



## **Human Rights Defenders Alert - India**

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**June 27, 2016**

**To,**

**Shri Srinivasa Kammath**

National Focal Point - Human Rights Defenders

& Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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**Sub: HRD Alert - India – Urgent Appeal for Action – Karnataka: Arrest of Dr B.P. Mahesh Chandra Guru, a professor in the University of Mysore, Karnataka for allegedly ‘hurting religious sentiments’ of Hindu community by insulting Lord Ram- Regarding**

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the arrest of Dr B.P. Mahesh Chandra Guru, a professor in the University of Mysore arrested for allegedly hurting religious sentiments of the Hindu community by insulting Hindu god Lord Ram at a function.

**Source of Information on the Incident:**

- HRDs, academicians known to Professor B.P.Mahesh Chandra Guru

- Reports from Media
- The Regional Coordinator of HRDA for South of India

### **Status of the Human Rights Defenders:**

Professor B.P. Mahesh Chandra Guru has been teaching journalism for the past three decades as a professor in the Department of Communications and Journalism, University of Mysore, Karnataka. He is also a well-known Phule-Ambedkarite writer and the country's first Dalit-Buddhist professor of media studies. He has also served in important administrative positions in the state of Karnataka and the rest of the country. He was a member of the Karnataka Public Service Commission and Union Public Service Commission and of many UGC committees. He has published more than ten books in Kannada and English and has been an active participant in movements and discourses informed by Dalitbahujan consciousness. He has been consistently raising his voice against the assaults of Hindu fundamentalist forces on thought and reason. In a recent event to pay tribute to Mr. Rohit Vemula, Professor Guru had made sharp comments against Prime Minister Narendra Modi and Union HRD Minister Smriti Irani on the issue of Rohith's suicide at Hyderabad Central University, which was unpalatable to Modi followers and brahmanical forces. On June 13, 2016, he wrote an article in a magazine condemning the lodging of a case against Dalit thinker, Kanha Ilaiah.

### **The Perpetrators:**

1. C.V.Ravishankar of Karnadu Sarvodaya Sena who got the case registered against Professor Guru
2. Mr Appaji Gowda, an assistant professor of anthropology
3. Police personnel of Jayalaxmipuram police station

### **Date of Incident:**

June 16, 2016

### **Incident detail:**

According to sources, more than a year ago, on January 3, 2015, while speaking on media and human rights at a workshop for teachers organised under the auspices of the University Grants Commission (UGC) at Mysore University, the Ambedkarite Professor Guru had criticised Hindu god lord Ram (famous Hindu mythical character). He had said that Ram of Ramayana had violated human rights as he had suspected Sita's fidelity and victimised her which he (Professor Guru) saw it as a violation of human rights. He had also said that the media presented Ram as an ideal person, which was not correct.

In the workshop, Mr Appaji Gowda, an assistant professor of anthropology, and one of the participants of the refresher course had opposed him and had lodged a complaint with the academic staff college director, seeking disciplinary action against Prof Guru. According to Mr Dileep Kumar, a student of the university, Mr Appaji had provoked Mr. C.V.Ravishankar of Karnadu Sarvodaya Sena to get a case registered against Prof. Guru on the same day.

A real-estate businessman, Mr.C.V.Ravishankar got the complaint registered at the Jayalaksmipuram police station. A case under IPC section 295A (deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs) was registered.

The police had filed the charge sheet and the 4<sup>th</sup> JMFC (Judicial Magistrate First Class) had issued an arrest warrant against him. The judge was angry that he had not appeared for the two earlier hearings. He could not attend the hearings because of academic preoccupations. He was arrested when he appeared in the court for a hearing in this case. He was granted bail on July 25, 2016.

### **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the District Collector and District Magistrate of Mysore City:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arrest and detention of Professor Mahesh Chandra Guru;
- Guarantee in all circumstances the physical and psychological integrity of the family members of Professor Mahesh Chandra Guru from further reprisals from the

perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;

- Ensure provisions of reparation, compensation, apology to the family of the defender for the psychological sufferings they are undergoing because of the arrest and detention of Professor Mahesh Chandra Guru;
- Put an end to all acts of attack and harassment against all human rights defenders such as Professor Mahesh Chandra Guru in the State of Karnataka and ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
  - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Karnataka to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the

SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the State of Karnataka for the protection of the rights of human rights defenders;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Karnataka in collaboration with the NHRC Focal Point on HRDs and the SHRC Karnataka to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Karnataka in collaboration with the SHRC, Karnataka to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Karnataka.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

**(Henri Tiphagne)**

National Working Secretary