



Date: May 13, 2021

To,
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Sub: Complaint against BJP MP Tejasvi Surya and 3 others for their communal remarks

Respected Sir(s),

We, at Citizens for Justice and Peace, Mumbai, are concerned about the categorical communal remarks made by Bhartiya Janta Party Member of Parliament Tejasvi Surya along with three other MLAs singling out the Muslim community while on their visit to a Covid-19 war room for inspection in Bengaluru.

The incident

We want to bring to your attention a recent incident on May 4, 2021, where Bhartiya Janta Party's Bengaluru (South) Member of Parliament, Tejasvi Surya listed out sixteen Muslim names, linking them with an alleged bed blocking 'scam' in the south Municipal Zone. The video of the communal remarks made by him and fellow MLAs raised furore on social media after it was widely circulated.

During his inspection of the Covid-19 war room in south Bengaluru, he chose to read out only the 16 Muslim names of the 214 persons employed at the centre, asking their qualifications. Surya is seen standing along with Chickpet MLA Uday Garudachar, Bommanahalli MLA Satish Reddy and Basavanagudi MLA Ravi Subramanya (who also happens to be Tejasvi Surya's uncle) in the war room.

A staffer responded to him saying all of them were hired after applications were invited by the Bruhat Bengaluru Mahanagara Palike (BBMP) from agencies. In response, MLA Ravi Subramanya was heard asking, "Only these people are sending applications?" He then goes on to add that, "Are you hiring for a corporation or a Madrassa (a college for Islamic instructions)? How can he appoint 16 members like a Haj committee?"

Tejasvi Surya was suggesting that 16 Muslim volunteers of the BBMP's south zone unit may be responsible for the lack of beds in the city. Like his uncle, even Surya was heard saying if "they (Muslim volunteers) were recruited for a corporation or a madrasa".

The video, downloaded by Citizens for Justice and Peace on May 6, 2021, has been marked and annexed hereto as Annexure A.

The names that were chosen from the list of over 200 employees are: Umraiz Khan, Salman Horrif, Zameer Ahmed Pasha, Sadiq Basha, Syed Hasnain, Syed Shahid, Syed Shabaz, Alyaser M, MD Yonus, Syed Moin Shah, Alyaseen M, Md Ehsaan, Syed Muez Shah, Mansoor Ali, Muhammed Zaid and Thair Ali Khan.

The list of the names of people working at the Covid war room was downloaded by Citizens for Justice and Peace on May 11, 2021 and it has been marked and annexed hereto as Annexure B.

On May 4, MP Tejasvi Surya alleged widespread corruption in the allocation of Covid-19 beds by the BBMP, which is the Bengaluru civic body, according to some media reports. He was also quoted saying by the publication ThePrint, “Upon investigation, it came to light that some *arogya mitras* deputed in private hospitals, those manning BBMP helplines and bed booking system incharges as well as certain private hospitals have created artificial scarcity by resorting to a few unscrupulous methods and are consequently denying deserving patients much needed hospital care.” He also said that there is “a certain nexus of BBMP officers.”

Tejasvi Surya claimed that he has addressed a very “nerve wrecking” incident and anomalies in acquiring beds. “Once a bed became empty at a hospital, it was immediately blocked from the control room and therefore it is assumed that there are no available beds. However, a patient for whom the bed is blocked needs to report to the hospital within 12 hours, during which time those involved in this scam at the control room manually allot it to someone else, for a consideration,” he said.

This press conference may be viewed here:

https://twitter.com/Tejasvi_Surya/status/1389565833794363393

Soon, after the press conference, which was also tweeted by Tejasvi Surya, a controversy erupted after WhatsApp forwards claimed that BBMP Joint Commissioner for Covid Care Centres and Solid Waste Management, Sarfaraz Khan, was involved in the bed allocation scam.

Sarfaraz Khan said he was extremely ‘pained’ to see a message being shared on social media accusing him of being involved in the alleged scam. The WhatsApp message listed 16 names of Muslims with the title: “List of terrorists working in BBMP war room killing thousands of Bengalurians.”

He took to Facebook saying, “Dear friends, extremely pained to see a WhatsApp message being circulated on social media were in my name is being dragged for alleged mismanagement in the BBMP war room, established for allocation of beds....My allegiance is always to my country, to my government, to the Constitution of this country. Really pained at some people’s ignorance and mischief. I hope law takes its course.”

The image of the WhatsApp forwards and Sarfaraz Khan's Facebook post may be viewed here:

https://twitter.com/zoo_bear/status/1389880312772009985

After MP Surya's allegations, the 'list' of 16 names made its way to WhatsApp and social media with the caption, "List of terrorists working in the BBMP War Room killing thousands of Bengalurians". The video was also circulated widely and it clearly gives an impression that only these people belonging to Muslim community were involved in some wrongdoing while it is not mentioned that among more than 200 employees only these 16 employees were singled out and named in this alleged scam. The comments of MLA Ravi Subramanya questioning on what basis they were appointed while commenting "Have you appointed them for the madrasa?" or even saying "is this a haj committee?" are hurtful and are intended to rouse communal sentiments against the Muslim community.

Such statements not only instil hatred among other communities towards the minority community but also demoralizes and creates a fear psychosis among the targeted community. In this situation, it is extremely imperative that the Commission looks into this matter and takes appropriate action to deter such statements from being made in the future by any political leader.

Dear Sir(s), in the midst of this fierce, raging pandemic that is claiming thousands of lives every day, Indians are collectively working together to help people in need. But some leaders are indulging in unnecessary communalisation of the issue. Choosing to highlight only the Muslim names out of over 200 contractual employees is highly discouraging and demotivating for all those people who are clocking extra hours to help in whatever way they can.

Volunteers at Mercy angels, a wing of Mercy Missions in Bangalore, that is a coalition of over 25 NGOs has been guiding and helping people in the fight against coronavirus with beds, medicines, ambulance services, etc. Mercy angels is helping families in the last rites of people who are dying of the deadly virus. After the messages started doing rounds over WhatsApp highlighting the 16 names of Muslim persons, many volunteers stationed at hospitals did not turn up, being demoralised due to this unwarranted communal issue raised by MP Tejasvi Surya.

Abdul Razak, a volunteer with Mercy Angels said that 150 of 250 people involved in cremation and burial of Covid victims are Muslims and that they have been very upset. "Nobody stayed away from work on Wednesday; I don't know about Thursday as many of us are demoralised."

The article is marked and annexed hereto as Annexure C.

The medical staff, paramedics, nurses, hospital/covid care staff are all stretched to the thin in these times. Journalist DP Sathish also took to Twitter to express how upset and angry doctors and volunteers at Covid war rooms are. "So-called "expose" has adversely affected Covid treatment across #Bengaluru. War room staff worried and morale is low. BBMP to

doctors angry and upset. Resources are stretched to the limit and they are fighting a tough battle against #COVIDSecondWave”, he tweeted.

His Tweet may be read here:

https://twitter.com/dp_satish/status/1390511982437027841

After Tejasvi Surya read their names aloud, all employees were suspended and probed by the police. According to the media, all have been now reinstated as the Bengaluru Police found no evidence, but 5 of them are traumatised to go back to work. In an interview to ThePrint, one employee who requested anonymity said, “We are being made scapegoats just because of our names. We are no terrorists. We are not at fault; just doing our jobs. Now we are being forced to prove our innocence for an act we did not even commit.”

Zameer Ahmed, who was among those taken for questioning by the police, said: “The police came to our house and took us to the station. They took our cell phones and checked all the call records and contacts we had. The police told us that we would be let off and even taken back to work if given a clean chit.”

Shivu Naik, the manager of the recruiting agency, said: “The police asked them their qualifications, their nature of work and checked their credentials. After having questioned us, they let us off. But they told us that they should report to the police as and when the investigation demands and they call them for further questioning.”

Naik also told mediapersons that five of the 16 reinstated workers refused to join back work because the experience left them “traumatised”.

The article is marked and annexed hereto as Annexure D.

During a press conference on May 10, 2021, Tejasvi Surya failed to justify his actions of focusing only on people belonging to the minority community. On being asked why he read out those 16 names, he said, “This was the list that was given...I questioned why they were appointed, how were they appointed, what was the process of appointment.” When the journalist asked him how and under what pretext was this list provided to him, he had no answer to provide. To being asked why was the list made in the first place, he said, “you should ask the officials (BBMP)”. He outrightly tried to pin the blame on the journalists for their hidden “agendas” behind asking important questions for clarifications.

The video that was downloaded by Citizens from Justice and Peace on May 11, 2021, is marked and annexed hereto as Annexure E.

As per interviews with BBMP officials, and contrary to what Tejasvi Surya said, they did not make such a list. This outright vitriolic campaign against Muslims who have tried their best to offer help and support amid such desperate times, is absolutely unjust and uncalled for. A senior BBMP official, who did not want to be identified for fear of political backlash, told The Quint, “BBMP has a list of all 214 people who were employed in the war room. We have not made a separate list of those belonging to a particular faith. The list was not compiled by our officials”. Another officer in the know of BBMP matters said, “It was a list which communally grouped employees. Such a list was not compiled by the corporation”.



A senior BBMP officer who was present in the war room when Surya made his visit said, “The MP had the sheaf of papers when he walked in. He did not check with any BBMP official whether the list was authentic or served any purpose”. The three officials did not come on record as they have been “prohibited from issuing media statements”.

A senior BBMP official added, “The MP wanted control over the war room and a say in recruitment and management. When he walked in he tried to create communal tension to terrorise the employees so that he can have his way”. The list, seemed to have been compiled by the MP’s team, the official alleged. “Several members of the MP’s team had visited the war room in the recent past. Any of them could have compiled the list. The list, if hence not authentic, serves only the purpose it was created for – communal segregation,” the officer said.

The article is marked and annexed hereto as Annexure F.

Sir, this is not the first time Tejasvi Surya has used his power and reach to fuel Islamophobia and communal hate. He has often referred to Muslims as “puncture wallahs and illiterates”, and commented on anti-Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) protests saying “Mughal raj” will return if the “majority community” was not “vigilant”.

He has been quoted making insensitive remarking against poor Muslims and Dalits. “People of Bengaluru’s IT sector, BT sector, those contributing to the nation’s economy like lawyers, bank employees, ordinary citizens including auto-rickshaw drivers have gathered here today. Only the uneducated, illiterate puncture shop wallahs are against it.”

The article is marked and annexed hereto as Annexure G.

Violations of Law

Such hate propaganda and bigotry are illegal and people responsible for this must be held accountable for their actions. The incident has amounted to offences under the Indian Penal Code:

Sec. 153A Promoting enmity between different groups on grounds of religion, race, place of birth, residence language, etc., and doing acts prejudicial to maintenance of harmony.—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.

Sec. 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 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.”

Sec. 298 Uttering, words, etc., with deliberate intent to wound the religious feelings of any person— 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 person 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.

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 [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.

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. This unprecedented time requires immense sensitivity and this is not the appropriate time to indulge in vicious communal politics when each and every citizen is trying to be in the fore front of this fight. **Article 14** provides equality of each person before the law and constitutionally protects person across caste, class, religion against discrimination.

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 MLAs conduct, “under the garb of exposing a big scam”, insinuates that only Muslim volunteers are responsible for the alleged illegal allocation of Covid-19 beds, and this is not only vicious but propagates virulent Islamophobia, if action is not taken.

Sir(s), we don't want to comment on the alleged bed scam and we believe that an independent probe must be carried out, as the police deems fit if after all something needs to be investigated. But we fail to understand how only 16 workers who were Muslims, were singled out in the list. Why was it that questions regarding appointment and process of appointment were posed by Tejasvi Surya only for those 16 Muslim employees?

Prayers

It is our earnest and humble request to your esteemed authority to take cognisance of this communal video annexed as Annexure A, and using such words like ‘madrasa’ and openly choosing to highlight only Muslims names, insinuating that one community is responsible for an alleged scam. It is prayed that the Commission:

1. Directs the Bengaluru Police to file an FIR against the MP and his fellow MLAs who visited the centre and made such communal remarks
2. Monitors the Police investigation against the MLA and his fellow aide under section 9 of the National Commissions for Minorities Act, 1992
3. Directs Tejasvi Surya, Uday Garudachar, Satish Reddy and Ravi Subramanya to apologise for their deeply hurtful and offensive comments against the minority community
4. Takes any other action deemed fit and proper by the Commission.

Yours sincerely,

Citizens for Justice and Peace

Nandan Maluste, President

Teesta Setalvad, Secretary



Annexures

- Annexure A** Video downloaded by CJP dated 06.05.2021
- Annexure B** List of volunteer names working at Covid war room
- Annexure C** Times of India report dated 06.05.2021
- Annexure D** ThePrint report dated 10.05.2021
- Annexure E** Video downloaded on 11.05.2021
- Annexure F** The Quint report dated 11.05.2021
- Annexure G** The News Minute report dated 23.12.2019