
Urgent Human Rights Petition – Alleged Repeated False Implication, Arbitrary Arrest and Police Harassment of Ashok Banvasi, a Musahar Worker of Varanasi – Request for Independent Investigation and Protection of Right to Life with Dignity

1 message

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To: NHRC - Chairperson <chairnhrc@nic.in>

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Subject: Urgent Human Rights Petition – Alleged Repeated False Implication, Arbitrary Arrest and Police Harassment of Ashok Banvasi, a Musahar Worker of Varanasi – Request for Independent Investigation and Protection of Right to Life with Dignity

To:

The Chairperson

National Human Rights Commission (NHRC), New Delhi

Honorable Sir,Greetings from the **People's Vigilance Committee on Human Rights (PVCHR)**.

I am writing to seek the urgent intervention of the National Human Rights Commission and other competent authorities in the case of **Mr. Ashok Banvasi, son of Late Ghogai/Gogai Banvasi, resident of Barhi Newada, Police Station Phulpur, District Varanasi**, a poor and landless Musahar worker who alleges repeated arbitrary arrest, false implication in multiple criminal cases, prolonged incarceration, subsequent invocation of the Gangsters Act and continuing police harassment.

The matter raises serious concerns relating to the **right to life and personal liberty, dignity, protection from arbitrary state action, access to justice, equality before law and protection of a vulnerable Scheduled Caste family from discriminatory and abusive criminal-justice processes.**

1. Background of the victim

According to the statement provided by Mr. Ashok Banvasi, he is approximately 35 years old and belongs to the **Musahar community**. He is a landless daily-wage worker who has been supporting his wife and young children through manual labour at a brick kiln in the Kathirao area of Varanasi.

He states that his family has no substantial landholding, permanent employment or stable source of livelihood and that the family's survival depends upon daily wages.

The official Government of India list of Scheduled Castes for Uttar Pradesh includes **Musahar** as a Scheduled Caste. Accordingly, his caste status may kindly be verified from his official caste certificate and relevant government records.

2. Alleged arrest from the brick kiln on 14 December 2024

Mr. Ashok states that on **14 December 2024**, while he was sitting with his wife and children at the brick kiln and having food, police personnel allegedly arrived and took him away.

He alleges that his hands and mouth were restrained and that he was taken away in a police vehicle despite his family protesting and asking the police to explain the reason for his detention.

According to his account, he was subsequently implicated in several theft-related cases registered in different police-station areas of Varanasi and Jaunpur.

He further alleges that he was subjected to pressure and that a confession/statement was prepared against him, which was subsequently used in connection with multiple criminal cases.

These allegations require **independent verification from the FIRs, case diaries, arrest memos, remand papers, judicial records, medical records, CCTV footage and other contemporaneous evidence.**

3. Multiple criminal cases and alleged subsequent Gangsters Act proceedings

Mr. Ashok states that after his arrest, he was implicated in cases concerning alleged thefts from temples and other locations in:

- Police Station Jalalpur, Jaunpur;
- Police Station Phulpur, Varanasi;
- Police Station Kapsethi, Varanasi;
- Police Station Sindhora, Varanasi; and
- other police-station jurisdictions mentioned in his representation.

He further states that after obtaining bail and returning to his livelihood, proceedings were again initiated against him under the **Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act**, resulting in his incarceration on **4 August 2025**.

According to his statement, he was subsequently released pursuant to an order of the Hon'ble High Court on **17 March 2026**.

These matters should not be prejudged by a human rights body. However, the **pattern alleged by the victim—multiple cases, repeated incarceration, reliance upon alleged confessional material and subsequent Gangsters Act proceedings—requires an independent examination to determine whether the criminal process has been used lawfully and on the basis of credible evidence.**

4. Continuing police harassment after release

Mr. Ashok states that on **20 March 2026**, only days after his release from custody, the police again visited his home searching for him and began making inquiries.

He states that the continuing police presence and apprehension of another arrest have created a climate of fear for his entire family.

His statement is particularly alarming because he describes himself as having reached a point of extreme helplessness and states that he has contemplated **self-harm/self-immolation along with his family** because he sees no other way out of the alleged harassment.

This statement must be treated as an **urgent protection concern**.

No person should be placed in a situation where alleged state harassment, poverty and fear lead him to believe that death is the only alternative.

5. Right to life with dignity under Article 21

The allegations engage the constitutional guarantee of **Article 21 of the Constitution of India**, which protects life and personal liberty.

The constitutional protection of life is not merely protection against physical extinction; the jurisprudence of the Supreme Court has repeatedly understood the right to life in terms of **human dignity**. A recent Supreme Court judgment likewise reiterates the constitutional significance of the right to live with dignity under Article 21.

For a poor, landless worker and his family, repeated incarceration and continuing fear of arrest can have consequences extending far beyond the individual:

- loss of livelihood;
- hunger and deprivation;
- interruption of children's education;
- indebtedness;
- psychological trauma;
- social stigma;
- destruction of family security; and
- continuing fear of the police and criminal-justice system.

The State has a heightened responsibility to ensure that criminal law is not converted into an instrument of intimidation or collective punishment.

6. Possible implications under the SC/ST (Prevention of Atrocities) Act

If the caste status of Mr. Ashok is confirmed as Scheduled Caste, the allegations also warrant examination under the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**.

The Act was enacted to prevent atrocities against members of Scheduled Castes and Scheduled Tribes and to provide for special courts, relief, rehabilitation and protection of victims.

In particular, **Section 3(1)(p)** addresses the institution of **false, malicious or vexatious suits or criminal or other legal proceedings** against a member of a Scheduled Caste or Scheduled Tribe. **Section 3(1)(q)** addresses the giving of false or frivolous information to a public servant which causes that public servant to use lawful power to the injury or annoyance of an SC/ST member.

We respectfully request that the competent authority examine whether the facts disclosed by Mr. Ashok attract any provision of the Act, **without prejudging the outcome of the investigation.**

7. Need for an independent investigation

In view of the allegations involving several police stations and potentially multiple police officials, we respectfully submit that an investigation exclusively by the same local police machinery may not adequately address the victim's apprehension.

We therefore request that the NHRC and competent authorities consider directing an **independent investigation by a senior police officer not connected with the concerned police stations**, or another independent agency/authority as deemed appropriate.

The investigation should examine:

1. All FIRs registered against Mr. Ashok Banvasi in Varanasi and Jaunpur;
2. The precise evidence forming the basis of each FIR;
3. The circumstances and legality of his arrest on 14 December 2024;
4. Arrest memos, case diaries, remand applications and judicial orders;
5. The alleged confession/statement attributed to him;
6. Whether any confession was obtained through coercion, intimidation or other unlawful means;
7. The circumstances leading to the Gangsters Act proceedings;
8. The evidence supporting the Gangster Chart;
9. The basis for repeated police visits after his release;
10. Whether CCTV, mobile-location, documentary or other objective evidence supports or contradicts the allegations against him;
11. Whether there was any common police investigation or coordination between the various cases;
12. Whether there is evidence of malicious or vexatious prosecution;
13. Whether caste identity was known to the concerned police officials at the relevant time;
14. Whether any caste-based discrimination, humiliation, intimidation or targeting occurred; and
15. The impact of the alleged actions upon his wife and minor children.

8. Protection of the family

We further request immediate preventive measures to ensure that Mr. Ashok and his family are not subjected to intimidation, retaliation or unlawful harassment while the matter is being examined.

His statement concerning possible self-harm makes this request particularly urgent.

The authorities may kindly ensure that:

- no coercive action is taken except strictly in accordance with law;
- any future investigation is conducted transparently and lawfully;
- the family is able to access legal assistance;
- the children are protected from deprivation and disruption of education; and
- the family is referred to appropriate psychosocial and social-support services if required.

9. Legal aid and rehabilitation

Considering the extreme poverty and vulnerability described by the victim, we request that the **District Legal Services Authority, Varanasi**, provide appropriate legal assistance and ensure that Mr. Ashok has effective representation in all pending criminal proceedings.

If the investigation establishes illegal detention, custodial abuse, malicious prosecution, fabrication of evidence, or other human rights violations, appropriate **compensation, rehabilitation and accountability measures** may kindly be considered in accordance with law.

10. Reliefs respectfully sought

In view of the above, we respectfully request the Hon'ble Commission and competent authorities to:

- A. Take cognizance of this representation as a human rights complaint concerning the alleged violation of the right to life, dignity and personal liberty.
- B. Call for an **Action Taken Report (ATR)** from the Government of Uttar Pradesh.
- C. Direct an **independent and impartial investigation** into the allegations made by Mr. Ashok Banvasi.
- D. Obtain and examine the complete records of all criminal cases registered against him in Varanasi and Jaunpur.
- E. Examine whether any criminal proceedings were instituted falsely, maliciously or vexatiously, including whether **Section 3(1)(p) and/or Section 3(1)(q) of the SC/ST (Prevention of Atrocities) Act, 1989** is attracted, subject to verification of the petitioner's caste status and the evidence.
- F. Examine the legality of the arrest, detention, interrogation and alleged preparation/use of confessional statements.
- G. Examine the legality and evidentiary basis of the Gangsters Act proceedings against him.
- H. Ensure that Mr. Ashok and his family are protected from intimidation, retaliation and unlawful police harassment.

I. Provide or facilitate appropriate legal aid through the District Legal Services Authority.

J. Assess the economic, psychological and educational consequences suffered by the family and consider appropriate relief and rehabilitation if violations are established.

K. If the allegations are substantiated, initiate appropriate departmental and/or criminal proceedings against responsible officials/persons in accordance with law.

L. Ensure that no person is targeted merely because of his caste, poverty, occupation or lack of social and economic power.

11. Supporting documentation and public testimony

The victim's account has been documented and publicly reported following his presentation before a public gathering concerning police harassment in Varanasi.

A published account of his letter is available here:

“बनारस से अशोक बनवासी की चिट्ठी” – Udaant Martand

<https://udant-martand.in/latest-stories/a-letter-from-ashok-banvasi-a-musahar-of-banaras>

<https://x.com/UM200Years/status/2088177200860479818?s=20>

The victim's testimony should, however, be independently verified through official records and judicial documents before any final conclusion is reached.

Conclusion

The issue before us is not whether a particular person should be above the law.

The issue is whether the law is being applied fairly, objectively and equally to a poor and socially vulnerable citizen.

If Mr. Ashok has committed an offence, he must face a fair investigation and trial in accordance with law. But if he has been falsely implicated, repeatedly arrested, subjected to malicious prosecution or targeted because of his caste and social vulnerability, the State has a constitutional and statutory obligation to protect him and hold those responsible accountable.

A poor worker must not have to choose between **silence, imprisonment and self-destruction**.

The Constitution promises every person the right to live with **liberty, dignity and equality before the law**. Those guarantees must be meaningful for the most marginalised as well.

We therefore request your **urgent intervention**, particularly in view of the victim's reported fear of self-harm and the continuing apprehension of police harassment.

We shall be grateful for an acknowledgement of this complaint and information regarding the action taken.

With highest regards,

Lenin Raghuvanshi

Founder-Convenor

People's Vigilance Committee on Human Rights (PVCHR)

Varanasi, Uttar Pradesh, India



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