



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 13, 2021

To
Mr. C.S Mawri,
National 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

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Threats, intimidation, ransom demands and arrest of journalist Mr. Shiv Kumar Chaurasia under fabricated charges by Chhattisgarh Police in reprisal for questioning and exposing corruption among police officials.

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 in to express our concern over the arrest of journalist Mr. Shiv Kumar Chaurasia under fabricated charges by Chhattisgarh Police in reprisal for complaining about corruption among police officials, and writing news reports exposing such corruption. He was also asked for ransom and subjected to threats and intimidation for his work.

About the Human Rights Defender:

Mr. Shiv Kumar Chaurasia is a journalist based in Balrampur district of Chhattisgarh. Currently, he is a reporter with Chhattisgarh-based print and online newspaper Clipper 28. He has worked with leading publications from the Surguja region like The Shooter and Lokswar in the past. He has reported widely on local movements, forest rights, access to drinking water, rape and human rights violations, and his writings have appeared in reputed periodicals like Siyasatgah, published from Raipur.

Source of Information:

- Communication with the HRD
- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Dhruvesh Jaiswal, Deputy Superintendent of Police, Surguja Range (formerly Sub Divisional Officer of Police, Wadrafnagar)
- Mr. Anil Vishwakarma, Sub Divisional Officer of Police, Wadrafnagar
- Mr. Rajkumar Lahare, Thana Prabhari, Basantpur Police Station
- Mr. Krishnapal Singh, Wadrafnagar Outpost (under Basantpur PS) Prabhari
- Mr. Hemendra Kushwaha, Assistant Sub Inspector, Basantpur Police Station
- Mr. Umesh Kushwaha, Head Constable, Wadrafnagar Sub Divisional Officer of Police office
- Mr. Ajay Kumar Kerketta, Constable, Wadrafnagar Outpost
- Mr. Ray Singh, Constable, Wadrafnagar Outpost
- Police personnel attached with Wadrafnagar Outpost and Basantpur Police Station.

Date of Incident:

May 18, 2021 – August 20, 2021

Place of Incident:

Balrampur district, Chhattisgarh

Background of the Incident:

On April 21, 2020, when a complete lockdown was in force across the country to contain the spread of COVID-19, Mr. Shiv Kumar Chaurasia received a tip-off regarding some migrant workers walking along the highway in the Barka Para area in Balrampur district. When he reached the spot and asked the migrant workers why they were walking in violation of existing restrictions, they said police officials had allowed them to proceed after accepting a bribe. Mr. Chaurasia video graphed the incident on his digital camera, intending to file a report on lockdown violations facilitated by paying bribes to police officials.

Constable Mr. Ajit Kumar Kerketta and other police personnel attached to the Wadrafnagar Outpost under Basantnagar Police Station, who were present at the spot, objected to Mr. Chaurasia's videographing the proceedings despite his saying that he was from the Press, abused him in foul language, and assaulted him with batons and punches, which was caught on camera. Mr. Kerketta then confiscated Mr. Chaurasia's camera costing Rs 35,000, which was provided to him by his office, and threatened to implicate him in a false case.

On April 22, 2020, at 3.20 PM, Mr. Kerketta lodged a written complaint at the Basantpur Police Station, stating that while he, Constable Mr. Ray Singh and other police personnel were on their rounds on April 21, 2020, at around 1.30 PM, they spotted a gathering comprising Mr. Chaurasia and three other unnamed associates near Barka Para along the highway. They were not wearing masks or maintaining social distance, and abused police officials with casteist slurs when questioned, wrote Mr. Kerketta.

Police registered an FIR (42/2020) on the basis of Mr. Kerketta's complaint, and Mr. Chaurasia was charged under Sections 186 (obstructing public servant), 294 (uttering obscenities in a public place), 353 (attack and criminal force on a public servant), and 506 (criminal intimidation) of the Indian Penal Code. Assistant Sub Inspector Mr.

Hemendra Kushwaha was deputed as the Investigating Officer in the case. But Mr. Chaurasia was not informed officially about the FIR by police officials; he learned about it weeks later, when sources shared the FIR copy with him.

Mr. Chaurasia and his journalist colleagues complained about the incident to the local police and higher authorities on several occasions between April 2020 and August 2020, but their complaints were either not received or not acted upon.

On May 13, 2020, Mr. Chaurasia visited the Wadrafnagar Outpost to lodge a formal complaint in the matter, but it was not filed. Whereas, complaints by his journalist colleagues with the Superintendent of Police, Balrampur on May 26, 2020 and August 4, 2020, providing details of the case registered against him were not acted upon. Mr. Chaurasia also complained to the Inspector General of Police, Ambikapur Range, in writing on May 29, 2020, demanding penal action against Mr. Kerketta and other police officials.

Police did not call Mr. Chaurasia for questioning or initiate any action against him for nearly one year after this, and several police officials he met during this period in connection with his journalistic work assured him of a fair probe.

Details of the Incident:

On May 18, 2021, at around 11.30 AM, Mr. Chaurasia called Wadrafnagar Sub Divisional Officer of Police Mr. Dhruvesh Jaiswal on his mobile phone for news gathering work, and asked if there was any update in his case. Mr. Jaiswal said police had examined witnesses and learned that the case was fabricated, and their statements under Section 164 of the Code of Criminal Procedure in India would be recorded soon. He asked him to visit the office to discuss modalities of the case in detail.

Mr. Chaurasia reached the Wadrafnagar Sub Divisional Officer of Police office at around 12 PM on May 18, 2021. Instead of discussing the case, Mr Jaiswal said asked the HRD why he had not applied for anticipatory bail as there was an FIR against him, and he could be arrested anytime. He demanded immediate payment of a bribe of Rs 50,000 to settle the case, saying he had been transferred to Surguja Range, and Mr. Chaurasia could well be arrested once a new officer took charge as Sub Divisional Officer of Police, Wadrafnagar. Mr. Chaurasia was very scared, and severely short of funds. He transferred Rs. 5,000 to Mr. Jaiswal on his personal mobile number from the Phone Pe application. Mr. Jaiswal then told him to transfer the balance amount later and asked him to leave.

Several newspapers covered this incident, and journalists' associations came out in support of Mr. Chaurasia. On August 16, 2021, at 2 PM, around 30-35 journalists from the Surguja region including Mr. Shiv Kumar Chaurasia met Balrampur SP Mr. Ram Krishna Sahu at his office. They flagged the involvement of senior police officials in harassing journalists and implicating them in false cases, and demanded his intervention. During the meeting, Mr. Chaurasia submitted a written complaint to Mr. Sahu about his case and the bribe extracted from him under duress by SDOP Mr. Jaiswal. The SP assured him that a fair probe would be conducted in the matter and he would not be arrested.

But on August 20, 2021, at 11.30 AM, when Mr. Chaurasia was outside the Wadrafnagar Tehsildar's office for some work, a police constable entered his car, took away his car keys, and said the new Sub Divisional Officer of Police Mr. Anil Vishwakarma was calling for him.

A police vehicle with Wadrafnagar SDOP Office Head Constable Mr. Umesh Kushwaha and three other policemen drew up beside them, and Mr. Chaurasia was bundled into it. His mobile phone was confiscated, and he was taken to Wadrafnagar Outpost, where Outpost Prabhari Mr. Krishnapal Singh and Basantpur Police Station Thana Prabhari Mr. Rajkumar Lahare told him he was being arrested, and handcuffed him.

In flagrant violation of DK Basu guidelines, Mr. Chaurasia was not allowed to inform his family or lawyer, or shown an arrest warrant. Instead, officers Mr. Singh and Lahare advised him to not take on the police and issued a veiled threat, saying if he met with a road accident later, who would he go to.

Mr. Chaurasia was produced in the Wadrafnagar lower court on August 20, 2021, at around 2 PM, and remanded in the District Jail in Ramanujganj, He was released on bail a week later on August 27, 2021, and currently fears for his life and physical security.

We are highly concerned that journalist Mr. Shiv Kumar Chaurasia was targeted, threatened, intimidated, forced to pay a bribe and arrested under fabricated charges by Chhattisgarh Police in reprisal for reporting about corruption among police officials, and complaining about the bribe extracted from him. The reprisal against him is especially concerning because senior police officers Deputy Superintendent of Police Mr. Dhruvesh Jaiswal and Basantnagar Thana Prabhari Mr. Rajkumar Lahare who personally harassed him are accused of harassing many other journalists, whereas Mr. Jaiswal was also suspended briefly about two years ago in connection with a bribery case.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. 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 the 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.

If journalists and HRDs like Mr. Shiv Kumar Chaurasia are targeted, for doing their job of reporting on corruption among public officials, and arrested and harassed for their work it will be a gross violation of India's constitutional law. It seems to have become a pattern in the state of Chhattisgarh to harass and file false cases on journalists for criticising the illegal activities of the police and government officials and reflects on the law and order in the state.

Appeal:

HRDA urges the Hon'ble Commission to:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the assault, intimidation, ransom demand, implication under fabricated charges and arrest of Mr. Shiv Kumar Chaurasia by Chhattisgarh Police officials and submit the report to the NHRC within two weeks. .
- Depending on the result of the inquiry, direct the Director General of Police of Chhattisgarh to take stern action against policemen guilty of misuse of law.
- Direct the Director General of Police of Chhattisgarh to take measures to quash fabricated charges registered against Mr. Chaurasia.
- Direct the Chief Secretary of Chhattisgarh to pay adequate compensation to Mr. Chaurasia for harassment by the state police and ensure his and his family's physical security from further harassment by the police.
- Direct the Chief Secretary of Chhattisgarh to create an atmosphere conducive to free and fair journalism in the state so that journalists are not harassed or charged with fake charges for doing their duty.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne
National Working Secretary