



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 13, 2021

To,
Mr. C.S Mawri,
HRD Focal Point
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 – Urgent Appeal for Action – Uttar Pradesh: Illegal arrest and fabricated charges against social-activist and former police official Mr. Amitabh Thakur and his wife Ms. Nutan Thakur by the Uttar Pradesh Police.

Greetings from Human Rights Defenders Alert!

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 arrest of social-activist and former police official Mr. Amitabh Thakur and false FIRs against him and his wife Advocate Nutan Thakur.

Source of Information:

- Information from HRDA North Regional Consultant
- Information from the HRD's family
- Media Reports

Date of Incident:

August 27, 2021

Place of Incident:

Gomti Nagar, Lucknow, Uttar Pradesh

Perpetrators:

- Police officials of Lucknow, Uttar Pradesh
- Ms. Shweta Srivastava, Assistant Commissioner of Police (ACP), Mahila Apradh Police Commissionerate, Lucknow

About the Human Rights Defenders:

- Mr. Amitabh Thakur (53) is a former Indian Police Service (IPS) officer of Uttar Pradesh cadre and Ex. Inspector General (IG) of Civil Defense Department in Uttar Pradesh. Mr. Thakur is the founder of the National RTI Forum, a grassroots anti-corruption organization in India that advocates government openness under the terms of the Right to Information Act 2005. The organization is based in Lucknow. Mr. Thakur had formed Institute for Research and Documentation in Social Sciences (IRDS). Mr. Thakur was due to retire in 2028 but was given compulsory retirement by the government on an order of the Union Home Ministry which said he was not found fit for the remaining tenure of his service.
- Advocate Nutan Thakur (48) is a social activist, journalist, and writer. Ms. Thakur and her husband have filed over 500 RTI applications and 150 Public Interest Litigations (PILs). She is also the Secretary of IRDS.

Details of the Incident:

On August 27, 2021, around 02:30 pm, around 20 police officers, some without name badges, came to the house of Mr. Thakur at Gomti Nagar, Lucknow with ACP Ms. Shweta Srivastava in three police vehicles. The policemen asked Mr. Thakur to accompany them to the police station for interrogation. Mr. Thakur asked them to show him a copy of the FIR and arrest memo or a notice, to which the policemen replied that he must accompany them only for questioning.

Mr. Thakur said to the policemen that they can arrest him but with due procedure. Once they have shown him the official papers, he would be willing to go with them. However, the police neither showed him the arrest warrant or the FIR nor informed the family about the arrest. They picked up Mr. Thakur physically and forcibly, manhandled him, holding him in air by hands and legs and threw him in the police jeep forcibly. As he was being taken away by force Mr. Thakur tried making a video on his mobile, but his mobile was snatched by the policemen. However, the video of him being taken away has been on social media, in which it can be clearly seen how he was forcibly taken away.

When Ms. Thakur asked the police where they were taking her husband, she was told that he was being taken to the Hazratganj police station. However, when she reached the Hazratganj Police station, she was not allowed to meet Mr. Thakur. When she asked why she was not being allowed to meet him, the policemen replied that she should talk to their senior. Ms. Thakur requested to let her meet Mr. Thakur as she was his advocate too. However, she was still not allowed to meet Mr. Thakur. They were not given a copy of the FIR by the police. Around 06:00 pm, Mr. Thakur was sent to judicial custody till September 09, 2021, by the Lucknow CJM.

On August 27, 2021, at 1:52 pm an FIR No. 0309 was registered against Mr. Amitabh Thakur and Mr. Atul Rai by Sub-Inspector Mr. Dayashankar Diwedi at the Hazratganj police station, Hazratganj Lucknow under of IPC **120-B** (*Punishment of criminal conspiracy*), **167** (*Public servant framing an incorrect document with intent to cause injury*), **195-A** (*Threatening any person to give false evidence*), **218** (*Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture*), **306** (*Abetment of suicide*), **504** (*Intentional insult with intent to provoke breach of the peace*) and **506** (*Punishment for criminal intimidation*).

On August 27, 2021, at 11:50 pm FIR No. 0592 was registered against Mr. Amitabh Thakur and Ms. Nutan Thakur by Sub-Inspector Mr. Dhananjay Singh at Gomti Nagar police station, Gomti Nagar, Lucknow. The FIR registered under sections of IPC **186** (*Obstructing public servant in discharge of public functions*), **189** (*Threat of injury to public servant*), **224** (*Resistance or obstruction by a person to his lawful apprehension*), **225** (*Resistance or obstruction to lawful apprehension of another person*), **323** (*Punishment for voluntarily causing hurt*), **353** (*Assault or criminal force to deter public servant from discharge of his duty*), **427** (*Mischief causing damage to the amount of fifty rupees*).

A few hours before his arrest, Mr. Thakur had announced that he would form his own political party "Adhikar Sena" to contest the assembly elections in Uttar Pradesh and that he would contest directly against Chief Minister and said that Uttar Pradesh had become an 'autocratic' state. On August 21, 2021, Mr. Thakur was stopped by the district administration from going to Ayodhya and Gorakhpur.

Serious questions regarding the misuse of law by the police remain. Why did the police arrest Mr. Thakur without proper arrest procedure and documents, and forcibly take him without an arrest memo, detention memo or even prior notice? Why were some of the policemen without badges? Why was his wife and lawyer not allowed to meet him despite her repeated requests?

We believe that Mr. Amitabh Thakur and Ms. Nutan Thakur have been targeted as political vendetta for questioning government policies as HRDs. We also believe that Mr. Thakur's arrest is illegal and a clear violation of multiple DK Basu Guidelines, and of CrPC Section 41B. *Every police officer while making an arrest shall-(a) bear an accurate, visible, and clear identification of his name which will facilitate easy identification; (b) prepare a memorandum of arrest which shall be-(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made; (ii) countersigned by the person arrested.*

Appeal:

We urge the Hon'ble Commission to take cognizance of the above case and urgently:

- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned case of illegal arrest of HRD Mr. Amitabh Thakur by police in Lucknow and submit the report in writing to the NHRC within two weeks.
- Direct the Director General of Police of Uttar Pradesh to take all necessary measures to re-establish and guarantee the physical and psychological integrity and security of HRD Mr. Amitabh Thakur and his wife Ms. Nutan Thakur in coordination with them.
- Direct the Chief Secretary of Uttar Pradesh to put an end to all acts of attack and harassment of all human rights defenders in Uttar Pradesh in particular 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.

Yours Sincerely,

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

Henri Tiphagne
National Working Secretary