



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 02, 2022

To,
Mr. Indrajeet Kumar,
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 - Madhya Pradesh: Negligence by police officials of Madhya Pradesh following physical assault of Adivasi HRD

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 grave concern regarding the brutal attack on Adivasi activist Mr. Rooplal Baiga in Seoni, Madhya Pradesh and the negligence of the police in filing an FIR and investigation in the case.

Source of Information:

- Communication with the HRDs in the region
- Communication with our West Regional Co-ordinator
- Information from Media

Date of Incident:

December 26, 2021

Place of Incident:

Kurmitheel, Seoni, Madhya Pradesh

The Perpetrators:

Inspector Raman Singh Markam and other police personnel of Ghansore police station, Seoni, Madhya Pradesh

About the Human Rights Defender:

Mr. Rooplal Baiga (58) is a resident of Kurmitheel village. The HRD belongs to the Baiga community- a primitive tribe group- protected under the Prevention of SC/ST Atrocities Act. He has been associated with community organisations which work towards the rights of Adivasi communities in MP.

Background to the incident:

Kurmitheel village has faced an issue of fly ash being dumped on the lands owned by villagers, which has affected their crops. The fly ash was being transported through the road in front of HRDs house and had deposits in his house and his land. He had told the contractors to transport it properly and stated that he would file an official complaint. He has even stopped trucks from passing through the village to protest on behalf of the village as nearly all families were affected by this issue.

Details of the Incident:

On December 26, 2021, at around 11 pm, Mr. Baiga was going to tend to his field, when he was first verbally abused by three men. When he responded to the abuses and told them to stop, they held him down and beat him with a stick. As a result of the attack, he suffered grave injuries. The assaulters broke both his legs and his left arm. The assaulters also hurled casteist abuses on Mr. Baiga during the assault.

The assault lasted for about 10 minutes. Hearing the commotion outside, neighbouring residents came out after which the assaulters fled the scene. After the attack, he was taken for treatment at a private hospital at Jabalpur. However, there was no MLC conducted as he did not go to a government hospital.

On December 27, 2021, the HRD's family approached Ghansore police station to file the complaint. However, Inspector Raman Singh Markam did not register an FIR and instead insinuated that the HRD had received injuries due to an accident.

On January 10, 2022, the police at Ghansore police station registered an FIR (No. 0005/2022) regarding the attack, based on a complaint by the HRD. The FIR states that the police had made an entry (No. 14) in the general diary regarding the attack on December 27, 2021, at 4.26 p.m.

The FIR has named three accused – Mr. Chandu Rai, Mr. Makbool Khan and Mr. Anurudh Patel who were charged under IPC sections 294 (obscene acts or songs in a public place), 323 (voluntarily causing hurt), 341 (punishment for wrongful restraint), 34 (acts done by several persons) as well as sections 3 (1) and section 3 (2) (va) of the SC/ST Prevention of Atrocities Act (PoA Act).

The three are known to be local strongmen who work for the contractors the Jabhua Power Plant. The three wield considerable clout in the region and are not in police custody. The HRD and his family fear that they will use their clout and freedom to intimidate the HRD and his family further.

We believe that this is a case of negligence by the local police. The FIR was filed nearly two weeks after the initial assault despite making a diary entry about the attack on the very next day. The police should have booked the accused also under section 307 (attempt to murder) for the assault could well have led to the death of the HRD as well as section 326 (voluntarily causing grievous hurt by dangerous weapons or means). Both the above sections are non-bailable and would have ensured that the accused would not have been let off as easily as they have been and would have provided immediate relief to the HRD and his family.

Section 4 (1) of the PoA Act states that a public servant (but not being a member of a scheduled caste or a scheduled tribe), willfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for not less than six months. This includes the prompt registration of an FIR with the appropriate sections under the Act.

The HRD in his statement has stated that the three assailants were hurling casteist abuses and goading him and the assault started after he told them to stop hurling abuses, confirming that the assault was casteist and pre-mediated in nature.

It has been nearly six months since this heinous attack and there has been lethargy and inaction from the police and the state administration. The accused in the case have been released on bail and while the police has filed the chargesheet, there is yet to be a single hearing in the case.

Moreover, the PoA Act states that victims of caste atrocities receive compensation at the time that the FIR was registered as well as after the chargesheet has been filed. The HRD has received no such compensation yet from the district administration.

Protection of HRDs is a key duty of any State as specified in the declaration on human rights defenders, adopted in 1998 by the UN general Assembly. Article 2 of the declarations states that the State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

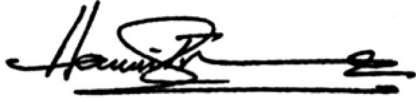
We believe that the Ghansore police station has put the HRD and his family in danger of reprisals in the future from the accused. We also feel that the accused may interfere with the investigation by intimidating and harassing the HRD further.

Appeal:

We therefore request the Hon'ble Commission to urgently:

- Direct the Director General of Police of Madhya Pradesh to submit a detailed report on the delay in registering FIR by police officials of Ghansore police station, against the three accused.
- Depending on the result of the investigation, recommend urgent actions against police officials of Ghansour police station, including in accordance with Section 4 of the SC/ST Prevention of Atrocities Act, for willful negligence in registering FIR.
- Direct the Superintendent of Police of Seoni to include Section 307 and section 326 of the IPC and other relevant sections of the SC/ST Prevention of Atrocities Act to the FIR and that he periodically informs the Hon'ble Commission on the updates in this case.
- Direct the District Collector of Seoni to immediately disburse the compensation stipulated under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Recommend immediate interim compensation of Rs. 5,00,000 to Mr. Roolpal Baiga and guarantee in all circumstances the physical and psychological integrity of the HRD from any further reprisals from the perpetrators and using all provisions of law to ensure that HRD and his family are not harassed or threatened further by the assailants.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a long horizontal flourish extending to the right.

Henri Tiphagne
National Working Secretary