



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/North/UP/04/08/2023

August 31, 2023

To,
Mr. Indrajeet Kumar,
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 against journalist by police officials in Lakhimpur Kheri and the Block Education Officer for trying to report on public corruption.

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 an FIR on journalist Mr. Shishir Shukla, who witnessed an act of corruption by public officials in Lakhimpur Kheri and had a FIR filed on him by the Block Education Officer and the police officials of Palia police station in Lakhimpur Kheri.

Source of Information:

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

Date of Incident:

August 22, 2023

Place of Incident:

Police Station Palia, Lakhimpur Kheri

The Perpetrators:

- Mr. Nagendra Chaudhary, Block Education Officer, Lakhimpur Kheri
- Police personnel of Palia police station, Lakhimpur Kheri

About the Human Rights Defender:

Mr. Shishir Shukla (36) is a journalist from Lakhimpur Kheri, associated with Amrit Vichar, a local newspaper. He covers local news from Lakhimpur Kheri in Uttar Pradesh and has been in journalism for the last 15 years.

Background of the Incident:

Sarva Shiksha Abhiyan is an Indian Government programme aimed at the universalisation of Elementary education "in a time bound manner", as the 86th Amendment to the Constitution of India making free and compulsory education to children between the ages of 6 and 14 a fundamental right. Under the "Sarva Shiksha Abhiyan", the government also gives free textbooks to the children.

Details of the incident:

On August 22, 2023, around 12:05 pm Mr. Shishir Shukla was passing through Palia area of Lakhimpur Kheri district, when he saw books with 'Sarva Shiksha Abhiyan' written on them being loaded onto a truck from a scrap shop. Seeing this he made a video and planned to write the news story about this corruption. At about 2 pm he called and tried to talk to the Block Education Officer Mr. Nagendra Chaudhary to take his comment regarding this incident, but he was told that the official is out of station.

At 11:37 pm on the same day- August 22, 2023, an FIR-0305 was registered at Palia Police Station, Kheri, under section 420- *Cheating and dishonestly inducing delivery of property* of Indian Penal Code by Mr. Nagendra Chaudhary, Block Education Officer, Lakhimpur Kheri against journalist Mr. Shishir Shukla.

Journalists of Lakhimpur Kheri have condemned the targeting of a journalist for trying to follow up a news story and that instead of targeting the culprits the education department is trying to target the journalist.

On August 24, 2023, Mr. Shishir Shukla wrote a letter to the Chief Minister of Uttar Pradesh requesting action against the culprit. On August 25, 2023, Nagar Vyapar Mandal, Palia, Lakhimpur Kheri also wrote a letter to the Chief Minister, condemning the case against Mr. Shishir Shukla. A letter was also sent by the local businessmen Council to the Chief Minister condemning the FIR on a journalist trying to report news of corruption in Education department.

We believe that this is a case of reprisal against the journalist for trying to report on instances of corruption by the Education department officials. 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 of access to information; and 3) the right to impart information and ideas of all kind.

HRDA believes that journalists face fabricated charges, abuses and illegal arrest in violation of DK Basu Guidelines due to their work. It is a gross abuse of Article 19(b) and Article 21 of the Indian Constitution. We are also deeply concerned about Mr. Shukla being subjected to harassment and a police case for trying to report on public corruption.


If journalists like Mr. Shukla face punitive action and harassment for trying to report fact-based reporting in the public interest, no journalist will dare to report in a democracy.

Appeal:

The Hon'ble Commission should urgently:

- Direct the SSP Lakhimpur Kheri to initiate an urgent, transparent, and independent inquiry into the fabricated case against journalist Mr. Shishir Shukla and submit a report to the NHRC within two weeks.
- Direct the SSP Lakhimpur Kheri of Uttar Pradesh to quash all the false charges against the journalist Mr. Shishir Shukla.
- Direct the Chief Secretary, Uttar Pradesh to initiate an urgent, transparent, and independent inquiry into the illegal sale of school books by the UP Education department and take urgent action against the guilty officials of Department of Education including the Block Education Officer and submit a report to the NHRC within four weeks.
- Direct the DGP, Uttar Pradesh to stop any further instance of harassment of Mr. Shukla for reportage in public interest.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary