



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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To

Mr. Khaleel Ahmad

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Haryana: Criminal case registered against journalist Mr. Anoop Kundu for exposing irregularities and mishandling of grains at a government storage facility in Haryana – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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 and human rights defender Mr. Anoop Kundu, who has been booked by the Haryana police on false charges for trespassing and defamation.

Status of the Human Rights Defender

Mr. Anoop Kundu is a journalist and is currently associated with STV Haryana News — a regional television news channel. He has been in the field of journalism for the last seven years. He has been covering issues of social and political concerns and exposed many cases of mismanagement and corruption in government and private institutions such as the nexus of government hospitals with the local private hospitals in Haryana which has been responsible for pushing the public towards private health care systems. His report on the condition of Haryana government buses forced the department to take action to improve the bus services by replacing tyres in several public transport buses.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- Communications with local journalists and human rights defenders in Haryana
- Media Reports

The Perpetrators:

Mr. Sandeep Chahal, Assistant Food and Supplies Officer, Hisar

Date and Place of Incident:

8 September 2019

Uklana police station, district Hisar, Haryana

Details of the Incident:

According to sources on September 8, 2019 the Haryana police booked Mr. Anoop Kundu on charges of trespassing and defamation was booked under Sections 451, 465 and 500 of the Indian Penal Code. This false charge has been registered after he reported about stacks of food grain allegedly rotting at the storage facility in Uklana warehouse of the State Food Civil Supplies and Consumer Affairs Department. The FIR has been filed at Uklana Police Station in Hisar district, allegedly on a complaint by the Assistant Food and Supplies Officer, Hisar, Mr. Sandeep Chahal. The complainant stated that the footage shown by Mr. Anoop Kundu which was telecasted on the STV Haryana News channel on July 18, 2019, was a fake video and not of the Uklana warehouse and he also accused that Mr. Anoop Kundu's intentionally shot the video and aired the story to discredit and defame the department's reputation and the public image of its officials.

Mr. Anoop Kundu is being targeted for preparing a ground report exposing serious irregularities and mishandling of grains at the government storage facility of the State Food Civil Supplies and Consumer Affairs Department in Uklana in district Hisar of Haryana which was telecasted in his news channel on July 18, 2019. Mr. Anoop Kundu informed the sources that the video footage and the content shown are genuine as the board on which the department's name is written is clearly visible. He also informed that when the District Food Supplies Controller came to check the stock of wheat on the same day when he was shooting this video, the officials had shown the wet and damaged wheat to the District Food Supplies Controller.

The FIR against Mr. Anoop Kundu for exposing serious irregularities and mishandling of grains at a government storage facility of the State Food Civil Supplies and Consumer Affairs Department of Haryana is not the first instance of its kind in India, in fact it appears to follow a pattern of escalating attacks on press freedom elsewhere for instance in states like Uttar Pradesh. This latest incident of action in Haryana against a journalist over an adverse report has come on the back

of other such cases in Uttar Pradesh. Media's freedom to report and carry out its responsibility is being heavily curtailed in Uttar Pradesh. Exposing wrongdoing is rather a part of a journalist's work and filing a case against him is aimed to criminalize the legitimate work of the journalist and a violation of right to freedom of speech and expression.

This case is yet again an example of how a journalist carrying rights-based journalism is being hounded and victimised for his work. This repressive action of the State (by filing false and fabricated case) is a result of exposing corruption by journalist Mr. Anoop Kundu so that he is deterred in the future to carry out such reports.

Globally, Journalists who are human rights defenders as well face major risks as a result of their work. Governments and other powerful actors, seeking to escape scrutiny and stifle dissent, often respond to critical reporting or activism with attempts to silence them. Threats, surveillance, attacks, arbitrary arrest and detention, and, in the gravest cases, enforced disappearance or killings, are too often the cost of reporting the truth. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. Creating a safe and enabling environment for their work necessitates legal reform, the creation of special protection mechanisms, and protocols to guide effective investigations and prosecutions where attacks occur. 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.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of registering criminal case against the journalist and human rights defender Mr. Anoop Kundu by the Assistant Food and Supplies Officer, Hisar Mr. Sandeep Chahal in Uklana police station of district Hisar in Haryana in an attempt to suppress his right to

freedom of speech and expression;

- Take necessary steps to ensure that the cases filed against journalist and human rights defender Mr. Anoop Kundu are withdrawn and defender is not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Take immediate legal action on the perpetrators for filing criminal cases against the journalist and human rights defender Mr. Anoop Kundu and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity and security of the journalist and human rights defender Mr. Anoop Kundu as well as of all journalists in India, who merely exercise their right to freedom of opinion and expression;
- Put an end to all acts of harassment against all journalists, writers and human rights defenders in general in the state of Haryana to ensure that in all circumstances they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including police and judicial harassment;

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)
Honorary National Working Secretary