



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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To

Mr. C.S Mawri,
National 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

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – Bihar: Harassment and false charges against journalist Mr. Ranjan Sinha by Bihar Police and health officials for reporting on mismanagement in COVID ward

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 and fabricated charges against journalist Mr. Ranjan Sinha by the Bihar Police and health officials as an act of reprisal for his reports exposing mismanagement in the COVID ward of Anugrah Narayan Magadh Medical College and Hospital, Gaya.

About the Human Rights Defenders:

Mr. Ranjan Sinha is a journalist based in Gaya, and works as a senior reporter with Hindi daily Dainik Bhaskar. He has reported extensively on health, corruption, education and development, and worked with publications like Hindustan and Prabhat Khabar in the past.

Source of Information:

- Communication with HRDA East Regional Consultant
- Communication with the HRD
- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Harish Chandra Hari, Superintendent, Anugrah Narayan Magadh Medical College and Hospital, Gaya

- Mr. Rajesh Kumar, Deputy Superintendent of Police, Gaya and Thana Prabhari, Magadh Medical Police Station
- Sub Inspector Ms. Prity Kumari and police personnel of Magadh Medical Police Station

Date of Incident:

May 23 – 25, 2021

Place of Incident:

Gaya district, Bihar

Details of the Incident:

On May 23, 2021, Gaya-based journalist Mr. Ranjan Sinha received information about mismanagement in the COVID ward of Anugrah Narayan Magadh Medical College and Hospital from a source. He was told that while all doctors and healthcare workers remained present during the day and COVID protocols were followed; at night the protocols were flagrantly flouted and healthcare workers were absent.

Mr. Sinha decided to visit the hospital late at night on May 23 to investigate the matter. He called the Hospital Superintendent Mr. Harish Chandra Hari on his mobile phone around midnight to inform him about his visit, and asked if any person from the hospital administration would be around to accompany him. When Mr. Hari asked him to visit the hospital the following morning, he refused and informed that he would go ahead with the visit abiding by all safety protocols.

Mr. Sinha reached the hospital building housing the COVID ward at around 1 AM on May 24 wearing a PPE kit. He was stopped by the guard at the ground floor entrance, who let him through after he said he was a journalist from Dainik Bhaskar. In the COVID ward on the first floor, he witnessed severe mismanagement and flouting of safety protocols – attendant(s) without any masks or PPS kits who were taking care of patients, whereas no health worker or doctor was in sight to attend to calls of patients and relatives.

Mr. Sinha spent about an hour talking to patients and relatives in the ward. He also video recorded the situation on his phone with help from a patient's attendant. At around 2.15 AM, when he was leaving the hospital, he was stopped at the exit by a group of hospital employees who accused him of barging into the COVID ward forcefully. Superintendent Mr. Hari also called him on his phone at this point, and issued a veiled threat, saying, "Now that you have done your work today, I will do my work tomorrow".

On May 25, 2021, Mr. Sinha's report on mismanagement in the COVID ward was published prominently in Dainik Bhaskar's Gaya edition. More reports by Mr Sinha exposing irregularities, including death due to negligence, a case of murder against doctors, and COVID tests being conducted after the issuance of death certificates, were published subsequently, bringing much notoriety to the hospital.

On May 25, 2021, at around 3:45 PM, hospital Superintendent Mr. Hari filed a written complaint at the Magadh Medical Police Station falsely accusing Mr. Sinha of entering

the hospital forcefully with unnamed aides, violating COVID protocols and obstructing and misbehaving with hospital staff during his visit on the night of May 23-24, 2021.

Mr. Rajesh Kumar, the Deputy Superintendent of Police, Gaya and Thana Prabhari, Magadh Medical Police Station registered an FIR (Case no 141/21) against Mr. Sinha and unnamed associates on the basis of Mr. Hari's complaint on May 25, 2021, without conducting any preliminary enquiry, or even calling Mr. Sinha to seek his version of events.

Sub Inspector Ms. Prity Kumari was assigned as the investigating officer in the case and the accused were charged under Sections 188 (disobedience with public servant's order), 269 (act likely to spread infection), and 506 (criminal intimidation) of the Indian Penal Code, Section 2(b) of the Epidemic Diseases Act, 1897 and Section 51(b) of the Disaster Management Act, 2005.

On May 25, 2021, within hours of publication of Mr. Sinha's first report, the Bihar Shramjivi Patrakar Union's Gaya district unit sent a letter to the Superintendent of Anugrah Narayan Magadh Medical College and Hospital asking for a high-level probe into the incident and quashing of fabricated charges against Mr Sinha.

The matter was widely reported in the media. Mr. Sinha also asked hospital authorities to make footage from the CCTV camera in the COVID ward public to ascertain if he was at fault, but he was told no such footage was available.

On June 4, 2021, Superintendent Mr. Hari sent a letter to the Superintendent of Police, Gaya, with a copy to the Thana Prabhari of Magadh Medical Police Station, asking for a withdrawal of the complaint against Mr. Sinha. The letter stated that the hospital had instituted a committee to probe the incident, which found Mr Sinha guilty of violating COVID protocols, but the committee recommended withdrawing the complaint against him in light of the Bihar Shramjivi Patrakar Union's letter and the raging pandemic.

It is our firm belief that Mr. Sinha was framed in a fabricated case, threatened and harassed in reprisal for his reports exposing mismanagement in the COVID ward. While the superintendent issued a letter asking for a withdrawal of the complaint following massive public pressure, the police has taken no action towards quashing the FIR till now.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. A free media is an extremely important fourth pillar of the Indian democracy. These FIRs filed by functionaries violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid, it is stated that the Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

If journalists and HRDs like Mr. Sinha are targeted, harassed, intimidated and framed in fabricated cases by police and health officials, these rights are grossly violated.

Appeal:

HRDA urges the Hon'ble Commission to immediately take urgent action and:

- Direct its investigation division to conduct an immediate, transparent and urgent inquiry into the conduct of hospital and police officials misusing powers and laws to suppress the journalistic freedom of Mr. Ranjan Sinha.
- Direct the hospital to produce CCTV footage of the time when Mr. Ranjan Sinha visited the ward to ascertain if he abided by COVID protocols.
- Depending on the result of the inquiry, direct the Director General of Police of Bihar to reprimand those policemen guilty of misuse of law.
- Depending on the result of the inquiry, direct the Health Secretary of Bihar to initiate disciplinary actions against the hospital superintendent.
- Direct the Director General of Police of Bihar to take measures to initiate closure of case registered against Mr. Sinha.
- Direct that those guilty of misuse of law, tender an apology to Mr. Sinha and pay adequate compensation for harassment and tarnishing his reputation.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne
National Working Secretary