



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**NHRC Diary No. 4643/IN/2020 for the complaint submitted online**

**Ref No: HRDA/Central/CG/06/04/2020**

April 25, 2020

To,  
Mr. Debindra Kundra,  
National 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 – Chhattisgarh: Freelance journalist  
Mr Prakash Tripathi intimidated and harassed for posting on Facebook about  
sale of fake sanitizers by the Manendragarh MLA – Regarding**

**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 intimidation and harassment of journalist Mr Prakash Tripathi for posting on Facebook about selling of fake sanitizers by a Member of Legislative Assembly.

**Source of Information:**

- Communication with the HRD
- Communication with the HRDs in the region
- Media Reports

**Date of Incident:**

April 16 and 17, 2020

**Place of Incident:**

Koriya District, Chhattisgarh

## The Perpetrators:

- Police Personnel of Manendragarh Police Station
- Manendragarh Municipality Council Vice President, Mr. Krishna Murari Tiwari

## About the Human Rights Defender:

Mr. Prakash Tripathi is a freelance journalist. He has been raising issues pertaining to the poor and rights of the tribal communities in the state. Recently, he raised concerns on the spending of the MLA Fund on the rich and powerful people of the area instead of those in actual need.

## Details of the Incident:

On April 14, 2020, *Dainik Bhaskar* exposed the scandal about the sale of fake sanitizers to poor people in Chirmiri and Manendragarh of Koriya District, Chhattisgarh, hinting the involvement of the local Member of Legislative Assembly (MLA).

However, the public authorities denied giving any permission for supply of sanitizers and masks and argued that the distribution was limited only to food items. Mr. Prakash Tripathi through his Facebook post on April 15, 2020, alleged that Dr. Vinay Jaiswal, MLA Manendragarh, produced fake sanitizers with the help of his business associate, Mr. Allu Kesharwani. He further alleged that without a work-order and proper scrutiny based on the parameters, these sanitizers were purchased by the councillors of Manendragarh and Chirmiri and distributed in different wards of these areas. The post has been reproduced as under:

*छत्तीसगढ़ शासन के आदेश क्रमांक 2020/2410 दिनांक 12-04-2020 में स्पष्ट उल्लेख है कि पार्षद महापौर और अध्यक्ष निधि से पूर्व में जरूरतमंदों के लिए राशन खरीदी की अनुमति दी गई है न कि सेनेटाइजर और मास्क खरीदी की !मनेन्द्रगढ़ विधानसभा के नगरीय निकायों में शासन की राहत सामग्री से खुद को मसीहा साबित कर रहे जनप्रतिनिधियों ने मौका देख पार्षद निधि से नकली सेनेटाइजर की खरीदी की !जो कि प्रथम दृष्टया ही शासन के निर्देशों का उल्लंघन है ।गरीब जरूरतमंदों के हितों पर डाका भी है !कलेक्टर साहब कह रहे हैं कि बिना जांच बिल नहीं निकलेगा !साहब ! ये प्रथम दृष्टया ही शासन के निर्देशों का उल्लंघन है और जब सप्लायर का नाम ही अभी तक गोपनीय है तो बिल निकलेगा भी तो किसके नाम से ?आपकी जांच भी दिख ही रही है !उचित यही है कि अपराध पंजीबद्ध कर जनप्रतिनिधियों को गिरिफ्तार कर पूछताछ की जाए !उनके बयान लिए जाएं !सेनेटाइजर की गुणवत्ता बाद का विषय है !*

Due to Mr. Tripathi's active role in highlighting corruption in a serious public health concern, the councillors of Manendragarh filed a complaint at Manendragarh Police Station against Mr. Tripathi on April 15, 2020. In order to get more endorsements to the complaint against

Mr. Tripathi, Mr. Krishna Murari Tiwari held a meeting at the government PWD rest house on April 15, 2020 where more than 13 other councillors gathered, undermining the strict instructions against such gatherings, given the nation-wide lockdown. This gathering was complained against by Mr. Tripathi in the Manendragarh Police Station on April 20, 2020, along with video evidence but no action was taken on the complaint. Till date neither any FIR has been registered nor any enquiry initiated.

On April 16, 2020, Mr Prakash Tripathi received a notice under Section 91 of the Criminal Procedure Code (CrPC) from the Manendrgarh Police Station for posting regarding the sale of fake and substandard sanitizers on his Facebook account. The notice, inadequately referring to the Supreme Court order in WP 468/2020 (wrongly mentioned as 568/2020), stated that if Mr. Tripathi fails to reach the police station, a criminal case will be initiated against him for spreading fake news based on the rumours during the lockdown. As per the notice, proceedings will be initiated under Section 188, 505(1) (b) of the Indian Penal Code, 1860, Section 51 and Section 54 of Disaster Management Act, 2005.

On April 16, 2020, when Mr. Tripathi received the notice from the police, he put up a copy on Facebook to inform his friends and family about the attempts to intimidate him. On the said Facebook post, one Mr. Abhishek Verma (friend of Mr. Tripathi) condemned the action of the police. It is believed that in furtherance of the comment of Mr. Verma, next day Mr. Krishna Murari Tiwari called Mr. Verma's elder brother to threaten him and his friend Mr. Tripathi and stated, *"if your brother and his friend (Mr. Tripathi) continue to post such things on Facebook, an FIR will be registered against them"*.

In lieu of the summon received, on April 17, 2020, at around 04:00 PM, Mr. Tripathi went to the Manendragadh Police Station. At the station, he met Sub Inspector Mr. Vijay Singh who asked him the reasons for making such posts on social media. Mr. Tripathi explained the entire situation of ongoing corruption in the name of sale and distribution of sanitizers along with photo and video evidences. Given the evidences, Mr, Tripathi had with him, a case was not registered, however, he was told by the SI Mr. Singh to lay low on social media and not make such posts.

**The notice u/s 91 of the CrPC without a valid First Information Report (FIR) is a case of misuse of law by the Manendragadh Police Station's Station House Officer (SHO) to intimidate and threaten freelance journalist and HRD Mr. Tripathi for exercising his right to free speech and expression.** The post written by Mr Tripathi on his Facebook in no ways spreads fake news but was based on a truthful exposure of corruption by the public authorities which can be corroborated by multiple media-reports. Despite sharing all details

regarding the sale of fake and substandard sanitizers with the police personnel, no legal actions are initiated against the accused.

We urge the Hon'ble Commission to intervene in this matter of the police misusing law to silence questions by human rights defenders and restricting their fundamental rights to speech & expression.

**Appeal:**

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident involving the intimidation of Mr. Prakash Tripathi.
- Direct the Government of Chhattisgarh through its Chief Secretary to inform the commission on actions taken to probe into the alleged sale of fake sanitizers during this pandemic

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary