

August 6, 2018

To,

Shri B.S Sandhu,

The Director General of Police,

Haryana

Panchkula Sector 6, Panchkula – 134109

Phone: 0172- 2587529, 2583281, 2740239, 2743157

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Subject: Complaint/FIR against Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj, and the two ladies from the videos (*unidentified*) under Sections 153A, 153B, and 505 of the Indian Penal Code in relation to inciteful utterances made at the event organized by Vishwa Hindu Parishad (VHP), in Haryana on July 22, 2018

1. The complaint is in reference to the 'Dharm Sansad', a two-day conference organised at the Shri Krishna temple in Gurugram, Haryana. The date of the event as reported is July 22, 2018. The theme of the conference was the attack on Hindus and their culture. The speakers at the above conference are liable under section 153(1), 153(2) and 505 of Indian Penal Code (IPC).
2. Sir, the statements attached below as marked exhibits are clearly violative of the law.
3. During the course of the conference many unpleasant, even inciteful, comments were made, targeting a particular religious group (Islam). The National Convenor of All India Sant Parishad, Narasimhaanand Saraswati ji Maharaj, and the conclave's principle convener, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj, continually referred to Islam as the religion spreading hate in the country and the world at large (Text of the same as posted on their Facebook page is attached herewith and marked as **Exhibit A**). Both of them urged the government to take extreme population control measures, particularly to control the Muslim population. Narasimhaanand Saraswati said that if the Muslim population is not controlled, a Muslim-controlled India would be a centre for all Islamic Jihadi terrorist activities in the world. Swami Narendranand made more polarizing statements. He said that if the Muslim population is not controlled, it will prove to be a huge challenge for humanity, as they will take control of the country in a civil war and gain power, sending the world towards destruction by controlling India's nuclear power. Narasimhaanand Saraswati further called Madrassas (which are educational institutions for children) in India Terror spreading centres, which are the cause of origin of all the terror in the world. These statements are baseless and highly offensive to the

4. Muslim community and the people of India. The words were clearly spoken to create disharmony and feelings of hatred towards the Muslim community. Hence, the words spoken clearly fall under section 153(A) of IPC for promoting disharmony and the feeling of enmity on grounds of religion. They also fall under Section 505 of IPC which relates to an intent to incite a particular class or community to commit crime against public tranquility.
5. Further in the course of the conference two ladies delivered two more venom-spewing speeches. The videos of the speeches of both the women are attached herewith and marked as **Exhibit B** and **Exhibit C**. The woman in the video attached as **Exhibit B**, in her hate-filled speech, asked Hindus to do something about the invading army of Muslims who are going to destroy them. She brought their attention to the number of Muslim candidates getting selected for UPSC examinations in the country, and asked them if they could trust those Muslims to be protecting them in their administrative capacity. She further demanded to know if the people could imagine a situation where an Army person from the Muslim community would not put a bullet in the Hindus' heads. Thus, she demeaned the reputation of Muslim candidates and Army persons and incited the public against the Muslim community.

The woman in the video attached as **Exhibit C** made more outrageous statements. She 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 about how they could still not agitate, knowing that the invading army (Muslims) is ready. These statements are demeaning to the culture of people following Islam, and an invitation of violence against them. The speeches of both the women fall under section 153(A), 153(B) and 505 of IPC for hate-filled speech with the intention of inciting the public towards a community and for implying that Muslims can't bear true faith to the integrity of India. Such appeals of the ladies is to cause violence against Muslim community and thus, they are liable under the above-mentioned sections of the IPC.

6. **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.

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.

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.]

7. The statements quoted in **Paras 1-3 above**, 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. Worse, they were clearly made by public figures with a bid to incite their followers into targeted violence. 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. Already we have seen cases of lynching where just such incitements, coupled with an overall culture of impunity facilitate the mob to target weak and helpless persons.
8. As per the above statements of Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified), 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 Muslim population by imputing that they do

not bear true faith and allegiance to the Constitution of India or uphold the sovereignty and integrity of India. It amounts to leaving them vulnerable to violent acts. Stereotyping the entire population as criminals and terrorists is bound to create disharmony in the different groups of society. It demeans the population being tagged as terrorists, and leaves them vulnerable. It incites other communities in the population 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 elsewhere in the country, and then a section of Indians could face widespread persecution. **Article 51-A of the Constitution, apart from Articles 21-30, stand completely violated.**

9. As declared by the Supreme Court of India, secularism is part of the basic structure of our Constitution, and these statements of Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified) attack the very fabric of our Constitution.
10. We are making this complaint in our capacity as citizens of India and under our fundamental duty to uphold the Constitution of India as laid down under Article 52 of the Constitution. The offence is likely to have an all-India impact and as such also falls within your jurisdiction.
11. 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.]
12. Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified) have committed offences under Sections 153A, 153 B and 505(1) and (2) of the Indian Penal Code. They have also violated the Constitutional ideals of equality and non-discrimination. 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 Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified).
13. Please keep the undersigned informed about the developments and let us know immediately about the steps you propose to take against Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified). 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.
14. 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 April 2 and 3, 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 D**.
 - b. In another Dharm Sansad held in Ghaziabad this year in the month of June, Jitendra Maharaj openly challenged the political leaders of the country that they have created an army of more than thousand "dangerous" Hindus, who will put a bullet in their heads if they don't make policies in their favour. He also accused Maulvis of the Muslim community of having a strong network of goons who can kill anyone in two minutes. Video of the same is attached and marked herewith as **Exhibit E**.

15. We therefore humbly request that in the light of words perpetrating violence and disharmony spoken above by Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj and the two ladies from the videos (unidentified), strict action be taken against each of them for perpetrating hate and inciting violence against a targeted section of the community under Sections 153(1), 153(2) 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 filmmaker
Dr. Vivek Monteiro, scientist and senior trade unionist with CPI-M

A handwritten signature in blue ink, appearing to read 'Anil Dharker', is written in a cursive style.

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
- 2) Hon'ble Mr. Justice Krishna Murari
Punjab and Haryana High Court
Sector-1, Chandigarh
Email: reg.vig-phc@indianjudiciary.gov.in



EXHIBITS TABLE

Exhibit A	Facebook link having text of the resolutions passed and speeches of Narasimhaanand Saraswati ji Maharaj, Jagadguru Shankaracharya Swami Narendranand Saraswati Ji Maharaj (as posted by CyberSipahi; went viral on Facebook).	https://www.facebook.com/CyberSipahis/posts/1916650268399557
Exhibit B	YouTube link of the video of the first lady giving speech at Dharm Sansad	https://www.youtube.com/watch?v=kKE4200abWs&feature=youtu.be
Exhibit C	YouTube link of the video of the second lady giving speech at Dharm Sansad	https://www.youtube.com/watch?v=zotjFW7wRGg&feature=youtu.be
Exhibit D	Link of the official website of the VHP where resolutions passed by Dharm Sansad are published.	http://vhp.org/conferences/dharmasansads/dharma-sansad-4/
Exhibit E	YouTube link of the video of Jitendra Maharaj speaking at Dharm Sansad	https://www.youtube.com/watch?v=zFXB82BHarQ