



**October 14, 2020**

To,  
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**Sub: Complaint by CJP against 'Best Hindi News' for propagating caste supremacy and supporting anti victim narratives on social media**

Respected Sir,

Citizens for Justice and Peace (CJP) is a human rights movement dedicated to upholding and defending our fundamental freedoms, in the courts and beyond. With a presence in all states of India, CJP draws its strength from the people who are determined to protect the rights of every individual, especially the weak and marginalised.

CJP has been actively campaigning against Hate Speech. Our objective is to not just bring to light such instances, but also help people understand what constitutes hate speech and the fundamental difference between Freedom of Speech and Hate Speech. We seek to empower citizens with knowledge of the law and mechanisms of its application with concerned authorities. We have pursued our objectives on two fronts; by publishing informative and educative content about hate speech on our website, and by filing complaints and petitions against the perpetrators.

In September, 2020 we had filed a complaint before National Broadcasting Standards Authority against Sudarshan News for broadcasting a trailer of a communally influenced show which was further sent to the Information and Broadcasting Ministry.



**The CJP complaint to NBSA against Sudarshan news is annexed hereto as Annexure A.**

We have also flagged instances of hate speech, like that of religious televangelist Zakir Naik's hateful utterances that continue to pose a threat to the ideals of secularism and plurality, embedded in our Constitutional framework. He claims to reach a massive audience of over 20 million followers worldwide. The video by CJP can be seen here:

<https://cjp.org.in/hate-watch-zakir-naiks-unchecked-bigotry-promotes-religious-discord/>

In this consistent and thorough endeavour to counter hate crime, we have recently come across "Best Hindi News" on social media platforms like Facebook, Twitter and YouTube spreading misinformation regarding the Hathras incident. Their Facebook page is sharing anti victim narratives with an agenda to derail justice. The video on Facebook can be seen here:

<https://www.facebook.com/BestHindiNewsIndia/videos/3692340997444914>

In this video, Best Hindi News has shared a video of one Deepak Sharma on October 2, 2020 captioned, "*Hathras kaand mein Samajhsevi Deepak Sharma ne bataya raat mein laash jalane ka kaaran*" (Social worker Deepak Sharma tells us the reason behind cremating the body of the Hathras victim post-midnight). He insinuated that the Hathras atrocity was nothing but a concocted story by some media houses to malign upper caste men. He also questioned the laxity of the deceased victim's family since they did not perform the last rites of their daughter sooner as she breathed her last early morning on September 29, 2020. "*Jo poochte hai log ki raat mein kyun jala diya gaya tha, toh bhai kya karte? Usme keede pad jaane dete? Kya yeh hindu dharm hai ki laash mein keede pad jaane do rajneeti ke liye?*", he asked his followers and friends on Facebook. (The people who ask why her body was burnt at night, what else could be done? Can we leave the body for insects to breed? Is that what Hindu religion says, to let insects

breed on a corpse for politics?) The video shared on the Best Hindi News Facebook page received 636 likes.

Best Hindi News on October 3, 2020 shared an interview of one Omkar Singh by Deepak Sharma and captioned it as the “Biggest witness of the Hathras case” on Facebook. The interviewee i.e., Omkar Singh claimed that the deceased was killed by the mother and her brother instead of Sandip Singh (one of the four accused). He claimed that the men weren’t in Hathras when the incident took place (September 14, 2020) and that Sandip Singh was with his father quenching the thirst of his cows. Upon being asked the reason behind the girl’s unfortunate death, Omkar Singh claimed that it was a case of honour killing. “*Sandip aur uski beti mein kuch prem tha*” and “*nirdosh ko phasaya hai*”, he said. (Sandip and the deceased were romantically involved, the innocent is being wrongly accused). A number of people are seen in this video standing behind Omkar Singh, holding placards and supporting his claims. The video on Facebook can be seen here:

<https://www.facebook.com/BestHindiNewsIndia/videos/1034279790336737/>

On October 5, 2020 Best Hindi News shared an article on its Facebook page on the alleged anger of people over one sided media coverage by News channels like ABP news and Aaj Tak. Innocent men were sent to jail and police officials were unnecessarily suspended due to biased reporting, the article claimed. The article also shared a picture of Deepak Sharma protesting with other people on the same matter. The same picture was from an earlier video that was uploaded by Deepak Sharma on his personal Facebook profile. He is heard in the video saying, “*Humare Police ko kisne suspend karwaya? Media ne (in chorus), humare bachche jail kisne bhejwaye? Media ne (in chorus), Aaj Tak ne, ABP news ne (in chorus x3)*” (Who got our Police officials suspended? The media, who sent our children to jail? The media- Aaj Tak and ABP news!), with a plethora of supporters in the background.



**The article has been annexed hereto as Annexure B**

The video on Facebook can be seen here:

<https://www.facebook.com/100055585006172/videos/116022326927267>

Best Hindi news presents Deepak Sharma as a “Samaj Sevi” (social worker) and have been propagating anti Dalit narratives through his videos. The information that is being transmitted is accusing the mother and brother of the deceased’s death and that the 4 men named by the victim have been wrongfully arrested. The Best Hindi news on Facebook is also trying to justify the forced cremation of the young Dalit girl as something that had to be done to maintain public order in Uttar Pradesh. In an article shared by Best Hindi news on October 6, 2020 they stood by the decision of the Uttar Pradesh Police to cremate the body of the victim without the family’s consent and asserted that if the cremation had not been done in the middle of the night, political vultures would have played dirty politics and instigated riots through agencies like Popular Front of India, a Kerala based Muslim Organization.

**The article has been annexed hereto as ANNEXURE C.**

Deepak Sharma claims to be the founder of Rashtriya Swabhiman Dal (RSD), an organization that aims to protect the interests of Hindu dharma and the nation. We, at CJP have compiled a 4-minute-long video on Deepak illustrating his hysterical abusive content on social media where he demands the beheading of non-believers and supports another occurrence of Godhra. CJP has left no stone unturned in the endeavour to hold Deepak Sharma liable for his hate speech and complained to the National Human Rights Commission (NHRC) to take cognizance of his actions and to ban him permanently from Facebook for spewing hate. This is because Deepak Sharma is not just a serial offender in terms of hate crimes under Indian law but is also consistently doing his best to disrupt social harmony in the country, targeting

marginalised sections who already face the brunt of stratified exclusion. The CJP video can be seen here:

<https://cjp.org.in/another-hindutvavadi-spreading-hate/>

**The CJP Complaint to NHRC against Deepak Sharma is annexed hereto as ANNEXURE D.**

In September, 2018 he protested to rename Akbar Road in Lutyens, Delhi to Atal Bihari Vajpayee Road. *InUth* reported that upon being asked about his demand to change the name, he said that Vajpayee had written several poems against the Mughals, without an iota of knowledge about Vajpayee's work and career. He claimed to have read Atal Bihari Vajpayee's poems through which he has absorbed Vajpayee's rage against the Mughals, who have tried to destroy the Indian culture in the past. *"There are two types of history, one is positive and other is negative. Mughals represent everything that is negative and we have to remove all symbols of Mughals from our history"*, he told *InUth*.

**The article has been annexed hereto as ANNEXURE E.**

The InUth video can be seen here:

<https://www.facebook.com/DhruvRatheePage/videos/1494292164050043>

A report by *Hindustan Times* and *The Indian Express* confirmed that in October 2018, Deepak Sharma visited the Sharda University campus to instigate Indian students against Afghan students. The District Magistrate of Gautam Budh Nagar, B.N Singh said that Deepak Sharma was responsible for disrupting the peaceful and tolerant ethos of the society with his acts. FIR under relevant sections of the Indian Penal Code and Information Technology was also registered against Deepak for visiting the college campus and uploading videos addressing students and using inflammatory words declaring that Afghan students "are trying to turn the university into a mini-Taliban".

**The articles have been annexed hereto as ANNEXURE F.**

On October 12, 2020, the Lucknow Bench of the Allahabad Court through Justices Rajan Roy and Pankaj Mithal in the matter *Suo-Moto In Re : Right To Decent & Dignified Last Rites/Cremation Vs. State Of U.P. Thru Addl. Chief Secretary* have already directed the media and political parties to act in a manner that promotes social harmony and does not violate the rights of the Hathras victim's family. The court has also recognised that cremating her without the family's consent to avoid lawlessness was a gross violation of the victim and her family's human rights. Posting such content online disrupts peace and causes confusion in people's minds. It is for the courts to give a verdict on issues related to Constitutional Rights and Morality and not the print/electronic media.

**The order dated 12.10.2020 has been annexed hereto as ANNEXURE G.**

Violations of Information Technology Act 2000

**Section 2(1) (w) of the Information Technology Act, 2000** defines intermediary, "*with respect to any particular electronic records, as any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes*". So, platforms like Facebook, Twitter, Instagram, WhatsApp are considered intermediaries that facilitate exchange of information amongst people.

According to the **Intermediary Guidelines of 2018, Rule 3** lays down the due diligence that needs to be done by Intermediaries. It says that the intermediaries are mandated to rules and regulations, privacy policy and user agreement for access-or usage of the intermediary's computer resource by any person and such rules shall

inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information that:

**Rule 3(2)(b)-** is grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, paedophilic, libellous, invasive of another's privacy, hateful, or racially, ethnically objectionable, disparaging, relating or encouraging money laundering or gambling, or otherwise unlawful in any manner;

**Rule 3(2)(e)-** violates any law for the time being in force;

**Rule 3(2)(i)-** threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign states, or public order, or causes incitement to the commission of any cognisable offence or prevents investigation of any offence or is insulting any other nation.

Social media platforms like Facebook are allowing blogs like Best Hindi News to spread harmful and hateful content that can have serious repercussions on a fair trial that the family of the deceased deserves. The page is packaging bias news blaming the victim's family for her death and not the four men who are in custody based on the victim's dying declaration which by law, does not need corroboration and is a significant piece of evidence in itself. Such propaganda is harming the family who have a long road of legal battle ahead of them. On October 8, 2020 Best Hindi News shared an article on their Facebook page claiming to have exposed a new twist in the case. It shared the main accused Sandip Singh's letter to the S.P, Uttar Pradesh where he alleges that he was a friendly acquaintance of the victim and that it was a clear case of honour killing as her family did not approve of this said friendship. This does not, in any manner indicate that he could not have lured and gang raped her. Dominant upper caste men sexually exploiting women and especially lower caste women in India is an unfortunate reality.

**The article has been annexed hereto as ANNEXURE H**

**Article 21** of the Constitution of India guarantees us all the Right to Life and Personal Liberty. This right extends to the dead as well which has been upheld by the Apex Court of India. In *S. Sethu Raja vs the Chief Secretary* [2007 (5) MLJ 404], the court claimed that *“By our tradition and culture, the same human dignity (if not more), with which a living human being is expected to be treated, should also be extended to a person who is dead”*. Cremating her forcefully without her family’s consent in the wee hours of Wednesday (September 30, 2020) is a gross violation of that right.

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, lays down under **section 3(1) (r)** that if a non-SC/ST person intentionally insults or intimidates with intent to humiliate a member of a SC/ST in any place within public view; **3(1)(y)** denies a member of a SC/ST any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to **(3)(1) (za)** obstructs or prevents a member of a SC/ST in any manner with regard to – **(A)** using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage; shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

**Section 3(2) of the SC/ST Act** lays down that whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, **(vii)** being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence. **Section 15A (2)** provides that the victim shall be treated with fairness, respect and dignity and **section 15A (11)(d)** lays down that the State shall provide relief in respect of death, injury or damage to property.



Since Facebook as an intermediary permits Best Hindi News and online presence of people like Deepak Sharma who get validation through thousands of followers, a plethora of violations take place, standing in contravention of **Rule 3(2)(e)** [violation of any law for the time being in force] of the Intermediary Guidelines. The young Dalit girl was offered dignity neither when alive nor when dead. Her body was disposed off by police official's pre-dawn despite the family members request to bid her farewell according to Hindu traditions. Since the girl belonged to the Valmiki Dalit community, the above-mentioned sections of the SC/ST Act which were ideally crafted to protect the deceased and her family's basic rights, now stand infringed. Instead of offering them a fair trial under due process of law, websites like Best Hindi News are fulfilling agendas of caste supremacy by protecting the alleged accused.

**Rule 3(2)(i)** that requires the intermediaries to inform their computer users to not indulge in any activity that threatens the public order, or causes incitement to the commission of any cognisable offence or prevents investigation of any offence also stands violated because such news content tends to jeopardize free trial by putting unnecessary pressure on the State machinery. Transmitting fake news devoid of any reliable source catapulting people into anti victim narratives prevents authorities to be determined while investigating a crime. This will be a serious dereliction of duty.

The Chief Editor of Best Hindi News, Dharmendra Pratap Singh calls himself a journalist on his Facebook profile. The **Norms of Journalistic Code issued by the Press Council of India**, under section 41A (Trial by Media) recognizes the importance of a fair trial. It provides, "*Measures which are necessary for due process of law need to take precedence over freedom of speech.*" This stands true for victims, witnesses and the accused. "*In a conflict between fair trial and freedom of speech, fair trial has to necessarily prevail.*" So, without fact checking Deepak Sharma's track record and transmitting information about the victim and her family tarnishes their reputation and also amounts to one side reporting. Objectivity and non-arbitrariness are key elements of ethical journalism and must be pursued at all costs.

### **Violation of The Indian Penal Code, 1860.**

Incidentally, sharing videos of Deepak Sharma who stands in contravention with certain sections of the Indian Penal Code which is of grave importance and needs immediate attention. Hate monger Deepak Sharma has a litany of documented offences trying to incite communal violence in India.

Section 153A of the Indian Penal Code states that, *“Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, or shall be punished with imprisonment which may extend to three years, or with fine, or with both.”*

From attempting to perform puja at Taj Mahal (later detained), to calling for the removal of Mohammad Ali Jinnah’s portrait from Aligarh Muslim University, his communal intent and the message of enmity he is trying to propagate is well established. He has also been booked under section 153A of the Indian Penal Code for inciting violence in a student campus where he does not even study in 2018. On October 5, 2020 Deepak Sharma was also arrested for throwing ink on Sanjay Singh, an Aam Aadmi Party Member. The MLA was about to speak to the media after having met the Hathras victim’s family and was thrown ink at by Deepak Sharma while shouting “PFI Dalal wapas jao” (Popular Front of India’s agent, go back!). The video can be seen here:

<https://www.ndtv.com/india-news/attacked-with-ink-aap-leader-sanjay-singh-slams-yogi-adityanath-coward-not-thakur-2305416>

Section 295A of the Indian Penal Code provides that *“whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India by words,*

*either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."*

Section 298 of the Indian Penal Code provides that *"Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that persons or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."*

He uploaded a video calling it "a film" hitting a defenceless boy to threaten the society with same consequences if any person uploaded memes on Hindu God's and Goddesses in 2017. This kind of discriminatory statement and unverified claims generate an atmosphere of communal tension and hate against other communities. The video can be seen here:

<https://www.youtube.com/watch?v=AtTT28uDsUw>

In 2019, CJP uploaded a 2-minute-long video citing the Equality Labs report raising the rising hate speech on Facebook India during 2018. Real threat presented by Facebook to an estimated 300 million Indian caste, religious, gender, and queer minorities both in India and abroad is a ticking tomb of communal violence, caste and hate speech. The video can be seen here:

<https://cjp.org.in/facebook-looks-away-as-hate-speech-multiplies-equality-labs/>

## **PRAYERS**

It is prayed that the Ministry of Electronics and Information Technology (MeitY) takes cognizance of the violations and it is further prayed that the MeitY:

- 1) Directs the Intermediaries to inform its users that in case of noncompliance with rules and regulations, user agreement and privacy policy for access or



usage of intermediary computer resource, the intermediary has the right to immediately terminate the access or usage rights of the users to the computer resource of Intermediary and remove noncompliant information, as per the Ministry of Electronics and Information Technology, the Information Technology [Intermediary Guidelines (Amendment) Rules] 2018.

- 2) Directs the Intermediaries to take down prohibited content within 36 hours of actual knowledge of the existence of such content on their platform and preserve records relating to such content for 90 days to facilitate investigation, as per the Ministry of Electronics and Information Technology, the Information Technology [Intermediary Guidelines (Amendment) Rules] 2018.
- 3) Directs Best Hindi news to offer an apology for the malicious and hateful content that they post online.
- 4) Directs the local police cyber cell to thoroughly investigate Deepak Sharma's online activities.
- 5) Directs a permanent ban or permanent scrutiny on Deepak Sharma's Facebook account and other associated profiles.
- 6) Any and all actions that the Authority deems fit.

Yours sincerely,

**Anil Dharker, President**

**Teesta Setalvad, Secretary**



**ANNEXURES:**

Annexure A CJP complaint to NBSA against Sudarshan News

Annexure B *Best Hindi News* article dated October 5, 2020

Annexure C *Best Hindi News* article dated October 6, 2020

Annexure D CJP complaint to NHRC against Deepak Sharma

Annexure E *InUth* Report

Annexure F *Hindustan Times* and *Indian Express* Reports

Annexure G Allahabad High Court order dated 12.10.2020

Annexure H Letter to Superintendent of Police (Mathura) by Sandip Singh