



November 18,2020

To,

Shri Vikram Sahay,
Web Information Manager
Joint Secretary (P&A),
Ministry of Information & Broadcasting,
Room No 552, A wing Shastri Bhawan
New Delhi-110001
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Sub: Complaint by CJP against Pushpendra Kulshreshtha who runs 'Public 24*7' channel on YouTube and propagates hate against Muslims

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.

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 ex journalist Pushpendra Kulshreshtha's speeches online that are blatantly anti-Islamic. He, along with one Rabinder Singh run a YouTube Channel called 'Public 24*7' which enjoys 6,23,000 subscribers. The description of the channel reads, "Our agenda is to talk, discuss, debate about all kind of issues facing today's India like Islamic terror, rise of anti-Nationals, Kashmir,Communalsecular politics of India,Conversion, Pakistan,Popular Front of India,Muslim political council of India, Student Islamic Movement of India, etc. The entire description may be seen here:

https://www.youtube.com/channel/UC1hHsI_EVwDxBTS0UajEPQA/about

His YouTube channel generates hateful content against the minorities of India, undeterred which continues to pose a threat to the secular fabric and plurality of the Constitution of India. The comment section on his videos on YouTube perpetuates the idea of a civil war against Muslims. He asserts that the biggest enemy of Hinduism is Islamic Jihad/ Muslims. A compilation of various snippets of his speech over time has been made by CJP and may be viewed here:

<https://cjp.org.in/how-ex-journalist-pushpendra-kulshreshtha-sells-hate/>

Elected as the Secretary General of the Press Club of India for four terms, his unchecked sectarianism claims that "*Islam is not a religion but an ideology to capture power.*"In a video posted on YouTube on February 2, 2020 the caption reads, "*Musalmano ka dil jeetne ki jagah Godse ka dil jeet lete toh yeh din dekhna nahi padta*" (Referring to Mahatma Gandhi- Instead of pleasing the Muslims, you should have pleased NathuramGodse to avoid the current state of affairs).

In the same video, he is also heard saying that "*Saare dharm ek nahi hai, kyun ki dharm toh sirf ek hai, uska naam hai sanathan dharm*" (All religions are not the same because there is only one religion, i.e. Sanatan). This video received 1,42,817 views and 7,500 likes indicating that his reach is massive and also capable of selling hate. The video may be seen here:

<https://www.youtube.com/watch?v=J0hjiD7jhog>

He seems to be against the idea of brotherhood in India andbelieves that Hindus and Muslims cannot co-exist in this country. In his latest speech posted in April 2020 on YouTube, he blames the entire Muslim community for the hate and resentment they are subject to worldwide. He also made allegations against the Indian Muslims who

are educated doctors, engineers, civil servants that are going astray and joining the 'other side'. He says that the Indian Muslims should be grateful to India despite the 700 years of atrocity the country was subject to at the hands of Islam. He calls out on those Muslims who support the name Aurangzeb Lane and Babar Lane in New Delhi. The video may be seen here:

<https://www.youtube.com/watch?v=f0tTdrKWvWc>

Violation of Information Technology Act 2000

The 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, onlinemarket places and cyber cafes". So, platforms like Facebook, Twitter, YouTube 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.

The content generated by the channel Public 24*7 with speakers like Mr. Pushendra Kulshreshtha is not only hurting the sentiments of Muslims but it is against the provisions of the Information Technology Act. His speeches are a threat to peace and harmony in our nation. Blaming the entire marginalised community of India for terrorism promotes enmity and can lead to a hostile environment.

Violation of Indian Penal Code

The nature of his speeches also stands in contravention of the IPC sections:

153A 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];

153B(1)(c) [Whoever, by words either spoken or written or by signs or by visible representations or otherwise - makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both];

295A [Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs];

298 [Uttering, words, etc., with deliberate intent to wound the religious feelings of any person] and

505 [Statements conducing to public mischief].

In order to respect the diverse religions and composite cultures of India, it is essential to keep a check on the unverified claims and hate propaganda against Muslims. Targeting a particular community fosters a spirit of discrimination and needs immediate attention. Hate on social media platforms can have catastrophic impacts of communal violence, offline.

For instance, CJP had 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 bomb 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/>

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.

The Law Commission Report, 2017 stated that “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.”

Our bonafide intention is to bring to the attention of this Ministry the misuse of communications channels such as YouTube by anti-social elements like Pushpendra Kulshreshtha which can be considered as an act against national integration. Only if such perpetrators are dealt a tough hand will it send a strong message to peddlers of hate who are misusing freedom of speech guaranteed by our Constitution.

We strongly urge you to look into this matter and take necessary and stringent action against Pushpendra Kulshreshtha.

PRAYERS

It is prayed that the Ministry of Information and Broadcasting takes cognizance of the violations and it is further prayed that the Ministry:

- 1) Directs the Intermediaries to inform its users that in case of non-compliance 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 Pushpendra Kulshreshtha to offer an apology for the malicious and hateful content that he has been posting online.
- 4) Directs the local police cyber cell to thoroughly investigate his online activities through his channel on YouTube.
- 5) Directs a permanent ban or permanent scrutiny on his channel Public 24*7 on YouTube.
- 6) Any and all actions that the Authority deems fit.

Yours sincerely,

Authorised representatives of CJP

Anil Dharker, President

Teesta Setalvad, Secretary