

March 1, 2016

To

**The Hon'ble Chief Justice of India, TS Thakur and
All Hon'ble Judges of the Supreme Court of India,
Supreme Court of India
New Delhi**

Hon'ble Chief Justice Sir

& All Other Hon'ble Judges of the Supreme Court of India ,

We wish to bring to the Hon'ble Supreme Court's and through it to the nation's attention and specifically solicit *suo motu* constitutional action on the issue of the alarming and threatening statements being made by persons currently in powerful constitutional positions within the union government. These statements seem part of a pattern.

2. These statements have caused fear and insecurity among India's citizens, the marginalised sections, especially minorities, Dalits and Adivasis.

3. We annexe here a news report "Muslims warned of 'final battle", where in the presence of a minister of state in the central government and a member of parliament (MP) of the ruling party, Muslims were equated to "demons" and "descendants of Ravana", and we're warned of a "final battle" (Annexure 1).

4. According to this prominent news report that was published as a lead story in *The Indian Express* dated February 29, 2016, the speakers at a public meeting reportedly urged Hindus to "corner Muslims and destroy the demons (rakshas)", while declaring that "all preparations" had been made to effect "badla (revenge)" before the 13th-day death rituals for

Mahaur. "Human skulls would be offered to his martyrdom," The district secretary of the Vishwa Hindu Parishad (VHP), Ashok Lavania, who has been jailed earlier for assaults on Muslims, reportedly said.

5. Talking about the coming Assembly elections in Uttar Pradesh, the elected representative, member of the legislative assembly (MLA) of the Bharatiya Janata Party (BJP) in Uttar Pradesh (UP) Jagan Prasad Garg reportedly told the crowd, "You will have to fire bullets, you will have to take up rifles, you will have to wield knives. Elections are approaching in 2017, begin showing your strength from now onwards." The 5,000-odd crowd chanted slogans such as "Jis Hindu ka khoon na khaule, khoon nahin wo pani hai (the Hindu who doesn't get angry isn't Hindu enough)".

6. The member of parliament (MP) of the BJP, Babulal reportedly urged an open fight with Muslims, and said: "Don't try to test us... We will not tolerate insults to the community. We do not want unrest at any cost, but if you want to test Hindus, then let's decide a date and take on Muslims."

7. Another leader of the same party, BJP from Agra, Kundanika Sharma reportedly said, "we want the heads of these traitors, the killers of Arun Mahaur,". "This is not the time to sit quiet. Chhapa maaro, burqa pehno, lekin inhen gher-gher kar le aao. Ek sar ke badle dus sar kaat lo (Raid them, wear burqas, but corner them. Behead ten heads for one head)."

8. The VHP district secretary Ashok Lavania reportedly said, "Ultimately it becomes an act of the society. Once people are galvanised, no question would be raised at all. In cases like Ram Janmbhoomi, Muzaffarnagar, the party had disappeared. But it is certain that revenge will be taken before the terahvin is over. Khoon ka badla khoon. Action will obviously be in Mantola area (where Mahaur was killed), but also across Agra. Wherever Hindus are in majority, it will happen. We are fully prepared. If they retaliate, then it will be a mahasangram, Mahabharata. The final battle."

9. "During Kali worship, narmund (human skulls) are offered after beheading demons. Before his terhavin, the Hindu community will perform a similar act and offer these narmunds. I am confident," Lavania said.

10. The VHP leader Surendra Jain reportedly claimed they would now dispense their own justice, and asked his members to form Gau Raksha Samitis (cow protection units) in every village and asked the administration to “not thwart their efforts as they are doing the administration’s work”. “If anyone, even the IG here, has any doubt about the law, they can approach me. I will show them the clauses of the IPC that say if you (police) do not perform your duty then common citizens can take law in their own hands.”

11. Jagmohan Chahar, the Bajrang Dal district coordinator, reportedly dared Muslims “to come out in the open”.

12. The fact that this report in *The Indian Express* refers to an upcoming election in the state of Uttar Pradesh (2017) and elections in several states this year, bodes ill for social harmony and peace.

13. The fact that it is the ruling party at the Centre and its representatives at the Central and local level who are stoking these dangerous sentiments that amount to nothing else than incitement to violence, deem it necessary that we, as citizens concerned for the future of the country, urge the Hon’ble Supreme Court to urgently act.

13. The fundamental rights of the people under Article 14, 19, 21 and 25 of the Indian Constitution need to be protected.

14. We urge therefore that the Hon'ble Supreme takes suo motu notice of this and issues strict directions that protect the fundamental rights of all Indians.

15. The minister, the MP, the MLA and all other culprits need to be punished for violating their constitutional duty under Article 51A(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious diversities.

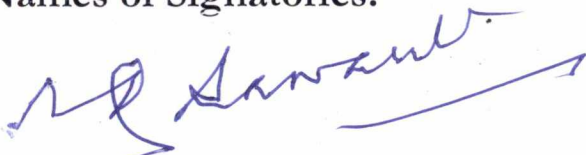
16. The offenders need to be proceeded against under Sections 124A, 153A, 153B, 292, 293, 295A, 505 of the Indian Penal Code.

17. We also urge the Hon'ble Supreme Court that a Permanent and Sitting Commission be appointed to monitor and oversee (video tape, record and document) all such meetings happening to prevent a situation of hate driven provocation and attacks on marginalized sections. Our country is being pushed to the brink with these kinds of statements,

18. We also list below a list of distressing and hate-filled sentiments made by ministers and elected representatives, and office bearers of the party in power, since May 2014 revealing that the present report is not an aberration but part of a dangerous and sinister pattern.

19. The references given below are brief and illustrative. For each of the speakers there are at least four or more objectionable statements that we would gladly make available to the appropriate forum.

Names of Signatories:



Justice PB Sawant



Justice BG Kolse Patil

Justice Hosbet Suresh

- on next page



SM Mushrif

Cyrus Guzder

- on next page

Justice Hosbet Suresh

J. Hosbet

Julio Ribeiro

J. Ribeiro

Iqbal M Chagla

I. M. Chagla

Janak Dwarkadas

Janak Dwarkadas

Anil Dharker

A. Dharker

Cyrus Guzder

C. J. Guzder

Nandan Maluste

Nanda Maluste

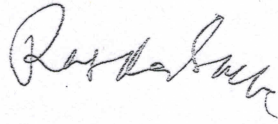
Navroz Seervai

Navroz H. Seervai

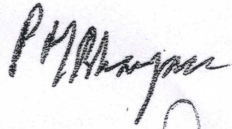
I. M. Kadri

I. M. Kadri

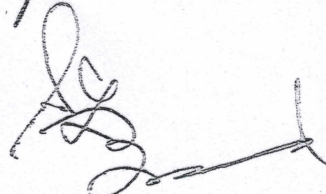
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References:

1. **MOS Katheria, Union Cabinet:** Muslims warned of 'final battle' at Sangh meet, MoS Katheria says 'we've to show our strength' BJP MP, MLAs at meet; Muslims called "traitors", "demons", Hindus told to pick up "guns" for poll
<http://indianexpress.com/article/india/india-news-india/muslims-warned-of-final-battle-at-sangh-meet-mos-katheria-says-weve-to-show-our-strength/>
2. MOS External Affairs VK Singh : "**If somebody throws a stone at a dog, then the government is responsible?**" :**VK Singh**, retired general and Union minister of state for external affairs; in response to the murder of two Dalit children in Faridabad; November, 201 <http://www.ndtv.com/india-news/not-governments-fault-if-one-stones-a-dog-vk-singh-on-dalit-childrens-killings-1235137>
3. **Sadhvi Niranjana Jyoti**, Union minister of state at a public rally during Delhi elections; December 2014: "**People of Delhi have to decide whether they want a government of Ramzaadas (followers of Ram) or baraamzaadas**";
<https://www.youtube.com/watch?v=tMLOwSb48D4>
4. **Yogi Adityanath, BJP MP**, at a public meeting against alleged the 'Love Jihad' of Muslims; August 2014. "If they take one Hindu girl, we will take at least 100 Muslim girls. If they kill one Hindu, we will kill 100 Muslims";
<https://www.youtube.com/watch?v=5WgcoTPCuTY>
5. **Giriraj Singh**, minister of state at the Centre: "**Those opposed to Modi should go to Pakistan**"; <https://www.youtube.com/watch?v=A8zete3Y2FU>
6. **Sakshi Maharaj, BJP MP; September 2014:** "Education of terrorism is being given in madrassas. They (madrassas)... are making them terrorists and jihadis....It is not in national interest";
https://www.youtube.com/watch?v=i_FsdXdOXwY Madrassas give 'education of terrorism': BJP MP Sakshi Maharaj
7. **Amit Shah, BJP president, at an election rally in Bihar, October 2015:** "If BJP loses Bihar elections, crackers will be burst in Pakistan"
<http://www.ndtv.com/bihar/if-bjp-loses-bihar-elections-crackers-will-off-in-pakistan-amit-shah-1237845>
8. **Mukhtar Abbas Naqvi, Union minister of state for parliamentary affairs, during a TV programme; May 2015,** "All those who desperately want to eat beef should go to Pakistan". <https://www.youtube.com/watch?v=6U-MOTB3uYw>
9. **Mohan Bhagwat, RSS chief, at the golden jubilee celebration of VHP in Mumbai, August 2014:** "Hindustan is a Hindu nation...Hindutva is the identity of our nation and it (Hinduism) can incorporate others (religions) in itself";
<http://indianexpress.com/article/india/india-others/india-is-a-hindu-nation-and-hindutva-is-its-identity-says-rss-chief-mohan-bhagwat/>

Annexure 1

Muslims warned of 'final battle' at Sangh meet, MoS Katheria says 'we've to show our strength' BJP MP, MLAs at meet; Muslims called "traitors", "demons", Hindus told to pick up "guns" for poll <http://indianexpress.com/article/india/india-news-india/muslims-warned-of-final-battle-at-sangh-meet-mos-katheria-says-weve-to-show-our-strength/>

Muslims were equated to "demons" and "descendants of Ravana", and warned of a "final battle", as the Sangh Parivar Sunday held a condolence meeting here for VHP worker Arun Mahaur, who was killed last week by some Muslim youths. Among those present on the dais were Union Minister of State, HRD, and BJP Agra MP Ram Shankar Katheria as well as the BJP's Fatehpur Sikri MP Babu Lal, apart from other party local leaders, who joined in the threats to Muslims.

Speaker after speaker urged Hindus to "corner Muslims and destroy the demons (rakshas)", while declaring that "all preparations" had been made to effect "badla (revenge)" before the 13th-day death rituals for Mahaur. "Human skulls would be offered to his martyrdom," VHP district secretary Ashok Lavania, who has been jailed earlier for assaults on Muslims, said.

Talking about the coming Assembly elections in Uttar Pradesh, local BJP MLA Jagan Prasad Garg told the crowd, "You will have to fire bullets, you will have to take up rifles, you will have to wield knives. Elections are approaching in 2017, begin showing your strength from now onwards." The 5,000-odd crowd chanted slogans such as "Jis Hindu ka khoon na khaule, khoon nahin wo pani hai (the Hindu who doesn't get angry isn't Hindu enough)".

VHP general secretary Surendra Jain and Bajrang Dal leaders were also present at the meeting, that was held under heavy security. In his speech, Jain warned the administration, "You have seen the result in Muzaffarnagar. Don't convert Agra into Muzaffarnagar."

Beginning his speech by lamenting that "a man returning after offering his prayers" had been killed, Katheria said, "We have to make ourselves powerful. We have to launch a struggle. If we don't begin a struggle, then today we have lost an Arun, tomorrow we will lose another. Doosra jane se pehle, yeh hatyare hi chale jayen is prakar ki taqat humen dikhani hogi (Before another is lost, we must show such strength that these killers themselves disappear)."

Demanding that Mahaur's killers be hanged, Katheria added that his ministership wouldn't deter him. "The administration might think that main to mantri ho gaya, haath bandh gaye (that because I'm a minister, my hands are tied)."

The minister added that the meeting was just the start. "We are not withdrawing this movement. On Wednesday and Friday, we will all hold condolence meetings in our colonies. After that, whatever our leadership decides, if we are required to take to the streets, we will come on the streets in thousands. Let anybody dare stop us."

MP Babulal urged an open fight with Muslims, and said: "Don't try to test us... We will not tolerate insults to the community. We do not want unrest at any cost, but if you want to test Hindus, then let's decide a date and take on Muslims."

Local BJP leader Kundanika Sharma called other parties “jackals” for seeking votes of “traitors”. “But we want the heads of these traitors, the killers of Arun Mahaur,” she said. “This is not the time to sit quiet. Chhapa maaro, burqa pehno, lekin inhen gher-gher kar le aao. Ek sar ke badle dus sar kaat lo (Raid them, wear burqas, but corner them. Behead ten heads for one head).”

VHP district secretary Ashok Lavania said, “The sacrifice of my brother will not go in vain. Our youths will take revenge... Agar hum Hindu naujwan sapni maa se paida hue hain, eent ka jawab patthar se, khoon ka jawab khoon se denge (If we Hindus are born of our mother’s womb, we will reply in kind, with blood). The revenge of the killing of one brother demands killing of ten rakshas.”

Lavania went on to talk about the “preparation” they had made. “Many have approached me asking why we are not doing anything. They are saying do something — arson, murder, shootout. These are common Hindus. We are avoiding this because the organisation (VHP/RSS) is careful about not being held responsible... ultimately it becomes an act of the society. Once people are galvanised, no question would be raised at all. In cases like Ram Janmbhoomi, Muzaffarnagar, the party had disappeared. But it is certain that revenge will be taken before the terahvin is over. Khoon ka badla khoon. Action will obviously be in Mantola area (where Mahaur was killed), but also across Agra. Wherever Hindus are in majority, it will happen. We are fully prepared. If they retaliate, then it will be a mahasangram, Mahabharata. The final battle.”

“During Kali worship, narmund (human skulls) are offered after beheading demons. Before his terahvin, the Hindu community will perform a similar act and offer these narmunds. I am confident,” Lavania said.

Surendra Jain said Mahaur “lived for dharma, and died for dharma... Hindu society is no longer willing to sacrifice itself.”

Warning the administration against making “a weak case” against the accused, the VHP leader threatened that his men would kill the accused otherwise. “If you make a weak case under any pressure and release (them), then you may release (them), but this society is not willing to see them walk. (We) Won’t spare (them). You have a different list, Bajrangis have a different list. Their names are in our black list. I urge the workers of Bajrang Dal, nigrani rakhna, soye mat rehna (be alert, you can’t be found napping),” he said.

Jain claimed they would now dispense their own justice, and asked his members to form Gau Raksha Samitis (cow protection units) in every village and asked the administration to “not thwart their efforts as they are doing the administration’s work”. “If anyone, even the IG here, has any doubt about the law, they can approach me. I will show them the clauses of the IPC that say if you (police) do not perform your duty then common citizens can take law in their own hands.”

He added, “We will not take the cases of cow-slaughter to you (police), we will not let you bury those files... Then and there, full and final.”

About Mahaur, he said, “We will have to make such an atmosphere that no Arun is ever killed again, no love jehadi dare casts an eye on my mother or sister.”

Claiming that people might turn violent soon, the VHP leader said, “We have not decided our course of action after this sabha. But it’s certain that the Hindu community won’t

keep quiet. This movement has become a movement of the Hindu community. You can sense the pulse of the people. People of different groups are reacting in a different manner. The reaction of these groups cannot be predicted today. The government must assure that UP does not have an inch of land for cow-slaughters. Those who want to kill cows can go to Bangladesh or Pakistan. If the government gives such kind of assurance, then the anger of society might subside. At present, the Hindu society is angry and only the community will decide its reaction.”

Jagmohan Chahar, the Bajrang Dal district coordinator, dared Muslims “to come out in the open” and said, “Jo chhedega hamari basti ko, hum ukhaad denge uski harek basti ko (If someone dare disturb our neighbourhood, we will uproot their entire neighbourhoods). If you want to live in India, live like Rahim and Rehman. If you try to be Akbar and Babar, we will raze your homes. We are the descendants of Rama. We will destroy the descendants of Ravana.”

Another BJP leader said, “Tell them we have now woken up. Show them you cannot stop a Hindu by deploying some policemen.”

BJP leader Pramod Gupta said, “The real tribute to Mahaur will be when no cow-slaughterer feels safe in Agra.”

BJP MLA Yogendra Upadhyaya demanded a statue of Mahaur in Agra so that people know that “protection of cows is our dharma, and removing all obstructions in the way is also our dharma”.

Police have denied that any of the five accused held for the murder had been involved in cow slaughter or smuggling. They have also said the murder happened a day after a scuffle between Mahaur and the five.