



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/North/DL/21/02/2024

February 05, 2024

To
Justice (retd.) Mr. AK Mishra
Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi -110 023
Email: chairnhrc@nic.in

Respected Justice Mishra,

Subject: Requesting to initiate suo moto proceedings in the case of continuous harassment of social activist Mr. Harsh Mander and FIR by the CBI.

We are writing to you to bring to your kind attention that on the morning of February 03, 2024, a raid was conducted by the CBI at the residence and offices of Dr. Harsh Mander, a former IAS officer and respected HRD and the founder of the Centre For Equity Studies. An FIR No. **RC2202024 E0002/EO II/IND** was filed under the sections 35 r/w, 7, 8, 12(4)(a)(vi) and Section 39 of the FCRA Act 2010 by the CBI.

Mr. Harsh Mander has faced consistent harassment since 2020, as a social activist and advocate of communal harmony and a critic of the current government. In September 2021, the Enforcement Directorate (ED) carried raids at his home in Vasant Kunj, his office in Adhchini, and a children's home which his organisation, the Centre for Equity Studies (CES), helped establish. In June 2023, the Union home ministry suspended CES's Foreign Contribution (Regulation) Act (FCRA)'s licence.

Mr. Mander has been doing peaceful advocacy in cases of human rights violations, often in the most difficult circumstances. His continual harassment is strongly condemnable and a clear case of reprisal for his human rights work, which often include questioning the government and being critical of its actions and policies. Central agencies have misused legal provisions recently, specifically sedition and UAPA, to target HRDs and stifle dissent. These are acts of harassment which seem

to be only aimed at punishing and intimidating Mr. Mander and other HRDs for their legitimate human rights activities.

We write to you today in a situation where undertaking human rights work in India is increasingly getting criminalised. The above- mentioned instances are recent additions to cases of reprisals on HRDs through misusing provisions of and crackdown on civil society. Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner.

We also wish to state that the state of compliance with the fundamental freedom of association, assembly, expression and opinion has greatly declined in the recent past. We wish to remind the NHRC that every NHRI has to be committed to implementing the Marrakech Declaration of the Global Alliance of NHRIs 2018 titled 'Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions' and the Regional Action Plan on Human Rights defenders of the Asia Pacific Forum of NHRIs of March 2021. The task of protecting HRDs has also therefore to mean that such rights that are enshrined in the 1998 UN Declaration on HRDs and specially the state duties listed therein are carefully monitored by the NHRC as part of its regular routine mandate.

We urge you therefore to exercise your statutory powers, including powers of Suo moto intervention, and vocally condemn the targeting of Mr. Harsh Mander. This will go a long way in protecting democracy and constitution. In addition to these, we reiterate our long- standing appeal to the NHRC to exercise Section 12 (d) of the Protection of Human Rights Act.

We hope and expect that the NHRC will intervene in this case impartially and in a time-bound manner.

Looking forward to your immediate action and response to us.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary