



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 3, 2018

Ref No:- HRDA/Central/CHG/1/5/2018

To,

Mr. 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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Chhattisgarh: Sedition charges against journalist Mr. Kamal Shukla for posting a cartoon on social media - Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

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 a journalist from Bastar area under Kanker district of Chhattisgarh state who is facing sedition charges for posting a cartoon about the recent developments in the higher judiciary.

Source of Information on the Incident:

Communication with the HRD Mr. Kamal Shukla
The Coordinator of HRDA for the East of India
Media Reports

The Human Rights Defenders:

Mr. Kamal Shukla is a resident of Kanker district in Bastar area of Chhattisgarh. He is the editor of the Bhumkaal Samachar, a local e-news which focuses on the rights of adivasi in the Bastar area. Mr. Shukla, is known for voicing against fake encounters in the region. He also writes for several local and national news portals. Through *Patrakar Suraksha Kanoon Sanyukt Sangharsh Samiti*, he initiated a movement demanding a law for the protection of journalists in Chhattisgarh.

The Perpetrators:

Mr. KL Dhruv, Superintendent of Police, Kanker

Chhattisgarh State Police Cyber Crime Department

Date of Incident:

April 30, 2018

Place of Incident:

Kanker, Chhattisgarh

Incident detail:

A case of sedition under section 124 (A) of the Indian Penal Code has been registered against Mr. Kamal Shukla at Kotwali police station for posting a cartoon on his Facebook page. The complainant in this case resides in Rajasthan and filed the complaint with the Raipur cyber cell. The complaint was then transferred to anker police. He has not been arrested yet, but he is apprehending arrest for the charges against him.

With regard to the cartoon, Mr. Shukla clarified that he had expressed concerns about the situation of the higher judiciary with specific reference to the case of the death of Judge Loya. The same is a point of public debate given the unfolding of series of events in the Supreme Court. Mr. Shukla through posting the cartoon in this case has only exercised his right to freedom of expression.

Mr. Shukla also apprehends that Chhattisgarh police may file fabricated false cases against him due to his independent journalism and human rights work. It is important to mention here that Mr. Shukla has been raising the issue of abduction of tribal girls, sexual violence by security forces, fake encounters etc. He has been instrumental in the demand for a journalist protection law in Chhattisgarh. Mr. Shukla played an active role in the campaign for the release of journalists in Chhattisgarh who were booked under fabricated cases when Mr. SRP Kalluri was the Inspector General of the Bastar Range. HRDA would like to recall that all these cases against journalists in Chhattisgarh and other human rights defenders were also petitioned before the National Human Rights Commission, leading to Mr. Kalluri being summoned by the Commission and transferred out from the Bastar region.

Appeal:

In the wake of these repeated incidents where human rights defenders, including journalists, are intimidated, threatened and harassed, curbing fundamental rights to freely express, we urge you to immediately –

Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of abuse and intimidation faced by journalist and human rights defender Mr. Kamal Shukla;

Order that the Kanker police immediately drop all charges against Mr. Kamal Shukla, against whom sedition case is filed;

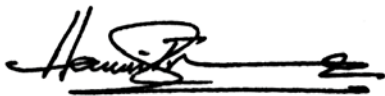
Guarantee in all circumstances the physical and psychological integrity of Mr. Kamal Shukla and his family members. NHRC should also record Mr. Kamal Shukla's statement, and;

Ensure provision of reparation, compensation, apology to Mr. Kamal Shukla.

HRDA appeals that this petition is not transferred to the Chhattisgarh Human Rights Commission (SHRC). As available from NHRC's website, this SHRC has no chairperson and only one member and hence is not in a position to decide any case.

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,

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