



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 19, 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  
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Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Jharkhand: Illegal detention, caste-based abuses, arrest and custodial torture of Mr. Kartik Mukhi, Mr. Krishna Mukhi and other Dalit HRDs under fabricated charges 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 grave concern over the illegal detention, casteist abuse, torture, and assault against Mr. Kartik Mukhi, Mr. Krishna Mukhi and other Dalit HRDs who were arrested for protesting against police inaction in a Dalit atrocity case in Jharkhand.

#### **About the Human Rights Defender:**

Mr. Kartik Mukhi, Mr. Rohit Mukhi and Mr. Krishna Mukhi are Dalit human rights defenders based in the Narwa hills in Jadugoda, East Singhbhum district. All three brothers are members of Bhim Army, an organisation fighting for the rights of lower caste groups and have been working to raise awareness on human rights and caste atrocities in the region for the past 3-4 years.

Mr. Dinkar Kachhap is the founder of Birsa Sena and has participated in struggles demanding justice for the victims of caste atrocities in East Singhbhum district.

#### **Source of Information:**

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

#### **The Perpetrators:**

- Mr. Prabhat Kumar, Senior Superintendent of Police, Jamshedpur

- Mr. Prabhat Kumar, Officer in Charge, Birsanagar Police Station
- Mr. Sanjay Kumar, Inspector and Officer in Charge, Sakchi Police Station
- Mr. Deepak Maurya, Sub Inspector, Sakchi PS
- Ms. Kamala Oraon, Assistant Sub Inspector, Sakchi PS and complainant in FIR no 212/2022
- Other personnel attached to Sakchi Police Station

**Date of Incident:**

October 5-6, 2022

**Place of Incident:**

Jamshedpur, East Singhbhum district, Jharkhand

**Background of the Incident:**

On September 30, 2022, Ms. Geeta Beldar and Ms. Beena Beldar – both Dalit women who were working as cooks at the Shyamsundarpur Rajkiya Buniyadi Vidyalay in East Singhbhum district for 16 years – were dismissed from service by the Head Master Mr. Ashok Kumar Pal, saying that since they were lower castes, food prepared by them could not be eaten.

On October 3, 2022, Ms. Geeta and Beena Beldar visited the Birsanagar police station in Jamshedpur – the designated police station under the SC/ST Prevention of Atrocities Act in East Singhbhum district – with a written complaint demanding registration of an FIR against school authorities. But the Officer in Charge of Birsanagar police station Mr. Prabhat Kumar refused to register any FIR, so they reached out to HRDs Mr. Kartik Mukhi and Mr. Bikash Hembram for support.

At around noon on October 3, Mr. Kartik Mukhi, Mr. Bikash Hembram and other HRDs gathered in front of the police station and protested peacefully against the police inaction, but they were abused by the Officer in Charge and pushed and shoved around by police personnel. When Mr. Mukhi and Mr. Hembram pressed with the Officer in Charge to register an FIR, he called them pimps, grabbed them by the collar and pushed them out of the police station. An FIR based on Ms. Geeta and Beena Beldar's complaint was finally registered in the evening on October 3 after the intervention of the Superintendent of Police, Jamshedpur City.

Mr. Kartik Mukhi and Mr. Bikash Hembram also submitted a written complaint to the police regarding their assault and abuse at Birsanagar police station in the evening on October 3, but no FIR was registered based on their complaint.

**Details of the Incident:**

On October 5, 2022, at around 2 AM, when Mr. Kartik Mukhi was riding alone on his motorbike through the Sakchi roundabout in Jamshedpur, he was intercepted by 10-12 uniformed policemen. Police personnel took away his bike key, shoved him into the police jeep, and took him to Sakchi Police Station, punching him repeatedly along the way. He was not told why he was detained or if he was arrested. Instead, his mobile was confiscated after reaching the police station, and he was repeatedly kicked and punched on his chest, back, legs and buttocks by police personnel throughout the night. Sub Inspector Deepak Maurya and the munshi of Sakchi Police station led the assault on the HRD. He was then detained at the police station.

In the morning of October 5, 2022, at around 9 AM, Mr. Kartik's mother Ms. Mamata Mukhi, his younger brothers Mr. Rohit and Krishna Mukhi and his sister Ms. Sunita Mukhi visited the Sakchi police station to inquire about Mr. Kartik. But the munshi and other police personnel refused to answer their queries, misbehaved with them, abused them and pushed them outside.

While family members maintained vigil outside the Sakchi police station throughout the day, local HRDs including Birsa Sena founder Mr. Dinkar Kachhap joined them in demanding the release of Mr. Kartik Mukhi. At around 11 AM, they heard Mr. Kartik Mukhi cry out in pain from inside the police station premises.

Mr. Rohit and Krishna Mukhi entered the police station unopposed, and saw Sub Inspector Mr. Deepak Maurya repeatedly hitting their elder brother Kartik, with his baton in a separate room in the police station premises. Mr. Maurya assaulted Mr. Krishna and Rohit Mukhi when they asked why Mr. Kartik was being assaulted, and abused them in casteist terms. Mr. Maurya repeatedly kicked Mr. Krishna Mukhi on his chest and stomach till an old surgery (colostomy) in his abdomen was injured and his intestines spilled out in the open.

Mr. Krishna Mukhi was crying out in pain after the assault, but despite the seriousness of his injuries, police did not take him for treatment and detained him and Mr. Rohit Mukhi inside the police station for over six hours. Mr. Kartik Mukhi was also detained inside the police station premises. Police also turned down pleas for the treatment of Mr. Krishna Mukhi and release of other HRDs from activists and family members who had assembled in front of the police station.

At around 8 PM, Mr. Prabhat Kumar, Senior Superintendent of Police, Jamshedpur reached Sakchi police station. An ambulance was arranged to take Mr. Krishna Mukhi for treatment to the MGM Hospital in Jamshedpur, but he was referred from there to the Rajendra Institute of Medical Sciences located 130 km away in Ranchi. As his condition was serious and his intestines were exposed, family members decided against taking him to Ranchi and admitted him at the Tata Main Hospital, where he underwent an 8-hour surgery. His final diagnosis as per hospital records was 'Traumatic Colostomy Prolapse', and the reasons for his admission stated, 'Admitted with C/O Pain Abdomen due to A/H/O assault at 11 AM on 5/10/22 at Sakchi'.

Meanwhile, the SSP assured the crowd outside Sakchi Police Station that Mr. Kartik Mukhi would be released the following day, and would not be assaulted in the interim, and asked them to go home. But soon after the crowd dispersed, the SSP asked police personnel to pin Mr. Kartik Mukhi down to the floor, and kicked him on his chest several times with his boots. He abused the HRD in casteist terms, saying 'Ghasi hai, bada neta banta hai (You are a Scheduled Caste and strut around like a leader!).'

From 2 AM, October 5, 2022, - 10 PM October 6, 2022, Mr. Kartik Mukhi was kept under illegal detention at the Sakchi Police Station. He was produced before the magistrate at around 10 PM on October 6, more than 40 hours after his detention, in violation of Section 57 of CrPC.

An FIR (no. 212/2022) was shown as registered at 10:15 am on October 5, 2022. Under sections 143, 147, 149, 353, 186, 447, 506, 504 of the Indian Penal Code, by Assistant Sub Inspector Ms. Kamala Oraon. Mr. Mukh is currently lodged in Sakchi jail.

Mr. Rohit Mukhi and Mr. Krishna Mukhi and local activist Mr. Dinkar Kachhap were also named as accused in the F.I.R. Other HRDs named as accused in the FIR fear they may be arrested and tortured too.

The complainant, Assistant Sub Inspector Ms. Kamala Oraon, has claimed that police detained and questioned Mr. Kartik Mukhi and his relatives for violating traffic rules late in the night on October 4, but released them after obtaining an undertaking. But that claim is contested by Mr. Mukhi's family. The complainant also claimed that Mr. Kartik Mukhi attacked the Sakchi police station at around 9 PM on October 5 along with Mr. Rohit Mukhi, Mr. Krishna Mukhi, Mr. Dinkar Kachhap and 15-20 others, and they were nabbed from the spot. But Mr. Kachhap and others were heading towards their homes at this time after the SPP assured them regarding Mr. Kartik Mukhi's safety and Mr. Krishna Mukhi was sent for treatment.

We believe that this is a case of grave misuse of police powers against Dalit HRDs by the police, for protesting the police inaction. Our Constitution gives all citizens 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. By brutally assaulting and illegally detaining Dalit HRDs for peaceful assembly and protest, the Jharkhand has violated extremely grave CrPC laws as well as SC/ST Prevention of Atrocities Act.

Torture is a serious violation of human rights law in national and international law. The Hon'ble Commission itself asked the State to criminalise torture. D.K.Basu vs. State of West Bengal, the Supreme Court of India called torture "one of the worst crimes in a civilised society governed by the Rule of Law." Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction. India is a signatory to the Convention Against Torture and the government says that it doesn't torture.

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."*

Thus, the torture of the Dalit HRD Mr. Krishna Mukhi by Sub Inspector Mr. Deepak Maurya and of Mr. Karthik Mukhi by Mr. Prabhat Kumar, Senior Superintendent of Police, Jamshedpur are grave and heinous crimes which need to be investigated.

**Appeal:**

We appeal to the NHRC to treat this as a case of reprisal against Dalit human rights defenders for exercising their constitutionally guaranteed fundamental rights, and urge the NHRC to urgently –

- Direct the Director General of Police of Jharkhand to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the reprisals against HRDs who protested against police inaction in a caste atrocity case, and the custodial torture of Dalit HRDs and submit the report to the honourable NHRC within two weeks.
- Direct the Director General of Police of Jharkhand to submit with the Hon'ble Commission the CCTV footages, duty records, and other necessary information pertaining to the Sakchi police station of October 05-Oct 06, 2022, to the NHRC within 48 hours.
- Based on the inquiry, take immediate and strict action including arrest, under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against Mr. Prabhat Kumar, Senior Superintendent of Police, Jamshedpur; Mr. Sanjay Kumar, Inspector and Officer in Charge, Sakchi Police Station; Mr. Deepak Maurya, Sub Inspector, Sakchi PS and other policemen who were responsible for the illegal detention, casteist abuse, assault and torture of Dalit HRDs Mr. Krishna Mukhi, Mr. Karthik Mukhi and others.
- Ensure Mr. Krishna Mukhi, Mr. Rohit Mukhi and Mr. Dinkar Kachhap are not arrested in act of further reprisal and face no further harassment and the Director General of Police of Jharkhand gives this in writing to the NHRC.
- Direct the Chief Secretary of Jharkhand to pay a compensation of 10 lakhs to Mr. Krishna Mukhi for his medical expenses and the mental and physical harassment he had to undergo.
- Direct the Chief Secretary of Jharkhand to pay a compensation of Rs. 5 lakh to each of the Dalit HRDs for the physical and psychological harassment they and their family had to face.

Looking forward to your immediate action in this regard.

Yours sincerely,



**Henri Tiphagne**

National Working Secretary