



November 29, 2019

To

Justice H.L. Dattu

Hon'ble Chairperson & Other esteemed members of the
National Human Rights Commission,
New Delhi

From:

Citizens for Justice & Peace, Mumbai
(cjp.org.in)

Ref: In the matter of a press reporter receiving threats of false cases from U.P. Police for reporting on their inaction.

Hon'ble Sir,

The present case related to threats and intimidation to a member of the media, a journalist working with an established publishing house, Mr Dharmendra Mishra.

We present the facts of the case as under:

Brief summary of facts:

1. The journalist, Dharmendra Mishra s/o Ramapati Mishra is a resident of Ghatampur, Amethi in Uttar Pradesh. He currently works with a leading newspaper as their bureau chief in Sultanpur area of Uttar Pradesh. Previously, he was reporting news on critical issues from Supreme Court, High Court, Home Ministry, External Affairs Ministry and Health Ministry. For his unbiased and brave coverage of news he has been awarded by the World Health Organization and has also won a national award from Indian Media Welfare Association. He is known for coverage of stories revealing corruption and injustice. Many a times the government has initiated inquiries basis his news stories.
2. Few of his many daring endeavours include complaining about fraudulent and phony newspapers and news portal in Sultanpur, to the PMO, Ministry of Information and Broadcasting as well as the Chief Minister of Uttar Pradesh, via tweets, on basis of which inquiries were conducted and 152 such fraudulent and phony newspapers had their registration cancelled in September.
3. Mr. Mishra had also reported in his newspaper about a gang-rape akin to the Nirbhaya case which took place in Sultanpur, U.P.
Copies of news reported by Mr Mishra in his newspaper are annexed herewith as **Annexure A Colly**.
4. The Sultanpur rape case was also covered and followed with the Assistance of Mr. Mishra. The news report can be accessed at the following links:

<https://sabrangindia.in/article/sultanpur-rape-case-update-police-engages-fake-disclosure-avoid-public-backlash>

<https://sabrangindia.in/article/cjp-moves-nhrc-sultanpur-rape-case>

<https://sabrangindia.in/article/sp-who-has-failed-investigate-nirbhaya-rape-receives-appreciation-letter-hq-sultanpur>

<https://sabrangindia.in/article/over-fortnight-no-arrests-activists-protest-police-inaction-sultanpur-rape-case>

<https://sabrangindia.in/article/mutilated-body-girl-found-hanging-tree-sultanpur-badaun-20>

5. CJP has approached this Hon'ble Commission pleading an inquiry in the above-mentioned case and the same is registered with the NHRC under File No. 29482/24/70/2019-WC. The proceedings have begun and this Hon'ble Commission has called for an Action Taken Report until December 29, from the Director General of Police, Uttar Pradesh.
6. It was Mr. Mishra as a journalist who also reported on how the SP, Himanshu Kumar had failed to take cognizance of the apprehension of threat and the request for protection made by a woman and how instead the police had questioned the woman's character. Her apprehensions then turned into reality when within a week she was gang raped. As per Mr. Mishra's news reports, even after the incident, Sultanpur police did not register a case claiming they have no jurisdiction and did not take her for medical examination as required by law. In another incident as well the Sultanpur police inaction left a woman, who was also allegedly gang raped, knocking the doors of the police station. After she approached the SC ST Commission, finally Sultanpur police, after 4 months caught hold of 10 accused in the case.
Copy of the news articles are attached herewith as **Annexure B** colly
7. Such courageous and valiant news reporting, is the need of the hour in our country and which is also in line with the freedom of press guaranteed by our Constitution and upheld by our courts as a fundamental right under freedom of expression (Article 19).
8. As a result of this work, Mr. Mishra is being allegedly threatened by the police in Uttar Pradesh, specifically the S.P. of Sultanpur, Himanshu Kumar. He has been threatened, on his way to work or even in his office by random unidentified persons, in the name of Himanshu Kumar.
9. Mr. Mishra is also under the apprehension that S.P. Himanshu Kumar has roped in a local politician and a local gangster to threaten him for his life. The local politician had pressurized Mr. Mishra to write positive news article about him during the state elections.

He is receiving death threats indirectly from Himanshu Kumar from various media. He had orally complained to erstwhile District Magistrate as well.

Copy of the Whatsapp conversation giving veiled threat to Mr. Mishra is annexed as **Annexure C**

10. The phony newspapers whose registration got cancelled because of Mr. Mishra, in connivance with the police filed a false and frivolous complaint about robbing a person of Rs. 2,500 against Mr. Mishra. He has been receiving threats from Himanshu Kumar that he will file false cases against him if he continues his truthful, unfiltered journalism. The date of the incident mentioned in the FIR, is of a year ago and clearly indicates that it is a false case being used as a tool to intimidate Mr. Mishra. This false FIR, dated November 16, was filed a day after Mr. Mishra posted tweets about police inaction to the PMO and other government offices.

Copy of the false FIR is annexed herewith as **Annexure D**.

11. Mr. Mishra even filed a complaint with the PMO as well U.P. Chief Minister's Office in September describing all these events and expressing his apprehension of threat to his life in which he also mentioned that in the future any untoward incident occurs, such as an attack on him or an assault or any false case or even worse, his death, then Himanshu Kumar, his department and the local administration should be held responsible.

Copy of the complaint lodged with the PMO is annexed as **Annexure E**.

Copy of complaint lodged with U.P. Chief Minister's Office is annexed as **Annexure F**.

12. Mr. Mishra also has some serious and definite concerns that his phone is being tapped or is under surveillance and that some unidentified persons stalk him and follow him wherever he goes, as if spying on him. He has a strong reason to believe that all these illegal and unlawful acts are being done at the behest of and in connivance with Himanshu Kumar and his department

13. Freedom of press comes with a guarantee that the freedom is without threat or peril and anybody exercising this right should be able to do so without fear so that the truth and only the truth is brought before the public.

14. The press or the news media is considered as the fourth estate of a democracy. It is one of the pillars of democracy apart from the Legislature, the Executive and the Judiciary. Hence, in a democracy, the press prides itself with being independent and its freedom is safeguarded by the Indian constitution.

15. The Madras High Court, while hearing a case of defamation against a newspaper held that, India is a vibrant democracy and the Fourth Estate is indubitably an indispensable part of it. If the voice of the Fourth Estate is stifled in this manner, India will become a Nazi State and the hard labour of our freedom fighters and makers of our Constitution will go down the drain." Our courts of law have always upheld the freedom of press in



high regard and have only acted against the press when reasonable restrictions [under Article 19 (2)] are not adhered to.

16. Journalism is the kind of job, if done truthfully and sincerely, can be in crosshairs of many influential power centres within state and society. Last year, India ranked 138 after having fallen two places down, in the Freedom of Press Index released by Reporters with Borders. Brave and investigative journalism can only thrive in a conducive environment that safeguards its freedom and where there is no constant threat to life.
17. In the past few years India has seen many journalists being killed. A report recently released by Committee to Protect Journalists found that between 2004 and 2013, 370 journalists were killed in India in retaliation for their work. A story on the report can be read here: <https://sabrangindia.in/article/india-among-13-countries-impunity-journalists-murders>
18. The police who are meant to safeguard the rights of their citizens are in this case threatening those very rights.
19. Mr. Mishra has not, yet received any reassurance or redressal from any government agency that it has complained to and hence is hopeful that this Commission will take cognizance of his case and prevent the muzzling of press in this manner so it proves as a deterrent to any such further acts and the freedom of press triumphs, upholding the spirit of our Constitution.

Name, designation and Address of public servant against whom Complaint is being made:

Himanshu Kumar, Superintendent of Police,
Sultanpur District, Uttar Pradesh

Relief sought

1. We, at Citizens of Justice and Peace earnestly urge this Hon'ble Commission to take suo motu cognizance of this case under the Protection of Human Rights Act (PHRA).
2. As a civil rights group committed to the rule of law and equality before the law as enshrined in the Indian Constitution, we urge this Hon'ble Commission to, in exercise of its powers and functions: "(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant;"



3. We further seek an inquiry and stern action against the S.P., Sultanpur as probable under the PHRA
4. We urge that this Hon'ble Commission conduct and investigation as per powers vested to it under section 14 of PHRA, against the S.P., Sultanpur
5. Any other relief that this Hon'ble Commission may deem to be necessary and prudent so as to prevent such lax in law enforcement and criminal investigation which tends to violate the human rights of the citizens of this country.

Yours Sincerely,

Anil Dharker, President

Teesta Setalvad, Secretary