



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/North/UP/10/09/2020

September 28, 2020

To,
Mr. C.S 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: Dalit HRD Dhirendra Pratap and his brother abducted, tortured and illegally detained by Uttar Pradesh Police in Gorakhpur.

Greetings from Human Rights Defenders Alert - India!

Human Rights Defenders Alert - India (HRDA) 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.

National Dalit Movement for Justice (NDMJ)-NCDHR having its presence in more than 15 states of India is committed to the elimination of discrimination based on work and descent (caste) and work towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) across India. NDMJ works towards the realization of all civil, cultural, economic, political and social human rights of Dalits and Adivasis in the country. NDMJ is actively involved in advocacy for the protection of HRDs working on the issues related to caste based discrimination and atrocities and is also engaged in the effective implementation the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995 across the country.

We are writing to express our grave concern regarding Dalit HRD Mr. Dhirendra Pratap (34) and his brother Mr. Yogendra Pratap (26) being abducted at midnight and tortured by the Uttar Pradesh police in Gorakhpur.

Source of Information:

- Communication with local HRDs in Gorakhpur
- Communication with HRD's family
- HRDA North Regional Coordinator
- Media Reports

Date of Incident:

September 18, 2020

Place of Incident:

Betiahata, Gorakhpur, Uttar Pradesh

The Perpetrators:

- Police Personnel of Cantt. Police Station, Gorakhpur, Uttar Pradesh.
- Police Personnel of Crime Branch Unit, Gorakhpur, Uttar Pradesh.
- Mr. Amit Kumar Chaturvedi, Sub-Inspector and Chowki In-charge of Betiahata Police Chowki, Gorakhpur, Uttar Pradesh.
- Mr. Vivek Shahi, Gram Pradhan of village Kusmaul, Gorakhpur, Uttar Pradesh.

About the Human Rights Defender:

Mr. Dhirendra Pratap is a Dalit rights activist and the national president of an organization called "Purvanchal Sena" formed in 2006 and working against the oppression of Dalits.

Background of Incident:

On September 08, 2020, in Kusmaul village in Gorakhpur, a candidate for Pradhan's election Mr. Sonu Jatav was abused with 'casteist slurs' by the sitting *Gram Pradhan* Mr. Vivek Shahi. Mr. Dhirendra and his organisation opposed this incident and the

police filed an FIR under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (PoA) against the Pradhan on September 09, 2020.

However, Mr. Vivek was not arrested and he is alleged to have gone to the Dalit colony and abused Dalits in front of the police. The police instead of upholding law and order and arresting Mr. Vivek, remained silent and abetted the atrocities. A video was also made of this incident. Mr. Dhirendra and his organisation were constantly demanding the arrest of Mr. Vivek.

Details of the incident:

On September 18, 2020, around 02:00 AM, 20-25 men in plain clothes, armed with guns, jumped the wall and entered Mr. Dhirendra's home in village Betiahata, Gorakhpur. When Mr. Dhirendra's father enquired who they were and how did they enter his home, they said that they were from the crime branch and had come for an investigation and started searching their home room by room. Mr. Dhirendra was sleeping in his room during this time. When he woke up, the intruders told him too that they are from the crime branch and said that *"You are Dhirendra 'Purvanchal Sena' president, now you will know how to become a leader."*

Mr. Dhirendra asked them for an arrest warrant or notice, hearing which they started abusing him and forcibly tried to take him. Mr. Dhirendra's younger brother was recording this entire incident on his mobile. After seeing him record the incident, the policemen snatched the mobile from the younger brother and took him too forcibly. They also abused and harassed women.

When the two brothers were brought out of the house, the family also came out and noticed that some policemen in uniform were standing outside the house. There were 6-7 cars, including a police jeep. The policemen started slapping both HRDs, while trying to force both brothers into their car. When their father tried to rescue his son, they tried to beat him with a lathi. Then they forcibly abducted both the brothers and took them.

In the morning their father went to nearest police station – Cantt Police Station in Gorakhpur – and asked about his sons. But the policemen replied that they did not know about them. He then went to successive police stations to ask about his sons but did not get any information.

Then he went to the Senior Superintendent of Police (SSP) Gorakhpur Mr. Bhupendra Kumar Singh's office but Mr. Singh was not present, so he left a letter regarding the incident. Around 02:00 PM, he met the District Magistrate (DM) of Gorakhpur Mr. Vijendra Pandiyan and told him the incident. The DM assured him that he will find his sons.

Around 03:00 PM, Mr. Dhirendra and his brother were brought to the district hospital of Gorakhpur for medical examination and after medical they were sent to the Gorakhpur District Jail. At 3:03 pm an FIR was registered by Mr. Amit Kumar Chaturvedi, Sub-Inspector at Cantt Police Station, Gorakhpur under sections 307 (Attempt to murder), 332 (Voluntarily causing hurt to deter public servant from his duty), 353 (Assault or criminal force to public servant from discharge of his duty) against Mr. Dhirendra, Mr. Yogendra Pratap and another person Mr. Vicky David.

The FIR stated that on the night of September 17-18, 2020, Mr. Chaturvedi, (Sub-Inspector) along with Constables Deepak Kumar and Ram Chander Yadav were on duty at Betiahata Chauraha, Betiahata, Gorakhpur. From the Crime Branch, Mr. Sadiq (SI), Mr. Chandrabhan (SI), Mr. Rashid (Head-Constable), Mr. Dharmendra (Constable), Mr. Yogesh (Head-Constable), Mr. Pradeep (Constable), Mr. Rakesh (Constable), Mr. Indresh (Constable), Mr. Qutbuddin (Constable) and Mr. Monish (Constable) had gone to the Betiahata Chauraha. They were told by an informer that a wanted criminal Mr. Vikky David is standing near Hanuman temple with two people. After getting the information, 15 policemen reached Hanuman Temple where they saw three people standing who said their names was Mr. Vicky David, Mr. Dhirendra Pratap and Mr. Yogendra Pratap. When all of them were body searched, it seemed as if Mr. David had a gun and in the scuffle several policemen fell down and all three of them ran away firing. Mr. Chaturvedi stated in FIR that, "the police searched for them but all three could not be found. That's why I'm filing a FIR".

Mr. Dhirendra was constantly persuading the police to uphold the constitution and act against Dalit atrocities. This is the main reason why the police targeted Mr. Dhirendra. The entire narrative showcases extreme neglect and misuse of power by the Gorakhpur police. From not arresting Mr. Vivek and then abetting crime against Dalits to the post-midnight raid, abduction and illegal arrest in a fabricated case demonstrate a state of complete lawlessness in Gorakhpur. Acts by the police depict

extremely serious and blatant violations of arrest procedures of the Cr.P.C, the DK Basu guidelines and NHRC's own guidelines on arrest procedures.

Appeal:

We would like to express our grave concern about the abuse of power by the Uttar Pradesh Police in Gorakhpur. They didn't only violate all laws and procedures and are directly involved in illegal raid, abduction, illegal detention and arrest of a Dalit HRD and his brother in wee hours. The Hon'ble Commission should urgently:

- Order Hon'ble Commission's investigation wing to initiate an immediate, fair and transparent inquiry in the instance of illegal raid, abduction, illegal detention and arrest of a Dalit HRD Mr. Dharendra Pratap and his brother in wee hours. The investigation should look at violations of several provisions of the CrPC, DK Basu and the NHRC guidelines by the Uttar Pradesh Police. Given that there are allegations of inaction against Senior Superintendent of Police (SSP) Gorakhpur Mr. Bhupendra Kumar Singh, we urge the Hon'ble Commission to refrain from issuing a routine notice of response.
- Direct the Director General of Police of Uttar Pradesh to submit with the Hon'ble Commission the CCTV footages, vehicle log records, wireless records, duty records and other necessary information pertaining to the Betiahata police chowki and Cantt Police Station for September 17-18, 2020, within 48 hours.
- Based on the inquiry, take immediate and strict action under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against Mr. Amit Kumar Chaturvedi, Sub-Inspector and Chowki In-charge of Betiahata Police Chowki, Gorakhpur and all the policemen who were involved in the instance of illegal raid, abduction, illegal detention and arrest of a Dalit HRD Mr. Dharendra Pratap and his brother in wee hours.
- Direct the Director General of Police of Uttar Pradesh to issue necessary orders of initiating appropriate legal actions, including arresting, the *Gram Pradhan* of Kusmaul village Mr. Vivek Shahi, given that the FIR is registered under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

- Direct that necessary actions in accordance to Section 4 of the said act is initiated against police personnel for their wilful negligence of duty and deliberate inaction against Mr. Vivek Shahi on two consecutive occasions as mentioned in this complaint.
- Direct the District Magistrate of Gorakhpur to provide compensation to the Mr. Dhirendra's family, for the physical and psychological suffering they went because of arbitrary and illegal acts of police personnel of the Uttar Pradesh Police.
- Put an end to all acts of harassment and intimidation against all human rights defenders in general in Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- The lawless behaviour of the police in Uttar Pradesh against HRDs and citizens is not restricted to this single instance but has been seen in many instances. Thus, we appeal to the Hon'ble Commission to direct the Director General of Police of Uttar Pradesh to mandatorily conduct trainings on law and duty for all police personnel and report the update on the same to the Hon'ble Commission within 3 months.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary
Human Rights Defenders Alert – India
(HRDA)



(Dr. V.A. Ramesh Nathan)

General Secretary,
National Dalit Movement for Justice
(NDMJ)-NCDHR