



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/North/UP/07/01/2020

January 09, 2020

To

Mr. Debindra Kundra

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 - India - Urgent Appeal for Action- Uttar Pradesh: Illegal arrest and detention of Dalit rights defender Dr. Anoop Shramik by police in Varanasi, Uttar Pradesh – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding Dalit rights activist and human rights defender Dr. Anoop Shramik who has been illegally arrested by the police in Varanasi in Uttar Pradesh in the wake of peaceful protest against Citizenship Amendment Act (CAA) and National Registry for Citizens (NRC).

Status of the Human Rights Defender

Dr. Anoop Shramik is a Dalit rights activist and human rights defender. He is the Convener of Rashtriya Inquilabi Dalit Adivasi Manch which is a network of Dalit rights activists. He obtained his PhD degree from Poorvanchal University, Jaunpur in Uttar Pradesh for his research work on sexual harassment of Dalit women at workplaces. He was also associated with Dalit Foundation as its Regional Coordinator for North. He has been socially active for over more than 15 years. He has been taking up issues related to violence against women, rights of people engaged in, or employed for any

sanitation work and health rights of the children of disadvantaged section of the society. Dr. Anoop Shramik also works with National Forum for Special Component Plan for Scheduled Castes and Scheduled Tribes. He has been awarded by the President of India in 2003 for leadership as a best cadet on behalf on Bharat Scouts and Guides, New Delhi.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Uttar Pradesh
- Communications with local human rights defenders in Varanasi, Uttar Pradesh

The Perpetrators:

- Uttar Pradesh Police
- Uttar Pradesh government
- Varanasi District Administration

Date and Place of Incident:

December 19, 2019

Beniyabag ground in Chetganj police station, Varanasi, Uttar Pradesh

Details of the Incident:

According to information received, on December 19, 2019 Dr. Anoop Shramik was arrested from Beniyabag ground in Varanasi around 12. 30 pm by the Uttar Pradesh police during the peaceful protest march against CAA and NRC. He was taken to the police line and was booked under section 151 of Criminal Procedure Code (CrPC) for violating Section 144 of the CrPC and for charges of breach of peace. Around 4.30 pm he along with others were sent to jail. A case was filed against Dr. Anoop Shramik in Chetganj police station in Varanasi by the police and he was booked under sections 147, 148, 149, 188, 332, 341, and 353 of the Indian Penal Code (IPC). The police also slapped charges under the 7 Criminal Law Amendment (CLA) Act on him. The sections range from violent rioting with deadly weapons to assaulting a public servant. HRD Dr. Anoop Shramik's family was not provided the copy of the First Information Report (FIR). For 3 days in the jail no body from the family was allowed to meet him. HRDA was informed that on the bail application the Sub Divisional Magistrate refused to put signature. The family were told that on the verbal order of the government of

Uttar Pradesh, the District Magistrate has put a ban on the legal procedures to be followed in the case by the family or friends of the defender. Family members and friends of Dr. Anoop Shramik were not allowed to visit him in jail and they were prevented outside. On the day of hearing on bail, he was put up in the lock up by the police without informing the court.

Among 56 people arrested by the police in Varanasi on December 19, 2019, 53 were granted bail on January 1, 2020 and released from jail. Dr. Anoop Shramik was not granted bail. Instead Varanasi police filed another fabricated case against him in Lanka police station under sections 153 A and 153 B of IPC which criminalizes promoting enmity between social and religious groups. The case relates to a pamphlet distributed to oppose NRC in which the contact number of HRD Dr. Anoop Shramik was mentioned. According to media reports, HRDs are being threatened to be booked under draconian and repressive National Security Act (NSA).

Dr. Anoop Shramik was lodged in Chokaghat Jail in Varanasi. He was finally granted bail by Additional Sessions Judge, Court number 07, Varanasi on 6 January, 2020. He has spent close to 19 days in jail. His arbitrary arrest and detention is a thinly-veiled attempt by the Indian authorities to discourage peaceful dissent in the country. In Uttar Pradesh the government is misusing several repressive laws to harass, criminalize and detain human rights defenders and silence dissent. Cases have also been reported of torture and ill-treatment of activists by the police.

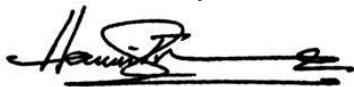
Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned case of illegal arrest and detention of Dalit rights activist and human rights defender Dr. Anoop Shramik by police in Varanasi in Uttar Pradesh to intimidate and criminalise the defender and thereby preventing the legitimate exercise of his right to defend human rights;
- Take immediate and appropriate action against those who are responsible for filing criminal cases, illegal arrest and detention of Dalit rights activist and human rights defender Dr. Anoop Shramik and give this assurance to the NHRC of India in writing immediately and urgently;

- Take necessary steps to ensure that the cases filed against Dalit rights activist and human rights defender Dr. Anoop Shramik are withdrawn and defender is not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure immediate appointment of a competent senior lawyer practicing on the criminal side in Varanasi, Uttar Pradesh to defend the HRDs in all the criminal cases registered against them at state cost;
- Take all necessary measures to re-establish and guarantee the physical and psychological integrity and security of Dalit rights activist and human rights defender Dr. Anoop Shramik in coordination with him;
- Put an end to all acts of attack and harassment of all human rights defenders like HRD Dr. Anoop Shramik in Uttar Pradesh in particular and in the country in general to ensure that in all circumstances they carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;
- Takes steps to ensure that the Government of India stops hounding and targeting human rights defenders with coercion and intimidation in Uttar Pradesh and elsewhere and immediately stop the use of repressive legislations to clampdown on human rights defenders;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)
National Working Secretary