



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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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 – West Bengal: Threats, intimidation and arrest of HRDs Mr. Prasenjit Bose and others under fabricated charges by West Bengal 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 concern over the intimidation of villagers opposed to a greenfield coal mine project and arrest of nine HRDs (namely Mr. Prasenjit Bose, Mr. Abdul Maleque Molla, Mr. Hasnain Imam, Mr. Samiran Sengupta, Mr. Sumit Nanda, Mr. Tanweer Ahmed Khan, Mr. Md. Rashid, Mr. Kalicharan Baski and Mr. Mohan Mardi) under fabricated charges by the West Bengal Police.

HRDs Mr. Avik Saha, Mr. Kunal Deb, Mr. Amartya Roy, Mr. Ganesh Kishku, Mr. Lakshmiram Baski, Mr. Jagannath Tudu and others have also been named in FIRs filed by the police.

About the Human Rights Defenders:

Mr. Prasenjit Bose, Mr. Avik Saha, Mr. Kunal Deb, Mr. Amartya Roy, Mr. Samiran Sengupta, Mr. Abdul Maleque Molla, Mr. Tanweer Ahmed Khan, Mr. Ganesh Kishku, Mr. Lakshmiram Baski and others are well-known social activists associated with the '**Birbhum Jami Jiban Jibika O Prakriti Bachao Mahasabha**' – a platform of local villagers and civil society groups opposing a greenfield coal mining project in West Bengal's Birbhum district. They have organised and participated in several peaceful meetings and demonstrations opposing the mining project in Birbhum .

Source of Information:

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

- Media reports

The Perpetrators:

- Mr. Nagendra Nath Tripathi, Superintendent of Police, Birbhum
- Mr. Ayan Sadhu, Deputy Superintendent of Police, Discipline and Training, Birbhum
- Mr. S.K Md Ali, Inspector in Charge, Suri Police Station (Inspector of Police, Highway Traffic, Birbhum during the incident)
- Mr. Sandip Chattaraj, Inspector in Charge, Kanksha Police Station (Inspector in Charge, Suri Police Station during the incident)
- Mr. Deepak Kumar Das, Officer in Charge, Md. Bazar Police Station
- Mr. Pritam Roy, Sub Inspector, Md Bazar Police Station
- Mr. Bandhan Deogharia, Sub Inspector, Md Bazar Police Station
- Other personnel attached to Md Bazar and Suri Police Stations
- Mr. Sunil Soren, leader, Trinamool Congress
- Mr. Kali Prasad Banerjee, leader, Trinamool Congress

Date of Incident:

February 20 and 21, 2022

Place of Incident:

Birbhum District, West Bengal

Background of the Incident:

The West Bengal government is establishing a greenfield coal mine in Md Bazar block of Birbhum district, which is likely to displace over 21,000 people. A sizeable proportion of the project affected people are Adivasis. The government has declared a compensation package and clarified that no land will be acquired by force.

However, local villagers claim that they are being pressured to part with their land, and many residents in the project area are opposed to the mine fearing land alienation, loss of livelihoods and ecological destruction. In recent months, they have organised several peaceful meetings and demonstrations demanding cancellation of the project.

On February 20, 2022, a peaceful meeting was scheduled to be held at the Dewanganj football ground by the 'Birbhum Jami Jiban Jibika O Prakriti Bachao Mahasabha'. The organisers had intimated the Md Bazar Police Station about the programme over email and WhatsApp message a week prior to the event. They had provided all documents as requested by the police, including a consent letter bearing the thumb impression of the land owner and photocopy of the land document of the plot where the temporary dais for the meeting was erected.

Details of the Incident:

At around 1.00 am on February 19, 2022, police intimated the organisers, through messages on WhatsApp, that permission was not granted for the meeting and claimed that the land owner had denied consent for the same.

Since the landowner had confirmed with the organisers that he had not denied consent, the meeting began at around 2 PM on February 20, 2022, and was attended

by around a thousand villagers, mostly Adivasi women and men as well as several well-known activists from Kolkata and other parts of West Bengal. Speakers at the meeting complained that the administration was not following the proper procedures laid down in the laws and was resorting to forcible land acquisition in an unlawful manner. Several speakers demanded that the proposed coal mine project be scrapped and alleged that local political leaders and police were intimidating locals and muzzling dissent.

The meeting ended at around 4.30 PM without any untoward incident. No uniformed police personnel visited the venue or objected to the meeting while it was in progress. However, soon after the meeting ended police raided villages around the venue and arbitrarily picked up ten villagers opposed to the coal mine project and illegally detained them at the Md Bazar Police Station for several hours.

The villagers allege that a mob led by political leader Mr. Sunil Soren attacked two vehicles carrying twelve well-known HRDs from Kolkata who were returning from the meeting near the highway. They heckled and abused the HRDs and threatened them with assault for over 15-20 minutes till local villagers arrived at the spot in motor bikes and rescued them. The two vehicles carrying HRDs then proceeded towards Kolkata.

The vehicle carrying HRDs (Mr. Samiran Sengupta, Mr. Hasnain Imam, Mr. Tanweer Ahmed Khan, Mr. Abdul Maleque Molla, Mr. Md. Rashid and Mr. Sumit Nanda) back to Kolkata, a Tata Sumo with registration number WB 20G 0757, was once again stopped at the Deucha barrage by a mob led by local leader Mr. Kali Prasad Banerjee. They were forcibly detained at the nearby Deucha High School ground for over an hour. Mr. Kali Prasad Banerjee and others abused, threatened, heckled and slapped the HRDs and tried to snatch away their phones.

During the ordeal, Mr. Samiran Sengupta made frantic phone calls from inside the vehicle to various persons including the Superintendent of Police (SP), Birbhum, Mr. Nagendra Nath Tripathi. The SP also abused and threatened the HRD and said that they had invited trouble for themselves by traveling to Birbhum.

Later the police arrived and transported them to the Md Bazar Police Station at around 7.00 pm, and arbitrarily detained them, separately from the ten villagers earlier picked up from Dewanganj and nearby villages after the public meeting. Police officials including Deputy Superintendent of Police (Discipline & Training), Mr. Ayan Sadhu, arbitrarily detained all of them with no reason provided to them or allowing them access to lawyers.

HRDs Mr. Prasenjit Bose, Mr. Ananta Hansda, and the tribal head of Dewanganj village Mr. Robi Tudu reached the Md Bazar police station at around 11.00 pm to secure the release of the detained HRDs and villagers. The detained villagers were released on personal bonds at around 11.30 pm. A large mob of Trinamool Congress workers entered the Md Bazar police station and started abusing and threatening Mr. Prasenjit Bose and six other HRDs. Some police personnel also abused and threatened Mr. Prasenjit Bose and six other HRDs inside the premises of the Md Bazar police station.

The HRDs were informed by the police that their lives were in danger and Mr. Sandip Chattaraj, Officer in Charge, Suri Police Station would escort them to a safe area from where they could proceed towards Kolkata. Mr. Chattaraj arrived with two police vehicles and around 10 police personnel. The HRDs were asked to get into separate vehicles and the convoy left towards Suri. After stopping at the Tilpara Barrage for over half an hour, the HRDs were taken to the Suri police station.

At the Suri police station, the seven HRDs were arrested without any due process. Police seized their phones, accused them of fomenting trouble and forced them to sign on arrest memos at around 3 am on February 21. They were then brought back to the Md Bazar Police Station early morning. In violation of multiple DK Basu guidelines, none of the HRDs were allowed to inform their families or provided access to lawyers.

On February 21, 2022, the seven arrested HRDs and two more arrested villagers Mr. Kalicharan Baski and Mr. Mohan Mardi were produced in the court of additional chief judicial magistrate Mr. Abhranil Neogi and were remanded to judicial custody. The seven arrested HRDs along with several other Adivasi villagers and civil society activists were shown as accused in two FIRs registered at the Md Bazar police station.

On February 20, 2022, the first FIR (51/2022) was registered at 11.15 PM at the Md Bazar police station. The complainant Sub Inspector Mr. Bandhan Deogharia claimed that eight named accused including Mr. Kunal Deb, Mr. Prasenjit Bose, Mr. Amartya Roy and Mr. Avik Saha along with 100-150 unnamed others organised the meeting in Dewanganj "to foment the people". The complaint alleged that the accused persons physical assaulted Mr. Soren and pelted stones at the police. On the basis of these fabricated charges, they were booked under Sections 147, 148, 149, 333, 334, 341, 353, 186, 506, 427 and 34 of the Indian Penal Code. Mr. Pritam Roy, Sub Inspector was assigned as investigating officer in the case.

The complainant in the second case (FIR no 52/2022) was Mr. Soren, which was registered at 11.35 pm on February 20, 2022. He claimed that 27 named accused including Mr. Kunal Deb, Mr. Prasenjit Bose, Mr. Amartya Roy, Mr. Avik Saha and some others from Kolkata and local villagers had kidnapped and tortured him while the meeting was ongoing. The accused were charged under Sections 147, 148, 149, 325, 326, 307, 364, 365, 368, 506 and 34 of the Indian Penal Code. Mr. Bandhan Deogharia, Sub Inspector was assigned as Investigating Officer in the case.

All seven arrested HRDs and the two arrested villagers were released from jail on March 1, 2022, after being granted bail by the ACJM of Birbhum district court.

We firmly believe that police acted with malafide intentions and illegally detained activists and local villagers, and used them as hostage. They abused, threatened and arrested the seven HRDs by deceit, in violation of the DK Basu guidelines, and implicated them and several other HRDs and villagers in fabricated cases for their opposition to the project through a peaceful public meeting.

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 DK Basu guidelines of arrest require the person detained or arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained. In case of the detention and arrest of the HRDs, no one was informed of their detention and they were forced to sign their arrest memo, in total violation of the guidelines.

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, Article 12 of the Declaration on human rights defenders adopted by consensus by the General Assembly in 1998 state: *“(2) 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. (3) 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 thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police, West Bengal to initiate an independent inquiry into the threats, intimidation, illegal detention and arrest of HRDs by police under fabricated charges and submit a report to the NHRC in two weeks.
- Depending on the result of the inquiry, take stern action against errant police officials who arbitrarily detained and illegally arrested HRDs.
- Ensure that human rights defenders in the state of West Bengal and elsewhere are allowed to assemble peacefully and carry out their genuine human rights work as per the fundamental rights enshrined in the Constitution.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne

National Working Secretary