

Date: 27 August 2020

To

The Hon'ble Chairperson and

Other members of the National Human Rights Commission,

New Delhi.

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From:

Citizens for Justice and Peace, Mumbai

Sub: in the matter of Dalit man beaten up by upper caste men in UP village

We, at Citizens for Justice and Peace, are writing to you about an incident in Kunwarpur village, Bulandshahr district, Uttar Pradesh whereby a Dalit boy was brutally beaten up by upper caste men for calling the mobile phone of one of the upper caste men.

The victim, Vishal called the mobile phone of Dipu Sharma, on July 9, to ask when he will come to pick up the Bajra crop when the call was answered by Dipu's wife and she informed Vishal that Dipu was not at home and the conversation ended. The same night around 10 pm Dipu, along with his brothers, Mukesh and Mohit and two others, Sachin and Prashant came to the victim's house, and started hurling casteist abuses at him while asking why he had called and spoken to Dipu's wife. Then they brutally beat him up black and blue with rods, sticks and cable wires so much so that his skin has peeled off. Dipu and others even threatened him that they would kill him.

Here is a picture of the bruises of the victim:



*The copy of the medical report of the victim has been annexed as **Annexure A***

The victim is a Dalit belonging to Chamaar community and the perpetrators of this brutal attack are all upper caste Brahmins. The victim has managed to file an FIR (no. 0218 of 2020) at Pahasu police station which has been registered under sections 147 [Punishment for rioting], 452 [House-trespass after preparation for hurt, assault or wrongful restraint], 323 [Punishment for voluntarily causing hurt], 504 [Intentional insult with intent to provoke breach of the peace] and 506 [Punishment for criminal intimidation] of the Indian Penal Code as well as section 3 (1) of the The Scheduled Castes and Tribes (Prevention of Atrocities) Act [SC/ST Act].

*The copy of the FIR filed by the victim has been annexed as **Annexure B**.*

The offences under the SC/ST Act are cognizable and yet the police have made no arrests on the case yet neither has there been any progress in the case. Instead, the police have arrested the dalit victim basis a false FIR filed by the perpetrator against the victim saying that Vishal used to give missed calls on Dipu's mobile phone and used to speak obscene words and that later Vishal and few others came to Dipu's house and beat up his brothers. Its' extremely pertinent to note here that Dipu belongs to an upper caste and a Dalit entering a Brahmin's house and beating up family members has never been heard of; it is rather preposterous and unthinkable that such an incident should happen in the Indian society where caste is given such high regard and the divide so deep rooted.

*The copy of the FIR filed by the perpetrators is annexed as **Annexure C**.*

One of the writers of our sister organisation, Sabrang, belongs to this village and they have been getting real time updates on this case from residents of the village.

So far, no arrests have been made in the case and instead the Dalit family is being intimidated by the upper castes and the police are also reluctant in taking action against the perpetrators belonging to upper caste who enjoy the support of other Brahmins of the villager including the Gram Pradhan. The caste system is deeply entrenched in the society and caste based violence is a plague that keeps occurring throughout various parts of the country.

Such isolated incidents of caste based violence take place throughout the country and if an esteemed Commission such as the NHRC takes cognizance of such an incident, the more aggravated incidents which lead to deaths of Dalits could be avoided in the near future. It is such incidents of brute violence which if they go unpunished, later manifest into hate crimes and murders, which is a state of affairs, we as a society should be able to prevent.

As per National Crime Records Bureau's latest report of 2018, Uttar Pradesh accounts for the highest number of crimes against Scheduled Tribes in that year and this number has only increased in the state since 2016; with 10426 crimes in 2016 to 11,924 crimes in 2018.

We earnestly urge this Hon'ble Commission to take cognizance of the incident and direct Bulandshahr police to further direct Pahasu police to expedite the investigation in the matter to set things in motion so that the perpetrators are brought to court and the case may take due course as per law. Alternatively, if this Commission pleases, it may also undertake suo moto inquiry of this matter so that the incident is investigated without bias and without the looming hegemony of the upper castes which could be dominating factor in the police investigation.

The intervention of the NHRC could save the incident from being forgotten and could save the case file from gathering dust in the police records.

Name, designation and Address of public servant

against whom Complaint is being made:

Bulandshahr Police station

Concerned officers of Pahasu police station

Prayers:

1. We, at Citizens of Justice and Peace earnestly urge this Hon'ble Commission to take suo motu cognisance of this case under the Protection of Human Rights Act (PHRA).
2. As a civil rights group committed to the rule of law and equality before the law as enshrined in the Indian Constitution, we urge this Hon'ble Commission to, in exercise of its powers and functions: "(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant;"
3. We urge this Commission to direct police officers of Pahasu police station to initiate investigation in this case immediately without delay and expedite the same;
4. Any other relief that this Hon'ble Commission may deem to be necessary and prudent

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anil Dharker'.

Anil Dharker,

President

A handwritten signature in black ink, appearing to read 'Teesta Setalvad'.

Teesta Setalvad,

Secretary