



Date: February 20, 2024

To,

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**Subject: Pre-emptive Complaint against BJP MLA T. Raja Singh's visit to Mira Road on February 25, 2024**

Dear Ma'am/Sir,

We, at Citizens for Justice and Peace (CJP), are extremely concerned about the proposed and publicised visit of Bharatiya Janata Party MLA T. Raja Singh to Mira Road area at 5 pm on February 25, 2024. The said BJP MLA has announced a rally that will be taken out at Mira Road on the aforementioned date and time through a video put on his social media account. As per his announcement, the said rally will be organised by the 'Hindu Jan Aakrosh Morcha' to commemorate the birthday of Shivaji Maharaj, which is celebrated on February 19.

This updated information regarding the postponement of the rally comes after Singh's planned rally on February 19 had been cancelled due to police not giving the required permission. Ma'am/Sir, we would like to bring to your attention that Hindu Jan Aakrosh Morcha is known to organise events where hate speech is repeatedly delivered and each time calls for violence against the minority communities is made. This could result in creating social unrest and communal divide in the city, and disturb the peace of the locality in the long run. We would also like to emphasise that the Hindu Jan Aakrosh Morcha, which translates into 'Rally for Hindu People's Fury', had originated from a rally in the Parbhani district of the Marathwada region in November of 2022. Over the period the 15 months, many hate riddled rallies had been organized under the same banner in over 20 districts in Maharashtra, including Parbhani, Nanded, Ahmednagar, Kolhapur, Gadchiroli, Satara, Karad, Sangli, Solapur, Pune, Dhule, Jalgaon, Nagpur, Amravati, Hingoli, Buldhana, and Jalna. Several of these have been flagged

in the ongoing hearings against hate speech in the Honourable Supreme Court of India with the last hearing being just weeks ago in 17 January 2024.

Through the recent video, uploaded on Instagram, Singh has detailed the change in the schedule for the rally and the reason behind the same. The following has been provided in the video by him, *“Hail Shivaji. I am your Raja Singh. The programme planned for February 19 to be held in Mira Road, the date for the same had been changed. The reason behind this is that PM Modi has his own programme planned for Mumbai on February 19. He is the PM and I would not want any issue to occur for his rally, so I will be coming to Mira Road on February 25 at 5 pm. So, I would request all of you to join me on February 25 and make iur rally and dharam sabha (religious meeting) a success.”*

The video can be viewed here:

<https://www.youtube.com/watch?v=crWxpc6gfUw>

The said video has been downloaded by CJP is marked and annexed hereto as **Annexure A**

Ma'am/Sir, it has not even been one month since Mira Road area was under the grip of communal violence which left many injured. Even as the law enforcement agencies had taken stringent action against those who had indulged in vandalism and violence at the time and attempted to bring the situation under control when groups belonging to different faiths had clashed, it was the dissemination of hate speech and incendiary rhetoric by the two elected representatives of the Bharatiya Janata Party, namely Geeta Jain and Nitesh Rane, that had further exacerbated tensions and contributed to the breakdown of law and order.

It was only following the hate speeches delivered by these influential political personalities, especially MLA Geeta Jain, that on January 24, mobs on bikes with saffron flags had gone on a spree and vandalised shops of Muslim establishments. As you must be aware, a written complaint had been filed earlier by more than a dozen residents of Mira Road with Vilas Supe, the senior PI of the Naya Nagar Police Station. The residents are asking for the registration of a FIR, an unbiased investigation, and legal action against Geeta Jain and Nitesh Rane. Notable, the Naya Nagar police has even summoned six people to be present at the police station and record their statements in regards to the written complaint submitted by the residents of Mira Road against the aforementioned two elected representatives for making provocative statements against Muslims and unnecessarily stocking communal fires in the area.

In this background, permitting another representative from the same political party, especially with a history of delivering violent hate speeches, will definitely lead to another untoward situation developing in the area. We are also generally concerned with the overall unsafe atmosphere for the Muslim community that is being generated through the systemic and perpetrated use of hate speech and writing within the state of Maharashtra and only taking urgent steps to curtail and prosecute the same, as has been directed by the Supreme Court through its recent orders and directives, can help with curbing the same and reinstating the trust of the public in the law enforcement agencies and the system.

Ma'am/Sir, under the name of esteemed Shivaji Maharaj, a leader revered by the Maharashtrians, for his pro-people, plural and inclusive governance, the values that he stood for has been distorted by the Hindutva groups in a way that serves their purpose of divisive politics. The far-right groups have selectively valorised (distorted) the idea of Shivaji Maharaj to a parochial and downright communal element in Maharashtra, especially over the past two and a half decades. Seeing that the rally on February 25 is being taken out by Singh in his name, it is near certain that hate-ridden and provocative speeches will be delivered and calls for violence will be made. It is also necessary to keep in mind the recent track record of the name attached with the rally and the "principles" that the speakers and the organisers stand for. This kind of aggressive mobilization is a threat to both social harmony in general and the security and safety of targeted sections of the population in particular.

Besides, as we are sure you are aware, within weeks the elections to the next Lok Sabha will be announced when apart from Penal Sections of Indian Criminal Law [IPC Sections 153A, 505(1) and 505(2)], the section 123 of the Representation of Peoples Act on misusing religion during electioneering will also come in to play. The atmosphere will be even more volatile and vulnerable for marginalised sections, the minorities.

In view of the points mentioned above, we urge you to take preventive action against BJP MLA T. Raja Singh and deny permission or cancel the permission given for the 'Hindu Jan Aakrosh Morcha' keeping in view the Supreme Court order of February 3, 2023 whereby the court had directed (with respect to a hate speech event proposed in Mumbai) *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."*. The court had also asked the State government to ensure that no hate speech will be delivered at the event.

In case permission is given for the rally, we request that a video of the event is taken to look for instances of hate speech so that you can then take suo moto action and file case against the speaker if needed. This is also a part of the Supreme Court's directions in its order dated October 21, 2022 whereby it said,

*"As and when any speech or any action takes place which attracts offences such as Sections 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."*

It further said that if no suo moto action is taken in this regard, it will amount to contempt of court:

*"We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers,"* the order read.

Before coming in detail to the recent directive of the Hon'ble Supreme Court of India, specifically and also related to the state of Maharashtra, we would like to flag the **antecedents of a repeat offender like MLA, T Raja Singh from Telangana.**

### **Background of T. Raja Singh (antecedents)**

In the year 2024 itself, Singh has been booked by Maharashtra Police for allegedly making incendiary speeches at a 'Hindu Jan Aakrosh' rally, held in Solapur, Maharashtra on Saturday, January 6. As per reports, in his speech, Singh had instigated the crowd to assault 'love jihadis' and boycott products with halal certification. He also called for demolition of mosques in contested sites claimed to have formerly housed Hindu places of worship, and suggested that the Maharashtra government provide bulldozers to MLAs and MPs to be used like Uttar Pradesh Chief Minister Yogi Adityanath does.

Prior to this, on November 16, 2023, a case had been registered by the Mangalhat police of Hyderabad against Singh for delivering a hate speech during a meeting at Agarwal Bhavan in Maharajgunj. As Telangana was supposed to go into state elections in December, the charges against Singh had included a violation of offences under Section 125 of the Representation of Peoples Act 1951 in addition to the sections invoked under the Indian Penal Code 1860.

Ma'am/Sir, Singh had been granted conditional bail by Telangana High Court on November 9, 2022, and has more than 100 FIRs and cases filed against him. The Goshamahal BJP MLA Raja Singh had been arrested in August 2022 for allegedly making offensive remarks about Prophet Mohammed. Singh was released by a division bench of the High Court, comprising of Justice Annireddy Abhishek Reddy and Justice Juvvadi Sridevi, after having conditions imposed on the bail granted to him. As per conditional bail, he had been prohibited from making provocative comments, anti-minority speeches, or sharing offensive posts on social media sites like Facebook, Twitter, and WhatsApp, as well as in print or electronic media. The division bench had also prohibited the then suspended BJP MLA from holding celebratory rallies or meetings upon his release, as well as from addressing the media. But, in complete defiance of the bail condition imposed on him and in a blatant contempt of court, as evidenced from the speeches delivered above, that Singh has been addressing huge crowds and openly targeting the Muslim community as well as creating fear in the minds of those belonging to the Hindu community with an attempt to polarize the crowds.

On multiple occasions, Raja Singh has given speeches spreading his partisan and communal ideology by moulding the history of the India, colouring all the Muslims as anti-India, and accusing them of committing various anti-Hindu offences like illegal cow slaughter, forceful conversions, illegal land capture, and "love-Jihad". It is clear from the history of speaker as well as the rally being organized that similar speeches will be made along with derogatory comments that will tend to disturb the peace and harmony in the area and disrupt law and order.

**There can be no doubt that if, with Lok Sabha elections around the corner the Mira-Road Bhayander police allows T Raja Singh to address the public, this will not just be a recipe for disaster but will polarise the atmosphere and create the social climate to ensure that the vulnerable sections are prone to aggression and violence.**

### **Recent Directions of the Supreme Court on preventing/prosecuting hate speakers in Maharashtra**

As you must know, the issue of rampant hate speech being delivered in Maharashtra and the inaction by law enforcement agencies has been highlighted before the Supreme Court multiple times since 2023. In the two orders highlighted below, the name of ‘Hindu Jan Aakrosh Rally’ and BJP MLA T. Raja Singh finds its place.

We would like to highlight that on February 3, 2023, the Supreme Court issued directions with respect to an event which was scheduled to be held in Mumbai on February 5, 2023 by the Sakal Hindu Samaj, another extremist fringe Hindutva group. The petitioner, Shaheen Abdullah, had contended that similar to its anti-Muslim speech during 'Hindu Jan Aakrosh Morcha' held in Mumbai on January 29, it can be apprehended that the same will be repeated during the February 5 meeting as well. The apex court had thus sought a video of the entire event to be scrutinised by the court at the next hearing. The court has also taken an undertaking from the government of Maharashtra that if permission for this event is granted “it will be subject to the condition that nobody will make any hate speech and in defiance of law or disturbing the public order.”

The court also outlined directives with respect to taking preventive action in such cases:

*“We also direct that the Officer(s), in case, permission is granted and, in case, the occasion arises for invoking the power under Section 151 of Cr.P.C. as aforesaid, it shall be the duty of the Officer(s) concerned to invoke the said power and to act as per the mandate of Section 151 of the Cr.P.C.”*

Even in 2024 itself, while on January 17, the Supreme Court bench of Justices Sanjiv Khanna and Dipankar Datta had expressed their anguish at the petitioners being forced to approach the Supreme Court multiple times against individuals and organisations even after there being guidelines for tacking and taking action against hate speeches. During the said hearing, the Supreme Court issued an order directing the District Magistrate and Superintendent of Police at Yavatmal, Maharashtra and Raipur, Chhattisgarh to take ‘appropriate steps’ to ensure that no incitement to violence or hate speech occurs at the rallies scheduled in the said districts in the coming few days of January. The said order was passed following the concerns raised by the petitioners over delivery of potential hate speeches at rallies planned by Hindu Janajagruti Samiti and Bharatiya Janata Party legislator T Raja Singh in the month of January.

The court had outlined directives with respect to taking preventive action in such cases:

*“We would require the authorities to be conscious that no incitement to violence and hate speech are permissible. The concerned District Magistrates and Superintendent of Police of Yavatmal, Maharashtra and Raipur, Chattisgarh 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.”*

Notably, when the Supreme Court bench was shown a transcript of the speeches delivered by BLP MLA Raja Singh in the past, they had remarked that some of them were “certainly objectionable”

### **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 equipments, 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

## **Preventive Measures when Speakers & Organisers have a record of Provocative Hate Speech:**

### **The Law Commission Report No. 267 on Hate Speech states:**

“Hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. Such speech is considered outside the realm of protective discourse. Indisputably, offensive speech has real and devastating effects on people’s lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked hate speech can severely affect right to life of every individual.”

**We are sure that the Police is aware of a slew of directives that the Hon’ble Supreme Court has issued *time and again* for effective prevention of social disharmony, hate crimes and communal violence.**

### **These include:**

In *Mohd. Haroon and others v. Union of India* (2014) 5 SCC 252 and another, it has been clearly held that it is the responsibility of the State Administration in association with the intelligence agencies of both the State and the Centre to prevent recurrence of communal violence in any part of the State. If any officer responsible for maintaining law and order is found negligent, he/she should be brought within the ambit of law.

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.”

In the case of *Tehseen Poonawalla v UOI and ors* (2018) 9 SCC 501 the Supreme Court held that, it is the responsibility of the States to prevent untoward incidents and to prevent crime. The court further given specific directions for the police to adopt preventative measures, in which a senior police officer, not below the rank of Superintendent of Police, shall work as Nodal Officer in each district. Such Nodal officers were then directed to constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes, as mob violence and lynching, or who are involved in spreading hate speeches, provocative statements and fake news.

In addition to this, the Nodal Officer, along with the Station House officers, have been directed to take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting tendencies leading to mob-violence and lynching.

The court further said,

17. There can be no shadow of doubt that the authorities which are conferred with the responsibility to maintain law and order in the States have the principal obligation to see that vigilantism, be it cow vigilantism or any other vigilantism of any perception, does not take place. When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion... No one has the authority to enter into the said field and harbour the feeling that he is the law and the punisher himself. A country where the rule of law prevails does not allow any such thought. It, in fact, commands for ostracisation of such thoughts with immediacy.

20. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency. A fabricated identity with bigoted approach sans acceptance of plurality and diversity results in provocative sentiments and display of reactionary retributive attitude transforming itself into dehumanisation of human beings. Such an atmosphere is one in which rational debate, logical discussion and sound administration of law eludes thereby manifesting clear danger to various freedoms including freedom of speech and 4 expression. One man's freedom of thought, action, speech, expression, belief, conscience and personal choices is not being tolerated by the other and this is due to lack of objective rationalisation of acts and situations.

In the case of *Amish Devgan vs Union Of India* 2021 1 SCC 1, the Supreme Court quoted Benjamin Franklin, “It remains difficult in law to draw the outmost bounds of freedom of speech and expression, the limit beyond which the right would fall foul and can be subordinated to other democratic values and public law considerations, so as to constitute a criminal offence. The difficulty arises in ascertaining the legitimate countervailing public duty, and in proportionality and reasonableness of the restriction which criminalizes written or spoken words. Further, criminalization of speech is often demarcated and delineated by the past and recent significant events affecting the nation including explanation of their causes. Therefore, constitutional and statutory treatment of ‘hate speech’ depends on the values sought to be promoted, perceived harm involved and the importance of these harms. Consequently, a universal definition of ‘hate speech’ remains difficult, except for one commonality that ‘incitement to violence’ is punishable.”

On February 26, the Navi Mumbai Commissioner of Police, Milind Bharambe, had videotaped the entire event organized by Sakal Hindu Samajh in Navi Mumbai, Maharashtra as per the orders of the Supreme Court. The content of the speeches given at the event are now being investigated on whether they can be classified as hate speeches. The decision of video-tapping the event came after Mr. Tushar Gandhi, president of the Mahatma Gandhi Foundation had



written a preventive letter to the Navi Mumbai police seeking preventative measures, much like we are doing.

### **Action taken against hate speakers and offenders**

Ma'am/Sir, on April 28, 2023 the Supreme Court had held that all States/UTs, including Maharashtra, are enjoined and bound to take suo moto action to register FIR against hate speeches, without waiting for any formal complaint. In its order, the Supreme Court bench comprising Justices KM Joseph and BV Nagarathna had said the following:

*"Respondents (states) shall ensure that immediately, as and when any speech or any action takes place which attracts offences such as Section 153A, 153B, 295A and 506 of IPC etc, without any complaint being filed suo moto action be taken to register cases and proceed against the offenders in accordance with law. Respondents will issue directions to the subordinates so that appropriate action can be taken at the earliest. We further make it clear that such action be taken irrespective of the religion of the maker of the speech, so that the secular character of Bharat as envisaged by the Preamble is preserved."*

The apex court has, thus, again outlined already codified statutory duties of a police officer which makes it mandatory for them to take action under section 151 of CrPC in case there is apprehension of hate speech. Sir, given the well-orchestrated and numerous instances of hate speech and actual hate crimes being committed, the minority community in various parts of India already feels insecure and threatened. Furthermore, the event announced by Singh is going to be a public event and the incendiary speeches that will be made by him will reach not only the audience at the event but also all those who will then see 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 can be worse than the law enforcement agencies may be prepared for.

Besides the Supreme Court we are sure that you are aware that the Bombay High Court is also currently hearing a petition on the hate speeches by another serial offender, Vikram Pawaskar. In the matter, the court has raised questions on the inaction of the police over the FIRs filed against Pawaskar for delivering violent anti-Muslim hate speeches.

**In the light of all this substantive background and facts, we again urge you to take action as per sections 149 (Police to prevent cognizable offences), 150 (Information of design to commit cognizable offences) and 151 (Arrest to prevent the commission of cognizable offences) of the CrPC and any other provisions of law, as deemed necessary by you.**

Considering the indisputable history of hate speech of the speaker, it is pertinent that you take immediate action in this regard and cancel the permission (if given) or deny permission for this event, in the light of the Supreme Court directions of February 3, (as indicated above).



We urge you to take necessary action and follow due process of law to stop this event from taking place and take any other preventive action within the powers of the Police. If the wider public is kept abreast of developments, this would go a long way in re building faith and confidence in the rule of law in general and a police-citizen relationship in particular.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

**Annexures:**

Annexure A- Video of BJP MLA T. Raja Singh dated February 19, 2024 downloaded by CJP