



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/East/BR/05/10/2019**  
**October 16, 2019**

To

**Mr. Khaleel Ahmad**

National Focal Point-Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action - Bihar: Sedition charge against film makers, actors, singers and intellectuals for expressing concern about increasing instances of hate crimes and mob lynching in the India - Regarding***

Greetings from Human Rights Defenders Alert - India!

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

We are writing to express our grave concern regarding the registration of an FIR against 49 eminent Indian personalities filed under IPC sections 124A (sedition), 153B (assertions or assumptions prejudicial to national integration and other offences in Muzaffarpur district of Bihar.

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

Human rights defenders are eminent Indian personalities ranging from academicians to artists and persons from various cultural fields. Altogether 49 eminent citizens and human rights defenders had signed the open letter addressed to the Prime Minister Mr. Narendra Modi. The nine eminent Indian public figures named in the first information report are historian Ramchandra Guha, filmmakers Mani Ratnam, Adoor Gopal Krishnan, Shyam Benegal, Aparna Sen, actors Soumitra Chatterjee, Konkona Sen Sharma and Revathi, classical singer Shubha Mudgal..

#### **Source of Information on the Incident:**

Coordinator of HRDA for the East of India  
Media Reports

**Date of incident:**

3 October, 2019

**Place of incident:**

Sadar Police Station, Muzaffarpur district, Bihar

**The Perpetrators:**

Advocate Sudhir Kumar Ojha, Muzaffarpur

Bihar police officials of Sadar Police Station, district Muzaffarpur, Bihar

**Details of the Incident:**

According to the information, on October 3, 2019 Bihar police in Muzaffarpur district lodged a First Information Report (FIR) at the Sadar Police Station against nine eminent Indian personalities and 40 unnamed people on charges of sedition and assumptions prejudicial to national integration. Those named in the FIR include historian Ramchandra Guha, film personalities Shyam Benegal, Adoor Gopal Krishnan, Mani Ratnam, Aparna Sen, Saumitra Sen, Konkona Sen, Revathi, and classical singer Shubha Mudgal,. The FIR (673/19) has been filed under sections 124A (sedition), 153B (imputations, assertions prejudicial to national integration), 160 (committing affray), 290 (public nuisance), 297 (trespassing on burial places with an intention to hurt religious feelings) and 504 (insult with intent to provoke breach of peace) of the Indian Penal Code. Those who have been charges in this case had written an open letter to the Indian Prime Minister Mr. Narendra Modi in July 2019 raising concern over the growing incidents of mob lynching and religious intolerance in the country. In the letter the celebrities had stated that the lynching of Muslims, Dalits and other minorities must be stopped immediately, while stressing that there was "no democracy without dissent". The letter also noted that 'Jai Shri Ram', a Hindu holy saying, had been reduced to a "provocative war cry". The letter also urged the Prime Minister to take action by making such offences non-bailable and allow for punishment to be meted out immediately.

A local advocate in Bihar Mr. Sudhir Kumar Ojha had approached Chief Judicial Magistrate in Muzaffarpur district Surya Kant Tiwari, seeking the registration of a case against signatories of the open letter. The case was lodged after an order was passed by Chief Judicial Magistrate Surya Kant Tiwari on August 20, 2019 on the petition filed

by advocate Ojha on July 27, 2019. Advocate Sudhir Kumar Ojha has accused the celebrities of trying to “bring the country a bad name by going to media about their complaint to PM on cases of rising intolerance”. Incidentally, while the FIR alleges that the signatories were seditious and undermined the PM’s “impressive performance” besides “supporting secessionist tendencies”, the signatories had stated in the letter that anti-government stand cannot be construed as an anti-national stand. The letter had stated, “Criticizing the ruling party does not imply criticizing the nation. An open environment where dissent is not crushed only makes for a stronger nation.”

Over the last few years, India’s controversial sedition laws have been used quite liberally by authorities to silence peaceful dissent. India’s Supreme Court has imposed sharp limits on what construes sedition. In a landmark 1962 ruling, *Kedar Nath Singh v State of Bihar*, the Supreme Court ruled that unless the accused incited violence by their speech or action it would no longer constitute sedition, as it would otherwise violate the right to freedom of speech guaranteed by the constitution. The FIR against the 49 eminent Indian personalities is a clear illustration of the fact that the idea of a democratic and peaceful dissent is being tried and tested at the cost of free speech and expression. Article 19 of the Constitution guarantees freedom of speech and expression to citizens. Constitutionally guaranteed right has no meaning if free expression is countered by this kind of “police and legal harassment.”

Freedom to expression is crucial to the work of human rights defenders. The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

### **Appeal:**

We, therefore, appeal to the Hon’ble Commission to:–

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned fabricated case of sedition filed against the 49 eminent personalities for writing an open letter to Prime Minister Mr. Narendra Modi raising concern over the growing incidents of mob lynching;

- Ensure provision of reparation, compensation, apology to the defenders for the psychological sufferings they are undergoing because of the fabricated case against them and provide a re-assurance of not engaging in such acts against them;
- Put an end to all acts of harassment and attacks against all writers, film makers, actors and human rights defenders all over India to ensure that in all circumstances they carry out their activities as writers, film makers, actors and human rights defenders without any hindrances;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;
- 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 Bihar.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary