



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 21, 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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Uttar Pradesh: Fabricated and politically motivated FIR against health activists by the Lucknow Police.

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 a fabricated FIR by the Lucknow Police against human rights defenders Mr. Avinash Tiwari, Ms. Rupa Shukla and Mr. Anupam Verma, for distributing pamphlets critiquing the government handling of COVID 19 and demanding right to health for citizens.

Source of Information:

- Communication with the HRDA North Regional Consultant
- Media Reports
- Communication with HRD

Date and Time of Incident:

May 17, 2021

Place of Incident:

Daliganj, Lucknow Uttar Pradesh

The Perpetrators:

- Mr. Ravindra Kumar, Sub-Inspector, Hasan Ganj police station, Hasanganj, Lucknow.

- Mr. Y. K. Singh, Chowki In-charge, Babuganj police chowki, Hasanganj, Lucknow.
- Police personnel of Hasanganj police station, Hasanganj, Lucknow.

About the Human Rights Defenders:

- **Mr. Avinash Tiwari (27)** is a student activist and has been providing free education to poor children. He works for an NGO Naujawan Bharat Sabha. Naujawan Bharat Sabha works for awareness on cleanliness, clean water, and health in backward localities as well as the education, and development of women, underprivileged peoples and Dalits since 2014.
- **Mr. Anupam Verma (24)** is a student activist and volunteer of Naujawan Bharat Sabha. He works for the education of backward and poor children and teaches them. He also works for cleanliness, health and clean water in backward localities.
- **Ms. Rupa Shukla (28)** is associated with Naujawan Bharat Sabha and Stree Muktee League. She works with underprivileged rural women for their development, education, against domestic violence and gender discrimination. She is associated with several women rights and human rights organizations.

Details of the incident:

A campaign called 'Jan Swasthya Adhikar Abhiyan' was being run nationally by several non-governmental organizations including Naujawan Bharat Sabha (NBS) and Stree Mukti League (SML). The campaign was critical of the government's handling of COVID and demanded nationalization of the healthcare system, financial support to those who have lost their livelihood, relaxation of IPR on COVID-19 vaccines, universalization of the ration system, immunization and healthcare facilities for frontline workers including sanitation workers and health workers among other things.

On May 17, 2021, around 09:30 AM, Mr. Avinash, Ms. Rupa and Mr. Anupam were distributing pamphlets to people passing by on the road, near Hanuman Mandir at Ramdhin Singh Road, Kalpur, Lucknow, 5-7 men including a local Councillor Mr. Rohit Dubey attacked them. All three of them were surrounded and were verbally abused, including Ms. Rupa who was abused with sexist abuses. Both Mr. Avinash and Mr. Anupam were hit with punches, slaps and kicks and Mr. Avinash's phone was thrown in the drain.

Due to the assault taking place in public, several onlookers gathered and called the police. 5 policemen came in a jeep and 2 policemen in a bike and instead of arresting the goons assaulting the HRDs, took Mr. Avinash, Ms. Rupa and Mr. Anupam to the Hasanganj police station, Lucknow.

At 11:00 am, they reached Hasanganj police station where mobiles and bags were taken from all three of them without any memo. Before reaching the police station, the HRDs had called their friends that police were taking them.

In the police station the HRDs were made to sign a piece of paper, which they were

not allowed to read. A cursory glance told them that paper said something on the lines of these people were caught while distributing pamphlets during the pandemic, on which the following FIR is being registered, but instead of the sections, the space for sections was left blank. They were released around 2.30 pm after being made to sit in the police station for 3 hours without any medical treatment. The policemen didn't inform their families.

On May 17, 2021, at 2:20 PM, an FIR was registered by Sub Inspector Mr. Ravinder Kumar at Hasanganj police station, under section of IPC **188- Disobedience to order duly promulgated by public servant, life 269 - Negligent act likely to spread infection of disease danger-ous to life, 270- Malignant act likely to spread infection of disease danger-ous to life and pandemic act-1897 Penalty.—2 [(1)] Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the IPC (45 of 1860).**

On May 17, 2021, at around 8 pm, Mr Y.K. Singh, Chowki In-charge, Babuganj, Lucknow, called Mr. Avinash and told him that an FIR was lodged against him, Ms. Rupa and Mr. Anupam. When Mr Avinash asked under which sections the FIR registered, the policeman said in anger, *“why are you asking the sections? Are you a lawyer? Come to the police station and get your statement recorded under section 161 of CrPC”*. They refused to go to the police station without a written summon and stated that a policeman can come to their office and record their statement.

On May 20, 2021, Mr. Avinash sent his written statement to police station through registered post. On the same day, Mr. Avinash, Ms. Rupa and Mr. Anupam also wrote to the SSP Lucknow for lodging a complaint for the attack on them, however, their FIR was not registered.

We believe that the FIR against the HRDs is politically motivated, a serious violation of constitutionally guaranteed personal liberty of citizens, and abuse of power by the Lucknow Police. The sections under which the FIR was registered are completely fabricated as the HRDs were merely distributing pamphlets. The police instead of arresting the politically influential assaulters, chose to arrest the HRDs and file an FIR against them. This demonstrates the malafide intentions of the police.

Article 21 of the Constitution ensures to all its citizen right to life – a life to live without fear, intimidation, harassment or mental torture. The Indian Constitution gives its citizens the right to the freedom of speech and expression. Discussions, advocacy and being critical of a particular cause, howsoever unpopular, is at the heart of Article 19(1)(a). It is evident that the acts of police restricting free movement of HRDs has resulted in barring exercise of this fundamental rights.

Article 19 of the Universal Declaration of Human Rights (UDHR) also proclaims the right to freedom of expression, which includes freedom “to seek, receive and impart information and idea through any medium regardless of frontiers”.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the right to freedom of opinion, expression and information. Also, The Declaration on Human Rights Defenders, adopted in 1998 by the UN General Assembly states that governments are under a duty to “take all necessary measures to ensure the

protection of human rights defenders by the competent authorities against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions” as a consequence of their efforts to promote human rights.

The government is bound by international legal obligations to ensure that all human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21, and the right to freedom of speech and expression and peacefully assemble under Articles 19(1)(a) and (b) of the Constitution of India.

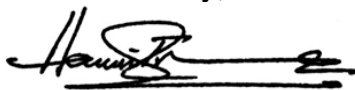
Appeal:

The Hon'ble Commission should urgently:

- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident and submit the report within four weeks.
- Based on the findings of the inquiry, take strict action against Mr. Y. K. Singh, Chowki In-charge, Mr. Ravindra Kumar, Sub-Inspector, and other policemen of the Hasanganj police station who did not arrest the assaulters, detained the victims of the assault, forced them to sign blank papers and filed an FIR against them.
- Direct the Commissioner of Police of Lucknow to take urgent actions to register FIR against Councillor Mr. Rohit Dubey and others for physical assault of the three HRDs and take measures to initiate closure of case registered against the three HRDs.
- Direct the Director General of Police of Uttar Pradesh to ensure that the three HRDs are not harmed in any manner or victimized in future and give an assurance in writing to the NHRC.
- Ensure that social activists and human rights defenders in the state of Uttar Pradesh and elsewhere are allowed to carry out their genuine human rights work as per the fundamental rights enshrined in the Constitution.
- Take steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998 which recognizes the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals.

Looking forward to your immediate action in this regard

Yours sincerely,



Henri Tiphagne

National Working Secretary