

Date: February 24, 2024

To,

Madhukar Pandey, IPS  
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**Subject: Complaint urging for videography of BJP MLA T. Raja Singh's speech at Mira Road on February 25, 2024**

Dear Ma'am/Sir,

We, at Citizens for Justice and Peace (CJP), are approaching you one again to raise our concerns regarding the proposed and publicised visit of Bharatiya Janata Party MLA T. Raja Singh to Mira Road area at 5 pm on February 25, 2024. We are aware that on February 21, 2024, the Mira Bhayander Vasai Virar Police Commissionerate had rejected the application of permission sought by Singh to organise the 'Hindu Jan Aakrosh Morcha' rally. As we are sure you are aware, our organisation had also filed a detailed, pre-emptive complaint on the issue and the potentialities for disharmony and violence if permission was granted for such a rally, on February 20, 2024. This complaint was sent in view of the questionable and controversial record of this particular elected official, that on analysis violate Indian criminal law and the Constitution.

While rejecting the application, the Police has mentioned multiple cases against T Raja Singh for creating a rift between two people by making provocative and controversial statements. Six cases in Maharashtra alone and 45 others in total in other states had also been mentioned by the police in the rejection of permission letter.

On the same day, February 21, a Criminal Writ Petition had been moved by Hindu Task Force and Sakal Hindu Samaj organiser, namely Naresh Ramu Nile, to the Bombay High Court under Article 226 of the Indian Constitution. Through the plea, the petitioner had challenged the police refusal of granting him permission.

A division bench of Justices R.P. Mohite Dere and Shivkumar Dige has now granted permission to Singh to conduct the proposed rally on the conditions that no hate speeches are made and that

the said event is videotaped by the police in order so that required action can be taken post the event takes place and suo-moto FIRs can be filed, if necessary.

**The bench in the order has noted *“Needless to state that the Police to video record the entire procession that will be taken out by petitioner as well as the speeches that will be made at the said congregation/rally.”***

In addition to this, the Bombay High Court bench has also directed the police officials to grant permission to Singh for the rally *“on such terms and conditions as they may be deem fit and proper.”* It is essential to note that Singh has also been necessitated to file an undertaking to the Deputy Commission of Police of Zone-I, Mira Bhayander that he and the organisers will abide by all the terms and conditions imposed by the authorities and will follow the route provided by the police authorities.

**The order dated February 23, 2024 of the Bombay High Court has been marked and annexed hereto as Annexure A**

Ma'am/Sir, we would also like to bring to your notice **that after permission to hold the rally had been denied by the police, a video had been released by Singh in which he had used anti-Muslim slurs and openly threatened breaking law and order by stating that he will be coming to Mira road for his rally no matter what.**

**The following had been stated by Raja Singh in the video:**

*“These L\*\*\*\*e (anti-Muslim slur) are saying that they will not let me come, even you father cannot stop me from coming there. I will come there on February 25 and will proceed with conducting the event. It is not my objective to deliver any provocative speech, but do not force me to utter something instigating. My aim is to ensure that I promote love for Chhatrapati Shivaji in everyone’s mind. So, I urge the police to grant me permission and let the event take Bplace. If I am given the permission, then well. But in case permission is denied, even then the event will take place on February 25. In whatever circumstances, the event will take place. No one can stop me. I am requesting the state government to take my side as my goal is to protect the Hindus and establish a Hindu nation. Hail India.”*

The video can be viewed here:

<https://twitter.com/ssaratht/status/1760222396303188106>

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

Ma'am/Sir, the contentious intentions of Raja Singh are clear from the words uttered by him. Even through this speech, he has openly stated that he will be **breaking the law**. The video itself begins with Singh using an anti-Muslim slur and issuing threats. We are approaching you again with concern over the probability of there being social unrest and communal divide in the city as a result of the rally. We are also generally concerned regarding 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 maintaining social harmony and peace.

### **Supreme Court Directions on video-tapping on events and prevention of hate speeches**

Now that the court has ordered for the rally to take place, it is essential for the police officers to ensure that no hate speeches take place at the event. In addition to the same, the court has also ordered video-tapping of the event so that the Police can then take suo moto action and file a case against the speaker if needed. Notably, these guidelines were 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.

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 aswell. 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.”*

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.

### **Supreme Court Directions on action to 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 motu 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 motu 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 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 view of the order to the Bombay High Court granting permission to Singh to conduct his rally while imposing conditions and the directive of the Supreme Court regarding video-tapping of events filing of suo-moto FIR, we urge the police official to take necessary action in ensuring that no hate speech takes place by imposing necessary restrictions. In case such provocative speeches take place, the police officials are then requested to file suo-moto actions against the speakers and the organisers of the event.

In anticipation,

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

**Annexures:**

Annexure A- Order of the Bombay High Court dated February 23, 2024

Annexure B- Video of BJP MLA T. Raja Singh dated February 21, 2024 downloaded by CJP