



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 Web: www.hrdaindia.org

HRDA/UA/East/BH/07/05/2023

25 May 2023

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Abuse of power, Illegal detention and harassment of HRD Mr. Santosh Thakur by the police personnel of Mushahari police station in Bihar.

Human Rights Defenders Alert - Greetings from India

HRD Alert - India is a platform of human rights defenders for human rights defenders. It seeks to initiate action by human rights defenders under threat or with security concerns.

We are writing to express our grave concern about the abuse of power by police personnel of Mushahari police station, especially the Station House Officer Mr. Narendra Kumar, who illegally detained HRD Mr. Santosh Thakur, who had gone to the police station to file a report on behalf of a fellow citizen.

Source of information:

Communication with the HRDA East Regional coordinator

Communication with the HRD

Date of the Incident:

- May 10, 2023

Place of the Incident:

- Mushahari police station, Dumri, Muzaffarpur, Bihar

The Perpetrators:

- Mr. Narendra Kumar, Station House In charge of Mushahari police station, Dumri, Muzaffarpur, Bihar
- Other police personnel of Mushahari Police Station, Bihar
- Mr. Ajeet Jha, Munshi, Mushahari police station.

About the Human Rights Defender:

Mr. Santosh Thakur (39) is a human rights activist in Muzaffarpur, Bihar and the founder member of Grameen Vichar Manch, a civil rights organization which actively works on human rights, civil rights and social issues in Bihar. Mr. Santosh Thakur is also associated with various human rights organizations.

Details of the Incident:-:

On May 10, 2023, at 11:00 am, Mr. Manoj went to Mushahari police station, Dumri, Muzaffarpur with his relative Ms. Sanju Devi, to file a complaint regarding a forcible control of her wheat crop by Dheeraj Kumar with his associates. When they tried to file a complaint, Mr. Narendra Kumar, the station in-charge started abusing them and gave an order to arrest Mr. Santosh Thakur and Ms. Sanju Devi, who were then taken into custody. No FIR was filed on their complaint.

Mr. Thakur was given no detention memo, in violation of the DK Basu guidelines. His mobile and 5000 rupees and watch were taken by the policemen illegally without any memo. Both Mr. Thakur and Ms. Devi were detained till the evening and given no water or food. At 5:30 pm in the evening they were released but their mobile and money were not returned by the police.

On May 12, 2023, Ms. Sanju Devi wrote the entire incident in a letter and sent it to Inspector General of Police, Bihar. A copy of the letter was also sent to Superintendent of police of Muzaffarpur and Director General of police, Bihar. Ms. Sanju Devi in her complaint letter has alleged that the policemen are in collusion with the accused Dheeraj Kumar and Mr. Santosh Kumar and herself were detained because of the pressure of the accused on the SHO.

We believe this incident is a case of misuse of power by the police personnel who abused a complainant and an HRD and refused to file their FIR of a woman victim. The HRD was trying to do a public service by attempting to lodge a police complaint on behalf of the victim Ms. Sanju Devi. It was gross negligence on part of the police to not register the FIR of Ms. Sanju Devi and abuse them instead.

They also illegally detained and their money and valuables confiscated without any receipt, amounting to theft. Their families were given no information about their whereabouts, and they were given access to any lawyer. All of above amount to violation of multiple guidelines of the DK Basu Guidelines of arrest and detention as ordered by the Honorable Supreme Court.

The human rights activist was also kept in detention for 8 hours on 10 May 2023 under Section 160 of the Code of Criminal Procedure of India. Article 9 of the Universal Declaration of Human Rights as well as Article 9 of the International Covenant on Civil and Political Rights emphasizes that no one shall be subjected to arbitrary arrest, detention or exile. In the above case, the fundamental right guaranteed in Article 21 of the Constitution is violated which stipulates that no one shall be deprived of his life or personal liberty except according to procedure established by law.

Appeal

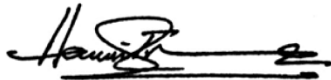
We appeal to the NHRC to consider this as a serious case of retaliation against human rights defenders and take immediate action from the NHRC.

- Direct the SSP of Police of Muzaffarpur, Bihar to initiate an immediate, independent, transparent, effective and impartial inquiry into the negligence of SHO Mr. Narendra Kumar in filing an FIR, abusing the HRD and the victim, illegal detention and harassment of Mr. Santosh Thakur and submit a report to the NHRC within 2 weeks.

- Direct the SSP of Police of Muzaffarpur, Bihar to submit CCTV evidence from the Mushahari police station for the entire day of May 10, 2023, to the NHRC so see if all the DK Basu guidelines of detentions were observed.
- Based on the inquiry, direct the Director General of police of Bihar and the SSP of Muzaffarpur, to take immediate and strict action against Mr Narendra Kumar, Station In-charge of Mushahari police station, Muzaffarpur, Bihar and all the policemen who harassment Mr. Santosh Thakur.
- Direct the Director General of police of Bihar to mandatorily conduct trainings on law and duty of the police for all police personnel and report the update on the same to the Hon'ble Commission within 3 months.

Your prompt action is expected 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