



## HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 1, 2022

To  
Mr. Indrajeet Kumar,  
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 – Jharkhand: Intimidation, assault, illegal detention and fabricated charges against Mr. Balram Mahato, Mr. Anup Mahato, Mr. Satyam and other HRDs by Jharkhand Police.***

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 to express our deep concern over the intimidation and brutal assault of Mr. Balram Mahato, Mr. Anup Mahato, Mr. Satyam and other HRDs by Jharkhand Police for protesting against alleged land grab and construction in violation of court orders in Dobo village of Saraikela Kharsawan district. Police have booked HRDs under fabricated charges and they fear they might be arrested in violation of due procedures, or implicated in further cases.

### **About the Human Rights Defenders:**

Mr. Balram Mahato is a resident of Dobo village in Saraikela Kharsawan district, and an activist with Samyukta Gram Sabha Manch, a social organisation that protects the interests of tribals and other residents in the area. Mr. Mahato has participated in several meetings, programmes, and protests against displacement, land grabbing, violation of forest rights, and regularly takes up fellow villagers' issues with relevant authorities.

Mr. Anup Mahato is a resident of Dobo village in Saraikela Kharsawan district, an activist with Samyukta Gram Sabha Manch, a social organisation that protects the interests of tribals and other residents in the area. He is also the convenor of Jharkhand Jan Sangharsh Morcha. Mr. Mahato has participated in several meetings, programmes, and protests against displacement, land grabbing, violation of forest rights, and regularly takes up fellow villagers' issues with relevant authorities.

Mr. Satyam is a resident of Jamshedpur and the co-convenor of Jharkhand Jan Sangharsh Morcha, a federation of people's movements in Jharkhand. He has organised and participated in many programmes pertaining to the rights and interests of marginalised social groups in Jharkhand.

**Source of Information:**

- Communication with HRDA East Regional Coordinator
- Communication with the HRDs
- Communication with other HRDs in the region
- Police records
- Videos and photographs of the incident
- Media reports

**The Perpetrators:**

- Mr. Pranav Ambasht, Circle Officer, Chandil
- Mr. Swapan Mishra, Circle Inspector, Chandil
- Mr. Ranjeet Lohra, Sub Divisional Officer, Chandil
- Mr. Satish Kumar, Officer in-charge, Kapalik Outpost, Chandil Police Station
- Mr. Amit Kumar, Police Officer, Kapalik Outpost, Chandil Police Station
- Mr. Javed Alam, Assistant Sub Inspector, Chandil Police Station
- Police Personnel attached to Chandil Police Station and Kapalik outpost

**Date of Incident:**

February 12, 2022

July 19, 2022

**Place of Incident:**

Saraikela Kharsawan district, Jharkhand

**Background of the Incident:**

The ownership of RS Plot no. 1239 in Mouza Dobo (Dobo village) in Jharkhand's Saraikela Kharsawan district is disputed. Fifteen families – most of them Adivasis – currently reside on the plot, which measures around 2 acres and is located close to the Domuhani Bridge that connects Jamshedpur with the Saraikela-Kharsawan district.

Dobo residents and local HRDs say that khatiyaan (land) records show that Gurucharan Bhumij was the original land owner of the entire plot, which is covered under the Chhota Nagpur Tenancy Act. They also say that Bhumij had allowed families displaced by the Chandil dam to settle on his plot in the 1980s, and the 15 families have been residing there for more than 40 years.

Ichagarh MLA Ms. Sabita Mahato claims she owns the land, as the entire plot was purportedly sold by Melvyn Stubbs, an Anglo Indian, to her deceased husband Sudhir Mahato in 2009.

Land prices in and around Dobo have escalated sharply in recent years, especially after the construction of the Domuhani bridge, and it is rumoured that plans are afoot

to construct a private university in Dobo and plot no 1239 is required for its boy's hostel. Villagers, including Bhumij's descendants who claim ownership of the plot, allege that Ms. Sabita Mahato is trying to grab their land, and that the police and administration is aiding these efforts.

**Details of the Incident:**

On February 9, 2022, a team of government and police officials led by Mr. Ranjeet Lohra, Sub Divisional Officer, Chandil and Mr. Satish Kumar, Officer in Charge, Kapalik Outpost under Chandil Police Station visited plot no 1239 in Dobo village without providing any prior intimation.

They asked the 15 families residing there to vacate the plot, saying a boundary wall would be constructed around it, and started undertaking measurements. The occupants and other villagers objected to this, leading to heated arguments.

On February 12, 2022, villagers and local HRDs, including Mr. Balram Mahato from the Samyukta Gram Sabha Manch and Mr. Satyam from the Jharkhand Jan Sangharsh Morcha organised and participated in a peaceful rally against the alleged land grab from the disputed plot to the main road.

A large police force including women personnel was stationed on the main road. When the rally reached the road, police started a baton-charge without any prior warning, which left many protestors with injuries. Momita Singh Sardar, related to descendants of the original land owner, developed large blood clots in her chest and back from the beating whose marks stayed for over two months, and her sari was torn. Mr. Satyam was hit by police batons on his head and kicked thrice.

Police dragged 8-10 protestors including Mr. Satyam, Mr. Anup Mahato, Mr. Balram Mahato and occupants of the disputed plot into their vehicles, and took them to the Kapalik Outpost, where they were illegally detained for 5-6 hours. Police registered a case (FIR no 294/2022) against Mr. Satyam and six other protestors, and the accused were booked under Sections 143, 188, 269, 270 of the Indian Penal Code and Section 51(b) of the Disaster Management Act.

On February 12, 2022, while the HRDs were in police detention, contactors deployed by Ms. Mahato visited Plot no 1239 with three JCB machines and started levelling the land and breaking the boundaries of houses on the plot, leading to protests from villagers.

Descendants of the original land owner filed an Original Suit no. 21/2022 before the Civil Judge Senior Division – I, Saraikela, for declaration of their right, title, and interest on the plot. Ichagarh MLA Ms. Sabita Mahato and others were principal defendants in the suit. On July 18, 2022, the court ordered that status quo be maintained on the disputed plot till defendants filed written statements.

On July 19, 2022, at 10 AM, about 150 police personnel including women and led by Circle Officer Mr. Pranav Ambasht and SDO Mr. Ranjeet Lohra reached Dobo. They were accompanied by construction workers, who began constructing a wall around the disputed plot immediately, flouting the court order.

Villagers protested against this, and showed the previous day's court order to Mr. Ambasht and other police officials. But police threatened and abused them, including in casteist terms, and outraged the modesty of women by tearing and pulling their saris, pinning them to the ground and sexually molesting them. When Mr. Balaram Mahato protested against these misdeeds, Circle Officer Mr. Pranav Ambasht grabbed him by his neck and tried to throttle him, but he was rescued by fellow villagers.

Police then rounded up Mr. Mahato and other protestors and witnesses who were recording the incident on their mobile phones, and locked them inside the police van stationed at the spot for around 7 hours. Construction continued till 7 PM and workers laid the foundation for the entire boundary wall, after which the protestors were released and police left the spot.

On July 20, police registered an FIR (168/2022) at the Chandil Police Station against Mr. Balaram Mahato, one Mr. Manoj and 20-25 unnamed others. The complainant Mr. Swapan Mishra, Circle Inspector, Chandil, claimed that Mr. Mahato and others obstructed government work in Dobo the previous day. The accused were charged under Sections 147, 149, 151, 341, 323, 353, 504 of the Indian Penal Code.

Villagers filed a complaint regarding the incident under Section 190 of the CrPC for offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 506, 504, 509, 447, 354, 354(A), 354(B), and 120 (B) of the Indian Penal Code, and Sections 10 (removal of person likely to commit offence) and 11 (procedure on failure of person to remove himself from area and enter thereon after removal) of the SC/ST (Prevention of Atrocities) Act, 1989.

The HRDs named in the two FIRs fear they may be arrested in violation of due procedure, implicated in more fabricated cases, or killed in false encounters. They also fear that fresh efforts may be made to finish construction of the wall and evict families although the civil court is hearing the dispute.

It appears that the local police and administration is openly siding with the Ichagarh MLA Ms. Sabitri Mahato in a land dispute. Police and administrative officials not only detained, assaulted and pressed fabricated charges against HRDs first in February 2022 and then in July 2022, they also facilitated the construction of a boundary wall around the disputed plot, the second time in flagrant violation of a court order.

Further, on July 21, Mr. Ranjeet Lohra, Sub Divisional Officer, Chandil held a press conference claiming the disputed plot belonged to Ms. Sabita Mahato, and that on July 19, Mr. Balaram Mahato clashed with the police in a drunken state.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

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 Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of

restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

The right to assemble peacefully is enshrined under Article 19(b) of the Indian Constitution. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

A peaceful assembly is also protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, *“states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders.”*

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *“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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”*

When HRDs like Mr. Balaram Mahato and Mr. Satyam are assaulted, illegally detained and implicated in fabricated cases in reprisal for their efforts to protect the land rights of Adivasis and other marginalised groups, these rights are grossly violated.

**Appeal:**

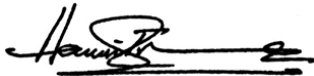
We thus request the Hon’ble Commission to urgently:

- Direct its Investigation Wing to undertake an independent inquiry into the misuse of law by police and administrative officials and their involvement in reprisals against land rights defenders.
- Ensure the safety and security of HRDs named in the FIRs.
- Direct that status quo is maintained at the disputed site till the matter is resolved in court, and that occupants and HRDs are not harassed and intimidated for protecting their land rights.
- Direct the Director General of Police, Jharkhand to suspend Chandil Circle Officer Mr. Pranav Ambasht till the investigation is completed, in light of videos showing him torturing HRD Mr. Balaram Mahato.

- Depending on the result of the inquiry, take stern and urgent legal actions against all errant police and administrative officials.
- Direct the Director General of Police, Jharkhand and other authorities to take action on the villagers' complaint pleading police officers be booked under the SC/ST Prevention of Atrocities Act.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

**Henri Tiphagne**  
National Working Secretary