



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/East/BH/06/03/2023

March 29, 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 – Bihar: Misuse of law and demand for bribe from WHRD by Bihar police 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 misuse of law against WHRD Ms. Sanju Devi by police inspector Mr. Rakesh Singh and other police officials of Musahari Police Station and Sakra Circle Inspector office, who refused to act on the complaint by Ms. Sanju Devi regarding an assault on her and demanded a bribe from her.

About the Human Rights Defender:

Ms Sanju Devi is a member of Gram Vichar Manch, an organisation focussed on protecting the rights and interests of MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Scheme) workers in Muzaffarpur district of Bihar.

A resident of Dumri village under the limits of Musahari Police Station in Muzaffarpur, Ms. Devi has organised and participated in numerous peaceful rallies, demonstrations and meetings regarding corruption and delays in payment in MGNREGS. She has also met and sought the intervention of various government officials regarding these issues.

Source of Information:

- Communication with HRDA East Regional Co-ordinator
- Communication with the HRD
- Communication with other HRDs in the region

The Perpetrators:

- Mr. Rakesh Kumar, Police Nirikshak (Circle Inspector), Sakra
- Other personnel attached to Musahari Police Station and Sakra Circle Inspector's office.

Date of Incident:

December 3-4, 2022

Place of Incident:

Muzzaffarpur district, Bihar

Background of the Incident:

On the morning of November 7, 2022, Ms. Sanju Devi was sowing wheat on her family farm in Dumri village. At around 7.30 AM, Mr. Dheeraj Thakur – a strongman – and a few other men approached Ms. Devi, claimed that they were part owners of the plot, and demanded a share in the farm. When she refused, they abused the WHRD, assaulted her with batons, punches and kicks till neighbours and fellow activists arrived to rescue her. She was treated at the Primary Health Centre in Musahari and later referred to Krishna Medical College in Muzzaffarpur.

On November 27, 2022, an FIR (334/2022) was registered at the Musahari police station against Mr. Dheeraj Thakur and six other named accused based on Ms. Dev's written complaint to the police. The accused were booked under Sections 341, 323, 354(B), 379, 447, 504, 506, 34 of the Indian Penal Code. On December 1, Assistant Sub Inspector Mr. Vijay Kumar Singh, the Investigating Officer in the case, recorded the statements of five witnesses of the attack on Ms. Devi.

Details of the Incident:

On December 3, at around 2:30 PM, Ms. Sanju Devi got a call from an unknown number. The caller identified himself as the Police Nirikshak (Circle Inspector) of Sakra, and asked her to meet him at the alleged assailant Mr. Dheeraj Thakur's

residence, which she refused. He then asked her and other witnesses to meet him at the spot where she was assaulted.

A few minutes later, when Ms. Devi and other villagers including eyewitnesses reached the farm where they were assaulted, they saw a large mob had assembled there, including Mr. Dheeraj Thakur and his family members.

One person in civil dress and without any name tag identified himself as the Police Nirikshak of Sakra, but did not say his name. The HRDs later found out his name was Mr. Rakesh Kumar, and one of the two constables accompanying him was also not in uniform and without a name tag.

The Police Nirikshak pressured Ms. Devi and other villagers to take back the case against Mr. Dheeraj Thakur and other accused, but when they refused, Mr. Thakur and his family members threatened to attack them. Police did not reprimand Mr. Thakur for issuing open threats, although they had booked him for assaulting Ms. Devi earlier, and all parties left the spot after heated arguments for some time.

On December 4, 2022, at around 12 noon, when Ms. Devi and other villagers visited the Circle Inspector's office in Sakra, they were asked to pay a bribe. At the office, Mr. Rakesh Kumar met them in civil dress, and pressured them again to take the case back.

His personal assistant, also in civil dress, met Ms. Sanju Devi and six other villagers outside the office and said that if they wanted police to proceed with the original case (FIR no 334/2022), they would have to pay Rs. 40,000. Ms. Devi and six other witnesses heard the police demanding bribe, and refused to pay the same.

While no person has been arrested in the case, Ms. Sanju Devi has complained about the bribe to the Superintendent of Police, Muzaffarpur and other high-ranking police officials.

We believe that the police acted with malafide intentions to target and harass Ms. Devi, whose activism has exposed massive corruption in the MGNREGS in Musahari block. Instead of pursuing her complaint and punishing the assailants, police sided with Mr. Dheeraj Thakur – a village strongman who is known to be close to the village mukhiya Ms. Shobha Devi. Worse, they demanded a bribe to proceed with the case.

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 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."*

According to Section 13 of Prevention of Corruption Act, 1988: any kind of criminal misconduct by a public servant a punishable offence with imprisonment from four years to ten years and fine. Asking for a bribe by a police officer is a grave criminal misconduct and should be subject to strict punishment.

Appeal:

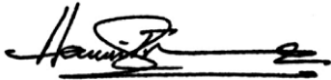
We appeal to the NHRC to treat this as a serious case of reprisal against human rights defenders, and urge the NHRC to urgently –

- Direct the Director General of Police of Bihar to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the misuse of law by Mr. Rakesh Kumar and other police personnel against WHRD Ms. Sanju Devi and submit a report to the NHRC within 4 weeks.
- Direct the Director General of Police of Bihar to initiate an immediate investigation in the criminal misconduct by Mr. Rakesh Kumar by demanding a bribe which is in violation of Prevention of Corruption Act and submit a report to the NHRC within 4 weeks.

- Depending on the result of both the investigations, recommend strict punitive action against Mr. Rakesh Kumar and other police officials who misused their powers to threaten Ms. Sanju Devi and demand a bribe from her.
- Direct the Director General of Police of Bihar to take urgent action on FIR (334/2022) registered at the Musahari police station against Mr. Dheeraj Thakur and six other named accused and arrest the accused immediately.
- Provide complete security for Ms. Sanju Devi against further harassment by the goons and police officials.

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