



Date: December 28, 2022

To,

Shri Iqbal Singh Lalpura
Hon'ble Chairperson
National Commission for Minorities
Government of India
3 rd Floor, Block 3, C.G.O Complex,
Lodhi Road New Delhi- 110003
Ph: 011-24366132/01124360591
Email: chairman-ncm@nic.in

Shri Kersi Kaikhushroo Deboo
Vice-Chairperson
Ph: 011-24367029
Email: kersi.deboo@gov.in

Subject: Complaint against Kalicharan for his Islamophobic and hate filled speech at Hindu Jan Aakrosh Morcha

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 communal and hate spewing speech delivered by **Kalicharan aka Kalicharan Maharaj, alias Abhijit Dhananjay Sarag**, during the Hindu Jan Aakrosh Morcha held in Ahmednagar, Maharashtra on December 14, 2022. Kalicharan, a so-called religious leader, espouses a hard, right-wing, exclusionist ideology, and can be seen delivering an incendiary and inciteful speech through which he has targeted the religious minorities of our country, especially the Muslim community. In his speech, video of which have gone “viral” and reached hundreds of thousands, he has made strange and offensive claims against the minority community. We would like to bring your attention to the instigating speech video, urging you to take stringent action against the perpetrator, as if these hate-driven speeches are left unchecked, the peace and harmony of our country will be affected direly. **Sir, we are also generally concerned with the overall unsafe atmosphere for the Muslim community that is being generated through the systemic and perpetrated use of hate speech and writing within the state and urge that urgent steps are taken to curtail and prosecute the same.**

The excerpts of the speech mentioned below have been taken from a report published by the [Newslandary](#), “‘A burning issue’: How the Sangh family is spearheading protests in Maharashtra for

a love jihad law”, and another report by tv9hindi.com, “Soak pig teeth in water and feed it to daughter, brain will come to a standstill, baba claims on love jihad.”

Here are some reported excerpts of the speech made by Kalicharan at this event (December 14, 2022):

In his video, reported by the two websites above, Kalicharan has reportedly alleged that *“40,000 cases of love jihad happen in India on a daily basis. There have been 35 cases of girls in Delhi. Girls are subdued. Ghosts are born in the stomach of those who go to lay their heads on tombs and tombs. They do vashikaran, black magic on these girls.”*

Continuing with his strange claims, Kalicharan then suggests that *“How come our girls fall in love with such stupid boys. This happens because of vashikaran (bewitchment). The solution on this problem is, a tooth of pig. Take a tooth of pig and soak it in water overnight and in the morning give that water to drink to the girl who is under the influence of Love Jihad. All the black magic done on her will go away instantaneously. Also, I am telling lady constables that take the girl inside and cut all the threads tied on her hands or anywhere on the body. Then put these two water-drops in her mouth and then counsel her, she will understand her mistakes immediately.”*

In his speech, Kalicharan has made claims that are scientifically inappropriate, with the aim of instilling fear in the minds of people belonging to the Hindu community. He has further made comments such as *“It is a reality that all those who visit these Dargahs, even if these girls are married or unmarried, the ghosts will enter their belly. And these ghosts will be born in our homes.”* Exhortations such as these lead to spreading of superstitions, promote irrational practices and affect rational, scientific temper of the audience. In our current environment, these fake statements have the potential of inciting the consuming audience, and posing as a danger to the individuals belonging to the minority communities.

Continuing with his communal diatribe, he warned his enthralled audience that Christianity and Islam are *“not religions”*, and that Muslims have an *“800-year-old plan”* – the Ghazwa-e-Hind – to *“convert India into a country of Muslims”*.

In another burst of targeted hate speech, Kalicharan can also be heard saying, *“Kalicharan Maharaj further said that the meaning of religion is the same - Sanatan Dharma. No Maulana will call Islam a religion. They have been trending in madrasas since childhood. What are you being taught? All terrorists are Muslims. 5 lakh temples were demolished. When Sardar Vallabhbhai Patel was the Prime Minister, India would have become a Hindu nation.....They want to produce kids in large numbers and, within 10 years, they want a Muslim to be prime minister of India... They get Rs 7 lakh per case to trap Hindu girls.”*

He has further reportedly said, *“Dr Babasaheb Ambedkar had said don't trust Muslims. Every day 1 lakh cows are killed. Hindus do not harbour hatred, but now hatred is also flourishing*

in the minds of Hindus.” It is pertinent to note that Kalicharan has brought in the names of prominent leaders, Dr Babasaheb Ambedkar and Jogendra Nath Mandal, in order to push his agenda of promoting fear and hatred towards the Muslim community. The speaker also said in his speech ***“All the followers of Mandal were killed. At that time there were 29% Hindus in Pakistan. Almost all of them were the followers of Mandal. All were slaughtered. You won't believe but even the family members of Mandal were raped. And finally in his last days he came to Kolkata and died alone.”***

Social media platforms, on which the speeches of Kalicharan are easily accessible, disproportionately assist far-right political parties by helping them bolster social divisions. They tend to demonize and further marginalize out-group communities and minorities. The major strategy is to portray those individuals as intimidating and dangerous in order for the general population to accumulate fear and hatred against them

Furthermore, he can be heard saying to the audience, ***“we are becoming weak due to casteism. We cannot tolerate the provincial people, but forget that Chhatrapati Shivaji Maharaj was the king of all Hindus and not just Marathas.”***

It is pertinent to note here that Kalicharan has offered no data for all the claims that have been made by him, nor did his audience ask him of it. These baseless statements not only stand to destroy the communal harmony in the country but are also reflective of a divisive mind-set that can only trigger insecurity and trauma among sections of our own people while working as propaganda on others to commit criminal and violent acts. His ignorant comments also clearly amount to spreading of hatred and distrust against vulnerable and marginalised sections of our population, Muslims, 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 Kalicharan, these comments were to be applauded and even repeated as chants!

The downloaded video of his full speech from Youtube dated 15.12.2022 is marked and annexed hereto as Annexure A

The downloaded video of his interview with ABP Majha from Youtube dated 14.12.2022 is marked and annexed hereto as Annexure B

The full translation of the speech given by Kalicharan has been annexed hereto as Annexure C

The motive behind the speech made by Kalicharan, who is a staunch supporter of an outfit called the ‘Akhand Hindu Rashtra’, at this event was to further his, and other extremist right winger-organisations’, demand of enacting a “love jihad” law in the state of Maharashtra. Sir, the very term, “Love jihad” is a bogey of a term generated and used to claim that “Muslim men seduce Hindu women

with the express purpose of converting them to Islam.” This objectionable construct denies the autonomy and agency of adult women while at the same time vilifying and stigmatizing Muslims and Islam.

This conspiracy theory of the impending “threat to Hindus in India” has always been a sub-text for communal discourse; it has recently resurfaced anew after the tragic Shraddha Walker murder in Delhi; since she was murdered and then dismembered by her live-in partner, Aftab Poonawalla, a Muslim. Supremacist outfits with no commitment or allegiance to the Indian Constitution and its non-negotiable values of equality before the law, dignity for all and discrimination against none, have, ever since this tragic crime was committed, been giving inflammatory speeches against the Muslim community. Never mind the fact that such brute crimes against partners, husbands, wives, lovers have occurred before and since by others from various communities. For those who’s politics is based on division and hate, the selective use of the Shraddha Walker murder serves a sinister purpose –tar all Muslims with the same “bloodied” brush.

The wider social climate of threat, fear, violence and intimidation created by such speeches and mobilisations threatens everyday normal life, especially threatens women in general and men and women from the religious minorities in particular. It is the very nature of the beast, large hysteric mobilisations such as these fired by speeches of this kind that then seek to justify violent attacks on the very sections and communities who are the target of stigma and demonization.

In several states, and Maharashtra is not an exception, inter-faith marriages have come under threat. Many innocents have also been arrested on false allegations of conversion.

Given this background, it is both urgent and essential that the speech given by Kalicharan is acted upon and criminal changes are levied on him for uttering such words that can cause problems for the safety and security of the minority community in our country, threaten and intimidate women and also threaten social harmony in general.

Previous instances of hate speech by Kalicharan

It is also important to note that this is not the first time when Kalicharan has made the news for his Islamophobic and derogatory remarks. In December 2021, speaking at a "Dharma Sansad" or religious meeting in Chhattisgarh's Raipur, Kalicharan had praised Nathuram Godse for assassinating the Father of the Nation in addition to verbally abusing Mahatma Gandhi.

In the said speech, Kalicharan had said, *“I salute Nathuram Godse that he killed Gandhi” adding that the “target of Islam is to capture nation through politics.” He asked people to elect a “staunch Hindu king (leader) in the government irrespective of any party (he/she) belongs to...The women of our houses are very good and civilised and they do not go to vote (in election). When there will be gang-rapes then what will happen to women of your houses (families)...(Mahamurkho) Idiots! The target of Islam is to capture nation through politics. In front of our eyes they had captured in 1947 (referring to partition)...They had earlier*

captured Iran, Iraq and Afghanistan. They captured Bangladesh and Pakistan through politics.”

Kalicharan was subsequently arrested by the Raipur Police even though he tried hard to dodge them by booking a guest house in Khajuraho but instead, hiding out at a place 25 km from Khajuraho. While the FIR was earlier registered under Sections 505(2) (promoting enmity among classes) and 294 (obscene act in public place) of the IPC, the Raipur Police said sections related to sedition (124A) and outraging religious feelings (295A), among others, were added during investigation. He was then granted bail in January, 2022. The video of that speech can be viewed here: <https://www.youtube.com/watch?v=kz9VGIEwIFs>

In another instance, in May 2022, Kalicharan was heard saying that **“80 crore women were gang rape in 800 years, 5 Lakh mandirs were demolished in the last 800 years and mosques were constructed in its place. We have lost Iran, Iraq, Afghanistan, Bangalesh, Australia, Indonesia, Combodia, Tibet, Half China, Nepal, Bhutan, Sri Lanka and Pakistan, as all the people there turned Muslims..... Stop being scared of politics and start working towards establishing “Hindu Rashtra.”** Continuing with his hate spewing, he then asks the people to vote for “*kattar Hindu*” politicians so that every politicians starts wearing a “*tilak and jinebu*” and call themselves “*kattar Hindu*.” Furthermore, he warns the audience that those who do not vote for the kattar Hindu politicians, they were be harmed. He said, “*thukayi bogi*.”

The video of the speech can be viewed here:

<https://www.youtube.com/watch?app=desktop&v=Vmc4L-oHE6c>

Even his rise to fame appears to be on the basis of his inflammatory and Islamophobic speeches. In July, 2020, Kalicharan was seen in a video wearing a large red bindi on his forehead, clad in bright red robes. Kalicharan had become a social media sensation when videos of him singing the ‘Shiva Tandav Strotra’ at the Bhojeshwar Shiv Temple in Madhya Pradesh went viral. Soon his videos began appearing on other platforms, of him performing religious rituals, singing, or giving discourses. However, what kept him in the limelight was his opinion on the concept of “Akhand Hindu Bharat” and how his idea of a ‘Hindu nation’ was in danger.

The video for the same can be viewed here: <https://www.youtube.com/watch?v=pcpK2fDQ5rE>

Such expression of extreme hate with a clearly divisive and partisan objective to establish religious hegemony upon a community that is already a minority in numbers in the country, is deplorable and against the constitutional values that we uphold as citizens of this country. It is quite clear so far that, given the well-orchestrated and numerous instances of hate speech and actual hate crimes being committed, the minority community in various parts of India already feels insecure and threatened.

Penal implications

Statements such as these are bound to make things worse; to further generate communal disharmony or feelings of ill will, enmity and hatred between the supporters of different political parties. The utterances also amount to an act which is prejudicial to the maintenance of harmony between different groups and is likely to disturb public tranquility. Moreover, such open intimidation and hate-filled statement only makes the targeted group more vulnerable to violent acts. Such hate speech that is illegal and unconstitutional violates the following provisions of the law:

Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013:

S. 3. Prevention and eradication of human sacrifice and other inhuman, evil and aghori practices and black magic.-

(1) No person shall either himself or through any other person commit, promote, propagate or practice or cause to promote, propagate or practice human sacrifice and other inhuman, evil and aghori practices and black magic mentioned or described in the Schedule appended to this Act.

(2) From the date of coming into force of this Act, commission of any act of human sacrifice and other inhuman, evil and aghori practices and black magic and any advertisement, practice, propagation or promotion of human sacrifice and other inhuman, evil and aghori practices and black magic, in violation of the provisions of this Act, by any person by himself or through any other person shall constitute an offence under the provisions of this Act, and the person guilty of such offence shall, on conviction, be **punished with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees.**

S. 2 (1) (b)- "human sacrifice and other inhuman, evil and aghori practices and black magic" means the commission of any act, mentioned or described in the Schedule appended to this Act, by any person by himself or caused to be committed through or by instigating any other person;

Schedule-

(6) By making the persons believe that a particular person practices *karni*, black magic or brings under the influence of ghost or diminishes the milching capacity of a cattle by *mantra-tantra* or similarly accusing a particular person that he brings misfortune to others, or is a cause for spread of diseases and thereby making the living of such person miserable, troublesome, or difficult; to declare a person as *saitan* or incarnation of *saitan*.

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.**

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 precedents against Hate Speech:

In *Firoz Iqbal Khan vs Union of India* [W.P (Civ.) No. 956 of 2020], the Supreme Court had held, “..the edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties is founded on the co-existence of communities. India is a melting pot of civilizations, cultures, religions and languages. Any attempt to vilify a religious community must be viewed with grave disfavour by this Court as the custodian of constitutional values.” (Para 11)

In *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591), the Supreme Court has unambiguously stated that “hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.” (Para 7)

The extent of hate and anti-minority sentiment is on the rise all over the country, where public figures such as Kalicharan Maharaj are openly targeting certain groups. In addition to this, the impunity with which Kalicharan has indulged in hate speech and spreading misinformation against a minority community can be seen through **“You can charge me with whatever you want but I will say the truth. Going to jail is not new to me. I can say I am shameless in that regard.”** Therefore, this needs your immediate attention and rapid action.

Deleterious Impact

These statements have now gone beyond being just hate speech and have become brazen calls for genocide and encouragement to pick up arms against the minority community.

Hate speech has not been dealt with an iron hand in the past few years and these makers of hate speech have not faced any serious legal action till date which has resultantly given them a free hand and has pushed them to make worse statements than they may have made before. The impunity with which they have been dealt with until now has made the social media a breeding ground for such public figures who have a wide audience who comments on their hate speeches, gets inspired by them and commit more illegal acts.

Such expression of extreme hate with a clear communal objective to establish religious hegemony upon a community that is already a minority in numbers in the country, is deplorable and against the constitutional values that we uphold as citizens of this country. It is quite clear so far that, given the well-orchestrated and numerous instances of hate speech and actual hate crimes being committed, the minority community in various parts of India already feels insecure and threatened.

Callous and brazen statements such as this one, made by political leaders at public platforms have far reaching impact and rather perilous repercussions. In order to avoid targeted violence against vulnerable sections to erupt and communal clashes to follow, we urge this Commission to take cognizance and reprimand people, especially political leaders who have a following and influence, to refrain from making comments that would shake the secular fabric of the country.

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.” (Para 15)

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. (Para 29)

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' (Para 29)

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." (Para 7)

The 267th Law Commission Report on Hate Speech agrees with this stance and states that:

"Hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. Such speech is considered outside the realm of protective discourse. Indisputably, offensive speech has real and devastating effects on people's lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked hate speech can severely affect right to life of every individual."

The extent of hate and anti-minority sentiment is on the rise all over the country, where public figures such as Kalicharan Maharaj openly target certain groups. **We urge the commission to take cognizance of the videos enclosed herewith, register a case against the perpetrator identified**

as **Kalicharan aka Kalicharan Maharaj, alias Abhijit Dhananjay Sarag and take rapid action against him for the cognizable offences.** 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 Kalicharan 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, Maharashtra 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 Maharashtra 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 Maharashtra 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.

Sir as a matter for information, we have written to the Director General of Police, Maharashtra, too urging that this complaint is acted upon. Due concern voiced by the National Commission for Minorities (NCM) too, we feel, ensure a prompt response.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary



Annexures:

Annexure A- Video uploaded on 15.12.2022 on Youtube

Annexure B- Video uploaded on 14.12.2022 on Youtube

Annexure C- Full translation of speech given by Kalicharan

Link References:

<https://www.newslandry.com/2022/12/22/a-burning-issue-how-the-sangh-family-is-spearheading-protests-in-maharashtra-for-a-love-jihad-law>

<https://www.tv9hindi.com/state/maharashtra/ahmednagar-kalicharan-maharaj-controversial-statement-over-love-jihad-in-hindi-jan-akrosh-morcha-au154-1610035.html>