



Date: July 11, 2024

To,
Shri Shrikrushna Kokate
Superintendent of Police, Nanded
Email: sp.nanded@mahapolice.gov.in

Shri Abhijit Rajendra Raut
Collector and District Magistrate, Nanded
Email: collector.nanded@maharashtra.gov.in

Subject: Complaints against serial hate offender Kajal Singhala, aka Kajal Hindustani, for delivering a Provocative Speech on May 4, 2024 at an event organized in Mudkhed, Nanded.

Dear Ma'am/Sir,

We, at Citizens for Justice and Peace (CJP), a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the communal and hate-spewing speech delivered by social media influencer Kajal Hindustani in Mudkhed, Nanded, Maharashtra on May 4, 2024. As per the details available, the said speech had been by Kajal Hindustani at an event. Through her speech, she propagated fake conspiracy theories about Love Jihad, Land Jihad, religious conversion, and accused Muslim citizens of trapping Hindu girls to convert them to Islam. She further said that the Muslims of the country are on a mission to make India into Islamic nation by pursuing the mission of Ghazwa-e-Hind additionally, she used the derogatory term Jihadi to refer to Muslims boys, accusing them of being brainwashed to conduct fraudulent religious conversions. She with deliberate intention to disturb the long-standing harmony, urged people to boycott Muslim shopkeepers and called them demon Mahishasura.

A Gujrat resident, Kajal Shingala, who calls herself Kajal Hindustani, has been flagged multiple times for making inflammatory remarks against women and religious minorities. She has had a history of disturbing the communal harmony of India through her provocative and misinformed statements. We would like to bring your attention to the instigating speech video that has surfaced from the Mudkhed, Nanded event, urging the police officials 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.

Extracts from the Speech:

“Their (Muslims) agenda is clear, they are working with Jihadi, Terrorist and Talibani mentality”.
“He has a plan for 500 years”. [Time Stamp: 01:44 - 02:06]
“Look, work is being done on three levels. India has to do Ghazwa-e-Hind before, India has to be made an Islamic Country before 2047”. [Time Stamp: 02:18 - 02:32]

“Their (Muslims) agenda has been made, hence their boys are being prepared by those with terrorist activities. Look! Understand that Love Jihad, Land Encroachment and Religious Conversion, all three have a connection with terrorism that traps Hindu girls and then convert her to Islam and then kill her”. “Literally, they (Muslims) are conspiring. This is happening through TV Serials, love jihad is being instilled in us.” [Time Stamp: 04:59 - 06:03]

“Wherever you find an infidel, kill him or convert him, it is written in their Book”. “He is reading whatever is written in it”. [Time Stamp: 06:18 - 06:37]

“When this Jihadi will come with stones in his hand and slogans like Ghazwa-e-Hind, Nara-e-Takbeer and Gustakh-e-Nabi’s only one punishment, separation of head from body.”.

“Then your money will not be able to save you, neither you will not be saved by your relatives or neighbors nor by any caste leader, then your brothers of Hindu organization will come to save you”. [Time Stamp: 06:38 - 07:04]

She with intention to discriminate and spreads hatred against the Muslim shopkeepers, urged peoples to;

“Become a Hindu, buy goods from Hindus, give employment to Hindus only, prepare Hindu economy, do not purchase goods from the demon Mahishasura (used for Muslim shopkeepers)” [Time Stamp: 07:29 - 07:51]

The video had been uploaded on Telegram by Hindutva Watch on May 4, 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/371>

Sir, it is important to note that this is not the first time that Kajal Hindustani has delivered such a communal and inflammatory speech in Maharashtra. We at CJP, have regularly tracked the speeches that had been made by her during 2023-24. It is pertinent to highlight here that in the month of April in 2023, Kajal Hindustani had been arrested by the Gujarat Police for delivering an anti-Muslim inflammatory speech. Her arrest, which took place on April 29, came after the stigmatising remarks made by her against the Muslim community after participating in a congregation organized by the Vishwa Hindu Parishad (VHP) in Una town during Ram Navami celebrations on March 30, 2023.

That 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, 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.

It is pertinent to mention that, Kajal Hindustani has strong antecedents in inciting hate and is a repeat hate offender as she has been involved in numerous cases of hate speech, and was arrested

by the Gujarat police in April 2023 for delivering incendiary anti-Muslim speech at an event organized by Vishwa Hindu Parishad in Una.

On March 5 at Hindu Janakroash Morcha rally organised by Sakal Hindu Samaj in Ratnagiri, Kolhapur, she delivered a hate speech targeting Muslims, and accusing them of pursuing Ghazwa-e-Hind (battle to take over India and make it into Islamic nation). During her speech, she recalled that there are four major challenges before the country, i.e., love jihad, land encroachment, religious conversion, and drugs. Charging the religious minority of encroachment, she said, “They systematically plan all of these. They find a place, arrange 4 pieces of bricks around it, put a green cloth over it, and make it mazaar. Gradually it will take the form of Dargah, and then, when the government would talk about demolishing it, they will engage in stone pelting against the government authorities and police.” In this case, we sent our complaint to Dhananjay Kulkarni (Superintendent of Police, Ratnagiri) and M. Devender Singh (Collector, Ratnagiri) asking them to invoke IPC Sections 153A, and 505 (1) and (2).

In another video that emerged of her at an event in Nagpur organised by the same organisation on February 2 this year, she asked Hindus to socially boycott Muslims, arguing that any relation between a Hindu and a Muslim is impossible, as the latter wants to commit Ghazwa-e-Hind. In this case, we sent our complaint to Kamlakar Gaikwad (Superintendent of Police, Nagpur) and Vipin Itankar (Collector, Nagpur) asking them to invoke IPC Sections 153A, and 505 (1) and (2).

Similarly, on February 6, 2024 in a speech delivered at Shri. Shivaji High school in Navapur (Nandurbar), she urged that “Only buy groceries from Hindu brothers, only give jobs to Hindu brothers. If your Hindu brother is selling a Tomato at an expensive price than others, then buy less quantity but buy only from your Hindu brothers”, once again accusing the Muslim community of overbreeding, Ghazwa-e-Hind, and terrorism. In this case, we sent our complaint to Vinayak Mahamuni (Sub Divisional Officer, Nandurbar) and Manisha Khatri (Collector, Nandurbar) asking them to invoke IPC Sections 153A, 505 (1) and (2).

This theme was further repeated during her speech on January 31, 2024 at an event in Jalgaon. In this case, we sent our complaint to M Rajkumar (Superintendent of Police, Jalgaon) and Ayush Prasad (Collector, Jalgaon) asking them to invoke IPC Sections 153A, and 505 (1) and (2).

Laws Violated by the Hate Speech

Under Bharatiya Nyaya Sanhita, 2023

The inflammatory and divisive speech delivered by Kajal Hindustani 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.

Provisions of 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].

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.

In view of the same, we urge you to take cognizance of the video enclosed herewith, register a case against the perpetrators identified as well as the organizer, and arrest them for the cognizable offences under the relevant sections. We also wish for you to inform us whether the said event had been videotaped by the police officials as per the orders of the Supreme Court. Additionally, we wish for 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

Annexure:

Annexure A- Video of Kajal Hindustani dated May 7, 2024 downloaded by CJP