



Date: March 18, 2021

To,

Shri Atif Rasheed
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National Commission for Minorities
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Cc: Shri B. Anand
Secretary,
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Subject: Complaint by CJP against the brutal assault on a minor boy for entering a temple by Yati Narsinghanand's disciple and the subsequent justification of the same

Respected Sir(s),

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.

We, at CJP have been active in raising our voice against Hate Speech against minorities with an objective to not only create awareness but also to empower marginalised citizens with knowledge of the law and mechanisms of its application with concerned authorities. We, recently approached your esteemed authority with a complaint on December 12, 2020, against a Rashtriya Swayamsevak Sangh Leader, Kamalendu Sarkar who allegedly indulged in vitriolic and Islamophobic speech in Assam that hurt the sentiments of the Muslim community. We see your response dated March 8, 2021, on our complaint seeking a detailed report from the Director General of Police, Assam as a positive step in our endeavour to keep up the good fight.

To fight instances of hate against the marginalised section, on November 18, 2020, CJP had complained to the Ministry of Electronics and Information Technology (MEITY) with a complaint against Kapil Mishra, a BJP politician who was using social media platforms to spew communal hate against minorities of the country. We have however, unfortunately not received any response on the progress of our complaint.

He had been using his Twitter account to circulate a google form for his followers to fill and become a part of “Hindu Ecosystem Team” to work together and build the “right” narrative in the media. The form seeks personal details like name, profession, special interests (“gauraksha, gausewa, fight love Jihad, ghar wapsi, halal, mandir nirmal) of his massive eight lakh followers. The membership form asks one to specify whether they would be joining the team “online” or “on the ground” or both. The complaint further cites evidence of inflammatory speeches made by Kapil Mishra on the eve of communal violence that broke out in North East Delhi early this year, appealing MEITY to acknowledge what this new formation can do to public harmony.

The CJP complaint dated 18.11.2020 may be read here:

<https://cjp.org.in/cjp-moves-meity-against-kapil-mishras-anti-minority-activity-online/>

We, at CJP also approached MEITY against Best Hindi News channel after the Hathras gang rape and murder of a young Dalit girl, where one Deepak Sharma a “Samaj Sevi” (social worker) kept propagating anti-Dalit narratives through his videos online where he accused the mother and brother of the deceased woman for her death. He further claimed that the four men named by the victim have been wrongfully arrested. The channel also showed some material on Facebook trying to justify the forced cremation of the young Dalit girl, claiming it had to be done to maintain public order in Uttar Pradesh.

The CJP complaint dated 14.10.2020 may be read here:

<https://cjp.org.in/cjp-moves-meity-against-news-channel-for-promoting-caste-supremacy-in-hathras-case/>

The incident

We have recently come across a video on Twitter, through one Mohammed Zubair’s account, who is the co-founder of Alt News. The video contains foul offensive and expletive language targeting a young Muslim boy Asif, assaulting him mercilessly. The video on twitter was taken from an Instagram account called @hinduektasangh and in the caption of the video, the perpetrator, Shringi Yadav was tagged. 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 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 video on Twitter may be viewed here:

https://twitter.com/zoo_bear/status/1370434462450810880

The Instagram post from the account Hindektasangh uploaded the video with the caption “*Mulle ko Napunsak bana diya*” (The Muslim boy has now become impotent as he was thrashed on his private parts), may be viewed here:

https://twitter.com/zoo_bear/status/1370434476933668867

Thereafter, on March 13, 2021, the Ghaziabad Police that was tagged in the video by Mohammed Zubair, took cognisance of the act and tweeted that the person who formed the team and beat the minor boy (Asif) was Shringi Nandan Yadav, son of Ashwani Kumar Yadav, a resident of Gopalpur Police Station, Bhagalpur, Bihar and he has been arrested. The Ghaziabad Police’s tweet may be seen here:

<https://twitter.com/ghaziabadpolice/status/1370452154348052480>

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 Asif 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 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.

The Quint also interviewed the Hindutva ideologue Yati Narsinghanand on March 17, 2021 where he openly accepted that his followers beat the kid because they see every Muslim with suspicion. During the interview, he also said that he does not want a single Muslim person, including a Muslim reporter inside the premises of the Dasna Temple. He said that the police have arrested the two perpetrators in false cases and that he will

fight with them for their release. He said I will fight for ‘*mere bachche*’ (my children) until my last breath for the honour of my religion.

Sir, 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. The allegations also include that Asif had definitely entered the temple to steal and not to drink water.

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. Asif’s aunt claimed that everyone drinks water and her nephew did nothing wrong. She said “*masjid aur mandir ek hai*” (temple and mosque is equal). The Quint video may be viewed here:

<https://www.youtube.com/watch?v=Iag-svRBcO4>

The infamous Yati Narsinghanand Saraswati has been in the news for his inflammatory and hate filled speech online and offline. Some of his provocative videos online have garnered considerable attention because of its anti-minority content. CJP has already filed a complaint dated March 10, 2021, against him before the Ministry of Electronics and Information Technology (MEITY) and the Ministry of Minority Affairs (MMA) for propagating unverified information about Islam, claiming all Muslims to be ‘Jihadis’ (militants) aspiring to dominate Hindustan.

For instance, Yati, in a video on YouTube, that has received a whopping 1,51,559 views, constantly vilified the Muslim community appealing time and again to the Hindus to “fight” and “sacrifice” for the sake of their religion to protect their Hindu Rashtra (nation). In the same video, he is quoting saying (translated in English),

“Today, many Hindus ask me, Maharaj, there are no riots happening anywhere. Why aren’t there riots? Because the issues which used to bring Hindus on to the streets with weapons earlier, no Hindu has the courage to even raise his voice about those issues. I don’t know what use our organisations are. Big or small, we are not prepared to fight for our brothers, not even prepared to speak for our brothers. While not a day goes by in India when some Muslim cuts the throat of a Hindu.”

The video may be seen here:

<https://www.youtube.com/watch?v=3DMdyxLfi84>

This easily qualifies as anti-minority Speech and another testimony to this is the comment section below such videos where Yati’s public utterances have manifested into dangerous hate filled remarks by the viewers. For instance- “*hum ladenge guruji* (we will fight Guruji), “*jaago hindu*” (wake up Hindu), “*we are ready to come forward*”. These are clear indications about Yati Narsighanand’s intentions to create communal disturbances and invoke one

community against the thus endangering law and order situation in the country. Such videos are easily available on platforms like YouTube which can be accessed in any corner of the country by anyone, belonging to any age group thus becoming a threat for influencing young minds into resorting to violence and harbouring ill-will towards another community, which is against our constitutional and societal values.

Targeting the Muslim community with an overbearing majoritarian attitude leads to a hostile and discriminatory environment that is against the secular ideals of India. Hate on social media, and such videos that can be accessed from any part of the country at any time helps mobilise force(s) that can result in a mass, targeted violent attacks, eventually and sometimes even culminating in genocide.

Sirs, under paragraph 3 of the constitutional provisions listed down by the Hon'ble Commission, it states that *“The various Articles of the Constitution providing rights to the minorities, clearly and firmly point out to only one direction: **that of a multi-religious, multi-cultural, multilingual and multi-racial Indian society, interwoven into an innate unity by the common thread of national integration and communal harmony.** By the yardstick adopted by the framers of the Constitution and crystallized into its provisions the Indian Nation is not just a conglomeration of individual inhabitants of this State; it comprises of two distinct categories of constituents. The two-tier commonwealth of Indian Nation includes, on one hand, every citizen of India individually and, on the other hand, the multitude of religious, linguistic, cultural and ethnic groups among its citizens. The Indian Nation is an enormous coparcenary in which the individual citizens are also members of their own respective branches taking the form of religious, cultural, linguistic and ethnic groups. And all these groups, like all individuals, have the same Fundamental Rights to enjoy and the same Fundamental Duties to discharge.”*

But such acts encourage and perpetuate hatred and de integration of minorities into the society, and further propagandises the majority into calling for active elimination. This isolation is a violation of the right to life, personal liberty and equality of an entire community under Article 21 and 14 of the Constitution that needs to be dealt with strictly. The social pluralism of India, as fortified by the unique Constitutional concept of secularism, raises the need for the protection and development of all sorts of weaker sections of the Indian citizenry.

Violations of Indian Penal Code

The act of beating up the Muslim boy, uploading a video on social media exhibits the brazen impunity people like Yati and his disciples, Shringi Yadav and many others enjoy by taking law in their own hands. The terrible brutalisation of a young Muslim boy and the subsequent justification of it by people like Yati who is seen as a priest that wields so much power in society is terrifying and needs the immediate attention of this Hon'ble Commission.

The assault on Asif by Shringi Nandan Yadav attracts Indian Penal Code sections:



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”.

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.

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.

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.

Clearly Yati’s speeches have instigated his followers to take such a drastic step against the minorities with no display of remorse. As aforementioned, the Ghaziabad Police has taken cognisance of Yadav and his accomplice’s act, arresting and booking them under the relevant sections of the Indian Penal Code, but we would also like to bring to the notice of the Commission, Yati’s activities that contravene the IPC sections:

153A: “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.”

295A: “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.”

298: “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.”

Section 505(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.”

Callous and brazen statements such as this one, made by Hindutva leaders at public platforms have far reaching impact and rather perilous repercussions, and the instance before us is a clear indication of that. **Article 15** of the Constitution of India guarantees all its citizens a life without discrimination on grounds of race, caste, sex, religion or place of birth.

The Supreme Court of India has also upheld the peaceful existence of composite cultures and religions in India. In *Firoz Iqbal Khan vs Union of India W.P Civil No. 956 of 2020*, the apex court said, “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.”

The hate crime and the subsequent justification of such hate crime cannot be tolerated and thus, we 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 minor.

PRAYERS

It is our earnest and humble request to your esteemed authority to take cognisance of such hate propagandists that can have catastrophic impacts offline, with the Delhi Riots/Pogrom of 2020 serving as the most important and recent instance. It is prayed that the Commission:

1. Monitors the Police investigation against Shringi Yadav and his fellow aide under section 9 of the National Commissions for Minorities Act, 1992;
2. Directs a thorough and timely bound investigation into the provocative speeches of Yati Narsinghanand Saraswati who is mobilising people to spread hate
3. Directs Yati Narsinghanand to apologise for his deeply hurtful and offensive comments against the minority community, justifying this heinous hate crime;



defending human rights in the courts and beyond

4. Arranges for monetary compensation for Asif and his family;
5. Takes any other action deemed fit and proper by the Commission.

Yours Sincerely,

Anil Dharker, President

Teesta Setalvad, Secretary

Annexures

Annexure A A Times of India News Article dated 16.03.2021