

Human Rights Defenders Alert - India

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The Chairperson
National Human Rights Commission
Faridkot House, Copernicus Marg,
New Delhi, PIN 110001
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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: Arrest of Mr. Kanwal Bharti, Dalit Rights Activist and Writer - Reg

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 the or with security concerns.

We are now writing to express our grave concern regarding the arbitrary arrest of Dalit Rights Activist and writer Mr. Kanwal Bharti for writing articles criticizing the Chief Minister of the north Indian State of Uttar Pradesh, Mr. Akhilesh Kumar Yadav, in the matter relating to suspension of an IAS (Indian Administrative Service) officer Durga Shakti Nagpal.

About the Human Rights Defender under attack:

The activist-writer Mr. Kanwal Bharti is a prominent human rights defender based at Rampur town of Uttar Pradesh. He has often written against the local dominant politicians and at length on the issues concerning Dalits and other marginalized communities. He is a well known Hindi poet and writer too.

The Perpetrators:

Local Police and the State

Date and Time of Incident: On 6th August 2013, Morning.

Place of Incident: Mr. Bharti's residence.

Source of Information: Phone call from his son and FaceBook activist Mr. Vidya Bhushan Rawat (ybrawat@gmail.com)

Incident:

On 29th July 2013, the UP government suspended an IAS officer Ms. Durga Shakti Nagpal on the charges of allegedly ordering demolition of a Mosque's wall. However, this ploy to label the suspended IAS officer communal for demolishing the wall of a mosque fell flat on its face when Uttar Pradesh's Waqf Board (**waqf**, also spelled **wakf**, is, an inalienable religious endowment in Islamic law, typically donating a building or plot of land or even cash for Muslim religious or charitable purposes. The donated assets are held by a charitable trust) said that Nagpal did not order the demolition of the wall of the mosque being built in Greater Noida's Kadalpur village last month. As per TV reports a member of Uttar Pradesh Sunni Central Waqf Board, Kadir Khan Jayswal, the wall was demolished at the orders of the sand mafia. Jayswal said that the board members visited ground zero and spoke to the locals and found that Ms. Nagpal had done nothing to mar the sentiments of Muslim community in the area. It is widely believed that Ms. Nagpal was suspended because of her strict action against the sand mafia. Mr. Bharti has been exposing this attempt of the state government to silence the IAS Officer through his writings. He was picked by local police today (6th August) morning without any warrant and was not allowed to speak to his friends and relatives. He was granted bail later on in the day and has been charged under section 163 of the IPC (Indian Penal Code), which deals with a person who accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any gratification for inducing and by exercise of personal influence with any public servant.

Appeal:

We, therefore, urge you to immediately take necessary steps to ensure that:

- The conduct of the local Police, which is contradictory to their obligation to uphold and protect the rights of the citizens, is investigated and departmental action is initiated against them.
- The false charges foisted against the human rights defender is withdrawn immediately without conditions.
- All necessary measures are taken to guarantee the physical and psychological integrity and security of Mr. Kanwal Bharti
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Honorary Working Secretary

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