2), 503 and 505 of the IPC.



Sincerely,

Dr. Vasanthi Devi, Chennai, former Vice Chancellor, activist-academic  
Vivan Sundaram, senior artist activist, founder member of SAHMAT  
Anand Patwardhan, acclaimed documentary film maker  
Dr Vivek Monteiro, scientist and senior trade unionist with CPI-M

Anil Dharker, President, CJP  
Teesta Setalvad, Secretary, CJP  
Cedric Prakash, activist and writer

CC:

- 1) Justice HL Dattu, Chairperson of the National Human Rights Commission  
Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi – 110023  
Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: [cr.nhrc@nic.in](mailto:cr.nhrc@nic.in)
- 2) Hon'ble Mr. Justice Dilip Babasaheb Bhosale,  
Chief Justice, Allahabad High Court  
Email: [cj@allahabadhighcourt.in](mailto:cj@allahabadhighcourt.in)  
Address: 1, Lal Bahadur Shastri Marg, Allahabad

#### EXHIBITS TABLE

<b>Exhibit A</b>	YouTube Link of the video of Jitendra Maharaj speaking at Dharm Sansad, Ghaziabad.	<a href="https://www.youtube.com/watch?v=zFXB82BHarQ">https://www.youtube.com/watch?v=zFXB82BHarQ</a>
<b>Exhibit B</b>	Link of the official website of the VHP where resolutions passed by Dharm Sansad are published.	<a href="http://vhp.org/conferences/dharmasansads/dharma-sansad-4/">http://vhp.org/conferences/dharmasansads/dharma-sansad-4/</a>
<b>Exhibit C</b>	YouTube link of the video of the lady giving speech at Dharm Sansad, Haryana.	<a href="https://www.youtube.com/watch?v=zotjFW7wRGg&amp;feature=youtu.be">https://www.youtube.com/watch?v=zotjFW7wRGg&amp;feature=youtu.be</a>