



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 04, 2021

To,  
Mr. CS Mawri,  
Focal Point - Human Rights Defenders & Assistant 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 – Uttar Pradesh: Threats to journalist by local mining mafia and a case of police negligence.**

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 about threats to journalist Mr. Saddam Khan from the illegal mining mafia in Chandauli, Uttar Pradesh and negligence of police to act against the accused. We believe that the HRD's life and liberty is in grave danger and there is a possible collusion between the local police and mining mafia.

**Source of Information:**

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

**Date and Time of Incident:**

June 15, 2021

**Place of Incident:**

Elia, Chakia, Chandauli, Uttar Pradesh

**The Perpetrators:**

- Mr. Mithilesh Tiwari, SHO, Elia police station, Chandauli, Uttar Pradesh
- Mr. Komal Yadav, allegedly associated with the mining mafia in Chandauli

### **About the Human Rights Defender:**

Mr. Saddam Khan (26) is a correspondent in a daily newspaper “Jan Sandesh” in Elia, Chandauli, since last five years. He has written articles on various issues of public concern including on illegal mining in the area.

### **Details of the Incident:**

On the evening of June 10, 2021, Mr. Saddam Khan was at the government wheat selling centre in Janakpur-Gandhinagar area, when a stone-loaded tractor-trolley passed by. Being a journalist, Mr. Khan clicked photographs of that tractor-trolley with an intention to further research and publish them in a story in case of illegal transportation of stone. A man riding on a bike along with the tractor stopped him from taking photographs. The man identified himself as Mr. Komal Yadav and had an argument with Mr. Khan. During the argument, Mr. Khan called the SDM Mr. Ajay Mishra to provide information about the tractor transporting stone. Upon hearing the SDM being called on phone, Mr. Yadav rode away hurriedly.

On June 12, 2021, news related to this incident was published in 'Jan Sandesh newspaper' with the heading “चकिया में हो रहा पत्थरों का अवैध खनन” (*Illegal mining of stones in Chakia*). The news article said that despite the administrative vigilance, the illegal mining of stones continued in the hilly area of Chakiya. According to this news article, as soon as dusk settles, tractor-trolleys laden with stones from illegal mining move to different areas of Chakia, Elia and Shahabganj. The entire mafia network is involved in this illegal activity and it is being alleged that the local police is also in collusion. Perhaps that is the reason why the illegal mining mafia are fearless. Villagers alleged that the illegal mining mafia does not fear the local administration.

DFO Mr. Dinesh Singh's statement was also included in the article, who was quoted as saying that two tractor-trolleys had been caught with illegal stones in the past. He said that the forest department was keeping a close watch on the mining and transportation of illegal stones, however, asked for cooperation from the local police. He also said that the role of the local police was doubtful and questionable but the forest department is making continuous efforts to act strictly against the vehicles involved in such acts, their owners and mafia.

On June 15, 2021, at 8 pm, Mr. Khan got a call from an unknown number. The caller identified himself as Mr. Yadav. He used abusive language on the phone, repeating the incident of taking photos, and threatened Mr. Khan with dire consequences.

On June 16, 2021, at 10 pm, Mr. Khan filed an FIR No. 0063/2021 in the Elia police station against Mr. Yadav on the above incident in detail, The FIR included IPC Sections **504** *Intentional insult with intent to provoke breach of the peace* and **506** *Punishment for criminal intimidation*. But no action was taken against the perpetrator by the police.

Mr. Khan alleges that he sought information about 3-4 times from Mr. Mithilesh Tiwari, SHO, Elia police station on actions taken on the FIR, however, the SHO had one answer - the police is doing its work and the accused person was not found at home when the police went to arrest him.

HRDA believes that this is a case of blatant negligence and suspected collusion

between the police and mining mafia, against a journalist/HRD who was doing his duty and reported against an incident of illegal mining. The DFO himself has raised questions on the doubtful role of the local police and their non-cooperation.

Our Constitution provides for the right to exercise freedom of speech and expression under Article 19(a). This 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 of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that UN 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. The Indian government in the Universal Periodic Review of the UN Human Rights Council has committed to the safety of journalists in India. Article 19 of the Universal Declaration of Human Rights also recognises the freedom of speech and expression as an unalienable right of every citizen. Various instruments of the international human rights law also recognise the right of journalists to safely report.

We believe that Mr. Khan's life is in danger due to his journalism and reporting on illegal mining. The inaction of the local police in this case speaks of gross negligence and/or a possible dangerous collusion. The local police will be responsible in the event of any untoward action against Mr. Khan.

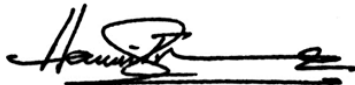
**Appeal:**

We urge that the Hon'ble Commission:

- Directs the Superintendent of Police of Chandauli to undertake an independent and impartial investigation into the above-mentioned incident of inaction by the officials and personnel of Elia police station and their possible collusion with the illegal mining mafia and submit the report within four weeks.
- Direct the Superintendent of Police of Chandauli to provide protection to journalist and HRD Mr. Saddam Khan and that in all circumstances the physical and psychological integrity of the Mr. Khan and his family, who are under risk from the mining mafia, is guaranteed.

Looking forward to your immediate action in this regard

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary