



ILLUSTRATION: ANWAR SOHEL

What does it mean to “hurt” a religious sentiment?

ZYMA ISLAM

There’s a fine line between combating hate speech and being intolerant of differences in opinions and viewpoints.

Section 28 of the Digital Security Act (DSA) 2018 prosecutes “hurting” and “provoking” religious sentiment through online activities.

The law was passed in 2018. But till date, not a single case filed under this section has been disposed of, no judgment has been delivered and no higher authority has decided just what it means to “hurt” a “religious sentiment”.

Between 2020 and 2021, the DSA Tracker, a project by Centre for Governance Studies has logged over 2,000 DSA cases filed against 1,530 people.

The data shows that over the past two years, at least 90 people were prosecuted for allegedly hurting “religious” sentiment online and provoking unrest. Of them, at least 55 belonged to the Hindu minority community.

PABITRA KUMAR ROY

In the case of Pabitra Kumar Roy, a headmaster from Lalmonirhat’s Taluk Shakhati High School, the offence was writing a social media post questioning animal sacrifice rituals during Eid-ul-Adha 2021.

The post, as mentioned in the First Information Report (FIR), and translated verbatim, is as follows, “To slaughter the beast inside one’s heart, is it not better to sit in prayer, than to slaughter beasts?”

This led to the revered schoolteacher, who has taught students since 1992, landing in jail for over a hundred days.

Pabitra’s wife Shukla Rani described how the events unfolded. “On the night of July 23, locals surrounded our home, creating a ruckus. It was probably around 8:00 or 9:00pm in the evening, I don’t remember correctly, it was all such a blur,” she narrated.

“The police came and said they’re taking my husband into custody for his safety. They initially took him to Lalmonirhat’s detective branch office,” she added.

From there, Pabitra was taken to court and then officially arrested the next day. A plant nursery owner Md Jahir Rahim filed the case against him. The complainant also runs a local human rights organisation.

“I do not know the complainant, and I have never seen him in my life,” said Shukla. Pabitra’s bail has been denied a total of three times, she said.

Meanwhile, as Pabitra awaits his bail, his mother passed away two weeks ago. Till her last breath, she eagerly longed to see her son one last time. “We could not tell her he’s in prison; we told her he is away on training,” Shukla said.

“When she was on her deathbed, she kept asking what kind of a son he is, choosing training over his dying mother,” lamented Shukla. “We also did not inform Pabitra that his mother was terminally ill. We only gave him the news after she passed away. He completed her last rites sitting inside prison.”

RUMA SARKAR

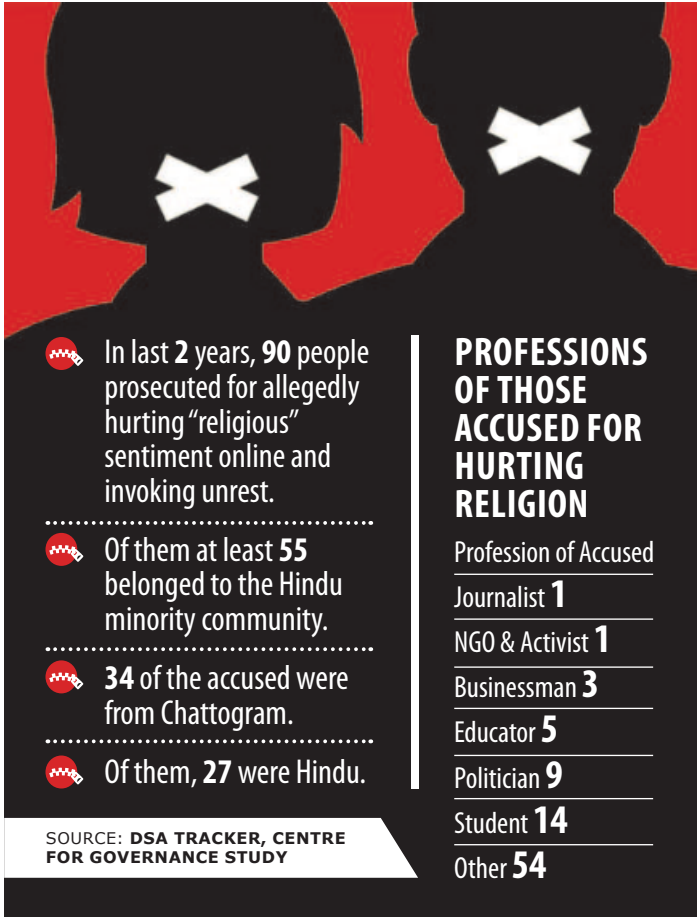
Ruma Sarkar, assistant professor at Old Dhaka’s Begum Badrunnessa Government Girls College, could never imagine she would get arrested and be kept in jail for over two months, all because of a Facebook live.

She went live with a poetry recital and said a few words protesting the attacks on Hindu temples during the Durga Puja festival last year.

After spending 61 days in jail, Ruma is finally out on bail. She narrated her ordeal to this correspondent.

At the time, a video of a man being hacked to death was making the rounds on Facebook. It was miscaptioned as footage of the killing of one Jatan Saha from Noakhali, who was beaten to death during a communal attack on the temples of the district’s Begumganj upazila.

The footage was actually of a separate incident of lynching from Dhaka, and



Ruma, like many others, believed the fake video and referred to it in her Facebook live, she claimed.

But in a case filed against her on October 19, Ramna police claimed that it was Ruma who was spreading the video on social media.

“The law enforcers came at midnight. I live alone with my two children, so I got scared and did not open the door,” described Ruma. “I kept asking them to come back in the morning, because my children would have to stay alone all night. I told them that I would not escape and asked them to lock me in from the outside to ensure that.”

But within two hours, the Rapid Action

Battalion unit broke the doors down and took her to their headquarters for questioning. On October 21, a Dhaka court placed her on a two-day remand. She was soon sent to jail.

But further harassment awaited Ruma during the routine strip/cavity-search that jail authorities conduct while taking in new inmates. “I was not there on drug charges. I am a teacher. I would not be hiding drugs inside my clothes, but I too

I do not know where my son is, or what jail he is in. I am poor and illiterate, and I do not have the money to hire a lawyer.

Sujit Das, father of 17-year-old Suronjit Das who was arrested under DSA

was made to undergo the procedure,” said Ruma. “They even took off the red *teep* I wear... I told them that this is a symbol of me being a Hindu mother, but they did not listen.”

She was denied bail twice by the lower courts, before being released by the High Court.

“I am not at fault. I did not do anything wrong. I saw that the rights of my community to observe Durga Puja were being violated, and I protested,” Ruma insisted.

Although released from prison, the police has submitted a chargesheet, formally pressing charges against her.

She has been unable to go back to work ever since, while her children, whose education was interrupted during the two months their mother was not with them, have not been able to go back to school.

SURONJIT DAS

17-year-old teenager Suronjit Das was arrested during the same time as Ruma, during the Durga Puja mayhem, on similar charges.

As the FIR of the case filed against him states, the eleventh-grade student at Kutubdia Government College, had uploaded a Facebook post containing the hashtag “#saveBangaldeshiHindus” and “Thanks Hindu brothers”.

Out of nowhere, a 26-year-old man named Md Tasnim Hasan Hiru reacted to the post with a “haha” react, indicating amusement or derision at Suronjit’s pain.

Already grieving over the Durga Puja attacks, Suronjit snapped back at Hiru via a private message containing expletives, calling him the “adopted son of the Prophet”. Hiru shared a screenshot of the message on his Facebook and all hell broke loose.

On October 17, 2021, Suronjit went live on Facebook and sought forgiveness from the community, stating that he personally respects and loves the religion of Islam and that the words he said were a result of the grief and anger he felt at the time.

The matter could have ended there, but the locals still stormed the fishing village where Suronjit lives, causing the police to interfere, states the FIR.

“We immediately took Suronjit into custody,” it adds. Of note, the FIR also accused Hiru.

This was the last time Suronjit’s father Sujit Das, a sea fisherman, saw his son. “I do not know where my son is, or what jail he is in. I am poor and illiterate, and I do not have the money to hire a lawyer,” a miserable Sujit said.

“Suronjit’s mother has completely stopped eating out of worry for her son, and has developed gastrointestinal ulcers out of this stress,” he said.

Both the cases of Suronjit and Pabitra show a concerning pattern where locals harm, or attempt to harm a social media user, while law enforcers arrest the user “for his or her own safety”.

JHUMON DAS

Jhumon Das’ story follows a similar pattern. Hailing from Noagaon village in Sunamganj’s Shalla upazila, he too was arrested after posting a Facebook status. The post was targeted against Hefajat-e-Islam leader Mamunul Haque.

In response to Jhumon’s Facebook post, locals, including Hefajat men attacked his home, dragged his wife out from beneath her bed, where she was hiding, and tore her infant out of her arms.

Meanwhile, Jhumon was arrested and sent to jail, while the police echoed the same slogan of arresting him “for his own safety”.

His wife Sweetie Rani Das had told our correspondent, “Is expressing an opinion a worse crime than destroying homes?”

While Sujit does not know where his son is, the father of another 17-year-old, too, waits for his daughter.

Tenth-grader Dipti Rani Das -- a tenth grader from Parbatipur, Dinajpur -- has been in jail for over a year for allegedly hurting religious sentiments. After being denied bail a total of 6 times, she was released by the High Court on the seventh attempt a week back.

“However, the bail order has not reached the authorities yet. I do not know when my daughter will be released,” said Dilip Das. As of this story going to print, Dipti remains incarcerated.

Eminent lawyer Zi Khan Panna has represented Ruma, Jhumon, Dipti and more at the courts. Talking to The Daily Star, he said the law is being used disproportionately against the Hindu community.

“There’s a lot of hate speech being spread online against various communities and women by clerics and religious preachers, but they are not being prosecuted,” said Khan.

He mentioned the story of Rasraj, a poor angler, who’s still facing charges under DSA over the attack on the Hindu community in Nasirnagar of Brahmanbaria.

“A chargesheet has been submitted against him, although it has been proved that he cannot operate Facebook. Meanwhile, those who carried out the attacks on the community are out there enjoying their impunity,” he claimed.

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