

Public Statement

The Law Society of Ontario expresses grave concern about the death threats and charges against lawyer Rajat Kalsan

Toronto, ON — The Law Society of Ontario expresses grave concern about the death threats and charges against lawyer Rajat Kalsan in India

Rajat Kalsan is a prominent lawyer and advocate for the Hisar district of Haryana. He has frequently represented members of the Dalit community in relation to discrimination cases and violence allegedly suffered at the hands of dominant castes. The Law Society is deeply concerned about the continuous harassment Rajat Kalsan has received, which has resulted from his work representing victims belonging to the Dalit community.

The charges against Rajat Kalsan include extortion, providing false evidence, criminal conspiracy and promoting animosity between different groups.

It is our understanding that in July 2017, Rajat Kalsan assisted Dalit villagers in Hansi, Haryana State, to file complaints against dominant caste members who conducted a social boycott and prevented the Dalit from participating in community gatherings and the enjoyment of employment rights. On September 2, 2017, Rajat Kalsan assisted the High Court of Punjab and Haryana with an investigation into the boycott. Subsequently, Rajat Kalsan received death threats, and was forced to suspend his legal practice and flee his home.

According to the information received, on September 14, 2017, the police registered a criminal case against Rajat Kalsan for allegedly trying to instigate Dalit villagers to file false complaints against members belonging to dominant castes in Hansi, Haryana State. This is not the first time that Rajat Kalsan has been targeted for his work against human rights violations.

Rajat Kalsan has suffered intimidation, harassment, he has been forced to flee, and he could face a sentence of life imprisonment. He has also been forced to suspend his legal practice and he faces threats of revocation of his practicing certificate.

The Law Society is deeply concerned about Rajat Kalsan's situation and urges India to comply with its obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of India to:

- a. withdraw the charges against Rajat Kalsan immediately and unconditionally;
- b. guarantee all of the procedural rights that should be accorded to Rajat Kalsan in accordance with his right to a fair trial;
- c. guarantee that adequate reparation will be provided to Rajat Kalsan if he is found to be a victim of human rights abuses;
- d. ensure that all people in India, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression;

- e. ensure that all lawyers and judges in India are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.