

To,  
The Registrar,  
Supreme Court of India,  
New Delhi.  
Dated: 09.08.2021

Subject: Slogans amounting to hate speech raised at Jantar Mantar in a rally organised by Advocate Ashwini Upadhyaya

Dear Sir,

Yesterday, on 8<sup>th</sup> August, at a rally called by Supreme Court Advocate, Ashwini Upadhyaya, at Jantar Mantar, New Delhi, slogans that amounted to extreme hate speech against the Muslims were raised. (Inflammatory slogans raised at Jantar Mantar event held without permission, Indian Express, August 9, 2021). Videos of the event clearly show a mob chanting slogans like:

*"Jab Mulle kaate jaayenge, Tab Ram Ram Chillayenge." (When Muslims will be slaughtered, they will scream Ram Ram).*

These slogans whipping up hatred against the Muslims is not protected speech under the Indian Constitution, and is *prima facie* hate speech. The speeches made at the rally must not be confused with the right to freedom of dissenting or critical speech. The speeches at the rally were directly and explicitly invoking violence against a religious community, and the audience was charged and espousing violence. In Rwanda, the systematic hate speech against the ethnic minority, Tutsis, enabled the 1994 Genocide.

The slogans raised at Jantar Mantar are violative of the Indian Constitution, and several provisions of Indian Penal Code. The Supreme Court, recently, in Amish Devgan v. Union of India (2021) 1 SCC 1, while reiterating that any speech which incites hatred must be penalised also noted that "In a polity committed to pluralism, hate speech cannot conceivably contribute in any legitimate way to democracy and, in fact, repudiates the right to equality." The speeches at the rally organised by Mr. Upadhyay were akin to a 'spark in a powder keg' [Rangarajan v. P. Jagjeevan Ram and Ors. (1989) 2 SCC 574] which have a tendency to result in violence against the community that is the target of such speech. That violence may be direct (in the form of lynching), or also structural (in not allowing vendors into residential colonies; evicting people from rented accommodation, etc.)

The videos of the above incident, are shocking, and cannot be dismissed lightly. The rally was organised in violation of the prevalent Covid guidelines of the Delhi Disaster Management Authority. Moreover, persons who indulge in such grave criminal conduct in the heart of the national capital should not be allowed to continue with impunity. We condemn the above incident in the strongest possible terms, and urge all law abiding citizens to raise their voice against such hate mongers. We also urge the various authorities including the Bar Council to take note of this incident, and immediately take appropriate action so that respect for 'rule of law' and our salient constitutional principles can be upheld.

Sincerely,

Delhi High Court Women Lawyers Forum

Cc

1. Mr. Vikas Singh,  
President, Supreme Court Bar Association
2. Mr. Mohit Mathur,  
President, Delhi High Court Bar Association
3. Chairman, Bar council of India
4. Chairman, Bar Council of Delhi
5. Mr. Raghav Chadha,  
Chairman, Peace and Harmony Committee, Delhi Assembly

,