



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/UP/01/10/2023

October 14, 2023

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: Harassment of a WHRD and NGO in Banda, Uttar Pradesh

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for human rights defenders. It endeavors to initiate actions on behalf of human rights defenders under threat or with security concerns.

We are writing to express our concern regarding WHRD Ms. Mubeena Khatoon and her organization who are being harassed for her work as a WHRD.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with HRD

Date of Incident:

August 07, 2023

Place of Incident:

Banda District, Uttar Pradesh

The Perpetrators:

- Mr. Rajesh Kumar, City Magistrate, Banda District, Uttar Pradesh
- District Urban Development Agency (DUDA) department of Banda District

About the Human Rights Defender:

Ms. Mubeena Khatoon (35) is a WHRD at Banda associated with many social and human rights organizations. She is a Convenor of "Chingari" a social organization which works for children's education, women and cases of domestic violence. She also works on issues of discrimination against women and Dalits.

Background of the Incident:

In December 2022, Ms. Mubeena had sought information regarding allotment of houses via an RTI from District Urban Development Agency (DUTA) Department, Banda. However no response was given regarding her RTI from the department.

Details of the Incident:

In January 2023, a letter was sent by Mr. Rajesh Kumar, City Magistrate, Banda District, to Ms. Mubeena which said that that as the convener of the so-called Chingari organization, she corresponds with higher officials on various subjects. When the reply is sent to her, it is returned to the sending office after commenting that the address is incorrect. Thus, she was directed to present herself and present the information on the following points regarding "Chingari Organization".

- Attested photocopy of the certificate of registration of "Chingari Sangathan"
- List of names, addresses and mobile numbers of all officials of the organization
- Full correspondence address of the organization
- Certified photocopy of the constitution related to the working duties of the organization
- Details of the work done by the organization till date.

On February 13, 2023, a similar letter was sent by the City Magistrate to Ms Mubeena. The subject line of the letter said: *In relation to the alleged unregistered Chingari organization, living under illegal occupation in Manya Kanshiram Colony Moja Nimmipar.*

On February 21, 2023 Ms. Mubeena replied to both these letters in writing to the City Magistrate, Banda saying that *"you asked for information about Chingari organization, which I provided to you through registered post. It was clarified that Chingari is an unregistered organisation which was created by local people to help each other. In*

response to that letter, you have sent me this letter that any kind of activities of unregistered organization are invalid. In this regard, I submit that there are lakhs of self-help groups running in the country who are unregistered. Would you call those groups invalid as well? I request you that if any group or organization works together to create a society, please provide a copy of the act declaring it invalid. Because till now I knew that the Constitution gives us the right that any person can do creative work by forming a group or organization.

You have written in the letter that it is mentioned in my letter that I have been paying instalments in block number 24 for 4 years. At the same time, it has also been written to register an FIR against the person illegally collecting rent from the government building and vacate the illegal encroachment. Regarding this, I submit that I have not written any such letter in which it is written that I am paying rent for any government accommodation. The language of your notice is fabricated. I am suspecting that such a fake letter has been written with the intention of hatching a conspiracy against me. I request you to please provide a photocopy of that letter. I am also requesting that many people have encroached upon Kanshiram Colony with the help of DUTA department officials. DUTA department has illegally allotted houses to those people by taking money. If you really want to conduct an impartial investigation, I can provide the list of officials of the DUTA department and the illegal occupants of the houses.”

On February 23, 2023 Ms. Mubeena also filed an RTI to Public Information Officer/City Magistrate Banda under which she demanded to know under which law and which section the social and creative activities done by the organization will be invalid.

On August 17, 2023 a letter was sent to Ms. Mubeena by Mr. Rajesh Kumar, City Magistrate, Banda. This letter said that in an application Ms. Mubeena stated that she had been paying rent in that colony for four years so, *she should be provided a residence. She was asked to vacate the house and provide possession to DUDA office. Otherwise, the house will be vacated with police force.*

However Ms. Mubeena denied any wrong doing and alleges that she and her social organisation are facing harassment and being targeted by the City Magistrate due to her RTI. Regarding this whole matter, Ms. Mubeena says that “I sought information from the DUTA department through an RTI, but instead of responding to that RTI, the City Magistrate is continuously harassing me and my organization. Until now no

information has been given to me by the DUTA department. I am afraid that they are trying to implicate me in some fake case.”

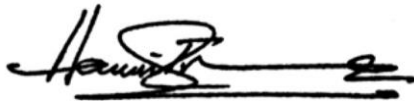
We would like to express our concern about the extreme mental harassment being faced by Ms. Mubeena for her work as an WHRD and we fear that this harassment by the district administration is a sign of indifference towards women HRDs, who often face apathy and hostility towards them for their work for the betterment of the society.

Appeal:

We appeal to the Hon’ble Commission to urgently:

- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, and impartial investigation into the above-mentioned matter and submit a report 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 and others.
- Direct the Director General of Police of Uttar Pradesh to ensure the safety of WHRD.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary