



May 19, 2023

To,

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Subject: Complaint against hate speech made by Suresh Chavhanke at an event organised by the Rashtriya Sri Ram Sangh (SRS) in Shrirampur

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 Suresh Chavhanke during a Hindu Hunkar Dharam Sabha event organised by the Rashtriya Sri Ram Sangh (SRS) in Shrirampur, Maharashtra on May 14, 2023. The video for the said event has been accessed by us on May 15, 2023.

Speaking at the platform provided by the controversial Rashtriya Sri Ram Sangh, which is known for organising events that further the cause of social disharmony, Suresh Chavhanke was the key participant in the said event. In his speech, he espoused a hard, right-wing, exclusionist ideology, and was seen and heard making incendiary and inciteful statements through which he had targeted the Muslim community of our country. Notably, this the **second big event organised** by the said outfit in Shrirampur this year, the first one being the March 10 hate event, wherein Telangana BJP MLA and Hindutva leader T. Raja Singh had been invited, who had delivered a hate speech targeting the Muslim community. Singh had peddled conspiracy theories against Muslims and had even motivated his audience to commit violence. It is also pertinent to note that based on the said speech, the Ahmednagar district police had also booked Singh under sections 295, 504 and 506 of the IPC.

In the current event, Chavhanke has used the birth anniversary of Sambhaji Maharaj, a Maratha king, to spread communal hatred by making misinformed, provocative and offensive claims against the

minority community, its history and their culture. We would like to bring your attention to this instigating speech, urging you to take stringent action against the speakers, the outfit that is active in the Shrirampur area and the organisers of the event, 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. We are also sure that you are aware that the Hon'ble Supreme Court of India is presently hearing a series of petitions on the issue of hate speech and at recent hearings of an ongoing matter sharp guidelines have been laid down for preventive action and prosecution of hate speech.

Sir, it is important to note that in the said speech, he has not only targeted the Muslim community, but has also boasted about the fact that even though he has a large number of FIRs filed against him, no one has the audacity to take any "real" action against him. He has hinted that he enjoys political protection of the highest in the state and union governments. This brazen show of defiance and impunity by Chavhanke promotes a culture of violence and fearlessness in our state which is governed by laws.

While we are making this complaint against Chavhanke based on the video accessed by us, we are also underlining the fact that even more derogatory comments might have been made by Chavhanke that we have not provided in our transcript. In reference to that, we are highlighting the law laid down in the Bombay Police Act and the Code of Criminal Procedure (CRPC) *as also underlined in recent orders of the Hon'ble Supreme Court*, that the police is required to videograph all such meetings and events. We are also aware that the police *is in fact doing so, that is video recording such events*. Hence, since it is more than likely that the speaker present in the said event would have delivered and made more derogatory, anti-Muslim and offensive statements hate speeches, with the aim of causing social disharmony and stigmatizing one section of our population, the police examines their complete recordings of the said event in addition to our transcript. Such unchecked hate speech also works to instigate people against the Muslim community. We are aware, as mentioned before, that every programme that is organised by such hate speakers, the video of the said event is recorded by the police. Based on the same, it is essential that if any other participants were also present at the function, they are also identified and action is taken against this hate event and their organisers, not just the one identified in this complaint.

Sir, we are sure you are aware of sharp strictures passed by the Hon'ble Supreme Court of India in an ongoing 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.

Sir, we especially want to point to two recent Supreme Court order of **April 28 and February 3, 2023** and other orders on the issue of hate speech where prompt and urgent preventive action and

prosecution of offenders has been directed. Sir, it is critical that the police authorities also investigate the history of the organisation, Rashtriya Sri Ram Sangh, which is particularly active in your area, and the previous record of individuals who speak under its banner and the banner of other similar outfits, inter-changeably. Such gatherings where in-egalitarian, divisive and stigmatising speeches are made and words are uttered and, at which, 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.

We also urge that yourself, as the jurisdictional officer in charge of the Srirampur police station takes cognisance of the circulars of the Maharashtra government issued since February 2023.

Circulars issued by DGP Maharashtra in February 2023 and May 2023 urging strict action on Hate Speech

In Circular No. DGP 20/ Petition No.940/ 2022/54.2023. issued by Dr Suhas Warke,(Spl. Inspector General of Police (L&O) for The Director General of Police M.S., Mumbai), dated February 2, 2023, the Supreme Court order dated January 13, 2023 has been highlighted where the court had asked the police to ensure that as and when any speech which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC take place, suo moto action is taken if no complaint is forthcoming.

The circular had directed all Unit Commanders to follow the Supreme Court order.

A copy of the Circular dated February 2, 2023 has been marked and annexed hereto as Annexure A

The Circular No. DGP/20/Petition No. 940-2022/54/2023 issued by Dr Suhas Warke,(Spl. Inspector General of Police (L&O) for The Director General of Police M.S., Mumbai), dated April 3, 2023, entails “measures to be taken to maintain law and order due to agitations, morchas, speeches etc.”

It gives detailed instructions on what steps are to be taken when any morchas are to be held:

2. All the Unit Commanders should hold a meeting with the concerned organizers before such a morcha and fix the route of the morcha with appropriate terms and condition. A combined meeting of all social groups should be taken to convey clearly to all that they should maintain peace and keep law and order during the morcha. Preventive action against Anti-social elements should be taken. Those elements who help in maintaining peace and harmony should be encouraged. Audio Video recording of the morcha should be done. Police Head Quarters should ensure adequate supply of equipments, like Lathi, Helmets, etc. to police men deployed for morcha bandobast. If any law and order situation arises, offences should be registered immediately and arrest should be made. Intelligence machinery should be activated to collect advance information about morcha, agitation and efforts should be made to pre-empt any communal incidents.

A copy of the Circular dated April 3, 2023 has been marked and annexed hereto as Annexure B

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

On April 28, 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 motu action against hate speech cases) to **all States and Union Territories**.

So now, all States/UTs, including Maharashtra, are enjoined and bound to take suo motu 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 motu 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 scrutinised 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 speech that violate both the Supreme Court’s Orders and Indian Criminal Law. (Penal provisions from the Indian Penal Code-IPC) listed below).

Rashtriya Sri Ram Sangh has had a history of inviting serial hate speakers to deliver hate speeches in the Shrirampur area. The agenda behind organising 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 organisation and the “principles” that they stand for. This is it essential that the organisers of the said event are also **charged and prosecuted.**

The speech made by Suresh Chavhanke during the May 14, 2023 event containing statements that violate the law and must be prosecuted:

“Your voice would not have even been heard by the *miya* living next door. Bhagyanagar, whom people refer to as Hyderabad, the traitors living there should be able to hear your voice.”

“There are certain lions amongst us who get influenced by the pigs. Those are the ones who will dial the number 112 to save their sisters if any pig looks at them with bad intentions, but I would not dial that number, but would rather close the eyes that look at my sister in that way.”

“This is a challenge to our masculinity, if the statue of Chhatrapati Shivaji Maharaj is not constructed because a mosque stands opposite to it. In such a scenario, we need to understand what stands in front of us.”

“A few Muslims got upset with me, a Muslim minister told me a few days ago that they are upset with me. When I asked him the reason behind it, he said that he was upset with me because I used the word *l***a* (anti-Muslim slur). Tell me, he got upset over the fact that I called Aurangzeb a *l***a*. If I don’t call Aurangzeb a *l***a*, then whom should I call a *l***a*? This word is there today as it is in use, otherwise there are so many words that have gone extinct by now. Till the time this community considers Aurangzeb as their father, this word will be used by us no matter what anyone does.”

“These *urus* (literal meaning wedding are festivities or commemorations at durgahs held during death anniversary of a Sufi saint, usually held at the saint’s shrine or tomb) are taken out, who given them the permission? And on the birth date of Chhatrapati Shivaji, we cannot take out a Shobha Yatra. Next time, you prepare to take a procession out in the whole of Shrirampur, I will take care of the law and the required permissions.”

“There are 1826 FIRs filed against me, even Dawood did not have so many FIRs against him. Recently, Atiq Ahmed was killed in UP, and the news was showing the number of FIRs filed against Atiq, his children, his wives and his entire family. After this news came out, a law minister called me and said, that the total number of FIRs filed against Atiq and his whole family were 180, which constitutes a mere 10% of the total FIRs against me.”

“All these FIRs against me were not filed for any personal crime done by me, they were filed for raising my voice for the betterment of the Hindus. I just want to tell you that I will keep raising my voice for Hindus even if the number of FIRs against me reaches 18000 from the current 1800.”

“Even though FIRs have been filed, no one has had the audacity to file a charge sheet against me. The authorities of Shrirampur can also file an FIR against me, I don’t care, but let them know that I have come here after 6-7 years, and if they file an FIR, I will come here every day. You know, the chief minister of every state tells the authorities to file an FIR against me because they are under pressure, but they also tell them to not take it further as if a trial if started, I will come to that place every month and give more hate speeches. So, even the ministers think that it is better that I come once in every few years. So do not be scared.”

“I think, even the Maharashtra government needs a bulldozer now. So, I, on the behalf of Sudarshan TV, will be gifting a bulldozer to Shinde for Shirampur.”

The crowd can be then heard shouting, ‘Jai Shree Ram’. Only of the crowd member says ‘You keep going forward, we are with you. To which, Chavhanke asks ‘Till when are you going to be by my side?’ The audience member then replies and says, ‘till we die.’

Replying to this, Chavhanke says, “No, we are not going to die. We are going to kill *Adharmis*.”

“Aurangzeb- *darinda, kamina, namak baram*— sometimes when I speak about Aurangzeb this way, some people get upset as if Aurangzeb is their own grandfather. If we won’t speak badly about Aurangzeb, then will we speak about them? If we go and throw a shoe at the shrine of Aurangzeb every day, we will get blessings.”

“Aurangzeb even put his own father in jail, to gain the seat of Delhi and Agra, and to become the ruler of Maharashtra, he put his own father in jail. He even broke the neck of his own brothers, and for what? For the seat. He even captured his own son.”

“Aurangzeb would not even give water to his own father. Aurangzeb’s father, Shah Jahan, would say that the Hindu community is better than his own son. When the ancestors of Hindus die, they perform rituals for 15 days, and remember them for thousands of years, pay their respects and feed food. I want to ask the Indian Muslims- are you really happy and proud to be called as the ancestors of this man?”

“They made a *mazhar* inside the temple of Lord Narad Muni. Is this not humiliating for us? Only Sagar was the one who had showed courage, entered the temple and demolished the Mazhar. He was the one who had said that this *mazhar* will not stand here.”

“I want to tell the Maharashtra government to investigate whether a body is actually present inside these *mazhars* or not, as we have unveiled this new corruption and betrayal. In Haryana, there is this *mazhar*. I do not want to take any names, but all of you are aware that in Haryana, there exists one franchise of *mazhars*, where 150 *mazhars* exists of one name. I asked the authorities is one person has been cut into 150 pieces and then these *mazhars* have been build, or what is the case? We only know of one tradition of cutting these people have (referring to circumcision), then who is present at these 150 places?”

A copy of the video downloaded from Twitter dated May 15, 2023 has been attached and annexed as Annexure D

Throughout this speech, the speaker has not minced his words, and has clearly incited the crowd, and sections of Hindus, against the Muslim community by bringing in manipulated and distorted versions of history and twisting facts. Chavhanke has in this speech furthered the majoritarian Hindutva project: he has relentlessly fabricated facts and history, and then perpetuated the said lie by means of shouting anti-Muslim slurs, and targeting Aurangzeb for “every broken tile in a temple”. It is pertinent to note, that in addition to humiliating and attacking the Muslim community, causing mental and physical harm, Chavhanke has also mocked and belittled the police force of Maharashtra as well as the ministers and executives of state. He has implied that even the Chief Ministers of certain states are not interested in launching a criminal prosecution against him based on the belated consequential FIRs registered against him in certain cases, under relatively modest sections of the Indian Penal Code (IPC).

At one point in his speech, Chavhanke compared the number of FIRs filed against him with the ones against the whole family of Atiq Ahmed, who was murdered extra judicially in the state of Uttar Pradesh last month, saying that Chavhanke’s FIR are 10 times more in number. He also reiterates that even though more than 1800 FIRs have been registered against him, no one has yet dared to file a charge sheet in the case. As recently as May 2023, an FIR had been filed against Chavhanke in the Jalgaon district of Maharashtra, for delivering a hate speech in December. However, the police’s unwillingness, till now, to take any action in furtherance to the filing of the FIR against the serial hate speaker has given him courage to speak such words. In the face of such impunity, the shamelessness of Chavhanke have now reached such heights that he openly issued a threat to the police authorities that if an FIR is filed against him in Shrirampur, he will be coming to the district on a monthly basis to deliver a hate speech.

Sir, it is quite clear that Suresh Chavhanke has no fear of the law and the law enforcement authorities, or the judiciary, the judges, and their orders. He has openly taunted the police authorities. It is essential that an example is set in this case, and the police makes it their goal to take fast-tracked action against him. In the speech above, it is apparent that Chavhanke uses clear words and issues clear threats to use force and violence against the minorities, especially the Muslim minority, all in the name of a Hindu Rashtra. It has become crucial that a step more stringent than just filing of the FIR is done by the police, and that stringent action be taken against Chavhanke, holding him responsible for the inflammatory statements made by him, as well as the misinformation spread by him. Sir, 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 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.

Penal implications

Such statements are bound to impact on the public atmosphere, heighten social tensions, 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:

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

109- Abetment

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

Measures that Police is statutorily bound to take when Speakers & Organisers have a record of 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 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 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 criminalises written or spoken words. Further, criminalisation 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 organised 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.

It can be clearly deduced from the provocative and instigating statements made by the speaker at this event that religious minorities of our country are being attacked to establish a nation for Hindus, and anti-Muslim sentiments among the people are being instilled by the Sakal Hindu Samaj. In light of this, the Police may invoke any other sections of IPC or provisions of any other relevant law against the speakers and the organisers, in addition to the ones mentioned above, as they may deem fit and necessary in this case.

A total of ten FIRs have been filed against hate offenders in Maharashtra since December 2022, namely BJP MLA T. Raja Singh, Kajal Hindusthani, Kalicharan Maharaj and Suresh Chavhanke. The latest FIR has been filed against Kalicharan Maharaj, by the Sillod rural police station of Aurangabad rural. In the said FIR, in addition to Kalicharan Maharaj, the organisers as well as the ones who had obtained permission for the event, have also been booked.

Therefore, we urge you to take cognizance of the video enclosed herewith, register a case against the perpetrators identified as well as the organiser, and arrest them for the cognizable offences. 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, by email and registered post, 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,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

List of Annexures:

Annexure A: A copy of the Circular dated February 2, 2023

Annexure B: A copy of the Circular dated April 3, 2023

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

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

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

Annexure F: A copy of the video downloaded from Twitter dated May 15, 2023