

Date: June 4, 2026

To,

Shri Nikhil Gupta (IPS)

Additional Director General (Law & Order), Maharashtra

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Subject: Complaint seeking registration of FIR against actor and writer Sharad Ponshe for delivering a divisive hate speech, promoting communal hostility, spreading conspiracy theories against the Muslim community, and inciting religious hatred and enmity at Borivali West, Mumbai (Maharashtra) on May 17, 2026

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 Sharad Ponshe, actor and writer, during his speech delivered at a Hindu Sammelan organised by Sakal Hindu Samaj in Borivali West, Mumbai (Maharashtra) on May 17, 2026. At this event, Ponshe made inflammatory statements targeting the Muslim community, propagated false and malicious conspiracy theories regarding Indian Muslims, questioned the educational credentials of Maulana Abul Kalam Azad, blamed Aligarh Muslim University for the Partition of India, alleged that Muslims seek to transform India into an Islamic state, and repeated the conspiracy theory of "Love Jihad."

Ponshe openly promoted narratives portraying Muslims as outsiders and demographic threats while alleging that Indian Muslims are collectively engaged in a long-term project to convert India into an Islamic nation. Such statements violate the constitutional principles of equality, fraternity, secularism, and dignity enshrined under Articles 14, 15, and 21 of the Constitution of India. By portraying an entire religious community as disloyal to the nation and suggesting that they seek domination over the Hindu majority, the speaker fuels prejudice, suspicion, and hostility against Muslims. These dangerous narratives deepen communal divisions and threaten social harmony. Ponshe's rhetoric, delivered before a public audience, possesses the potential to incite hatred and

discord between religious communities. His words are not merely expressions of opinion but constitute a direct attack on the secular and pluralistic foundations of the Republic.

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 video of Pongkshe's speech, which seeks to portray Muslims as demographic invaders, conspirators, and enemies of the nation. 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 erode the secular fabric of our country.

Sharad Pongkshe's speech exhibits clear traits of hate speech, aimed specifically at the Muslim community. The speech propagates communal narratives designed to generate fear and suspicion against Muslims by depicting them as disloyal citizens who allegedly seek to transform India into an Islamic state. The speech repeatedly targets a specific religious group as a collective threat to the nation and Hindu society. In doing so, Pongkshe's rhetoric falls squarely within the definition of hate speech as recognised by the Supreme Court in *Amish Devgan v. Union of India (2021) 1 SCC 1*.

We urge the authorities to take forthwith action to investigate these remarks under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023. The law provides criminal consequences for hate speech, including the promotion of enmity and incitement to hatred. Immediate steps must be taken to hold him accountable, in line with the Supreme Court's rulings, to protect the dignity of individuals and uphold communal harmony.

Transcript and English Translation of the Speech

Location: Borivali West, Mumbai, Maharashtra

Date: May 17, 2026

"...Maulana Azad. Remember, the first Central Education Minister of our independent country, who had never even been to any regular school. Someone who was not educated in any proper school at all. He studied in madrasas, and you already know what is taught in madrasas."

"For the first five years after independence, he became the Central Education Minister. The sole authority to decide what should be taught in our textbooks within the educational sector was handed over to a Maulana."

"He then appointed people from Aligarh Muslim University and formed a committee. In 1947, a portion of Hindustan—which was 90% Hindu—was carved out to create Pakistan as a Muslim nation. And to oversee the education of the remaining Hindu majority population in Hindustan, a Maulana was placed in charge."

"Then came the first election in 1952. Their slogan has been: 'Ladh ke liya Pakistan, hans ke lenge Hindustan' [We fought to take Pakistan, we will laughingly take Hindustan]. They chose to stay behind in the remaining land"

to turn it into an Islamic state, a Dar-ul-Islam. Now that they are here, it was our duty to ensure they could not remain."

"When properties are divided equally between two entities, and one uses his share of the money to buy a separate massive house, he moves there. But after moving, if he turns around and tells his father, 'I will live there, but my children will also continue to play in this house,' that is not how a division works, is it?"

"Yet, their children started playing here, grew up here, and ended up staying. And what did the father figure [political leadership] say? 'No, no, those who do not wish to leave do not have to. Those who want to stay can stay.' So due to Gandhi's benevolence, they stayed behind. How many stayed in '47? Three crores. And today, 79 years later, how many are they? 30 crores."

"After the Railways and the Military, the largest ownership of land area today belongs to the Waqf Board. Every single Muslim home—whether they live in Australia or work in an IT company, regardless of their education or if they become a doctor—reads the Quran and performs the Namaz five times a day. In comparison, how many Hindu homes read the Ramayana?"

"If you are going to try and dominate us, if you are going to live in our homes and try to undermine them, if you are going to corrupt and sell our daughters, if you are going to deceive them through Love Jihad, if you are going to massacre us and break our temples and deities, then we will have to tell you firmly: Yes, a Chhatrapati Shivaji Maharaj has already been born among us. Among us..."

[Time Stamp: 00:00 – 03:41]

Link: <https://t.me/hindutvawatchin/4576>

How elements in the speech delivered constitute Hate Speech

Vilification of Maulana Abul Kalam Azad and communalisation of education:

The speaker repeatedly emphasises that Maulana Abul Kalam Azad was allegedly not educated in a regular school and had studied in madrasas, accompanied by the insinuation that listeners already know "what is taught in madrasas." By highlighting Azad's religious identity and associating educational policy with suspicion solely because he was a Muslim, the speaker encourages distrust towards Muslim participation in public institutions and governance.

Portrayal of Muslims as perpetual outsiders and demographic invaders:

The speaker repeatedly portrays Muslims who remained in India after Partition as individuals who chose to stay behind for the purpose of converting India into an Islamic state. Statements such as "They chose to stay behind in the remaining land to turn it into an Islamic state, a Dar-ul-Islam" attribute a singular malicious intention to an entire religious community and depict Indian Muslims as outsiders rather than equal citizens.

Propagation of anti-Muslim demographic conspiracy theories:

The speaker invokes demographic fear by contrasting the Muslim population at the time of Partition with present-day figures, suggesting a coordinated effort to alter the character of the nation. Such narratives are intended to generate fear and hostility against Muslims by portraying their population growth as a threat rather than a demographic reality.

Collective attribution of disloyalty and anti-national intent:

The speaker alleges that Muslims collectively sought Pakistan and now seek to "take Hindustan" and transform it into a "Dar-ul-Islam." Such allegations impute disloyalty to an entire religious community and suggest that Muslims cannot faithfully participate in the constitutional framework of India. These assertions foster mistrust and hostility between communities.

Propagation of the 'Love Jihad' conspiracy theory:

The speaker accuses Muslims of "deceiving" Hindu women through so-called "Love Jihad" and alleges a broader effort to undermine Hindu society. These claims rely on a widely discredited conspiracy theory and portray ordinary inter-faith relationships as organised acts of religious aggression. Such narratives are frequently used to generate communal hostility and social exclusion.

Depiction of Muslims as aggressors and existential threats:

The speaker alleges that Muslims seek to dominate Hindus, undermine Hindu homes, massacre Hindus, and destroy temples and deities. These sweeping accusations are directed against an entire religious community and create an atmosphere of fear and antagonism that is likely to incite hatred and communal disharmony.

Violation of constitutional values

The Supreme Court ruling in *Amish Devgan v. Union of India* (2021) provides the crucial distinction between the speech of a public figure and that of an ordinary citizen. As a well-known public personality, Sharad Ponshe's words carry significant influence and can shape public opinion. His dissemination of demographic conspiracy theories, allegations of collective disloyalty, and inflammatory narratives regarding Muslims directly threatens communal harmony, equality, and fraternity.

A clear case of hate speech

The speech delivered in Borivali West is a textbook example of hate speech. Through communal stereotyping, demographic alarmism, historical revisionism, allegations of anti-national intent, and the propagation of conspiracy theories such as "Love Jihad," the speaker incites fear and hostility against the Muslim community. These statements violate the core constitutional principles of secularism, equality, and fraternity and encourage discriminatory attitudes that threaten public harmony.

Failure to uphold duty of responsibility

Sharad Ponshe's speech represents a direct violation of the heightened duty of responsibility expected from influential public figures. The Supreme Court has consistently emphasised that individuals with substantial influence must exercise restraint because their words can inflame passions and deepen social divisions. Ponshe's remarks demonstrate a reckless disregard for these responsibilities and contribute to the normalisation of prejudice against a religious minority.

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)

The speech delivered in Borivali West, Mumbai, Maharashtra on May 17, 2026, constitutes a clear violation of the Bharatiya Nyaya Sanhita (BNS), 2023, through the promotion of exclusionary, divisive, and malicious communal narratives. The speaker's deliberate portrayal of the Muslim community as a demographic and ideological threat, his allegations that Muslims seek to transform India into an Islamic state, his propagation of the "Love Jihad" conspiracy theory, and his repeated attempts to portray Muslims as disloyal to the nation are intended to provoke enmity between communities and incite a communal divide.

Section 196 – Promoting Enmity Between Groups

Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

- In the speech delivered, the speaker repeatedly alleges that Muslims who remained in India after Partition chose to stay back in order to transform India into an "Islamic state" or "Dar-ul-Islam." Such statements portray an entire religious community as a collective threat to the nation and foster division and hostility between communities.
- By asserting that Muslims seek to "dominate" Hindus, undermine Hindu society, and deceive Hindu women through "Love Jihad," the speaker creates an atmosphere of mistrust, fear, and communal hostility, directly breaching the law against promoting enmity.

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

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.

- The speech claims that Muslims who remained in India after Partition intended to convert the country into an "Islamic state" and continue to pursue that objective. Such statements imply that members of the Muslim community cannot bear true faith and allegiance to the Constitution of India, thereby attracting Section 197.
- The speaker's allegation that Muslims collectively seek to "take Hindustan" and establish a "Dar-ul-Islam" imputes anti-national motives and disloyalty to an entire religious community, striking at the core secular and pluralistic framework of the Constitution.

Section 299 & Section 302 – Malicious Act to Insult a Religion / Wounding Religious Feelings

Section 299: Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

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

- The speaker repeatedly associates Islamic religious identity with alleged conspiracies aimed at undermining the nation and Hindu society. By portraying Muslims collectively as people seeking to establish an Islamic state and dominate others through religious means, the speech attacks and vilifies the religious identity of an entire community.
- The repeated invocation of the "Love Jihad" conspiracy theory and the insinuation that Muslim religious practices are inherently connected to a broader plan of domination and subversion are designed to insult and stigmatise the Muslim community on the basis of its faith.

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

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.

- The speech is designed to provoke fear and hostility by alleging that Muslims seek to dominate Hindus, undermine Hindu households, deceive Hindu women, and establish an Islamic state in India.
- The inflammatory language portraying Muslims as a collective threat to the nation and Hindu society is likely to provoke communal tensions, disturb public peace, and encourage retaliatory hostility against members of the Muslim community.

Section 353 – False Information with Intent to Incite

(1) Whoever makes, publishes or circulates any statement, false information, rumour, or report—
(b) with intent to cause, or which is likely to cause, fear or alarm to the public... (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.

- The speaker spreads inflammatory and unsubstantiated claims that Muslims collectively remained in India after Partition in order to convert the country into an Islamic state and continue to pursue that objective. Such statements are intended to create fear and alarm among the public regarding a specific religious community.
- The speech also propagates the conspiracy theory of "Love Jihad" and alleges that Muslims seek to dominate Hindu society and undermine Hindu households. These statements are likely to incite hostility and discriminatory conduct against members of the Muslim community.

The inflammatory and divisive speech delivered by Sharad Ponkshe amounts to insightful hate speech. Through the propagation of demographic conspiracy theories, allegations of collective

disloyalty, the portrayal of Muslims as a threat to the nation, and the dissemination of the "Love Jihad" narrative, the speaker has committed multiple punishable offences under the Bharatiya Nyaya Sanhita (BNS), 2023.

These acts are prejudicial to the maintenance of harmony and are intended to wound the religious feelings of a specific class of citizens while undermining the secular and constitutional framework of India.

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 speech delivered by Sharad Ponshe at Borivali West, Mumbai, Maharashtra on May 17, 2026, as enclosed herewith, and register a case against the perpetrator, Sharad Ponshe, as well as the organisers of the event, under the relevant sections of the Bharatiya Nyaya Sanhita (BNS), 2023 for cognizable offences.

The inflammatory content—including the portrayal of Muslims as a demographic and ideological threat, the allegation that they seek to transform India into an Islamic state, the dissemination of the "Love Jihad" conspiracy theory, and the repeated attribution of anti-national motives to an entire religious community—clearly necessitates immediate legal intervention to prevent further communal unrest. We also wish for you to inform us whether the said event was videotaped by police officials, as per the orders of the Supreme Court of India. Additionally, we request that the Borivali police authorities 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 May 17, 2026 downloaded by CJP