



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 20, 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  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Jharkhand: Fabricated charges against Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, Mr. Rampravesh Chandravanshi and Md. Mostaque Ansari 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 deep concern over the implication of well-known HRDs in Garhwa – Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, Mr. Rampravesh Chandravanshi and Md. Mostaque Ansari – in a fabricated case. It appears that police and government officials colluded to falsely implicate the HRDs and booked them under stringent charges, including the Arms Act and Section 120B IPC.

### **About the Human Rights Defenders:**

Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau and Mr. Rampravesh Chandravanshi are well-known social activists in Garhwa district of Jharkhand. They have been working in the areas of constitutional rights of adivasis, ration, pension, NREGA, Panchayati raj and so on for several years. Mr. Mostaque Ansari is a journalist and Editor of the portal Greenline News. He has reported on corruption, violation of the constitutional rights of tribal, human rights violations by police and so on.

### **Source of Information:**

- Communication with the HRDs
- Communication with other HRDs in the region
- Police records
- Videos and photographs of the incident

- Media reports

**The Perpetrators:**

- Mr. Angar Nath Swarnkar, Circle Officer, Meral
- Mr. Lal Bihari, Officer in Charge, Meral Police Station
- Mr. Raj Maheshwaram, Sub Divisional Officer, Garhwa
- Mr. Avadh Yadav, Sub Divisional Police Officer, Garhwa
- Police personnel attached to Meral, Garhwa, Ramuna, Nagar Untari Police Stations

**Date of Incident:**

August 20, 2022

**Place of Incident:**

Garhwa district, Jharkhand

**Background of the Incident:**

On August 18, 2022, at around 5 AM, the residents of Hasandag village in Meral block of Garhwa discovered the body of Mr. Nathan Chaudhury (70 yrs), a fellow villager who had gone missing the previous day. They informed the Meral Police Station, after which a police team led by Mr. Lal Bihari, Officer in Charge arrived at the spot.

Family members claimed that Mr. Chaudhury was killed by four persons from the village with whom he was seen the previous day, and demanded that police arrest all four accused, and get sniffer dogs to investigate the murder. Mr. Bihari assured family members and other villagers gathered thereof swift action, rounded up the four accused from the village and detained them at the police station throughout the day. Police also took away Mr. Chaudhury's body for post-mortem. The police released the four accused in the evening after questioning them for a few hours.

**Details of the Incident:**

On August 20, 2022, at around 8 AM, family members of the deceased Mr. Chaudhury and other villagers from Hasandag began gathering in hundreds in front of Meral Police Station. They staged a peaceful protest, demanding disciplinary action against Mr. Lal Bihari, a fair probe into the murder case and the arrest of the accused. Local activists and HRDs including Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, Mr. Rampravesh Chandravanshi also rushed to the spot after hearing of the protest and supported the demands of locals.

By 11.30 AM, when the number of protestors swelled to 500 and the protest was entirely peaceful, police teams from Garhwa, Ramuna, and Nagar Untari police stations, each led by the respective officer in charge, reached the spot. The police teams were led by Mr. Angar Nath Swarnkar, Circle Officer, Meral also reached the police station. Mr. Raj Maheshwaram, Sub Divisional Officer, Garhwa, and Mr. Avadh Yadav, Sub Divisional Police Officer, Garhwa joined the police forces later in the afternoon.

Mr. Lal Bihari announced that he was willing to meet a delegation of 4-5 protestors and listen to their demands. But when delegation members entered the police station premises, police personnel locked the gate behind them and began hitting them with

batons. This enraged protestors and some of them broke open the locked gate and entered the police station.

HRDs Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, and Mr. Rampravesh Chandravanshi urged villagers to refrain from violence, but when some of them began pelting stones at police, they left the spot.

Over the next four hours, teams of armed police charged at protestors on roads approaching the police station, forcibly dragging and brutally baton charging participants and onlookers such as local shopkeepers without any provocation. Police fired several rounds of tear gas, and the Circle Officer personally attacked villagers with sickles and rods. Many protestors suffered serious injuries during the assault including four local shopkeepers who were left with fractured arms. Some policemen were also injured in stone pelting by violent protestors.

Journalist Mr. Mostaque Ansari reached the spot at 2 PM and began recording the police assault on unarmed villagers on his mobile phone. He continued recording police violence on villagers and local shopkeepers despite threats and abuse from police personnel and left the spot at around 4 PM. All protestors dispersed around 5 PM when the police ran behind them and chased them away.

The same day, Mr. Angar Nath Swarnkar, Circle Officer, Meral submitted a written complaint at Meral Police Station regarding the incident. He claimed that villagers were armed and they assaulted police forces. He also claimed that HRDs who was trying to pacify the crowd and/or document police violence – viz, Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, Mr. Rampravesh Chandravanshi and Mr. Mostaque Ansari – incited the mob, and led the violence.

Based on this complaint, an FIR (169/2022) was registered at the Meral Police Station against the five HRDs and they were booked under Sections 109, 143, 147, 140, 149, 186, 323, 341, 307, 332, 333, 353, 427, 120B of the Indian Penal Code and Section 25(1AB) of the Arms Act. The FIR also included as accused 19 villagers including those who had no hand in the violence, and 400-500 unnamed persons. The HRDs fear they and other accused could be arrested in violation of procedures and tortured in custody.

We believe those police officials assaulted protestors brutally without the appropriate use of force. It also appears that names of Ms. Deepmala Kumari and other prominent HRDs who urged protestors to remain calm were named as prime accused in the FIR by police in reprisal for their insistence on a fair probe of the murder.

These instances amount to 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 right to exercise freedom of speech and expression 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.

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A peaceful assembly is also protected under 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, 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.”*

When HRDs like Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau, Mr. Rampravesh Chandravanshi and Md. Mostaque Ansari are falsely implicated in legal cases and booked under stringent sections for demanding a fair probe in a murder incident, these rights are grossly violated.

### **Appeal:**

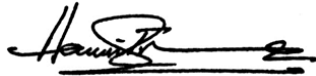
We thus request the Hon'ble Commission to urgently:

- Quash false charges against the HRDs Ms. Deepmala Kumari, Mr. Kareeb Ansari, Mr. Rampratap Sau and Mr. Rampravesh Chandravanshi and journalist Md. Mostaque Ansari.
- Direct the Director General of Police of Jharkhand to initiate an immediate inquiry into the assault and use of disproportionate force by police protestors demanding justice in a murder case in Garhwa and submit the report to the NHRC within two weeks.
- Direct the Director General of Police of Jharkhand to initiate an immediate inquiry into the implicating well-known HRDs the report to the NHRC within two weeks. The inquiry should include video footage of police violence captured by protestors and news reports on the protest by Mr. Mostaque Ansari and allegations of the senior police and government officials assaulting villagers.
- Depending on the result of the inquiry, take stern and urgent legal actions against all errant police and administrative officials.

- Provide adequate compensation to those injured in police violence.

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