



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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

July 20, 2020

To,  
Mr. Debindra Kundra,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: HRD illegally detained, intimidated, subjected to inhumane treatment and threatened by police on directions of the SP in Chitrakoot.**

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 threat or with security concerns.

We are writing to express our grave concern regarding the illegal detention, inhumane treatment, abuse, intimidation and threats to HRD Mr. Raja Bhaiyya, by the Superintendent of Police (SP) of Chitrakoot, Mr. Ankit Mittal and the Circle Officer (CO) of Sadar police station and the Sub-Divisional Magistrate (SDM) of Chitrakoot. Mr. Raja Bhaiyya is accused of accompanying and being the source of an AajTak journalist who did a news report on sexual exploitation of women and girls in Banda district in Uttar Pradesh.

**We believe that the HRD's life and liberty is in danger and requires urgent action by the Hon'ble Commission.**

**Source of Information:**

- Communication with the HRD
- Communication with the HRDs in the region
- Communication with HRDA Regional Coordinator

**Date of Incident:**

July 11, 2020

**Place of Incident:**

- SP Office, Chitrakoot, UP
- Sadar Police Station, Chitrakoot, UP

**The Perpetrators:**

- Mr. Ankit Mittal, SP, Chitrakoot, Uttar Pradesh
- Mr. Rajneesh Kumar Yadav, Circle Officer, Sadar Police station, Chitrakoot

**About the Human Rights Defender:**

Mr. Raja Bhaiyya is a HRD and founder of an NGO - Vidyadham Samiti - working for human rights of the poor and deprived workers in Bundelkhand region of Uttar Pradesh since 2001. In the past his NGO has taken up the cause of exploitation of minor girls etc, rights of workers working in stone crushers etc.

**Details of the incident:**

On July 07, 2020 Aaj Tak channel telecast a show on sexual exploitation of women and girls working in mines in Karwi at Chitrakoot which got huge public response. (<https://youtu.be/FqkqAPoG3HE>)

On July 11, 2020, Mr. Raja Bhaiyya was sitting in his NGO office Vidyadham Samiti in Atarra, when a government car stopped in front of his office and some policemen entered the office without permission. The policeman told him that they were from Bharatkoop police station and that the Chitrakoot SP has called him. They did not give him a reason nor any notice or warrant and Mr. Raja Bhaiyya was forcefully placed in the police car like a criminal and presented at Chitrakoot SP Mr. Ankit Mittal's office at around 5 pm.

SP Mr. Mittal asked Mr. Raja Bhaiyya questions like, “*Who went with Mausami Singh? (Aaj Tak reporter who did the story). Why did he go to Dafai? Why did he come to Chitrakoot? Was he the source who told the journalist and took her to the area?*” All questions were aimed at establishing his source of the news story done by the journalist on the exploitation of local women. Mr. Raja Bhaiyya replied that he knows

Ms Mausami Singh since the past 5 years and she came to the region for a story and accompanied her to the Bharatkoop area since he goes there frequently. However he was not aware of what story she was filing because she talked to the women in that area without his presence. SP Mr. Mittal intimidated and threatened HRD Mr. Raja Bhaiyya that he will file a case against him under the SC/ST Act and the POCSO Act and that he is a criminal.

SP then told the policemen standing there to put Mr. Raja Bhaiyya in a lockup. He was put in the waiting room and was called again after 15 minutes inside the SP office. First, the SP shouted at him for sitting without permission; then he accused Mr. Raja Bhaiyya of lying as his photo was in a video and that proved that he accompanied the journalist. SP Mr. Mittal then abused and threatened him with physical torture (*ultra latka doonga*) and asked the policemen to take him away and torture him with “a hunter”. At this juncture Mr. Raja Bhaiyya again clarified that he didn’t accompany the journalist where she conducted the interviews.

The policemen took Mr. Raja Bhaiyya to the Sadar police station like a criminal. His wallet and mobile were taken by the police without any seizure document and he was put in a lockup with other detained persons. Around midnight, the CO of Sadar, called Mr. Raja Bhaiyya to a room. He repeated the questions asked by SP. He also accused Mr. Raja Bhaiyya of having intimate physical relations with the AajTak reporter and said that he will inform his wife. The CO also used vulgar and abusive words against Mr. Raja Bhaiyya who was humiliated in every manner possible. After an hour of interrogation, the CO said that a case is being filed against Mr. Raja Bhaiyya. The victim was further abused by the other policemen who refused to listen to any of his clarifications. He was sent back to the lockup where he had to spend the night. Mr. Raja Bhaiyya was not given anything to eat or even allowed to go to the toilet all throughout the night and was not allowed to call anyone for help.

On July 12, 2020, at around 3 AM, the station in-charge gave him a plain paper and asked him to write that *‘he knew journalist Ms. Mausami Singh and she came here to report on how government schemes are reaching people. He accompanied her to Dafai, Bharatkoop but he had no knowledge about the news story that she had filed. He too found out about her story only when he saw the TV.’* Mr. Raja Bhaiyya wrote as directed as this was the only way he would be released and was threatened with cases under the SC/ST Act and POCSO. He was released from lockup only at around 2 PM on July 12, 2020 – more than 24 hours of illegal detention.

Following his release, he was repeatedly approached telephonically by various local authorities for his statement in the matter of the AajTak news report. However, he maintained that he will only respond to an official summon. He wrote the same to the

Chitrakoot SDM on July 18, 2020. Following this, he was sent an official letter from the Chitrakoot SDM to appear in front of the inquiry team. On July 19, 2020, Mr. Raja Bhaiyya went to the SDM Chitrakoot and the SDM asked him similar questions and told him that *“his inhumane treatment and detention by the police was valid as he was a liar”*. However, he was let go after being made to sign a document.

The actions of the district administration and police in this case are heinous, arbitrary and illegal. They reflect that the police are more interested in knowing the source of the story and hence harassed a HRD through misusing their powers, rather than investigating the crime of sexual exploitation of women. This shows the attitude of the government which is more inclined towards creating obstructions in the work of HRDs and journalists rather than taking steps towards the ongoing crisis. The illegality of the interrogation also exposes the malignant intention of the police and puts a question mark on the freedom of speech for HRDs in the state.

The action of the police personnel is also violative of Article 19 of the Constitution which talks about freedom of speech and expression. An illegal detention and interrogation, subjecting an HRD to inhumane treatment in detention, by the police hinders the right of the citizen and the journalists to freely talk on issues of public interest. In the present matter, socially responsible reporting essential for society is being targeted by the police.

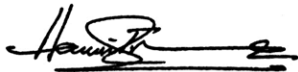
#### **Appeal:**

Mr. Raja Bhaiyya’s entire ordeal and extreme trauma at the hands of the UP police is a prime example of the misuse of official power by police officials and the district administration. He was given no notice or arrest warrant; illegally detained, threatened, abused, tortured and treated like a criminal. Police actions are violative of the NHRC’s guidelines on arrest and DK Basu judgement. We further believe that the HRD’s life and liberty is in grave danger both from future fabricated cases against him by the Chitrakoot police or of being tortured further by the police. We urge the Hon’ble Commission to immediately intervene in this matter of the police misusing law to terrify HRDs and restricting their fundamental rights to speech and expression. Thus we urge the Honourable Commission to take urgent steps to:

- Given that the SP and SDM of Chitrakoot are directly involved in the matter of illegal detention, harassment, subjecting to inhumane treatment of the HRD, direct for an independent team, with the possibility of some of the members of its NGO Core Group, to inquire into the matter.
- Direct the DGP of Uttar Pradesh to submit urgently with the NHRC the CCTV footages of SP Chitrakoot office for July 11, 2020, and Sadar Police Station for July 11, 2020 and July 12, 2020.

- Direct the DGP of Uttar Pradesh to submit urgently with the NHRC the vehicle logs of Bharatkoop police station and Sadar police station for July 11, 2020 and July 12, 2020.
- Direct the DGP of Uttar Pradesh to take urgent action against Chitrakoot SP Mr. Ankit Mittal, Circle Officer Sadar Police station Mr. Rajneesh Kumar Yadav and immediately suspend them for their illegal actions and misuse of power.
- Direct the Chief Secretary of Uttar Pradesh to take urgent action against the Chitrakoot SDM for knowing about the illegal actions of the police on Mr. Raja Bhaiyya by the police, holding it valid and refraining for initiating any action.
- Preserve the life and liberty of Mr. Raja Bhaiyya by urgently ordering the police and administration of Chitrakoot to desist threatening, harassing or torturing him further. Direct the Chief Secretary of Uttar Pradesh to create congenial atmosphere for HRDs in the state.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary