



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 13, 2021

To,  
Mr CS Mawri,  
Focal Point - Human Rights Defenders & Assistant 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 – Urgent Appeal for Action – Uttar Pradesh: Externment of HRD Mr. Ramjanam Kushwaha by the Sonbhadra administration**

Greetings from Human Rights Defenders Alert!

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 regarding harassment and wrongful externment of Mr. Ramjanam Kushwaha, a grassroots activist in Sonbhadra district of Uttar Pradesh, by the administration and police.

**Source of Information:**

- Information from HRDA North regional consultant
- Communication with the HRD

**Date of Incident:**

November 07, 2020

**Place of Incident:**

Village Tendudahi, Police Station- Manchi, District- Sonbhadra, Uttar Pradesh

**Perpetrators:**

- Mr. S. Rajalingam, District Collector, Sonbhadra, Uttar Pradesh
- Police Personnel of Sonbhadra, Uttar Pradesh

**About the Human Rights Defender:**

Mr. Ramjanam Kushwaha (57) is a farmer and social worker, who lives in Tendudahi

village, Sonbhadra, Uttar Pradesh. 30 years ago, given that the condition of Adivasis in Sonbhadra area was poor, the Adivasi women were often exploited by upper caste men and the land of the Adivasis were often forcefully confiscated by the zamindars, he started working for the rights of the Adivasis and helping them. He is also involved in social causes with other HRDs in the region. Currently he resides in Bhadohi district in Uttar Pradesh.

### **Background of the Incident:**

On December 31, 2000, Mr. Kushwaha was picked up by the policemen while he was on his way to the market, his mouth tied with a cloth and he was illegally detained and tortured in Pannuganj, Manchi and Roberts Ganj police stations for several days.

On January 03, 2001, an FIR was registered against him under IPC-153A (*Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony*), 124A(Sedition) at Pannuganj police station, Pannuganj, Sonbhadra. He was jailed and let out on bail after more than a year on April 08, 2001.

On November 14, 2019, some tribal villagers, along with Mr. Kushwaha complained to the SSP and DM of the area about the illegal grab of tribal land by the Gram Pradhan Mr. Ramdhin and his supporters. Mr. Kushwaha was instrumental in helping the villagers file these complaints with the authorities.

In June and July 2016, three NCRs (non-cognizable reports) were registered against Mr. Kushwaha. All of them were closed after investigation by the police. On August 07, 2019, an FIR was filed against Mr. Kushwaha and others at Manchi police station and is pending investigation.

### **Details of the Incident:**

On November 7, 2020, Mr. Kushwaha was working on his land, when a police jeep stopped, a policeman called his name, gave him a piece of paper and asked him to sign it. On being asked what the paper was, the policeman just replied “*you are externed*” and left.

On November 12, 2020, Mr. Kushwaha went to the Commissionerate Office in Mirzapur and submitted a written complaint regarding his illegal externment to the authorities. The HRD wrote in his complaint that all charges against him under the goonda act were false and the externment was illegal because the three NCRs against him were closed and the FIR in pending.

We believe that Mr. Kushwaha is being harassed and charged with fake cases and externment by the police in collusion with the local feudal lords for his work as an HRD for the rights of the local Adivasis. According to Mr. Kushwaha, local feudal lords of the area, i.e. Mr. Ramadhin and his family and supporters, have forcefully captured Adivasis lands and are against him because of his work for Adivasis.

The repeated dismissal of complaints against Mr. Kushwaha demonstrate that he had been a victim of political vendetta by powerful people and his externment is a case of state reprisal against the HRD for his human rights related activities.

Furthermore, his externment under the Goondas Act is unlawful as it is applied to repeat offenders, while the NCRs against him were found fake and closed. The externment notice and the subsequent action by the DM is malafide in nature.

Mr. Kushwaha has been categorically denied an opportunity to effectively defend the case foisted against him and disprove the fabricated charges. The accusations against the HRD and his banishment are against the principles of natural justice and has been used a tactic to suppress those who engage in collective questioning, sustained resistance, and demand that constitutional rights.

**Appeal:**

We, thus, urge the Hon'ble Commission to take urgent cognizance of the above case of externment of HRD Mr. Ramjanam Kushwaha and urgently:

- Direct its investigation division to procure all records from the district administration of Sonbhadra, record the statement of Mr. Ramjanam Kushwaha and inquire into this case of externment.
- Direct the District Magistrate of Sonbhadra to immediately take steps to ensure that HRD Mr. Ramjanam Kushwaha is allowed to continue his stay and work in Sonbhadra.
- Based on the outcomes of inquiry, direct legal actions against all concerned officials for externing HRD Mr. Ramjanam Kushwaha by misusing their powers and legal provisions.
- Direct the Chief Secretary of Uttar Pradesh to provide compensation to HRD Mr. Ramjanam Kushwaha and his family for the mental and physical suffering they are going through resulting from this arbitrary externment.

Yours Sincerely,



**Henri Tiphagne**

National Working Secretary