



## HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 04, 2022

To  
Mr. Indrajeet Kumar,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Misuse of law and demolition of journalist Mr. Sunil Namdeo's house by government officials in Naya Raipur despite legal requirements being fulfilled.***

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 over the misuse of law and demolition of journalist Mr. Sunil Namdeo's legally constructed house by government officials in Raipur despite the Naya Raipur Atal Nagar Vikas Pradhikaran submitting before the court that it was withdrawing its notices.

### **About the Human Rights Defender:**

Mr. Sunil Namdeo is a senior journalist based in Naya Raipur. He was the state head of Aaj Tak TV in Chhattisgarh till end-2018, following which he started his own portal News Today Chhattisgarh. The HRD carried a series of news reports on his portal in 2019 and 2020 alleging that Congress leaders collected bribes and levies amounting to Rs 400 crore per month from businesses and industries in Naya Raipur.

In March 2021, Chhattisgarh Police registered four fabricated cases against Mr. Namdeo in reprisal for his reportage, following which the HRD was arrested and jailed for seven months before being released on bail in November 2021. Hearing in the cases is currently ongoing.

### **Source of Information:**

- Communication from HRDA East Regional Consultant
- Communication with the HRD
- Communication with other HRDs in the region

**The Perpetrators:**

- Mr. Srivastava, Bhavan Adhikari, Naya Raipur Development Authority
- Subdivisional Magistrate, Raipur
- Officials from the Naya Raipur Atal Nagar Vikas Pradhikaran

**Date of Incident:**

February 19, 2022

**Place of Incident:**

Raipur, Chhattisgarh

**Background of the Incident:**

On July 9 and 29, and August 3, 2021, the Naya Raipur Atal Nagar Vikas Pradhikaran issued notices to Ms. Manmeet Kaur Sohal, wife of Mr. Sunil Namdeo, stating that their farmhouse located in Nakti village in Raipur district was constructed without necessary permissions from the development authority. The first two notices asked Ms. Sohal to demolish the said illegal construction within 21 days; the third asked her to appear before the authority in person within three days to provide an explanation.

Since the HRD's farmhouse fell under the jurisdiction of the Banarasi gram panchayat in Raipur district and not under the Naya Raipur Atal Nagar Vikas Pradhikaran, and since constructions in a panchayat area did not require permissions mentioned in the notices, Mr. Namdeo and his wife petitioned the High Court in Raipur for relief.

On August 19, 2021, the Naya Raipur Atal Nagar Vikas Pradhikaran submitted before the court that it was withdrawing the said notices, following which the petition was dismissed. The same day, the development authority also issued an order withdrawing the said notices.

**Details of the Incident:**

On December 21, 2021, contradicting its stand before the Chhattisgarh High Court regarding cancellation of all prior notices issued to Ms. Sohal, the Naya Raipur Atal Nagar Vikas Pradhikaran issued a fresh notice quoting the notice dated July 9, 2021, and asked her to furnish necessary documents and permissions.

Mr. Namdeo and Ms. Sohal wrote back to the authority on December 12, 2021 and January 18, 2022 denying the allegation of illegal construction and providing all relevant documents.

Notwithstanding this correspondence, on February 18, 2022, the Naya Raipur Atal Nagar Vikas Pradhikaran issued another notice stating that since the construction had been undertaken without due permissions and since adequate explanations/documents were not provided, action under relevant laws was liable to be taken against the respondent. It is noteworthy that this notice was issued on Saturday, a government holiday. Further, it was sent to the HRD's family via speed post and was received by them on February 23, 2022.

However, on February 19, 2022, a Sunday, around 250-300 workers reached Mr. Namdeo's farmhouse with six JCB machines and bulldozer at around 8 AM, when the family was not present in the premises.

They demolished the structure to ground using machinery till 7 PM in the presence of Mr. Patel, Subdivisional Magistrate, Raipur and Mr. Srivastava, Bhavan Adhikari, Naya Raipur Development Authority.

Mr. Namdeo and his wife reached the spot at around 11 AM, and pleaded with the officials to allow them to save their valuable belongings and documents, but were not allowed to do so. No action was taken against other structures in the vicinity that appeared to be in violation of relevant laws, either on this day or later.

We believe that Chhattisgarh administration acted with malafide intentions to target him as reprisal for exposing corruption in the local administration and police. Senior administrative officials were involved in selectively demolishing alleged illegal construction on his land, but took no similar action against other likely offenders. Also the municipal authority issuing repeated notices to the HRD and his family quoting earlier notices despite submitting in court that such notices were withdrawn, is a violation of its stance on court.

Our Constitution gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of journalists. The right to freedom of 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.

The UN Declaration on Human Rights Defenders 1998 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. If journalists face reprisals for criticising politicians and public officials, seldom will they dare to take a stand and the fourth pillar of the democracy will be crushed further.

The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. 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.

When action is initiated selectively and as a form of political reprisal against journalists for exposing the corruption of the public officials, it leads to a serious erosion of democracy.

**Appeal:**

We appeal to the NHRC to treat this as a case of reprisal against a journalist for exercising his constitutionally guaranteed fundamental rights, and urge the NHRC to urgently –

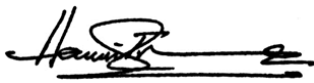
- Direct the Chief Secretary, Chhattisgarh to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the selective demolition of journalist Mr. Sunil Namdeo's house and submit it to the NHRC

within two weeks.

- Depending on the result of the investigation, take punitive against administrative officials who misused their powers and provisions of law to target Mr. Namdeo.
- Direct the Chief Secretary of Chhattisgarh to create a safe atmosphere conducive to journalists and HRDs in the state.

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**  
National Working Secretary