



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/East/JH/04/05/2023

May 15, 2023

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

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – Jharkhand: Misuse of law, fabricated charges, and harassment of HRD Mr. Anil Hansda in Jharkhand by NIA officials.

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 concern over the misuse of law, illegal house search, and harassment of well-known activist Mr. Anil Hansda by officials from the National Investigation Agency (NIA) and Jharkhand Police in Lalpaniya on May 2, 2023.

About the Human Rights Defender:

Mr. Anil Hansda is a tribal activist and a founding member of Adiwasi Mulwasi Adhikar Manch, a civil society organisation that fights against displacement and land alienation. He has been doing programs on the displacement or tribal rights and peaceful movements.

Source of Information:

- Communication with the HRDA Eastern Region Co-ordinator
- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Subodh Sahu , Superintendent of Police, NIA branch office, Ranchi
- Officials of the Lalpaniya police, Bokaro

Date of Incident:

May 2, 2023

Place of Incident:

Lalpaniya, Bokaro, Jharkhand

Details of the Incident:

On May 02, 2023, at around 5:15 AM, 4-5 around police personnel reached Mr. Anil Hansda's residence in Lalpaniya, Bokaro district in two police jeeps and one police bus, apart from two other privately-owned Bolero vehicles.

The HRD was not at home at the time and his wife Shanti Hansda met the five men who were in civilian clothes wearing masks. They identified themselves as policemen, asked if Mr. Hansda was at home and showed a notice issued under Section 160 (police officer's power to require attendance of witnesses) of the Code of Criminal Procedure in India from a distance. They also said they needed to search the house. No notice of house search was given by the police.

Mr. Hansda has alleged that police officials of 5 police stations surrounded his house for 8 hours. The policemen searched his house for nearly four hours – i.e., from 5-15 AM to 10:00 AM and seized a mobile phone, one tablet, two diaries, a book, and a postcard from his house. His wife Mrs. Shanti Hansda was interrogated for 8 hours and mentally intimidated by the police, while all the household goods were turned upside down during the search. No hash value was provided of the electronic devices being taken, leaving

open the possibility of the electronic devices being tampered with. The police officials gave their number and asked his wife to tell Mr. Hansda to call them.

Two days later when Mr. Hansda called the NIA office, he was asked to meet them at Ranchi NIA office on May 10.

On May 10, 2023, Mr. Hansda went to the NIA office for questioning and was given a notice in connection with case number RC-01/2022/NIA/RNC dated April 25, 2022. The case was registered under Sections 120B and 121A of the Indian Penal Code, and Sections 17, 18, 18A, 18B, 20, 21, 38, 39 and 40 of the Unlawful Activities (Prevention) Act.

We believe that the police and NIA officials in Jharkhand are targeting HRDs like Mr. Anil Hansda and others, who are vocal about the violation of human rights in Jharkhand, especially with regards marginalised communities. They have conducted search operations without showing warrant, seized mobile phones and other electronic devices without providing hash values, and detained and interrogated HRD and his wife without providing a clear reason. Mr. Hansda has no previous charges against him and says that his family is frightened and mentally traumatized due to the illegal house search.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty, and to the freedom of speech and expression, which are guaranteed by Article 21 and Article 19(a) of the Indian Constitution respectively.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly states: *"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."*

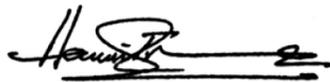
Appeal:

We appeal to the NHRC to treat this as a serious case of reprisal against human rights defenders, and urge the NHRC to urgently –

- Direct the investigative wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the illegal house search, non provision of hash values, and fabricated charges against Mr. Anil Hansda and other HRDs in Jharkhand, and submit a report to the NHRC within two weeks.
- Depending on the result of the investigation, recommend strict punitive action against police and NIA officials who misused their powers to target the HRD.
- Direct the Director General of Police of Jharkhand provide complete physical and psychological security to Mr. Anil Hansda and his family and to stop their further harassment.
- Direct the Chief Secretary of Jharkhand to take steps to ensure that HRDs in the state are able to work without fear of reprisals from police and investigation agencies.

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 it.

(Henri Tiphagne)

National Working Secretary