



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/East/BR/01/11/2019**

**November 13, 2019**

**To**

**Mr. Khaleel Ahmad**

National 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](mailto:hrd-nhrc@nic.in)

**Dear Sir,**

***Sub: HRD Alert - India - Urgent Appeal for Action- Bihar: RTI Activist and HRD Mr. Dhananjay Kumar alias Guddu Kumar abducted, illegally detained and brutally tortured in police custody by Bihar police in Bihar Sharif – Regarding***

**Dear Sir,**

**Greetings from Human Rights Defenders Alert - India!**

Human Rights Defenders Alert - India is a forum of human rights defenders (HRDs). It endeavours to initiate actions on behalf of HRDs under threat or with security concerns. We are writing to express our deep concern in the matter of RTI activist and HRD Mr. Dhananjay Kumar alias Guddu Kumar. Dhananjay was abducted, illegally detained and brutally tortured by the Bihar Police in Bihar Sharif, Nalanda. He was physically assaulted, beaten up with sticks and tortured with electric shocks on his body, forcing him to make a false confession.

**Status of the Human Rights Defender**

Mr. Dhananjay Kumar alias Guddu Kumar is 37 years of age and a resident of village Joga Bigha, block Ben, Bihar Sharif town, district Nalanda, Bihar. He has been filing RTIs for the last 8 years and so far he has filed more than 300 RTI queries mainly to expose irregularities and corrupt practices in the district administration such as departments of education, panchayat raj, rural works and food supply. In the past too, he has been targeted, threatened and intimidated. In the year 2012-13, a case was filed against him for asking information on food supplies through a PDS distributor from an office of Block Food Supply in Nalanda district.

**Source of Information on the Incident:**

The Coordinator of HRDA for the North of India

Communications with RTI Activist and HRD Mr. Dhananjay Kumar

Media Reports

**The Perpetrators:**

Identified as Inspector Deepak Kumar, SHO, Bihar Police Station, Bihar Sharif, Nalanda and other police personnel.

**Date and Place of Incident:**

November 5, 2019

Jhing Nagar Mohalla and Bihar Police Station, Bihar Sharif, Nalanda District, Bihar.

**Details of the Incident:**

According to the information received, on November 5, 2019 at 8:10 AM, Dhananjay was abducted and brought to the Bihar Police Station in Bihar Sharif town of district Nalanda by a police team lead by the SHO Mr. Deepak Kumar. At the police station, he faced degrading and inhuman treatment, including torture. Extreme methods of torture were used by the police including verbal abuse, slapping and beating with sticks. He was forced to remove his clothes, given electric shocks on his head near his ears, severely beaten including on the private parts.

Sources informed that Dhananjay was picked up by the SHO Mr. Deepak Kumar from Jhing Nagar Mohalla (a locality in Bihar Sharif town) at around 8:10 AM, while he was going to meet the former ward counselor (parshad) on his bike. According to Dhananjay, he was not made aware of the grounds or reasons for detention and was abducted. He was first taken to Ali Nagar to the residence of Mr. Tinku Gupta, who is allegedly a dealer in illegal arms and ammunitions and has pending criminal charges regarding the same. At Tinku's residence, Dhananjay was physically assaulted and was repeatedly forced to confess buying arms from Tinku. Dhananjay refused to succumb to any pressure to undertake a false confession.

Dhananjay was then taken to the Bihar Police Station and illegally detained till 10:00 PM. He was once again brutally beaten and also subjected to extreme physically tortured, including electric shocks on his head near his ears. He was released only around 10:00 PM after the intervention of local respected persons.

Dhananjay's family members admitted him in the Sadar Hospital in Bihar Sharif immediately after he was released from the police custody on November 5, 2019. On November 6, 2019, the doctors at Sadar Hospital referred him to get treated in a high specialty hospital of the city. He was later taken to the Jeevan Jyoti hospital, Bihar Sharif for the treatment of his internal injuries.

The Hon'ble Commission being the nodal agency on violence in police custody and attacks on HRDs is urged to take immediate action in the recent case and penalise the erring police officials who have blatantly violated the D.K. Basu and NHRC guidelines on pre-arrest & post-arrest guidelines. As per legal precedent, torture is not at all permitted whether it occurs during investigation, interrogation or otherwise. Custodial violence is in effect direct invasion of human rights. Torture in custody flouts the basic rights of citizens recognized by the Indian Constitution and is affront to human dignity. Custodial Torture is a calculated assault on human dignity and nothing can be more dehumanising as the conduct of police in practicing torture of any kind on a person in their custody.

***Appeal:***

We, therefore, urge you to immediately take necessary steps and urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of illegal and arbitrary detention, violation of the DK Basu & NHRC guidelines of arrest, degrading inhuman treatment and torture of the RTI Activist and HRD Mr. Dhananjay Kumar by the police personnel of Bihar Police Station, Bihar Sharif in Nalanda district of Bihar;
- Given that this is a case of gruesome torture by the police personnel including a SHO, this case may be investigated by an independent team or by the Hon'ble Commission's investigation division.
- Ensure complete medical check-up of Mr. Dhananjay Kumar totally at state cost in the best medical facility available in the state to ensure that the HRD is not suffering from any internal medical ailments after his physical torture;
- Recommend strict and immediate legal action on the perpetrators in this case Inspector Deepak Kumar, SHO, Bihar Police Station, Bihar Sharif, Nalanda and other police personnel for abduction, illegal detention and physical torture inflicted on Mr. Dhananjay Kumar and give this assurance to the NHRC of India in writing immediately and urgently;

- Guarantee in all circumstances the physical and psychological integrity and security of Mr. Dhananjay Kumar who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against RTI activists and HRDs;
- More generally, ensure 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 Bihar.

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

National Working Secretary