



URGENT

Date: March 7, 2025

To,

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Subject: Complaint against BJP MLA and Minister Nitesh Rane for delivering a divisive speech at “Hindu Rashtra Adhiveshan”, organised by right-wing outfit Hindu Janajagruti Samiti (HJS) in Kundal, Sindhudurg on February 8, 2025 and at a VHP-Bajrang Dal organised “Shivjanmostav” event in Sawant wadi, Sindhudurg on February 19, 2025

Dear Sirs,

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 **divisive communal rhetoric** expressed by **Nitesh Narayan Rane, BJP MLA and Cabinet Minister for Fisheries & Ports Development**, during his speeches delivered at events organized by right-wing outfits in **Sindhudurg**. On **February 8, 2025**, Rane spoke at the **“Hindu Rashtra Adhiveshan”** organized by **Hindu Janajagruti Samiti (HJS)** in **Kundal**, and on **February 19, 2025**, at the **“Shivjanmostav”** event organized by **VHP-Bajrang Dal** in **Sawantwadi**. These speeches, delivered in different locations across Sindhudurg district, contain several alarming and dangerous elements of hate speech that merit urgent attention. In his speech, delivered at and reported from Kundal, Rane spoke about what he termed as “Love Jihad” and “Land Jihad,” terms which have been coined and which have been repeatedly used to generate a sentiment of harm towards a section of Indians, the Muslim community.

Mr. Rane stated, *"How far have these Islamisation and Jihadisation people reached? How much has their courage grown? You all should imagine this. You people should be able to guess where the danger is from."* **[Time Stamp:**

00:01 – 00:43] His speech also was symptomatic of a dangerous rhetoric that also provokes local communities into hostilities to some of their neighbours (Muslims). In a similar vein, during his speech at Sawantwadi, Rane continued with the stigmatising slur and stereotypes, stating: "If anyone in this Sawantwadi, this Sindhudurga, keep evil eye at my Hindu religion, just give me a call, I will make sure that he doesn't go to that place again on Friday." He also asserted, "By 2047, there are plans to make our country, India, an Islamic nation. We must not fall victim to this." These misconceived and provocative statements, unsubstantiated by fact and delivered by a sitting MLA and Cabinet Minister, are deeply concerning.

As an organisation promoting communal harmony, we are compelled to inquire whether appropriate action is being taken in accordance with the directives issued by the Hon'ble Supreme Court and the Bombay High Court. The Constitutional Courts have specifically ordered detailed investigations and prosecutions in relation to hate speech, and we urge the authorities to adhere to these directions, ensuring that such divisive rhetoric does not go unchecked.

In this context, we bring to your attention the disturbing videos of Rane's speech that has surfaced, which not only encourages hatred but also seeks to justify it under the guise of religion. It is crucial that the police and authorities take stringent action to prevent further harm to the peace and harmony of our nation. Such unchecked hate-driven rhetoric threatens to undermine the secular fabric of our country.

Rane's speeches in Kundal and Sawantwadi exhibit numerous traits that are clearly indicative of hate speech. These speeches, delivered on February 8 and 19, 2025, target one section of the Indian population, the Muslims pointedly, propagating certain communal narratives that stir resentment and incite fear. As per the Supreme Court's judgment in *Amish Devgan v. Union of India, (2021) 1 SCC 1*, such speech falls under the category of hate speech, as it seeks to promote hatred against a particular group without any legitimate purpose. Rane's inflammatory statements meet these criteria, as they serve no aim other than to sow division and fuel communal hatred.

In the *Amish Devgan (2021)* judgement, a bench comprising Justices A M Khanwilkar and Sanjay Khanna emphasised that hate speech is not merely an expression but an act intended to foster hatred or violence against a specific community. **The Court clarified that for speech to be categorised as hate speech, there must be subjective intent to target a group or class of people.** The Court further reinforced the responsibility of persons of influence, such as Rane, given the reach and authority they possess over the public. **The Court's ruling stresses that individuals in positions of power must be especially cautious of the messages they convey, understanding their potential to incite hatred and social discord.**

The Court observed that the object of criminalising hate speech is to protect the dignity of an individual and to ensure political and social equality between different identities and groups regardless of caste, creed, religion, sex, gender identity, sexual orientation, linguistic preference etc.

In the context, the Court explained that 'dignity' "refers to a person's basic entitlement as a member of a society in good standing, his status as a social equal and as bearer of human rights and constitutional entitlements"(Para 46).

Nitesh Rane, as a sitting MLA and Cabinet Minister, holds considerable sway over public opinion. His position of influence amplifies the impact of his words. By making remarks that explicitly target Muslims and encourage anti-Muslim sentiment, Rane not only flouts the constitutional principles of equality and non-discrimination but also directly contravenes the guidelines set by the Supreme Court mentioned herein. His speeches are emblematic of the kind of rhetoric the Court has cautioned against, as they incite communal hatred without any valid or legitimate message.

Rane's words in Kundal and Sawantwadi, including references to “Love Jihad,” “Land Jihad,” and threats to “ensure he doesn’t go to that place again on Friday,” directly target and demean Muslims, reinforcing stereotypes and prejudices. These remarks, laden with derogatory terms and unsubstantiated claims, serve only to deepen communal divides and sow mistrust. By invoking baseless fear about Muslims supposedly plotting to “Islamise” India, Rane perpetuates harmful myths that have no grounding in reality but fuel intolerance and division.

The judgment also stressed that statements by persons holding power and influence have to be analysed in distinction from those made by an ordinary person on the street.

That, as a public figure holding a constitutional office, Nitesh Rane’s role in disseminating hate speech and communal propaganda cannot be ignored. His speeches, delivered with the authority of his position, exemplify the kind of speech the Supreme Court has cautioned against. Such rhetoric not only undermines the values enshrined in the Indian Constitution but also threatens the communal harmony that is essential for the well-being of our nation. We call upon the authorities to take swift and decisive action to ensure that Rane’s statements are investigated and, if necessary, prosecuted, as per the established legal framework.

Transcript and English Translation of the Speeches:

1. Kundal, Sindhudurg [Date – February 8, 2025]

“And while taking out this rally, there were some cases of Love Jihad, some cases of Land Jihad, and some cases related to the Waqf Board. We, as the Sakal Hindu Samaj, took out those rallies and went to meet the affected families and we tried to provide them justice. How far have these Islamisation and Jihadisation people reached? How much has their courage grown? You all should all imagine this. You people should be able to guess where the danger is from.”

[Time Stamp: 00:01 – 00:43]

“This means that even the major temples in our country are now being targeted. Today, we have liberated only the Ram temple from them. But today, these people have started encroaching on the major religious places in our state by broadcasting Hindi channels.” **[Time Stamp: 00:45 – 01:08]**

“Whether it is the Maruti Temple, our Siddhivinayak, or numerous other important religious sites, these people go there, encroach on the land, and create disputes.” **[Time Stamp: 01:10 – 01:24]**

“I always wonder—if you want to spread Islam, why do you always target our temple lands? If you want to build a mosque or a dargah, then buy an open piece of land yourselves and say, 'We want

to build a mosque here, a dargah here.' But they always want to do these things on the land of our temples." [Time Stamp: 01:26 – 01:55]

“So that if the temple's control is obtained tomorrow, their movement is continuing with the perspective of how our Hindu society can be weakened. By 2047, they want to turn our Hindu nation into an Islamic nation. Their evil eyes are on the temples, and we should be moving towards ensuring how to keep them safe.” [Time Stamp: 01:56 – 02:28]

“Now, some of our journalists are Hindus, or those who are with me, and those who criticize are from among us—who help these green snakes more than the jihadis do.” [Time Stamp: 02:30 – 02:45]

“Swatantryaveer Savarkar has written very well that the Hindu society suffers more from Hindus themselves than from Muslims. Some of these people ask me how I can call it a Hindu nation, as it does not fit within the Constitution.” [Time Stamp: 02:47 – 03:05]

“Perhaps they do not understand the Constitution, which is why they ask us such questions. The original draft of the Constitution, as envisioned by Dr. Babasaheb Ambedkar, did not include the word "secular." The Congress later added the word "secular" to the Constitution. Therefore, there is no need to believe that our country is secular. Our country is indeed a Hindu nation, and we live in a Hindu nation.” [Time Stamp: 03:06 – 03:36]

The Supreme Court's *Amish Deygan* judgment highlighted that those in positions of influence bear a greater responsibility for their words and actions. The judgment emphasised that public figures must be aware of the potential meanings and impacts of their words. Rane's comments reflect a blatant disregard for this responsibility. He invokes terms like "Love Jihad," "Land Jihad," and "Waqf Board," all of which have become tools of hate speech commonly used by right-wing groups to vilify Muslims. These phrases not only misrepresent reality but also serve to create a sense of impending danger, as seen in Rane's assertion: **"How far have these Islamisation and Jihadisation people reached? How much has their courage grown?"** This statement does not convey any legitimate concern but instead promotes a narrative of fear and suspicion, targeting Muslims as a monolithic group intent on destabilizing Hindu society.

Furthermore, Rane's speech about Muslims allegedly encroaching on Hindu temples and his rhetoric about a Hindu nation are clear violations of the *Amish Deygan* (Supra) ruling. He claims that Muslims are targeting temple lands—a repeat rumour-based allegation not based on fact-- and that their goal is to transform India into an Islamic nation by 2047. These inflammatory statements directly contribute to religious polarization and incite hatred toward Muslims by painting them as a threat to Hindu culture and religion. Such rhetoric encourages an “us versus them” mentality, which undermines the unity and harmony of India's pluralistic society.

By claiming that India is a "Hindu nation" and dismissing its secular identity, Rane also challenges the Constitution's core principles of equality and non-discrimination. His words are not only unconstitutional but also explicitly defy the duty of responsibility expected of influential leaders as per the *Amish Deygan* (supra) judgment. Rane's role as a public figure amplifies the harm caused by his statements, as his words carry significant weight and influence. His speeches, which lack any

legitimate message and instead serve to incite division and fear, violate both constitutional norms and the spirit of the Supreme Court's ruling on hate speech.

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

Annexure A

Link: <https://t.me/hindutvawatchin/1440>

The video had been uploaded on Instagram by Hindutva Watch on February 13, 2025

2. Sawantwadi, Sindhudurg [Date – February 19, 2025]

“The Chief Minister is a staunch Hindutva. If anyone in this Sawantwadi, this Sindhudurga, keep evil eye at my Hindu religion, just give me a call, I will make sure that he doesn't go to that place again on Friday. Don't worry about anything.” **[Time Stamp: 00:01 – 00:21]**

“Our government is very bad. What is going on around I am aware of everything. Don't you think to do any struggle. Wherever something wrong is happening, wherever someone tries to slaughter a cow, wherever someone tries to smuggle, wherever green snakes try to wriggle, just make one call, leave the rest of the arrangements to me.” **[Time Stamp: 00:23 – 00:55]**

“Check after two hours whether his phone is on or off. You will hear that the phone is permanently switched off—not just temporarily, but permanently. That is why I am here today, to assure you of all these things.” **[Time Stamp: 00:57 – 01:15]**

“The mischief happening in the markets should be closely monitored by my trader friends. Pay close attention to who is sitting in your markets and who the new people are coming in. Are they from your district or taluka? Keep an eye on this.” **[Time Stamp: 01:17 – 02:02]**

“Don't just sit quiet. These things are being handed over to our children. Why are they being addicted to all this today? Because the goal is to reduce the Hindu population of this country. By 2047, there are plans to make our country, India, an Islamic nation. We must not fall victim to this. Every Hindu should be aware of this.” **[Time Stamp: 01:34 – 02:02]**

“That is why, as I said, this is a Hindu nation. I will not get involved in any other distractions. Our country is indeed a Hindu nation. It is the job of Hindus like us to figure out how to strengthen the Hindu nation. It is the duty of leaders like us. That is why I have come before you, to give you this assurance.” **[Time Stamp: 02:05 – 02:24]**

In his Sawantwadi speech, Rane again uses threatening and divisive language. His warning that “if anyone in this Sawantwadi... keep evil eye at my Hindu religion, just give me a call” is not only a call to arms but also a clear incitement to communal hatred. The phrase “I will make sure that he doesn't go to that place again on Friday” is an explicit threat targeting Muslims, who traditionally observe prayers on Fridays. This aligns with hate speech, as it singles out a religious group and implicitly threatens them with harm.

Rane's continued use of the phrase “green snakes,” is again use of another derogatory term for Muslims, further propagates Islamophobic sentiments. By repeatedly stating that “our country is a Hindu nation” and dismissing India's secular identity, he is challenging the constitutional values

of equality and non-discrimination. His claims of a planned demographic shift by 2047, in which he alleges that Muslims intend to reduce the Hindu population, reflect a clear attempt to incite fear and division.

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

Annexure B

Link: <https://t.me/hindutvawatchin/1511>

The video had been uploaded on Instagram by Hindutva Watch on February 23, 2025

How elements in both the speeches delivered Constitute Hate Speech:

1. Demonisation and conspiratorial allegations:

Both speeches employ demonizing language and promote unfounded conspiracy theories. The first speech uses loaded terms like "Love Jihad," "Land Jihad," and "Islamisation," framing Muslims as engaged in a systematic effort to undermine Hinduism. Both speeches propagate the myth of a planned Islamic takeover by 2047. This fosters a climate of fear and distrust, portraying Muslims as an internal enemy with malicious intent. The second speech's use of "green snakes" further dehumanizes the targeted community. These claims, devoid of factual basis, incite prejudice and hatred.

2. Direct threats and incitement to hatred:

The second speech explicitly inciting hate, promising to "permanently switch off" individuals perceived as threats. This language constitutes a direct call to communal hatred, encouraging self-vigilantism and extrajudicial actions. The first speech, while less explicit, creates a sense of imminent danger, urging listeners to "guess where the danger is from." This indirect incitement, coupled with the demonization of Muslims, creates an environment conducive to divisiveness. The call to "keep an eye on" new people in the market is also a form of inciting discrimination.

3. Subversion of constitutional principles:

Both speeches assert that India is inherently a "Hindu nation," rejecting the secular principles enshrined in the Constitution. The first speech claims the word "secular" was a later addition, attempting to delegitimise its place. This revisionist approach aims to establish Hindu supremacy and marginalise religious minorities. By denying the constitutional rights of other communities, these speeches promote a discriminatory and exclusionary ideology. This undermines legal structures meant to protect all citizens, regardless of religion.

4. Serve no legitimise purpose other than promoting hatred:

Rane's speech, in line with the Supreme Court's *Amish Deygan* judgment, constitutes a clear violation of existing hate speech laws. His words promote hatred and serve no legitimate purpose other than to inflame communal propaganda. As a public figure holding constitutional office, his influence amplifies the potential harm of such rhetoric.

5. Failure to uphold duty of responsibility:

Besides all else, Nitesh Rane's speeches in Kundal and Sawantwadi represent a direct violation of his duty as a public figure, as outlined in the *Amish Degan* judgment (2021). The Supreme Court emphasised that **individuals with substantial influence must exercise heightened responsibility, as their words can stir public sentiments and foster division**. Rane's rhetoric, filled with such provocative and divisive language, shows a blatant disregard for this responsibility. As a leader, Rane should have been aware of the harmful impact his words would have on the public, especially given his influence as an elected representative.

6. Attempts at fuelling communal propaganda:

Rane's use of terms like "Love Jihad," "Land Jihad," and "Waqf Board" perpetuates a narrative of Muslim conspiracy to undermine Hindu society. These terms are widely used by right-wing groups to generate communal narratives against Muslims. In his Kundal speech, Rane's reference to "Islamisation and Jihadisation" directly targets Muslims, implying that they pose a growing and coordinated threat to Hindu society. This statement does not contribute any legitimate message, but instead promotes hate and division. His portrayal of Muslims as aggressors, particularly in the context of temple land encroachments, furthers this narrative, perpetuating stereotypes that Muslims are intent on harming Hindu religious and cultural institutions.

Both speeches delivered by Nitesh Rane in **Kundal** and **Sawantwadi** on February 8 and 19, 2025, respectively, incite hate speech and divisiveness, violating multiple sections of the **Bharatiya Nyaya Sanhita (BNS), 2023**. These speeches stoke religious enmity, promote falsehoods, and encourage actions that undermine public harmony and peace.

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 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 scrutinized 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 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 Janjagruti 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 facility, 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, it is also important to note that the Hon'ble Supreme Court of India, in Writ Petition (Civil) No. 940/2022, *Shaheen Abdulla vs. Union of India & Ors.*, mandated the police authorities in the States of Uttar Pradesh, Uttarakhand and UT of NCT of Delhi to take suo moto action against those indulging in hate speeches as provided under the Indian Penal Code. Moreover, the state authorities have also been asked to issue directions to their subordinates in this regard that without looking at the religion of the accused, action has to be taken. 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.

Laws Violated by the Hate Speech

Under Bharatiya Nyaya Sanhita, 2023 (BNS)

Section 196 – Promoting Enmity Between Groups:

- In the **Kundal speech**, the speaker deliberately targets Muslims, labelling them as responsible for "Love Jihad," "Land Jihad," and the encroachment of Hindu temples. The accusation that Muslims are trying to Islamise India by infiltrating sacred lands creates a deep sense of hostility between religious communities, violating Section 196.
- The **Sawantwadi speech** similarly promotes division by portraying Muslims as "green snakes" who are trying to harm Hindu religion and society. This explicit call for vigilance against Muslims and incitement to violence further exacerbates the enmity, breaching the same section.

Section 197 (1) – Imputations Against Allegiance to the Constitution:

- The **Kundal speech** implies that Muslims, by their actions, cannot uphold the sovereignty and integrity of India, suggesting they are working against the Indian Constitution by

targeting temples and attempting to Islamize the nation. This imputation directly attacks the loyalty of Muslims to the Indian state, violating Section 197.

- In **Sawantwadi**, the speech claims that by 2047, India will become an Islamic state. This sweeping claim undermines the idea of a pluralistic nation, implying Muslims intend to usurp control of India, which casts doubts on their allegiance to the Constitution.

Section 299 – Malicious Act to Insult a Religion:

- The **Kundal speech** insults Islam by suggesting that Muslims are deliberately targeting Hindu religious places and weakening Hindu society. These comments malign Islam and Muslims, constituting a breach of Section 299.
- Similarly, the **Sawantwadi speech** uses derogatory terms like "green snakes" to insult Muslims, further deepening the communal divide and violating this section.

Section 352 – Intentional Insult with Intent to Provoke Breach of Peace:

- Both speeches contain inflammatory rhetoric designed to provoke violence and unrest. The **Kundal speech**, in particular, encourages the idea that Muslims are encroaching on Hindu temples and weakening Hindu society. The suggestion that Muslims aim to turn India into an Islamic nation directly provokes fear and hatred, likely leading to public disturbance.
- In the **Sawantwadi speech**, the call for violent action against perceived threats to Hinduism and the assurance of retaliation against Muslims is a clear provocation meant to stir conflict and disturb public peace.

Section 353 – False Information with Intent to Incite:

- The **Kundal speech** spreads the unfounded and inflammatory claim that Muslims are targeting temples and aiming to Islamize India, which is false and intended to spread fear and alarm among the public. This kind of rumour can incite violence against Muslims and deepen communal rifts.
- The **Sawantwadi speech** similarly spreads a baseless rumour about a plan to reduce the Hindu population and establish an Islamic nation by 2047. This false narrative is designed to provoke fear and incite violence, fulfilling the criteria of Section 353.

It is important to mention that both speeches convey a dangerous narrative that Muslims are a threat to Hindu society, religion, and the sovereignty of India. They use terms like "Love Jihad," "Land Jihad," "green snakes," and claims of Islamisation to create a hostile atmosphere, suggesting that Muslims are deliberately encroaching upon Hindu religious sites and trying to convert India into an Islamic state. These speeches invoke fear and hatred, sowing discord between communities by portraying Muslims as enemies of the nation.

The call for violent retaliation in the Sawantwadi speech further fuels the narrative of confrontation and self-vigilantism. The implication that by 2047, India will no longer be a Hindu nation, but an Islamic one, is not only unfounded claim but also inflammatory. These messages not only insult

the religious sentiments of Muslims but also have the potential to provoke hatred and disrupt the peace, violating several provisions of the **Bharatiya Nyaya Sanhita (BNS)**, 2023.

The inflammatory and divisive speech delivered by Nitesh Rane amounts to insightful, hate speech which is a punishable offence under the various sections of the Bharatiya Nyaya Sanhita (BNS), in essence, the speeches violate the following sections:

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 299 - (Malicious act to insult a religion), 352 (Intentional insult with intent to provoke breach of peace)

Section 302 - Uttering words, etc., with deliberate intent to wound religious feelings of any person.

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.

Judicial precedents against Hate Speech:

In *Firoz Iqbal Khan vs Union of India [W. P (Civ.) No. 956 of 2020]*, the Supreme Court had held, “the edifice of a democratic society committed to the rule of law under a regime of constitutional rights, values and duties is founded on the co-existence of communities. India is a melting pot of civilizations, cultures, religions and languages. Any attempt to vilify a religious community must be viewed with grave disfavour by this Court as the custodian of constitutional values.” (Para 11).

In *Pravasi Bhalai Sangathan v. Union of India, (Ref: AIR 2014 SC 1591)*, the Supreme Court has unambiguously stated that “hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to

ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.” (Para 7).

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]*, extended its order and 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 above, we urge you to take cognizance of the speeches delivered by Nitesh Rane, as enclosed herewith, and register a case against the perpetrator, Nitesh Rane, as well as the organizers of the events, under the relevant sections for cognizable offences. We also wish for you to inform us whether the said events were videotaped by the police officials, as per the orders of the Supreme Court. Additionally, we request that the police keep us informed of developments and actions taken in this case, based on the applicable sections, as this would go a long way in rebuilding faith and confidence in the rule of law in general, and the police-citizen relationship in particular.

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

In anticipation,
Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures:

Annexure A- Video of event dated February 8, 2025 downloaded by CJP

Annexure B- Video of event dated February 19, 2025 downloaded by CJP