



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: Assault and intimidation of journalist Mr. Chandrabhushan Tiwari by Bihar Police for exposing police corruption.

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 assault and intimidation of journalist Mr. Chandrabhushan Tiwari in Kaimur district by Bihar Police for shooting videos of police corruption of collecting ransom monies from truck drivers.

About the Human Rights Defender:

Mr. Chandrabhushan Tiwari is a journalist with Gyan Shikha Times in Kudra block of Kaimur district, Bihar. He covers a wide range of topics including human rights violations as a reporter and earlier worked with Punjab Kesari in Ludhiana.

Source of Information:

- Communication with the HRD
- Communication with the HRDA Eastern Region Consultant

The Perpetrators:

- Mr. Ajay Kumar, Thana Prabhari, Kudra Police Station, Kaimur district
- Police personnel from Kudra Police Station, Kaimur district on duty on NH-2 during the incident

Date of Incident:

July 11, 2021

Place of Incident:

Kaimur district, Bihar

Details of the incident:

On July 11, 2021, at around 5 PM, Mr. Chandranath Tiwari was travelling on National Highway 2 on the stretch between Usauli and Kudra with his colleague and fellow journalist Mr. Tarun Singh, who was riding the bike. Near Nafotop diversion, they noticed a traffic jam. Mr. Tiwari started video recording the commotion on his mobile camera as they ventured towards the jam on their bike to find out what was happening.

Upon reaching closer, Mr. Tiwari alleges that they saw that Kudra Police Station Thana Prabhari Mr. Ajay Kumar was collecting bribes from truck drivers, and this was holding up traffic, whereas 7-8 other policemen, all in uniform, were assisting him in various ways. When three policemen located closest to Mr. Tiwari noticed that he was video recording the proceedings, they snatched his mobile phone. Mr. Tiwari told the policemen that he was a journalist and asked them to return his phone; instead they assaulted him, hitting him on the waist with their batons. The policemen were without any name tags, spoke to him and his colleague in derogatory language.

Thana Prabhari Mr. Kumar arrived at the spot upon hearing the commotion. When the journalists asked why they were assaulted despite being known locally as journalists, Mr. Kumar said the policemen on duty were new and therefore did not know them. When Mr. Tiwari asked if that meant that common citizens were liable to be assaulted by policemen for capturing their wrongdoings, Mr. Kumar threatened them. He told them not to take the matter ahead any further, else they would land themselves in immense trouble. The HRDs left the spot after their mobile phones were returned.

On July 12, 2021, Mr. Tiwari intimated the Superintendent of Police, Kaimur Mr. Rakesh Kumar about the incident over WhatsApp. On July 14, 2021, he sent a hard copy letter by Speed Post to the Superintendent of Police with copies to the State Secretariat and the DGP of Bihar, detailing the events of July 11, including the assault and intimidation, and asking for strong disciplinary action against those guilty. However, Mr. Tiwari has not received any response, and no disciplinary proceedings been initiated against policemen.

We are shocked that Mr. Tiwari, a journalist, was targeted and assaulted by policemen for trying to collect evidence of corruption of police officials. We believe this incident is a case of a journalist trying to do a public service by attempting to curtail public corruption and shows the collusion of Bihar Police in instances of corruption. The policemen taking bribes were indulging in breaking the law. According to the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1988, public servants in India can be penalized for corruption. If a public servant takes gratification other than his legal remuneration in respect of an official act or to influence public servants is liable to minimum punishment of six months and maximum punishment of five years and fine.

They further violated the law by abusing and assaulting Mr. Tiwari and then by threatening him so that he doesn't complain about them. These are all shocking violations of Indian laws and abuse of power. The senior police officials also chose to ignore complaints of a journalist.

Furthermore, 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. Mr. Tiwari had full right to collect and disseminate information in public interest showcasing public corruption and the police indulged in criminal behaviour by deleting his video and assaulting him.

If journalists like Mr. Tiwari are targeted for exposing corruption in police, and if policemen including senior officials like Kudra Thana Prabhari Mr. Ajay Kumar assault and threaten journalists for such activities, it indeed denotes shocking apathy towards police corruption. This incident clearly shows the misuse of official power by police personnel and they should be held accountable to ensure that law enforcement agencies in Bihar do not violate and abuse the law.

Appeal:

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

- Direct its investigation wing to undertake an immediate, independent, thorough, transparent, effective and impartial investigation into the incident of corruption highlighted by Mr. Tiwari and the assault, threats and deletion of evidence by the Kudra Thana Prabhari Mr. Ajay Kumar and the Kudra Police.
- Depending on the result of the inquiry, direct the Director General of Police of Bihar to take urgent and stern legal and disciplinary action against those policemen guilty of corruption, assaulting and threatening the HRD, and not acting on his pleas for redressal.
- Recommend that those guilty of misuse of law to tender an apology to Mr Tiwari and pay adequate compensation for harassment and mental trauma undergone by him.
- Ensure the physical security of Mr. Tiwari and his family and that the officials give in writing to the Commission that no further threats will be given to him or his family or any harm to them.
- Direct the Director General of Police of Bihar to mandatorily conduct trainings on law and duty and conduct of the police for all police personnel and report the update on the same to the Hon'ble Commission within three months.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne

National Working Secretary