

June 25, 2021

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

Dear Sir,

Sub: Urgent Appeal for Action – Karnataka: FIRs against HRD and Actor Mr. Chetan Kumar for expressing his views against the caste system on social media.

Greetings from HRDA and NDMJ!

Human Rights Defenders Alert - India (HRDA) 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.

National Dalit Movement for Justice (NDMJ)-NCDHR having its presence in more than 15 states of India is committed to the elimination of discrimination based on work and descent (caste) and work towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) across India. NDMJ works towards the realization of all civil, cultural, economic, political and social human rights of Dalits and Adivasis in the country. NDMJ is actively involved in advocacy for the protection of HRDs working on the issues related to caste-based discrimination and atrocities and is also engaged in the effective implementation the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995 across the country.

We are writing to express our grave concern regarding the FIR against Mr. Chetan Kumar for expressing his views on Brahminism quoting Dr. B.R. Ambedkar and Periyar in his twitter comments.

Source of Information:

Media Reports

Date of Incident:

June 10, 2021

Place of Incident:

Bengaluru, Karnataka

The Perpetrators:

- Mr. HS Sachidananda Murthy, Chairman, Brahmin Development Board, Karnataka (a state govt. company)

- Police personnel of Ulsoor Gate police station and Basavanagudi police station, Bengaluru

About the Human Rights Defender:

Mr. Chetan Kumar also known as Chetan Ahimsa, is a Kannada public intellectual, political activist, and film actor. Mr. Kumar has supported progressive youth and student organizations, women's collectives, farmers' groups, trade unions, and Dalit and Adivasi movements to fight for equality and justice. His social work/activism includes participating in India against Corruption, Anti-Superstition, LGBTQIA, Lake Rejuvenation, "I am Gauri" campaign" etc. He is the founder of the Chetan foundation.

Details of the Incident:

On June 6, 2021, Mr. Kumar had written posts critical of Brahminism, in a response to actor Mr. Upendra's remarks that talking about caste perpetuates it. Mr. Kumar tweeted a photo of himself and quoted from Dr. Ambedkar and Periyar. He wrote –

"Brahminism is the negation of the spirit of Liberty, Equality, Fraternity... We must uproot Brahminism — Ambedkar. While all are born as equals, to say that Brahmins alone are highest and all others are low as untouchables is sheer nonsense. It is a big hoax — Periyar."

On June 09, 2021, the Brahmin Development Board Chairman Mr. HS Sachidananda Murthy, filed an FIR against Mr. Kumar at the Ulsoor Gate police station, in Bengaluru, demanding an unconditional apology for his tweet on Brahminism. Mr. Murthy said that Mr. Kumar had *"used derogatory comments against Brahmin community. He calls Brahmins, terrorists"*. He and the board met with the Bengaluru Police Commissioner Mr. Kamal Pant. On June 11, 2021, an FIR was filed by Mr. Pawan Kumar Sharma, President of the Vipra Yuva Vedike in the Basavanagudi Police station in Bengaluru.

Mr. Kumar has been booked under section 153B (imputations, assertions prejudicial to national integration) and 295A (deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs) of the Indian Penal Code. Mr. Shivaram Hebbar, the Minister of Labour, had also alleged that Mr. Kumar has hurt the Brahmin community's sentiments and insulted the Constitution.

Mr. Kumar defended his words in a Twitter post saying that he will continue to talk about caste. He also said that, he has been highlighting and placing the anti-caste ideas of Ambedkar, Periyar, and Kuvempu Kannada Poet for a decade in a modern context and on June 11, 2021 to the reporters he said –

"I have only quoted the thoughts and statements of Dr Babasaheb Ambedkar and vachanas from the Sharana movement in the 12th century Karnataka and other pro-equality champions. Everything I have quoted is in the public domain. I have repeatedly articulated that our fight is against Brahminism and inequality in its totality; it is not against those accidentally born into the Brahmin caste or into any caste/religion,"

On June 16, 2021, the Basavanagudi Police questioned Mr. Kumar for about four hours after which he wrote on his Twitter,

"I stood by truth and democracy. I am proud to contribute in my own small ways to the global movement for equality, justice and non-violence. Fight goes on!"

We strongly believe that the FIRs against the HRD Mr. Kumar are means of silencing voices questioning caste. Though no further action has been taken by arresting the HRD, the two FIRs, as well as minister's threat to Mr. Kumar is another example of how the right to dissent and free speech is being increasingly criminalised in India.

Brahminism is the system of caste division and different from Brahmin community and Mr. Kumar has the right to express himself against the caste system via his social media without being scapegoated by criminal offences against him. He has merely quoted the thoughts of great thinkers like Periyar and Baba Saheb Ambedkar against caste, who are revered by India. The police must stop abusing its authority and put an end to the intimidation and harassment of Mr. Kumar for exercising his constitutionally guaranteed right to freedom of expression.

A right to freedom of speech and expression is an extremely Constitutional right of democracy. 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 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.

Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter of dominant state associated organizations attempting to silence the voice of the HRD and charging him with FIRs for frivolous reasons well rejected by the courts.

- Direct the Director General of Police of Karnataka to submit with the Hon'ble Commission on officials misusing laws to suppress free expression of Mr. Chetan Kumar.
- Direct the Director General of Police of Karnataka to take measures to initiate closure of case registered against Mr. Chetan Kumar.
- Issue an urgent circular to all chief secretaries reiterating that the fundamental right to freedom of speech is an integral part of the Indian Constitution and in no ways laws can be misused to criminalize free speech and expression.

Yours sincerely,



Henri Tiphagne
National Working Secretary
HRDA



Rahul Singh
General Secretary
NDMJ