



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 27, 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: Threats, intimidation and fabricated charges against Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and other HRDs by Jharkhand Police for protesting against security camps.

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 fabricated charges against HRDs Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and other HRDs in Jharkhand by the police for protesting against the establishment of security camps in Jharkhand without due process.

About the Human Rights Defenders:

1. Mr. Bhagwan Kisku is a resident of Parbatpur village in Pirtand block of Giridih district. An activist with Visthapan Virodhi Jan Vikas Andolan, a joint platform of civil society groups fighting against displacement and top-down development, Mr. Kisku has organised and participated in several protests and movements against militarisation, human rights violations, and false encounters in Giridih, Ranchi and other places.
2. Mr. Anil Kisku is a resident of Dalang Chalkari village in Dumri block, and an activist with Jharkhand Krantikari Mazdoor Union, a trade union representing informal sector workers. Mr. Kisku is closely associated with worker's struggles for better pay, regular work hours, paid leave, and social security benefits.
3. Mr. Arjun Marandi is a resident of Sohraiya village in Pirtand block, and an activist associated with civil society groups and trade unions like Visthapan Virodhi Jan Vikas Andolan and Jharkhand Krantikari Mazdoor Union. Mr.

Marandi has participated in several protests and demonstrations against human rights violations, false encounters and other atrocities perpetrated by police.

Source of Information:

- Communication with the HRDs
- Communication with other HRDs in the region
- Police records
- Media reports

The Perpetrators:

- Mr. Soma Oraon, Thana Prabhari, Khukhra Police Station
- Ms. Seema Soren, Sub Inspector, Khukhra Police Station
- Ms. Manita Kumari, Sub Inspector, Pirtand Police Station
- Personnel attached to Khukhra and Pirtand Police Stations
- Administrative officials in Giridih who sanctioned the CRPF camp in Parbatpur

Date of Incident:

July 14, 2021.

Place of Incident:

Giridih district, Jharkhand

Background of the Incident:

Categorised as a Maoist-insurgency affected district, Giridih in Jharkhand already has several CRPF camps, and several hundred CRPF personnel are stationed in there on counter-insurgency duties. In December 2020, reports appeared in local media stating new CRPF camps would be established in Banpura, Dholkatta, Tesaphuli, Parbatpur and Mohanpura villages in Giridih.

Through December 2020, local villagers held several peaceful protests near new camp sites in Banpura, Dholkatta, Tesaphuli, and Parbatpur. They alleged their consent was not sought for the camps, raised slogans against the police and CRPF, and demanded a rollback of the camps.

On December 6, 2020, Mr. Bhagwan Kisku and 16 other HRDs from Dholkatta and neighbouring villages met Chief Minister Mr. Hemant Soren in Ranchi. They urged him to protect villagers in Giridih from police repression and ensure no security camps were set up in Dholkatta and other places. They also submitted a written letter to this effect, with signatures/ thumb imprint of over 100 villagers, and Mr. Soren assured them that no camp would be set up without their consent.

But construction work on the CRPF camp in Parbatpur commenced within days of this meeting. On December 12, 2020, local villagers organised and participated in a meeting on an open ground adjacent to the Parbatpur camp site, and several of them including Mr. Bhagwan Kisku took turns to express their opposition to the camp.

On December 23, 2020, a bigger, completely peaceful public meeting was organised at the same venue, which was attended by an estimated 4,000 protestors from villages in Dumri and Pirtand blocks located close to Parbatpur.

The meeting started around 12 noon, participants included men and women, whereas the main speaker was Giridih MLA and Jharkhand Mukti Morcha leader Mr. Sudip Kumar Sonu, who assured he would raise the matter with concerned ministers and officials. Other speakers included All Jharkhand Student's Union leader Mr. Deepak Mahato, Parbatpur gram pradhan (traditional village head) Mr. Etwari Mahato, as well as local HRDs Mr. Bhagwan Kisku, Mr. Anil Kisku and Mr. Arjun Marandi. The meeting ended at around 3 PM.

Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and many others returned to their respective villages immediately after the meeting ended, and didn't go anywhere else with the group.

Details of the Incident:

On December 24, 2020, at 12.30 PM, an FIR (bearing number 30/ 2020) was registered in Khukhra Police Station in Giridih regarding the incidents on December 23, 2020 in Parbatpur. The FIR was based on a complaint by Ms. Soma Soren, Thana Prabhari, Khukhra Police Station, and was registered at the same time when the written complaint was received, showing no preliminary probe was conducted.

The FIR named All Jharkhand Student's Union leader Mr. Deepak Mahato and 24 other persons, mostly local villagers and 1000-1500 unnamed protestors as accused in organising the meeting and attacking the under-construction security camp thereafter. They were charged under Sections 147 (rioting), 148 (rioting with deadly weapon), 149 (unlawful assembly), 447 (criminal trespass), 341 (wrongful restraint), 342 (wrongful confinement), 427 (mischief causing damage up to Rs 50), 353 (criminal force on public servant), 120B (criminal conspiracy) of the Indian Penal Code. In the complaint that led to the FIR, police claimed that the entire incident of arson was video graphed by several policemen, and the attackers could be identified therein.

On December 27, 2020, police arrested Ms. Prabha Soren alias Ms. Rina Soren and others in connection with another case (FIR no. 51/2020, Pirtand Police Station).

According to the police on December 27, 2020, Ms. Prabha Soren gave a statement at the Pirtand Police Station recorded by Sub Inspector Ms. Manita Kumari, where she confessed to her role in instigating the protests against the Parbatpur camp on December 23, 2020, and the subsequent attack on the temporary camp in the village school. The police alleges that the HRDs Mr. Bhagwan Kisku, Mr. Anil Kisku and Mr. Arjun Marandi, were named by her as co-conspirators.

While Mr. Anil Kisku and Mr. Arjun Marandi were not informed officially about the charges against them, on the morning of July 14, 2021, Mr. Bhagwan Kisku received a call from Khukhra Police Station Officer in Charge Mr. Soma Oraon, who said there was a case against him regarding the Parbatpur incident and he could be arrested anytime, and asked him to visit the police station.

However, when Mr. Bhagwan Kisku reached the police station around 11 AM, Mr. Soma Oraon did not talk about the case against the HRD, or provide him with a copy of the FIR detailing the specific charges against him. Instead, he asked Mr. Kisku to work for the police by showing them forest paths and leading them to Maoist leaders and offered him “good money,” but Mr. Kisku refused saying he feared for his security and left the police station. Though Mr. Kisku hasn’t been arrested yet, he fears being illegally arrested or killed in a fake encounter. He also fears for the safety of the family.

It is our firm belief that the HRDs are being targeted for opposing the process of CRPF camps being set up in Giridih without consultation with local villagers. Consultation with the local gram sabha is mandatory for acquiring land within the limits of the village under Section 4(i) of the Provisions of the Panchayat (Scheduled Areas) Act. Whereas media reports indicate that several tribal villagers own patches of the land on which CRPF camps are being set up in Parbatpur, Mohanpur and other places, which is a violation of Section 2(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, that mandates that in Scheduled Areas, “no land shall be transferred by way of acquisition.”

Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and other HRDs had been raising these legal and procedural violations around setting up security camps for several months through peaceful meetings and demonstrations. Yet, they were implicated by police on the basis of a confessional statement recorded by a police officer, which has no legal validity, unlike statements recorded before a Magistrate under Section 164 of the Code of Criminal Procedure in India. The same statement also criminalised the peaceful protest of local villagers in which the HRDs were active participants.

Mr. Kisku has been intervening in cases of human rights violations, and protesting peacefully for long. Filing a false case on him based on charges by an alleged Maoist, in police custody is strongly condemnable and a clear case of reprisals for his protesting against the illegal procedure being followed for setting up of the CRPF camp. These are acts of harassment which seem to be only aimed at punishing and intimidating the HRDs.

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. 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.

The UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, 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 1). 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 discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration". (Article 12.2).

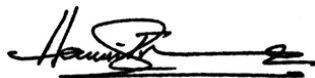
Appeal:

HRDA urges the Hon'ble Commission to immediately take urgent action and:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the harassment, intimidation and fabricated charges against HRDs Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and others. Procure and examine video footage of the alleged arson incident recorded by police to check if the HRDs were among the attackers and submit the report to the Hon'ble Commission in four weeks.
- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the flouting of mandatory procedures in setting up the CRPF camp in Parbatpur.
- Depending on the result of the inquiry, take stern actions against all officials of central and state governments guilty of flouting procedures in establishment of the Parbatpur camp.
- Depending on the result of the inquiry, direct the Director General of Police of Jharkhand to take stern action policemen guilty of misusing of law, criminalising assembly, and threatening and pressuring HRDs to work for the police.
- Ensure complete protection of Mr. Bhagwan Kisku, Mr. Anil Kisku, Mr. Arjun Marandi and their families' physical security since they fear for their lives.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary