



April 15, 2024

To,

Mr. S Chokkalingham

Chief Electoral Officer, State Election Commission Maharashtra

Email: sec.mh@gov.in

Dear Sir,

We, at Citizens for Justice and Peace, are extremely concerned *about ground level developments, including rumours, that suggest possible events where hate speeches are uttered and communal violence breaks out, just prior to the first round of voting in the state in Maharashtra on Friday April 19.*

This is especially concerning given that the Ram Navami festival is to be observed on April 17, 2024 –day after tomorrow—and that on this and similar occasions, anti-social elements have through the diversion of religious processions provoked violence. Maharashtra has been particularly subject to this kind of environment of hate and disharmony, since about September 2022. We, at CJP, have regularly alerted the police and administrative authorities, *before and after* such events have been allowed to take place.

With elections underway, and the writ of the Election Commission of India (State Election Commission-SEC, Maharashtra) crucial in the state in ensuring free and fair elections, we thought it in the fitness of things that we bring these developments to your esteemed notice.

We urge that the SEC issues an advisory to the Maharashtra Police to ensure full preventive and pre-emptive measures are taken to prevent the outbreak of such incidents in and around Ram Navami and thereafter.

To assist this crucial process to maintain peace and harmony –a pre-requisite to free and fair elections ---as a citizens human rights organisation we have brought out this **Handbook. “Towards a Hate Free Nation- Handbook for Police & Administration”**. This is an easy reference guide for police and administration.

The constant use of hate speech violates Indian and international law and moreover goes against several recent pronouncements (judgements) by the Honourable Supreme Court of India and even the Bombay High Court.

As mentioned, voting for Lok Sabha Elections of 2024 is due to begin in the state, with the Phase I voting taking place on April 19 and ending in Phase 5 on May 20. It is therefore crucial that the state police take prompt action against any and every attempt to vitiate social harmony of Maharashtra. Hate Speech has the tendency not to just create disharmony and the potential to incite violence but is also a violation of the Representation of People’s Act, 1951 and the Model Code of Conduct that prohibits the misuse of religion and religious identities to gain political power.

Sir, on April 17, Ram Navami will be observed/celebrated. The said festival is falling two days prior to Phase I of the polls. In view of the violence that marred the said festival in the recent past in the state of Maharashtra, and considering the present sensitive situation, we have sent alerts to the Superintendents of Police and District Collector of twelve districts to ensure that no untoward incident takes place. **The Handbook. “Towards a Hate Free Nation- Handbook for Police & Administration”** has also been attached to the email and also sent via postal communications to the police stations and district collectorates.

The first twelve districts prioritised are those that have seen communal incidents flare up in past months **and those that go to the polls on April 19.** By tomorrow, Superintendents of Police (SPs) and District Collectors of the other 20 districts will also receive this Handbook by post and email. **We therefore urge that an Advisory is also issued by the Esteemed SEC in this regard.**



The **Handbook** contains ready to use references from recent Supreme Court and High Court Judgements on the need for prompt and effective, pre-emptive measures around such mobilisations (where hate speech is likely to be delivered/) The judicial pronouncements also lay down the need for video-taping of such rallies/meetings, prompt registration of offences (FIRs), fair investigations and actions.

The twelve districts have seen an increasing number of violent incidents against religious minorities in the past include:

1. Jalgaon
2. Mumbai City
3. Mumbai Suburban
4. Nashik
5. Thane
6. Kolhapur
7. Solapur
8. Ahmednagar
9. Latur
10. Osmanabad
11. Nagpur
12. Aurangabad

Sir, given that it is our collective responsibility to ensure a free and fair election and also given the fact that observances around this festival have often been marked by aggressive processions and sloganeering (that has, on several occasions even led to violence), we have undertaken this initiative. It is our responsibility to ensure that the pattern does not repeat in our state. We believe that the district and police administration have the statutory obligation, under the Indian Constitution and Law to act against Hate Speech. This is why we have compiled a comprehensive booklet containing Supreme Court judgments and directives on curbing hate speech in India.

As mentioned above, the said **Handbook**, has been sent by email and by post already in the first batch and will also be sent to the remaining twenty-six districts of Maharashtra by tomorrow.

Sir, our organisation has been working to counter hate with harmony. We have been filing complaints with the state police, both pre-emptively and post the event, to highlight the instances of hate speeches being delivered across the state and urging the state police to take action. Even during the election cycles, we have been approaching the Election Commission of India as well as the State Election Commission to ensure every violation is dealt with as per law.

Attached for your perusal is a copy of the **Handbook for** your reference.

Yours Sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary