



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 14, 2020

To,
Mr. Debindra Kundra,
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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh- FIR on journalist in Saharanpur UP for re-posting about medical scam regarding COVID-19 in Saharanpur District Hospital

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 the fabricated FIR filed against journalist Mr. Sankalp Neb, a young journalist from Saharanpur UP, by the Chief Medical Officer of Saharanpur District hospital, for sharing news about a medical scam of altering COVID 19 reports at Saharanpur District hospital.

Source of Information:

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

Date of Incident:

Aug 2, 2020

Place of Incident:

Saharanpur, Uttar Pradesh

The Perpetrators:

- Dr. BS Sodhi, Chief Medical Officer, Saharanpur

About the Human Rights Defender:

Mr. Sankalp Neb is a journalist from Saharanpur. He has been a reporter for National Voice TV for the last 4 years and has continuously been reporting on the health sector, incidents of medical negligence and bringing them to the notice of government functionaries.

Details of the incident:

On July 19, 2020, a journalist Mr. Arnav Kaushik tweeted a complaint to the Chief Minister (CM) of Uttar Pradesh (UP) regarding a medical scam allegedly altering the Covid-19 reports in district hospital of Saharanpur. The tweet said in Hindi, *“उत्तर प्रदेश के सहारनपुर जिले में कोरोना इलाज के लिए मरीजों की नेगेटिव रिपोर्ट को पॉजिटिव बनाने का गोरधंधा हो रहा है। प्राइवेट अस्पतालों को इसका जिम्मा दिया गया है, जिससे सरकार से मिलने वाली धनराशि सीधा अस्पताल वालों को जाए। इसमें सीएमओ के होने का भी शक है”* The CM, Chief Secretary, Saharanpur DM, and ANI news agency were tagged on this. No complaint was lodged against Mr. Kaushik for this tweet.

On August 02, 2020, Mr. Sankalp Neb shared a screenshot of Mr. Kaushik’s tweet in a WhatsApp group, in an attempt to draw the attention of senior officials of UP. In the evening of August 02, the Chief Medical Officer (CMO) of Saharanpur Dr. BS Sodhi filed an FIR against Mr. Neb at the Janakpuri police station, Saharanpur. The FIR was registered under Section 54 of the Epidemic Disease Act-2005 and Section 67 of IT Act-2000. According to Dr. Sodhi, Mr. Neb reposted the tweet without the permission of the related officer due to which the image of government and administration was tarnished.

On August 04, 2020, Mr. Neb wrote a letter of complaint to Mr. Hemant Kumar Singh, the Deputy Director of information and public relations department in UP, apprising him of the details of his harassment and the fabricated case against him. A copy of Mr. Neb's complaint was also sent to other senior officials of the UP government but no action has been taken on his complaint yet. Mr. Neb clearly mentions in his complaint that this is an effort by the hospital administration to intimidate and silence him regarding his continuous questioning on medical facilities in the district hospital. He says if the news is fake then why has no FIR been registered on Mr. Kaushik who originally tweeted this scam. On August 12, 2020, Mr. Neb was called via phone (no written summons) to the Janakpuri police station where he was questioned by the police regarding his Whatsapp share and made to sign a piece of paper that he will be available for interrogation whenever the police requires.

We believe that Mr Sankalp Neb is being intimidated for his work as a journalist in exposing news related to public health and this FIR has caused him psychological sufferings. A free media is an extremely important fourth pillar of the Indian democracy. Our Constitution gives journalists the right to exercise freedom of speech. These FIRs filed by functionaries in power are proof of a vendetta against Mr. Neb and absolutely violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution. Freedom to expression is crucial to the work of HRDs. 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. 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. Mr. Neb's post was a piece of crucial information of public health shared by a journalist which deserved a detailed inquiry on the hospital, not an FIR on the journalist who merely shared the complaint.

The FIR on Mr. Neb is an indication of the way the law is being misused by certain government officials to silence the journalists and ensure that no critical stories regarding the administrative malpractices reach the public or officials.

Appeal:

We would like to express our grave concern about the abuse of power by the administrative officials of the Saharanpur hospital towards a journalist. The Hon'ble Commission should urgently:

- Direct the District Magistrate of Sharanpur to undertake an independent investigation and report to the NHRC at the earliest.
- Direct the Chief Secretary of Uttar Pradesh to institute an independent and transparent inquiry into the news about changing the reports of the COVID 19 at the Saharanpur District hospital and direct the District Magistrate of Saharanpur and the Health Department of the UP to submit the detailed report to the NHRC within a month.
- Direct the Director General of Police of Uttar Pradesh to consider initiating closing proceedings in the FIR filed on journalist Mr. Sankalp Neb for merely reposting the tweet to attract the attention of the higher officials.
- Direct the Chief Secretary of Uttar Pradesh to pay interim compensation to journalist Mr. Sankalp Neb for the psychological suffering and harassment because of the fabricated FIR against him.
- Direct the Chief Secretary of Uttar Pradesh to create an atmosphere conducive to journalists in the state of Uttar Pradesh.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary