



March 10, 2021

To,

Shri Ravi Shankar Prasad

Hon'ble Minister of Electronics & Information Technology

Email id: mljoffice@gov.in

CC: Shri Mukhtar Abbas Naqvi

Hon'ble Minister of Minority Affairs

Email id: manaqvi@gov.in

Subject: Complaint by CJP against Yati Narsinghanand Saraswati for his inflammatory and anti-minority speech online

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 with an objective to not only create awareness but also to empower citizens with knowledge of the law and mechanisms of its application with concerned authorities. 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/>

We have recently come across a YouTube video of one Yati Narsinghanand Saraswati, a self-proclaimed Hindutva leader based out of Western Uttar Pradesh and Delhi spewing hate against the Muslim community. In a video that was uploaded online on March 4, 2021, he called an award-winning journalist Arfa Khanum Sherwani a “*Jihadin*” (person involved in militant activities). He said that she is a *pakki jihadin* (established militant) who works for a channel called “The Wire” which allegedly receives funding from unidentified Arab countries.

The video may be viewed here:

<https://www.youtube.com/watch?v=gMxB3ej6usQ>

In the same video, he appeals to his fellow Hindus to not only target Owaisi (Asaduddin Owaisi, an Indian politician who is the President of the All India Majlis-e-Ittehadul Muslimeen-MIM) as the root cause of all problems but to shift their focus to ‘Jamia Milia Islamia University’, ‘Aligarh Muslim University’ and ‘Darul Uloom Nadwatul Ulama’ insinuating that they are indulging in anti-Indian activities. He also alleged that our country, the system, politics, bureaucracy, journalism industries are plagued with people indulged in the so called ‘jihadi’ activities.

He appealed to all Hindus to protect their Dharam (religion), daughters and women by saying, “*Har jagah unke aadmi hai, sab kuch unke kabze mein hai aur who tumhe harr tarah se maar rabe hai*” (There is a Muslim jihadi everywhere, they control everything and they are killing Hindus in all areas). He is selling hate through such video that has already received 1,354 views and 421 likes on YouTube.

In the abovementioned video, he has also named some serial hate offenders name Deepak Sharma and Ragini Tiwari against whom CJP has filed complaints several complaints to MEITY (as mentioned above) and Facebook in the past. In our complaint dated December 27, 2018, we wrote to the National Human Rights Commission complaining about Deepak Sharma’s Facebook profile page that spread hate and was full of inciting and provocative content against Muslims. He gained notoriety when he released a video where he beat up a young boy, and accused him of creating memes about his religion. In October 2018, he visited Noida’s Sharda University, and allegedly

incited Indian students against Afghan students a day after the two groups clashed on campus that resulted in an FIR registration against him. The CJP complaint may be read here:

<https://cjp.org.in/hate-watch-cjp-writes-to-nhrc-regarding-hate-on-facebook/>

CJP's 4-minute-long video compiling Deepak Sharma's hate activity and illustrating his hysterical abusive content on social media may be viewed here:

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

Ragini Tiwari gained popularity during the North East Delhi Riots of February 2020, when her provocative Facebook Live video went viral on social media, calling for the sacrifice of Hindus to save the nation. Her hate filled, incendiary videos and rants against minorities may be seen here:

<https://cjp.org.in/ragni-tiwari-incites-violencecjp-files-complaint-against-hate/>

CJP, in its endeavour has complained to Facebook twice against Tiwari when she called for the open slaughter of Muslims and in another instance, the protesting farmers appealing to the masses to prepare themselves for December 17, 2020 to recreate Jafrabad (read a reference to the February 2020, Delhi Violence) if the farmers don't stop protesting and leave Delhi. After this video went viral, the DCP of North East Delhi tweeted on December 13, 2020 that necessary action will be taken against her by SHO Jafrabad. The tweet may be read here:

<https://twitter.com/DCPNEastDelhi/status/1338006110729486338>

Facebook India responded to both our complaints dated March 3, 2020 and December 24, 2020, and refused to take action against her, stating that they are not in a position to take any action against Tiwari. Instead, Facebook suggested that CJP contact the party directly to get a resolution on the issue. This can be read here:

<https://cjp.org.in/facebook-refuses-to-act-on-cjps-complaints-against-ragini-tiwari/>

The mention of such personalities as Yati Narsinghanand's "saathi" who have been recognised by the State as hate speech offenders and have had FIRs registered against them, suggest a nexus amongst all such Hindutva leaders that have a common agenda in mind, i.e., to spread venom against the minorities and provoke 'Hindus' for acting against them. Before the Delhi Riots, Yati Narsinghanand had called Muslims Rakshas (demons), claiming that they are not scared of any State as they want to dominate over India and make it an Islamic State. On the issue of anti CAA protests, he called all protestors as anti-national. The video may be seen here:

<https://www.youtube.com/watch?v=c7p8f992IQY>

The Hate offender 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=3DMdyxLfl84>

This easily qualifies as Hate 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 Gururji), "*jaago hindu*" (wake up Hindu), "*we are ready to come forward*". This and other videos mentioned hereinabove are clear indications about Yati Narsinghanand's intentions to create communal disturbances and invoke one community against the another 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.

His speech stands in violation of YouTube's community guidelines, according to which they remove content promoting violence or hatred against individuals or groups based on certain attributes including Religion, Nationality, Ethnicity and Race.

In another video, uploaded on YouTube, Yati Narsinghanand Saraswati can be seen explaining the meaning of Jihad. He says that Jihad would mean a kaafir (non-believer), one who kills non-Muslims, takes control of Non-Muslim man's wife and property. He says, you need to destroy Jihad from all places in the world as Jihad is a synonym of 'Cancer'. He called the destruction of Jihad as an operation like cancer patients have to undergo, as it is the world's "most dangerous" thing. He vilifies the Muslim community even further by appealing to the audience that Hindus have not yet begun to fight the 'Islamic Jihadists'. He threatens that everything will be ruined if India becomes an 'Islamic' country. His videos are offensive, discriminatory and highly provocative, selectively targeting only Islam.

We would also like to state here that while undoubtedly aspects of political Islam and their manifestations all over the world have twisted the terms meant in religious theology to mean something quite different and even invoke violence, like the term *Jihad*, the selective use of terms to target one sections of Indians is unconstitutional. For persons in India to selectively use such terms in a derogatory framework against only one section of Indians, Muslims, a religious minority is not just unlawful and unconstitutional but sinister when the authorities and government of the day does not firmly act to curtail, control and lawfully stop such hate speech and writing. Besides, political manipulations of faith to turn the state majoritarian is not limited to Islam alone.

The video is marked and annexed hereto as Annexure A.

He has openly delivered speeches at pro-citizenship amendment (2019) law gatherings at Jantar Mantar (Delhi) where he has used expletive language to attack Muslims by calling them *sovar* (pigs) and *katuan* (a derogatory term for circumcised persons used for/against Muslims) who spread dirt in the country and deserve to have their eyes gouged by Hindus. Yet there has been no action against him and his videos have gone viral and have been circulated on social media with over 22,000 views.

<https://www.youtube.com/watch?v=MbOAiBj5Pxo>



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.

On the other hand, videos such as these, seep into public discourse, get legitimised within society as they are shared over messaging platforms and their reach is unfathomable and their effect is both indiscriminate and unsurmountable. It is necessary to stop such abhorrent activities using due process of law, identify them and take lawful action as they threaten to plague society with their vicious agenda of creating a communal divide, which will not just destroy the social fabric but will eventually become an impediment in the socio-economic growth of the country. Such provocation could either lead to isolated incidents of violence, where people tend to take law in their own hands or could turn into one colossal incident of organised violence aimed at a community, merely because such inciteful videos are available on a public platform for viewing. Besides, they also render, through their perpetual use, a section of Indians as outcaste, ostracised and second class citizens creating a sense of alienation and resentment.

The Law Commission Report, 2017 has also stated that “Hate Speech has the potential of provoking individuals or society to commit acts of terrorism, genocide, 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.”

In *Pravasi Bhalai Sangathan v. Union of India*, (Ref: AIR 2014 SC 1591, at para. 7.) the Supreme Court has unambiguously stated that hate speech is an effort to marginalise individuals based on their membership to a group, that can have a social impact. Moreover, the Court stated that hate speech lays the groundwork for broad attacks on the vulnerable that can range from discrimination, to ostracism, deportation, violence, and even to genocide. Therefore, the aforementioned news items are tantamount to the perpetration of genocide, and must be considered to be in violation of Article 21 of the Constitution.

Violations of Information Technology Act and Rules

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, webhosting service providers, search engines, online payment sites, online-auction sites, online market places and cyber cafes*”. So, platforms like Facebook, YouTube, WhatsApp are considered intermediaries that facilitate exchange of information amongst people.

Information Technology’s new Guidelines For Intermediaries And Digital Media Ethics Code Rules, 2021 also lays down certain points that requires intermediaries to do due diligence. Rule **4(1)(b)** states that “The rules and regulations, privacy policy or user agreement of the intermediary shall inform the user of computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that:

(v) violates any law for the time being in force;

(viii) 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 cognizable offence or prevents investigation of any offence or is insulting any foreign States”

With Yati’s such hate videos on social media, the minority community is subjected to this form of vicious hatred has been transformed from being persons to objects. This dehumanization has resulted in calls for elimination of the community and the same is nothing short of a call for genocide. The call to genocide is a violation of the right to life and personal liberty of an entire community under Article 21 of the Constitution, and needs to be dealt with strictly. Hate speech which repeatedly dehumanizes an entire community, makes them targets of vigilante violence.

Violations of Indian Penal Code

Further, the broadcast is also prejudicial to the maintenance of harmony and has disturbed public tranquillity as it blatantly promotes hatred, distrust, and discrimination against the minority community by placing blame on them for some sort of deep-rooted conspiracy against the rest of Indians. In doing so, the statements displace harmony and exacerbate religious tensions by portraying Muslims as villains and wrongdoers. Therefore, the ingredients for an offence under Section 153A(a) are satisfied and an offence under the section is clearly made out, with punishment of imprisonment extendable to 3 years, or fine, or both.

Specically, Yati Narsinghanand’s videos trying to incite communal violence in India attract certain provisions of the Indian Penal Code (IPC) like:

Section 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.”

The provision under sub-section (c) criminalizes, the making or publication of any assertion/counsel/plea/appeal concerning the obligation of any class of persons by reasons of their membership to a religion/community which is likely to cause disharmony or feelings of enmity, hatred, or ill-will between the members of the religious group and other persons, *inter alia*, by word either written or spoken. In the abovementioned video that was uploaded online on March 4, 2021, he called an award-winning journalist Arfa Khanum Sherwani a “*Jibadin*” (person involved in militant activities). He said that she is a *pakki jibadin* (established militant) who works for a channel called “The Wire” which allegedly receives funding from unidentified Arab countries, the provisions of Section 153A are clearly attracted.

Section 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.”

The provision criminalizes, *inter alia*, words, either written or spoken that with deliberate and malicious intention of outraging religious feelings of any class of citizens, insults or attempts to insult the religion/its beliefs. This section of the law has also been clearly violated in the present case. The ingredients under Section 295A have been satisfied and an offence under the provision has clearly been made out. This offence is punishable with imprisonment of either description for upto 3 years, or fine, or both.

Section 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.”

The provision criminalizes the utterance of any word/sound/gesture in sight of a person with the deliberate intention of wounding the religious feelings of any person, punishable with imprisonment of either description upto 1 year, with fine, or both. By demonstrating in the programme with assertion that everything that is Muslim or Islamic Is ‘Jihad’ and therefore something to be of suspicion and even alienation and hatred the broadcaster has illustrated a deliberate intention to wound religious feelings of Muslims, specifically be berating their religion and clergy. In doing so, a clear offence has been made out under Section 298.

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.”

The provision criminalizes the publication or circulation of any statement or report containing rumours/alarming news with an intent to or which is likely to create or promote on the grounds of, *inter alia*, religion or community, feelings of hatred, enmity, ill-will, between different religious groups or communities. The entire content, orientation and thrust of the broadcast does just this.

Therefore, the ingredients under the provision are evidently satisfied and the offence may be triggered, attracting imprisonment extendable to 3 years, or fine, or both.

For the record, offences under several provisions of the Indian Penal Code, 1860 have also been made out. Moreover, these discriminatory statements and unverified claims amount to generating an atmosphere that can lead to mass violence and targeting of the Muslim community.

Sir(s), his speech amounts to hate speech that also violates the constitutional provision of **Article 15** of the Constitution of India that prohibits citizens from discriminating on the grounds of religion, race, caste, sex etc. His unverified and propagandist speeches are not only vicious but

hurts the sentiments of the Muslim community and highlights the virulent Islamophobia in the country.

Journalism as genocide is a context that is being documented worldwide especially after Rwanda. The hatred perpetrated by the Media *and in the instant case Social Media* has destroyed and damaged the lives of ordinary people. Miscreants taking law onto their hands and forcing the general public not to buy fruits/vegetables from Muslim street vendors; Resident Welfare associations boycotting Muslims in their apartments and colonies; Stopping Muslims from entering specific areas; Preventing volunteers who are providing relief measures to the poor, because they are Muslims.

The community subjected to this form of vicious hatred has been transformed from being persons to objects. This dehumanization has resulted in calls for elimination of the community and the same is nothing short of a call for genocide. The call to genocide is a violation of the right to life and personal liberty of an entire community under Article 21 of the Constitution, and needs to be dealt with strictly. The calls for social and economic boycott being made are the precursors to genocide. Hate speech which repeatedly dehumanizes an entire community, makes them targets of vigilante violence.

International Standards

Respected Sir(s) we are sure you are aware of the deleterious trend in this direction within various social media platforms that have been rigorously analysed by academics and social scientists alike. These suggest these kind of hate-filled posts to be no just stray incidents but part of a systemic, deleterious campaign.

For example, as references,

- 1) <https://timesofindia.indiatimes.com/blogs/foreign-media/facebook-refused-to-remove-anti-muslim-posts-to-not-upset-modi-govt->
- 2) <https://academic.oup.com/bjc/article/60/1/93/5537169>
- 3) <https://timesofindia.indiatimes.com/india/why-islamaphobia-spreads-faster-on-whatsapp/articleshow/81104814.cms>

PRAYERS

It is our earnest and humble request to your esteemed authority(s) 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 Ministry(s):

1. Directs the police to investigate all such videos in the public domain and register an FIR against Yati Narsinghanand Saraswati for his hate speech;
2. Directs a thorough and timely bound investigation into his provocative speeches that might have instigated people to unleash violence in Delhi, in February last year;
3. Directs a permanent suspension of his YouTube channel (Narsinghanand) and other social media accounts that can be used to radicalise the perpetrators of communal violence and incite young minds to violence;
4. Direct Yati Narsinghanand to apologise for his deeply hurtful and offensive comments against the minority community;



5. Ensure You-Tube and other such social media platforms to implement their own guidelines *without fear or political favour and in accordance with Indian law*;
6. Take any other action that the Ministry deems fit and proper.

Yours Sincerely,

Anil Dharker, President

Teesta Setalvad, Secretary

Annexures

Annexure A A video downloaded on 05.03.2021