



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/North/UP/02/08/2023**

August 18, 2023

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 – Uttar Pradesh – Illegal detention and arrest of peaceful protestors and bulldozing the campus of Gandhian institution Sarva Seva Sangh by Varanasi administration and 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 deep concern regarding the illegal detention and arrest of Gandhian HRDs who were peacefully protesting the takeover of the Sarv Seva Sandh, an institution housing Mahatma Gandhi's legacy and formed under the aegis of then President Dr. Rajendra Prasad to propagate Gandhian ideas, by the district administration and police officials of Varanasi and the bulldozing of the institution campus.

**Source of Information:**

- Information from HRDA North Regional Consultant
- Communication with other HRDs
- Media Reports

**Date of Incident:**

July 22, 2023

August 12, 2023

**Place of Incident:**

Sarva Seva Sangh campus, Varanasi, Uttar Pradesh

**Perpetrators:**

- Police officials of Varanasi, Uttar Pradesh
- District Administration of Varanasi, Uttar Pradesh

**About the Human Rights Defenders:**

Sarva Seva Sangh was established in March 1948 under the chairmanship of Dr. Rajendra Prasad, the first President of India. The foundation was laid 62 years ago under the guidance of Mr. Vinoba Bhave. Its purpose was to propagate the ideas of Mahatma Gandhi.

The following members and supporters of the Sarva Seva Sangh have been arrested.

- Mr. Chandan Pal (70), National President Sarva Seva Sangh
- Mr. Arvind Anjum, Coordinator campus and publications
- Mr. Ram Dheeraj (65), Campus coordinator and president Sarvodaya Mandal, Uttar Pradesh.
- Mr. Rajendra Prasad Mishra (74), General secretary, Sarvodaya Mandal, Uttar Pradesh
- Mr. Ishwar Chand (50), Gandhian activist
- Mr. Nandlal Master Ji (50), Teacher and activist
- Mr. Anokhe Lal, Gandhian activist
- Mr. Jitendra Kumar (55), Gandhian activist
- Ms. Jagriti Rahi (45), Gandhian activist
- Mr. Anup Sharmik (47), Gandhian activist

## **Background of the Incident:**

Sarva Seva Sangh has a campus in Rajghat area of Varanasi housing the legacy of Mahatma Gandhi, the father of the nation, and great social activists Vinoba Bhave and Jai Prakash Narain. The first part of the building was built in 1961. The 12.8 acres of land has a library, a guest house, a khadi store, a pre-school for children from socio-economically weaker sections, a meeting hall, a naturopathy centre, and a youth training centre among buildings.

On May 16, 2023, District Magistrate of Varanasi S. Rajalingam's court declared the ownership of the Northern Railways on the land of the Sarva Seva Sangh. Opposing this declaration of the District Magistrate, some HRDs sat on a peaceful dharna (sit in demonstration) in the campus itself from May 15, 2023.

On June 27, 2023, a notice was issued to Sarva Seva Sangh to vacate the land. But the peaceful sit-in demonstration continued in the campus.

## **Details of the Incident:**

On July 22, 2023, at 06:00 am the peaceful sit-in which had been going on for 63 days, was forcefully ended by the police. 8 HRDs-- Mr. Chandan Pal, Mr. Arvind Anjum, Mr. Ram Dheeraj, Mr. Rajendra Prasad Mishra, Mr. Ishwar Chand, Mr. Nandlal Master Ji, Mr. Anokhe Lal, and Mr. Jitendra Kumar—who were peacefully protesting, were arrested, and detained throughout the day. At 11 pm in the night, they were sent to jail under 107/116 sections of CrPC after getting their medical done at the district hospital of Varanasi at 10 pm.

During the night of July 22, 2023, everything from books to old documents were thrown out from Sarva Seva Sangh campus, Library and Hall and the campus of Sarva Seva Sangh was locked.

On July 23, 2023, Mr. Chandan Pal, Mr. Arvind Anjum, Mr. Ram Dheeraj, Mr. Rajendra Prasad Mishra, Mr. Ishwar Chand, Mr. Nandlal Master Ji, Mr. Anokhe Lal, and Mr. Jitendra Kumar were released by the Commissioner, Varanasi.

On August 10, 2023, social activist Ms. Medha Patkar reached Varanasi for a farmers' programme. Being a Gandhian, she also went to the Sarva Seva Sangh campus. On receiving this information, Mr. RS Gautam, DCP Kashi Zone along with the police, RAF (Rapid Action Force), and PAC (Provincial Armed Constabulary) of five police

stations also reached the premises of the Sarva Seva Sangh. Ms Patkar left after getting information about the ongoing dispute regarding the Sarva Seva Sangh. On the same day farmer leader Mr. Rakesh Tikait also reached Banaras where he said that the government was illegally capturing the land of Sarva Seva Sangh and trying to destroy institutions associated with Mahatma Gandhi's ideology.

On August 12, 2023, at 07:00 am, the district administration and railway officials along with a heavy police force and RPF (Railway Protection Force) reached the Sarva Seva Sangh premises with bulldozers and started demolition of the campus. Twenty buildings were demolished in 10 hours.

People peacefully protested the demolition and questioned to see the order on basis of which the demolitions were taking place. Instead of showing legal documents the police forcefully detained 10 HRDs, including Mr. Ram Dheeraj, convenor, Sarva Seva Sangh, Mr. Anup Sharmik and Ms. Jagriti Rahi, into a bus. No arrest memo or detention memo was given in violation of the DK Basu guidelines of arrest and detention. Mobiles of three people in the bus were also snatched by a policeman without any memo. They were released after being detained for more than 12 hours, on a personnel bond at night and their mobile phones returned.

Mr. Chandan Pal, the President of the institution has said that Mahatma Gandhi died in 1948, but even today, he is the biggest force against the RSS ideology. So, the current regime is determined to target institutions that are true to his legacy. He also said history repeated itself, as on July 22, 1893 "Around 130 years ago, a young Gandhi was forced out of a train in South Africa. On July 22, 2023, his followers were also driven out of their rightful place.

Mr. Pal and other HRDs said they had tried to reach out to Prime Minister Narendra Modi, (who is also their local MP), to submit a memorandum but were unsuccessful.

We believe that the illegal detention, arrest and disruption of peaceful assembly of the Gandhian activists violates the Right to Freedom of Assembly as stated in Article 19 (1) (b) of the Indian Constitution. Article 21 of the Indian Constitution ensures to all its citizen right to life – a life to live without fear, intimidation, harassment, or mental torture.

Multiple violation of the DK Basu guidelines of arrest and detention took place as the HRDs were arrested without any arrest or detention memos, their families not informed of their location, making their arrests illegal.

A peaceful assembly is protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, “states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders. The potential for violence is not an excuse to interfere with or disperse otherwise peaceful assemblies.” The principle of proportionality applies in use of force during peaceful assemblies. A brutal lathi-charge by the police unprovoked by any physical violence, is a violation of the principle of proportionality and non-adherence to standard operation protocols for management of assemblies.

The UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels; (article 1). That “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration” (Article 12.2).

Globally, human rights defenders face major risks as a result of their work both from the state and out of state actors. The protection of human rights defenders ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against human rights defenders. A free expression and active civil society are essential to ensure the public’s right to know, so that governments and institutions can be held accountable.

## **Appeal:**

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

- Direct the Commissioner of Varanasi to quash all charges against all the peaceful protestors and submit a report to the NHRC within two weeks.
- Direct the independent wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into illegal arrests and charges against human rights defenders by Varanasi police.
- Based on the inquiry report, order the DGP of Uttar Pradesh, to take immediate and strict action against all the policemen who were involved in violating the law and submit a report to the NHRC within four weeks.
- Depending on the result of the investigation, to initiate strict action against all the police officials who carried out the illegal arrests and fabricated charges, flouting DK Basu guidelines and other international and national laws.
- Submit to the Government of India and Indian parliament concern regarding demolishing a 60 year old institution to propagate Gandhian thought being bulldozed.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary