



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HHRDA/UA/North/UK/03/12/2022

December 28, 2022

To,
Mr. Indrajeet Kumar,
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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Uttarakhand –Fabricated charges on journalist and cartoonist Mr. Hemant Malviya and Mr. Gajendra Rawat by Uttarakhand police.

Greetings from Human Rights Defenders Alert!

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 concern regarding the non bailable FIR on journalist Mr. Gajendra Rawat and cartoonist Mr. Hemant Malviya by Haridwar police for making and posting a political cartoon on their social media pages.

Source of Information:

- Information from HRDA North Regional Consultant
- Media reports
- Communication with the HRD

Date of Incident:

December 19, 2022

Place of Incident:

Haridwar, Uttarakhand

Perpetrators:

Police personnel of Kankhal police station, Kankhal, Haridwar

About the Human Rights Defenders:

- Mr. Gajendra Rawat (46) is a journalist in Dehradun, associated with Dainik Uttarakhand (News portal and newspaper). He also works on land, forest, and water rights issues.
- Mr. Hemant Malviya is a political cartoonist from Madhya Pradesh. He often criticizes policies of the government through his cartoons.

Details of the Incident:

On December 16, 2022, Mr. Hemant Malviya made a cartoon (attached with this petition) and posted on his Facebook page with the caption *(डिक्लेमर: इस कार्टून के पात्र काल्पनिक हैं इनका हालिया मुद्दों से कोई लेना देना नहीं है Disclaimer: The characters of this cartoon are fictitious; they have nothing to do with the current issues.)* Mr. Gajendra Rawat shared the cartoon by Mr. Malviya on his social media profile on Facebook.

On December 19, 2022, at 11:46 pm, FIR 0413 was registered against Mr. Hemant Malviya and Mr. Gajendra Rawat at Kankhal police station, Kankhal, Haridwar by Mr. Raman Pawar. An FIR was registered against them under section 153A- of Indian Penal Code- Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. Though both the journalists have not been arrested, the Uttarakhand police are searching for them on basis of the FIR.

Cartoonist Mr. Hemant Malviya said to media that this is an attack on freedom of press. An attempt is being made to tell that no one should make cartoons. He said that he had written a disclaimer along with the cartoon that this cartoon has nothing to do with any recent incident. He also said that he can be arrested, and fears that more false cases will be registered against them.

Mr. Gajendra Rawat said that there is nothing in the cartoon which would promote enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

He also said that he is being targeted for his role as an activist. The Jolly Grant airport of Dehradun is being expanded into an international airport, and the nearby villagers are peacefully agitating against this forced displacement, and he is playing an active role in the agitation thus he is being targeted for his activism. This can be seen from the fact that while about 500 people shared the cartoon an FIR has only been registered against him.

We strongly believe that the FIR against the journalists and cartoonists Mr. Hemant Malviya and Mr. Gajendra Rawat by the Haridwar police is to repress the media and a violation of their right to freedom of expression as espoused in the Article 19 (a) of the Indian Constitution. A right to freedom of speech and expression is a Constitutional right in our democracy. Freedom of expression is crucial to the work of HRDs and journalists. 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 kinds. A free media is essential for a functional democracy.

Article 19 of the Universal Declaration of Human Rights (UDHR) also mandates freedom of opinion and expression and is protected in all relevant human rights treaties. Freedom of opinion and expression are fundamental rights that contain both a personal and a social dimension. As per General Comment No. 34 on Freedoms of Speech and Expression, Human Rights Committee has observed that free speech and expression is an “indispensable conditions for the full development of the person”, “essential for any society” and a “foundation stone for every free and democratic society”.

The Declaration on Human Rights Defenders of 1998 also 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.

We believe that the Haridwar police is abusing its authority by the harassment of HRD Mr. Gajendra Rawat and Mr. Hemant Malviya for exercising their constitutionally guaranteed right to freedom of expression.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of abuse and intimidation faced by journalist Mr. Gajendra Rawat and cartoonist Mr. Hemant Malviya and direct the Director General of Police of Uttarakhand to submit a report to the Honourable Commission within two weeks.
- Order that the Uttarakhand police immediately drop all charges against Mr. Mr. Gajendra Rawat and Mr. Hemant Malviya.
- Guarantee in all circumstances the physical and psychological integrity of Mr. Gajendra Rawat and Mr. Hemant Malviya and their family members.
- Ensure provision of reparation and compensation to Mr. Gajendra Rawat and Mr. Hemant Malviya.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary