



September 13, 2022

To,

Shri Iqbal Singh Lalpura

Hon'ble Chairperson

National Commission for Minorities, Government of India

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Subject: Complaint against Sudarshan TV editor-in-chief Suresh Chavhanke for his Islamophobic speech at a rally held on September 4 in Badarpur, Haryana

Respected Sir,

We at Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the islamophobic hate-filled speech made by Sudarshan TV Editor-in-Chief Suresh Chavhanke at a rally held on

September 4 in Badarpur, Haryana. The highly publicised, deliberate, malicious and hate-filled comments of Suresh Chavhanke, urging Muslim women to marry Hindu men instead of Muslim men. We would like to bring your attention to this open spread of anti-Muslim hate propaganda by Suresh Chavhanke. Sir, we are also generally concerned with the overall unsafe atmosphere for women that is being generated through the systemic and perpetrated use of hate speech and writing within the country.

A video of the speech given by him was then picked up by multiple news agencies and also went viral on social media. In the said hate speech video, even as his supporters chant "Jai Shri Ram", Chavhanke can be seen and heard saying, *"If you marry a Hindu man, he won't do any kind of injustice to you. I'll tell you 10 benefits today keeping Hindus as witness, keeping Bhagwan (God) as witness on camera, in the video, I promise that if you get married to Hindu boys and become Hindu, then you won't have to face talaq. You won't have to become a baby making factory, you won't have to give birth to 40-40 children."*

Continuing with this communal diatribe, he says, *"I am not in favour of one baby, but more than giving birth to 2-4 babies, you won't be even in 50 degree temperature, you won't have to stay in a bamboo tent... you will be given complete security at home... the brothers, paternal uncles and maternal uncles you are scared of, you won't have to face that fear here, because in Hindu religion older brother's wife is like mother and younger brother's wife is like daughter and son's wife is also daughter, when there is such pure relationship in a family, in such house you have 100% security guarantee."*

And finally, in another burst of Islamophobia, he said, *"The children you will give birth to, those children will stay as they are, there won't be any cuts (circumcision). The way Ishwar (God) has sent them, they will stay that way. This is also guaranteed. Those kids you will give birth to, they will be gentlemen, will talk about humanity, you won't have to raise them to believe anyone as kafir or enemy or become a terrorist."*

The video downloaded from Twitter website dated 06.09.2022 is marked and annexed hereto as Annexure A

The statements made by Suresh Chavhanke clearly amount to spreading of hatred and distrust against vulnerable and marginalised Muslims sections, especially Muslim women, besides being a grave threat to the peace, unity and integrity of India. Especially so, in view of the sensitive and hyper-charged atmosphere today wherein aggression is being unleashed, unchecked, with impunity, on sections of our population. The sheer vulgarity implied by the words used in the speech will make any normal person recoil in horror, but to the audience and colleagues of Chavhanke, these were to be applauded, absorbed, and chanted to.

It is also important to note that this is not the first time when Suresh Chavhanke has made the news for his Islamophobic and derogatory remarks. In at least three instances, courts have sought Action Taken Reports (ATR) in cases filed against Chavhanke, who is notorious for his spewing venom against minorities using his TV channel and also on public platforms.

The Action Taken Report dated 29.01.2022 is marked and annexed hereto as Annexure B

He was in the spotlight of the Supreme Court for when a case was filed against his obnoxious and inflammatory show on the topic of “UPSC Jihad” where he made contentious claims that Muslim aspirants were favored for entry into the Union Public Service Commission (UPSC) to the disadvantage of Hindu candidates. The apex court had held the show to be offensive and having the potential to spread communal tensions.

In October 2021, he tweeted a video clip of a street play on so-called “Love Jihad”, purposely enacted at a larger public gathering. Sudarshan News TV praised it, especially for calling Muslims “termites” and “viruses”. Sudharshan suggested that such anti-Muslim plays must be encouraged and enacted at garbha venues and Durga puja pandals in the future. It stated that this will “help preserve the sanctity of Sanatan” and will also save “sisters and daughters from love jihad.”

The Supreme Court Order in Firoz Iqbal Khan V. Union Of India & Ors. dated 15.09.2020 is marked and annexed hereto as Annexure C

A month before that, Chavhanke had targeted film actor Shahrukh Khan for his Muslim identity. Chavhanke repackaged old conspiracy theories claiming that Shahrukh Khan is close to Pakistan Prime Minister Imran Khan, or that he favors Pakistani cricket players, etc. Chavhanke's communal words have in the past been exposed by SabrangIndia's sister organisation, Citizens for Justice and Peace (CJP), which has taken action against different media houses and new agencies who were engaging in hate speech.

In September 2020, CJP had moved the News Broadcasting Standards Authority (NBSA) – now known as News Broadcasting & Digital Standards Authority (NBDSA) against Sudarshan News for airing a communally inflammatory promotional video for its show exploring a “controversy” on “infiltration” of Muslims in public services, while demeaningly terming it ‘UPSC Jihad’. The complaint was forwarded to the Union I&B Ministry by the authority since Sudarshan TV is not a member of the National Broadcasters Association (NBA).

The CJP complaint to the NBDSA dated 01.09.2020 is marked and annexed hereto as Annexure D

He also landed himself in trouble by making comments in a show where under the garb of covering Palestine-Israel conflict he tried to provoke Muslims by showing a graphical depiction bombs destroying a mosque and showing missiles targeting Madina. In another instance, in an event organized by Hindu Yuva Vahini at Govindpuri Metro Station in December 2021, he was seen administering an oath to a group of people to “die for and kill” to make India a “Hindu Rashtra” or a “Hindu Nation”.

Chavhanke has repeatedly made statements that are communal, divisive, and incendiary and amount to hate speeches, with the knowledge that such incendiary remarks would have the propensity to stoke communal tensions and also instigate violence. It is quite clear so far that

the minority community in various parts of India already feels insecure and threatened. Such statements are bound to generate communal disharmony or feelings of ill will, enmity and hatred between the people of different communities. It is an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb the public tranquility. Most importantly, such open intimidation only makes the targeted group more vulnerable to violent acts. The following provisions of law have been violated by Chavhanke's hate speech:

Indian Penal Code:

S. 153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed. –

Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, **be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.**

S.153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony–

(1) Whoever–

a) by words, either spoken or written, or by signs or by visible representation or otherwise, promotes, or attempts to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feeling of enmity, hatred or ill–will between different religious, racial, language or regional groups castes or communities, or

b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language, or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquillity,
shall **be punished with imprisonment which may extend to three years, or with fine or with both.**

S.153B. Imputations, assertions prejudicial to national integration.—

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, -

(a) makes or publishes any imputation that any class of person cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of person shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religions, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, **shall be punished with imprisonment which may extend to three years, or with fine, or with both.**

Sec. 295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India by words, either spoken or written, or by signs or by visible

representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall **be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.**”

Sec. 298. Uttering, words, etc., with deliberate intent to wound the religious feelings of any person

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places, any object in the sight of that person, **shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.**

Section 354: Assault or criminal force to woman with intent to outrage her modesty.

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will there by outrage her modesty; shall be punished with imprisonment of either description for **a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.**

Section 509: Word, gesture or act intended to insult the modesty of a woman.

Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman; **shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.**

S.504. Intentional insult with intent to provoke breach of the peace:

Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or

to commit any other offence, shall **be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.**

S.505. Statements conducing to public mischief:

- (1) Whoever makes, publishes or circulates any statement, rumour or report,-
- a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
 - (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

Judicial precedent:

In the case of *Amish Deygan vs Union Of India 2021 1 SCC 1*, the Supreme Court quoted Benjamin Franklin, “It remains difficult in law to draw the outmost bounds of freedom of speech and expression, the limit beyond which the right would fall foul and can be subordinated to other democratic values and public law considerations, so as to constitute a criminal offence. The difficulty arises in ascertaining the legitimate countervailing public duty, and in proportionality and reasonableness of the restriction which criminalizes written or spoken words. Further, criminalization of speech is often demarcated and delineated by the past and recent significant events affecting the nation including explanation of their causes. Therefore, constitutional and statutory treatment of ‘hate speech’ depends on the values sought to be promoted, perceived harm involved and the importance of these harms. Consequently, a universal definition of ‘hate speech’ remains difficult, except for one commonality that ‘incitement to violence’ is punishable.”

In that judgment, the Hon'ble Supreme Court elaborated on the concept of Hate Speech by identifying three elements:

- Content-based: Open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society.
- Intent-based: Speaker's message to intend only to promote hatred, violence or resentment against a particular class or group.
- Harm-based/ impact-based: There is an element of harm to the victim which can be violent or such as loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena.

In the same case, the Apex court also cited Andre Sellars from his essay 'Defining Hate Speech' where he examined the concept of hate speech in different democratic jurisdictions and formulated common traits in defining 'hate speech'. He says:

- Hate speech targets a group, or an individual as a member of the group
- One should be able to objectively identify the speech as an insult or threat to the members of the targeted group, including stigmatizing the targeted group by ascribing to it qualities widely disregarded as undesirable
- Speech should cause harm, which can be physical harm such as violence or incitement and true threats of violence
- Speech should have no redeeming purpose, which means that 'the speech primarily carries no meaning other than hatred towards a particular group'

In the case of *State of Karnataka and an vs. Dr Pravinbhai Togadia (2004) 4 SCC 684*, the Supreme Court held, "Communal harmony should not be made to suffer and be made dependent upon the will of an individual or a group of individuals whatever be their religion bit of a minority or that of the majority... the valuable and cherished right of freedom of expression and speech may at times have to be subjected to reasonable subordination to social interests needs and

necessities to preserve the very core of democratic life preservation of public order and rule of law. At some such grave situation at least the decision as to the need and necessity to take private reactions must be left to the discretion of those entrusted with the duty of maintaining law and order and interposition of courts...”

We, therefore, urge this Hon’ble Commission to ensure that a strict proper inquiry is instituted and concluded in this matter. This is a repeated crime. The Muslim community has been subjected to hate speech and vehement hate propaganda in the past few years and the TV news media has especially been complicit and an active participant in driving this narrative. If such hate filled speeches are allowed to continue unabated, such miscreants will only be encouraged to create such tension and cause mischief that disturbs public order the country. It is in furtherance of this extreme communal narrative that news channels have re-shaped their programmes to reflect their agenda and they try all means possible to propagate hate against the minority community to instil a feeling of hatred and animosity against them thus deeply damaging the secular fabric and impinging upon the fundamental rights of the Muslim community. They are being deprived of a life of dignity while being subjected to such hate propaganda constantly.

The extent of hate and anti-minority sentiment is on the rise all over the country, where public figures such as Suresh Chavhanke openly target certain groups. Therefore, this needs your immediate attention and rapid action. We, at CJP, urge this Hon’ble Commission to:

1. Take cognisance of this complaint under section 9(1)(d) of the National Commission for Minorities, 1992;
2. To direct the attendance of Suresh Chavhanke along with the members of his organisation before your commission to examine such allegations under section 9(4)(a) of the Act, 1992;
3. Keep a close eye on the investigation and call for the discovery and production of any document, receive affidavits, requisition any public record or copy thereof from any

court or office, issue commissions for the examination of witnesses and documents under section 9(4) (b) to (e) under the Act;

4. To direct the DGP, Haryana or any other appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech ensuring that all relevant sections of the Indian Criminal law and Police Acts are included in the said criminal complaint;
5. Issue directions to the Haryana Police to submit an Action Taken Report and give updates to this Commission regarding progress in investigation in the case;
6. Issue any other directions to Haryana Police as the Commission may deem fit and proper in the circumstances of the case;
7. Undertake any other action as the Commission may deem fit.

Yours sincerely,

Nandan Malsute, President

Teesta Setalvad, Secretary

Annexures

Annexure A The video downloaded from Twitter website dated 06.09.2022

Annexure B The Action Taken Report dated 29.01.2022

Annexure C The Supreme Court Order in Firoz Iqbal Khan V. Union Of India & Ors. dated 15.09.2020

Annexure D The CJP complaint to the NBDSA dated 01.09.2020