



# Human Rights Defenders Alert – India

National Coordination Office

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March 16, 2016

To

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Delhi: Questioning, harassment and ill-treatment of journalist and human rights defender Mr. Pushp Sharma by Delhi police on 15th March, 2016 in New Delhi**

**Greetings from Human Rights Defenders Alert - India!**

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern over the questioning, harassment and ill-treatment of journalist and human rights defender Mr. Pushp Sharma by Delhi police on 15th March, 2016. Mr. Pushp Sharma was picked up by Delhi police from his home in Lajpat Nagar at 6:30 PM and taken to Kotla Mubarakpur police station, New Delhi for interrogation and allowed him to go home at around 11 PM with the instruction to report at the police station next day. Mr. Pushp Sharma is being targeted for his investigative story published in a fortnightly Newspaper 'The Milli Gazette' which said the government had said in a Right to Information response that it was against policy to hire Muslims as trainers for International Yoga Day events.

**Status of the Human Rights Defender**

Mr. Pushp Sharma is an investigative journalist based in New Delhi. He has been reporting for "The Milli Gazette" which is an English-language fortnightly newspaper

published from Delhi with both print and online editions focusing specially on Indian Muslim issues. He has been filing RTI applications for the past 10 years and has been regularly contributing news stories based on RTI replies. An investigative report titled as “rent a riot” by journalist Pushp Sharma published in Tehalka magazine in May 2010 bagged the International Press Institute (IPI) – India award 2011 for excellence in journalism. The sting operation exposed the tactics of the right wing Hindu group Sree Rama Sene in Karnataka, which admitted taking money to organise attacks on innocent persons and institutions. As a result cases against journalist Pushp Sharma were filed in 68 different courts by the Sri Ram Sene and its followers. After his investigative report in “Outlook” magazine in October, 2012 on the shoddy investigation into the disappearance of Swami Shankardev, Baba Ramdev’s guru, a CBI investigation was ordered by the then Indian government headed by PM Manmohan Singh.

**Source of Information on the Incident:**

- Coordinator of HRDA for the North of India
- Media Reports

**The Perpetrators:**

- 1- Police officials of Kotla Mubarakpur police station, Delhi police, New Delhi
- 2- AYUSH ((Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy) Ministry, government of India which had filed a formal complaint with the Delhi Police against the journalist and defender Mr. Pushp Sharma

**Date of Incident**

15 February, 2016 around 6.30 PM

**Place of Incident**

Picked up from his house in Lajpat Nagar, New Delhi

**Details of the Incident**

According to sources, the Delhi Police officials picked up journalist and human rights defender Mr. Pushp Sharma from his residence on 15th March, 2016 around 6.30 PM. He was taken to Kotla Mubarakpur police station in South Delhi for questioning. Apparently, journalist Pushp Sharma was picked up in connection with his story published by 'The Milli Gazette' and other media outlets about an RTI reply received from the AYUSH Ministry saying that as per the government policy, it did not recruit

any Muslim as Yoga trainer.

Journalist Pushp Sharma filed RTI query in the Ayush Ministry on September 17, 2015 seeking the following information –

1. Please provide the details, how many (total numbers) Muslim candidates had applied for short-term abroad assignment (Trainer/Teacher) during World Yoga Day 2015?
2. How many Muslims applied for the post of Yoga Trainer / Teacher so far?

According to sources, the RTI response said: "As per government policy - No Muslim candidate was invited, selected or sent abroad." The response went on to specify that none of the 3,841 Muslim applicants for the post of yoga teacher / trainer up to October 2015 were hired, and none of the 711 Muslim yoga trainers who had applied for an assignment abroad for World Yoga Day had been accepted. Muslims were not even called for interviews.

AYUSH ((Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy) Ministry had filed a formal complaint with the Delhi Police alleging that Journalist Pushp Sharma had used fake RTI documents for his article titled, "We don't recruit Muslims": Modigovt'sAYUSH Ministry, published in The Milli Gazette, a fortnightly newspaper on 11 March, 2016.An FIR under sections 468 (forgery), 471 (using a forged document), & 153A (promoting enmity between different religions) of the Indian Penal Code has been registered by Delhi police on the complaint of the AYUSH Ministry, government of India.

According to the report published in the Milli Gazette, the ministry made the statement in response to an RTI query, filed by Mr. Pushp Sharma in which the Ministry of AYUSH had reportedly admitted that, "as per government policy, no Muslim candidate was invited, selected or sent abroad" as a trainer/teacher during World Yoga Day 2015.As proof, the Milli Gazette uploaded the RTI query's responses on their website, one of which included Annexure 1 that carried the reply with the mention of the alleged 'discriminatory policy'. According to the statement of Mr. Pushp Sharma as reported the Annexure is authentic and he received it as a part of RTI replies which he filed with AYUSH.

Mr. Pushp Sharma was allowed to go home after 10:30 PM by Delhi police with the instruction that he must report at the police station next day with all the papers relevant to his story about the AYUSH ministry. According to the statement of Mr. Pushp Sharma as reported in the media, at the police station he was abused, police personnel were shouting and making allegations and asking questions like who is behind him and what is his motive and source of funding?

**Appeal:**

We, therefore urge you to immediately take necessary steps and ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of questioning and harassment of journalist and the human rights defender Mr. Pushp Sharma;
- Takes immediate legal action on the perpetrators for the harassment and ill-treatment of journalist and human rights defender and using all provisions of law to ensure that the defender Mr. Pushp Sharma is not harassed, ill-treated or implicated in false cases in future;
- Guarantees in all circumstances the physical and psychological integrity of Mr. Pushp Sharma as he continues to be under risk of further harassment by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Pushp Sharma;

- Put an end to all acts of harassment against journalist, writers and all human rights defenders in Delhi to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
  - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC Delhi to also take necessary steps to establish a focal point for HRDs in Delhi in order to ensure that HRDs have a new protection mechanism for them;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within Delhi for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi in collaboration with the NHRC Focal Point on HRDs to

provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

- Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

**(Henri Tiphagne)**

Honorary National Working Secretary