



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 17, 2022

To
Mr. Indrajeet Kumar,
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

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – West Bengal: Arrest of social commentator Mr. Roddur Roy under fabricated charges by Kolkata Police.

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 concern over the arrest of Mr. Roddur Roy, social media commentator and you tuber, under fabricated charges by Kolkata Police.

About the Human Rights Defender:

Mr. Anirban Roy, popularly known as Roddur Roy, is a Bengali vlogger with 3.28 lakh subscribers on YouTube and 4.91 lakh followers on Facebook.. He is known for his social commentary on CAA-NRC-NPR laws, mob lynching, farmers' protests and environmental degradation. He has consistently criticised the state and central governments on several occasions over price rise, political violence, response to the COVID-19 pandemic and so on. He regularly uses unparliamentary language during his social commentary.

Source of Information:

- Communication with other HRDs in the region
- Media reports

The Perpetrators:

Personnel from Kolkata Police

Date of Incident:

June 7, 2022

Place of Incident:

Kolkata, West Bengal

Background of the Incident:

On May 31, 2022, a well-known singer composer Krishnakumar Kunnath died after performing in a concert in Kolkata. Allegations emerged soon after that the auditorium in which he performed had been overcrowded to three times its capacity despite the presence of police officials, and the singer felt unwell due the unbearable heat. Leaders of the Trinamool Congress students' wing, which organised the concert, and the state administration was also widely criticised for mismanagement.

On June 2 and 3, Mr. Roddur Roy hosted two live sessions on Facebook on the of KK's death and blamed the Trinamool Congress government for mismanagement, singling out several ministers and party leaders. He mocked Ms. Mamata Banerjee for her governance, her alleged theatrics during administrative review meetings, and her poetry, and referred to her with a profanity.

Details of the Incident:

On June 3, 2022, two complaints were lodged against Mr. Roddur Roy with the Kolkata Police for making "derogatory" remarks about West Bengal chief minister Ms. Mamata Banerjee and her nephew Mr. Abhishek Banerjee, a Lok Sabha MP and all-India general secretary of the Trinamool Congress. The first complaint was filed by Trinamool Congress spokesperson Mr. Riju Dutta, the second by Trinamool Congress Rajya Sabha MP Mr. Shantanu Sen.

Police records show the case against Mr. Roddur Roy was initially under IPC sections 120b (party to criminal conspiracy), 153 (provocation with intent to riot), 417 (cheating), 501 (printing or engraving matter known to be defamatory), 504 (intentional insult to provoke breach of peace), 505 (public mischief) and 509 (insult modesty of a woman).

On June 6, the police applied before a magistrate's court to add section 153a (promoting enmity) and sections 465, 467, 468 and 489 of the IPC – all of which are related to forgery.

The June 6 application said, "...the accused person entered into a criminal conspiracy and in furtherance to that prepared an audio visual clippings using filthy words in Bengali and English against Honourable Chief minister of West Bengal and others members of cabinet with provocation to break law and order in West Bengal as well as to promote hatred among different groups."

The application said that, during the course of their investigation, the police found that the broadcast of such content on YouTube may "promote enmity between different groups on the ground of religion, race, language etc". Moreover, it said Roy had "forged the electronics data for the purpose of cheating and used the same as genuine".

On June 7, Kolkata Police arrested Mr. Roy from Goa, where he's lived for the past year. He was brought to Kolkata the following evening, and produced in court on June 9. He was remanded to six days in police custody.

West Bengal's largest human rights defence organisation, the Association for Protection of Democratic Rights, called Mr. Roy's arrest a "political arrest" and demanded his release. Several other activists and organisations also condemned his arrest despite having reservations with his way of expression.

We believe that Kolkata Police abused its power and violated the right to freedom of speech and expression of Mr. Roy for being critical of the state government. Instead of questioning him, the police summarily registered a case against Mr. Roy. The manner in which he was booked under additional charges of provocation to break law and order and forgery raises also further questions about the intent of the police.

This amounts to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

Our Constitution gives all citizens the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of social commentators and vloggers. The right to freedom of 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 UN Declaration on Human Rights Defenders 1998 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. If vloggers are muffled for criticising politicians and public officials over mismanagement leading to death of a well-known artist, seldom will they dare to take a stand.

The protection of vloggers and human rights defenders, and ending impunity for attacks against them, is a priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable.

Appeal:

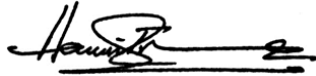
We appeal to the NHRC to urgently –

- Direct the investigation wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the arrest of HRD Mr. Roddur Roy.
- Depending on the result of the investigation, recommend legal actions against police officials who misused their powers and provisions of law to implicate and arrest Mr. Roy.
- Consider exercising Section 12 (b) of the Protection of Human Rights Act and intervene in the relevant courts to defend vlogger and social commentator Mr. Roddur Roy.

- Direct the Chief Secretary of West Bengal to create a safe atmosphere conducive to HRDs in the state.

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