



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: [hrda.india@gmail.com](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

November 12, 2021

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 –110023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert, India – Urgent Appeal for Action – Jharkhand: Externment of tribal HRD Mr. John Miran Munda under fabricated charges by Jharkhand police and administration.**

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 externment of tribal HRD Mr. John Miran Munda from Tonto and Jhinkpani Police Station limits in West Singhbhum due to his human rights work against illegal mining and for the rights of tribals.

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

Mr. John Miran Munda is a well-known labour leader and President of the Jharkhand General Kamgar Union and the Akhil Bhartiya Krantikari Adivasi Mahasabha. A resident of Joda Pokhar area within the limits of Jhinkpani Police Station in West Singhbhum district, he has been raising important issues of public interest such as lack of rehabilitation and compensation for those displaced by the ACC Cement mines and factory in the district, and illegal mining by the company leading to loss of royalty to the state exchequer. Mr. Munda is a trade union activist and has a record of upholding and protecting the rights of marginalised tribal communities.

### **Source of Information:**

- Communication with the HRD
- Communication with HRDs in the region
- Police records

### **The Perpetrators:**

- Mr. Ananyan Mittal, District Magistrate, West Singhbhum
- Mr. Ajay Linda, Superintendent of Police, West Singhbhum

- Police personnel attached to Tonto and Jhinkpani Police Stations

**Date of Incident:**

September 13, 2021

**Place of Incident:**

West Singhbhum district, Jharkhand

**Background of the incident:**

In 2008, ACC Cement Limited began operations in West Singhbhum district and owns a cement factory and two limestone mines in that district, which displaced several hundred tribal families in Jhinkpani and Tonto blocks.

The Jharkhand General Kamgar Union (JGKU), which has been leading the struggle for recognition of the rights of workers and tribal communities residing in the area since 2009, alleges that the company did not compensate land losers or provide them with jobs, routinely violated laws and legal provisions and engaged in illegal mining. As JGKU's president, Mr. Munda had organised and participated in numerous peaceful rallies and agitations during this period, and met senior government functionaries as part of various delegations. He was also arrested and imprisoned on several occasions, most recently in March 2020, after the local police and factory administration filed fabricated cases against him.

In recent months, media reports indicate that limestone reserves in ACC Cement's existing mines in the district have been fast depleting, and the company was keen to acquire the lease for another mine. The JGKU and the Akhil Bhartiya Krantikari Adivasi Mahasabha (ABKAM) strongly opposed this move, and wrote to various government authorities highlighting the company's record of flouting various laws and government orders and sought their intervention.

On August 4, 2021, Mr. Munda wrote to the Governor of Jharkhand on the official letter pad of the ABKAM and the letter was co-signed by the Pradhan of Kondwa Gram Panchayat and four other land owners. The signatories alleged that the company was trying to expand mining activities forcibly in violation of important laws and government orders, and specified some of these in the letter:

- They stated that ACC Cement Limited had violated Order no 20 of the ministerial council dated October 25, 2019, which mandated that mining on 63 acres of land acquired earlier be commenced within 12 months or the land be returned to the land reforms department. The company had also not compensated land losers.
- They stated that while the company was obtaining a new lease for pit F3, it had issued appointment letters to only 45 out of 175 persons who lost their land to pit F2, whereas those who would lose land to pit F3 were not being considered for jobs. Further, a probe by the mines department found ACC Cement carried out illegal mining worth Rs 900 crore in pit F2 and the company was directed to pay a fine in court.
- Given that West Singhbhum was a Schedule V area, the company's failure in returning land for which lease had expired back to the original owners was

rendering tribal communities landless and if the company continued to take over their land through the government, landlessness would increase manifold.

Mr. Munda and others stated that the company's agents were threatening and intimidating tribal villagers and trying to acquire the lease for pit F3 by flouting existing laws, and demanded that illegal mining and attempts to terrorise locals be halted, tribal land losers be duly compensated and provided jobs, and land on which lease had expired be returned to original owners. The letter was received and signed by the Governor's office on August 6, 2021.

**Details of the Incident:**

On August 2, 2021, the Superintendent of Police (SP), West Singhbhum, Mr. Ajay Linda approached the District Magistrate (DM) Mr. Ananyan Mittal vide letter no 387/DCB, asking that externment proceedings be initiated against 'notorious history-sheeter' Mr. Munda as his presence was disturbing peace in the area.

The DM issued a show cause notice to Mr. Munda under Section 3 of the Jharkhand Crime Control Act, 2002 on August 19, 2021, enlisting 29 cases where he was named as accused, and asking him to explain why he should not be externed. The HRD appeared before DM on August 27, 2021, and stressed that he was not a criminal, but engaged in protecting the rights of workers and tribal villagers affected by the ACC mine and factory, and that influential contractors had filed many false cases against him, and he had been acquitted in several of these cases. Mr. Munda asked that he be provided with copies of all recent complaints against him pertaining to the show cause notice and 15 days' time to respond to the same, and reiterated these points when he appeared before the DM again on September 7, 2021.

Disregarding the HRD's plea and without providing him with a copy of the complaints, on September 13, 2021, the DM issued an order externing Mr. Munda from the limits of Tonto and Jhinkpani Police Station areas for six months; he was also required to mark his attendance at the Jaraikela Police Station, located over 130 km from his residence in Jhinkpani, every day during this period.

The order stated that Mr. Munda was closely involved with other criminals, terrorised people in the area, routinely collected levies from contractors and businessmen and incited workers at ACC Cement and tribal villagers, leading to frequent disruptions in mining activities and loss of revenue for the state exchequer. It listed 29 cases in which the HRD was named as an accused, and noted that "his activities were disrupting peace and harmony in the Tonto and Jhinkpani Police Stations and nearby areas."

Complying with the order, Mr. Munda took up a house on rent in Manoharpur under the limits of Jaraikela Police Station and has been marking his attendance at the police station every day since. He has also not ventured into Tonto and Jhinkpani Police Station areas.

Mr. Munda's absence in the mining area has dealt a heavy blow to the movement to protect the rights of tribal communities. Restricted from entering his area, Mr. Munda is unable to confer on a day-to-day basis with other activists about violations of existing laws and ways to counter them through democratic means. The implications of this

are grave, especially because very few people in the area are educated or conversant with laws and state institutions.

We firmly believe that the externment order was issued to Mr. Munda in reprisal for his activism, and with the intent of muzzling dissent against the illegal mining. All 29 cases against him were lodged in Tonto and Jhinkpani Police Stations on complaints by policemen or contractors, indicating possible collusion of the police in targeting the HRD. Meanwhile, the local administration has taken advantage of Mr. Munda's externment from the area to organise mandatory public hearings so as to secure the mine expansion lease.

On November 1, 2021, the DM of West Singhbhum issued a notice to village mundas (traditional tribal leaders) in the mouzas of Dhokatta and Kondwa, informing them that a public meeting regarding land acquisition for the ACC Cement mine was scheduled the very next day. Residents were not provided with any information regarding the project, its impact etc, nor given time to reach the meeting from villages located in remote, hilly areas, in violation of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

We believe that Mr. Munda is being harassed and charged with fake cases and externment by the police in collusion with the mining for his work as an HRD for the rights of the local tribals. The complaints against Mr. Munda without giving him a chance to reply 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.

Mr. Munda has categorically been 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.

All this goes against some of the fundamental duties of the state with regards to the protection of human rights defenders. 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."*

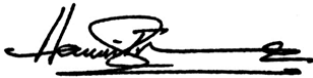
**Appeal:**

We thus request the Hon'ble Commission to urgently:

- Direct the Chief Secretary of Jharkhand to procure all records from the district administration of West Singhbhum, record the statement of Mr. John Miran Munda and inquire into this case of externment of the tribal HRD.
- Direct the Chief Secretary of Jharkhand to immediately take steps to repeal the externment of HRD Mr. John Miran Munda and allow him to continue his stay and work in Jhinkpani.
- Direct the Chief Secretary of Jharkhand to compensate him adequately for the additional expenses and mental and physical suffering he is going through resulting from the arbitrary externment.
- Direct the Chief Secretary of Jharkhand to halt all activities to award fresh mining lease to ACC Cement in West Singhbhum and initiate an immediate, independent inquiry into the violation of existing laws and government orders in the mining area, including instances of lack of compensation and employment to land losers, reversal of land to original owners following the expiry of lease and illegal mining.
- Depending on the result of the inquiry, take stern action against errant administrative officials.

Looking forward to your immediate action in this regard.

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary