

Urgent Attention *

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**MASS LEGAL CAMPAIGN AGAINST PRAVEEN TOGADIA and OTHER
DEFAULTERS**

The first Campaign from the Law and Order Task Force that we have suggested is a MASS FIR and MASS CASES on HATE CRIMES against Shri Praveen Togadia followed by Ashok Singhal, Giriraj Kishore and Vinay Katiyar. The same principle must be followed and action taken against any leaders, big or small, of parties who espouse communal politics and deliberately incite violence and hatred against certain sections of the people.

Through the *Citizens for Justice and Peace* and *Communalism Combat*, Mumbai we have had some experience on initiating legal steps for curbing hate speech. This has been furthered by *Hum Watan, We The People*. We realised the need for citizens and activists to be alert to the venomous effect of hate speech and writing. We need to understand that there are laws against this sort of abuse that are faulty but which we need too invoke, and use in order that a sustained campaign can be built for their reform and revision.

The first step towards acting on hate speech is to be alert in order to monitor/ tape/video tape the entire text of such speeches. The Indian Penal Code (IPC) has sections 153A and 153B that the state is bound to use for such violations. Section 295 of the CrPC is also a section that can be invoked whenever there are deliberate attempts to disrupt communal harmony.

Thereafter it is important and imperative to file a first information report (FIR). Experience shows that unless politically directed, in the current political climate, the police does not register an FIR and begin an investigation as it is bound to do. Hence it is important for us to use the accompanying model FIR, register a complaint and thereafter if the police does not act still, approach the courts and demand that such offences get investigated.

This model FIR is being shared and this will be followed by a Model WRIT PETITION.
To make this Campaign successful we urge as many of you as possible to lodge an FIR.

Locations Identified After Research in Speeches Made and Reported :

**Mumbai
Pune
Delhi
Jaipur
Bhopal
Raipur**

Caution: To avoid any slip on technical grounds REGISTER THE FIR IN THE POLICE STATION UNDER WHO'S JURISDICTION the OFFENCE TOOK PLACE, that is the SPEECH was made.

Note: To register an FIR in a given place within India, you do not need to be resident of the same place. But the FIR needs to be registered where the offence was committed.

Model FIR

To,
The Senior Inspector,
_____ Police Station,
New Delhi

Subject: - Complaint against Shri Praveen Togadia, International General Secretary, Vishwa Hindu Parishad under Sections 153A, 153B and 505 of the Indian Penal Code

The text of the speeches made/pamphlets distributed etc need to be quoted, especially those passages that clearly offend sentiments and provoke a communal atmosphere.

- 2) After they were printed/telecast, these statements have not been denied.
- 3) The above statements are a grave threat to the peace, unity and integrity of India. In the light of the sensitive communal atmosphere in recent months, especially after the Gujarat carnage which left tens of thousands of people (a majority of them Muslims) homeless, more than a thousand butchered to death and innumerable women raped, these statements violate S.153-A, 153-B, 505(1) and (2) of the Indian Penal Code.
- 1) S.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 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.
- 6). S.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.

7) Relevant extract of Section 505 reads as under:

“ (1) Whoever makes, publishes or circulates any statement rumours or reports,
(a)
(b) with intent to cause or which is likely to cause fear or alarm to public or to any section of 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 extent to three years or with fine or with both.

(2). Whoever makes, publishes or circulates any statements or report containing rumours or alarming news with intent to create or promote or which is likely to create or promote, on grounds of religion,.....feeling 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 extent to three years or with fine or with both.”

- 8) As per the above statements of [Praveen Togadia] 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 which is prejudicial to the maintenance of harmony between different religious groups and is likely to disturb the public tranquility. The above statements also amounts to imputing that Muslims do not bear true faith and allegiance to the Constitution of India or uphold the sovereignty and integrality of India. The statement also propagates and asserts that Muslims be denied or deprived of their rights as citizens of India. It lastly amounts to an assertion concerning Muslims which is likely to cause disharmony or feeling of ill will between Muslims and others. The statement also is likely to provoke some Hindus to commit offences against Muslims and also amounts to alarming news which is likely to lead to all the above.
- 9) As per the 1991 census the Muslims constitute 12.12% of the population of India. The Hindus constitute 82.00%. Muslims constitute a minority religious community in most of the States.
- 10) Such wide scale, alarming and false attack on Muslims, their population and their religious schools leads to an apprehension that such statements could create and contribute to an atmosphere of causing communal carnage elsewhere in the country, and that the minority Muslim community could face widespread persecution.
- 11) As declared by the Supreme Court of India, secularism is part of the basic structure of our Constitution and these statements of [Praveen Togadia] attack the very fabric of our Constitution.
- 12) I/We am/are making this complaint in my capacity of citizen of India and under my 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 falls also within your jurisdiction.

[Praveen Togadia] has committed an offence under S. 153A, S. 153 B and S. 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 _____. You therefore requested to

- a) Register the present letter as an FIR and send me a confirmation of the same with case number
- b) Investigate into the matter and
- c) Apply to the relevant authorities for sanction to prosecute Shri Togadia

13) Please keep the undersigned informed about the developments and let me know immediately about the steps you propose to take against [Shri Praveen Togadia].

Sincerely,

[Sumedh Jadhav
Alex D'Mello
Gordon Roderigues
Teesta Setalvad]

Result:

Dadar Police Station, Mumbai has registered an FIR after the Complaints Filed by us accompanied by the CD of Togadia's speech

Note:

Under Sections 153 (a) and (b) of the IPC there is a prior requirement *for government sanction* before the police can lodge an offence and investigate it under these sections. More often than not, government *does not* accord sanction. We must communicate with government and pressurise them into granting sanction for such prosecution and at a wider level, lobby with the state and central executive to *remove the sanction provisions so that a private complaint can also be launched.*

Articles Found to satisfy Legal requirements of Hate Speech

[Note: Articles by themselves are not enough to prove a complaint; the full text of the speech is required

February 2003-04-15

<http://www.hinduonnet.com/stories/2003020605520101.htm>

Togadia warns of agitation

By Neena Vyas

NEW DELHI FEB. 5. The Vishwa Hindu Parishad today hardened its stance against the courts, totally rejecting any solution through a judicial verdict while warning the Government to "hand over" the land acquired by it or "face people's agitation". The final goal was the declaration that India is a "Hindu rashtra".

The VHP leader, Praveen Togadia, made it crystal clear that the intention of the trust controlled by it, Ram Janmabhoomi Nyas, was to build a temple with a sanctum sanctorum "at the very place where the Ram lala idol stands today". Even if part of the undisputed acquired land was given to it and construction of temple began "there will be no change in the temple plan". The `garbh griha' (sanctum sanctorum) would be at the very place where the makeshift temple replaced the demolished Babri masjid. The only "concession" was that the VHP was willing to begin construction on the undisputed land.

The Government has been given time till 6 p.m. on February 23, after which about 10,000 `sants' gathered for the `dharam sansad' scheduled here would decide the next course of action, and there was no doubt that they would take a "harsh decision (*kathor nirnaye*)".

<http://www.hindustantimes.com/news/printedition/030403/detNAT13.shtml>

Enact law on temple or face consequences: VHP

HT Correspondent

(New Delhi, April 2)

The VHP-sponsored satyagraha to demand the undisputed land in Ayodhya concluded on Wednesday. On the last day, the outfit said the recent Supreme Court verdict on the issue had closed the judicial option.

Now, unless Parliament enacts legislation in the next session to hand over all the acquired land to Hindus, the country might witness a repetition of the anarchical conditions of December 6, 1992 when the Babri Masjid was destroyed, senior VHP leader Praveen Togadia warned.

"After the apex court's decision refusing to allow religious activity on the undisputed land, we have given up hope of ever getting the Ram temple through the judicial process. Now, we are left with only two options to achieve our aim — enactment of a law by Parliament or a repetition of the anarchical conditions that arose on December 6, 1992," he said.

The VHP is now gearing up to launch the second phase of its countrywide agitation along with the RSS and other Hindu organisations to press its demand on the temple issue.

"In the coming days, each and every village in the country will be turned into an Ayodhya. Once the campaign starts, I cannot say where it will head. People in the villages will then turn their attention towards every mosque that was built after destroying some temple. I do not know what will happen then," Togadia said.

Calling upon both the BJP and the Congress to clarify their stand on the issue of enacting legislation on the issue, he said several leaders from both parties felt strongly on the matter.

The legislation should be enacted during the monsoon session, he said.

Admission

Togadia on Wednesday virtually admitted that the VHP was involved in the demolition of the Babri Masjid and the communal riots in Gujarat. "We had demolished the Babri Masjid. It was our people who were out on the roads in Gujarat last year. But in the satyagraha we maintained peace," he said.

http://www.indianexpress.com/full_story.php?content_id=21366

Defiant Togadia admits to hand in Gujarat riots, Babri demolition

Express News Service

New Delhi, April 2: VHP general secretary Pravin Togadia today predicted a split in both the BJP and the Congress, followed by a fall of the A.B. Vajpayee Government and fresh Lok Sabha polls before the next Budget, if the Government failed to enact a law facilitating Ram temple construction at Ayodhya. On the conclusion of its satyagraha here today, the VHP said the Government had time to move a Bill to transfer the Ayodhya land to the Ramjanmabhoomi Nyas in the monsoon session of Parliament.

“Many grass-root-level leaders of the Congress are in touch with me. Many MPs belonging to the BJP and its allies are feeling suffocated because of the failure of the NDA Government to act on the temple issue. They may stand up to be counted any time.” Togadia said the VHP’s high-powered committee would meet at Ayodhya on April 29-30 to chalk out the future course of action.

He added the SC decision on the undisputed land had closed its option of seeking a solution through the judiciary. “There are two courses left for us — getting a temple through an Act of Parliament or the anarchist mode of repeating December 6, 1992. We are ready for both. We demolished the Babri Masjid. We were the ones who came out on the road in Gujarat (post-Godhra). We are the ones who have offered a peaceful arrest of 1.73 lakh people at Delhi now.”

http://www.telegraphindia.com/1030403/asp/nation/story_1835881.asp

Togadia wags Babri-rerun finger

OUR SPECIAL CORRESPONDENT

New Delhi, April 2: The Vishwa Hindu Parishad today warned of another “December 6” if Parliament does not enact a law in the coming monsoon session to hand over the undisputed Ayodhya site for construction of a Ram temple.

The tough-talk came as the outfit ended its weeklong satyagraha, called to mount pressure on the BJP-led government to hand over the land.

VHP general secretary Praveen Togadia said the Supreme Court’s rejection of the Centre’s plea to allow religious activity on the undisputed land had left it with only two options: the Parliament route or “anarchist — a repeat of December 6”. “We can do both,” he said. “We want the temple at the disputed site.”

“It was we who demolished the Babri mosque. It was we who came on to the roads in Gujarat. But during this satyagraha, not a stone was thrown and the event remained peaceful though there was such a huge gathering of activists. We have shown that we can fight as well as be peaceful,” Togadia said, adding that other Hindu organisations, including the RSS, had actively participated in the satyagraha. At least 12 MPs were among the 1.75 lakh who took part in the agitation.

The VHP leader said his outfit wants the government to bring in a legislation in the monsoon session of Parliament (next July) to hand over the land for temple construction and expects all political parties to support it. If that does not happen, “there may not be a budget session (in 2004)”, he added. In other words, the government might fall on this issue before elections are due in October next year.

“If the BJP does not clarify its stand in two-three months, it will realise the consequences. An alternative will be created.”

Togadia claimed that the Congress could split on this issue as several of its MPs were supporting the temple cause. “A lot of churning is taking place in the Congress,” he said and asked party chief Sonia Gandhi to support the temple movement before the Assembly elections in Rajasthan, Delhi and Madhya Pradesh. “If it is not done, she should forget success in these polls.”

Not only the Congress but all parties would split on the issue “if they don’t support us”, he added. “We will create such a situation that the Delhi route (meaning power at the Centre) is only through Ayodhya.”

The VHP leader claimed the outfit had succeeded in saffronising the north Indian states, including Congress-ruled Madhya Pradesh. So, if the Ayodhya land was not handed over to the Ramjanmabhoomi Trust, the Gujarat pattern will be repeated in Madhya Pradesh, Rajasthan and Delhi, which are going to polls later this year. He took pot shots at Sonia and Madhya Pradesh chief minister Digvijay Singh.

“Because of our pressure some people started drinking cow urine and somebody from Italy started talking about Hindutva.”

He said the second phase will be announced when the Ramjanmabhoomi panel meets on April 29 and 30 in Ayodhya.

“At least 30 lakh youths will be brought out on the roads and every village will be turned into Ayodhya,” he declared.

<http://www.asianage.com/main.asp?layout=2&cat1=5&cat2=154&newsid=46113&RF=DefaultMain>

VHP asks Muslims to vacate Kanshi, Mathura shrine area

- By Our Special Correspondent

New Delhi, March 27: The VHP, which launched its week-long satyagraha on Thursday to demand handing over of both the disputed and undisputed land in Ayodhya, came out with a fresh demand by asking the Muslims to "vacate" lands near the Kanshi and Mathura shrines.

VHP leader Praveen Togadia said that "there was no need for any excavation to prove that the land on which the mosques in Kanshi and Mathura have been built belonged to the Hindus." Indulging in his usual rhetoric, Mr Togadia claimed that "even if the Ayodhya excavation establishes the existence of a temple, there is no guarantee that the Muslims will give up their claim." "Muslims are not honest," he added.

Earlier, led by VHP leaders Mr Ashok Singhal, Mahant Avaidyanath and Mr Ram Chandra Paramahans, the VHP activists courted arrest in protest against the "Bharatiya Janata Party-led government's failure to fulfil its commitment on Ram janmabhoomi." Apart from targeting the minority community, Mr Togadia also flayed the Vajpayee government for "doing nothing for the temple cause even after being in power for five years." Later senior VHP leader Acharya Giriraj Kishore said that this was the beginning of the first phase of their agitation. He claimed that in the second phase the VHP would collect signatures of the MPs of all political outfits on the temple issue.

The MPs would be asked to state whether they were in favour or opposed to the Ram janmabhoomi. He said that the VHP would also collect signatures from the Muslims over the issue. During the third phase, the outfit would go to villages to intensify the movement.

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<http://www.hinduonnet.com/stories/2003020605520101.htm>

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<http://www.hinduonnet.com/stories/2002121805260100.htm>

Hindutva storm will not be limited to Gujarat: Togadia

By Neena Vyas

NEW DELHI DEC. 17. The Vishwa Hindu Parishad has warned of a "storm ahead which was not going to be limited to Gujarat" and indicated clearly that its next target would be five States — Himachal Pradesh, Rajasthan, Madhya Pradesh, Chhattisgarh and Delhi — where it is gearing up to spread the "Hindutva" ideology.

Praveen Togadia, VHP secretary-general, told the press here this evening what in his view constituted the important ingredients of Hindutva. "The Muslims here will enjoy the same place or status as Hindus enjoy in Pakistan, maybe even slightly better status," he said. And as for Pakistan, the VHP was in favour of "dismembering" it, reminding everyone that "fundamentalism and extremism cannot be finished till Pakistan is dismembered."

'Hindutva opponents will get death sentence'

Muslims alone were not the target of his ire. All those who opposed Hindutva, and this certainly included secularists, would get the "death sentence" he declared. But the VHP would not have to carry out the sentence, the people would. "All Hindutva opponents will get the death sentence and we will leave it to the people to carry this out," he said.

"Abhimanyu is not yet dead", Mr. Togadia said. "The Mahabharat will be fought in Delhi", he said perhaps talking about the Lok Sabha elections due in 2004.

He spelt out the Hindutva agenda — Ram temple at Ayodhya, anti-conversion law throughout the country, a common civil code, abrogation of Article 370 of the Constitution which gives a special status to Jammu and Kashmir, deportation of all Bangladeshi intruders and a statute for cow protection. It was not a coincidence that all of this is part of the well-known and declared agenda of the RSS as well as the BJP. In fact, Mr. Togadia patted the BJP. "In Gujarat, the BJP has come back to its own agenda, the Gujarat election has shown the right direction to the BJP."

Prior to 1989, the BJP itself was a "political untouchable," but that was not the case now, the coalition National Democratic Alliance Government was proof of this. However, even after the NDA took birth the BJP's Hindutva agenda remained "untouchable". Mr. Togadia and the VHP would set that right. It had already been set right in Gujarat where "our Hindutva agenda has become touchable (acceptable)," he argued.

Gujarat had, in fact, "finished the credibility of the secularists". They had described the Gujarat Chief Minister, Narendra Modi, as 'khalnayak' (villain) but the people saw him as a hero. Those who had said that the VHP belonged to the 'lunatic fringe' were wrong. "I have moved centre-stage, and they (secularists) have become the impotent fringe."

He had addressed 60 meetings during the election campaign, and he need not remind Mr. Modi what the VHP expected of him. "He knows it well, he will not forget."

<http://timesofindia.indiatimes.com/cms.dll/html/comp/articleshow?artid=31601019>

Death to those who oppose Hindutva: Togadia

NEW DELHI: Vishwa Hindu Parishad general secretary -- and cancer surgeon -- Praveen Togadia said on Tuesday that all those who opposed Hindutva philosophy would, like cancer patients, live under a death sentence, which would be executed by the people.

He was answering a journalist who asked him whether he wasn't spreading the poison of cancer through his anti-minority propaganda. Not at all, he said, it was those who opposed Hindutva who had cancer and lived in daily danger of dying. And, the Gujarat elections, he said, had proved that 'Hindu-bashing' did not yield political dividends in India.

A bellicose Togadia, high on the Sangh Parivar's victory in Gujarat, said the BJP would not be allowed to abandon the Hindutva agenda in the state, and exhorted it to "dismember Pakistan".

India, he said, had been a Hindu nation, was a Hindu nation and would continue to be so, and within the next two years, everyone in the country would have to acknowledge it. Accusing the Congress of speaking the "language of Lashkar-e-Taiba and pre-Partition Muslim League", he said the status of Muslims in the "Hindu rashtra" would be similar to that of Hindus in Pakistan or "slightly better".

Asked what he expected from the Narendra Modi government, Togadia said, "We have been childhood friends. He knows what we want. Issues such as anti-conversion and the fight against terrorism are already there in the BJP agenda."

Taking the customary swipe at the "secularists", he said, they had lost their credibility: Modi, who had been painted a villain by the secularists, had been accepted as a hero by the people of Gujarat. He himself had been dismissed as part of the lunatic fringe, but now he was centrestage and "they have become the impotent fringe".

In a written statement, he added that the BJP had won Gujarat because of its "uncompromising stand on Hindutva" and lost Uttar Pradesh and Uttaranchal for abandoning Hindutva there.

The victory in Gujarat would change the direction of politics and the country's future.