



Date: February 6, 2023

To,
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Subject: Plea for criminal action against Suresh Chavhanke for his islamophobic and hate filled speech at an event in Nagar, Maharashtra

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, inciting, and hate spewing speech delivered by Suresh Chavhanke, during an event held in Nagar district of Ahmednagar, Maharashtra. Suresh Chavhanke, Sudarshan News Editor-in-Chief, espouses a hard, right-wing, exclusionist ideology, and can be seen delivering an incendiary and inciteful speech through which he has targeted the Muslim community of our country. In his speech, video of which have gone “viral” and reached hundreds of thousands, he has gone beyond just hate mongering, and instigated people to go against the Supreme Court by administering the oath to establishing the Hindu nation with him. Chavhanke even said that it is because of the pressure put by the Supreme Court on the Delhi Police that action is being taken against him, which he deemed to be an act of injustice.

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, by making this speech, Chavhanke has shown that he is not afraid of the law or beyond the law. In addition to being 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 country, Suresh Chavhanke has bluntly said that the police is on his side. This reflects adversely on the non-partisan image of the Maharashtra police.

Furthermore, provoking an audience against the orders of the Supreme Court to establish a Hindu nation should not be allowed to pass unchecked as this amounts to a direct assault on and violation of the foundational principles, justiciable rights and obligations of the state and law and order machinery laid down under the Constitution of India.

The Speech

Transcript of the First video:

The video starts with Suresh Chavhanke shouting “*Kon chale re kon chale? Hindu Rashtra ke liye Chale* (What should we go for? Let's go for a Hindu Rashtra).” “*Arre lana hoga lana hoga, Hindu Rashtra lana hoga* (We have to bring it, we have to bring a Hindu rashtra.)”

[Timestamp- 0:00- 0:15]

He then speaks in Marathi and says- “Should I speak in Marathi? Pig does not understand Marathi, so I will speak in Hindi sometimes”

[Timestamp- 0:15- 0:26]

He then begins with his threats and says, “*Safaed chaddar par chadhaya gaya har rupaya tumhare safaed kaffan ki vyavastha karega, savdhaan reh jao.* (Every rupee offered on a white sheet will arrange for your white shroud, be careful.)”

[Timestamp- 0:27- 0:35]

Referring to the oath for establishing a Hindu nation in the capital of India, he says, “*Pichle dino, maine Delhi mei, Hindu rashtra ki shappath li. Who shappath, jo Chhatrapati Shivaji Maharaj ne 26 April, 1645 ko Raireshwar par li thi. Maine Delhi mei li.* (In the last few days, I took the oath of Hindu state in Delhi. The same oath was taken by Chhatrapati Shivaji Maharaj on April 26, 1645 on Raireshwar. I took it in Delhi.)

[Timestamp- 0:37- 0:50]

Chavhanke then starts with his attack on the Muslim community, and says, “*Toh uske baad Delhi ke Kath-Mulle (derogatory term used for Muslims) jaage honge, Unhone kaha Suresh Chavhanke par FIR karo. Uss shappath mei humne kaha tha ki hum zarurat padhi toh balidaan denge, aur zarurat padhi toh balidaan lenge.*” (So, after that, the Muslims of Delhi woke up, and said that an FIR needs to be filed against Suresh Chavhanke. In the mentioned oath, we said that we will sacrifice if the need arises, and will also take sacrifices if there is a need.)

[Timestamp- 0:50- 1:05]

He then again speaks in Marathi and says- “Did I do something wrong? In Delhi, cases were filed against me in all civil courts. After that, cases were also was also filed in the Supreme

Court. The court asked why the Delhi Police has not yet registered an FIR against Suresh Chavhanke, even after 5 months have passed.”

[Timestamp- 1:05- 1:23]

Attacking the Apex Court of India itself, Chavhanke says that “*Kon keh raha hai? Desh ke supreme Court mei kaha jaa raha hai. Kya Hindu Rashtra ki Shappath lena apraadh hai?* (Who is saying this? This is being said in the Supreme Court of the country. Is it a crime to take the oath of establishing a Hindu state?)”

[Timestamp- 1:24- 1:29]

These public statements to an audience provoking contempt of the Hon’ble Supreme Court of India and attempting widespread anarchy against the rule of law bodes ill for public peace and security of all Indians, Maharashtrians and residents in and around Ahmednagar.

The crowd can be heard saying “no”.

Continuing with his attempt to bring down the judicial system, Chavhanke says that “*Delhi police par Supreme Court dwara dabav banaya gaya. Mai aaroop laga raha hu. Mai janta hu ki judge ke khilaaf bolna kya hota hia. Lekin agar anyay karne wala kitna bhi bada ho, uske virudh bolna chahie yeh raja ne seekhaya hai.* (Delhi Police was put under pressure by the Supreme Court. I know what it is to speak against a judge. But the king has taught us how much ever big the wrongdoer may be, we should speak against them.)”

[Timestamp- 1:32- 1:48]

Through these dialogues, Chavhanke has tried to establish that while the Police is on his side, the side of justice, and the Supreme Court is putting pressure on them to take action against him, thus siding with injustice. He blatantly goes against the Supreme Court and makes comments against our honorable justices.

He then shouts- Chhtrapati Shivaji Maharaj ki Jay.

A copy of the video downloaded by us from Twitter has been marked and annexed as Annexure A

Transcript of the Second Video

The second video begins with Chavhanke saying that “*Aur anyay karne wala Aurangzeb ho, sultan ho, Shaitan ho, Sarkar ho ya nayaylaya ho, anyay sehen nahi karenge.* (And whether it is Aurangzeb, Sultan, Satan, government or rule, the injustice will not be tolerated.)”

[Timestamp- 0:00- 0:14]

With an air of impunity, Chavhanke says that “*Aur mere upar FIR ho gaya. Ab police ne pehla toh report diya ki inhone jo shappat li usmei kahi par bhi Musalmaano ka naam nahi*

diya hai. Lekin fir bhi police ne court ke dabav mei FIR kar diya. (And an FIR has been filed against me. The police first reported that in our oath, we have not named Muslims anywhere. But still the police did it again under the pressure of the court). *“Fir 8 mahine baad, Mr. M. K. Gandhi ka bhateja, Tushar Gandhi-(speaks in Marathi) arre apne Gandhi, unka poota mere against SC mei gaya aur 8 mahine ho gaye Suresh Chavhanke ke against FIR hua lekin giraftaari nahi hui. Girafatari karo.* (Then 8 months later, Mr. M.K. Gandhi's nephew, Tushar Gandhi went to the Supreme Court against me, urging that it has been 8 months since an FIR has been lodged against Suresh Chavhanke but no arrest has been made. Arrest him.)” [Timestamp- 0:14- 0:55]

Continuing with his inciteful, communal and divisive diatribe, Chavhanke then says, *“Lekin durbhagya ki baat hai ki humare desh ke nyay tantra ne mere jese ek shiv bhakt rashtra bhakt patraakaar ke upar aisi aisi baatein ki, jiske baad humne tay kiya ki Hindu Rashtra ki shappath ek baar lene par agar apradh kehta ho, toh baar baar lenge, aur lete rahenge.* (But it is unfortunate that the judicial system of our country has said such things against a Shiv worshipping patriotic journalist like me. After this, we decided that taking the oath once has been declared a crime, so we will take it again and again.)” [Timestamp- 0:55- 1:14]

Chants of Har Har Mahadev could then be heard from the audience.

He then further incites his audience by saying, *“Aur isliye mai desh wasiyo ko bolta hu ki Chhatrapati Shivaji Maharaj ne jis Raireswar Mandir mei shappath li thi, kal, 23 January ko Dophar 1 baje mai kayi Hindu bhakto ke saath Poona (Pune) jaake shappath lene wala hu.* (And that is why I tell the people of the country that tomorrow, on January 23, at 1 pm, I am going to Poona (Pune) with many Hindu devotees to take the oath path in the Raireswar temple where Chhatrapati Shivaji Maharaj took the oath.)” [Timestamp- 1:18- 1:36]

He ends with his instigating and hate-filled speech by saying, *“Jo aa sakte hai, who Pune jile mei Raireswar Mandir par phunch jae, hum shappath lenge. Ek apradh ke liye kitni baar saza doge. Arre hindu rashtra ki shappath ke liye agar fanssi bhi dene ke liye tayyar ho, toh Suresh Chavhanke har baar janam lega, Hindu Rashtra ke liye shappath lega.* (Those who can come, they should come to the Raireswar temple in Pune district, we will take an oath. How many times will you punish for the same crime? Even if you are ready to hang me till death for taking this oath for the Hindu nation, Suresh Chavhanke will be born another time, and he will take the oath for the Hindu nation.)” [Timestamp- 1:38- 1:58]

A copy of the video downloaded by us from Twitter has been marked and annexed as Annexure B

Throughout this speech, Chavhanke has not minced his words, and has clearly incited the Hindus present in the audience to accompany him to Pune to take an oath for establishing a Hindu nation by bringing in the Maratha history and certain controversial cases. He has also used offensive terms to refer to the Muslim community. 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.

Furthermore, this was spoken at a public event and this speech has reached not only the audience at the event but also all those who may have seen this video on their mobile phones, by the medium of social media. How large and wide the reach of social media can be, we are sure you must be aware.

The consequences of such an inflammatory speech could be dire.

Chavhanke spoke with an air of impunity at this event. He repeatedly brought up the fact that the Delhi Police did not want to file a case against him, but did the same under the pressure of the Supreme Court. He also gave emphasis on the fact that the FIR has been pending against him for 5 months, and yet no particular action has been taken. He has presented and implied Muslims, Tushar Gandhi, the judges of the Supreme Court as enemies of the Hindutva community, who are stopping them from taking a “harmless” oath. According to Chavhanke, the law has no control over him and will not punish him for a crime committed more than once. Sir, it is crucial to hold Chavhanke liable for the inciteful, hate-filled, and Islamophobic words.

Previous instances of Hate Speech

At the Hindu Yuva Vahini event of December 2021, Chavhanke, took his #हिंदुराष्ट्र_की_शपथ or the oath for a Hindu nation across the country. His team had allegedly filmed over two dozen children dressed in a school uniform pledging to “fight, die and kill” to create a "Hindu Rashtra". The kids were heard saying, “May our Gurudev, our Kul Devata (family god), our Gram Devata (village god), our ancestors and Bharat Mata give us strength and victor”. After this, he had attended another event in Ambala, Haryana, in May 2022, wherein he had said, “We pledge to make Hindustan a Hindu Rashtra... if needed we will offer ‘sacrifice’ and if needed we will take ‘sacrifice’”.

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.

He has majorly been 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 favoured 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.

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 favours Pakistani cricket players, etc. 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. All this suggests that he has no respect for either the law or the plural culture of India.

Penal implications

Such statements 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:

The following sections of IPC need to be invoked against Chavhanke:

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

153B- Imputation, assertions prejudicial to national-integration.

268- Public Nuisance

503- Criminal intimidation

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

505 - Statements conducing to public mischief and Statements creating or promoting enmity, hatred or ill-will between classes.

In *Mohd. Haroon and others v. Union of India* (2014) 5 SCC 252 and another, it has been clearly held that it is the responsibility of the State Administration in association with the intelligence agencies of both the State and the Centre to prevent recurrence of communal violence in any part of the State. If any officer responsible for maintaining law and order is found negligent, he/she should be brought within the ambit of law.

In *Nandini Sundar and others v. State of Chhattisgarh* AIR 2011 SC 2839, it has been stated that it is the duty of the states to strive, incessantly and consistently, to promote fraternity amongst all citizens so that the dignity of every citizen is protected, nourished and promoted.

In *Tehseen Poonawalla v UOI and ors* (2018) 9 SCC 501 the Supreme Court held that, it is the responsibility of the States to prevent untoward incidents and to prevent crime. The court further said,

17. There can be no shadow of doubt that the authorities which are conferred with the responsibility to maintain law and order in the States have the principal obligation to see that vigilantism, be it cow vigilantism or any other vigilantism of any perception, does not take place. When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion... **No one has the authority to enter into the said field and harbour the feeling that he is the law and the punisher himself. A country where the rule of law prevails does not allow any such thought. It, in fact, commands for ostracisation of such thoughts with immediacy.**

20. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency. A fabricated identity with bigoted approach sans acceptance of plurality and diversity results in provocative sentiments and display of reactionary retributive attitude transforming itself into dehumanisation of human beings. Such an atmosphere is one in which rational debate, logical discussion and sound administration of law eludes thereby manifesting clear danger to various freedoms including freedom of speech and 4 expressions. One man's freedom of thought, action, speech, expression, belief, conscience and personal choices is not being tolerated by the other and this is due to lack of objective rationalisation of acts and situations.

In *Pravasi Bhalai Sangathan v. Union of India*, (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.

In the case of *Amish Devgan 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.”

The Police may invoke any other sections of IPC or provisions of any other relevant law against Chavhanke, as they may deem fit and necessary in this case.

We urge urgently, without delay, you to take cognizance of the video enclosed herewith, register a case against the perpetrator identified as Suresh Chavhanke and arrest him for the cognizable offences.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures

Annexure A- Video No.1 downloaded from Twitter

Annexure B- Video No.2 downloaded from Twitter