



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 31, 2022

To,
Mr. Indrajeet Kumar,
Focal Point - Human Rights Defenders & Deputy 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, custodial torture and fabricated charges against social and political activist Mr. Arjun Lal and others HRDs.

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 allegations framed by the Uttar Pradesh Police against Mr. Arjun Lal, Ms. Sarojini Devi and others and them being subjected to custodial torture.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with local HRDs
- Media Reports

Date of Incident:

August 14, 2022

Place of Incident:

Sitapur, Uttar Pradesh

The Perpetrators:

- Mr. Brijesh Kumar Tripathi, Station Officer (SO), Hargaon Police Station, Sitapur, Uttar Pradesh.
- Police Personnel of Hargaon Police Station, Sitapur, Uttar Pradesh

About the Human Rights Defenders:

- Mr. Arjun Lal (57) is a social and political activist. He has been intervening in issues concerning social justice in Sitapur and Uttar Pradesh for a long time. He is also associated with the Communist Party of India (Marxist Leninist) Liberation since 2001. He is currently the District Secretary of the party.
- Ms. Sarojini Devi (50) is associated with All India Progressive Women's Association (AIPWA), a women's organisation committed to achieving equality and women's emancipation that has organisational presence in 21 states. She is also the district president of AIPWA.

Background of the Incident:

In Hargaon, Sitapur, there was an ongoing dispute regarding a *gaushala* that had been recently established by the Dalit village pradhan. The issue cropped primarily from the fact that the land on which the *gaushala* was established had been under the control of dominant caste members of the village. Soon after the *gaushala* was established, Dalits in the village were attacked by dominant caste members.

Details of the Incident:

On August 14, 2022, around noon, the Hargaon police detained a few members from the Dalit community and took them to Hargaon police station. Mr. Arjun Lal along with a few others went to the police station to inquire about the detention. The police did not provide any answers and instead assaulted and tortured the group inside the police station. This group was subsequently detained and arrested.

At around 3 pm, Ms. Sarojini Devi with some local women went to the police station to inquire about Mr. Arjun Lal and others. When police did not respond to their queries, they staged a protest at the police station. The police assaulted the group and detained them, but released them at around 7 pm.

The HRDs later learnt that the police had registered an FIR (**FIR number 0465**) at 2.20 pm on August 14, 2022. It was registered against 22 persons including Mr. Arjun Lal and Ms. Sarojini Devi, and the accused were charged under Sections **147** (Punishment for rioting), **342** (Punishment for wrongful confinement), **332** (Voluntarily causing hurt to deter public servant from his duty), **353** (Assault or criminal force to deter public servant from discharge of his duty), **186** (Obstructing public servant in discharge of public functions), **504** (Intentional insult with intent to provoke breach of the peace), **506** (Punishment for criminal intimidation) of the Indian Penal Code, and Section **7** (Molesting a person to prejudice of employment or business) of the Criminal Law Amendment Act, 1932.

Police claimed that Mr. Arjun Lal and other HRDs were arrested from the Jahangirabad bridge at 06.50 AM on August 14, 2022. They were produced before a judge on August 15, and remanded in Sitapur Jail. There have been continuous protests in the region against their arrest and assault by police officials.

The actions of the Hargaon police are in direct violation of state and international laws that prohibit torture and assault of any kind. The Hon'ble Commission itself asked the states to criminalize torture. Article 5 of the Universal Declaration of Human Rights

and Article 7 of the International Covenant on Civil and Political Rights provide that nobody shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction. The torture of HRDs in this case makes the Hargaon police officials liable for criminal prosecution. The police also have also flouted multiple provisions of the DK Basu guidelines.

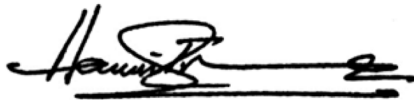
Protection of HRDs is a key duty of any State as specified in the declaration on human rights defenders, adopted in 1998 by the UN general Assembly. Article 2 of the declarations states that the State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice. The FIR registered against the HRDs run contrary to this and is a gross violation of the rights of the HRDs.

Appeal:

We appeal to the Hon'ble Commission to urgently take action and:

- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, and impartial investigation into the above-mentioned incident of custodial torture and violation of the DK Basu guidelines by police personnel of Sitapur and submit a report within four weeks.
- Depending on the result of the inquiry, direct the Director General of Police of Uttar Pradesh to take urgent action against police personnel and submit the report to the NHRC within four weeks.
- Direct the Director General of Police of Uttar Pradesh to ensure that the HRDs are not subject to any harassment and intimidation by the police.

Yours sincerely,

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

Henri Tiphagne
National Working Secretary