



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/NHRC-SM/North/UP/52/10/2024

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To
Ms. Vijaya Bharathi Sayani,
Acting Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi -110 023
Email: chairnhrc@nic.in

Respected Ms. Sayani,

Subject: Requesting to initiate Suo Moto proceedings in the case of FIR on journalists Mr. Abhishek Upadhyaya and Ms. Mamta Tripathi by Lucknow police on September 30, 2024.

We are writing to bring to your kind attention that Lucknow police has lodged an FIR against journalist Mr. Abhishek Upadhyaya and Ms. Mamta Tripathi at Hazrat Ganj Police Station, Lucknow on September 20, 2024.

Uttar Pradesh Police has said that an FIR has been registered against two journalists Mr. Abhishek Upadhyay and Ms. Mamta Tripathi, for their posts on microblogging site X (formerly Twitter), raising questions on the posting of officers of a particular caste on key posts in Uttar Pradesh.

The FIR has been registered under section 353(2)- Assault or criminal force to deter public servant from discharge of his duty, 197(1)(c)-When any person who is or was a Judge or Magistrate or a public servant not removable from his officer save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction, 302-criminalizes acts performed with the intent to wound or insult someone's religious feelings, 356(2)-Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both, or with community service of BNS (Bhartiye Nyaya Sahinta), 66-Computer related offences of IT act.

Mr. Vikram Singh -Station House Officer, Hazratganj police station, Lughnow -said that the case was filed by Mr. Pankaj Kumar, a freelance journalist, at the Hazratganj police station. In his complaint, Mr. Kumar has accused Mr. Upadhyay and Ms. Tripathi of posting false, baseless, and misleading information" on their twitter handles by entering a conspiracy and criminal mentality with intention to tarnish image of

(Maharaj) Chief Minister of UP Mr. Yogi Adityanath and disturbing harmony, promoting enmity among public and causing adverse effect on national integrity.

Mr. Abhishek Upadhyay has said “the FIR is an attempt to intimidate journalists from asking questions and doing such stories. We raised such questions against every government, but only under this regime are we silenced. The journalist, who has previously worked with ABP and TV9, also said that in the past he had written about the prominence of Yadav and Dalit communities under the governments of Mr. Akhilesh Yadav and Ms. Mayawati. Caste is an important factor in UP, hence it is important to do such stories. No other government has responded in this way. Why do they want to scare people from pursuing such stories?”

Several prominent journalist and activists expressed their shock and outrage, emphasizing the escalation of violence against journalists is deeply concerning and detrimental to the fabric of democracy. They condemning the FIR and demanding quashing of the FIR.

This incident has been widely reported in the media and a link is shared here for your reference-

<https://indianexpress.com/article/cities/lucknow/fir-against-two-journalists-for-questioning-postings-of-officers-of-particular-caste-9581397/>

This amounts to violation of multiple Constitutional rights that include freedom of speech and expression (Article 19(1)(a), freedom of association (Article 19(1)(c), freedom to carry his profession as a journalist and human rights activist (Article 19(1)(g) and right to life and liberty (Article 21) without any fear of intimidation and harassment. Over the recent years, there have been many targeted attacks against the journalists in India. If journalists are charged for tweeting against government policies, Indian democracy will be negatively affected.

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *Suo moto* cognizance of this incident and initiate an independent inquiry through NHRC’s investigation wing.

We hope and expect that the NHRC will intervene in this case impartially and in a time-bound manner.

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary