



May 26, 2023

To,

Shri Iqbal Singh Lalpura

Hon'ble Chairperson

National Commission for Minorities

Government of India 3rd 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 serial hate offender Kalicharan for his repeated Islamophobic and hate-filled speeches in Maharashtra

Respected Sirs,

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 speeches delivered by Kalicharan Maharaj, alias Abhijit Dhananjay Sarag across Maharashtra from February 2023 to March 2023. As a part of our rigorous Hate Watch campaign, we have been diligently maintaining a record of the hate speeches being made by him on public platforms.

Kalicharan, a so-called religious leader, espouses a hard, right-wing, exclusionist ideology, and can be seen delivering incendiary and inciteful speeches through which he has targeted the religious minorities of our country, especially the Muslim community. In his speeches, videos 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 videos, urging you to take stringent action against the perpetrator, since 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.

1. Nanded – April 9

The excerpts of the speech made by him at Nanded on April 9, 2023 are as follows:

“When police raid madrassas and mosques, they find RDX, guns. Let them raid your temples, they will find small trishuls of gold and silver which can’t even be used to but vegetables”

“100 percent of the riots around are caused by Muslims”

“The one who eats cows and the one who worships the cow cannot become brothers. What is this nonsense Hindu Muslim Bhai-bhai.”

“Remember Abdul loves his goat. Feeds him cashews, almond and on Eid, he slaughters it. Abdul loves you also. All Muslims are Hindu converts but then they are brainwashed at madrasas.”

“All Muslim here (in this country) are all converted from Hinduism.”

“For all Muslims, non-Muslims are kafir. Kafir means who does not believe in Allah and Quran. And it’s an order in Islam to kill Kafirs”

“5 lakh women were gang raped and were killed by machine gun. Girija Tickoo was gang raped and cut.”

“All terrorists are Muslims. Show me at least one Non-Muslim who is a terrorist. Have you seen pictures of terrorists on internet? In one hand there is Quran and the other hand AK-47”

“There is only one solution- to have a king like Yogi (Adityanath) in every state.”

“5 crores Rohingya have entered India. Should they be thrown out? (Audience responds yes) Should CAA-NRC be implemented (yes) should there be a law against Love-jihad? Should Bharat become Hindu Rashtra” (exuberant response by the audience)

He was also heard advocating for violence against Muslims and calling them “*traitors and terrorist*” and making ill-informed and controversial claims about the Quran. The crowd can be heard cheering and whistling to his claims. An FIR was registered for the speech at the Biloli police station on April 13, 2023.

The video uploaded on Twitter dated April 10, 2023 is marked and annexed hereto as Annexure A

2. Maharashtra (unknown location) – April 5

At another event on April 5, 2023 organized by Sakal Hindu Samaj, Kalicharan can be seen and heard saying that *“The violence done for protection of religion is the highest moral virtue. That’s why all our gods and goddesses are violent. For protecting the society, religion and nation, killing is not a sin. If the intention is to protect religion and nation.”*

He then questions the audience and asks them if the army and police are wrong for killing people to which they say no. He adds, *“it is important to kill for the protection of religion. ‘Ahimsa Parmo Dharma’ should not be told to the Police and army. If rapists and other criminals are dealt with softly by them, will it be fine? Those who kill the demons of the society, they are real Hindus and this principle of Hindutva is followed by the police.”*

The video uploaded on Twitter dated April 9, 2023 is marked and annexed hereto as Annexure B

3. Udgir- March 24

At an event at Udgir, Latur, Maharashtra, organized by the Hindu Dharam Sabha on March 24, 2023, Kalicharan made a claim that 5 crore (50 million) Rohingyas are residing in India. This claim is baseless and untrue because the worldwide population of Rohingyas is approximately 3 million.

Here are some extracts of the speech:

“In madrassas they are taught to be anti-Hindu. Islamic jihad is a big problem in India because the ones dividing India are Muslims. Whenever India has been divided it has been done by Muslims. It is their plan to make India into a Muslim nation. They call it Gazwa-e-Hind. Around 5 crore Rohingya refugees entered India. This is an official figure and official figures are always less. When police raid Madrassas, sword, RDX, AK-47, are found. Haven’t you read this in newspapers? Do such things get recovered from temples? You will get small swords which cannot be used to even cut vegetables.”

He further said,

“All the gods and goddesses we worship are violent. What does Hanuman wield? (audience: Gada, meaning mace), What does Sri Ram wield? (Audience: Bow and arrow), what is this for? (audience: for killing). Is it for aiming at effigies in fun fairs? It is for killing evil. Lord Ram had taken an oath that I will free this world of all evil. Do you speak softly to evil/monsters? Police kill criminals for us right? Army men kill Pakistanis for us right? Sri Krishna killed 125 crore.”

The video uploaded on Twitter dated April 5, 2023 is marked and annexed hereto as Annexure C

4. Baramati- February 9

At an event on February 9, 2023 organized by the Hindu Jagarjana Morcha, at Baramati, Pune Kalicharan made the claim that Muslims want to convert everyone because according to them, those who are not Muslims are kaafirs and it is written in the Quran that you should kill a kaafir. He adds, *“wives of kaafirs are stolen property and one woman being raped by 50 men is not a big deal.”*

He further said,

“Until Muslims are few in number, there is bhaichara (brotherhood). Once they increase in numbers they will kill these brothers. This is what happened in Kashmir. They want to establish Gazwa-e-hind and they have succeeded halfway because they made Iran, Afghanistan, Pakistan into Muslim countries and killed all the Hindus there. At the time of independence, Dalit leader Jogendranath Mandal was told by Dr BR Ambedkar that just because you hate Savarnas do not trust Muslims and go to Pakistan. But he did not listen and went to Pakistan where he was made the Law Minister and in the next 5-6 years all Hindus were killed”.

The video uploaded on Twitter dated February 14, 2023 is marked and annexed hereto as Annexure D

5. Nandurbar- February 6

At an event organized by Vishwa Hindu Parishad at Nandurbar, Maharashtra on February 6, 2023 Kalicharan makes a claim that 30 years ago, 5 lakh women were raped in Kashmir. He also stated that, *“Muslims are prepared. When mosques and Madrassas are raided, swords, AK-47 and RDX are recovered. If temples are raided are any guns or swords ever recovered?”* He then goes on to make a baseless claim that Qutubuddin destroyed the Kashi Vishweshwar temple, urinated on a shivling and built a mosque there.

He also said, “Muslims are prepared. When mosques and Madrassas are raided, swords, AK-47 and RDX are recovered. If temples are raided are any guns or swords ever recovered?” He then went on to make wild and baseless claims that in Kashmir about 30 years ago, 5 lakh women were gang raped. He said if we are not prepared, this will become Kashmir. He then said that lakhs of temples were destroyed and Qutubuddin destroyed Kashi Vishweshwar temple and urinated on the shivling and built a mosque there. He went on to distort history by claiming Muslim kings destroyed many temples across India to build mosques.

The video uploaded on Twitter dated February 15, 2023 is marked and annexed hereto as Annexure E

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.

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 mindset 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 hatred and distrust against vulnerable and marginalized 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 whistled to!

The motive behind his baseless and misinformed claims is to ingrain the concepts of ‘land jihad’, religious conversions, Muslims being invaders and outsiders to India, and they have historically disrespected Hindu Gods and women in the minds of the people. This conspiracy theory of the impending threat to Hindus in India" has always been a sub-text for communal discourse. He tries to normalize killing the Muslims by saying that “when it is justified for the police and army to kill those in the wrong then why would it be wrong if the Hindus do it?”

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 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.

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.

CJP’s complaints to other authorities against Kalicharan Maharaj

It is pertinent to note that this is not the first time that Kalicharan has made troubling claims and Islamophobic comments. CJP has been actively reaching out to district and state authorities as well with respect to taking action against Kalicharan. On December 28, 2022, we had also filed a complaint to the NCM regarding his speech made on December 14, 2022 after he had made derogatory statements, spewed hate against the Muslims and made strange claims at a protest titled the Hindu Jan Aakrosh Morcha, organised by a Hindu right-wing extremist outfit, Sakal Hindu Samaj, in Ahmednagar, Maharashtra.

In the said speech, Kalicharan had alleged that “40,000 cases of love jihad take place 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.” He then claimed that such a girl under the black magic of “Love-Jihad” can be cured by “Taking a tooth of a pig and soaking it in water overnight, and in the morning give that water to the girl to drink.”

In another instance, anticipating Kalicharan’s patterns, we had written a pre-emptive complaint to DGP, Maharashtra as well as the SP (rural Pune) and Deputy SP (rural Pune), anticipating the hate speeches that will be delivered by him at Baramati. Notably, the Hindu Jangarjana Morcha event organized by Sakal Hindu Samaj had allowed to be held on the said date and Kalicharan Maharaj had delivered an anti-Muslim hate speech.

It is especially perturbing that even after rigorously complaining to various authorities, hate offenders like Kalicharan Maharaj are able to deliver hate speeches in the state of Maharashtra. Kalicharan Maharaj tops all the hate speeches that took place in Maharashtra, and has given the maximum number of hate speeches in Maharashtra under various banners such as Sakal Hindu Samaj, VHP, Bajrang, and Sri Ram Pratishthan, all of which propagate an extremist and divisive ideology.

Ongoing FIRs against Kalicharan

The details of FIRs filed against Kalicharan:

S. No.	Name of the offender	District	FIR date	Police station at which FIR	Sections
1	Kalicharan Maharaj	Nanded (Biloli) Date: April 9, 2023	April 13, 2023	Biloli Police station	FIR registered under 153 A, 295 A and 505 (2)

2	Kalicharan Maharaj	Pune Date: February 9	April 28, 2023	Baramati city police station	FIR under IPC section 153A (a) and 505(2)
3	Kalicharan Maharaj	Aurangabad Date: May 13	May 16, 2023	Sillod rural police station	FIR registered under sections of the IPC, including 295 A, 153 A, 505 (2), 109 and 188

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 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:

Indian Penal Code:

153- Wantonly giving provocation with intent to cause riot—if rioting be committed—if not committed

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

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 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.” (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 the *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.”

Under the International Law:

Article 20 (2) of International Covenant on Civil and Political Rights (ICCPR) states “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” India has both signed and ratified the Convention, making it a binding piece of document.

Article 4(a) of International Convention on the Elimination of All Forms of Discrimination, which is both signed and ratified by India states,

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.



Prayers

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, at CJP, thus urge this Hon'ble Commission to:

1. Take cognisance of this complaint under section 9(1)(d) of the National Commission for Minorities Act, 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.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary



Annexures:

Annexure A- Video uploaded on Twitter dated April 10, 2023

Annexure B- Video uploaded on Twitter dated April 9, 2023

Annexure C- Video uploaded on Twitter dated April 5, 2023

Annexure D- Video uploaded on Twitter dated February 14, 2023

Annexure E- Video uploaded on Twitter dated February 15, 2023