



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 21, 2019

To,

Mr. Khaleel Ahmed

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 - Illegal arrest and harassment of journalist Mr. Dilip Sharma by Chhattisgarh police - Regarding

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 the illegal arrest and harassment of journalist Mr. Dilip Sharma by the Chhattisgarh police.

Status of Human Rights Defender:

Mr. Dilip Sharma is an independent journalist from Mahasamund, Chhattisgarh. He has worked as news correspondent with Prabhat Khabar at Raipur and has also reported for Hindustan Samachar and other local vernaculars published from Raipur. Presently, he runs his own web news portal namely Webmorcha.com and publishes investigative news. He has received indirect threats from the local administration due to his investigative news articles.

Source of Information on the Incident:

- Regional Coordinator of HRDA
- Interaction with the HRD Mr. Dilip Sharma
- Communication from social activists from the Chhattisgarh
- Media reports

Perpetrators:

- Mr. Santosh Kumar Singh, Superintendent of Police, Mahasamund district
- Mr. Ajay Ware, Assistant Sub Inspector, City Kotwalli, Mahasamund
- Mr. Chatrapa, I Constable, City Kotwalli Mahasamund and two others police personnel

Date of Incident:

June 13, 2019

Details of the Incident:

As per the sources, on June 13, 2019, at about 10.45 PM, police personnel from City Kotwalli Police Station forcefully entered Mr. Dilip Sharma's house in the late hours of the night. Mr. Dilip Sharma was forcefully dragged from his house to the police vehicle without being informed the reason for his arrest. When asked the reason for his arrest, the police personnel scolded him in filthy language in front of his family members and he was not even allowed to change his night dress. The police had also snatched his cell phone and he was detained in the police station whole night. He was informed only at the police station that he was arrested under section 505(1) (b) of the Indian Penal Code for publishing a news on his web portal (webmorcha.com) about the blackout for forty-eight hours in villages of Bagbahara area in Mahasamund district from June 6 – 8, 2019. Then Mr. Dilip Sharma was produced before the local magistrate on June 14, 2019 and is now released on bail.

It will be pertinent to mention here that Chhattisgarh police had arrested him from his house violating the apex court direction on arrest in D.K Basu v. State of West Bengal case and also the provisions of Criminal Procedure Code, 1974 relating to arrests. It is pointed out that under Article 19 (1) (a), every citizen of the country is entitled to free speech and expression. This freedom of speech includes freedom of press and under Article 19 (1) (g), journalists have a fundamental right to carry out their work of

reporting and bringing out the truth to the general public. At times these reports which are being carried out in good faith can be critical of the government or might have a dissenting opinion. With this regard, it is being routinely observed that the State for having dissenting opinion are continuing to victimise reporters and journalists to suppress freedom of speech and are giving the police far ranging arbitrary powers to suppress freedom of speech and stop journalists from revealing the truth about human rights abuses. Also, the action of the police in the present case is high handed, arbitrary and amounts to authoritarian misuse of laws and does not call for arbitrary deprivation of right to liberty of Mr. Dilip Sharma as guaranteed under Article 21 of the Constitution of India.

Appeal:

We, therefore urge your good office to immediately take necessary steps to ensure that;

- Order an immediate, independent and impartial investigation into the above-mentioned incident.
- Ensure legal assistance for Mr. Dilip Sharma through District Legal Services Authority by appointing a senior criminal lawyer to represent him in this case.
- In all circumstances guarantee the physical and psychological integrity of Mr. Dilip Sharma who are still under risk of further reprisals from the perpetrators.
- Ensure adequate protection of the HRDs as further chance of harassment is apprehended by the perpetrators.
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings both are undergoing because of the threats, intimidation and harassment in custody and give an assurance to the NHRC of India in writing immediately and urgently.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary