



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 12, 2020

To

Mr. Debindra Kundra

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action - Karnataka: Arbitrary arrest, ill-treatment and intimidation of school children, WHRDs for staging a play by the school children voicing concerns over Citizenship Amendment Act. - Regarding

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 writing to express our grave concern over the attempt to harass and intimidate school children, women human rights defenders and management staff of Shaheen Primary & High School in Bidar, Karnataka by Karnataka police regarding a play by the school children voicing concerns over Citizenship Amendment Act.

Source of Information on the Incident:

- The Coordinator of HRDA for the South of India
- Communication from Shaheen Primary & High School authorities
- Media Reports

The Perpetrators:

Police personnel of Bidar New Town Police Station, Bidar district, Karnataka

Date and Place of incident:

21 January, 2020

Shaheen Primary & High School, Bidar, Karnataka

Details of the Incident:

According to the information, on January 21, 2020, school children of Shaheen Primary & High School in Bidar city of Karnataka with the help of teachers staged a play in the school premise. The theme of the play was related to the recent Citizenship Amendment Act and the National Register of Citizens and in particular its implications for Indian society and polity.

On January 26, 2020, Nikesh Rakshala, a member of Akhila Bharatiya Vidyarthi Parishad (ABVP) reportedly filed a complaint of sedition with the Bidar New Town Police Station regarding the play in the school. In his complaint, he alleged that the play was derogatory to the Indian Prime Minister and contained misinformation on the Citizenship Amendment Act. As a response to the complaint, on January 30, 2020, the police arrested Ms. Najmunissa, mother of a Class 6 student involved in the play as well as the primary section in-charge Ms. Fareeda Begum on the charges of "using children to incite hatred towards the country and Prime Minister Narendra Modi". Both were remanded to judicial custody by Bidar District and Sessions Court. The police also arrested and booked the school management, as well as journalist Mohammad Yousuf Rahim who had uploaded a video of the play on charges of sedition. The case was registered under section 504, 505(2), 124(A), 153(A) and 34 of Indian Penal Code. Additionally, over 50 children, including those who were involved in the play, ranging from the age of 9-12 were questioned by the Karnataka police, on 4 separate occasions.

HRDA was informed that the interrogation of the children of the school, who were also being used as witnesses in this case, did not follow the required standard procedure as most of the children were questioned on open school ground and in the absence of their guardians repeatedly for long durations. According to school officials no other adult was being allowed while children were being questioned. Sources informed that an attempt was being made to get the children implicate parents and teachers, violating common practices followed when interrogating children. No legal action has been initiated against the children, yet, the interrogation is still continuing. The management of the school maintains that the play was meant to address common concerns over the Citizenship Amendment Act and comments by third parties on the content of the play itself describe it as a piece of satire.

According to the Indian Constitution every Indian citizen has the fundamental right to free speech and expression under Art. 19(1) (a) of the Constitution. The school children, women and management staff of Shaheen Primary & High School in Bidar, Karnataka staged a play in school premise in exercising their fundamental right of free speech and expression. Apart from the gross misuse of the sedition law, the act of intimidation of the children as well as threat to school authorities and the individuals arrested amount to violation of the fundamental right of freedom of speech and expression as guaranteed under the Constitution of India as well as several international instruments on human rights.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of harassment, intimidation and filing of sedition case against parents, teachers and school children involved in staging the play at Shaheen Primary & High School in Bidar city of Karnataka and denial of their right to freedom of speech and expression;
- Ensure immediate withdrawal of all the charges levelled against all those associated with the above mentioned event in the school;
- Take all necessary measures to guarantee the physical and psychological integrity and security of all those as mentioned above involved in the event who still face the risk of further reprisals from the perpetrators and using all provisions of law to ensure that they are not further harassed or intimidated or falsely implicated in future;
- Ensure provision of reparation, compensation, apology to all those affected for the psychological sufferings they are undergoing because of the harassment, intimidation and sedition case levelled against them and provide a re-assurance of not engaging in such acts against all writers, artists and human rights defenders in Karnataka;
- Put an end to all acts of denial, attack and harassment against all acts of denial of speech and expression of all writers, artists and human rights defenders in

Karnataka and ensure that in all circumstances they carry out their activities as defenders of human rights without fear of reprisals and free from all restrictions;

- 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, ensure 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,



(Henri Tiphagne)

National Working Secretary