

Date: March 18, 2025

To,

Shri Nikhil Gupta (IPS)

Additional Director General (Law & Order), Maharashtra

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Subject: Complaint against BJP MLA and Cabinet Minister Nitesh Narayan Rane for delivering a divisive hate speech at Shri Rameshwar Mahadev Mandir in Wagholi, Pune (Maharashtra) on February 5, 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 speech delivered at a public event organised at **Shri Rameshwar Mahadev Mandir in Wagholi, Pune, Maharashtra, on February 5, 2025**. At this event, Rane spread anti-Muslim hate speech, perpetuating the conspiracies of "land jihad" and "love jihad," and falsely claiming that Muslims aim to turn India into an Islamic state. In his inflammatory speech, Rane urged Hindus to rent houses exclusively to fellow Hindus, warning that *"it starts with one Aslam, and then you have a hundred Aslams."* This rhetoric serves to demonise Muslims, portraying them as a threat to Hindu society. He specifically targeted the practice of azaan, the Muslim call to prayer, claiming that if Hindus rented homes to Muslims, *"in no time, they will be there in hordes, and*

next thing you know, the azaan is blaring five times a day.” This statement not only spreads fear but also perpetuates the false narrative that Muslims are attempting to impose their religious practices on non-Muslims.

Rane openly encouraged housing discrimination, an anti-Constitutional move that violates Article 14, 15 and 21 of the Constitution, telling the audience: “*Just declare that you don’t rent to non-Hindus,*” which incites for segregation and exclusion based on religion. Later, he continued pushing the unfounded conspiracy of “love jihad,” reinforcing baseless claims that Muslims are deliberately targeting Hindu women for conversion and marriage. These dangerous, divisive narratives fuel communal hatred and further polarise Indian society. Rane’s rhetoric, delivered in his capacity as a public figure, holds the potential to incite hatred and discord between religious communities. His words are not only a blatant violation of constitutional values but also a direct threat to the communal harmony that is essential for the well-being of our diverse nation.

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.

Nitesh Rane’s speech delivered in Wagholi, Pune, on February 5, 2025, exhibits clear traits of hate speech, aimed specifically at the Muslim community. This speech propagates communal narratives designed to incite fear, promote division, and propagate hatred. The speech targets a specific religious group, spreading baseless fears about their intentions and portraying them as enemies of Hindu society. In doing so, Rane’s rhetoric falls squarely within the definition of hate speech, as per the Supreme Court’s judgment in *Amish Devgan v. Union of India (2021), (2021) 1 SCC 1*. This judgment outlines that hate speech is not merely an expression but an act intended to foster hatred and fear against a specific group without any legitimate or reasonable purpose. Rane’s inflammatory remarks in this speech serve no purpose other than to deepen communal divisions and sow mistrust.

The Supreme Court, in the Amish Devgan case, emphasised that hate speech must have a subjective intent to target and harm a particular community or group. The judgment noted that individuals in positions of influence, like Rane, must exercise caution in their public statements as their words can have a profound impact, potentially inciting hatred or discord. The Court stressed the importance of safeguarding the dignity, equality, and social status of all individuals, regardless of their religion, in ensuring a just and democratic society. Rane’s speech directly contradicts these principles, using derogatory terms such as “Love Jihad,” “Land Jihad,” and unfounded claims

about Muslims attempting to Islamise India, which only serve to dehumanise and isolate a particular community.

Rane's public influence and responsibility

As a sitting MLA and Cabinet Minister, Nitesh Rane holds significant influence over the public, which magnifies the harm caused by his words. His position of power makes it especially irresponsible for him to engage in spreading such dangerous rhetoric. His remarks are not those of an ordinary individual but come from a person holding a constitutional office, who is expected to uphold values of inclusivity, equality, and harmony. Rane's speech violates the constitutional principles of equality and non-discrimination, both of which are critical to maintaining national unity and social peace. The Supreme Court, in its judgment, specifically warned against speech that exploits the influence of individuals in power to spread hatred, division, and fear. Rane's speech, therefore, exemplifies the kind of harmful rhetoric the Court cautioned against.

Rane's claims about Muslims conspiring to Islamise India by 2047 and his inflammatory comments about Muslim practices—including cooking food and playing loudspeakers—serve no legitimate purpose other than to foster a climate of fear and distrust. His rhetoric propagates unsubstantiated myths like “Love Jihad” and “Land Jihad,” which have been repeatedly debunked but continue to fuel communal hatred. The speech depicts Muslims as a monolithic and malevolent group, further embedding stereotypes and justifying exclusionary practices. Such statements have no basis in reality but are intended to create an atmosphere of suspicion and hostility, thus violating Section 196 of the Bharatiya Nyaya Sanhita, 2023 (BNS), which criminalises speech that promotes enmity between communities.

We urge the authorities to take swift action to investigate these remarks under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023. The law provides for criminal consequences for hate speech, including promotion of enmity and incitement to hatred. Rane's statements are a clear breach of these legal frameworks, and as a sitting Cabinet Minister, his role in potentially inciting communal enmity must be thoroughly investigated. Immediate steps must be taken to hold him accountable, in line with the Supreme Court's ruling, to protect the dignity of individuals and uphold the unity of the country.

Transcript and English Translation of the Speech:

Wagholi, Pune, Maharashtra [Date: - February 5, 2025]

“When the police conducted their inquiry and asked what exactly they were plotting here, they responded by saying that their goal is to make India an Islamic nation by 2047, and all their efforts are directed towards achieving that.” [Time Stamp: 00.01 - 00.16]

“So, within this, Bhumi Jihad, which we call Land Jihad, Love Jihad, which is essentially religious conversion, and all the matters related to Waqf—all these efforts are solely aimed at making India an Islamic nation. And the only way to counter this is by standing up as an awakened Hindu.” [Time Stamp: 00:18 – 00:38]

“And that is why all of you truly deserve appreciation today. But I urge you to do one more thing. You have already achieved so much—saffron flags are everywhere—but now, make one firm decision. Request your society’s chairman, secretary, or any respected members to ensure that while giving homes, religion should be considered. There is nothing wrong in that. We must be fully aware of who we live next to and whom we associate with.” [Time Stamp: 00:39 - 01:10]

“Because in the beginning, only one comes. Just one—someone named Aslam. And then he will bring 100 more Aslams along with him. I can give you at least 100 examples where one arrived, and soon there were 100 more. He will start cooking food that we don’t prefer, and because of that smell, the Hindu community will begin to leave. Then, five times a day, their loudspeakers will start blaring.” [Time Stamp: 01:12 – 01:36]

“Then their drama will begin. If we want to put an end to all their tactics, just like they issue fatwas, we should issue orders—whatever needs to be done. But we must take a firm stand: we will not give homes to anyone except Hindus. Societies should adopt this stance and ensure that no one else is allowed to stay. This is our responsibility.” [Time Stamp: 01:38 – 02:02]

“In our Hindu nation, the way we live here—I have met sisters who have been victims of Love Jihad. You would be shocked to see their miserable condition. These girls are brainwashed to the extent that they refuse to recognise their own parents. They are given something mixed in their food to manipulate.” [Time Stamp: 02:03 – 02:23]

“The sister who had dinner with her parents today—when she runs away with that Muslim man the next morning, and her mother calls her, pleading for her to come home—she responds, “Who are you? Why are you calling me?” I have met such girls myself.” [Time Stamp: 02:24 – 02:37]

How elements in the speech delivered constitute Hate Speech:

Promotion of baseless conspiracy theories

In his speech, the speaker begins with a highly controversial and baseless claim: *“When the police conducted their inquiry and asked what exactly they were plotting here, they responded by saying that their goal is to make India an Islamic nation by 2047, and all their efforts are directed towards achieving that.” [Time Stamp: 00.01 - 00.16]* This statement fabricates an entire conspiracy theory that portrays Muslims as systematically working to take over the nation. The allegation of a coordinated Islamic effort to turn India into an Islamic state by 2047 is completely unfounded, with no evidence to support such a claim. This narrative exploits fear and misrepresentation, creating an atmosphere of mistrust and suspicion toward an entire religious group. By presenting a baseless conspiracy as truth, the speaker aims to create fear and division, which is a hallmark of hate speech.

Demonisation and fearmongering with stereotypes

The speaker intensifies the fearmongering by introducing terms like *“Bhumi Jihad” (Land Jihad), “Love Jihad,”* and *“Waqf,”* which have been historically used to demonise Muslims without factual basis. He states, *“So, within this, Bhumi Jihad, which we call Land Jihad, Love Jihad, which is essentially religious conversion, and all the matters related to Waqf—all these efforts are solely aimed at making India an Islamic nation.” [Time Stamp: 00:18 – 00:38]* These terms are rooted in misinformation and are designed to make Muslims seem like they are engaged in a coordinated, covert effort to undermine Hindu society. This rhetoric intentionally distorts Muslim practices and beliefs, portraying them as

inherently harmful to the nation. It encourages the audience to view Muslims as enemies, thus deepening societal divisions and fostering hostility based on religion.

Incitement to religious segregation

The speaker calls for discriminatory practices in housing by stating, *“Request your society’s chairman, secretary, or any respected members to ensure that while giving homes, religion should be considered. There is nothing wrong in that. We must be fully aware of who we live next to and whom we associate with.”* [Time Stamp: 00:39 – 01:10] This statement provoking for segregation based on religion, suggesting that only Hindus should be allowed to live in certain areas. This is a direct violation of the principles of equality and non-discrimination enshrined in the Indian Constitution. By encouraging people to judge others based on their religion when making housing decisions, the speaker fosters a climate of exclusion and intolerance. This form of religious segregation only serves to deepen divisions within society, making it a direct incitement to discriminatory practices.

Perpetuation of dangerous and dehumanising stereotypes

The speaker continues with an exaggerated and dehumanising portrayal of Muslims, stating, *“Because in the beginning, only one comes. Just one—someone named Aslam. And then he will bring 100 more Aslams along with him. I can give you at least 100 examples where one arrived, and soon there were 100 more. He will start cooking food that we don’t prefer, and because of that smell, the Hindu community will begin to leave.”* [Time Stamp: 01:2 – 01:36] This statement paints Muslims as a threat to the cultural and social fabric of Hindu communities, suggesting that their mere presence will cause Hindus to leave their homes. The speaker uses fear-based language, associating the arrival of Muslims with the destruction of Hindu lifestyle, focusing on trivial issues like food and religious practices. Such rhetoric dehumanises Muslims, reducing them to a perceived threat rather than acknowledging them as fellow citizens, further intensifying the polarisation of communities.

Incitement to exclude and segregate Muslims

The speaker explicitly calls for religious exclusion, stating, *“We will not give homes to anyone except Hindus. Societies should adopt this stance and ensure that no one else is allowed to stay. This is our responsibility.”* [Time Stamp: 01:38 – 02:02] This is a clear call to implement religious segregation in housing, urging society members to adopt discriminatory policies that would effectively exclude Muslims from certain areas. This not only goes against the core values of equality and secularism that India stands for but also promotes a deeply divisive ideology. The call for segregation in residential spaces is a harmful proposal that could incite discrimination, hatred, and making it a prime example of hate speech.

Exploiting emotional narratives for manipulation

The speaker attempts to exploit personal narratives to further demonise Muslims by claiming, *“I have met sisters who have been victims of Love Jihad. You would be shocked to see their miserable condition. These girls are brainwashed to the extent that they refuse to recognise their own parents.”* [Time Stamp: 02:03 – 02:23] This emotionally charged account plays on the audience's fears by portraying Muslim men as manipulative and dangerous, particularly in the context of interfaith relationships. The claim that Muslim men brainwash Hindu girls to such an extent that they reject their own families is

both exaggerated and manipulative. By using these anecdotal stories, the speaker seeks to paint Muslims as predatory, without any evidence or recognition of the complexity of personal relationships. This form of manipulation is a classic tactic in hate speech, designed to elicit emotional reactions that further fuel communal animosity.

Violation of constitutional values

The Supreme Court ruling underscores the crucial distinction between the speech of a public figure, such as Nitesh Rane, and that of an ordinary citizen. As someone holding a high office, Rane's words carry the weight of his position and can influence large sections of the population. His role in disseminating hate speech and communal propaganda cannot be overlooked. The Court's ruling highlighted that speech from influential individuals is not only more potent but also more dangerous, as it has the potential to ignite hatred, deepen societal rifts, and undermine the constitutional values of equality, secularism, and fraternity. Rane's speeches directly threaten the communal harmony and peace essential for the country's well-being.

His remarks, specifically the call for Hindu-only communities and derogatory descriptions of Muslim religious practices, further breach the guidelines laid out by the Supreme Court. They incite distrust and fear, leaving Muslims vulnerable to social exclusion and discrimination. Given Rane's public stature, his responsibility to avoid such inflammatory statements is even more pronounced.

Exploiting fear through victimhood

The speaker concludes with an even more exaggerated claim, *"The sister who had dinner with her parents today—when she runs away with that Muslim man the next morning, and her mother calls her, pleading for her to come home—she responds, 'Who are you? Why are you calling me?'"* [Time Stamp: 02:24 – 02:37] This attempt to portray Muslim men as dangerous manipulators is a further escalation of the false narrative of "Love Jihad." It exploits the emotional distress of families and personal relationships to create fear and mistrust toward Muslims. By presenting this as a widespread phenomenon, the speaker distorts the reality of interfaith relationships, painting them as a threat to Hindu identity and values. This kind of rhetoric is not just harmful; it is deeply problematic in its oversimplification and exploitation of personal stories for political gain.

A clear case of hate speech

The speech delivered in Wagholi, Pune, on February 5, 2025, is a textbook example of hate speech. Through baseless conspiracy theories, inflammatory language, calls for segregation, and dehumanisation of Muslims, the speaker incites fear, division, and hostility. The content not only violates the core principles of equality, secularism, and justice enshrined in the Indian Constitution but also encourages discriminatory actions that threaten public harmony. These statements, without any factual basis, serve to incite hatred, segregation, and mistrust—hallmarks of hate speech.

Failure to uphold duty of responsibility

Besides all else, Nitesh Rane's speech in Wagholi represent a direct violation of his duty as a public figure, as outlined in the *Amish Dergan* 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.

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

Annexure A

Link: <https://t.me/hindutvawatchin/1401>

The video had been uploaded on Instagram by Hindutva Watch on February 7, 2025

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 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 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 organisers 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 speech delivered in Wagholi, the speaker makes the baseless claim that Muslims are conspiring to transform India into an Islamic state by 2047, accusing them of engaging in “Land Jihad” and “Love Jihad” to achieve this goal. The assertion that Muslims are working together to Islamise the nation fosters division and hostility between religious communities, directly violating Section 196.
- The speech paints Muslims as a threat to Hinduism and national unity, claiming that their only aim is to Islamise India. This creates an atmosphere of mistrust and fear, clearly breaching the law against promoting enmity between groups.

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

- The speech indirectly implies that Muslims cannot be loyal to the Indian state by suggesting that they are plotting to make India an Islamic nation by 2047. The speaker’s claims about Muslims targeting Hindu society and sacred spaces undermine their allegiance to the Constitution, violating Section 197.
- Furthermore, the speech’s portrayal of Muslims as enemies of the nation who want to Islamise the country casts doubts on their loyalty to India, which contradicts the principles of a pluralistic nation.

Section 299 – Malicious Act to Insult a Religion

- The speech insults Islam and Muslims by asserting that their efforts are aimed at weakening Hindu society and undermining Hindu temples. By making accusations about Muslims' intentions to disrupt Hindu culture and religious spaces, the speech violates Section 299.
- The speaker's use of terms like "*Love Jihad*" and "*Land Jihad*" further insults the Muslim community and degrades Islam, spreading misinformation and encouraging negative perceptions based on religious stereotypes.

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

- The speech is designed to provoke fear and stir up communal unrest. By suggesting that Muslims are deliberately targeting Hindu communities with their religious practices and by warning Hindus about supposed Muslim tactics, the speaker incites division and unrest, leading to potential public disturbance.
- The inflammatory language used in the speech—including the claim that Muslims aim to Islamise the country—could easily provoke communal enmity or social conflict, disturbing public peace and violating Section 352.

Section 353 – False Information with Intent to Incite

- The speech spreads unverified and inflammatory claims, including the notion that Muslims are working towards the Islamisation of India and that they are infiltrating Hindu societies. These false narratives are intentionally spread to create fear, distrust, and division among different communities, fulfilling the criteria of Section 353.
- The unsubstantiated claim that Muslims will alter the demographic landscape and cultural identity of India by 2047 is a blatant falsehood intended to incite fear and hatred, leading to social and communal unrest.

The speech delivered in Wagholi on February 5, 2025, constitutes a clear violation of the Bharatiya Nyaya Sanhita (BNS), 2023, through the promotion of divisive and malicious narratives about Muslims. The speaker's deliberate use of fabricated claims, inflammatory rhetoric, and calls for religious segregation is intended to provoke enmity between communities, degrade Islam, and incite communal divide.

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 organisers 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 5, 2025 downloaded by CJP