



Human Rights Defenders Alert – India

National Coordination Office

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5th February 2016

To

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint 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 - Appeal for Action – Jharkhand: RTI activist and human rights defender, Mr. Arif Ansari was beaten up by local Goons and Gram Rozgar Sevak in Bengabad block office campus in Giridih district of Jharkhand – Regarding

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 grave concern regarding Mr. Arif Ansari, an RTI activist and human rights defender who was verbally abused and physically attacked by local goons in Bengabad block office campus in Giridih district of Jharkhand. Mr. Arif Ansari was targeted for using Right to Information Act to seek details about the appointment of Gram Rozgar Sevaks in Jharkhand state who are allegedly involved in corrupt practices in payments for jobs under MGNREGA scheme.

Status of the Human Rights Defender:

Mr. Arif Ansari is 25 year old and a resident of village Khuntabad in Bengabad block of Giridih district of Jharkhand. He comes from a very poor family. He had to quit his studies just after completion of 1st year of graduation due to hardships. Thereafter he started working as a daily wage labourer to earn his livelihood and support his family. In 2014, he was doing to job given under MGNREGA scheme nearby his village. He was not paid his wages by the concerned contractor. Therefore, he decided to file an RTI application in the block office to seek information regarding the disbursal of funds for the allocated work and also to bring out the matter of irregular payments before the authorities. In retaliation to his action, a counter case was lodged against him by the contractor under SC/ST Prevention of Atrocities Act. Mr.

Arif Ansari was arrested after the complaint in December 2015. He was released on bail in January, 2016. He has been using Right to Information Act to expose irregularities in public distribution system and corruption in financial management of developmental related works.

The Perpetrators:

Among 5 to 6 assailants. The HRD could recognize only 2 persons namely;

- Md. Hasim (Gram Rozgar Sevak) and
- Mr. Manohar

Both are resident of village Gotia

Date of Incident:

1st February, 2016

Place of Incident:

In the campus of Bengabad block office, district Giridih, Jharkhand .

Details of the Incident:

According to sources, human rights defender Mr. Arif Ansari sought information through RTI query about the appointment of the Gram Rozgar Sevaks in Bengabad block. He had reasons to suspect that many Gram Rozgar Sevaks were able to get appointments by producing forged certificates before the authorities. Gram Rozgar Sevaks were also suspected to be involved in corruption related to payments under MGNREGA job schemes Mr. Arif Ansari filed the RTI query around 8 months back in the block office to seek information and find the status.

On 1st Feb 2016 at about 3 PM, Mr. Ansari went to the block office for some work. While he was coming out of the Bengabad block office, a group of 5 to 6 persons came towards him and started abusing him in filthy language and threatened him for filing the RTI application. They repeatedly assaulted him with fists, lathis and kicked him. Mr. Ansari somehow managed to escape from the spot to save his life. He could recognize two persons in the group. One of the assailants was a Gram Rozgar Sevak and another was a habitual offender.

Mr. Arif Ansari did not even feel safe to go to the nearby local police station to file a complaint against the attempt on his life. He sent the complaint through a registered post to the concerned officers; station officer (SO), BDO, SP and DC. Now HRD Mr. Arif Ansari feels unsafe in his village in the anticipation of further attacks on him. His only source of income is his daily work. As a result of this incident now he is

not able to move out of village for work which is further putting at risk his source of earning to support him and his family.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Giridih District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of physical assault on the RTI activist and human rights defender Mr. Arif Ansari;
- Take immediate action on the perpetrators for the assault made on the RTI activist and human rights defender by arresting all of them including the mastermind of the attack and using all provisions of law to ensure that the defender is not harassed or attacked in future;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Arif Ansari who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the attack and threats to his life and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment of human rights defenders like Mr. Arif Ansari in the State of Jharkhand to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- Takes 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, especially:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
 - Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimi-

nation, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Jharkhand to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs etc.] to ensure that a coordinated strategy is developed within the State of Jharkhand for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Jharkhand in collaboration with the NHRC Focal Point on HRDs and the SHRC Jharkhand to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Jharkhand in collaboration with the SHRC, Jharkhand to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Jharkhand.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary