



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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March 17, 2022

To,
Mr. Indrajeet Kumar
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: Misuse of law, harassment, and fabricated charges against journalist Mr. Ashish Sagar Dixit by the police in Banda district.

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 grave concern regarding journalist Mr. Ashish Sagar Dixit who is being harassed and intimidated by Banda police and administration by filing fabricated cases against him and putting his name in the 'history-sheeter list'.

Source of Information:

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

Date of Incident:

January 05, 2022, to present

Place of Incident:

Banda, Uttar Pradesh

The Perpetrators:

Police personnel of Banda, Uttar Pradesh

About the Human Rights Defender:

Mr. Ashish Sagar Dixit (40) is an environmental activist, RTI activist and freelance journalist from Banda District, Uttar Pradesh. He is a founder of the Press Trust of Bundelkhand news portal and was the Digital Editor of Voice of Bundelkhand.

Details of the incident:

On January 05, 2022, two policemen came to Mr. Ashish Sagar Dixit's home at Vijli Khera, Banda. They showed a list to Mr. Dixit on their mobile and said that his name is in the history sheeter's list. They also said, *"we cannot give you the paper or more information, you should take information from the SP or via an RTI"*.

On January 6, 2022, Mr. Dixit sent an RTI application and sought information regarding him being mentioned on the history sheet. In response, on January 09, 2022, the Civil Line Police Station Kotwali, through the Forest Department office, replied stating, *"The history-sheeter against the applicant has been opened on 23 November 2021 under the procedure as per 95A rules. The register is a confidential record. The copy of which is not possible to be given. The following cases are registered against the applicant."*

- *Case number 637118 section 147/452/504/352/427 of IPC at Thana Kotwali, Banda*
- *Case Number 633/18 section 63 of IT act at Thana Kotwali, Banda*
- *Case Number 187/18 sections 147, 323, 504, 427, 353 and 336 of IPC at Thana Kotwali, Banda*
- *Case Number 78/21 section 504, 507 of IPC at Thana, Janpura, Banda*
- *Case Number 56/16 section 376 D, 452, 504, 506 of IPC and B (1) 12 of SC/ST act at Thana Naisi, Banda*
- *Case number 279/20 section 200 of IPC and section 66 Of IT act at Thana Hameerpur, District Hameerpur.*

According to the malpractice register rules against the applicant, The history-sheeter procedure has been done by the Superintendent of Police according to the procedure of the history-sheeter rules to control/monitoring to these following activities- maintaining- the family with the money earned through a brokerage in the work of the people, hiding from the police and taking money from the general public in the name of the police, is its main profession, and harassing the public, mistreating civilized persons and tarnishing the image of other people etc."

On January 09, 2022, another notice was sent to Mr. Dixit by the city magistrate, Banda based on the report of the inspector in-charge of the Kotwali police station, Banda. According to this, he is a person of criminal nature. Thus, the sub-city magistrate of Banda ordered him to be present in the district court on February 08, 2022, and tell the court why he should not submit 50000 rupees as a surety bond or two 'bail bonds' of the same amount.

On February 08, 2022, another notice was given to him by the office of the district magistrate of Banda, regarding his Facebook post. On February 07, 2022, Mr. Dixit had written a Facebook post saying that the current district magistrate of Banda had lodged an FIR on journalist Pawan Jaiswal earlier, for a news report on mid-day meals of salt with roti to school children. Now he is being targeted, named as a history-sheeter and given notices under goonda acts.

On February 12, 2022, Mr. Dixit replied to the district magistrate's notice about his Facebook post stating that he was being harassed extensively with fabricated charges and apologised if his post hurt the district magistrate's image which was not his intention.

On February 15, 2022, he wrote a letter to the Superintendent of Police, Banda, saying that his name in the history-sheet should be removed because the cases against him were fabricated and politically motivated in nature because of his work as a journalist. He received no reply to his letter.

We would like to express our grave concern about the extreme mental and legal harassment being faced by Mr. Dixit for his work as a journalist. We believe that the multiple charges against him, showing him as a hardened criminal, are fabricated and an abuse of power by the police personnel and local administration of Banda, Uttar Pradesh.

A free media is an extremely important fourth pillar of the Indian democracy. Our Constitution gives journalists the right to exercise freedom of speech. Article 19 (a) the right to freedom of speech and expression is enshrined in our Constitution. The right to freedom of speech 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. If journalists are targeted when they criticise public officials, they will seldom dare to take a stand and the democracy will be crushed further.

The fabricated charges against Mr. Dixit and his being named as a hardened criminal demonstrate the abuse of power by the Uttar Pradesh police to stop journalists from criticising public officials. Journalists face major risks as a result of their work both from the State and non-State actors. The protection of journalist like Mr. Dixit, 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 human rights defenders. A free expression of journalists is essential to ensure the public's right to know, so that governments and institutions can be held accountable.

Appeal:

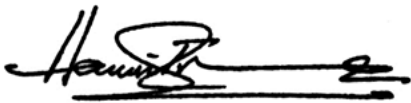
We appeal to the NHRC to urgently:

- Direct the Director General of Police of Uttar Pradesh to initiate an independent, transparent inquiry regarding the FIRs against journalist Mr. Ashish Sagar Dixit, him being declared as a history-sheer and notices by the district magistrate and submit the report within two weeks.
- Depending on the result of the inquiry, direct the Director General of Police of Uttar Pradesh, to initiate action against the police and administrative officials responsible for abuse of power and continued harassment of journalist Mr.

Ashish Sagar Dixit.

- Issue an urgent circular to the Chief Secretary of Uttar Pradesh reiterating that the fundamental right to freedom of speech and expression is an integral part of the Indian Constitution and laws must not be misused to criminalize the same or harass journalists.
- Direct the Chief Secretary of Uttar Pradesh and Director General of Police to stop further harassment of journalist Mr. Ashish Sagar Dixit.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne
National Working Secretary