



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 21, 2022

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 – Delhi--Dalit professor and arrested by the Delhi police for his Facebook

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 arrest of Dalit activist Professor Ratan Lal, who is an Associate Professor of History at the Delhi University, for his Facebook post on religious structure claimed to be found in the Gyanvapi mosque in Varanasi. The professor's social media post referred to claims of a Shivling being found at the Gyanvapi mosque in Varanasi. Professor Lal and his family have also been subject to threats for his post.

Source of Information:

- Media Reports
- Communication with local HRDs in the region

Date of Incident:

May 20, 2022

Place of Incident:

Official residence of Professor Ratan Lal, Hindu College, Delhi

The Perpetrators:

Officials of North Delhi's Cyber Police Station

About the Human Rights Defender:

Professor Ratan Lal is an Associate professor of History at the Hindu college in Delhi University. He is also an Dalit activist and the founder and editor-in-chief of ***Ambedkarnama***, a news portal focusing on Dalit issues.

Details of the incident:

In May 2022, Professor Lal made a Facebook post on his Facebook wall, which referred to claims of a Shivling been found at the Gyanvapi mosque.

On May, 17, 2022, an FIR was registered against Professor Lal following a police complaint by a Delhi-based lawyer. In his complaint, Advocate Vineet Jindal said Mr Lal recently shared a "derogatory, inciting and provocative tweet on the shivling".

On May 20, 2022, the professor was called to the police station for questioning. And at 10:30 pm on the same day, the Delhi police arrested the Hindu College history teacher under sections 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) and 295A (deliberate act to outrage religious feelings of any class by insulting its religion) of the Indian Penal Code.

Defending his post Prof Lal said he had simply posed a question as a student of history. "“People can be hurt by anything. Academic discourse cannot be side-lined on account of perceived hurt. I had asked a simple question to enquire if the so-called shivling was broken or cut. Mullahs and Pandits don’t need to comment on it. An art historian should answer this question,”

After Professor Lal’s social media post went viral, he had been threatened online by many right wing social media users, prompting him to approach the police for security and help.

We strongly believe that the FIR against the Dalit professor Ratan Lal and his arrest by the Delhi police is a part of the pattern of arresting academicians and journalists, violation their right to freedom of expression as espoused in the Article 19 (a) of the Indian Constitution. There is a long tradition of critique of religion in India from ancient times to Baba sahib Ambedkar.

A right to freedom of speech and expression is a Constitutional right in our democracy. Freedom of expression is crucial to the work of HRDs and academicians. 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.

Globally, human rights defenders face major risks as a result of their work both from the state and out of state actors. The protection of academicians like Professor Ratan Lal, 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 human rights defenders.

Article 19, of the Universal Declaration of Human Rights (UDHR) mandates freedom of opinion and expression and is protected in all relevant human rights treaties. Freedom of opinion and expression are fundamental rights that contain both a personal and a social dimension. As per General Comment No. 34 on Freedoms of Speech and Expression, Human Rights Committee has observed that free speech and expression is an “indispensable conditions for the full development of the person”, “essential for any society” and a “foundation stone for every free and democratic society”. .

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 the Delhi police cyber cell is abusing its authority by the intimidation and harassment of Prof. Lal for exercising his constitutionally guaranteed right to freedom of expression.

Appeal:

In the wake of these repeated incidents where human rights defenders, including academicians, are intimidated, threatened and harassed, curbing fundamental rights to freely express, we urge you to immediately –

- Direct the Commissioner of Police, Delhi to immediately drop all charges against Professor Ratan Lal and release him.
- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arrest faced Professor Ratan Lal through the investigation wing of the NHRC.
- Guarantee in all circumstances the physical and psychological integrity of Professor Ratan Lal and his family members and submit the report to the NHRC within a week.
- Put an end to all acts of harassment and intimidation against all HRDs to ensure that in all circumstances they carry are allowed to use out their Constitutional right of freedom of expression without any hinderance.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary