



June 23, 2022

To,

Shri Iqbal Singh Lalpura
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Subject: Complaint against Ilyas Sharafuddin for repeatedly spreading hate amongst Hindu-Muslim community

Respected Sir,

We, at Citizens for Justice and Peace (CJP) Mumbai, a human rights movement dedicated to furthering the constitutional rights of all Indians, are deeply concerned about the derogatory remarks made by self-proclaimed scholar, Ilyas Sharafuddin against the Hindu religion. While we are completely aware of the ambit and scope of the National Commission of Minorities Act, 1992 and its definition of minorities, the fact that the highly publicised, deliberate, malicious and hate-filled comments of Ilyas Sharafuddin, against Hindus can and does ensure a communal and polarising reaction within the majority –including the administration and police – and, then this in turns impacts on vulnerable sections of the minority, is what has led us to make a complaint. It is our humble assertion that if, the NCM were to creatively expand their interventions to ensure actions against such examples of hate speech too, this would go a long way in establishing an even social temper in our society.

We are concerned about the consequences ordinary members of the minority would necessarily have to face as Ilyas Sharafuddin widely spreads communal hate on News channel debate shows and his social media (Facebook) account. Sharaufuddin is often invited to debate shows by News Chanel to



speak on 'Hindu-Muslim' issues, at which he then proceeds to use words that mockingly tend to hurt the religious sentiments of the majority sections of the people. On their own too, the remarks flagged by us below are clear examples of hate-driven expression/speech and reflect how even a section of the Muslims view other faiths, especially of the Hindus.

We would like to bring your attention to this hate instigating video of Ilyas Sharafuddin live streamed on 31.05.2022 on Zee News, where he was caught describing in an “utmost insulting” and “rather disgusting manner”, the ‘Shivling’: the important and revered symbol of Lord Shiva that is deeply respected and worshipped by followers of the Sanatan Dharma. As observed and noted from the video, IlyasSharafuddin repeatedly asks, *“Why are you worshipping private parts? You are going against the Veda- Geeta. Why are you going against Shri Ram- Shri Krishna to worship private parts? (continues to laugh) Why are you worshipping private parts? Why worship reproductive parts of men and women? Why are you sending them to hell? Walk on the path of Shri Ram-Shri Krishna and leave the path of Ravan and Kansa.”*

A video clipping of Ilyas Sharafuddin on the show dated 31.05.2022 is marked and annexed hereto as Annexure A

In another Zee News debate show titled ‘Taal ThokKe’, Sharafuddin can be seen making similar comments on the Hindus’ tradition of worshipping the ‘Shivling’ resembling the male private organ stating, *“Hindus should not worship idol, ling and private parts of a human body” while sadistically bursting out in laughter. (Time stamp- 30:51). He further goes on to say, “Hindus are ruining the country by worshipping the ling and by performing Yoni Pujan.” (Time stamp- 40:50)*

A video clipping of Ilyas Sharafuddin on the show dated 31.05.2022 is marked and annexed hereto as Annexure B

Ilyas Sharafuddin has been part of many such debate shows where he has made controversial statements. In a News18 India debate show dated 08.12.2021, Sharafuddin supported the death threats given to Wasin Rizvi for making remarks against Muslim religion. On the show he stated, *“For maintaining peace in our country, Modiji must behead Rizvi himself to establish religion.” Equating Wasim Rizvi with the villains of hindu mythology he goes on to say, “When Kansa is sent to hell then our country will be safe, when Ravan is sent to hell then our country will be safe, when Ravan’s disciples are sent to hell then our country will be safe. Whoever insults Allah should be beheaded; whoever insults Shri Rama-Krishna should be beheaded.”*

A video clipping of Ilyas Sharafuddin dated 08.12.2021 is marked and annexed hereto as Annexure C

We believe that the words used by Ilyas Sharafuddin constitute deliberate provocation, a blatant attempt to disturb peace and insult the sentiments of hundreds of thousands of countrywomen and men who are living in harmony. Ilyas is taking the liberty to freely make foul statements about other religion and cultures without the fear of any consequence. What’s concerning is that he is functioning

with a brazen sense of impunity and is bringing about a false picture of the teachings of Islam, which make the statements even more dangerous.

Here are some statistics which demonstrate that Sharafuddin has been purposely invited to the debate shows by various news channels knowing that he would make controversial remarks which could hurt the religious sentiments of the people:

Copies of the Screenshot showing number of views on Ilyas Sharafuddin on respective Youtube channels are marked and annexed hereto as Annexure D and E

Violations of Indian Penal Code, 1860:

S. 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.**

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

(1) Whoever–

a) by words, either spoken or written, or by signs or by visible representation 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 feeling of enmity, hatred or ill-will between different religious, racial, language or regional groups castes or communities, or
b) 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 tranquility,
shall **be punished with imprisonment which may extend to three years, or with fine or with both.**

S.153B. Imputations, assertions prejudicial to national integration.—

- (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, -
- (a) makes or publishes any imputation that any class of person cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or
 - (b) asserts, counsels, advises, propagates or publishes that any class of person shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or
 - (c) 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 religions, 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.**

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.**”

505. Statements conducing to public mischief.—

- (1)Whoever makes, publishes or circulates any statement, rumor or report,—
- (a) With intent to cause, or which is likely to cause, any officer, soldier, [sailor or airman] in the Army, [Navy or Air Force] [of India] to mutiny or otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
 - (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 rumor 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.**

In the case of *Amish Devgan vs Union Of India 2021 1 SCC 1*, the Supreme Court quoted Benjamin Franklin, “It remains difficult in law to draw the outmost bounds of freedom of speech and expression, the limit beyond which the right would fall foul and can be subordinated to other democratic values and public law considerations, so as to constitute a criminal offence. The difficulty arises in ascertaining the legitimate countervailing public duty, and in proportionality and reasonableness of the restriction which criminalizes written or spoken words. Further, criminalization of speech is often demarcated and delineated by the past and recent significant events affecting the nation including explanation of their causes. Therefore, constitutional and statutory treatment of ‘hate speech’ depends on the values sought to be promoted, perceived harm involved and the importance of these harms. Consequently, a universal definition of ‘hate speech’ remains difficult, except for one commonality that ‘incitement to violence’ is punishable.”

In that judgment, the Hon’ble Supreme Court elaborated on the concept of Hate Speech by identifying three elements:

- **Content-based:** Open use of words and phrases generally considered to be offensive to a particular community and objectively offensive to the society.
- **Intent-based:** Speaker’s message to intend only to promote hatred, violence or resentment against a particular class or group.
- **Harm-based/ impact-based:** There is an element of harm to the victim which can be violent or such as loss of self-esteem, economic or social subordination, physical and mental stress, silencing of the victim and effective exclusion from the political arena.

In the same case, the Apex court also cited Andre Sellars from his essay ‘Defining Hate Speech’ where he examined the concept of hate speech in different democratic jurisdictions and formulated common traits in defining ‘hate speech’. He says:

- Hate speech targets a group, or an individual as a member of the group
- One should be able to objectively identify the speech as an insult or threat to the members of the targeted group, including stigmatizing the targeted group by ascribing to it qualities widely disregarded as undesirable
- Speech should cause harm, which can be physical harm such as violence or incitement and true threats of violence

- Speech should have no redeeming purpose, which means that ‘the speech primarily carries no meaning other than hatred towards a particular group’

In the case of *State of Karnataka and an vs. Dr Pravinbhai Togadia (2004) 4 SCC 684*, the Supreme Court held, “Communal harmony should not be made to suffer and be made dependent upon the will of an individual or a group of individuals whatever be their religion bit of a minority or that of the majority... the valuable and cherished right of freedom of expression and speech may at times have to be subjected to reasonable subordination to social interests needs and necessities to preserve the very core of democratic life preservation of public order and rule of law. At some such grave situation at least the decision as to the need and necessity to take private reactions must be left to the discretion of those entrusted with the duty of maintaining law and order and interposition of courts...”

We, therefore, urge this Hon’ble Commission to ensure that a proper inquiry is instituted and concluded in this matter. Various television channels and physical religion-social gatherings invite persons like Ilyas Sharafuddin and these are likely to not just formally violate Indian law but cause social unrest; they have the potential to lead to violence and social conflict. The spiraling effect of such inciteful speech can be detrimental to vulnerable sections of the population and the overall social harmony in the country, causing deep challenges to the police and administration as recent events have shown.

If such instigating speeches are allowed to continue unabated, such miscreants will only be encouraged to create such tension and cause mischief that disturbs public order the country. Keeping in mind the socio-political atmosphere pursuant to the incriminating remarks made by BJP spokesperson Nupur Sharma against Prohpet Mohammed, the importance to act strictly and earnestly in this matter cannot be stressed upon enough and we are certain that in your experience as an officer, you understand the magnitude of the situation. We thus, humbly urge you to take necessary action to ensure that effective investigation is carried out in this regard and the miscreant is brought to book so as not to encourage such incidents in any other areas of the state in order to maintain public order and communal harmony.

For the information of the National Commission of Minorities (NCM), Shri Nuruddin Naik, a businessman and resident of Mumbra, Thane (near Mumbai, Maharashtra) has filed a complaint with the Mumbra police station, senior police inspector, Ashok Kadgal on June 10, 2022. Aggrieved by the hateful words of “self-proclaimed Islamic Scholar Ilyas Sharafuddin against Hindu deities, one Nuruddin Latif Naik, a Muslim citizen from Thane, wrote to the Commissioner of Police, Mumbai and Thane expressing his wish to lodge an FIR against Ilyas Sharafuddin under Section 154 of the CrPC for disturbing the social harmony and peace. The Complaint was submitted to the Senior Police Inspector, Mumbra police station, Ashok Kadgal on the evening of Friday, June 10 and copies also sent to Commissioner of Police, Thane, Jasjeet Singh as also Commissioner of Police, Mumbai, Sanjay Pandey. The complaint brings the authorities’ attention to the hateful video of Ilyas Sharafuddin wherein he describes in an “utmost insulting” and “rather disgusting manner”, the ‘Shivling’: the greatest symbol of Lord Shiva that is profoundly respected and worshipped in the Sanatan Dharma.

In the complaint, he also disapproves of some very offensive remarks made by Ilyas stating that Prophet Mohammed (PBUH) is the father of Lord Ram.”

Copy of the news report dated 11.06.2022 on the Complaint made against Ilyas Sharafuddin on marked and annexed hereto as Annexure F

Copy of the actual Complaint filed by Shri Nuruddin Naik dated 10.06.2022 against Ilyas Sharafuddin marked and annexed hereto as Annexure G

Importantly, the complainant, Nuruddin Naik, who is also involved in many social initiatives in Mumbra, Thane also states in his complaint that, “Such prompt and stringent actions by the police and administration will promote the rule of law laid down under the Indian Constitution and work to refrain them from making comments that would seriously affect social harmony and are a threat to public peace. This needs your immediate attention and rapid actions”. So far our information tells us that no FIR has either been registered nor any investigation launched.

“Our country India is a beautiful country of mixed population of numerous caste, colour and creed. People of religions live in harmony. We celebrate each other's festivals with great enthusiasm. Such hatred spread any person with the motive of creating communal disharmony, should be immediately arrested and put behind bars. This will be a lesson for all those who have been trying to spoil the environment of this country. It is the duty of every citizen of the country to fight against hatred for the betterment of the country and society.”

Prayer:

In light of such unfortunate incidents, we at CJP, urge this Hon’ble Commission to:

1. Take cognisance of this complaint under section 9(1)(d) of the National Commission for Minorities, 1992;
2. To direct the attendance of hate monger Ilyas Sharafuddin before your commission to examine such allegations under section 9(4)(a) of the Act, 1992;
3. To direct that the Thane Police Commissioner ensures that the Mumbra police station registers the FIR against Ilyas Sharafuddin, summon him, investigate the case and report the same to the National Commission of Minorities in the complaint already filed on June 10, 2022;
4. Keep a close eye on the investigation and call for the discovery and production of any document, receive affidavits, requisition any public record or copy thereof from any court or office, issue commissions for the examination of witnesses and documents under section 9(4) (b) to (e) under the Act;



5. For the NCM to determine the organisational linkages of the hate generated by Ilyas Sharafuddin and others of similar vein;
6. To direct the appropriate authority to investigate the matter thoroughly, register FIRs against such blatant hate speech;
7. Undertake any other action as the Commission may deem fit.

Yours sincerely,

Nandan Malsute, President

Teesta Setalvad, Secretary

List of Annexures:

- Annexure A A video clipping of Ilyas Sharafuddin dated 31.05.2022
- Annexure B A video clipping of Ilyas Sharafuddin dated 31.05.2022
- Annexure C A video clipping of Ilyas Sharafuddin dated 08.12.2021
- Annexure D Screenshot showing number of views on Ilyas Sharafuddin on respective Youtube channels
- Annexure E Screenshot showing number of views on Ilyas Sharafuddin on respective Youtube channels
- Annexure F Copy of the news report dated 11.06.2022 on the Complaint made against Ilyas Sharafuddin
- Annexure G Copy of the Complaint dated 10.06.2022 (filed by Shri NuruddinNaik with the senior police inspector, Mumbra, Ashok Kadgal)