



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 26, 2022

To,
Mr. Srinivas Kamath,
Focal Point - Human Rights Defenders & Joint 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- Illegal arrest of Dalit HRD and actor Mr. Chetan Kumar by the Bengaluru police in violation of DK Basu Guidelines.

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 Karnataka- Kannada film actor and Dalit Human Rights Defender Mr. Chetan Kumar who was picked up illegally and arrested by the Bengaluru police in complete violation of the DK Basu guidelines of arrest and detention.

Mr. Kumar was arrested for re-tweeting one of his old tweets about justice Krishna Dixit who is part of a bench hearing the batch of petitions challenging the ban on hijab in educational institutions.

He was arrested days after he participated in a protest march organized by pro-Dalit organizations.

Source of Information:

Media reports

Date of Incident:

February 22, 2022

The Perpetrators:

Police personnel of Seshadripuram police station, Bengaluru

About the Human Rights Defender

Mr. Chetan Kumar also known as Chetan Ahimsa, is a Kannada human rights defender and film actor. An American citizen and a Fulbright scholar, Chetan Kumar is a Dalit rights activist and has supported progressive youth and student

organizations, women's collectives, farmers' groups, trade unions, and Dalit and Adivasi movements for equality and justice. His social work/activism includes participating in India against Corruption, Anti-Superstition, LGBTQIA, Lake Rejuvenation, "I am Gauri" campaign". He is the founder of the Chetan foundation.

Details of the Incident:

On February 16, 2022, Mr. Chetan Kumar re-tweeted his old tweet about justice Krishna Dixit who had granted pre-arrest bail in an alleged rape case.

On June 27, 2020, he had tweeted, "This week KA (Karnataka) High Court Justice Krishna Dixit granted (granted) pre-arrest bail to rape-accused Rakesh B claiming 'it is unbecoming of Indian woman to sleep after rape; that is not way women react when they are ravished.' What's 'unbecoming' is 21st c (century) misogyny of this judiciary Dixit fossil. It is noteworthy that the comments of Justice Dixit were later deleted from the order after they resulted in outrage and were described as regressive.

Re-tweeting the same, on February 16, 2022, he tweeted, "**This is a tweet I wrote nearly two years ago regarding a Karnataka High Court decision. Justice Krishna Dixit made such disturbing comments in a rape case. Now this same judge is determining whether #hijabs are acceptable or not in govt schools. Does he have the clarity required?**"

On February 19, 2022, Mr. Chetan Kumar participated and tweeted in support of a massive citizen rally demanding action against a Karnataka district judge who had allegedly ordered the removal of B.R. Ambedkar's portrait.

On February 22, 2022 the Sheshadripuram police station registered a *Suo motu* FIR (No. 0040/2020) against Mr. Chetan Kumar under sections 505(2) (statements creating or promoting enmity, hatred or ill-will between classes) and 504 (intentional insult with intent to provoke breach of the peace).

On February 22, Mr. Chetan Kumar went missing from his house. In the evening the police issued a statement, announcing that Kumar had been arrested for his tweet under "Intent to incite a class or community to commit offence against another class or community" and for "intentionally insulting, thereby giving provocation to any person to break public peace" of the Indian Penal Code.

Mr Kumar's wife Megha held a live chat on Facebook and alleged that the actor "had gone missing from the house", "No one informed us [about his arrest], his phone is switched off, so is our gunman's [bodyguard]," She also alleged that when she went to the Sheshadripuram police station to get information they did not give her any information for four hours.

On February 25, 2022, Mr. Kumar was granted bail.

We are deeply concerned by the illegal arrest of Mr. Chetan Kumar by Bengaluru police without following the due process of the law or the DK Basu guidelines as directed by the Honorable Supreme Court.

We also believe that the FIR against Mr. Kumar is an act of reprisal for his activism as a Dalit human rights defender and for participating in the Dalit protest.

In illegally picking up and arresting Mr. Kumar from his residence without any arrest memo or warrant, without any information to his family or lawyer, the police violated multiple sections (Guidelines 2, 3, 5, 7, and 10) of the DK Basu Guidelines of arrest procedures. Furthermore Mr. Kumar's tweet did not incite a class or community to commit offence against another class or community as accused by the police.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) of the Indian Constitution. 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. The Declaration on Human Rights Defenders also 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.

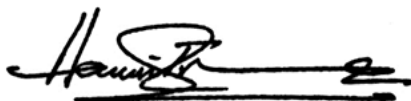
We believe that Mr. Kumar's illegal arrest and fabricated case on him by the Bengaluru police is an act of reprisal for his vocal role as a Dalit human rights activist.

Appeal:

We urge the Hon'ble Commission to immediately intervene and:

- Direct the Director General of Police of Karnataka to initiate an urgent, transparent, independent inquiry into the illegal arrest of Mr. Chetan Kumar in violation of the DK Basu guidelines and submit a report to the NHRC within two weeks.
- Depending on the result of the inquiry initiate urgent action against police officials who illegally picked up and arrested Mr. Kumar in violation of CrPc laws and the DK Basu guidelines.

Yours sincerely,



Henri Tiphagne
National Working Secretary