



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 27, 2021

To,
Mr. CS Mawri,
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: Misuse of law & political reprisal by Varanasi district administration, by serving notice to HRDs under *Goondas Act* for participating in peaceful farmer protests.

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 Varanasi district administration serving notice to HRD Mr. Ramjanam Yadav, and other HRDs under the stringent Goondas Act in UP as an act of reprisal for participating in the ongoing peaceful farmer protests.

Source of Information:

- Communication with victim's family and local HRDs
- Communication with the HRDA North Regional Coordinator
- Media Reports

Date and Time of Incident:

December 29, 2020

Place of Incident:

Village Bhagwanpur, Police Station Chaubepur, Varanasi, UP

The Perpetrators:

- Mr. Ran Vijay Singh, Additional District Magistrate, Varanasi.
- Varanasi District Administration

About the Human Rights Defender:

Mr. Ramjanam Yadav (55) is a human rights defender and has been associated with various social and human rights movements. He is currently associated with National Alliance of People's Movements (NAPM), an alliance of progressive people's organizations and movements which work against discrimination in India. He is also a leader of Swaraj Abhiyan, working on various farmer issues.

Details of the incident:

On 5 January 2021, when Mr. Ramjanam returned to Varanasi from the farmers protest at Shahjahanpur border, he found a notice sent to him by Mr. Ran Vijay Singh, Additional District Magistrate of Varanasi, dated 29 December 2020, charging him under the 'Goondas Act'. The notice accused him of being a habitual offender in committing crime or attempting to commit crime along with a gang and claimed that Mr. Yadav was infamous for his dangerous activities which harm people and their properties. The notice also said that there is sufficient evidence to name him under the Goondas Act. It asked Mr. Yadav to give a written explanation by January 15 2021, as to why he shouldn't be named under the said Act. Mr. Ramjanam says that, "I went to Shahajapur border to support the protest of farmers. If anyone supports the farmers' agitation, then the police call them, visit their homes and harass them about supporting the farmers movement. That's why I was sent a notice under the Goondas Act."

On January 07, 2021, Mr. Ramjanam, along with an delegation of local activists, met the Divisional Commissioner of Varanasi and gave him a letter of complaint accusing the Varanasi police of harassing those who are supporting the farmers protests. They

also demanded that the notice be taken back from Mr Yadav and activists not be harassed and intimidated in the future. The National Alliance of People's Movements (NAPM), Rihai Manch and several other human rights organizations and NGOS have condemned this action and demanded to immediately withdraw the notice of Goondas Act on Mr. Ramjanam.

According to media reports several other farmer activists like All India Kisan Sabha (AIKS) district secretary Mr. Ramjee Singh, Communist Party of India (CPI) district secretary Mr. Jaishankar Singh, BHU student Mr. Shivraj Yadav, Communist Party of India (Marxist) members Mr. Bansraj Patel, Mr. Nehaluddin, Mr. Mohammad Alam and Mr. Shivshankar Lal from Varanasi have also been served notice under the Goondas Act for taking part in the peaceful farmers protests.

We contend that the notice on Mr. Ramjanam is an act of political reprisal on him and others for taking part in peaceful farmer protests. We also express our grave concern about the abuse of power by District Administration of Varanasi by naming HRDs under the dreaded Goondas Act for supporting a peaceful protest.

Article-19 of the Indian Constitution guarantees the citizens the right to assemble peacefully and without arms and the right to form associations and unions. The Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR), also recognizes the right to freedom of assembly and association as a fundamental human right. Citizens have a right to congregate and protest peacefully for any cause. The district administration of Varanasi is misusing their power to intimidate and harass citizens and repress their Constitutional right to peaceful protest.

Furthermore, the Goondas Act in Uttar Pradesh can be imposed under the following reasons; The Uttar Pradesh Control of Goondas Act (U.P. Act No. 8 of 1971, amended by U.P. Act No. 1 of 1985) Section 2(b) defines a goonda as a person who: 1. *either by himself or as a member or leader of a gang, habitually commits or attempts to commit, or abets the commission of an offence punishable under Section 153 or Section 153-B or Section 294 of the Indian Penal Code or Chapter XV, Chapter XVI, Chapter XVII or Chapter XXII of the said Code; or* 2. *has been convicted for an offence punishable under the Suppression of Immoral Traffic in Women and Girls Act, 1956; or* 3. *has been convicted not less than thrice for an offence punishable under the U.P.*

Excise Act, 1910 or the Public Gambling Act, 1867 or Section 25, Section 27 or Section 29 of the Arms Act, 1959; or 4. is generally reputed to be a person who is desperate and dangerous to the community; or 5. has been habitually passing indecent remarks or teasing women or girls; or 6. is a tout; or 7. is a house-grabber.

None of the conditions according to which the Goondas Act can be imposed are applicable in case of HRD Mr. Ramjanam, making it a clear case of political reprisal to harass him for his participation in peaceful protests.

Appeal:

Thus, we appeal to the Hon'ble Commission to urgently:

- Direct the Chief Secretary, UP to withdraw the notice served on the HRDs under the Goondas Act and take immediate steps against the district administration of Varanasi for misuse of law for political reprisal.
- Order an immediate, independent, thorough, transparent, and impartial investigation into the fabricated cases against Mr. Ramjanam Yadav and all other HRDs in Varanasi who have been sent notice under the Goonda Act for supporting the peaceful farmers protests.
- Direct the Chief Secretary UP to take steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998 which recognizes the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals.
- Ensure that social activists and human rights defenders in Varanasi are allowed to carry out their human rights work as per the fundamental rights enshrined in the Constitution.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary