



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 24, 2021

To,  
Mr. C.S Mawri,  
Focal Point - Human Rights Defenders & Assistant 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- Haryana: Fabricated FIR on journalist in Hisar for posting an alert message on Facebook and WhatsApp.**

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 writing to express our concern regarding the false FIR filed against journalist Mr. Rajesh Kundu by the Hisar police as a reprisal for raising farmer issues.

**Source of Information:**

- Communication with the HRD
- Communication with the HRDA North Regional Consultant
- Media Reports

**Date of Incident:**

April 09, 2021

**Place of Incident:**

Civil Line Police Station, Hisar, Haryana

**The Perpetrators:**

- Mr. Vikas Kumar, Head Constable and District police spokesperson, Hisar
- Police personnel of Hisar, Haryana

### About the Human Rights Defender:

Mr. Rajesh Kundu (39) is a journalist from Hisar, Haryana and a former media advisor to the Ministry of Power, Haryana. Currently, he runs a news portal called the 'The Ink' in Hisar, Haryana. Mr. Kundu has been continuously covering the ongoing farmer agitation by visiting several villages in Haryana where thousands of farmers have been sitting on dharna against the contentious agricultural laws.

### Details of the incident:

On April 08, 2021, Mr. Rajesh Kundu posted an alert message on his Facebook timeline and WhatsApp group. In this post, he wrote about the possibility of riots on Ambedkar Jayanti based on his sources. He gave it the hashtag of an Aaert. The alert message posted by Mr. Kundu in Hindi was:

**#Alert - हिसार शहर आगामी एक सप्ताह में जातीय दंगों की शुरुआत के लिए तैयार रहे...  
"दलित Vs अन्य" के बीच लट्ठ बजवाने की पूरी स्क्रिप्ट तैयार है... यहां के प्रयोग की सफलता  
के बाद इसे पूरे प्रदेश और उसके उपरांत देश भर में लागू किए जाने का ब्लू प्रिंट तैयार है"**

Translation in English: "#Alert "The city of Hisar should be ready for the start of ethnic riots in the next one week. The entire script to play the rags among the "Dalit vs Others" is ready. After the success of the experiment here, the blue print is ready to be implemented throughout the state and then the country.

On April 09, 2021 at 9:50 pm Mr. Vikas, Head Constable and District police spokesperson, Hisar, filed a FIR against Mr. Kundu at Civil Line police station, Hisar after the alert message was posted on social media by Mr. Kundu.

The FIR No. 0133, was lodged under **section IPC 153-A** *Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony*), **153-B** (Imputations, assertions prejudicial to national-integration), and **IT act-66F** (*Punishment for cyber terrorism*).

According to the police, a provocative message has been sent to the social media group from the journalist's mobile number and that it had been done to incite the general public. Based on this complaint, a case was registered by the police under the charge of cyber terrorism.

In response, Mr. Kundu said in a statement that, *"I performed my duty as a responsible citizen and journalist by sharing a post regarding my apprehension of violence on the occasion of Dr. Ambedkar Jayanti on April 14, 2021 on the basis of information received through sources. I just wanted to warn people so that such a situation can be eliminated."*

On April 10, 2021, journalists from Hisar held an emergency meeting at the PWD Rest House Hisar, and criticised the police for registering a case against Mr. Kundu. On the same day, the Chandigarh Press Club also condemned the filing of the FIR. Journalists and social activists also staged a protest at the local police station premises and submitted a memorandum to the Tehsildar and the Deputy Commissioner in Hisar. Mr. Saurabh Duggal, Secretary General of the Chandigarh Press Club said in a statement, *"Kundu was a vocal voice in raising the issue of*

*farmers during the ongoing agitation against the three farm laws.” On April 10, 2021, a journalists delegation also met Mr. Anil Vij, the Home minister of Haryana against the FIR filed on Mr. Kundu.*

We believe that Mr Kundu is being targeted for his work as a journalist and for writing extensively about the farmers protests in Hisar. Mr. Kundu was merely performing his duty of a journalist by sharing important information to the public. A free media is an extremely important fourth pillar of the Indian democracy. These FIRs filed by functionaries violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution.

The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

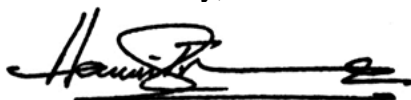
Mr. Kundu's post was an alert information which deserved a detailed inquiry by the police, not an instant FIR on the journalist who merely shared the information. The FIR on Mr. Kundu indicates that the law is being misused by the State to silence journalists by creating political pressure.

**Appeal:**

We would like to express our concern about the abuse of power by the administrative officials and police personnel of Hisar. We urge the Hon'ble Commission to urgently:

- Direct the Director General of Police of Haryana to independently probe the instance of registration of FIR against HRD and journalist Mr. Rajesh Kundu after he had issued an alert of public concern and submit the same to the commission within two weeks.
- Following the inquiry of the commission, direct the Director General of Police of Haryana to take legal steps towards quashing the FIR against HRD and journalist Mr. Rajesh Kundu.
- Following the inquiry of the commission, direct the Chief Secretary of Haryana to pay compensation to HRD and journalist Mr. Rajesh Kundu for the police harassment he underwent.
- Following the inquiry of the commission, consider recommending disciplinary actions against concerned police personnel for misusing their powers to harass HRD and journalist Mr. Rajesh Kundu.

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary