



**URGENT**

**Date: November 7, 2024**

To,

**Shri S. Chockalingam**

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**Dr. Kiran Kulkarni**

Additional Chief Electoral Office  
Maharashtra State Election Commission

**Subject: MCC Violation complaint against the Suresh Chavhanke, allegedly guilty of several hate speeches, for delivering anti-Muslim speech and labelling Muslim-majority areas as “mini-Pakistan” at Janta NRC event organized in Pimpri-Chichwad, Pune, Maharashtra on October 24, 2024**

**Respected Sir,**

We, at Citizens for Justice and Peace (CJP), a human rights movement dedicated to advancing the constitutional rights of all Indians, are deeply concerned about the gross violation of the Model Code of Conduct (MCC) in Pimpri-Chichwad, Pune Maharashtra on October 24, 2024, Suresh Chavhanke delivered the anti-Muslim and derogatory speech. Through his speech, Chavhanke stated that 10 crore alleged infiltrators need to be removed from India, citing court’s support. He called Muslim politicians’ traitors and criticised Muslim-majority areas in Pimpri-Chinchwad, labelling them as "mini-Pakistan's" and "no-go zones”. This speech was delivered at the Janta NRC event on October 24, 2024.

Suresh Chavhanke's speech, delivered on October 24, 2024, constitutes a clear violation of the Model Code of Conduct (MCC) during the assembly elections in Maharashtra. The MCC, which applies during elections, aims to ensure fair and peaceful campaigns, promoting an environment

free from communal bias and hate speech. By making inflammatory statements about Muslim-majority areas and labelling them as "mini-Pakistan" and "no-go zones," Chavhanke sought to polarize the electorate along religious lines, creating divisions between Hindu and Muslim communities. Such remarks a threat to the free and fair election and violate the MCC's principle of maintaining the dignity and decorum of the election process.

Chavhanke's inflammatory claim that 10 crore "infiltrators" should be removed from India, and his targeting of Muslim-majority areas, is an attempt to demonize a particular religious group and portray them as a threat to national security and integrity. The areas he mentioned in his speech, were depicted as being governed by foreign loyalties (Pakistan) rather than loyalty to India. This dangerous rhetoric portrays Indian Muslims as outsiders and traitors, perpetuating harmful stereotypes.

We would like to highlight that in response to our earlier complaint against serial hate offender Kajal Hindustani for her anti-Muslim and communal hate speech delivered in Thane, the Wagle Estate Police Station, Thane on dated October 30, 2024, registered a FIR No. 1088 of 2024 under sections 299, 302, and 353 of the Bharatiya Nyaya Sanhita, 2023. This action demonstrates the State Election Commission's commitment to preventing hate mongers and anti-social elements from influencing the electoral process. In light of this, we now urge immediate and decisive action against another serial hate offender, Suresh Chavhanke, to ensure a fair and peaceful election.

We would also like to humbly state that Mr Chavhanke is allegedly guilty of several and repeated hate speeches, several of whom have in the past two years been delivered in Maharashtra

#### **Extracts from the Speech:**

“Should be thrown out by the court. How about ten crores? Now someone said. We told the court who to call the intruder. Sometimes to say to the people of later. Decide once. In my view, I am Dr. Babasaheb respects Ambedkar. He said at the time of partition that I will not accept partition until the last Muslim goes to Pakistan.” **(Time Stamp: 00:01 – 00:27)**

According to Baba Saheb's formula, if all the intruders after 48. But let's go step by step. So, we told the court that you should define it. So, the court defined 6 A, and they said that the generations that came after March 25, 1971, that they gave birth to, are infiltrators. **(Time Stamp: 00:31 – 00:58)**

“Now where did the figure of ten crores come from? Some journalist friends will be here. Some did not come here. But those are the two Namakharams of Hyderabad, traitors. Whether they watch anything else or not. They may miss a prayer. But he never misses what Suresh Chavhanke says at 8 PM.” **(Time Stamp: 01:05 – 01:32)**

“Perhaps Hindus in India know me less. At that time, we were going from village to village. But friends I was telling you that defined. We won the court battle.” **(Time Stamp: 01:39 – 01:55)**

“I know now. I asked when I was coming here, what happened in this place in Pimpri, Chinchwad and also Kundalwadi, Chikhli, Bhosari, Nigdi. No more Mini, no more Mini-Pakistan. There is a place in Mumbai. If you write the same name Pakistan, Pakistan on the postcard, still will reach there.” **(Time Stamp: 01:58 – 02:26)**

The above remarks apart from being potentially divisive and disruptive of social order also deliberately misconstrue a recent judgement of the Supreme Court. Besides, this rhetoric vilifies Muslim-majority areas, portraying them as disloyal to India, and intentionally stirs communal tensions. By labelling these neighbourhoods as “Pakistan sympathizers,” Chavhanke is attempting to stigmatise neighbourhoods and also polarise voters along religious lines, potentially inciting fear and distrust among different communities. This divisive appeal, on the eve of the Vidhan Sabha elections, disrupts the inclusive, peaceful environment required for free and fair elections, and violates the Model Code of Conduct, which prohibits communal propaganda and appeals that may incite violence or disharmony.

“This is the situation today; I don’t want to say mini now. Well, not if the mini is small. Mini is no more. Now as the beard is growing, the area is increasing. And now I was in Parva Nagpur, last two weeks ago. In Nagpur, Afghanpura means the name of which country. What is the population of Afghanpura? Ten thousand plus. What is the population of Bengalpura? 5000 plus. Kondhwa in Pune, what is the population in lakhs. Mumbai, how much? Even the police cannot go there alone. This is called no go zone. There is no pizza delivery here. Ambulance is not going. Electricity bill is not paid, water bill is not paid. Laws of India are not followed. Whoever the government is, the system belongs to them. Then tomorrow will be all India. So, if they don’t want it to happen, the people should do it. We made system in Janata NRC. why Let’s start with you.” **(Time Stamp: 02:30 – 03:56)**

The video had been uploaded on Telegram by Hindutva Watch on October 26, 2024.

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

The video can be accessed through this link: <https://t.me/hindutvawatchin/678>

The statement by Suresh Chavhanke is a deeply problematic and inflammatory example of rhetoric aimed at vilifying Muslim communities in India. His use of terms like "Pakistan" to describe areas in Mumbai and other regions with significant Muslim populations is a clear attempt to portray these communities as foreign sympathizers, effectively drawing a parallel between Indian Muslims and Pakistan. This type of language fosters a divisive and hostile narrative, further stoking religious polarization and undermining the spirit of communal harmony.

Chavhanke's comments also grossly violate the Model Code of Conduct (MCC) during elections by attempting to polarize the electorate along religious lines. His insinuations that Muslims living in certain areas are "infiltrators" or pose a threat to national integrity suggest a deliberate effort to stir fear and mistrust. Such statements not only perpetuate harmful stereotypes but also divert attention from critical issues facing Indian society.

His rhetoric directly violates the principles of secularism and inclusivity enshrined in India's Constitution. The invocation of Dr. Babasaheb Ambedkar to legitimize these views is especially troubling, as it misrepresents Ambedkar's vision of a just and inclusive society.

Moreover, by invoking the court's alleged support for his view that post-1971 generations of Muslims are "infiltrators," Chavhanke seeks to legitimize his anti-Muslim narrative under the guise

of legal backing. This not only incites hate but also manipulates public perception during a sensitive electoral period, thus breaching the MCC's provisions for maintaining the integrity of the election.

### **Divisive background of Suresh Chavhanke**

Suresh Khanderao Chavhanke, a habitual hate offender, serves as the chairman and chief managing director of Sudarshan TV Channels Ltd. (Sudarshan News). He is the editor-in-chief of Sudarshan News Channel and is infamous for his hate-filled and often anti-minority debate shows, including "*Bindas Bol*," "*Chalte-Chalte*," and "*Jan Sansad*," which are known for promoting divisive rhetoric and inflammatory speeches and reports. Apart from spreading hatred through his news channel, he also attends far right Hindutva events and sometimes even organises them to make inciteful speeches.

On May 19, 2023, CJP was also filed a complaint to Superintendence of Police, Ahmednagar against the serial hate offender, Suresh Chavhanke for delivering hate-spewing speech at an event organized by the Rashtriya Sri Ram Sangh (SRS) in Shrirampur (Ahmednagar District), Maharashtra. Chavhanke, at the birth anniversary of Sambhaji Maharaj, fabricated facts and history, and then perpetuated the lie by means shouting anti-Muslim slurs, and referring Aurangzeb for "every broken tile in a temple". This is not the first time Suresh Chavhanke has crossed a line while addressing an aggressive crowd; he has a recurring pattern of delivering hate speeches and promoting divisive propaganda. His remarks often provoke tension and controversy, raising concerns about their impact on social cohesion and communal harmony.

### Criminal Cases linked with Suresh Chavhanke

It is crucial to highlight that multiple serious cases have been filed against the serial hate offender Suresh Chavhanke, including allegations of rape, attempted murder, fraud, and anti-minority Islamophobic rhetoric. In 2016, a former employee of Sudarshan News accused him of sexual exploitation, alleging that he raped her and attempted unnatural acts under false promises of marriage. Chavhanke has also been repeatedly accused of inciting communal hatred through inflammatory speeches

In year 2016, a former employee of the Sudarshan News was filed an FIR in the Women's Police Station in Noida alleging that Chavhanke has raped her and attempted to have unnatural sex with her on October 20, 2013. She also accused Narain Sai son of self-proclaimed godman Asaram Bapur for attempting to rape her in September 2013. The victim alleged that Chavhanke had sexually exploited her since 2013 under the promise of marriage and had taken cash and jewellery worth Rs. 27 lakhs from her. The police booked Chavhanke under a total of 11 sections of the IPC, including charges of rape, attempted unnatural offenses, attempted murder, forced miscarriage, criminal intimidation, cheating, and outraging the modesty of a woman.

### Arrested in year 2017 for inciting communal hatred

On April 12, 2017, Serial hate offender, Suresh Chavhanke was arrested by the Uttar Pradesh Police for inciting communal hatred. He was arrested by the Lucknow Police from Amausi Airport on Wednesday. The head of the Sudarshan channel was charged under Sections 153A(1), 295A, and 505(1)(b) of the Indian Penal Code, as well as Section 16 of the Cable Television Networks (Regulation) Act, 1955.

On May 9, 2023, a complaint (FIR) was registered by the Jilhapeth Police Station against repeat hate offenders Suresh Chavhanke and Prashant Juvekar for delivering hate speech in Jalgaon on Christmas Day, December 25, 2022, at an event organized by the notorious Hindu Janajagruti Samiti (HJS). During this event, Chavhanke made provocative comments about Christmas, stating, “Christmas of the 2% is being imposed on the 98%,” and criticized Christians, claiming, “Christianity has ruined our intellect.” A nine-minute video of the speech, muted at several points, included stigmatizing remarks about Muslims, using terms like “Land Jihad” and “Love Jihad.” Chavhanke also levelled baseless allegations against madrassas and made unfounded claims about forced religious conversions in Jalgaon.

On June 23, 2023, again an FIR was filed against Suresh Chavhanke for delivering a “communal speech” in Sangamner on June 6, which had resulted in unrest in the region and the arrest of 17 people, as reported by the Indian Express. The FIR, filed at the Sangamner city police station in Ahmednagar based on a complaint by a police officer, stated that at least two people were injured and five vehicles were vandalized in the violence that followed a rally organized by the Sakal Hindu Samaj, where Chavhanke was a key speaker. Alongside Chavhanke, two other speakers associated with the Bajrang Dal were also booked in the FIR.

On July 30, 2023, in Rajasthan, a FIR was also registered against the serial hate offender, Suresh Chavhanke for allegedly hurting the sentiments of tribals and Meena community (ST) in the earlier dispute over Amargarh Fort between the Meena community and Hindu groups. On July 22, 2022, Hyderabad police booked Chavhanke for allegedly uploading a morphed video of All India Majlis-e-Ittehadul Muslimeen Chief and MP Asaduddin Owaisi on social media. On April 17, 2024, Chavhanke was subsequently booked again by the Cyber Police Station in Hyderabad for allegedly using Owaisi’s photo on social media without proper context.

S. No.	Name of the Offender	District	FIR Date	Police state at which FIR was filed	Sections
1.	Suresh Chavhanke	Jalgaon, Maharashtra Date: December 25, 2022	May 09, 2023	Jilhapeth Police station	FIR under IPC section 295, 504; under IT Act section 67; provisions of SC/ ST Act
2.	Suresh Chavhanke	Chhatarpur-Sambhajinagar (formerly ‘Aurangabad’, Maharashtra) Date: March 19, 2023	March 20, 2023	Kranti Chowk Police Station	FIR under IPC section 153A
3.	Suresh Chavhanke	Ahmednagar, Maharashtra Date: June 6, 2023	June 23, 2023	Sangamner City Police Station	FIR under IPC section 153(A), 34 and 506(ii)
4.	Suresh Chavhanke	Delhi Date: December 19, 2021	May 04, 2022	South East Delhi	FIR under IPC section 153A, 295A, 298 and 34
5.	Suresh Chavhanke	Jaipur, Rajasthan Date:	July 30, 2021	Transport Nagar Police Station	FIR under IPC section 295, 504 along with relevant section of SC/St Act and IT Act

6.	Suresh Chavhanke	Lucknow, District, Uttar Pradesh	Arrested on April, 12, 2017	Lucknow Police	FIR under IPC Sections 153 A(1), 295A and 505(1)B and also under section 16 of the Cable Television Network (Regulation) Act, 1955.
7.	Suresh Chavhanke	Gautam Buddh Nagar District, Uttar Pradesh	November 2, 2016	Noida Sector 39	FIR under Sections 406, 420, 376 (rape), 313, 504, 506, 307, 294, 511, 354 and 509, of IPC.
8.	Suresh Chavhanke	Hyderabad, Telangana	July 22, 2022	Hyderabad Cyber Police Station	FIR under Sections 499, 504, 153-A, 506 of IPC and 67 of IT Act.
9.	Suresh Chavhanke	Hyderabad, Telangana	April 17, 2024	Cyber police Station	FIR under IPC Sections 469 and 505(2)

Importantly, on October 19, 2024, the Delhi High Court summoned serial hate offender Suresh Chavhanke, Managing Director of Sudarshan News, along with six others, in a defamation case brought by Mohd Tufail Khan. Khan, who runs the Jamia Arabia Nizami Welfare Educational Society, accusation of being involved in anti-national activities. Khan alleges that false and defamatory accusations against him were broadcast by Sudarshan TV on April 12, 2023, during a segment titled *“Madrasa ke naam par bachho se bheek manga rahe hai.”* He further informed the court that Suresh Chavhanke, CMD of Sudarshan News, along with another official, Maya Chavhanke, defamed him by organizing a separate TV show aired on their channel, titled *“Logo ko dafanane wali jagah par banaya Dargah.”*

However, we are deeply concerned about the increasingly unsafe atmosphere for the minority, especially Muslim community in Maharashtra, created by the systemic and widespread use of hate speech and inflammatory rhetoric. This hostile environment not only threatens the safety and dignity of individuals but also undermines social cohesion and communal harmony. It is imperative that urgent steps be taken to curtail these harmful actions and hold offenders accountable through prosecution. Such measures are essential to protect the rights of all communities and to foster an atmosphere of respect and tolerance in our diverse society, particularly during this critical electoral period.

**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, Chhattisgarh will take necessary steps, as may be required. If necessary and deemed appropriate, police/ administration will install CCTV Cameras having recording facilities, so as to ensure identification of the perpetrators in the event of any violence/hate speech.”*

### **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**

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 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

### **Under Bharatiya Nyaya Sanhita, 2023**

The inflammatory and divisive speech delivered by Suresh Chavhaanke 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;*

**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 tranquility; 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.*

### **Violations under the Representation of People Act, 1951**

We believe that the content of the speech clearly violates provisions under the Representation of People Act, 1951, particularly Section 123(2) and 123(3):

1. Section 123(2): *Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 7 [with the consent of the candidate or his election agent], with the free exercise of any electoral right.*

This section prohibits any efforts to promote enmity or hatred among different groups of citizens based on religion, caste, community, or language for electoral gain. Chavhanke's attempts to portraits LGBTQ+ community, Muslim and Christian citizens and practices of Islam, along with implicit threats of harm if communities are "divided," cultivates fear, particularly among minority groups. Such messaging risks inflaming communal tensions and disrupting social harmony, thereby constituting a clear violation of this provision.

1. Section 123 (3A): *The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.] 8[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.*

This section explicitly bars any candidate or their agents from appealing to religious or communal sentiments to garner votes. The anti-minority and derogatory statements made by Chavhanke, are not only divisive and inflammatory but also an insidious attempt to exploit religious sentiments for electoral benefit.

### **Violation of the Model Code of Conduct (MCC)**

Given that the Model Code of Conduct (MCC) is now in effect, following the announcement of the election schedule, the hate speech also stands in violation of several key guidelines of the MCC. Specifically:

1. **Part I, General Conduct, Clause 1:** This clause clearly stipulates that political parties and candidates must refrain from any activities that may exacerbate existing divisions or foster mutual hatred among communities. His use of terms like "mini-Pakistan" and "infiltrators" targets Muslim-majority areas, fostering mutual hatred and division between communities, thereby exacerbating existing tensions and undermining the principle of free and fair elections. Such divisive rhetoric directly contradicts the objectives of the Model Code of Conduct (MCC), which is designed to promote unity and ensure a fair electoral environment in the state assembly election process.
2. **Part I, General Conduct, Clause 3:** As, there shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda. Chavhanke's use of anti-Muslim terms like "mini-Pakistan" and "infiltrators" violates Clause 3 of the Model Code of Conduct by appealing to communal sentiments. His speech targets Muslim-majority areas, stoking fear and distrust, and seeks to polarize voters along religious lines. This divisive rhetoric exploits religious identities to secure votes, directly contravening the MCC's prohibition on communal appeals.

### **The current political climate and potential impact**

The atmosphere in Maharashtra ahead of the assembly elections is already highly charged, with political parties striving to consolidate their voter bases. The presence and activity of serial hate offenders and right-wing groups raise serious concerns about the fairness and freedom of voter participation. Given the history of Suresh Chavhanke and his track record of promoting divisive agendas, there is a growing apprehension that fake narratives and communal agendas may undermine the electoral process in the state.

Maharashtra has a rich history of religious diversity, and this sort of messaging risks deepening communal divides at a time when political stability and social harmony are paramount. The possibility that such events and speeches could serve as a rallying cry for certain sections of society while alienating others is an issue that cannot be taken lightly. It is the duty of the Election Commission to ensure that the electoral process remains free from communal bias and that all voters, regardless of their religious or communal affiliations, can exercise their franchise in a secure and impartial environment.

Given the history of communal polarisation and violence during election periods, we are deeply concerned that ignoring of such communal events could have serious consequences for public order. Such messaging can quickly escalate tensions, potentially leading to violence and unrest, which would be devastating for both the electoral process and the people of Maharashtra.

### **Our prayer**

In light of these grave concerns, we respectfully request the following actions from the Maharashtra State Election Commission:

**1. Call for proactive action**

We pray for the Commission to implement suo-motu actions against hate-speech offenders and to actively monitor events in line with Hon'ble Supreme Court's directions, ensuring that such incidents do not disrupt the electoral process.

**2. Registration of FIR against serial offenders**

We urged the immediate registration of an FIR against Suresh Chavhanke, a known serial offender of hate speech. This action will serve as a deterrent and help prevent further occurrences of such harmful rhetoric.

**3. Stringent enforcement of the Model Code of Conduct:** We request that the Election Commission ensure the strict enforcement of the MCC, particularly with regard to preventing the use of communal appeals, inflammatory rhetoric, and any activity that may disturb public peace or target religious communities for political gain.

We trust that the Maharashtra State Election Commission will take immediate and decisive action to address this issue, thereby safeguarding the integrity of the electoral process and ensuring that the people of Maharashtra can vote in an environment free from fear and communal discord.

On April 28, 2023, the division bench of Justice KM Joseph and BV Nagarathna in *Ashwini Kumar Upadhyay v. Union of India [W.P. (C) No. 943 of 2021]*, directed all States/UTs to register Suo moto FIR against Hate Speech irrespective of religion. The court added that when any speech or any action takes place which attracts offences such as Section 153A, 153B and 295A and 505 of the IPC etc., suo moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law.

This foregoing highlights a clear violation of the Model Code of Conduct and the Representation of the People Act, as it underscores the need for political parties and candidates to avoid actions



that may deepen existing divisions or foster animosity between communities. This inflammatory and divisive rhetoric must be viewed as an attempt to manipulate the electorate based on religion, violating the electoral code and calling for immediate legal and electoral intervention. The authorities must act swiftly to hold Chavhanke accountable and ensure that the election process remains fair and free from hate-driven manipulation. In light of these violations, we urge you to take cognizance of the enclosed video, register a case against the identified perpetrators as well as the organizers, and arrest them for cognizable offenses under the relevant sections. We also request confirmation on whether police officials videotaped the event as mandated by the Supreme Court. Furthermore, we ask to be kept informed of any developments and actions taken in this case, as this transparency will help rebuild faith in the rule of law and strengthen the police-citizen relationship.

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.

Thanking you,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

### **Annexures**

Annexure A – Video uploaded on Telegram by Hindutva Watch on October 26, 2024, downloaded by CJP