



Date: October 14, 2021

To,

Shri Iqbal Singh Lalpura

Hon'ble Chairperson,
National Commission for Minorities
Government of India
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Subject: Complaint over right-wing mob violence against Muslims in the State

Dear Sir,

We, at Citizens for Justice and Peace (CJP), a human rights organisation, are very concerned about a recent incident in Indore, Madhya Pradesh concerning a Muslim family. On October 9, 2021, the eight-member family including two women, were attacked by a mob armed with iron rods chanting religious slogans in Indore's Kampel locality, after the family refused to leave the village dominated by the Hindu community. This family is reportedly the only Muslim family residing in that area. The family has claimed to have been threatened before, but they did not pursue the matter due to poverty and lack of support.

The news of the attack reached Ehtesham Hashmi, an advocate practicing in the Supreme Court, who hails from Madhya Pradesh. He spoke to CJP's sister publication SabrangIndia, and said that he happened to be in the state when he received a call from the victim family. He reached them with an associate and says they were not allowed to meet the victim who had head injuries and also realised that the Medico Legal Case (MLC) was made of an ordinary injury, and that the local police had been delaying registering the FIR.

He alleged, "I visited the family, spoke to the police to register the FIR, which then took eight hours to be registered". He added that the police promptly registered the counter-FIR against the Muslim family which he alleged to be baseless. In Madhya Pradesh, he added, it was the poor, lesser educated, Muslim who was being systematically targeted, especially in the interior areas. He referred to another incident from September 2021, about Tasleem, a Muslim bangle seller, who was mercilessly beaten up publicly for his religious identity in Indore, and who was embroiled in a molestation case and denied bail. Ehtesham Hashmi said, "This is not the first time that the Indore police is trying to protect the accused. The police acted in the same manner in bangle seller Tasleem Ali's case."

Kashik Kakvi, a journalist and writer at NewsClick, The Wire, etc posted some videos about the incident and the allegations of the family, that were downloaded by CJP on October 11, 2021. **All these videos have been annexed hereto as Annexures A, B, C, D, E. CJP doesn't vouch for the veracity of the videos and hence, urges the commission to examine and investigate the accuracy of the videos.**

In the video, one Fouzia, a member of the victim family has alleged that a group of 100-150 men associated with the Rashtrya Swayamsevak Sangh, had come to her house and started threatening her family to leave the village. She said that her uncle, and her father, who is also a diabetic was assaulted and injured their arms and head. The mob allegedly broke her phone and injured her leg.

Other members of the family (in the video) named a few men and the other person, named Mohd. Shahrukh Warsi said that the mob just came out of nowhere and barged into their house. He said people in his family sustained injuries in their heads, and hips. The family members alleged that they were threatened by the mob to leave the village, humiliated them for being Muslims and gave them an ultimatum to leave the village and migrate. One family member in the video alleged that the family was abused, beaten up with a pipe. Fouzia said that one Vikas, one Rahul had come to their house and said that if the family didn't vacate the house till October 9, they'll beat the family up and vandalise the house, which they ultimately allegedly did.

In another video, the family member alleged that they were being harassed over the past few months but the only reason why they didn't report such incidents was because the village elders listened to the family and sympathised with their problems. The family had also decided to leave the village if they were given some time (5-6 months) but despite their house was ransacked and the members were brutally assaulted.

Other incidents

Sirs, this is not a lone and isolated incident of hate crime that has plagued the State. On August 22, 2021, in Govind colony in Indore, a bangle seller Tasleem was beaten up by a mob of right-wing Hindu groups. The video clip of the mob beating up Tasleem went viral on social media, causing an uproar on social media platforms, prompted political mud-slinging, gave a chance to news channels to incite hatred, culminating in the victim of the attack becoming an accused for eve-teasing.

In a video it can be seen that someone is tugging at the victim's shirt and other men are emptying his bag full of bangles he meant to sell to find out what he is carrying in his bag. After finding out just multiple packs of bangles the man calls out to women in the market and asks them to come and pick up as many bangles as they want.

He also warned the victim not come back to the area, or be seen in any Hindu locality hence forth. Throughout the video, other men continue to hit him and assault him. The youth is constantly joining his hands and begging them to let him go as the mob continues to threaten him and his religious identity. The men then started encouraging more and more people from the crowd gathered to hit the youth and people even come up and beat him black and blue, kicking him, slapping him. The men are then seen pulling his pants looking for money and his ID card. One of the men can even be heard saying that don't hit in a manner that would leave a mark or visible injury.

Further, Tasleem was arrested on a complaint of the Class VI student who stated that the man introduced himself as Golu son of Mohar Singh (instead of Tasleem Ali) and molested her while her mother had gone inside the house to get money to pay for the bangles purchased.

A case was registered against him under sections 354 (Assault or criminal force to woman with intent to outrage her modesty), 354A (Sexual harassment and punishment for sexual harassment), 467 (Forgery of a valuable security), 468 (forgery for purpose of cheating), 471 (Using as genuine a forged), 420 (cheating) and 506 (criminal intimidation) of IPC as well as under Protection of Children from Sexual Offences (POCSO) Act.

The counsel for the applicant submitted that the charges against Tasleem were false and that he was beaten up by the complainant's father and others from the crowd. He also stated that when Tasleem went to lodge his complaint at first instance, no FIR was lodged and thereafter this case of molestation was lodged against him as an afterthought. Tasleem's complaint was finally lodged after a crowd gathered outside the police station that a case be registered.

Even if the allegations of molestations are true against him, the law should surely be allowed to take its own course and the group of Hindu men have no right or power under the law to assault him and humiliate Tasleem on the basis of his religion. **The SabrangIndia report is annexed hereto as Annexure F and G.**

In another incident, in the ongoing Hindu festival of Navratri, the Vishwa Hindu Parishad (VHP) has put up posters outside Garba venues saying "entry of non-Hindus is prohibited" across 56 pandals in Ratlam, Madhya Pradesh. The Vishwa Hindu Parishad claims that non-Hindu men indulge in objectionable activities and thus their entry is being prohibited for Garba. Ratlam Sub Divisional Magistrate (SDM) Abhishek Gehlot said that he had not received any complaints in this regard. These are clear indicators that a persistent and all pervasive attempt is made not just to disturb social harmony but worse, to create a climate of divisiveness wherein hate crimes preceded by hate speech are being deployed to target an already vulnerable minority community.

In another incident in Indore, four youths were arrested for creating "public nuisance" after members of Bajrang Dal caught them outside a Garba organised by the city's Oxford College on October 10. Superintendent of Police, Indore West, Maheshchand Jain, told the media (Indian Express) that the action against the four was "unfair" and that he had recommended against their detention.

One of the volunteers manning the entry at the college event, Habib Noor, a third-year B.Com student, told the publication that members of the Bajrang Dal had picked out Kadir Mansoori in the parking lot, saying "Ye unwala hai (he is one of theirs)." One Sajid Shah, Adnan Shah's uncle released a video on social media stating that his nephew was put behind bars on allegations of "love jihad". He questioned, "Can a Muslim not celebrate Garba in his college function?" He said that members of Bajrang Dal and VHP selectively dragged out the Muslim boys and handed them over to Gandhinagar Police station. It is important to note that SP Maheshchand Jain, has categorically stated that the action taken against the Muslim youth was unfair, and that they were arrested despite him ordering against it. **The SabrangIndia report has been annexed hereto as Annexure H.**

Impact

The manner in which hate has been maliciously whipped up against the Muslim minorities in the state needs immediate attention as this behaviour cannot be tolerated by any means, even under the law. Sirs, we are seeing an active pattern of alienation that has just been growing against the harmless minorities in this country.

Slowly but surely, these attacks will play into the deep communal divide the authorities are ignoring and we are on the verge of violence, targeted violence and social disharmony becoming the norm in our society. India as a democracy is committed to an ideology of toleration but such attacks and the increasing frequency of such attacks is dangerous and needs immediate action. These incidents have gone beyond hate speech and are manifesting into violent acts against minorities who are not even perceived as victims anymore. Filing false and frivolous cases against the members of the community who are in most cases the victim of targeted violence and abuse and humiliation has become commonplace as is evident from the incidents highlighted by us hereinabove. Public order and security of the state is paramount but with these incidents that go unnoticed with no accountability, we are heading towards lawlessness.

This incident of inciteful hate speech is just another step towards something catastrophic that could even escalate into a full blown genocide and we urge the Hon'ble Commission to acknowledge and investigate these issues as it affects a considerable number of people. The **Law Commission Report No. 267 on Hate Speech** also states:

“Hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, 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 **Tehseen S Poonawalla vs Union of India** (W.P Civ. No. 754 of 2016), the Hon'ble Supreme Court has held that law's main goal is to maintain order in the society and not allow citizens to take control of the law. It was held:

“Law, enacted for the benefit of the society by conferring rights on the citizens and to regulate social behaviour in many a sphere, is required to be implemented by the law enforcing agencies and the citizens are duty bound to follow the law treating it as sacred. Law has to be regarded as the foundation of a civilized society. The primary goal of law is to have an orderly society where the citizenry dreams for change and progress is realized and the individual aspiration finds space for expression of his/her potential.....The majesty of law cannot be sullied simply because an individual or a group generate the attitude that they have been empowered by the principles set out in law to take its enforcement into their own hands and gradually become law unto themselves and punish the violator on their own assumption and in the manner in which they deem fit.”

“When any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and, eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion.”

The court had also given directions in the **Tehseen Poonawala** (2016) case to the state government to counter any kind of vigilantism and mob violence. In paragraph 19 of the judgment, the court said:

“Mob vigilantism and mob violence have to be prevented by the governments by taking strict action and by the vigil society who ought to report such incidents to the state machinery and the police instead of taking the law into their own hands. Rising intolerance and growing polarisation expressed through spate of incidents of mob violence cannot be permitted to become the normal way of life or the normal state of law and order in the country. Good governance and nation building require sustenance of law and order which is intricately linked to the preservation of the marrows of our social structure. In such a situation, the State has a sacrosanct duty to protect its citizens from unruly elements and perpetrators of orchestrated lynching and vigilantism with utmost sincerity and true commitment to address and curb such incidents which must reflect in its actions and schemes.”

Unfortunately, this has become a dangerous new normal. We, at CJP, have written to your esteemed commission over the past few weeks highlighting various hate crimes against particular communities [minorities] across the nation. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated in our secular country. Bigoted approach sans acceptance of plurality and diversity in our country is on the rise, and such blatant attacks on Muslims in the state are a terrible picture of dehumanisation of human beings.

A family that has not harmed anybody was threatened to leave with their belongings and were also assaulted, with no news about the action taken against the mob. They need to be urgently identified and apprehended because this propagates mob culture.

Violations

The incident shows a complete breakdown of the rule of law and Constitutional governance. Besides, the incidents reveal various brazen violations of the Indian Penal Code. The poor and lone Muslim family was left helpless amongst the majority community goons. They amount to violent and direct attacks to hurt and alienate the minority community of the State.

The violations include: the following sections of the Indian Penal Code:

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.

149. Every member of unlawful assembly guilty of offence committed in prosecution of common object —If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

146. Rioting —Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

142. Being member of unlawful assembly —Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed —Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 322. Voluntarily causing grievous hurt —Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt”.

Section 334. Voluntarily causing hurt on provocation —Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Section 307. Attempt to murder —Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to 1 [imprisonment for life], or to such punishment as is hereinbefore mentioned.

Section 295A: Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs —Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of 7 [citizens of India], 8 [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 3 [three years], or with fine, or with both.]

Prayers

We humbly urge this Hon’ble Commission to

1. Conduct a full-fledged inquiry/investigation into all these brutal and targeted attacks and publish a comprehensive report on it for widespread distribution in the country.
2. Take cognizance of the attack on the Muslim family in Indore’s Kampel locality, and the case of Tasleem, the bangle seller who was targeted by the mob and also the 4 Muslims arrested in Indore under section 9 (1) (d) of the National Commission for Minorities Act, 1992

3. Undertake studies into the various problems arising out of such discrimination against minorities and take up such matters with appropriate authorities under section 9 (1) (e) of the National Commission for Minorities Act, 1992
4. Seek information on the cases registered against Tasleem and the 4 Muslims arrested by the Gandhinagar Police in Indore under section 9(4) of the 1992 Act.
5. Ensure physical protection to members of the religious minorities in a state like Madhya Pradesh where a culture of violence-driven immunity appears to prevail.
6. Issue an immediate statement –pending the deeper investigation/inquiry --condemning these attacks urging police to take stringent action to ensure the immediate release of those innocents in custody.
7. Issue guidelines/advisory to all State Governments/ administrations, State Police Departments to deal with communally motivated and partisan attacks in a stringent manner and urge the authorities to follow through with these complaints in a swift manner
8. Take any other action as it may deem fit, including pursuing the issues with other statutory authorities and even the courts if need be.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary

Annexures

Annexure A-E	Videos downloaded by CJP on October 11, 2021
Annexure F	SabrangIndia report dated August 24, 2021
Annexure G	SabrangIndia report dated September 3, 2021
Annexure H	SabrangIndia report dated October 13, 2021