



## Eighth Decision on Standing

### Introduction

1. Dwarapalakas (“the Applicant”), a not-for-profit organization representing members of the Hindu community in Canada, applies for standing in the policy phase of the Inquiry. It also seeks funding.
2. In this decision, I explain why I have decided to dismiss the application.

### The Timing of this Application

3. On 17 April 2024, the Commission’s Senior Communications Advisor was contacted by Gopala Krishna, a Director of Dwarapalakas. The Applicant indicated that, in its view, the Commission should hear from a Hindu perspective. It did not refer to seeking standing. On 22 April 2024, the Commission responded, explaining various ways to contact the Commission to provide it with information.
4. Over two months later, on 29 June 2024, the Applicant emailed the Commission’s email address used to receive confidential information. It indicated that the Applicant wished to obtain standing at the Inquiry because it believed that the Canadian Hindu perspective was missing from the Commission’s website. Commission counsel responded, advising the Applicant that the deadline to apply for standing had expired on November 22, 2023, and that if it wished to nevertheless seek standing, it was required to file an application pursuant to the Commission’s *Rules of Standing and Funding*.



5. About one month later, on 24 July 2024, the Applicant filed an application for standing and funding. It also provided submissions in a separate email explaining the delay in filing its application.

### The Applicant's Submissions

6. In its application, the Applicant describes itself as a registered not for profit group whose purpose is to raise awareness of Hindu phobia that is present in Canada. It indicated that it works with Hindu leaders, Temples and cultural associations in Canada. It states that its members are full time professionals.

7. The Applicant states that “there is consensus in [the] Hindu community that [the Government] of Canada has a bias against Hindus and favours Khalistani + Pakistani + Left Liberals + others who have an anti-Hindu agenda, that includes evangelicals.” It states that these groups engage in hostile behaviour towards Hindus. It also states that the media, academic institutions and government “committees” are also hostile to Hindus in Canada.

8. The Applicant indicates that it has no information about foreign interference in Federal Electoral Processes and Democratic Institutions either by India or by any other state or non-state entity.

9. Its application does not mention foreign interference by any other state or non-state entity. It does not indicate that it has any perspective to provide on the issue of foreign interference. Rather, it emphasizes that it seeks to put forward its concerns about anti-Hindu animus by the government of Canada, the Canadian media, academic institutions, and other ethnic and religious groups.



10. The Applicant states that it has attempted to form a coalition with other Hindu organizations in Canada to jointly participate in the work of the Inquiry. It states that no other Hindu organization will agree to participate in the work of the Commission because other Hindu groups believe that “the Commission was established with the specific intent of discrediting certain individuals, particularly Hindus” and that the purpose of the Commission is “to disadvantage Canadian Hindus” and to “encourage Canadian anti-Hindu forces to get more aggressive towards Hindus.”

11. The Applicant requests that the Commission recommend to the Clerk of the Privy Council that it receive funding. It indicates that it requires funding in order to provide online and physical security for itself, to conduct seminars with Community members on the “need to understand Canadian laws and regulation better” and to create educational short films.

12. The Applicant apologized for seeking standing after the deadline had passed. It indicated that “it all happened too fast” and that it was “attuned to happenings at grass roots levels” and was not focused on activities occurring at the “government level”.

13. The Applicant stated that due to the fact that Hindus in Canada are “living the life of suppression” its resources were focused on “tackling multi-pronged Hindu hatred in Canada” and that this is why it missed the November 2023 deadline.

## Analysis

14. As I indicated above, I would dismiss the application.



15. The Applicant applied for standing eight months after the deadline for applications had passed. Assuming that the Applicant was not aware that it could seek standing, organizations must still exercise diligence if they wish to participate in the work of a Commission of Inquiry as a participant.

16. In this case, even after receiving information from the Commission's Senior Communication's Advisor, the Applicant waited two months to clarify that it wished to obtain standing. After Commission counsel indicated a formal application was required, the Applicant waited an additional month before acting. It has not provided any explanation for this 3-month delay.

17. While the overall delay in this case is not likely to cause prejudice to the Commission or to other Participants, it is extreme. Delay of this magnitude must be taken into account by the Commission in order to preserve the integrity of its own processes and rules. While I would not dismiss this application exclusively on this basis, the extreme delay is a factor that I have taken into consideration in my overall assessment of this Application.

18. The more significant problem with the Applicant's request is that it has not explained why the Applicant has a direct and substantial interest in the subject matter of the Inquiry, nor how it would make an appropriate and necessary contribution to the Commission's work. As noted in my *Decision on Standing*, these are central considerations in determining whether to grant standing to an applicant.<sup>1</sup>

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<sup>1</sup> Commissioner Marie-Josée Hogue, [Decision on Standing](#), 5 January 2024, at paras. 5-20.



19. The Applicant's own application specifically states that it has no information about foreign interference by any foreign state. It does not purport to represent or speak on behalf of any victim of foreign interference and does not suggest that it will present evidence or perspectives about foreign interference.

20. Rather, the Applicant indicates that it wishes to participate in the Inquiry in order to present its view that many entities within Canada, including the media, academic institutions, and the federal government, are biased against Hindu persons.

21. It appears that the Applicant wishes to use this Inquiry as a platform in which to present its views and perspectives on a matter that is very important to it. This is not sufficient to grant the Applicant the standing that it seeks.

22. The issue of bias that may exist against any ethnic or religious community within Canada is, of course, a serious issue. However, it is not a matter that falls within the Commission's mandate. Nor has the Applicant explained how the issues of bias or discrimination that it wishes to discuss would be linked to any matter that does fall within my terms of reference.

23. I note that the Applicant is the only organization purporting to represent the Hindu community in Canada that has sought to participate in the work of the Commission. I want to stress that the fact that I have dismissed its application does not mean that their perspectives will not be considered. Members of the Hindu community with experiences or perspectives related to foreign interference have had the opportunity to participate in



the Commission's public consultation process. Information about this process is available on the Commission's website at

<https://foreigninterferencecommission.ca/public-consultation>.

24. Given that I have dismissed the Applicant's application for standing, it is not strictly necessary for me to consider their request for funding. However, for the benefit of the public, I make the following observations.

25. The Applicant has sought funding in order to increase its own security, and to engage in its own educational activities, such as film making.

26. As I explained in my *Decision on Funding*, I may only make a funding recommendation pursuant to the *Terms and Conditions of the Contribution Program for Commissions of Inquiry*.<sup>2</sup> Funding can only be provided under this program for certain categories of legal expenses. It does not authorize funding for the activities identified by the Applicant.

27. Furthermore, under Clause (a)(ii)(D) of the Commission's Terms of Reference, funding can only be recommended if I am of the view that the Applicant would not otherwise be able to participate in the Inquiry. The Applicant has not suggested that it could not participate in the Inquiry without such funding.

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<sup>2</sup> Commissioner Marie-Josée Hogue, [Decision on Funding](#), 5 January 2024, at paras. 4-9.



## Conclusion

28. The application is dismissed.

*Signed*

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Commissioner Marie-Josée Hogue

August 30, 2024