



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/South/KA/05/03/2023

March 29, 2023

To
Mr. Indrajeet Kumar,
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 – Arbitrary arrest of Dalit HRD
and actor Chetan Kumar, by Bengaluru Police, for a tweet**

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 Dalit Human Rights Defender and Kannada film actor Mr. Chetan Kumar who was arrested by the Bengaluru police for his tweet giving his opinion regarding a political philosophy.

Source of Information:

- Communication with HRD's family
- Media Reports

Date of Incident:

March 21, 2023

Place of Incident:

Bengaluru, Karnataka

The Perpetrators:

Bengaluru police personnel

About the Human Rights Defender:

Mr. Chetan Kumar (40), also known as Chetan Ahimsa, is a Dalit human rights defender and Kannada 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 March 20, 2023, the actor tweeted from his personal twitter handle "@chetanAhimsa" that:

"Hindutva is built on LIES Savarkar: Indian 'nation' began when Rama defeated Ravana & returned to Ayodhya —> a lie 1992: Babri Masjid is 'birthplace of Rama' —> a lie 2023: Urigowda-Nanjegowda are 'killers' of Tipu—> a lie Hindutva can be defeated by TRUTH—> truth is EQUALITY."

On March 21, 2023, the Bengaluru police arrested the actor on the basis of a complaint filed by Mr. Shivakumar, the convenor of Bajrang Dal's Bengaluru North unit. The FIR invoked IPC sections 505(2) (statements creating or promoting enmity, hatred, or ill-will between classes) and 295(A) (deliberate and malicious acts intended to outrage the religious feelings of any class by insulting its religion or religious beliefs). The 13th Additional Chief Metropolitan Magistrate (ACMM) court in Bengaluru remanded the actor for 14-day judicial custody.

On March 23, 2023, the actor was given bail.

We believe that the FIR against Mr. Kumar is an act of reprisal for his activism as a Dalit human rights defender and for tweeting his opinion. Mr. Kumar was also illegally arrested in February 2022, by the Bengaluru police for his earlier tweets. This is yet another pattern of harassment of Mr. Kumar restricting his freedom of speech and expression.

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.

Mr. Kumar's tweet does not create or promote enmity, hatred, or ill-will between religions nor does it outrage the feeling of any religion. He has the right to express himself via his social media without being scapegoated by criminal offences against him.

We urge the Hon'ble Commission to immediately intervene in this matter of the police misusing law to restrict fundamental rights to expression, dignity and liberty. As the apex national human rights institution of India, we urge you to intervene in this case and independently analyse the contents of the tweet within the framework provided by the Supreme Court on free speech and expression on numerous occasions and according to the provisions of international law.

Appeal:

The Hon'ble Commission should urgently:

- Intervene in the relevant court to quash the false charges against the HRD.
- Direct the Director General of Police of Karnataka to ensure the physical security of Mr. Chetan Kumar from further harassment by the police.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary