



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/South/TN/04/11/2020**

November 18, 2020

To,  
Mr. C S Mawri,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action- Tamil Nadu: False case against Lok Sabha MP and HRD Mr. Thol. Thirumavalavan.**

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 the false case against Member of Parliament Mr. Thol. Thirumavalavan, the President of the Viduthalai Chiruthaigal Katchi (VCK) party and a prominent Dalit and Tamil rights rights activist in Tamil Nadu, for citing the Manusmriti to point out how rights of women were denied.

He has been charged under sections 153 (Wantonly giving provocation with intent to cause riot), 153 A (1) (a) (dealing with attempts to promote ill-will between communities), 295 A (Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs), 298 (Uttering, words, etc., with deliberate intent to wound the religious feelings of any person), 505 (1) 9B), and Section 505(2) of the Indian Penal Code (IPC).

**Source of Information:**

- Communication with the HRDs in the region
- Communication with HRDA Southern Regional Consultant
- Information from Social Media and Newspapers

**Date of Incident:**

October 24, 2020

**Place of Incident:**

Chennai, Tamil Nadu

**The Perpetrator:**

Mr. Asuvandhaman, Spokesperson of Bhartiya Janta Party (BJP) in Tamil Nadu

**About the Human Rights Defender:**

Mr. Thol. Thirumavalavan is a prominent Dalit and Tamil rights activist in Tamil Nadu. He has also written multiple books on Tamil and Dalit identity like *Aththumeeru* (Transgress), *Tamizhargal Hindukkala?* (Are the Tamils, Hindus?), *Saadhiya Sandharpavaadha Aniyai Veezhtuvom* (We Shall Defeat the Casteist Opportunist Alliance) etc.

He is currently a Member of Parliament in the Lok Sabha and the President of the Viduthalai Chiruthaigal Katchi (VCK) party in Tamil Nadu. His political ideology centres on ending the caste -based oppression of the Dalits, which can best be achieved through reviving and reorienting.

**Details of the Incident:**

In October 2020, a cropped video of a webinar on “Periyar and Indian Politics” started circulating in the social media which quoted Mr. Thirumavalavan as saying that “all women as prostitutes”.

However, the video was edited from a webinar organized on September 27, 2020, by the European Union of Periyar-Ambedkar Comrades’ Federation, where Mr. Thirumavalavan had highlighted what had been said by social reformists like Periyar and Dr. Ambedkar. The unedited video clip of the webinar referring to Manusmriti’s oppressive strictures, on women, had said: “*God created all women as prostitutes as per Hindu dharma and as per Manu dharma. Manusmriti says that women have to remain slaves to men. In Sanatana dharma, women are lowly and cheap. Their existence is associated with purity. If women are to be emancipated, Manu has to be rejected and banned.*”

The video clip, according to Mr. Ravikumar, VCK General Secretary and Villupuram MP, was doctored and circulated in social media by some anti-socials to suit their agenda. He said: *“We have been voicing our protest against Manusmriti for long. This present protest was just an extension of our continuing efforts against the Manuscripts.”*

On October 24, 2020, based on the doctored video clip, the state BJP spokesperson, Mr. Asuvandhaman, filed an online complaint with the cyber crime division of the Tamil Nadu Police for these comments against women.

The police registered a case against Mr. Thirumavalavan under six IPC Sections: Section 153 (Wantonly giving provocation with intent to cause riot); Section 153A(1) (Whoever by words, either spoken or written, promotes disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes); Section 295A (Deliberate and malicious acts, intended to outrage religious feelings); Section 298 (Uttering words with deliberate intent to wound religious feelings); Section 505(1)(b) (With intent to cause, or which is likely to cause, fear or alarm to the public); and Section 505(2) (Statements creating or promoting enmity, hatred or ill will between classes).

In the past too, Mr. Thirumavalavan had given a call for a state-wide protest against Manusmriti and said that there was an urgent need to oppose Manusmriti as ancient Hindu text was given a fresh leash of life after the BJP came to power. BJP was trying to implement Manusmriti's dogmas that are oppressive to a society as a whole, attempting to destroy the secular fabric of a democracy and pushing back a civilization into the dark era of obscurantism, he'd said. This call irked the BJP.

Mr. Thirumavalavan also told the media that the Manusmriti should be banned for it's regressive and anti-women. Its dogmas have been responsible for the social ills the country and its people are facing today. That was why Dr Ambedkar and Periyar opposed it.

We contend that the case against Mr. Thirumavalavan is a denial of his Constitutional Rights specifically Article 19(a). Our Constitution gives every citizen the right to exercise freedom of speech and expression. There are very specific restraints to A(19a). 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. Mr. Thirumavalavan has the right to hold an opinion on social evils and their sources and he has merely repeated the opinions of great social reformers like Periyar and Dr. Ambedkar.


These FIRs filed by functionaries of the opposition party are proof of a political vendetta against Mr. Thirumavalavan and absolutely violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution.

**Appeal:**

We urge the Hon'ble Commission to intervene in this matter and take necessary steps and:

- Order for an independent, transparent and impartial enquiry in this case.
- Direct the Director General of Police of Tamil Nadu to take urgent necessary action against those who edited and doctored the videoclip and circulated it in the social media with an intention to bring disrepute to Mr. Thol. Thirumavalavan.
- Direct the Director General of Police of Tamil Nadu to take appropriate measures to quash all charges against Mr. Thol. Thirumavalavan.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary