



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/UA/EAST/CGH/01/08/2024**

Aug 31, 2024

To,

Mr. Indrajeet Kumar,  
National Focal Point - Human Rights Defenders & Deputy Registrar,  
National Human Rights Commission,  
Manav Adhikari 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 – Urgent Appeal for Action – Chhattisgarh- illegal arrest, torture and fabricated cases on tribal HRD by Chhattisgarh police**

Greetings from Human Rights Defenders Alert!

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 regarding the illegal arrest, torture and false cases on HRD Mr. Bijendra Korram by the Chhattisgarh police for attending a peaceful tribal protest for protecting their land and forests at Toyametta, Chhattisgarh.

**About the Human Rights Defender:**

Bijendra Korram S/o Late. Chainu Ram (27) is an Adivasi farmer living in his village Becha, PS Chhote Dongar, Tehsil Mardapal, District Kondagaon. He is the Vice President of Adivasi Adhikar Bachao Manch and Treasurer of Bastar Jan Sangharsh Samiti. Both organisations work to protect and promote the rights of the tribals of Chhatisgarh. Mr. Korram is an educated tribal. He works on environment rights and tribal livelihood issues. He had participated in a peaceful sit-in protest ongoing at village Toyametta, District Narayanpur.

**Source of Information:**

- Communication with HRDA Regional Co-ordinator
- Communication with other HRDs in the region

**The Perpetrators:**

- DRG personnel of Narayanpur District, Chhattisgarh and
- Police personnel of Chhote Dongar Police Station Narayanpur District, Chhattisgarh

**Date of Incident:**

July 24, 2024

**Place of Incident:**

Village Toyametta, District Narayanpur, Chhattisgarh.

**Background of the incident:**

The Narayanpur District of Chhattisgarh is rich in mineral wealth. Private companies mining these precious minerals to gain profits by selling them. Narayanpur is also known for its thick forests and rivers. Mining disturbs ecology and livelihood of Adivasis and pollute rivers and cut forests. Thus, Adivasis often oppose mining by private companies.

**Details of the Incident:**

On July 24, 2024 at around 6:30 in the morning, a large number of District Reserve Guards personnel approached Toyametta village District Narayanpur, Chhattisgarh where Adivasis were organizing a sit in dharna for last two years.

These DRG personnel were heavily armed with AK 47 rifles and sticks and beat up HRD Bijendra Korram with rifle butts on his back. They then told other Adivasi protesters that they are taking HRD Bijendra Korram to show the perpetrators the way to return to their base.

The DRG personnel then took Bijendra Korram to Chhote Dongar, District Narayanpur Chhattisgarh, police station. He was kept there for 2 hours and later shifted to DRG office at Narayanpur District Headquarters, Chhattisgarh. When family members came to know this happening, they immediately talked to police officials and reached DRG office at Narayanpur, Chhattisgarh. HRD Bijendra Korram told about his pain at back where he got injuries due to gun butts strikes.

The SDOP Narayanpur told the family members of HRD that family will know about the fate of Bijendra only after the Superintendent returns to his office and take a decision. They pressured the to declare a fake surrender as maoist. However Mr.

Bijendra Korram refused the police pressure to wrongly surrender as a fake maoist. He was produced before Chief Judicial Magistrate Kondagaon Court at 2 pm on 26<sup>th</sup> of July 2024, 56 hours after his arrest.

During his arrest Mr. Bijendra Korram was not shown or asked to sign any arrest memo, nor was an arrest warrant shown to him or his family; he was not provided a lawyer in police custody and there are reports that he was tortured and beaten by the police in the station. He was also not produced before a judicial magistrate within 24 hours of arrest as per the law.

Furthermore, the DRG personell have no arresting power and are only they are supposed to assist police only, like home guards. But in this incident only DRG personnel illegally arrested the HRD.

Mr. Bijendra Korram is charged under sections 147,148,149, 307,120(B) of IPC, 25 Arms Act, 3,5 Special Security act, 10,13,16,20,23, 38(2) 39(2) UAPA and 8(1)(3)(5) of CSPSA 2005.

HRDA is deeply concerned with the illegal arrest, torture and false charges on HRD Mr. Bijendra Korram. We believe he is being targeted for his work as a tribal activist working for tribal rights and environmental rights and for his peaceful protest against the state.

The protection of human rights defenders, is a priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders.

The Right to protest is recognized under several international instruments, including The International Covenant on Economic, Social and Cultural Rights (Article 8), and Article 5 (a) of the Declaration on Human Rights Defenders 1998 states that “For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, to meet or assemble peacefully”.

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

**Indian Supreme court in Mazdoor Kisan Shakthi Sangathan v. UOI 2018 17 SCC 32 held that: -**

*“54. The right to protest is thus recognised as a fundamental right under the Constitution. This right is crucial in a democracy which rests on the participation of an informed citizenry in governance. This Right is also crucial since its strengths representative democracy by enabling direct participation in public affairs where individuals and groups are able to express dissent and grievances, expose the flaws in governance and demand accountability from the state authorities as well as powerful entities. This right is crucial in a vibrant democracy like India but more so in the Indian Context to aid in the assertion of the rights of the marginalised and poorly represented minorities.*

*59. A particular fundamental right cannot exist in isolation in a watertight compartment. One fundamental right of a person may have to coexist in harmony with the exercise of another fundamental right by others and also with reasonable and valid exercise of power by the state in the light of the directive principles of social welfare as a whole. The court’s duty is to strike a balance between competing claims of different interests.”*

We are further disturbed by reports of him being assaulted and tortured in the police custody. Torture is a serious violation of human rights law in national and international law. The Hon’ble Commission itself asked the State to criminalise torture. Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

We urgently appeal you to exercise Section 12 (b) of the Protection of Human Rights (Amendment) Act, 2019, and initiate an independent inquiry through NHRC’s investigation wing.

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

**Appeal:**

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest and false cases on HRD Bijendra Korram and submit the report to NHRC within two weeks.
- Direct the Director General of Police of Chhattisgarh to Direct the Director General of Police of Chhattisgarh to produce within 48 hours copies of all relevant documents pertaining to the abduction and torture for an independent examination by the Hon'ble Commission.
  - o Arrest memo as required under Section 41 B of CrPC, including name and designation of the police officer who prepare the arrest memo.
  - o Medico-legal certificate prepared under section 53 of CrPC, as well as report of the medical examination conducted under section 54 of CrPC.
  - o Inspection memo prepared at the time of arrest as required under the guidelines laid down by the Supreme Court in DK Basu vs State of West Bengal [1997 (1) SCC 416], as well as the name and designation of police officer who prepared the said Inspection Memo.
  - o Names, duty records and registers of all officers involved in detention and arrest.
  - o Examine compliance with all the mandatory procedures on arrest and detention laid down in Sections 41 of the CrPC, particularly with Sections 41A, 41B and 41D, and Sections 50, 50A, 51, 54, 55A, 56, 57, and 60A of the Code were followed by the police.
  - o Examine compliance with the NHRC Guidelines on Arrest.
- Based on the result of the inquiry, direct the Director General of Police Chhattisgarh to immediately suspend and file a cause of torture against policemen illegal detention, and custodial torture recommend strict and immediate legal action against the perpetrators, including prosecution under

appropriate sections of the IPC and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- Direct the Director General of the Police of Chhattisgarh to ensure the complete physical and psychological safety of the HRD and his family and assure the NHRC of the same actions within one week.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary