



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/South/KA/11/02/2020
February 17, 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-
*Criminalisation of dissent and sedition charges filed against HRD
Ms. Nalini Balakumar for holding placard in support of Kashmiri
people in Mysore - 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 criminalisation of dissent and sedition charges against Ms. Nalini Balakumar and Mr. Maridevaiah S during a protest against the Citizenship Amendment Act as well as attack on students of Jawaharlal Nehru University, New Delhi in the premises of University of Mysore in Mysuru, Karnataka.

About the Human Rights Defenders

HRD Ms. Nalini Balakumar is a student of design in Gujarat and a former student of the University of Mysore. She takes interest in speaking about issues of social and political relevance. The other person named in the FIR is Mr. Maridevaiah S, a PhD. Scholar who was involved in organising the protest. He is also the President of Dalit Research Scholar Association, Mysuru, Karnataka.

Source of Information on the Incident:

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

The Perpetrators:

Mysuru Police, Karnataka

Date and Place of incident:

08 January, 2020

FIR filed at Jayalakshmpuram Police station, Mysuru, Karnataka

Details of the Incident:

According to sources, on January 8, 2020 a solidarity protest march was organized by Dalit Student Organization and Mysore University Research Students' Association in Manasagangothri campus, University of Mysore in Karnataka. The protest opposed the controversial Citizenship Amendment Act as well as attack on students of Jawaharlal Nehru University, New Delhi. Bahujana Vidyarthi Sangha, Students' Federation of India (SFI) and All India Democratic Students' Organisation (AIDSO) also participated in the protest. Based on videos of the protest, police booked HRD Ms. Nalini Balakumar under charges of sedition for holding a 'Free Kashmir' placard and Mr. Maridevaiah S was booked for organising the protest event.

HRD Ms. Nalini Balakumar, a former student of the University of Mysore, was attending the protest on January 8, 2020 and was recorded on video and photos holding a 'Free Kashmir' poster. As images and videos from the protest began circulating in media, a police constable from the Jayalakshmpuram police station pressed charges against HRDs Ms. Nalini Balakumar and Mr. Maridevaiah S, who had organised the protest, under IPC Section 124 A (sedition) and Section 34 (common intent) on January 9, 2019. Ms. Nalini Balakumar clarified that she attempting to highlight the internet shutdown imposed in Kashmir over the past five months and not holding the placard as support for separatist intentions. However, in addition to the harassment of a pending sedition charge against her, Mr. Nalani Balakumar was shamed by the Mysuru Advocates' Association as an "anti- national", who adopted a resolution against appearing for her case denying her the basic right to legal representation guaranteed under Article 22 (1) of the constitution.

Ms. Nalini Balakumar and Mr. Maridevaiah S were both, however, granted anticipatory bail on January 27, 2019 and it was noted by Additional District and Sessions Judge Jerald Rudolph Mendonca that that Ms. Nalini Balakumar cooperated with the court, did not have any criminal antecedents or connections with any banned outfits and that

she had accepted immediately that she was the one holding the placard, apart from further explaining her stand in the matter. Ms. Nalini Balakumar's cooperation and immediate clarification on her stance, which were appreciated by the court, indicate the charges under IPC Section 124 A (sedition) and Section 34 (common intent) registered against the HRDs amount to criminalisation of dissent and deny them the freedom of expression that is guaranteed as a Fundamental Right by the Indian Constitution as well as several international instruments.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of registration of a case under sedition law against HRDs Ms. Nalini Balakumar and Mr. Maridevaiah S by Mysuru police in Karnataka in an attempt to suppress the right to freedom of speech and expression;
- Takes necessary steps to ensure that the false criminal case filed against HRDs Ms. Nalini Balakumar and Mr. Maridevaiah S is withdrawn and defenders are not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Take immediate legal action on the perpetrators in this case Mysuru police in Karnataka for attempting to criminalise the actions of HRDs Ms. Nalini Balakumar and Mr. Maridevaiah S by filing a sedition case and using all provisions of law to ensure that HRDs are not subjected to further harassment or attack through false implications in future:
- Guarantee in all circumstances the physical and psychological integrity and security of HRDs Ms. Nalini Balakumar and Mr. Maridevaiah S by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)

National Working Secretary