



URGENT

Date: November 21, 2024

To,

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Subject: MCC Violation complaint against the Suresh Chavhanke, allegedly guilty of several hate speeches, for delivering anti-Muslim and divisive hate speeches in Akola and Pathanpura, Maharashtra, violative of the Model Code of Conduct and the Representation of People Act, 1951

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 Akola on November 13, 2024 and Pathanpura on November 11, 2024, due to the hate-filled rhetorics of Suresh Chavhanke, editor-in-chief of Sudarshan News. The speeches in question contains clear examples of hate speech, particularly against Muslims. Chavhanke through his speeches, derogatory and anti-Muslim phrases like "love jihad," "intruders," and "jihadists" used to demonize Muslim communities, presenting them as a threat to national security. The speaker incites fear by referring to Muslims as "infiltrators" from countries like Bangladesh, Pakistan, and Myanmar. The mention of "Aurangzeb" and "Tipu Sultan" is employed to vilify Muslims through historical figures. Further, the speaker manipulates religious sentiments by urging voters to support laws targeting Muslims, such as "cow protection" and "love jihad." This rhetoric creates division and undermines communal harmony, violating election codes and laws designed to prevent the incitement of religious hatred. Chavhanke's hate speech delivered in Akola and Pathanpura, Mangrulpir, Maharashtra violates the MCC and sections 123(2), 123(3) and 123(3A) of the RP Act, 1951.

We would like to bring your attention to the instigating speech videos that have surfaced from the Akola and Pathanpura event, urging you to take stringent action against the perpetrator to ensure that these hate-driven speeches are not left unchecked, and the peace and harmony of our country is not affected direly.

Transcripts and context of the speeches:

1. Suresh Chavhanke

Location: Akola, Maharashtra

Date: November 13, 2024

“You take out your mobile, when the candidate comes to you, you put the mobile in front of him and say that Suresh Chavhanke has said that if you are going to support the law of love jihad after being elected, then we will vote for you. Otherwise, no.” **(Time Stamp: 00:01 – 00:14)**

00.18 If you are going to bring cow protection law then vote, otherwise no. If you’re going to kick out the intruders, then vote, otherwise no. Giving money to a beloved sister can benefit the vote but ask that sister if you need money a month, or that the jihadists who put their hands on your honor must be eliminated. So, what will she say? Elimination. 00.46 **(Time Stamp: 00:18 – 00:46)**

“Our priorities are wrong, even the governments. But what is government?

What is politics? Demand and Supply. is like the market. Like the rules of the market. And so what you ask depends on what the government gives. Right! People ask for alcohol. Then the government also gives alcohol, why! not giving. There is a board, government liquor contract, what is said here? This is a government approved country liquor store.” **(Time Stamp: 00:48 – 01:23)**

“Because politics is the game of demand and supply. How many infiltrators are there in the country, 10 crores. How much in Maharashtra, 1 crore. How much in your district, 5.5 lakhs. Even your village is not free from intruders. Here too there will be some Afghani, Pakistani or Rohingya.” **(Time Stamp: 01:28 – 01:50)**

“Right! So what do you do? They should be removed, how to remove? For that we have a plan of NHRC. Call all the Hindus on this TV today, after the election. On this, my program will be about NRC, put it on. It has full 10 steps written on it, how to get people out. Will someone from outside come to save you? You have to save yourself. So it is guaranteed that you can plan how to save it, how to get it out in a month in full 10 steps.” **(Time Stamp: 01:53 – 02:27)**

This speech is a clear example of hate speech targeting the Muslim community and spreading fear-based propaganda. The speaker uses terms like "love jihad," "intruders," and "jihadists" to vilify Muslims, suggesting they are a threat to national security and social order. The rhetoric manipulates voters by framing the Muslim population, particularly minorities such as Rohingyas, Pakistanis, and Bangladeshis, as "infiltrators" who need to be "kicked out."

By linking political choices to religious identity and inciting voters to act against Muslim communities, the speaker attempts to polarize the election along religious lines. The call to vote based on laws like "love jihad" or "cow protection" further encourages discrimination, suggesting that the Muslim community is responsible for crimes against Hindu women or society. This creates a hostile, divisive atmosphere, undermining the principles of free and fair elections.

Such statements violate the Model Code of Conduct (MCC), which prohibits the use of religion to influence voters, and the provisions of the Representation of the People Act, which aim to ensure that elections are conducted without fostering division or inciting violence. The speech manipulates emotions, distorts facts, and spreads false narratives, all of which undermine democracy and communal harmony, violating the law.

The video had been uploaded on Telegram by Hindutva Watch on November 17, 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/835>

2. Suresh Chavhanke

Location: Pathanpura, Mangrulpir, Maharashtra

Date: November 11, 2024

“I saw that there is a picture of Aurangzeb on the campaign banner of some candidates’ car. Who is Aurangzeb, who even put his own father in prison? Who is Aurangzeb, who cut the neck of his own brother to gain power. Who is Aurangzeb, who after putting his father in jail gave him less water to drink. Because he should die slowly. Then his father Shah Jahan writes and says, there is such a sentence in folk songs too, Hey Aurangzeb, Hindus are better than you. You are not giving me water while I am alive. Hindus remember their dead ancestors for fifteen days every year.”

(Time Stamp: 00:01 – 00:54)

By referring Aurangzeb, the speaker emphasizing Aurangzeb’s violence against his own family—without context, the speaker is not only misrepresenting history but also attempting to incite hatred against Muslims. This rhetoric paints all Muslims with the same brush as a historical figure, fostering division by associating the actions of one ruler with an entire community.

The claim about "Hindus remembering their dead ancestors" is an appeal to communal pride at the expense of the Muslim community, further deepening religious divides. By invoking a controversial historical figure like Aurangzeb in political discourse, the speaker is leveraging history to manipulate emotions and promote fear.

“Did any Muslim name his son Aurangzeb? No

But now-a-days Hindus, so-called Hindus, seculars started going to his grave. His name appeared on poster. I never say Aurangzeb. I say Aurangya. Does such a person need to be named with respect? These days I saw in Maharashtra that even Tipu Saitan’s board appeared.

What name did give him? Tipu sultan.” (Time Stamp: 00:59 – 01:40)

“Ask your candidate whether you will legislate love jihad if you are elected and go to the assembly. Law for cow protection or not? Will the 10 crore infiltrators who entered this country and the 1 crore infiltrators who entered Maharashtra be expelled or not? And if he did not say yes, then do not vote for him. Do us-you have to do anything with the party?

We only have to do with, Religion.” (Time Stamp: 01:42 – 02:25)

“What happens here and there should reach men. But it doesn’t happen nowadays. Hence love-jihad takes place. Therefore, a law has to be demanded. That’s why we have to go to the politicians. Do you know Israel? Surely you know these days. How does it hit. Ha! Good or not? Will you hit it like that? No, only two or three people said yes. You will say, how to hit? It’s smaller than India. Israel is not as big as Washim Districts. But are all jihadist

countries around the world afraid or not? So does size matter? Then tell me if any Jihadists have ever done Jihad with an Israeli Jewish girl. Is there a case in the world? Why not? Because he knows that, she wont be deceived and if she get deceived and if everyone came to know about it, then he wont be questioned and will be killed. So the threatening, betraying, backstabbing Israel learned from us. You know from which picture learned. Even today 35% of people in Israel speak Marathi.” (Time Stamp: 02:33 – 04:26)

“How much is left, to be minority? After ten years any Hindus will not have a MP. After 15 years, none of the 30 MLAs in Mumbai will be Hindu. Today in Maharashtra, now in Mumbai, there are three Vidhan Sabhas in which whoever is elected is a Muslim. Hindus have no ticket. Here is given by Ajit Pawar. At least one Hindu would have been given to show that at least one Hindu is fighting, even if we lost, at least we would have been able to say that we are fighting there.” (Time Stamp: 04:35 – 05:10)

This statement is anti-Muslim as it perpetuates harmful stereotypes and incites fear against Muslims by referencing “love jihad” and framing them as “infiltrators” seeking to take over India. It attempts to villainize historical figures like Aurangzeb and Tipu Sultan, making broad, negative generalizations about Muslims based on the actions of specific individuals. The speaker manipulates religious sentiment to foster division, urging voters to align politically based on religion rather than merit. This rhetoric violates the Model Code of Conduct (MCC) by promoting religious hatred, misleading voters, and using divisive language to influence elections.

“Do so many people, so many voters come from the stomach in five years? Can they come from the stomach? No. Where do they come from? Even today in 2024, infiltration continues from Bangladesh, Robingya, Myanmar, Afghanistan and Pakistan. By way of Nepal, we don’t know. But how conscious are you about your own wealth? Personal property. You know the crime data, the crime statistics. Some journalist friends will say. I am a journalist so I speak with proof of numbers. Murder or attempted murder every year to save own property in India. That means the number of murderers who commit murder or attempted murder is 1.5 lakh. How many murder or attempt to murder do Indian people do for personal property protection?” (Time Stamp: 05:11 – 06:19)

“Manmohan Sarkar took it. What was the number? All Bangladeshis, Robingyas, Afghanis, Pakistanis ten crores. 1 crore in Maharashtra, 40 lakh in Mumbai. 5 lakhs in your district. I claim to be in your village. There is no such taluka place. It seemed out of place. Is it or not? Did you see this or not? It has reached here today. The Chief Minister of Assam will be a Bangladeshi infiltrator in the near future. Because they have become the majority. The mayor of Mumbai will soon be a Bangladeshi.” (06:27 – 07:29)

This statement is deeply hateful, using fear-mongering tactics by labeling Muslims and minority communities as “infiltrators” and narrating them as a threat to the majority. It encourages divisive voting based on religion, urging Hindus to vote “for religion” in opposition to Muslims.

“Who will win, the celebrant or the fighter against religion? So don’t be under this illusion. If anyone tells you that this is a celebration of democracy, stop them right there. Tell him to first stop that crusading love jihad. And so, I say to you in this speech, that if Muslims are going to vote Jihad in the name of Islam, so you, we Hindus, crusade, crusade, crusade for voting in the name of Hinduism. Leave it, who is standing. I don’t even know the name. Which party is it? And don’t give it free. A Muslim may have 50 votes, still he gets some benefit in the Gram Panchayat elections, gets it done in the Municipality, gets it done by the MLA. You must have seen, now Muslims have given a letter to Congress, to say that they have seventeen demands.” (Time Stamp: 07:30 – 08:33)

By claiming that Muslims are systematically taking over political offices and that Hindus will be marginalized, the speaker is fostering an environment of division, distrust, and fear. This rhetoric violates the Model Code of Conduct and the Representation of the People Act, 1951, which prohibit the use of religion to influence voters and spread misinformation during elections. These statements promote hate and incite violence against a particular community, which is explicitly against the spirit of the law.

The video had been uploaded on Telegram by Hindutva Watch on November 17, 2024.

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

The video can be accessed through this link: <https://t.me/hindutvawatchin/829>

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 habitual 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 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, 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 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 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 “*Madrassa ke naam par bachho se bheek manga rabe 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, Chattisgarh 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 habitual hate 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.*
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.
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.

Both the speeches are a clear violation of the Model Code of Conduct (MCC), the Representation of the People Act (RPA), 1951 and constitutes hate speech. The speaker uses inflammatory language, invoking "love jihad," "cow protection," and labeling Muslims as "infiltrators" from

Bangladesh, Pakistan, and Myanmar, creating a false narrative that these communities are a threat to national security. This rhetoric is aimed at manipulating voters by creating fear and division based on religion. By urging voters to make choices based on religious identity, the speech violates the MCC, which prohibits the use of religion to influence elections. Additionally, it seeks to polarize the electorate, fostering a divisive and hostile political climate, which undermines the principles of free and fair elections enshrined in the RPA.

The use of historical figures like Aurangzeb and Tipu Sultan further deepens religious divides, painting all Muslims with the same brush as controversial historical figures, thus inciting hatred. By referring to Muslim voters as a monolithic block involved in "jihad," the speaker not only spreads misinformation but also encourages violence and discrimination. This speech, therefore, poisons the political environment in Maharashtra, stoking communal tensions, and disrupting the healthy, democratic fabric of the state. It clearly seeks to manipulate electoral outcomes through religious polarization, which undermines the very essence of democracy.

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 habitual 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 habitual offenders

We urged the immediate registration of an FIR against Suresh Chavhanke, a known habitual and repeated 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.

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 November 14, 2024, downloaded by CJP

Annexure B- Video uploaded on Telegram by Hindutva Watch on November 17, 2024, downloaded by CJP