



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 05, 2019

To

Mr. Khaleel Ahmad

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- Uttar Pradesh: False case registered against journalist Mr. Pawan Kumar Jaiswal for exposing impoverished meal given in government school in Uttar Pradesh – 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 endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding journalist and human rights defender Mr. Pawan Kumar Jaiswal of Hindi daily, “Jan Sandesh Times”, who is being implicated in a case of criminal conspiracy for recording and reporting about school kids being fed chapatis with salt in a government school.

Status of the Human Rights Defender

Mr. Pawan Kumar Jaiswal is a journalist and works as a reporter with the Hindi daily “Jan Sandesh Times”. He has been reporting on political and social issues in Mirzapur, Uttar Pradesh.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India;
- The Coordinator of HRDA for Uttar Pradesh;
- Communications with local journalists and human rights defenders in Mirzapur, Uttar Pradesh;
- Media Reports

The Perpetrators:

- District Magistrate of Mirzapur, Mr. Anurag Patel;
- Superintendent of Police, Mirzapur, Mr. Avdesh Kumar Pandey;
- Block Education Officer of Mirzapur, Mr. Prem Shankar Ram;

Date and Place of Incident:

31 August 2019

Ahrora police station of Mirzapur district in Uttar Pradesh

Details of the Incident:

According to sources on August 31, 2019 criminal cases were filed against Mr. Pawan Kumar at Ahrora police station, in Mirzapur district, Uttar Pradesh, under Sections 120B (criminal conspiracy), 186 (obstructing public servant in discharging duty), 193 (false evidence) and 420 (cheating) of the Indian Penal Code. The case was registered allegedly based on a complaint by Prem Shankar Ram, the Block Education Officer of Mirzapur on the directions of District Magistrate of Mirzapur Mr. Anurag Patel. The journalist is being targeted for a news video that he had video-graphed and was released on August 22, 2019 about school children in the Siyur Government Primary School in Mirzapur's Jamalpur block eating chapatis and salt in their mid-day meal under a flagship scheme of the Central Government. The video showed about 100 children of Class 1 to 8 sitting on the floor of the school corridor, eating only rotis with just some salt in their plates. The video was shared widely in news channels and social media and received criticisms for the impoverished food given under the mid-day meal scheme in a government school. It is reported that, the Block Education Officer has accused the journalist, Pawan Kumar Jaiswal of doing "despicable work" and attempting to malign the Uttar Pradesh government.

Midday Meal scheme is a program of Government of India since 1995, introduced as a means to boost primary education and also to improve the nutritional levels of children in government schools across the country to provide a minimum of 450 calories per child per day, which should include at least 12 grams of protein each day. The criminal case against Mr. Pawan Kumar Jaiswal for exposing mismanagement and corruption in the implementation of the Midday Meal Scheme provides a stark picture of the worsening environment for the media across India and in particular in Uttar Pradesh in which journalists increasingly face harassment, obstruction and physical threat as they investigate and report on behalf of the public on public issues.

The space for the press to hold government authorities to account has been shrinking gradually and threatening the system of free expression. This case is yet again an example of how a human rights defender is hounded and victimised for his work. This repressive action of the State is a result of exposing corruption by journalist Mr. Pawan Kumar Jaiswal so that he is deterred in the future to carry out such reports.

Globally, Journalists who are human rights defenders as well face major risks as a result of their work. Governments and other powerful actors, seeking to escape scrutiny and stifle dissent, often respond to critical reporting or activism with attempts to silence them. Threats, surveillance, attacks, arbitrary arrest and detention, and, in the gravest cases, enforced disappearance or killings, are too often the cost of reporting the truth. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. Creating a safe and enabling environment for their work necessitates legal reform, the creation of special protection mechanisms, and protocols to guide effective investigations and prosecutions where attacks occur. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable.

Appeal:

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

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of false case against journalist Pawan Kumar Jaiswal in an attempt to suppress their rights to freedom of speech and expression;
- Take necessary steps to ensure that the cases filed against journalist and human rights defender Mr. Pawan Kumar Jaiswal are withdrawn and he is not harassed or intimidated or falsely implicated in future;
- Take immediate legal action on the perpetrators for filing criminal cases against the journalist and human rights defender Mr. Pawan Kumar Jaiswal;

- Guarantees in all circumstances the physical and psychological integrity of the journalist and human rights defender Mr. Pawan Kumar Jaiswal as well as of all journalists in India, who merely exercise their right to freedom of opinion and expression;
- Puts an end to all acts of harassment against all journalists, writers and human rights defenders in general in the state of Uttar Pradesh to ensure that in all circumstances they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including police and judicial harassment;

Looking forward to your immediate action in this regard,
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a long horizontal flourish extending to the right.

(Henri Tiphagne)
National Working Secretary