

ITEM NO.42

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No.940/2022

SHAHEEN ABDULLA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 21-10-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Nizam Pasha, Adv.
Ms. Rashmi Singh, Adv.
Ms. Sumita Hazarika, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Kapil Sibal, learned senior counsel for the petitioner.

The complaint which has been raised in the instant writ petition appears to be very serious. It relates to the growing climate of hate in the country. This is attributable according to the petitioner to an unending flow of what is described as hate speeches being made by various persons against the Muslim community. The instances are chronicled, though in an abridged form, in the writ petition. The complaint of the petitioner is one of despondency and angst arising from the perception that despite

suitable provisions in penal law being available, there is inaction or rather total inaction.

The Constitution of India envisages Bharat as a secular nation and fraternity assuring the dignity of the individual and unity and the integrity of the country is the guiding principle enshrined in the Preamble. There cannot be fraternity unless members of community drawn from different religions or castes of the country are able to live in harmony. The petitioners points out that there are appropriate provisions such as Sections 153A, 153B, 505, and 295A of the Indian Penal Code. He voices his concern that no action has been taken even after this Court has been approached in the matter and the transgressions have only increased.

We feel that this Court is charged with the duty to protect the fundamental rights and also preserve the constitutional values and the secular democratic character of the nation and in particular, the rule of law.

The matter needs examination, and some form of interim directions.

Issue notice.

Respondent No.2-*Commissioner of Police, New Delhi*, Respondent No.3-*Director General of Police Uttarakhand* and Respondent No.4-*Director General of Police, Uttar Pradesh* will file a report as to what action has been taken in regard to such acts as are the subject matter of this writ petition within their jurisdiction.

Respondent Nos. 2 to 4 shall ensure that immediately as and **when any speech or any action takes place which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC etc., suo**

moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law. Respondent Nos.2 to 4 will therefore issue direction(s) to their subordinates so that appropriate action in law will be taken at the earliest.

We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers.

We further make it clear that such action will be taken irrespective of the religion that the maker of the speech or the person who commit such act belongs to, so that the secular character of Bharat as is envisaged by the Preamble, is preserved and protected.

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR