



Date: August 9, 2024

To,

SP, Nashik:

Shri Vikram Deshmane

Superintendent of Police, Nashik

Email: sp.nashik.r@mahapolice.gov.in

DM, Nashik:

Shri Jalaj Sharma

Collector and District Magistrate, Nashik

Email: collector.nashik@maharashtra.gov.in

Subject: Complaint against religious preacher Kalicharan Maharaj for delivering a provocative speech at an event in Nashik, Maharashtra on May 28, 2024

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 deeply communal speech delivered by Kalicharan Maharaj, alias Abhijit Dhananjay Sarag, in Nashik, Maharashtra in May 2024. As per the details available, the said speech had been delivered by Kalicharan on May 28 at an event in Nashik, Maharashtra. As a citizens group promoting communal harmony we are keen to know whether action in accordance with Orders of the Hon'ble Supreme Court and also the Bombay High Court are being taken: specific directions on detailed investigations and prosecution have been passed by the Constitutional Courts, sir.

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 speech, he has made strange and offensive claims against the religious minority community to spread his divisive ideology. Kalicharan has attempted to encourage violence against the Muslim community by distorting India's past as well as the history of the beloved leaders of Maharashtra. Through his speech, he incited the crowd to provoke violence against Muslim community by peddling fake narratives in the name of 'Jihad', provided unsubstantiated numbers of crimes committed by Muslims against Hindu women to encourage mass violence, and created enmity between Hindu and Muslim communities. Additionally, he asked the incited crowd by demonising and slurring the Muslim community, and creating suspicions around the intention of the Muslim community to convert India into a Muslim nation.

Extracts from the Speech:

“Love Jihad, Land Jihad, Population Jihad are all its forms. Terrorism is also Jihad. Remove all terrorist organizations from all over the world. And look every terrorist is a Muslim. Why are all terrorists Muslims? And then when a terrorist is killed, why do one million Muslims come to his funeral to show their support.”

“There is one million public, which the police face trouble in handling. You must have seen it in Mumbai, how those Muslims were kicking and blowing up the memorial of the soldiers. 10 lakh public, in the funeral of terrorists. For what? To show that you are our hero. How? Muslims are traitors.”

“These people burst firecrackers in Muslim areas when India lost the match with Pakistan. Are these people patriotic? If the country is lost, those who burst firecrackers are traitors. No, but not all Muslims burst, but then why don't they oppose those who burst firecrackers. There is support. Their allegiance is not towards Mother India, but towards Pakistan. That's why they burst firecrackers when India loses.”

“We consider the Hindu-Muslim *Bhai-Bhai*, we are a great fool. Can a cow-eater and a cow-worshipper be brothers? 50 years ago, we were saying to those Kashmiris that you will have to suffer, just stay alert. They said no-no, they are our brothers. We eat *kheer* together. This was 30-years-ago, it has been 30 years. Announcements were made from the mosque which has referred to Hindus as infidels, asking them to leave their daughters and daughters-in-law here and go away. They were given a choice to either become a Muslim or get ready to die.”

“5 lakh women were gang-raped by Muslims on Hindu women. 50-100 people raped one woman. Half of the throats were cut and thrown away. This is what they call doing *Halal*. A girl named Girija Tikku was raped by 50 people. She was cut vertically from the vagina to the head by a handsaw machine. I am just narrating from what is there on the police record. 5 lakh children were killed.”

“Should India become a Hindu nation?”

Audience: “Yes”

“Should there be a central law banning total cow slaughter?”

Audience: “Yes”

“Should love jihad end? Should land jihad end?”

Audience: “Yes”

“Should the ban on cow slaughter be made into a central law and strictly enforced? Should we get back the 5 lakh temples that the Muslims have destroyed?”

Audience: “Yes”

“Do not tease the good and do not leave the bad. If you leave the bad, it will not leave you. This principle is that Hindutva will not tease the good, and not leave the bad. It was only partially said. *Acche ko chedna nahin* is what we believed in, but when bad people make us do bad things, then what do we do?”

“Some bastards said that if someone hits you one side, then let them hit another side. They destroyed the whole country by giving us stupid advice. All of our heroes are violent. Gods and Goddesses are violent. Why do we worship Chhatrapati Shivaji Maharaj when he killed millions of people for the protection of religion? Chhatrapati Sambhaji Maharaj killed millions of people who destroyed temples. Those who oppressed any mother and sister, oppressed the any man, they killed them and we worship them. Do not rape, do not steal, do not break temples- are those criminals going to listen to such wise counsel? Whoever preaches this is a great fool. Guru Gobind Singh Ji Maharaj will kill millions of people for the protection of religion.”

“Lord Shri Ram had taken an oath at the age of 16 to make the earth demon-free. I have said everything that is in my heart, I have no hope of living. We have no hope of life, and no fear of going to jail. We are ready to spend our whole life in jail for the work of *Jagadamba*, for the protection of *Dharma*. We want our Hindu Rashtra to be established.”

The video had been uploaded on the telegram channel by Hindutva Watch on May 30, 2024.

The video of the speech has been downloaded by CJP is marked and annexed hereto as **Annexure A**

The video can be viewed here: <https://t.me/hindutvawatchin/439>

Sir, it is important to note that this is not the first time that Kalicharan has delivered such a hate speech targeting Muslims and spreading disharmony in Maharashtra. We at CJP, have regularly tracked the speeches that had been made by him since many years. In the past as well, we have approached the National Commission for Minorities, on May 26, 2023, against the deeply communal and hate-spewing speeches delivered by Kalicharan Maharaj across Maharashtra from February 2023 to March 2023. In those speeches as well, Kalicharan had been heard advocating for violence against Muslims and calling them “traitors and terrorist” and making ill-informed and controversial claims about the Quran.

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 mind-set 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!

In the month of May in 2023, the Sillod rural police station of Aurangabad rural had registered an FIR against Kalicharan Maharaj and the organisers of an event during which Kalicharan had allegedly made a hate speech. Following a complaint lodged by police head constable Yatin Kulkarni, the hate offender organisations and individuals have been booked under different sections of the Indian Penal Code, including 295 A (deliberate and malicious acts intended to outrage religious feelings or any class by insulting its religion or religious beliefs), 153 A (promoting enmity between different groups on ground of religion, race, place of birth etc.), 505 (2) (spreading of false and mischievous news intended to upset the public tranquillity), 109 (abetment) and section 188 (disobeying orders duly promulgated by a public servant).

Given this background, it is both urgent and essential that the speech given by Kalicharan is acted upon and criminal charges 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. 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 of Maharashtra and urge that urgent steps are taken to curtail and prosecute the same.

Recent Directions of the Supreme Court on preventing/prosecuting hate speakers in Maharashtra

As you must know, the issue of rampant hate speech being delivered in Maharashtra and the inaction by law enforcement agencies has been highlighted before the Supreme Court multiple times since 2023. We would 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 the 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.”

Even in 2024 itself, while on January 17, the Supreme Court bench of Justices Sanjiv Khanna and Dipankar Datta had expressed their anguish at the petitioners being forced to approach the Supreme Court multiple times against individuals and organisations even after there being guidelines for tacking and taking action against hate speeches. During the said hearing, the Supreme Court issued an order directing the District Magistrate and Superintendent of Police at Yavatmal, Maharashtra and Raipur, Chhattisgarh to take ‘appropriate steps’ to ensure that no incitement to violence or hate speech occurs at the rallies scheduled in the said districts in the coming few days of January. The said order was passed following the concerns raised by the petitioners over delivery of potential hate speeches at rallies planned by Hindu Janajagruti Samiti and Bharatiya Janata Party legislator T Raja Singh in the month of January.

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

“We would require the authorities to be conscious that no incitement to violence and hate speech are permissible. The concerned District Magistrates and Superintendent of Police of Yavatmal, Maharashtra and Raipur, Chattisgarh will take necessary steps, as may be required. If necessary and deemed appropriate, police/administration will install CCTV Cameras having recording facility, so as to ensure identification of the perpetrators in the event of any violence/hate speech.”

Order of Bombay High Court demanding answers on action undertaken in cases of hate speeches

On February 9, 2024, the Bombay High Court had heard the petition seeking arrest of Bharatiya Janata Party leader Vikram Pawaskar for delivering alleged hate speeches and his role in an attack on a mosque in Satara in September 2023. During the hearing, the bench had demanded for the Maharashtra state government to place on affidavit the steps it takes and procedures it follows in cases of hate speeches, besides questioning them over the inadequacy in the action taken on a petition seeking the arrest of Bharatiya Janata Party leader Vikram Pawaskar over his alleged hate speech and role in an attack on a mosque in Satara in September 2023. The

High Court was hearing a writ petition filed by rights activist Shakir Tamboli wherein he had sought for judicial intervention to direct the state government “to take immediate action” against Pawaskar based on two FIRs filed against him.

Sirs, in cases of hate speeches being delivered, even after reporting hate speeches, filing complaints and lodging First Information Reports (FIRs) against speakers, ensuring that action is taking in pursuance to the said FIRs is as big a task as one can imagine. To get action taken against those indulging in hate speech, complaints are forced to move the High Courts by filing a criminal writ petition to urge the courts to direct the police to take immediate action against the offenders as well as investigate, arrest and prosecute all the accused.

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.

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 equipment’s, 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.

Action taken against hate speakers and offenders

Ma'am/Sir, on April 28, 2023 the Supreme Court had held that all States/UTs, including Maharashtra, are enjoined and bound to take suo moto action to register FIR against hate speeches, without waiting for any formal complaint. In its order, the Supreme Court bench comprising Justices KM Joseph and BV Nagarathna had said the following:

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

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. 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 have been worse.

Besides the Supreme Court we are sure that you are aware that the Bombay High Court is also currently hearing a petition on the hate speeches by another serial offender, Vikram Pawaskar. In the matter, the court has raised questions on the inaction of the police over the FIRs filed against Pawaskar for delivering violent anti-Muslim hate speeches.

Laws Violated by the Hate Speech delivered by Kalicharan Maharaj

Under Bharatiya Nyaya Sanhita, 2023

The inflammatory and divisive speech delivered by Raja Singh amounts to insightful, hate speech which is a punishable offence under the various sections of the Bharatiya Nyaya Sanhita (BNS):

Section 196 - Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony

Section 197 (1) - Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India;

351. (1) Whoever threatens another by any means, with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

(2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 352 - Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 353 - (1) Whoever makes, publishes or circulates any statement, false information, rumour, or report, including through electronic means—

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(c) With intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Under the Indian Penal Code, 1860

Section 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.

Section 153B - Imputation, assertions prejudicial to national integration.

Section 504 - intentional insult with intent to provoke breach of the peace

Sections 505 (1) and (2) - publication or circulation of any statement, rumour or report causing public mischief and enmity, hatred or ill-will between classes.

In view of the same, we urge you to you to take cognizance of the video enclosed herewith, register a case against Kalicharan Maharaj as well as the organizer of the event, and arrest them for the cognizable offences under the relevant sections.



We also wish for you to inform whether the said event had been videotaped by the police officials as per the orders of the Supreme Court. Additionally, we urge the police to keep us abreast of developments and the action taken in this case, based on the relevant section, as 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.

Ma'am/Sir, do note that we are sending this complaint, by email and registered post, on which we urge you to register an FIR if one has not been filed yet.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures:

Annexure A- Video of Kalicharan dated May 30, 2024 downloaded by CJP