



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

November 2, 2017

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Sub: HRD Alert - India – Urgent Appeal for Action – Andhra Pradesh and Telangana: Harassment, intimidation, filing of false cases, physical attack and death threats and house arrest of Prof. Kancha Ilaiah Shepherd- Regarding Greetings from Human Rights Defenders Alert - India!

Dear Sir,

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 now writing to express our grave concern regarding harassment, intimidation, filing of false cases, physical attack and death threats and house arrest of Prof. Kancha Ilaiah Shepherd.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for South of India
- Media reports

Status of the Human Rights Defenders:

Prof. Kancha Ilaiah Shepherd is a political analyst, human rights activist and one of India's most prominent Dalit thinkers and author of several books. He is the Director, Centre for the Study of Social Exclusion and Inclusive Policy, Maulana Azad National Urdu University, Hyderabad.

He is a well-known Bahujan philosopher who has been actively critical of the Brahmanical social order and its injustices meted out to the Dalits, Adivasis and other backward castes. His works such as 'Why I am not a Hindu', 'Post-Hindu-India', 'Buffalo Nationalism and Untouchable God' and numerous other writings are iconic and radically denounces the caste system in India.

He recently had added 'Shepherd' to his name to highlight his caste's productive capability – as a shepherd – and break away from the oppressiveness of caste-based hierarchies.

The Perpetrators:

1. Mr. Kacham Satyanarayana, Convenor of the Telangana Arya Vysya Chaitanya Vedika
2. Mr. T.G. Venkatesh, an Arya Vysya leader and a Member of Parliament from the Telugu Desam Party
3. The police and the state administration of Andhra Pradesh and Telangana

Date of Incident:

- Since September 18, 2017

Incident detail:

According to sources, on September 23, 2017, Prof. Kancha Ilaiah Shepherd was heading towards Hyderabad after attending a function at Bhupalpally. Around 200 members of the Arya Vysya community held a demonstration at Ambedkar Chowrasta (crossing) in the town after they spotted Prof. Kancha Ilaiah's vehicle and attacked his vehicle and attempted to kill him. The driver of his car sensing trouble diverted the car to Parkal Town police station.

The situation became tensed after the members of Dalit communities came to know about this incident and rushed to the police station. It is learnt that members of both the communities raised slogans against each other. The Circle Inspector Mr. John Narsimhulu and other police personnel pacified the two groups and asked them to leave the police station.

The Arya Vysya associations have taken offence to the title and content of the book, "Samajika Smugglurlu Komatollu" (Vysyas are social smugglers), a portion from the book 'Post Hindu India' written by Prof. Kancha. The book was translated into Telugu and published by Boomi Publications recently, which they claim to be derogatory towards their caste. Representatives of these associations have condemned the book on television news channels, and have launched protests at various places across the states of Andhra Pradesh and Telengana, demanding an apology from Prof. Kancha .

It is to be noted that the Arya Vysya associations had held protests in Hyderabad in September alleging that the title of the book and some of its contents were "derogatory and demeaning" to the community and sought withdrawal of the book. Following the protests, Prof Kancha had lodged a police complaint alleging threat to life.

On September 18, 2017, Mr. T.G. Venkatesh, a Arya Vysya leader and a Member of Parliament from the Telugu Desam Party (TDP) in a press conference issued a death threat against Prof. Kancha that he would kill him or hang him in the streets for making derogatory remarks against Vyasa community.

Many protestors continued to burn his effigies and lodged police complaints against him and there are also videos of protest using innocent children to urinate in public on the photograph of Prof. Kancha. Some of them have threatened to cut his tongue.

It is learnt that Prof Kancha Ilaiah is shocked and he felt deeply isolated and has decided to confine to his home for the next one week.

It is important to note that an intellectual of national and international repute is facing grave threats to his life and liberty for his writing which is critical of caste and dominant caste groups. The state governments of Andhra Pradesh and Telangana haven't taken any action to provide him protection and initiated no action against those threatening him. The situation has become graver since the press conference by Mr. Venkatesh, the elected representative from the ruling political alliance, possessing powers to mobilise large number of people and openly issuing death threats to Prof. Kancha. The way political protests have been launched against him is clear indication of the local politicians who are being encouraged by their respective parties to intimidate a scholar through street goondaism. The Member of Parliament of the TDP has openly threatened to kill him but there is no action from the Chief Minister of Andhra Pradesh Mr. Chandra Babu Naidu. It is evident from the recent attack on his car that his physical movements are being monitored.

In latest turn of events, Prof. Kancha was about to travel to Vijayawada on October 28, 2017, to address a public meeting and a felicitation ceremony for him, being organised by some Dalit organisations against alleged suppression of freedom of expression by Andhra Pradesh and Telangana governments for his book.

On October 27, 2017, a team of police personnel arrived at his house in Tarnaka and served a notice stating that orders under Section 144 of the IPC and under Section 30 of the Police Act had been imposed in Vijayawada. The police stated that organising a rally or a meeting in the city could create law and order problems. He was then placed in house arrest preventing him from going to the meeting and addressing the gathering. He was told that any attempt to leave his house would lead to his arrest.

On October 28, 2017, Prof. Kancha's supporters gathered outside his house demanding that he be released and attempted to commence a rally to Vijayawada wherein the police stopped them and arrested 21 persons.

We would like to bring to the knowledge of the Commission that Prof. Kancha has undergone very similar kind of attacks including death threats from communal and dominant caste forces for his writings. HRDA has submitted a complaint regarding the same on June 11, 2016 and the same has been registered by the Commission with Case No. 677/36/2/2016.

It is with deep regret we write that the complaint has been dismissed *in limni* by the Commission stating that '*the allegation is false implication in a criminal case and hence should approach the court*'. The complaint categorically stated serious human rights violations meted out to the human rights defender Prof. Kancha including death threats. However, the Commission decided not to exercise the powers enshrined in the Protection of Human Rights Act, 1993 and order for an independent investigation or call for response from the concerned state governments. Action by the Commission could have ensured that Prof. Kancha's constitutional fundamental right to express and speech was upheld and the perpetrators were punished. This could have averted the threats, physical attacks and death threats that he is subjected to.

In the light of the above mentioned recent attacks, death threats and house arrests and earlier complaint in June 2016, we urge the Commission not to dismiss the case as it was done earlier. We urge the Commission to take cognizance of the recent incidents and consider the following appeal for the protection and justice for Prof. Kancha and ensure his fundamental right to freedom of speech and expression without any reprisal.

Appeal:

We, therefore urge you to immediately -

- Undertake an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of harassment, intimidation, abusive calls, repeated threat to kill and insults – on the phone, social media and the streets, house arrest and the filing of cases and attack on and against Prof. Kancha Ilaiah Shepherd;
- The two state governments of Andhra Pradesh and Telangana to provide him protection and security and initiate action against those threatening him. It is the responsibility of the respective state governments to ensure that the fundamental right to speech and expression guaranteed through Article 19 of the Indian Constitution is upheld;
- Immediately release of Prof. Kancha from house-arrest and ensure that no restrictions are imposed on his movements especially to attend and participate in public meetings;
- Take immediate action on the perpetrators, in this case for the harassment, intimidation, abusive calls, repeated threat to kill and insults – on the phone, social media, the streets and in TV studios and filing of cases against those responsible for the same including Mr. T.G. Venkatesh, Member of Parliament from the Telugu Desam Party who issued open death threats against Prof. Kancha Ilaiah Shepherd;
- Guarantee in all circumstances the physical and psychological integrity of Prof. Kancha Ilaiah Shepherd and his family members of further reprisals from the perpetrators and using all provisions of law, to ensure that they are not harassed in future;
- Ensure provision of reparation, compensation, apology to Prof. Kancha Ilaiah Shepherd and his family members for the psychological sufferings they are undergoing;
- Ensure that a competent senior criminal lawyer is appointed at the state cost to legally represent Prof. Kancha Ilaiah Shepherd on the fabricated and false cases filed against him;
- Put an end to all acts of attack and harassment against all human rights defenders like Prof. Kancha Ilaiah Shepherd in the city and district of Hyderabad and in the states of Andhra Pradesh and Telangana to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

Looking forward to your immediate action in this regard,
Yours sincerely,



Henri Tiphagne
National Working Secretary

Copies to:

Mr. Michel Forst

Special Rapporteur on the situation of human rights defenders,

c/o Office of the High Commissioner for Human Rights – Palais Wilson

United Nations Office at Geneva

CH 1211 Geneva 10

Switzerland

Email: urgent-action@ohchr.org defenders@ohchr.org hrd-ra@ohchr.org

Mr. David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Palais des Nations

CH-1211 Geneva 10

Switzerland

Fax: +41 22 917 9006

Email: freedex@ohchr.org

Mr. Mutuma Ruteere

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Palais des Nations

CH-1211 Geneva 10

Switzerland

Fax: +41 22 917 9006

Email: racism@ohchr.org

Dr. Ram Shankar Katheria,

Chairman, National Commission for Scheduled Caste,

5th Floor, Lok Nayak Bhawan, Khan Market,

New Delhi – 110 003.

Ph: 011-24620435,24606802

E.mail: chairman-ncsc@nic.in

Mr. K. Chandrashekar Rao,

Hon'ble Chief Minister,

Govt. of Telangana,

Secretariat,

Hyderabad, Telangana.

E.mail: cm@telangana.gov.in

Dr. Rajiv Sharma, IAS

Chief Secretary - Government of Telangana,

Secretariat,

Hyderabad, Telangana.

E-mail id : cs@telangana.gov.in

Mr. Nara Chandrababu Naidu
Chief Minister of Andhra Pradesh
Andhra Pradesh Secretariat
Hyderabad.
Email : cm@ap.gov.in

Chief Secretary of Andhra Pradesh
Andhra Pradesh Secretariat
Hyderabad.
Email id : cs@ap.gov.in

Director General of Police,
Police Headquarters, Hyderabad-500004,
Andhra Pradesh.
Email id : dgp@appolice.gov.in