



Date: August 18, 2023

To,

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Subject- Complaint against multiple hate speeches made by Suresh Chavhanke at various events in the month of July, 2023.

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 Suresh Chavhanke on five occasions in the month of July 2023.

Suresh Chavhanke's repeated spewing of hate speeches is deeply problematic for several reasons, and it has significant negative implications for society as a whole. Chavhanke has a history of delivering hate speeches and promoting divisive narratives.

Suresh Chavhanke is a controversial figure who serves as the Chairman and Editor-in-Chief of Sudarshan News, a right-wing media outlet in India. Chavhanke's rhetoric, has been consistently divisive and inflammatory, often targeting Muslims, mosques, and other minority communities. His actions and words reflect a pattern of promoting bigotry, misinformation, and religious polarization, which can have harmful consequences for social harmony and the overall well-being of society.

Hate speeches, by their very nature, aim to create animosity and hostility between different communities. Chavhanke's speeches target Muslims and other minority groups, fostering a climate of fear, mistrust, and division among different sections of society. This has led to increased tensions, violence, and social disharmony. He has faced legal action in the past for promoting religious enmity through his program "*Bindas Bol*." This show focused on linking certain communities, like the town of Sambhal, to terrorism. Additionally, Chavhanke has been criticized for releasing content that targets specific groups, such as Muslim students who

succeed in civil service exams, which has led to backlash from educational institutions and the public.

Chavhanke's speeches often rely on baseless claims, conspiracy theories, and misinformation. When influential figures like him spread false narratives about religious practices, institutions, or communities, it can lead to the acceptance of inaccurate information as truth. This erodes the ability to have informed and constructive conversations, while also spreading hate to against one community which is a minority and in turn causes violence.

Through this complaint, we wish to bring your attention to the consistent nature of Suresh Chavhanke's hate speeches and how it has a dire impact on the society as a whole. His communal diatribe and divisive ideology have the potential to incite violence against minority communities, making them vulnerable to marginalization, harassment, and assault.

Below are the five occasions in which hate speech was spewed by Chavhanke in multiple states of India. All these incidents have been reported in the month of July 2023.

1. Varanasi, Uttar Pradesh.

The video uploaded by Hindutva Watch on August 1 on X (formerly known as Twitter) shows Chavhanke making concerning statements. In the video, he can be seen implying that if judges do not adhere to certain "rules" in the Gyanvapi petition, there are individuals who are prepared to convert the Muslim place of worship into a temple. The "rules" he refers to pertain to the conversion of the Gyanvapi mosque into a temple, which clearly reflects a contentious, inciting and polarizing sentiment.

Furthermore, Chavhanke erroneously claims that approximately 4,50,000 Muslim places of worship have been constructed atop temples. He then proceeds to rally the crowd, spreading anti-Muslim sentiments, and urge them to assist in the conversion of these Muslim places of worship into temples.

These statements are deeply problematic for several reasons:

a. Incitement of Violence:

By suggesting that there are individuals ready to take matters into their own hands if judicial decisions do not align with their preferences, Chavhanke effectively promotes a culture of violence and vigilantism. This not only disregards the rule of law but also incites individuals to take actions that could lead to unrest and conflict.

b. Spreading False Claims:

Chavhanke's assertion that a vast number of Muslim places of worship have been built over temples is unsubstantiated and contributes to the spread of misinformation. Such false narratives can fuel animosity and resentment among communities, ultimately eroding social cohesion.

c. Religious Polarization:

Chavhanke's call for the conversion of Muslim places of worship into temples plays into a narrative of religious polarization and communal tension. Encouraging the conversion of religious sites is likely to ignite conflicts and disturb the delicate balance between different religious groups.

d. Undermining Legal Processes:

By implying that adherence to certain "rules" should supersede the established legal processes, he diminishes the importance of a fair and just legal system. This rhetoric can undermine trust in the judiciary and the democratic institutions that uphold the rule of law.

In conclusion, Suresh Chavhanke's statements in the video are not only factually incorrect but also promote a dangerous mind-set that condones violence, spreads misinformation, and fosters religious division. Such rhetoric has the potential to incite real-world conflict, damage inter community relationships, and undermine the foundations of a harmonious and diverse society. It is imperative to address and counter such speech in order to uphold the principles of peaceful coexistence and mutual respect.

The link to the video accessed

<https://twitter.com/HindutvaWatchIn/status/1686258730566832128>

2. Kopergaon, Maharashtra

This video was posted by Hindutva watch on July 21. In the said video, Chavhanke has mocked Islamic religious practices, particularly Namaz and the phrase "*Allah hu Akhbar*," while promoting the Hindu religious chant "*Har Har Mahadev*." In the speech, Chavhanke also issued a warning to the Maharashtra government, stating that if loudspeakers for Namaz at Mosques are not banned, Hindus will use their own speakers to chant religious slogans. Chavhanke also spread conspiracy theories about Madrassas in Maharashtra, making unsubstantiated claims about their alleged role in terrorism and promoting extremist ideologies. By alleging that Madrassas teach Muslims to view non-Muslims as "*Kaafir*" and inciting violence against them, Chavhanke's speech further fuels animosity and distrust between religious communities. Chavhanke has further made a call to stop referring to Muslims as a minority in India, disregarding the actual demographic reality and implies that they should not be granted the rights and protections that minorities are entitled to. Though his speech, Chavhanke has again stirred the conspiracy of "spit jihad", asserting that Muslim traders apply their saliva to vegetables before selling them, without any evidence. It is essential to note that such peddling of conspiracies have a huge impact on Muslim businesses and portray them in a suspicious and contentious light. Chavhanke's claim that all mosques in Maharashtra were built upon demolished temples not only lacks historical accuracy but also incites animosity towards religious institutions.

These statements are problematic for the following reasons

- a. Mocking Religious Practices: This type of rhetoric is divisive and disrespectful, undermining the spirit of mutual understanding and respect among different faiths.
- b. Incitement to Banning Loudspeakers at Mosques: Such remarks encourage a confrontational attitude and can lead to communal tension.
- c. Spread of Conspiracy Theories about Madrassas: Such misinformation can lead to unfounded fear and distrust within society. This type of rhetoric fosters animosity between religious communities and can potentially incite acts of discrimination and hostility.

- d. Disregard for Minority Status: Such statements undermine the principles of inclusivity and equal treatment.
- e. Promotion of Baseless Stereotypes: Such misinformation perpetuates negative perceptions and harms minority-owned businesses.
- f. Historically Inaccurate Claims about Mosques: This type of rhetoric can incite religious tensions and violence.

It is crucial to recognise that Chavhanke's hate speech and incendiary rhetoric have the potential to incite violence, deepen divisions among communities, and erode the fabric of our society. Immediate action is imperative to address this matter and prevent the escalation of communal tensions.

The link to the video

<https://twitter.com/HindutvaWatchIn/status/1682258371817140226>

3. Greater Noida, Uttar Pradesh.

In a speech posted by Hindutva Watch on July 16, 2023 on X, Suresh Chavhanke made several concerning statements that warrant attention and concern. The following is a summary of the content of his speech:

- a. Unsubstantiated Claims about Mosques: Chavhanke alleged that there are 4,00,000 mosques across the country that have been constructed over temples, without providing any credible evidence to support this claim.
- b. Incitement to Action: During his speech, Chavhanke asked the crowd whether these alleged temples that have been converted into mosques should be "freed." The enthusiastic response from the crowd could be heard, indicating potential incitement to action.
- c. Promotion of Religious Supremacy: Chavhanke declared that India was, is, and will become a Hindu nation. He promoted the idea of religious supremacy, suggesting that one particular faith should hold a dominant position in the country.
- d. Incitement of Nationalistic Sentiments: He urged the crowd to actively work towards making India a Hindu nation. This call to action promotes a divisive agenda that could marginalize minority communities and create an environment of exclusion.
- e. Mischaracterization of Legal Process: Chavhanke stated that his assertion about making India a Hindu nation was not hate speech but rather "thought speech." He claimed that he faced legal action in Delhi for this statement, implying that his speech should not be considered as a form of hate speech.
- f. Defiance of Authority: Despite being asked by the Supreme Court to retract his claim, he defiantly asserted that he would rather hang to death than take back his statement. This demonstrated a disregard for the authority of the highest judicial institution and a willingness to challenge legal mandates.

Problematic Aspects of the Speech:

Suresh Chavhanke's speech raises significant concerns due to the following reasons:

- a. Spreading Unsubstantiated Claims: Alleging that mosques have been constructed over temples without providing credible evidence contributes to the spread of misinformation, which can lead to communal tensions and mistrust among religious communities.
- b. Incitement to Action: Chavhanke's call to the crowd to "free" the alleged temples that have been converted into mosques can incite individuals to take the law into their own hands, potentially leading to violence and social unrest.
- c. Promotion of Religious Supremacy: Declaring India as a Hindu nation and advocating for religious supremacy undermines the principles of secularism, equality, and inclusivity enshrined in our constitution.
- d. Fostering Divisiveness: Encouraging the crowd to actively work towards making India a Hindu nation exacerbates divisions among religious communities and fosters an environment of exclusion and discrimination. It also goes against the secular essence imbibed and promoted by the Constitution of India.
- e. Misrepresentation of Legal Process: Mischaracterizing his statement as "thought speech" rather than hate speech undermines the credibility of legal proceedings and can encourage others to defy legal mandates.
- f. Defiance of Judicial Authority: Chavhanke's complete refusal to comply with a directive from the Supreme Court demonstrates a disregard for the rule of law and undermines the authority of the judiciary.

In conclusion, Suresh Chavhanke's speech contains elements that perpetuate religious intolerance, misinformation, and incitement to action. Such rhetoric can lead to violence, deepen divisions among communities, and erode the social fabric of our nation. Immediate action is crucial to address these concerns and prevent the escalation of communal tensions.

The link to the video

<https://twitter.com/HindutvaWatchIn/status/1680446871867670528>

4. Jhansi, Madhya Pradesh.

During a public gathering in Jhansi, Suresh Chavhanke utilized his platform to deliver a speech laden with divisive rhetoric, promoting disinformation, and inciting hostility. This video was posted by Hindutva watch on the July 9, 2023. In his speech, Chavhanke claimed that religious shrines were being established deliberately at locations where significant Hindu landmarks exist. This assertion aimed to create a narrative of a threat to Hindu heritage, without providing credible evidence.

He further referred to the masjid at Krishna Bhumi as an "*apharan*" or theft, attempting to delegitimize the religious structure. Chavhanke asserted that the Red Fort's original name is "*Laal Koth*" and was constructed by Hindu kings. However, historical records do not support this claim, indicating an attempt to manipulate historical narratives. He insinuated that India's historical loss to the British in 1854 was due to alleged betrayal by Islamic leadership. This oversimplification of complex historical events assigned blame to a specific community.

Chavhanke made claims that Rohingya refugees had given birth to one lakh children by December 2019, perpetuating an unfounded narrative that paints refugees in a negative light.

Several problematic aspects of his speech include:

- a. Conspiracy Theories and Fear-Mongering: Chavhanke alleged that shrines are being erected at locations of significant Hindu landmarks, creating a false narrative of a threat to Hindu heritage. His claim that the masjid at Krishna Bhumi is an "apharan" or theft aimed to undermine the legitimacy of religious structures.
- b. Misrepresentation of Historical Facts: By asserting that the Red Fort was originally named "Laal Koth" and built by Hindu kings, Chavhanke propagated misleading historical information to support his narrative.
- c. Promoting Divisive Narratives: Chavhanke insinuated that India's loss to the British in 1854 was due to alleged betrayal by Islamic leadership, irresponsibly assigning blame to a specific community for historical events.
- d. Fear-Mongering and Misinformation About Rohingya: His claim that Rohingya refugees gave birth to one lakh children by December 2019 is a distortion of facts, painting refugees in a negative light and fostering unfounded fears.

Link to the video

<https://twitter.com/HindutvaWatchIn/status/1677186790468231169>

5. Ujjain, Madhya Pradesh.

In an event held in Ujjain, Suresh Chavhanke's speeches and the remarks of other speakers were filled with extremist rhetoric and hate speech targeting Muslims and their faith. This speech was posted by Hindutva watch on July 7, 2023. Speakers, including extremist monks, openly endorsed violent actions. One monk advocated for "Kar Seva", referring to the physical demolition of 250 mosques, promoting a dangerous attitude towards destruction. The event featured statements suggesting that if someone talked to a daughter, they should be burned alive. Derogatory references were made to "Asurs (demons)," perpetuating harmful stereotypes and divisive attitudes. Chavhanke asserted that India was, is, and will become a Hindu nation, ignoring the country's diverse religious fabric and endorsing a vision of religious exclusivity. The crowd's enthusiastic response to Chavhanke's claim of coining the term "Love Jihad" indicates the potential for his rhetoric to incite animosity and intolerance among communities.

Link to the video

<https://twitter.com/HindutvaWatchIn/status/1677186790468231169>

Urgency to take action against him

Taking urgent action against Suresh Chavhanke is imperative due to the multifaceted risks and potential consequences associated with his inflammatory speeches and divisive rhetoric. The urgency stems from the following factors:

1. Immediate Threat of Violence: Chavhanke's speeches often contain elements that can incite violence and hostility between communities. His emotive language and calls for actions like demolitions can quickly translate into real-world conflicts, endangering lives and property.
2. Amplification of Hostility: Chavhanke's speeches perpetuate stereotypes, misinformation, and false narratives about different religious groups. These narratives, when spread unchecked, can exacerbate existing prejudices and create an atmosphere of mistrust and animosity.
3. Erosion of Social Harmony: India's strength lies in its diverse cultural and religious landscape. Chavhanke's divisive rhetoric threatens to erode the delicate balance of social harmony that has been nurtured over generations.
4. Vulnerable Minority Communities: Chavhanke's targeted remarks can put minority communities at risk. By stigmatizing and demonizing these groups, he exposes them to potential discrimination, harassment, and even violence from individuals who may be influenced by his speeches.
5. Media Responsibility and Ethics: As a prominent media personality, Chavhanke wields substantial influence over his audience. However, his inflammatory rhetoric contradicts the principles of ethical journalism, as it spreads hate and misinformation rather than fostering understanding and dialogue.
6. Preventing Communal Clashes: Chavhanke's speeches can fuel communal clashes, further polarizing communities and causing instability. Swift action is essential to prevent the escalation of tensions that can lead to large-scale conflicts.
7. Upholding Rule of Law: Hate speech and the propagation of violence-inciting content are illegal and against the principles of a just society. Addressing Chavhanke's actions promptly sends a message that such behaviour will not be tolerated and reinforces the importance of adhering to legal and ethical standards.
8. Preserving National Unity: The unity of a diverse nation like India is a cornerstone of its strength. Chavhanke's divisive rhetoric threatens this unity and needs to be curbed to ensure that citizens from various backgrounds can coexist peacefully.
9. Long-Term Societal Impact: If left unchecked, Chavhanke's rhetoric can shape societal attitudes and perceptions for years to come. The impact of his words could hinder efforts to bridge divides and promote understanding in the future.
10. Media's Role in Shaping Public Opinion: Chavhanke's influential position in the media comes with a responsibility to contribute positively to public discourse. Failing to address his divisive rhetoric undermines the role of media in fostering informed and inclusive discussions.

Urgently addressing Suresh Chavhanke's actions is not just a matter of personal accountability; it's about safeguarding the fundamental values of unity, harmony, and tolerance that are vital for the well-being of India as a diverse and inclusive nation. Failure to act swiftly can lead to irreparable damage to social fabric and community relations.

Previous complaints by CJP against Suresh Chavhanke

1. **June 12, 2023:** CJP filed a complaint to the concerned authorities for the hate speech delivered by Suresh Chavhanke at an event organized by Sakal Hindu Samaj in Sangamner, Maharashtra. The speech demonized Muslims and sexualized Muslim women, urging them to marry Hindus.
2. **May 19, 2023:** CJP complained to Police Inspector Shrirampur and SP Ahmednagar about Chavhanke's hate speech at an event organized by Rashtriya Shri Ram Sangh. Chavhanke had used Chhatrapati Shivaji Maharaj in his instigating speech.
3. **February 6, 2023:** CJP filed a complaint to the Ahmednagar SP and the DGP of Maharashtra regarding Suresh Chavhanke's Islamophobic and hate-filled speech targeting the Supreme Court and the Delhi Police.
4. **September 2022:** CJP complained to the National Commission for Minorities about Suresh Chavhanke's Islamophobic remarks at a rally in Haryana.

The consistent efforts made by Citizens for Justice and Peace (CJP) to track and report the hate speeches of Suresh Chavhanke underscore the urgent need to address and curb the dangerous impact of their inflammatory rhetoric. The actions taken by CJP highlight the following crucial points:

1. **Comprehensive Documentation:** CJP has meticulously documented the hate speeches delivered by Suresh Chavhanke on various public platforms. This comprehensive record provides a clear view of the extent and severity of their divisive and inciteful statements.
2. **Systematic Spread of Hate:** Through their repeated complaints to authorities and regulatory bodies, CJP has highlighted the consistent pattern of hate speech perpetuated by these individuals. The numerous instances of hate speeches underscore the need for swift and stringent action to prevent further harm to social harmony and communal relations.
3. **Multiple Jurisdictions:** CJP's efforts span across multiple locations in Maharashtra, indicating that hate speech is not confined to a single area. This demonstrates that the issue is not isolated but rather a broader concern that needs immediate attention across the state.
4. **Diverse Platforms:** Suresh Chavhanke have used various platforms, including public events, social media, and religious gatherings, to spread their divisive rhetoric. CJP's documentation highlights the range of avenues through which these individuals are attempting to incite hatred and violence.
5. **Impact on Communities:** CJP has emphasized the potential consequences of hate speech on minority communities, especially Muslims. By highlighting the effects of these speeches on the targeted communities, CJP underscores the urgency of addressing the issue to prevent further harm and potential violence.

6. Promotion of Violence and Fear: The speeches of these individuals not only spread hatred but also promote violence, fear, and intimidation. CJP's efforts shed light on the dangerous impact that such rhetoric can have on individuals and communities.
7. Violation of Legal and Ethical Standards: Through their complaints, CJP highlights the violation of legal and ethical standards by these individuals. Hate speech is not only a breach of laws but also undermines the principles of a just and inclusive society.
8. Pressure on Authorities: By consistently reaching out to district, state, and national authorities, CJP applies pressure to ensure that appropriate action is taken against hate speech offenders. This approach encourages authorities to respond to the urgent need for intervention.
9. Educating the Public: CJP's efforts to document and report hate speeches also serve as a means of educating the public about the dangers of divisive rhetoric. It raises awareness and encourages citizens to stand against hate speech.
10. Urgent Call for Action: CJP's continuous efforts and complaints underscore the urgency of addressing hate speech to prevent further escalation of communal tensions, violence, and the erosion of social harmony.

In light of CJP's comprehensive documentation, consistent actions, and the alarming content of the hate speeches delivered by Suresh Chavhanke, it is imperative that authorities take swift and stringent action against him.

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 tranquillity. 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)

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 the same judgment, the Hon’ble Supreme Court elaborated on the concept of Hate Speech by identifying three elements:

- a. Content-based: Open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society.
- b. Intent-based: Speaker’s message to intend only to promote hatred, violence or resentment against a particular class or group.
- c. 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:

- a. Hate speech targets a group, or an individual as a member of the group
- b. 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
- c. Speech should cause harm, which can be physical harm such as violence or incitement and true threats of violence
- d. 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 anr 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 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, provides that parties to the Convention 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

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

Based on the information provided above

Suresh Chavhanke's hate speech and inciteful statements, as described in the provided information, are not only ethically objectionable but also legally problematic. His statements violate several sections of the Indian Penal Code (IPC) and go against established judicial precedents and international norms against hate speech. Here's how Chavhanke's actions are in violation of the law:

1. Promoting Enmity between Different Groups (Section 153A IPC): Chavhanke's speeches can be considered as promoting enmity between different religious groups, as he demonizes and stigmatizes Muslims while advocating for Hindu-Muslim marriages in a provocative and harmful manner. Section 153A of the IPC criminalizes such acts that promote disharmony between various groups based on religion, race, place of birth, etc.
2. Criminal Intimidation (Section 503 IPC): Chavhanke's statements can also be seen as an act of criminal intimidation. By making baseless and offensive claims against Muslims and promoting the idea of Hindu-Muslim marriages, he attempts to create fear and coerce individuals into following his extremist ideologies.
3. Statements Conducing to Public Mischief (Section 505 IPC): Chavhanke's statements have the potential to create public mischief by spreading false information and promoting hatred among different religious groups. Section 505 of the IPC deals with statements that can cause fear or alarm to the public, leading to a potential breach of peace.
4. Promoting Hatred and Violence (Judicial Precedents and International Norms): Chavhanke's hate speech goes beyond freedom of expression. His statements have the potential to incite violence, hatred, and discrimination against a specific religious community. Judicial precedents, as well as international conventions such as the ICCPR and the Convention on the Elimination of All Forms of Discrimination, prohibit hate speech that incites discrimination, hostility, or violence.
5. Impact on Public Order and Harmony: Chavhanke's speeches, by promoting communal disharmony and hatred, can disturb public tranquillity and threaten the social fabric of the country. His statements can lead to violence, unrest, and a sense of insecurity among minority communities.
6. Misuse of Freedom of Expression: While the right to freedom of expression is important, it is not absolute and comes with certain responsibilities. Chavhanke's speeches clearly cross the line from expressing opinions to inciting hate and violence. The Supreme Court of India has emphasized the need to balance free speech with protecting social harmony and public order.

In summary, Suresh Chavhanke's hate speech not only violates ethical standards but also runs afoul of various provisions of the Indian Penal Code. Additionally, his actions go against judicial interpretations and international norms that condemn hate speech and its potential to incite violence, discrimination, and social unrest.

Prayer

The extent of hate and anti-minority sentiment is on the rise all over the country, where public figures such as Suresh Chavhanke 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 Chavhanke 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, Madhya Pradesh, Uttar Pradesh and 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 Police of all the above-mentioned states 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 Police of the above-mentioned states 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.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary