



May 10, 2023

To,

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Respected Sirs,

We, at the 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 speeches delivered by two speakers during a **Hindu Rashtra Jagruti Sabha event organized by Hindu Janjagruti Samiti (HJS) in Dharangaon, Jalgaon, Maharashtra. The event was held on April 30, 2023.**

Videos of two speakers were made available on social media, which have reached hundreds of thousands, where these two were seen participating in the said event, espousing a hard, right-wing, exclusionist ideology, and can be seen delivering incendiary and inciteful speeches through which they had specifically targeted the Muslim citizens and community of our country.

At this event, the speakers have indulged in peddling various conspiracy theories to generate hate towards Muslims and called for establishing a 'Hindu nation'. The speakers have made misinformed and offensive claims against the minority community and their culture. The said speakers have even made open calls of violence against the Muslim community too. We would like to bring your attention to these instigating speeches, urging you to take stringent action against the perpetrators, 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 country.

Sir, we are sure you are aware of sharp strictures passed by the Hon'ble Supreme Court of India in a recent case, where especially the string of recent Hate Speeches in the state of Maharashtra were specifically discussed and Orders passed directing police and law enforcement authorities to take proactive steps to prosecute offenders of hate speech violations. Sir, as citizens and civil rights groups,



committed to maintaining harmony and social peace, we therefore urge that adequate preventive action is taken under the law. **In October 2022, January-February 2023 and finally on April 28, 2023, the Supreme Court has directed police authorities in Maharashtra and all other states to ensure application of prevention and prosecution measures, already prescribed under Indian criminal law, to such events, the organisations and speakers.**

Sir, we are relying on recent Supreme Court order of April 28 and February 3, and other orders on the issue of hate speech, the history and politics of the people attached to the Hindu Janajagruti Samiti, and the communally divisive issues that this organisation advocates for. Such gatherings where inequalitarian, divisive and stigmatizing words are uttered and mobs provoked violate both the fundamental rights guaranteed to all Indians under the Indian Constitution as are in violation of provisions of Indian criminal law. Articles 14, 15, 16, 21 and 25 of the Constitution stands violated. Provisions of the Indian Penal Code (IPC) have also been violated.

Recent Directions of the Supreme Court on Events after they Occur/are allowed:

On April 28, 2023 the Supreme Court, in a significant development, the Supreme Court extended the application of its October 2022 order (which directed the Delhi, Uttar Pradesh and Uttarakhand Police to take suo moto action against hate speech cases) to all States and Union Territories. So now, all States/UTs are enjoined to take suo moto action to register FIR against hate speeches, without waiting for any formal complaint. The bench comprising Justices KM Joseph and BV Nagarathna said the following:

"Respondents (states) shall ensure that immediately, as and when any speech or any action takes place which attracts offences such as Section 153A, 153B, 295A and 506 of IPC etc, without any complaint being filed suo moto action be taken to register cases and proceed against the offenders in accordance with law. Respondents will issue directions to the subordinates so that appropriate action can be taken at the earliest. We further make it clear that such action be taken irrespective of the religion of the maker of the speech, so that the secular character of Bharat as envisaged by the Preamble is preserved."

A copy of the Supreme Court order dated April 28, 2023 has been marked and annexed hereto as Annexure A

In its **October 21, 2022 order**, the Supreme Court had issued interim directions to the state Police wherein it had directed that:

"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."



The court had further said that non-compliance would amount to contempt of court:

“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,” the order reads.

A copy of the Supreme Court order dated October 21, 2022 has been marked and annexed hereto as Annexure B

We would also like to highlight that **on February 3, 2023, the Supreme Court** issued directions with respect to an event which was scheduled to be held in Mumbai on February 5, 2023 by the Sakal Hindu Samaj, another extremist fringe Hindutva group. The petitioner, Shaheen Abdullah, had contended that similar to its anti-Muslim speech during 'Hindu Jan Aakrosh Morcha' held in Mumbai on January 29, it can be apprehended that the same will be repeated during the February 5 meeting as well. The apex court had thus sought a video of the entire event to be scrutinized by the court at the next hearing. The court has also taken an undertaking from government of Maharashtra that if permission for this event is granted “it will be subject to the condition that nobody will make any hate speech and in defiance of law or disturbing the public order.”

The court also outlined directives with respect to taking preventive action in such cases:

“We also direct that the Officer(s), in case, permission is granted and, in case, the occasion arises for invoking the power under Section 151 of Cr.P.C. as aforesaid, it shall be the duty of the Officer(s) concerned to invoke the said power and to act as per the mandate of Section 151 of the Cr.P.C.”

The apex court has, thus, again outlined already codified statutory duties of a police officer which makes it mandatory for them to take action under section 151 of CrPC in case there is apprehension of hate speech. The court, during the last hearing on February 3 had also expressed its disappointment that the police was not taking preventive action or filing complaints suo-moto in cases of hate speech, as it had directed in October, 2022 while hearing a bath of petitions against hate speech at various occasions.

A copy of the Supreme Court order dated February 3, 2023 has been marked and annexed hereto as Annexure C

Now, coming to the offensive and inflammatory content of the hate speeches that violate both the Supreme Court’s Orders and Indian Criminal Law. (Penal provisions from the Indian Penal Code-IPC) listed below).

The speakers at this event were the speakers were two unknown individuals. HJS has had a history of getting local involved in their hate events as well as inviting serial hate speakers to deliver hate



speeches. The agenda behind organizing this event was to spread the far-right divisive ideology, and instigate people against the Muslim community, and the said objective was achieved given the hate-ridden and provocative speeches delivered, calls for violence made, consistent with the recent track record of the organization and the “principles” that they stand for.

Extracts of the speeches made:

Woman speaker:

“It’s time for women to awaken their patriotism. Every day there are crimes against women (rape etc) and Hindu women are being slaughtered in love jihad. In this country crimes against women are increasing. . . Every day at least 84 rapes on women. Today everyone should learn self-defense. Hindus are not safe. Until when will we bear with this? Instead of dying at their hands, it is time to kill these *love jihadis*. Because it our right under the law. Everyday are we supposed to read such news? Somewhere Hindu girl was cut into 35 pieces, somewhere else she was cut into 50 pieces. Now the news needs to change that Hindu women avenged their culprits, their rapists. There is a right to self-defense and we should act on it.”

Man speaker:

“We have seen great kings rule on this land but we are getting to see secularism. We have seen Hindu Rashtra in the past and this is not an unnatural demand. Everyone is born a Hindu, it is nature, and they get converted later. In Ayodhya temple is going to be constructed after many years and several people, including lawyers have sacrificed a lot for that. In India, crores have the faith that Ram was born in Ayodhya. “Ram mandir jhaki hai Kashi Mathura baki hai” slogans are raised because even where Krishna was born, there are illegal structures.”

Link of the video available presently on twitter is:

<https://twitter.com/HindutvaWatchIn/status/1652976159116914688>

A copy of the video downloaded by us from Twitter dated May 1, 2023 has been marked and annexed as Annexure C

The full speech in Marathi by the two speakers has been attached and annexed as Annexure D

Throughout this speech, both the speakers have not minced their words, and has clearly incited Hindus, against the Muslim community by bringing in falsified versions of “their history” and certain controversial cases, and has even used slurs against the Muslim community. Following the patterns of their extremist peers, giving fire to the unsubstantiated, untrue and provoking claims of a “Love-Jihad

agenda”, the speakers have even brought in the issue of Hindu woman being under the threat, substantiating the same with the help of made-up statistics. Such expression of targeted and 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. Such speech and hate content has the direct potential to cause physical and mentally bodily harm to marginalized groups, their women and render their already insecure life further eroded of dignity and equality.

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, these said speeches were made at a public event and this speech has reached not only the audience at the event but also all those who may have seen these videos 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.

Divisive, majoritarian background of the HJS

The HJS runs a campaign advocating for the passing of anti-Love Jihad laws in Maharashtra. Extremist Right-wing Hindu groups have been using the term “love-Jihad” loosely now, wielded by an aggressive majoritarianism, woven into a dominant caste Hindu narrative of religious extremism, Islamophobia, and communal hatred. It has also been provided on their website that HJS has been conducting regular workshops to make Hindus “aware” of the consequences of autonomous and free choice marriages, derogatively and provocatively termed ‘Love Jihad.’

On their website, HJS has also mentioned the case of Shraddha Walker-Aftab Poonawalla case, the tragic murder of a woman by her boyfriend that was given a communal turn and used by the right-wing outfits to push their agenda of love-jihad. As a responsible member of the Indian Police force (IPS) you must surely be aware that violence that women are subjected to within relationships have all to do with patriarchy and little do with the faith of one of the partners.

We sure, Sir that you are aware as a responsible and professional member of the Maharashtra Police Force, that according to the to the National Health Family Survey of 2019-2021, only 2.6% of total marriages are inter-religious marriages while 31.2% of women in general face domestic violence and to single out these unions for targeted hates speech is unconstitutional and against the law.

Further, according to statistics released by the World Health Organisation, 30% of women above the age of 15 years have been subjected to physical and/or sexual violence from any current or former husband or male intimate partner at least once in their lifetime. The World Health Organisation’s Global Database on the Prevalence of Violence Against Women shows that 18% of Indian women aged between the ages of 15 to 49 suffered at least one form of intimate partner violence in the

preceding 12 months. Violence against women from partners or husband has nothing to do with the religion of the partner!

Besides, the fifth NFHS round (2019-21) shows that 31.5% of Indian women in the 18-49 age group have experienced physical and sexual violence at least once. While 18.3% of women aged between 18 and 19 have suffered sexual or physical violence either in the last year or in their lifetime, this number increases with the age of the women (to 35.3%) till the 30-39 year age group.

Given this reality and data, Sir, to selectively pick on one such heinous murder, politicise it and demonise and stigmatise Muslims amounts to a violation of the basic tenets of the Constitution. It also goes against both fact and rationality. This trend of using the suffix of 'jihad' to propagate a communally divisive narrative has caught traction in the recent times. The moment any news wherein a person from Muslim Community is involved, the extremist Hindu outfits rush to label it as some kind of Jihad. This further tendency to pick on a word associated with Muslims and Islam, tarnish it with stigma and slur further adds to the potential of creating mental and physical harm to a marginalized section.

This Right-wing extremist organisation also organized various events in the past advocating for the boycott of Halal and the economic boycott of Muslims in India. Other than this, their websites have also provided a communal color to issues such as religious conversions and cow slaughter.

Many notorious hate offenders and hate speakers, such as T. Raja, Pramod Muthalik, Meenakshi Sharan, H.H. Sambhajirao Bhide, Kalicharan Maharaj and Suresh Chavhanke, have been associated with HJS, and participated in their activities. A post of last year shows that all these hate offenders, and more, got together and participated in an event organised by the HJS for the establishment of Hindu Rashtra.

It is pertinent to note, that in the current environment of oppression and otherisation of the Muslim community, such religious issues when portrayed in a prejudicial or hysterical way, without any rational basis to that questioning, with an intention to pitch views of only one segment/community amounts to stigmatizing of an already marginalized section.

Previously too, in the month of February and March, CJP had tracked the events being organised by HJS, namely Prantiy Hindu Adhiveshan, Hindu Rashtra Jagruti Sabha, Hindu Rashtra Jagruti Andolan, Gad-Durg Rakshan Mahamorcha Gudi pujan events organised by HJS in multiple locations, majorly in the states of Maharashtra, Karnataka, and Goa. CJP had sent pre-emptive complaints against these scheduled event to the local police stations, urging them to take preventive measures against these events. CJP had also sent the said pre-emptive memos to the Members of Legislative assemblies/Members of Parliament representing the areas that these events were supposed to be held in, urging them to ensure that the police authorities take the appropriate action.

A copy of the CJP pre-emptive memorandum sent to the Police, dated March 24, has been attached and annexed as Annexure E

Penal implications of Hate Speech

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 statements 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:

In the light of this, we urge you to take action as per the following sections of IPC against the speakers:

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

Supreme Court Directives on Provocative Hate Speech:

We are sure that the Police is aware of a slew of directives that the Hon'ble Supreme Court has issued *time and again* for effective prevention of social disharmony, hate crimes and communal violence. These specify measures that need to be taken have speakers who are repeat offenders and organisations with a similar record keep violating hate speech law.

These include:

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 *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.”

In the case of *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 given specific directions for the police to adopt preventative measures, in which a senior police officer, not below the rank of Superintendent of Police, shall work as Nodal Officer in each district. Such Nodal officers were then directed to constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes, as mob violence and lynching, or who are involved in spreading hate speeches, provocative statements and fake news.

In addition to this, the Nodal Officer, along with the Station House officers, have been directed to take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting tendencies leading to mob-violence and lynching.

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 expression. 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 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.”

On February 26, the Navi Mumbai Commissioner of Police, Milind Bharambe, had videotaped the entire event organized by Sakal Hindu Samajh in Navi Mumbai, Maharashtra as per the orders of the Supreme Court. The content of the speeches given at the event are now being investigated on whether they can be classified as hate speeches. The decision of video-tapping the event came after Mr. Tushar Gandhi, president of the Mahatma Gandhi Foundation had written a preventive letter to the Navi Mumbai police seeking preventative measures.

Besides over the past few months some FIRs have also been recorded by the Maharashtra police in some districts though no records of arrests have been made public. These include:

1. FIRs against BJP MLA T Raja Singh from Telangana

- FIR registered by Dadar police station under IPC section 153A (a) on March 27, 2023 for speech given by Singh in Mumbai, Maharashtra on January 29
- FIR registered by Kranti Chowk police station under IPC section 153A (a) on March 20, 2023 for speech given by Singh in Aurangabad, Maharashtra on March 19
- FIR registered by Ahmednagar district police under IPC sections 295, 504 and 506 on March 15, 2023 for speech given by Singh in Srirampur, Maharashtra
- FIR registered by Shivaji Nagar police station under IPC sections 153A (a), 153B, 295A, and 505 on February 27, 2023 for speech given by Singh in Latur, Maharashtra

2. FIRs against Kajal Hindustani

- FIR registered by Mira-road police station under IPC section 153A (a) and 505 on April 24, 2023 for speech given by Hindusthani in Mira Road, Mumbai, Maharashtra on March 12
- FIR registered by Vashi police station under IPC section 153A (a), 153B, 295A, and 505 on April 24, 2023 for speech given by Hindusthani in Mira Road, Mumbai, Maharashtra on February 26

3. FIR against Kalicharan Maharaj

- FIR registered by Baramati city police station under IPC section 153A (a) and 505(2) on April 28, 2023 for speech given by Kalicharan in Pune, Maharashtra on February 9

It can be clearly deduced from the provocative and instigating statements made by the speakers at this event that these attract penal provisions of Indian law. The law and directives of the Hon'ble Supreme Court require that in the case of such speeches, wherein religious minorities of our country are being attacked and sentiments that have the potential to disrupt social peace and cause violence and harm to marginalized sections, the police needs to act and act promptly.

A sense of anger and fear are both being provoked by the Hindu Janajagruti Samiti. In light of this, the Police may invoke any other sections of IPC or provisions of any other relevant law against the speakers, in addition to the ones mentioned above, as they may deem fit and necessary in this case. We urge you to take cognizance of the videos enclosed herewith, register a case against the perpetrator identified and arrest them for the cognizable offences.

Sir, if the wider public is kept abreast of developments, this would go a long way in re building faith and confidence in the rule of law in general and a police-citizen relationship in particular.

Sir, do note that we are sending this complaint, on which we urge you to register an FIR by email, registered post and thereafter will be handing it over through a joint delegation in person.

In anticipation of prompt and early action,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

List of Annexures:

Annexure A: A copy of the Supreme Court order dated April 28, 2023

Annexure B: A copy of the Supreme Court order dated October 21, 2022

Annexure C: A copy of the Supreme Court order dated February 3, 2023

Annexure D: A copy of the video downloaded from Twitter dated May 1, 2023

Annexure E: Marathi transcript of the speech given by the speakers at the HJS event

Annexure F: A copy of CJP pre-emptive memorandum sent to the police dated March 24, 2023