

URGENT

Date: May 6, 2026

To,

Dr. Srikanth Palli (IAS)

District Collector and Magistrate, Nadia (West Bengal)

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Shri. Y. Raghuvamshi (IPS)

Superintendent of Police, Krishnanagar Police District (West Bengal)

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Subject: Formal complaint seeking registration of FIR under Sections 196, 197, 299, 302, 352, and 353 of the BNS, 2023 against BJP leader Hari Mishra for delivering derogatory communal hate speech during an election campaign on April 23, 2026, in Kalyani, Nadia (West Bengal)

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 **BJP leader Hari Mishra during his speech delivered in Kalyani, Nadia on April 23, 2026**. At this event, Mishra spread anti-Muslim hate speech while promoting unfounded conspiracy theories regarding the suppression of Hindu festivals and the functional collapse of the Indian Constitution in specific districts. In his inflammatory speech, Mishra falsely claimed that in areas with a 30% Muslim population, "Saraswati Puja will not happen," and that in Malda and Murshidabad, Hindus must seek permission from "mosques" before the police allow Durga Puja. This rhetoric serves to intimidate Muslims, portraying them as an existential threat to Hindu society and the democratic fabric of West Bengal.

Mishra openly encouraged religious alienation and fear-mongering, an anti-Constitutional move that violates Articles 14, 15, and 21 of the Constitution. By telling the audience that a "situation worse than Bangladesh" is imminent and claiming that "Muslims never vote for Hindus," he incites exclusion and communal polarisation based on religion. He further dehumanised the minority community by suggesting they are a "bomb" upon which the state is sitting. Mishra's statements hold 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 Calcutta 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 video of Mishra's speech that has surfaced, which not only encourages hatred but also seeks to justify communal fear under the guise of political campaigning. It is crucial that the police and authorities take stringent action to prevent further harm to the peace and harmony of our nation.

Hari Mishra's speech delivered in Kalyani on April 23, 2026, 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 intimidation and portraying their religious institutions as entities that override civil authority. In doing so, Mishra'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).

Transcript and English translation of the speech:

Location: Kalyani, Nadia, West Bengal [Date: April 23, 2026]

"I know that no power in the world can bring Mamata Bandyopadhyay back to power. But even by mistake, if she returns this time, then after the next five years, we will not be able to celebrate Durga Puja, Kali Puja, or Jagadbatri Puja by setting up pandals on the streets. Saraswati Puja is already being stopped in schools. Not in every school, but in any area where the Muslim population is above 30-35%, Saraswati Puja will not happen, will not happen, will not happen!"

"If you want to organise a big Durga Puja pandal, where do we get permission from? We get permission from the police, from the municipality or panchayat, and from the fire brigade. These are the three or four permissions needed for a big pandal for Durga Puja, Kali Puja, Jagadbatri Puja, or any Sanatan Hindu deity. Right?"

"But do you know, in places like Malda and Murshidabad, there are areas with 90% Muslim population and only 5-10% Hindu population. There, if you want to set up a pandal for Durga Puja, Kali Puja, or Jagadbatri Puja, you first have to take permission from the nearest mosque—did you know that? You have to submit a letter to the mosque; they will review it and say, 'Okay, you can do it'. Then you take that paper to the police station, and the officer-in-charge will see that the mosque has allowed it and then grant permission."

"Can you imagine that in West Bengal—a state within the world's largest democratic country with a population of 143 crore—we have to take permission from a mosque to set up a pandal for our Sanatan Hindu deities? Think about it; if you do not vote for the Bharatiya Janata Party on the 29th, forget everything else—a situation worse than Bangladesh is going to happen on the soil of West Bengal. We have seen it."

"We saw the riots in Murshidabad a few days ago. We saw how 500 Hindu families had to cross the river and live in refugee camps—can you imagine that? Not in Bangladesh, but in Malda and Murshidabad. Despite this, I don't know how the Sanatan Hindus of the TMC shamelessly go from door to door asking for votes. I cannot understand it, not even for a moment."

"Think about it. We are sitting on a bomb. We are slowly being finished. The Constitution of India does not work in many parts of Malda and Murshidabad. In about 25-30% of the areas in Malda and Murshidabad, the Constitution, rules, laws, and regulations of India do not apply. I don't know how to explain this to the TMC leaders. They think, 'I am an MP,' 'I am an MLA,' 'I am a counselor, chairman, panchayat member, or Zilla Parishad head.'"

"But they don't know the story of Jogendra Babu, the first Law Minister of Pakistan. They (Hindus) are only MPs, MLAs, and chairmen as long as Hindus are above 60% in their constituency. The day Muslims reach above 40-45%, not a single Hindu MP, MLA, counselor, or chairman will remain in West Bengal because Muslims do not vote for Hindus. They only do so now because they are forced to. I am not saying any Muslim is wrong; I salute their concept because they are completely firm in their stance that they will not vote for the BJP."

"But the fault is ours. We came here after being kicked out of Bangladesh. In Bangladesh, our mothers' and sisters' honor is toyed with, temples are demolished, our priests are arrested, and videos of gang rapes are made viral. Despite this, these shameless Hindu leaders of the TMC sit in TV debates and talk like intellectuals, saying that the BJP is a communal party. Can anyone give a single example of a project brought by the Bharatiya Janata Party that is anti-Muslim?"

[Time Stamp: 00:01-03:57]

Link: <https://t.me/hindutvawatchin/4351>

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

How elements in the speech constitute 'Hate Speech':

1. Spread of conspiratorial narratives and alienation

The speaker uses a narrative of "religious veto" to portray the Muslim community and their mosques as illegal parallel authorities. The claim that the Constitution "does not apply" in Muslim-majority areas is a highly inflammatory and false allegation intended to cast suspicion on the loyalty and legal integration of a minority community.

2. Incitement to fear and communal polarisation

The speaker intensifies the danger by claiming Hindus are "sitting on a bomb" and facing a "fate worse than Bangladesh." This explicitly encourages a siege mentality, suggesting that the survival of one's religion is incompatible with the presence of another.

3. Dehumanisation and political exclusion

The claim that "Muslims never vote for Hindus" and that Hindu representatives will vanish once a demographic threshold is met is a classic exclusionist tactic. It suggests that a specific religious group is inherently biased and incapable of participating in a secular democracy, thereby inciting Hindu voters to view their neighbors as political enemies.

4. Deliberate provocation targeting religious institutions

The speaker's focus on "mosques" (specifically referencing 'Glass Masjids') as obstacles to Hindu worship is designed to provoke conflict over religious geography and administrative processes, reducing minority religious sites to symbols of perceived oppression.

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 different groups on grounds of religion. By asserting that mosques control Hindu festivals, the speaker fosters a narrative of religious subjugation.
- **Section 197 (1):** Imputations against allegiance to the Constitution. The speaker explicitly states the Constitution "does not work" in certain areas due to the demographic makeup, questioning the integrity of the Union.
- **Section 299:** Malicious act to insult a religion or religious beliefs. The rhetoric portrays Islamic growth as a "bomb" and an inherent threat to "Sanatan Hindu deities."
- **Section 302:** Uttering words with intent to wound religious feelings. Portraying mosques as entities that "review" and "allow" Hindu rituals is a deliberate attempt to wound religious sentiments.
- **Section 352:** Intentional insult with intent to provoke breach of peace. The speech is designed to provoke unrest by claiming a "Bangladesh-like situation" is imminent.

- **Section 353:** False information/Statements conducing to public mischief. The claim regarding "mosque permissions" for police approval is a false report intended to cause fear and alarm.

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 civilisations, 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 Hari Mishra and register a case against the perpetrator as well as the organisers of the event. We request that the Krishnanagar/Nadia Police keep us informed of developments and actions taken in this case.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures:

Annexure A - Video of event dated April 23, 2026 downloaded by CJP