



March 18, 2021

To,

Shri Priyank Kanoongo,
Chairperson,
National Commission for Protection of Child Rights
5th Floor, Chanderlok Building, 36 Janpath, New Delhi-110001
Email id: cp.ncpcr@nic.in

Subject: Complaint against violent attack on a minor boy in a hate crime in Ghaziabad, UP and subsequent exaltation and justification of the same

Dear Sir,

We, at Citizens for Justice and Peace are addressing this complaint to you to bring to your attention an incident of a minor boy beaten up in public while the incident was recorded on video and how some factions of society, especially influential public personalities have come ahead and sympathized with the perpetrator, even providing monetary relief to cover his legal costs.

Citizens for Justice and Peace (CJP) is a human rights organisation 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, vulnerable and marginalised.

The incident

It all began with a video posted on Instagram, by an account by the name 'Hindu Ekta Sanghh' and in the caption of the video, the perpetrator, Shringi Yadav was tagged. The caption of the video was rife with foul offensive language targeting the young Muslim boy and in praise of Shringi Yadav who was assaulting the boy. Yadav first asked the person shooting the video to ensure that his and the boy's face should be clearly visible in the video, then he asks the boy his name and his father's name (both Muslim names). Then he asks the boy why he entered the temple and the boy simply responded that he went there to drink water and he was immediately met with blows from Yadav. Yadav kept slapping him, twisted his arm and dropped him to ground and started kicking him all over and even tried to kick him in his groin but the boy managed to shield it with his free hand. The boy in a muffled voice kept pleading "*paani peene aaye the uncle*" (I had only come to drink water, uncle) and the man shooting the video, towards the end tried to pacify Yadav and asking him to stop.

The Instagram account @hinduektasangh also posted that a case has been registered against Yadav so now everyone should donate money to help him fight the case. "*Uss video me jo sher hai unpe case hua hai ab dekhte hai yodhavo ko kitne paise milte hai?*" (A case has been filed against the 'lion' in the video, now let us see how much money 'a warrior' can gather). The post further says, "*dekhte hai ab hindu sirf video dekh ke maze lete hai yaa yodhavo ko daan bhi dete hai ya nahi?*" (let us see if Hindus only enjoy watching such videos or will donate money for such warriors as well).

Ghaziabad Police has taken cognizance of the video that became viral on social media and arrested the perpetrator, Shringi Yadav and also named the person shooting the video as an accused. While the main incident has been taken care of by law enforcement, the justification of the beating up of a minor by that has followed, is outrageous, condemnable and requires due attention and cognizance of this Commission.

Notably, the Dasna Devi temple where the minor Muslim boy went to drink water, is under the care and management of Priest Yati Narsinghanand Saraswati. He has come out in support of the accused who attacked the boy and termed the incident as his followers, obliging his instructions “*I had trained my followers well to give a befitting reply to trespassers from a specific minority community, and all they did on Friday was they were following my instructions,*” he told Times of India. His statement implies that he is not only the sympathiser of the incident and the accused but the main perpetrator of the crime as well.

The only remorse he had about the incident was that the accused shot a video of it thus bringing the incident in the public eye. Clearly, he preferred that such incidents of hooliganism and intimidation should go on but should not be highlighted to garner public attention.

He further claimed and shifted the blame of the incident on the victim of the crime, the young boy, and said that “he had come with a specific motive on the pretext of drinking water and was rightly thrashed by my follower”.

*The Times of India report dated March 16, 2021 has been annexed herewith as **Annexure A***

Further, there is a video report by The Quint, whereby Yati is being interviewed and he has said that the police have arrested the two perpetrators in false cases and I will fight with them for their release. He said I will fight until my last breath for the honour of my religion.

Naturally, the narrative around the entire incident has been established not only by the accused but by people like Yati who are coming out in support of an incident where a minor boy has been beaten up by an adult. The incident is communally charged as a Muslim boy entered a Hindu temple where the board clearly states that entry for Muslim is prohibited.

When the boy and his family was interviewed it was revealed that the boy is illiterate and had he known, he would not have entered the temple premises. “He made a big mistake but he should not have been so brutally beaten up,” said his father.

The interview video can be watched here: https://www.youtube.com/watch?v=Jag-svRBcO4&t=26s&ab_channel=TheQuint

Ending Violence Against Children

The Commission’s Handbook for **Ending Violence Against Children** states that exposure to violence in childhood can be deeply destructive and causes experience of trauma and fear which could, in the long term, lead to affected mental well-being as well as poor quality of life. The fact that a minor boy has been made a target of a sinister communal plot, where he has had no role to play, is a toxic environment. The accused, before beating the boy asked him his and his father’s name and after confirming that the boy was a Muslim, mercilessly thrashed him.

There are multiple factors involved here that have affected the child and the effects of the same are manifold. The boy comes from a marginalized background, growing up in a low-income

family, illiterate thus, his position in the society is already low and that makes him vulnerable. Now that he has become a target of apparent hate crime, a sense of fear has been instilled in him. This incident will not only affect his childhood but will have impact on his social life as an adult where he will always remember that he was attacked for being a part of a minority community by members of the majority community.

Further, the Handbook for Ending Violence Against Children provides for due procedure to be followed when a child is found to be a victim and how the police is to deal with the same. While the police has taken cognizance of the crime and registered an FIR, it is not certain whether they have recorded the statement of the minor boy. The Handbook also states, “**Since all children who are subject to violence are children in need of care and protection, the District Child Protection Unit and CWC must also be informed about the case and the details of the child shared with the unit**”. It is also not certain that any of these procedures as per the Juvenile Justice Act with respect to “children in need of care and protection” have been followed by the police.

Child Rights violations

All these aspects aside, the Constitution, under Article 39(f) states that the State shall direct its policy towards “**securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.**”

Needless to say, the attack on the child is a violation of his right to life and dignity under Article 21 of the Constitution as well as his right against discrimination under Article 15 of the Constitution; both of which are extremely crucial rights when it comes to be applied to children and ought to be safeguarded and protected by this Commission.

The incident has amounted to offences under the Indian Penal Code:

Sec. 504 Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, 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, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Sec. 505 Statements conducing to public mischief.—[(1)] Whoever makes, publishes or circulates any statement, rumour or report,—

(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,

shall be punished with imprisonment which may extend to 6[three years], or with fine, or with both.

(2) **Statements creating or promoting enmity, hatred or ill-will between classes.**—

Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground

whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Offence under sub-section (2) committed in place of worship, etc.—Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine

Sec 321. Voluntarily causing hurt.—Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”.

Sec 323. Punishment for voluntarily causing hurt.—Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Sec 351. Assault.—Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Sec 352. Punishment for assault or criminal force otherwise than on grave provocation.—Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Further, the NCPCR, a statutory body was established in pursuance of India acceding to the **United Nations Human Rights Commission’s Convention on the Rights of the Child (1990)**. Thus, it is important that the provisions of the Convention are followed:

Article 2: “State Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

Article 19: 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 39: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Each of these Articles underscore the importance of protecting the child and ensuring a safe and secure environment for him/her.

The incident of the attack in itself can be termed as a traumatizing experience for the child and the immediate reaction of the priest of the temple sympathising and justifying the crime creates an additionally pernicious situation that needs to be dealt with, with proper action and due inquiry.

The child, in this case, has become not just a victim of violence but of targeted violence in a hate induced crime. That in itself makes it a grave offence requiring intervention of this Commission to ensure that that free and fair inquiry is carried out and that the child's rights are protected and justice is delivered to him. Also, the acts of the temple priest, Yati, whereby he is exalting and encouraging such acts of violence, in utter disregard of the fact that the victim was a minor, is also a matter of grave concern and needs cognizance by this Commission as it amounts to violation of the child's rights.

We strongly urge this Commission to closely monitor the investigation of this offence being carried out by Ghaziabad Police and also take strict action against the temple priest Yati for justifying an act of violence against a child.

Prayers:

It is prayed that the Commission:

1. Inquire into the matter under section 13(1)(c) and 13(1)(j) of the Commission for Protection of Child Rights Act
2. Give directions deemed appropriate by the Commission to the investigating officer in the case and seek necessary reports to enable the monitoring of the case
3. Take appropriate action against Yati Narsinghanand Saraswati for acting in violation of child rights and for exalting an act of violence against a child
4. Take any other action deemed fit and proper by the Commission

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anil Dharker'.

Anil Dharker, President

A handwritten signature in black ink, appearing to read 'Teesta Setalvad'.

Teesta Setalvad, Secretary