



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April 13, 2022

To,
Mr. Indrajeet Kumar,
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 – Uttar Pradesh: Fabricated charges and Illegal arrest of journalists Mr. Digvijay Singh, Mr. Ajeet Ojha and Mr. Manoj Gupta in Ballia, UP.

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 journalists Mr. Ajeet Ojha, Mr. Digvijay Singh and Mr. Manoj Gupta who were illegally arrested on fabricated charges, abused and harassed by police personnel and the administration of Ballia for reporting on the Uttar Pradesh Board paper leak case.

Source of Information:

- Communication with the HRDA North Regional Consultant
- Communication with local HRDs
- Media Reports

Date of Incident:

March 30, 2022

Place of Incident:

Ballia, Uttar Pradesh

The Perpetrators:

- Mr. Indra Vikram Singh, District Magistrate of Ballia
- Mr. Pardeep Kumar, City Magistrate, Ballia
- Mr. Raj Karan Nayyar, Superintendent of Police, Ballia

- Mr. Parveen Kumar Singh, SHO, Kotwali Police Station, Ballia
- Other Police personnel of Kotwali police station, Nagra police station, and Rasra police station, Ballia.

About the Human Rights Defenders:

- Mr. Digvijay Singh (55) is a journalist from Ballia, associated with Amar Ujala Newspaper. He is also the circle president (Ballia) of the National Journalists Association of India.
- Mr. Ajeet Kumar Ojha (40) is a journalist from Ballia, associated with Amar Ujala newspaper. He is also a teacher in a college
- Mr. Manoj Gupta (32) is a journalist, associated with Rashtriya Sahara newspaper.

Background of the Incident:

In March 2022, class 12(Intermediate) and 10(High School) examinations took place in Uttar Pradesh.

On the night of March 28, 2022, the question paper of the High School/ class 10 Sanskrit examination (to be held on March 29) was leaked along with the solution sheet. On March 29, 2022, the Intermediate/class 12 English question paper of the English examination to be held on March 30 was also leaked.

After the paper leak, the Intermediate/Class 12 English exam was cancelled in 24 districts in Uttar Pradesh and the police registered three FIRs in the different police stations of Ballia and arrested around 50 people including three journalists who had published the news of the paper leak

Details of the Incident:

On March 30, 2022, at 6 am, Mr. Ajeet Ojha sent a solved question paper which was viral to District School Inspector and asked for an investigation. There was no response for four hours.

Around 10:00 am Mr. Indra Vikram Singh, District Magistrate, Ballia called Mr. Ojha and asked him to send the question paper on his WhatsApp. The journalist sent the viral letter to him

At around 12:30 pm Mr. Parveen Kumar Singh, Inspector, Kotwali police station, Ballia reached Mr. Ojha's office (Amar Ujala Office) and ransacked his office and took him to Kotwali police station in Ballia. There was a scuffle with his colleagues as well. Mr. Ojha was arrested and forcibly taken to the Kotwali police station, Ballia where he was detained for more than 3 hours. He was then taken to a district hospital for an MLC and then sent to jail.

On March 30, 2021, at 04:12 pm, FIR number 0156 was registered against Mr. Ajeet Ojha by Mr. Pardeep Kumar, City Magistrate, Ballia at Kotwali police station, Ballia IPC sections 420 (cheating), under Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998 Sections 4, 5, 10 and IT Act 66B.

On March 30, 2022, Mr. Vijay Mishra, Additional Superintendent of Police, Ballia called the journalists Mr. Digvijay Singh and Mr. Manoj Gupta at Nagra Guest House, Nagra,

Ballia. Around 5 pm Mr. Digvijay Singh with some other journalists reached Nagra Guest House to meet the Additional Superintendent of Police, Ballia.

The ASP asked Mr. Digvijay where he had acquired the copy of the leaked question paper. All the journalists replied that it was viral on social media. However, they were repeatedly questioned by the ASP. At the behest of ASP, Mr. Digvijay also called Mr. Manoj Gupta to the guest house. Around 07:30 pm Mr. Digvijay and Mr. Manoj were arrested by a special operations group (SOG) police from Nagra Guest House, Nagra, Ballia and taken to Rasra police station, Ballia. Both of them were kept overnight at Rasra police station and sent to jail the next day on March 31, 2022, after getting a medical at the district hospital. We are yet to learn of their treatment in police custody. However, when other journalists inquired the reason for their arrest, the ASP allegedly replied that there was an "order from above." Since then, the three journalists are in jail.

On March 30, 2022, at 08:01 pm an FIR number 0059 was registered against unknown people by Mr. Alpeshwar, Sub-Inspector, Nagra police station, Ballia under IPC sections 420 (cheating), 467, 471, Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998 Sections 4, 5, 10 and IT Act 66B.

We are concerned that the Balliya police and administration arrested only those journalists who exposed the paper leak. While the journalists mentioned to the police and the DM that the news of the leaked papers was circulating on social media the DM and the police showed total apathy before the examination on responding to the leaked papers.

HRDA believes that journalists faced 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 them being subjected to being verbally abused, harassed and misbehaved.

Mr. Ojha's office was ransacked and his colleagues and him were physically attacked by the police without an arrest memo or detention memo in violation of the DK Basu guidelines of arrest and detention directed by the Indian Supreme Court.

Furthermore, Mr. Digvijay Singh and Mr. Manoj Gupta were arrested from Nagra Guest House, in Ballia and taken to Rasra police station, Ballia and kept there overnight and sent to jail in the morning. However, according to the Police General Dairy Register of March 31, 2022, when the police interrogated those accused in the paper leak case, they revealed that they were an organised gang and that some of their people were in Chatti village, Ballia. Based on this the police reached Chatti village and arrested Mr. Digvijay and Mr. Manoj from there. However, this information along with the time mentioned involves serious discrepancy in facts as Mr. Digvijay and Mr. Manoj was arrested from Nagra Guest House in the presence of other journalists and the ASP.

On April 02, 2022, a delegation of advocates went to the District Magistrate's office to protest against the implication of journalists. Senior advocate Mr. Manoj Rai Hans said that information about the English exam paper was viral before the exam in 24 districts including Ballia. Despite this, the District Magistrate Ballia showed extreme indifference and negligence.

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.


If journalists like Mr. Ajeet Kumar Ojha, Mr. Digvijay Singh, and Mr. Manoj Gupta 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:

We appeal to the Hon'ble Commission to urgently take action and:

- Direct the Director General of Police of Uttar Pradesh to initiate an independent inquiry into the fabricated charges, illegal arrest and harassment of journalists and submit a report to the NHRC within two weeks.
- Depending on the result of the investigation, Direct the Director General of Police of UP, to take immediate and stringent action against all the police officials involved in the fabricated cases, apathy, illegal arrest of the journalists who reported on the paper leak and submit a report to the NHRC within four weeks.
- Direct the Director General of Police of Uttar Pradesh to initiate steps towards quashing fabricated charges against journalists.
- Direct the Senior Superintendent of Police of Ballia to submit with the NHRC the CCTV footage, vehicle log records, wireless records, duty records and other necessary information Nagra guest house, Nagra police station and Rasra police station, Ballia for the dates of March 30 and 31st, 2022.
- Direct the Government of Uttar Pradesh to provide compensation of Rs 10 Lakhs to each journalist for their mental torture and for tarnishing his image and ensuring his complete physical safety, including protection from arrest.

Yours sincerely,



Henri Tiphagne
National Working Secretary