



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/UA/East/CG/02/03/2023**

March 13, 2023

To  
Mr. Indrajeet Kumar,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Intimidation, and fabricated charges against journalists Mr. Vijaylal Markam and Mr. Akhilesh Sahu for reporting on lack of educational facilities in Balrampur district in Chhattisgarh.***

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 concern over threats, intimidation, and fabricated charges against journalists Mr. Vijaylal Markam and Mr. Akhilesh Sahu for reporting on lack of educational facilities in Balrampur district in Chhattisgarh.

**About the Human Rights Defenders:**

Mr. Akhilesh Sahu and Mr. Vijaylal Markam are journalists from Balrampur district in Chhattisgarh. Mr. Sahu works with the news portal *Chhattisgarh Express News*, and Mr. Markam freelances for portals like *TP News* and *Khabar Bharat*. Both journalists have extensively covered issues like corruption, pilferage and injustice in rural areas, and have faced reprisals in the past. Mr. Markam was arrested and jailed for eight months under fabricated charges before he was granted bail by the High Court in December 2022.

**Source of Information:**

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

**The Perpetrators:**

- Ms. Sunita Singh, Pradhan Pathika (Head Teacher), Shankarpur Primary School.
- Mr. Fulsay Ayam, Tendu Patta Prabandhak, Raghunath Nagar (government official who oversees the procurement of tendu leaves)
- Mr. Lalit Ekka, Assistant Sub Inspector and Officer in Charge, Raghunath Nagar Police Station.
- Other personnel attached to Raghunath Nagar Police Station.

**Date of Incident:**

January 24, 2023

**Place of Incident:**

Balrampur district, Chhattisgarh

**Details of the Incident:**

On January 23, 2023, journalists Mr. Akhilesh Sahu and Mr. Vijaylal Markam visited the Shankarpur Primary School in Balrampur district on a reporting assignment. They published a video report the same day which showed that students were sitting on the ground in front of the school building for their lessons, and the school building and toilets were locked.

In the report, the head teacher of the school Mrs. Sunita and another teacher Mr. Vijay failed to provide any answers regarding when the facilities would be available. On January 24, 2023, at 5:30 PM, an FIR (20/2023) was registered against journalists Mr. Akhilesh Sahu and Mr. Vijaylal Markam at the Raghunath Nagar Police Station, under Sections 294 (obscene acts or words in public), 34 (common intention), 384 (extortion), 504 (Intentional insult with intent to provoke breach of the peace), and 506 (criminal intimidation) of the Indian Penal Code.

The complainant in the case was Ms. Sunita Singh, the head teacher of Shankarpur primary school. She alleged that on January 23, when the journalists visited the school for the reporting assignment, they drove their car recklessly, parked in front of the school gate, abused and threatened her and demanded a ransom.

Following the publication of the news report on January 23, 2023, the husband of Ms. Sunita Singh and Tendu Patta Prabandhak (government official who oversees the procurement of tendu leaves) of Raghunath Nagar Mr. Fulsay Ayam called Mr. Sahu and abused the journalists for undertaking the reporting assignment. He also threatened to capture and assault the journalists on a busy road, in full public view.

Subsequently, the journalists Mr. Sahu and Markam released the audio recording of this phone conversation on social media, which brought much disrepute to tendu patta prabandhak Mr. Fulsay Ayam and head teacher Ms. Sunita Singh.

We believe that the police complaint against the journalists is an act of reprisal against their reportage. And that officials at the Raghunath Nagar police station colluded with Shankarpur Primary School head teacher Mr. Sunita Singh and her husband Mr. Fulsay Ayam to implicate the journalists in a fabricated case after their news report exposed the lack of facilities and infrastructure at the school.

Contrary to the claims made by Ms. Singh in the police complaint, the video report filed by Mr. Markam and Mr. Sahu shows that their car was parked far away from the school building, beside the gate.

Secondly, in the report, Mr. Markam mentions that Ms. Sunita was angered at the journalists entering the school some time earlier, which Ms. Sunita does not deny.

It is noteworthy that police officials registered an FIR against Mr. Markam and Mr. Sahu merely on the basis of Ms. Singh's complaint and without any preliminary enquiry, even though the recording released by the journalists was easily available on social media.

Free media is an extremely important fourth pillar of the Indian democracy. Our Constitution gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution, which is crucial to the work of HRDs, including journalists. The right to freedom of expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right to access information, and 3) the right to impart information and ideas of all kinds. 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. The protection of journalists 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 journalists.


**Appeal:**

We appeal to the NHRC to treat this as a serious case of reprisal against human rights defenders for exercising their constitutionally guaranteed fundamental rights, and urge the NHRC to urgently –

- Direct the Director General of Police of Chhattisgarh to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the reprisals against journalists Mr. Vijaylal Markam and Mr. Akhilesh Sahu in and submit a report to the NHRC within 4 weeks.
- Depending on the result of the investigation, initiate strict action against police and government officials who misused their powers intimidate journalists and implicate them in a fabricated case.
- Direct the Director General of Police of Chhattisgarh to initiate steps towards quashing of fabricated charges against Mr. Vijaylal Markam and Mr. Akhilesh Sahu.
- Direct the Director General of Police of Chhattisgarh to mandatorily conduct trainings on law and duty of the police for all police personnel and report the update on the same to the NHRC within three months.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary