



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 25, 2021

To

Mr. C.S Mawri,
National 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 – Jharkhand: Fabricated charges against journalist Mr. Tirathnath Akash by Jharkhand Police for reporting on the mysterious death of a woman constable.

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 in to express our concern over the intimidation of and fabricated charges against Ranchi-based journalist Mr. Tirathnath Akash for reporting on the mysterious death of woman police constable Ms. Rupa Tirkey.

About the Human Rights Defenders:

Mr. Tirathnath Akash is a young journalist and activist based in Ranchi. He is a founding member of *The Gram Sabha* – a social media-based news outlet focussed on issues like local governance and development. He has reported widely on displacement, corruption in government schemes, false encounters, fabricated cases against HRDs and other human rights violations from across the state.

Source of Information:

- Communication with the HRD
- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Pankaj Mishra, representative of Barhait MLA and Jharkhand Chief Minister Mr. Hemant Soren
- Mr. Pramod Kumar Mishra, Deputy Superintendent of Police and Sub Divisional Police Officer, Barharwa
- Prabhari of Jirwabahi Outpost under Borio Police Station

- Officer in Charge and other personnel attached to Borio Police Station

Date of Incident:

July 21, 2021

Place of Incident:

Sahibganj district, Jharkhand

Background of the incident:

Ms. Rupa Tirkey, Sub Inspector and Thana Prabhari of Sahibganj Women's Police Station in Sahibganj district was found hanging inside her official quarter on May 3, 2021.

A five-member police team led by the Barharwa Deputy Superintendent of Police and Sub Divisional Police Officer Mr. Pramod Kumar Mishra investigated the case. They claimed that Ms. Tirkey committed suicide following harassment by Sub Inspector Mr Shiv Kumar Kanaujia and arrested the latter on May 9, 2021.

Ms. Tirkey's family suspected she was murdered, and filed a police complaint naming Mr. Pankaj Mishra, representative of Barhait MLA and Jharkhand Chief Minister Mr. Hemant Soren, and two other female colleagues, Sub Inspectors Ms Manisha Kumari and Ms Jyotsna Kumari, as prime suspects.

Numerous civil society groups supported the family in demanding a CBI probe into the matter, whereas activists Mr. Tirathnath Akash and Mr. Anuranjan Ashok filed a PIL in the Ranchi High Court, pleading for a CBI inquiry into Ms. Tirkey's death and inquiries into Mr. Pankaj Mishra's financial assets by the Income Tax Department and the Enforcement Directorate.

Under pressure due to protests in different parts of Jharkhand and constant media coverage, the state government constituted a one-man enquiry commission to probe the incident in early June.

On June 12, 2021, Ms. Tirky's father filed a petition in the Ranchi High Court on seeking quashing of the government notification on the commission, and a CBI probe into the incident. The call details have been placed as evidence.

Details of the Incident:

Like many other media outlets, The Gram Sabha published several reports on developments in the Rupa Tirkey case, including the alleged involvement of Mr. Pankaj Mishra, the Chief Minister's representative, and Mr. Dahu Yadav, a local strongman with past criminal record, in the case.

On July 12, 2021, The Gram Sabha published a video story on its social media channels based on Mr. Pankaj Mishra's call details between May 1-10, 2021, obtained from sources. In the video, Mr. Akash shared the call details which showed that Mr. Pankaj Mishra spoke to Mr. Pramod Kumar Mishra, Barharwa DSP and SDPO, and Mr. Dahu Yadav multiple times almost every day between May 1-10, 2021.

While Mr. Pramod Kumar Mishra was appointed head of the five-member probe team following Ms Tirkey's death, Mr. Akash speculated based on call details that all three were complicit in harassing Ms. Tirkey and had a hand in her death, in tampering with evidence, and in threatening her family.

On July 17, 2021, The Gram Sabha published a follow-up report featuring well-known lawyer Mr. Rajeev Kumar, who said an analysis of the call records showed Mr. Pankaj Mishra wielded complete influence over the police and administration in Sahibganj despite not holding any constitutional or legal post.

On July 16, 2021, Mr. Pankaj Mishra submitted a written complaint to the Outpost Prabhari of Jirwabahi Outpost under Borio Police Station in Sahibganj district, with copies to the DIG of Jharkhand and the SP of Sahibganj. In the complaint (GD no. 19/21), he referred to the July 12 video story featuring his call details and accused Mr Akash and his associates at The Gram Sabha of obtaining call details without authorisation, defaming his political and social image and causing mental harassment through the video story. He asked for punitive action against Mr. Akash and his aides, including under the Telegraph Act.

The Prabhari of Jirwabahi Outpost received and signed the complaint, noting he would probe the matter himself in writing. The complaint was forwarded the Officer in Charge of Borio Police Station. On July 21, 2021, at 3.30 PM, an FIR was registered against Mr. Akash in Borio Police Station under Sections 364 (abduction), 500 (defamation), 504 (insult and provocation), 506 (criminal intimidation), 120B (criminal conspiracy), 34 (act in pursuance of common intention) of the Indian Penal Code, and Sections 66(C), 66(D) and 66(E) of the IT Act.

In flagrant violation of the DK Basu guidelines, police did not inform Mr. Akash of the grave charges against him. The HRD did not even receive a call from the police in the five days between July 16, 2021, when Mr Mishra's complaint was received, and July 21, 2021, when the FIR against him was registered. It raises questions about whether the police conducted any preliminary probe at all. No further action has been taken against the journalist.

It is our firm belief that Mr. Akash was targeted for raising questions about the involvement of Mr. Mishra, a political heavyweight in the death of police officer Ms. Rupa Tirkey. The fabricated case against him was in reprisal for raising matters of public interest through news reports, and being a co-petitioner in the PIL asking for a probe into Ms Tirkey's death and Mr. Mishra's assets.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. A free media is an extremely important fourth pillar of the Indian democracy. These FIRs filed by functionaries violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid, it is stated that the Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy

functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

If journalists and HRDs like Mr. Akash are targeted, these rights are grossly violated.

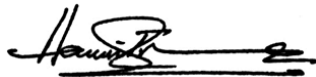
Appeal:

HRDA urges the Hon'ble Commission to:

- Direct the Director General of Police of Jharkhand to submit a report with the Hon'ble Commission within two weeks on the harassment of journalist Mr. Tirathnath Akash by police officials.
- Depending on the result of the inquiry, direct the Director General of Police of Jharkhand to take stern action against policemen and government functionaries guilty of misuse of law.
- Direct the Director General of Police of Jharkhand to take measures to quashing of charges registered against Mr. Tirathnath Akash.
- Direct the Director General of Police of Jharkhand to ensure the physical security of journalist Mr. Tirathnath Akash and his family from further harassment by the police.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary