

05.09.2023

Hon'ble Mr. Justice Dhananjaya Y. Chandrachud

The Hon'ble Chief Justice of India

Supreme Court of India

Subject: - Request for Suo Moto Cognisance of Hate Speech made by Udhayanidhi Stalin that could incite communal disharmony and sectarian violence.

Hon'ble Chief Justice of India,

We, the undersigned, are writing to draw your notice to a recent development which has caused much anguish in the hearts and minds of common citizens of India and specially those who believe in Sanatan Dharma.

A few days ago, Shri Udhayanidhi Stalin, a serving Minister in the Tamil Nadu State Government, while addressing a press conference in Chennai stated: "Few things cannot be opposed, they should be abolished. We can't oppose dengue, mosquitoes, malaria, or corona, we have to eradicate them. In the same way, we have to eradicate the Sanatana (Sanatan Dharma), rather than opposing it". He further deliberately remarked that Sanatana Dharma enslaved women and did not allow them to step out of their homes.

In the case of Shaheen Abdulla v. Union of India and Ors., [Writ Petition(s) (Civil) No. 940/2022)], the Supreme Court of India observed

that there cannot be fraternity unless different religious communities are amenable to live in harmony. The Supreme Court has expressed concern over the growing incidents of hate speeches in the Country and has directed the governments and police authorities to take suo motu action in such cases without waiting for the lodging of formal complaints. Such action is needed in order to preserve the secular character of the country. Any delay on the part of the administration in taking action on “very serious issues” will invite the court’s contempt.

Your lordship is aware of the importance of ‘Santana Dharma’ and the same cannot be understated. It is a set of duties incumbent upon all Hindus and has often been defined as an “eternal” that will always be relevant and gives the people of the Hindu faith, the freedom to choose mode of worship of the Almighty of their choice.

Not only did he make a hate speech but Udhayanidhi Stalin refused to apologize for his remarks. Rather he justified himself by stating: “I will say this continuously” with reference to his remark that Santana Dharma should be eradicated. He reiterated that he stands by his remarks and offered ambiguities and nuances that did little to address the concerns raised by people.

We the undersigned are deeply concerned with these remarks made by Udhayanidhi Stalin. These remarks undeniably amount to hate speech against a large population of India and strikes at the very core of the Constitution of India which envisages Bharat as a secular nation. Moreover, the rule of law was further undermined when the State Government of Tamil Nadu refused to take any action against Udhayanidhi Stalin and rather chose to justify his remarks.

The State Government of Tamil Nadu’s actions run in the face of the Supreme Court of India’s judgments in the case of Shaheen Abdulla v. Union of India and Ors. and Ashwini Kumar Upadhyay v. Union of India

[Writ Petition (Civil) No. 943/2021] wherein the Supreme Court has directed that State Governments should take sue moto action against any hate speech crime without waiting for any complaint. Thus, cases should be suo moto registered and the offenders should be proceeded against in accordance with law. Any hesitation to act as per the directions would be viewed as contempt of court.

Therefore, since the State Government has refused to take action and acted in contempt of the Court's orders and gravely undermined or rather made a mockery of the rule of law, we urge the Hon'ble Supreme Court to take the suo moto notice of contempt, ensuring accountability for the inaction of the State Government of Tamil Nadu, and take decisive steps to prevent the inducement of hate speech, preserving public order and peace and we request you to take immediate appropriate actions. We sincerely hope for the thoughtful consideration of our plea and implore immediate measures to ensure justice and rule of law to prevail.

Coordinators

Justice S N Dhingra

**Former Judge, Delhi High Court
GOI**

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-----List of Signatories Attached-----

