



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/UP/03/03/2023

March 23, 2023

To
Mr. Indrajeet Kumar,
National Focal Point - Human Rights Defenders & Assistant Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA, New Delhi –110 023

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: Illegal arrest and fabricated charges against journalist Sanjay Rana by Uttar Pradesh police for questioning Uttar Pradesh minister of Secondary Education.

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 fabricated charges and illegal arrest of Mr. Sanjay Rana, a journalist in Uttar Pradesh for critically questioning Mrs Gulab Devi, a Uttar Pradesh MLA and minister of Secondary education, during a public meeting.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with HRDs
- Media Reports

Date of Incident:

March 11, 2023

Place of Incident:

Chandausi, Sambhal, Uttar Pradesh

The Perpetrators:

- Mr. Kunal Singh, Constable at Kotwali police station, Chandausi
- Station House In charge at Kotwali police station, Chandausi and other police personnel of Chandausi police station, Chandausi, Sambhal, Uttar Pradesh
- Mr. Shubham Raghav, District General Secretary of Yuva Morcha, Sambhal, Uttar Pradesh

About the Human Rights Defender:

Mr. Sanjay Rana (20) is a journalist working for Moradabad Ujala, a local news channel on Youtube.

Background of the incident:

On March 11, 2023, the minister of Secondary Education for Uttar Pradesh, Mrs. Gulab Devi had an inaugural program in Chandausi, Moradabad.

During the programme, Mr. Sanjay Rana, a local journalist working for a news portal Moradabad Ujala, questioned the minister on the failure to fulfil electoral promises made by her regarding the development of the area.

Mr. Sanjay Rana asked the minister that: *“before the election you had promised that this village Budh Nagar Khandwa, has been adopted by you and you will do all the work the village wanted. You had also said that if you win the election, you will return to this village. But you never returned after the elections. There is no Barat Ghar in Buddha Nagar. Nor has any government toilet been built. You said that you would build a road from the temple to here. Even today the road is unpaved that even a bike cannot run comfortably on it. You specifically said that you will build a boundary wall around the village temple. No work has started on that. The villagers tried to press for these issues, but you did not listen to a single word from them. What do you have to say about that?”*

Before Mrs. Devi can answer, a woman off camera can be heard saying that Mr. Rana is not asking a question, but only making a point. Then Mrs. Devi intervenes and says, *“Why don't you ask me by when I will finish all this work?”*

Mr. Rana replies to the off-camera woman by asking how would she know about the issues people are facing if she does not listen. The woman asks the crowd: "Who agrees with her?" Many in the crowd raise their hand. Then Mrs. Devi speaks. *"I was watching you, I recognized what you were doing. What you said is correct."*

Details of the incident:

On March 12, 2023 at 07:11pm a FIR (number 0139) was registered against Mr. Sanjay Rana at Chandausi police station, by a leader of the BJP youth wing, Mr. Shubham Raghav, who alleged that Rana was a "fake journalist," disrupted government work, and assaulted and threatened him at a political event in Budh Nagar Khandwa on March 11.

The FIR was registered under Indian Penal Code **323-** Assault or criminal force to deter public servant from discharge of his duty, **504-** Intentional insult with intent to provoke breach of the peace, **506-** Punishment for criminal intimidation.

On March 12, 2023, around 2:30 pm, 8 policemen from Kotwali police station reached Mr. Sanjay's house at Budhnagar to arrest him. During his arrest Mr. Sanjay Rana was assaulted by constable Kunal Singh who grabbed Rana by the collar, slapped him and tied his hands with rope. No arrest memo was given, or any other due process followed.

The policemen took Mr. Sanjay Rana from his house and locked him in a room behind the Kotwali police station till 7 pm. After that he was taken to another police station at Baniyather, 6 km from Budhnagar. He was then bought back to the Kotwali police station, and kept there overnight.

Mr. Rana was told by a policeman in the police station that "tu bada bhagat Singh ban raha hai, Vidhayak jee se sawal poochega?" (*You are pretending to be a big martyr like Bhagat Singh and asking questions from the MLA?*).

Mr. Rana's family was not informed of his arrest, and they spent the entire night frantically looking for him. Some journalists tried to meet Rana at the police station but were not allowed to meet him. A police officer told reporters on the condition of anonymity, "Rana has been booked on the complaint of a BJP leader."

On March 13, 2023, around 3 pm, he was taken to the tehsil office where he got bail by the court at around 5:30 pm. He reached his home after that.

Mr. Dharmendra Singh, editor of Moradabad Ujala, which employs Rana as its Chandausi correspondent, said that this is a terrible situation that the journalists of the state are facing that they cannot even ask questions to ministers. His editor also said that he has a video-recorded statements of villagers who said that Mr. Sanjay had asked genuine questions and the police beat up Mr. Sanjay in the village before taking him to the police station. Mr. Singh asked why the Kotwali police took Mr. Rana to a different police station outside jurisdiction due to which Rana's whereabouts remained unknown to his friends till Monday. Mr. Rana says he fears danger that his life is in danger now.

HRDA firmly believes that the charges on Mr. Rana are a form of reprisal for asking uncomfortable questions from the minister during the public meeting.

Mr. Rana's arrest was illegal with no arrest memo, no information to his family, assault on the journalist, thus with multiple violations of the DK Basu Guidelines of Arrest and Detention as directed by the honorable Supreme Court.

A free media is an extremely important fourth pillar of the Indian democracy. The right to freedom of speech and expression is enshrined in the Indian Constitution. Freedom to expression is crucial to the work of journalists. 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. The UN Declaration on Human Rights Defenders also 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. Globally, journalists face major risks as a result of their work both from the state and out of state actors.

The protection of journalist like Mr. Sanjay Rana, and ending impunity for reprisal 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.


Appeal:

The Hon'ble Commission should urgently:

- Direct the Director General of Police of Uttar Pradesh to quash the false charges against journalist Mr. Sanjay Rana and submit it in writing to the NHRC within 2 weeks.
- Direct the Director General of Police of Uttar Pradesh to ensure the complete physical security of journalist Mr. Sanjay Rana and his family from further harassment by the police and other non-state actors submit the report to the NHRC within 4 weeks.
- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, effective, and impartial inquiry into illegal arrest without the following of DK Basu guidelines and assault of journalist Mr. Sanjay Rana by police personnel of Kotwali police station, and submit a report to the NHRC within 2 weeks.
- Depending on the result of the inquiry, take immediate and strict action against Constable Kunal Singh and other police officers who assaulted Mr. Sanjay Rana and submitted him to an illegal arrest without due procedure and submit the report to the NHRC within 2 weeks.
- Direct the Chief Secretary of Uttar Pradesh to give a compensation of Rs. 5 Lakh for the physical and emotional torture undergone by journalist Mr. Sanjay Rana.

Looking forward to your immediate action in this regard

Yours sincerely,



(Henri Tiphagne)

National Working Secretary