

# **India: Condemn the UP Government's attempts to silence independent media - Criminal charges against The Wire and Siddharth Varadarajan**

Thursday 16 April 2020, by [Collective / Multiple signers](#), [India Civil Watch](#), [Petition / Sign-on Letter](#) (Date first published: 16 April 2020).

**Several internationally renowned jurists, scholars, activists, artists and acclaimed public figures have already signed this statement, including Justice Madan B. Lokur, Pranab Bardhan, Arjun Appadurai, Sheldon Pollock, Barbara Harriss White, Patricia Jeffery, James Manor, Ashutosh Varshney, Christophe Jaffrelot, Sumit Sarkar, Romila Thapar, Ramchandra Guha, Arundhati Roy, Vikram Seth, Nayantara Sehgal, Amol Palekar, Mallika Sarabhai, Harsh Mander, Farhan and Zoya Akhtar, Nandita Das, Prabhat Patnaik, Prashant Bhushan, Yogendra Yadav, Sandeep Pandey, Partha Chatterjee, Urvashi Butalia, Apoorvanand Jha, Harbans Mukhia.**

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## **Condemn the UP Government's attempts to silence independent media**

We, the undersigned, are shocked at the action of the UP police under Yogi Adityanath in filing criminal charges against The Wire and against one of its founding editors, Siddharth Varadarajan. This attack on media freedom, especially during the Covid-19 crises, endangers not just free speech, but the public's right to information.

The target of this action is a factual story on the Tablighi Jamaat and its exposure to Covid-19. Towards the end, the impugned article merely pointed out that "Indian believers" more generally have been late to adopt precautions and avoid congregation, recalling UP Chief Minister Yogi Adityanath's plans, as late as March 18, to proceed with a religious fair at Ayodhya and his flouting of the national lockdown and social distancing norms by taking part in a religious ceremony along with others on March 25.

Two FIRs were filed under various sections of the law on April 1, one on a complaint by a resident of Ayodhya and the other on the basis of a complaint by the SHO of the Kotwali Nagar police station, Faizabad. A plain reading of the sections invoked in the FIRs (given below) makes it clear they cannot possibly apply to the article in question. The FIRs were followed up with a gross display of intimidation on April 10 when policemen arrived in a black SUV with no numberplates at Varadarajan's residence in Delhi to issue a legal notice ordering him to appear in Ayodhya on April 14 at 10 am.

That the UP government sent policemen driving across 700 kilometres during the national lockdown

to issue this summons when the postal system is still operational speaks volumes for its priorities. Given that the lockdown will still be in force on April 14, this summons is impossible for Varadarajan to follow, while failure to appear may prompt the police to seek his arrest.

The Wire, along with other independent media and journalists, has been courageous and consistent in continuing to present the facts. The UP police action is just the latest in a series of attempts by the ruling establishment, or persons close to them, to entangle The Wire and its editors in legal cases in an effort to shut them down.

The police action against The Wire also comes against the backdrop of the demonization of Muslims in a section of the media as being responsible for the spread of the novel coronavirus in India. On April 6, the WHO felt the need to reiterate the principle that media should avoid religious or other profiling of COVID-19 cases.

We, the undersigned,

Call upon the Government of Uttar Pradesh to withdraw the FIR against Siddharth Varadarajan and The Wire, and drop all criminal proceedings.

We urge the Government of India and all state governments not to use the pandemic as a cover to trample upon media freedom. A medical emergency should not serve as the pretext for the imposition of a de facto political emergency.

We call upon the Indian media to not communalise the pandemic.

Background

FIR 0246/2020 filed on April 1, 2020 under Section 66 D of the Information Technology Act, Sections 188 and 505 (2) of the Indian Penal Code is based on a complaint by one Harvajan Goud, s/o Ram Sundar, r/o Ramdatpur, Atrava Darshannagar, Kotwali Ayodhya. The police have now added Section 67 of the IT Act, Section 3 of the Epidemic Diseases Act (EDA) and Section 54 of the Disaster Management Act (DMA).

The complaint in this FIR is that Harvajan Goud came across a tweet by one Siddharth on social media and was "pained to see how someone had written such false statement" on his chief minister. The complainant therefore asked for the IT act to be invoked. No specific detail of any tweet is provided. The sections cited in the FIR are:

- Sec 66D of the IT Act relates to 'punishment for cheating by impersonation using computer source.'
- Sec 67 of the IT Act relates to the transmission of obscene material by electronic means.
- Sec 188 of the IPC and Sec 3 of the EDA is 'disobedience of any order of a public servant'.
- Sec 505 (2) relates to 'statements conducting public mischief' which 'create or promote enmity, hatred or ill will between classes.'
- Sec 54 of the DMA applies to 'a false alarm or warning as to disaster or its severity or magnitude, leading to panic'.

FIR 0268/2020 also filed on April 1, 2020 under Sections 188 and 505 (2) by Nitish Kumar Shrivastav, Inspector in Charge, Kotwali Nagar, Faizabad, against the Editor of The Wire, (name and address unknown) notes that:

(translation from Hindi) On that day it came to his notice that during the lockdown, the Editor of the Wire, with an intent to spread rumours and enmity, published the following on his 'blog':

(reproduced in English): “On the day the Tablighi Jamaat event was held, Yogi Adityanath insisted that a large fair planned for Ayodhya on the occasion of Ram Navami from March 25 to April 2 would proceed as usual while Acharya Paramhans said that ‘Lord Ram would protect devotees from the coronavirus’. One day after Modi announced the “curfew like” national lockdown on March 24, Adityanath violated the official guidelines to take part in a religious ceremony in Ayodhya along with dozens of people.”

(translated from Hindi): This is the way during the lockdown caused by the corona pandemic and the imposition of Sec 144, the improper remarks by the Wire Editor against Yogi Adityanath caused anger among the general public. This comes under Sec 188/505 (2) of the IPC.

This FIR does not mention any specific article but the quoted passage appears to have been taken from ‘As COVID-19 Cases Spike in Nizamuddin, Nehru Stadium in Delhi to Become Quarantine Centre’, published in The Wire on March 31, 2020 at <https://thewire.in/health/as-covid-19-cases-spike-nehru-stadium-in-delhi-to-be-converted-to-quarantine-centre>. An earlier version of the story incorrectly attributed Paramhans’s quote to Adityanath and the same wrong attribution featured in a tweet by Varadarajan. A correction to the story was made the very next day and a clarification tweeted below the original tweet.

The story as it stood at the time the FIR was lodged was factually correct in every respect, and the two primary claims about Adityanath – that his government initially had every intention of going ahead with the Ram Navami mela in Ayodhya from March 25 despite the fear of COVID-19, and that he took part in a religious gathering in Ayodhya on March 25 despite the lockdown — have been reported by multiple news outlets.

## **India Civil Watch**

**Click to see the current list of signatories -4018 have signed!**

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**P.S.**

- <https://indiacivilwatch.org/condemn-the-up-governments-attempts-to-silence-independent-media/>