



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 29, 2020

To,
Mr. Debindra Kundra,
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- Tamil Nadu: Case registered against functionaries of YouTube channel Karuppar Koottam – all channel contents deleted.

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 regarding the charges filed against human rights defenders and journalists Mr. Surendran Natarajan, Mr. Senthil Vasam, Mr. Somasundaram and Mr. Gagan from Tamil Nadu for their 7-month-old video 'Kanda Sashti Kavagam' on their YouTube channel Karuppar Koottam. Restrictions have also been imposed by the police on their channel and all 500+ videos on women rights, Dalit rights and other social issues have been deleted without any notice or court order.

Source of Information:

- Communication with the HRDs in the region
- Communication with HRDA South Regional Coordinator
- Media Reports

Date of Incident:

- July 13, 2020

Place of Incident:

Chennai, Tamil Nadu

The Perpetrators:

- Mr. Saravana Kumar, ADSP, Central Crime Branch (CCB), Chennai, Tamil Nadu
- Mr. Mahesh Kumar Aggarwal, Commissioner of Police, Chennai
- Personnel of Cybercrime police Chennai Tamil Nadu

About the Human Rights Defenders:

Mr. Surendran Natarajan, Mr. Senthil Vasan, Mr. Somasundaram (also known as Sundar) and Mr. Gagan are journalists based in Chennai who work for the YouTube channel Karuppar Koottam which is being webcasted from the past two years from Chennai. The channel creates social awareness videos against superstitious beliefs, women rights and Dalit rights.

Details of the Incident:

On July 13, 2020, Mr. Paul Kanagaraj RC, Ex-president of Madras High Court Advocate Association, who is also the founder of the political party Tamil Maanila Katchi, filed a police complaint against the Youtube channel Karuppar Koottam for their 7-month-old video on 'Kanda Sashti Kavasam'. The video was about the religious chants for the Hindu deity Muruga, and in their review the channel said that the chants were irrational and objectifies women's bodies.

An FIR 249/2020 was registered under IPC Sections, 153 (Wantonly giving provocation with intent to cause riot), 153 A (1) (a), (Promoting enmity between classes), 295A (Maliciously insulting the religion or the religious beliefs of any class), 505(1) (b) (False statement, rumour etc., circulated with intent to cause mutiny or offence against the public peace), 505(2) (False statement, rumour etc., with intent to create enmity, hatred or ill-will between different classes).

On July 15, the police arrested Mr. Senthil Vasan from Velachery. On July 16, Mr. Surendran Natarajan who runs the channel surrendered to the Puducherry police. The next week Chennai crime branch arrested two more technicians Mr. Somasundaram and Mr. Gagan who were working for the channel.

The video for which they are charged was deleted by the channel. The cybercrime police also deleted all the 500+ videos from the Karuppar Koottam YouTube channel

which included videos on creating social awareness against superstitious beliefs, women empowerment, women rights and Dalit rights. No notice was given to the channel by the officials involved in the search at their office in T Nagar- Chennai, nor did the police have a search warrant. The YouTube channel currently has no videos.

On July 16, 2020, before Mr. Natarajan had surrendered, the ADSP Mr. Saravana Kumar along with 5 policemen and 1 policewoman dressed in plainclothes searched Mr. Natarajan residence for any documents. Mr. Natarajan's wife, Ms. Abinaya was threatened and abused by Mr. Saravana Kumar during the house search. At 4 pm Ms. Abinaya was taken to the commissioner office without any prior notice, where she was threatened by the ADSP Mr. Saravana Kumar that she will be charged with an FIR. Fearing for his wife's life, Mr. Natarajan surrendered to the police in Puducherry.

We believe that this case is an example of the right to dissent and free speech being increasingly criminalised in India. This is a violation of Article 19(a) of the Indian Constitution which provides for free speech and power to express oneself to every citizen. Any individual has the right to review the historical events, stories, to express one's view and understanding via social media. Freedom to expression is crucial to the work of HRDs. 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 right to present arguments from a rationalist perspective, including the right to voicing atheistic views, has been upheld by High court judgements. Further, such a right is guaranteed by Article 51A (h) of the Constitution, which enjoins the development of the scientific temper, humanism and the spirit of inquiry and reform.

This is also an example of the complete misuse of power by the cybercrime officials. There was no prior notice given to the channel for deleting all their videos, nor was a search warrant produced to search their office or the home of Mr. Natarajan. The illegal detention and threats directed by the ADSP Mr. Saravana Kumar at the wife of one of the accused who was not involved in the case in any manner, is a clear example of how police violate laws to achieve its malafide ends. We believe that the complaint filed by Mr. Paul Kanagaraj R C of the Tamil Maanila Katchi is politically motivated following the merger with the ruling BJP.

The issue at stake has to do with the right to free expression. In a country where there exist diverse belief system, it is imperative that police follows the due process of law when filing an FIR. This is important in a context where the excuse of hurt sentiment, hate speech is let loose against those voicing their opinions.

Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter of the police misusing law to silence the human rights defenders and journalists and restricting their fundamental rights to expression, dignity and liberty. As the apex national human rights institution of India, we urge you to immediately take necessary steps and:

- Direct the Director General of Police of Tamil Nadu to submit urgently with the Hon'ble Commission all documents pertaining to the arrests of four functionaries of YouTube channel Karuppar Kootam as we believe police misused their powers and procedures of notice, arrest and detention laid down in the Code of Criminal Procedure and commission's own guidelines.
- Independently analyse the contents of the videos within the framework provided by the Supreme Court on free speech and expression on numerous occasions and according to the provisions of international law.
- Direct the Director General of Police of Tamil Nadu to inform the Hon'ble Commission on actions taken against the cybercrime police personnel who arbitrarily and illegally deleted all the 500 plus videos from the Karuppar Kootam YouTube channel without any intimation and orders from the court. The Hon'ble Commission must consider exercising its powers and direct for legal proceedings against such acts of the police.
- Issue notice to the Ministry of Communications and Information Technology for the copy of the legal demand send to the YouTube to delete the video 'Kanda Sashti Kavasam', assess the same and direct appropriate actions for withdrawal of any measures to restrict free expression of Karuppar Kootam YouTube channel.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary