



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 30, 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Uttar Pradesh: HRD charged with Goondas Act on the basis of a fabricated unproved case.**

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 concern at the registration of a case under the draconian Goonda Act by the Uttar Pradesh Police in Meerut against Mr. Zakir Ali Tyagi.

**Source of Information:**

- Information from HRDA regional consultant
- Information from HRD

**Date of Incident:**

June 24, 2021

**Place of Incident:**

Meerut, Uttar Pradesh

**Perpetrators:**

Mr. Anand Prakash Mishra, Senior Inspector, Parikshit Garh police station, Meerut  
Other Police officials of the Parikshit Garh police station, Meerut.

**About the Human Rights Defender:**

Mr. Zakir Ali Tyagi (22) is a social activist associated with several human rights organisations such as the Rihai Manch and has been a part of several human rights fact-finding teams in Uttar Pradesh. He is currently the vice president of the Uttar Pradesh chapter of the National Confederation of Human rights organization (NCHRO). He has also been involved in peaceful anti-CAA protests. In 2017, NSA was filed on Mr. Tyagi regarding his Facebook post, critical of the UP Chief Minister. Subsequently, he spent 42 days in jail and is currently out on bail.

**Background of the Incident:**

On the midnight of August 25, 2020, 15-20 policemen reached Mr. Tyagi's village Aminabad (Bada Gaon), Kila Parikshit Garh in Meerut and entered his home without permission or any prior notice. The policemen came in 2-3 police jeeps, and some were without uniform or official badges. Three non-uniformed policemen had covered their faces with black masks. The HRD was arbitrarily picked up, violating all arrest guidelines.

His illegal arrest and detention was with regard to a cow slaughter case that had been registered on August 23, 2020, after the carcass of a cow had been found on a farm in a village. The FIR did not name any accused and was registered against unknown persons.

On September 1, 2020, HRDA had submitted a formal complaint with the Hon'ble Commission (Case No: 17217/24/54/2020) to highlight the harassment meted out on the HRD by the local administration with the above case. The Hon'ble Commission vide a letter dated May 17, 2021, intimated us that it had closed the case, in view of a report that the Commission had received from the Senior Superintendent of Police, Meerut on January 6, 2021. The report stated that the police upon investigation found evidence against four accused Nazim, Ishaallah, Zakir Ali (the HRD), and Zubair. HRDA wasn't provided an opportunity to respond.

**Details of the Incident:**

On June 23, 2021, two police officials from the Parikshit Garh police station arrived at the HRD's house. They told him to be present at the local court the next day. The police officials did not give any written summons or statement as to the reason why the HRD should appear in court the next day.

On June 24, 2021, Mr. Tyagi appeared in the court presided by the Additional District Magistrate, where he learnt that he was charged under the Goondas Act, 1970. Documents accessed from the court revealed that the justification cited for conducting proceedings under this law was the cow slaughter case under which the HRD has been charged.

In his application to the district collector, Mr. Anand Prakash Mishra, Senior inspector, Parikshit Garh police station, said that people were afraid of the HRD and hence were not providing testimony against him. However, it has provided no evidence for the same. However, we strongly believe that the case against the HRD is malafied.

The Goondas Act was legislated to provide the police powers to keep habitual offenders under preventive detention for a year. The act defines a "goonda" as a person who habitually commits offences or attempts or abets criminal acts, either alone or as a member or leader of a gang.

Mr. Tyagi has no prior conviction or cases against him. He has never been part of any gang. A single fabricated case filed six months prior, is being used as the basis for invoking the Goondas Act. It amounts to abuse of a draconian law that is being used rampantly in Uttar Pradesh against persons who participated in peaceful protestors during the CAA NRC protests.

The current action by the Uttar Pradesh Police in Meerut is a continuation of the harassment meted out to the HRD for his involvement in peaceful protests and work linked to protection of rights of individuals and communities.

**Appeal:**

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

- Direct the Superintendent of Police of Meerut to conduct an impartial and transparent inquiry on filing a motivated case under the Goondas Act against Mr. Zakir Ali Tyagi.
- Direct the Superintendent of Police of Meerut to ensure that Mr. Zakir Ali Tyagi is not harassed again by the Meerut police and to give it in writing to the Commission.

Yours Sincerely,

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

**Henri Tiphagne**

National Working Secretary