

Date: 17.08.2023

To,

The Hon'ble Chief Justice of India

Supreme Court of India

Subject - Letter Petition regarding videos circulating on various social media platforms depicting hate speeches and slogans purportedly uttered at places in Haryana including Nuh, calling for economic boycott and other abuse of certain communities. This kind of circulation can have the effect of inciting and provoking communal disharmony and sectarian violence. We therefore urge this Hon'ble Court to direct that the State Government (1) take steps in accordance with the directions of the Hon'ble Supreme Court to prevent incidents of hate speech (2) Track and Ban videos of hate speech, in accordance with law (3) take immediate action against persons found responsible for committing acts of hate speech.

Most Respectfully Showeth:

In light of the recent events that have occurred in the Nuh region in Haryana, a deep concern has arisen due to videos that have surfaced on social media of hate speech and incitement of targeted violence, that are disrupting peace and harmony in our society.

We, as members of the legal community and of The Delhi High Court Women Lawyers Forum, residing in Delhi and Gurgaon, have approached Your Lordship, vide this Letter Petition, to bring to your notice the fact that hate speech videos are circulating on social media which purport to have been recorded at rallies in Haryana. We humbly seek urgent and expeditious directions to the State of Haryana to prevent incidents of hate speech and to take action against those who have perpetrated it, in violation of directions repeatedly issued by the Hon'ble Supreme Court of India and to immediately track and ban these videos that amplify hate speech and create an atmosphere of fear.

The Hon'ble Punjab and Haryana High Court, *Suo Moto* issued directions vide Order dated 7.8.2023 in CWP-PIL-68/2023, staying illegal demolitions by the State, and expressed concern on whether the buildings belonging to a particular community are being brought down under the guise of a law and order problem. The swift and sensitive approach of the Court has gone a long way in building confidence of citizens in the rule of law.

The Hon'ble Supreme Court, recently on 11.08.2023 in *Shaheen Abdullah vs. Union of India* observed that there has to be harmony and comity between the communities and that the calls to boycott the muslim community after the recent communal violence at Nuh was "unacceptable". This Court has accordingly mooted the idea of the DGP to constitute a committee to verify all material and issue directions to the concerned officer and that the Police needs to be sensitized.

In *Tehseen S. Poonawalla V. Union of India and Others (2018) 9 SCC 501*, this Court has recorded that mob vigilantism and mob violence have to be prevented by the governments by taking strict action. That rising intolerance and growing polarisation expressed through incidents of mob violence cannot be permitted to become the normal way of life or the normal state of law and order in the country. The State has a sacrosanct duty to protect its people from unruly elements and perpetrators of vigilantism, with utmost sincerity.

Specific guidelines have been issued with regard to both the Central Government and the State Government. They include having police-patrolling in sensitive areas so that anti-social elements involved in crimes related to mob-violence against any caste or community remain within the boundaries of law and indeed, fear taking the law into their own hands. The State and Centre are required to broadcast on radio, TV and other media as well as their official platforms, that such violence shall invite serious consequences. They are also required to curb AND stop dissemination of information of irresponsible and explosive messages, videos and other material that may have a tendency to incite mob violence of any kind. The police is required to register FIRs (First Information Reports) against persons who disseminate such messages, videos and other material. Nodal officers are required to be designated for information and action. Such cases require to be fast-tracked, and preferably concluded within 6 months. Compensation where required, is to be granted within 30 days. Failure of the district administration must be seen as an act of deliberate negligence.

The Supreme Court has concluded the above judgment by emphatically noting that it is the duty of the State to ensure that the machinery of law and order functions effectively and efficiently to maintain peace, and to preserve our quintessentially secular ethos and pluralistic social fabric in a democratic set-up, governed by the rule of law.

The Supreme Court has issued further directives in October 2022 and April 2023 mandating immediate *suo moto* action to register First Information Reports in cases involving hate-speech offences even if no complaint is forthcoming and to proceed against the offenders in accordance with law. The order made it clear that such action will be taken irrespective of the religion of the maker of the speech or the person who commits such acts, so that the secular character of the Bharat as envisaged by the Preamble, is preserved and protected.

Despite such repeated guidelines and directions, the unprecedented incidents of hate speech in Nuh and other districts, reveal a comprehensive failure on the part of the State Administration and Police to implement preventive measures, as well as, to have appropriate responsive measures during, and after, these incidents of hate speech. Unchecked hate speech in rallies and speeches not only carry the risk of inciting violence but also, foster and spread an environment and culture of communal fear, harassment, and discrimination.

The concern is magnified by the fact that the videos circulating on social media show individuals carrying arms in processions and chanting communal slogans in contravention of the Constitution, the Arms Act and the law laid down by Supreme Court through its rulings. Yet, there doesn't seem to be any verification of these videos, and action against persons indulging in such acts. This is a dangerous threat to social harmony and the rule of law in India. If allowed unchecked, it might be impossible to control this growing trend of hate and violence.

As women, as mothers and as officers of the Court, we feel a strong commitment to communal harmony, rule of law and with this sense of responsibility we have approached your Lordship for the following directions to the State Government:

- (a) to promote an environment of dignity and liberty for citizens of all religions in the State of Haryana and fraternity between communities by announcing programmes that highlight inclusion and awards for acts of communal harmony;
- (b) to take steps in accordance with the directions of the Hon'ble Supreme Court to prevent incidents of hate speech;
- (c) to track and ban videos that threaten harm to any community/ places of worship or urge economic boycott of any community;
- (d) to take immediate action against persons found responsible for committing acts of hate speech.

Sincerely

For

Delhi High Court Women Lawyers Forum
(The List of Signatories is provided below)

1. Miriam Fozia Rahman
2. Kirti Singh
3. Malavika Rajkotia
4. Nandita Rao
5. Jhum Jhum Sarkar
6. Zeba Khair
7. Neha Rastogi
8. Mahjabeen
9. Amrita Sharma
10. Shefali Sewak
11. Ruchi Singh
12. Abiha Zaidi
13. Ashima Obhan
14. Iti Pandey
15. Sangeeta Bharti
16. Swaty S. Malik
17. Soni Singh
18. Sunita Dutt
19. Tara Narula
20. Shalini Nair
21. Kajal Chandra
22. Anjesh Dahiya
23. Monika Tyagi
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26. Sydrah Sarfaraz
27. Geeta Luthra
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30. Tarannum Cheema
31. Indira Unninayar
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45. Pooja Saigal
46. Meghna Mital Sankhla

47. Meenal Duggal
48. Sonal Sarda
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59. Seema Misra
60. Nimita Kaul
61. Jagriti Ahuja
62. Anita Abraham
63. Vidhi Jain
64. Gayatri Virmani
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69. Shobhana Takiar
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96. Ananya Roy
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98. Rachita Garg
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100. Harshita Singhal
101. Suruchi Jaiswal