



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

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November 18, 2020

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: Fabricated charges, use of force, illegal arrests of HRDs by the police in Kaimur district.

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 over the use of force, firing, illegal arrest, threats and intimation of HRDs in Kaimur district by the police. The HRDs were attending a two-day peaceful sit-in demonstration at the Birsa Munda Smarak Sthal in front of the forest department office in Kaimur district's Adhaura block on September 10 and 11, 2020, to press on long-standing demands and protest against the forest department destroying houses in tribal hamlets and digging pits in farmlands during the lockdown.

About the Human Rights Defenders:

Mr. Sipahi Singh (65), Mr. Dharmender Singh (25), Mr. Pappu Paswan (23), Mr. Lallan Singh Kharwa (45), Mr. Kailash Singh (62), Mr. Ram Shakal Singh Kharwar (52), Mr. Haricharan Singh (65) and others are activists with Kaimur Mukti Morcha (KMM), an organisation formed in the 1990s to fight against the Zamindari system and advocate for the land rights of oppressed communities.

Source of Information:

- Communication with HRDA Eastern Region Consultant
- Communication with other HRDs in the region
- Fact-Finding Report titled 'Police Firing on Adivasis in Adhaura, Kaimur, Bihar' by All India Union of Forest Working People (AIUFWP), Delhi Solidarity Group (DSG) and Citizens for Justice and Peace (CJP)

The Perpetrators:

- Personnel of the Adhaura Police Station, Kaimur District, Bihar
- Mr. Rishikesh Kumar, Forester and other personnel at the Adhaura forest division
- CRPF personnel
- Adhaura Block Development Office personnel

Date of Incident:

September 11, 2020

Place of Incident:

Adhaura block, Kaimur, Bihar.

Background to the incident:

Mr. Sipahi Singh and other KMM activists were aggrieved over instances of forced eviction of Adivasis from their land in Kaimur district's Adhaura block since the start of the lockdown in March 2020. They alleged forest department officials were destroying tribal hamlets and digging pits in farmlands under the guise of an afforestation programme in villages like Gullu, Goiyan, Dighar, Bahabar, Pipra, Sodha, Bahera, Dumrava and Sarainar in order to evict Adivasis from the area.

KMM is opposed to the conversion of the Kaimur Wildlife Sanctuary into a tiger reserve as it would evict around 50,000 people from 130 villages, and Mr. Sipahi Singh and other activists saw the recent incidents as veiled attempts to acquire land for the tiger reserve. They organised a two-day peaceful sit-in dharna demonstration in front of the Adhaura block office in Kaimur district on September 10 and 11, 2020, to protest against recent incidents, and press on long-standing demands.

On September 10, 2020, tribal villagers including women, men and children from 108 villages under Adhaura Block began their *dharna* at the *Birsa Munda Smarak Sthal*. KMM members and protesting villagers wanted a dialogue with the administration over gross violation of their rights and non-implementation of key laws. But when the administration did not pay heed to their requests, and no one from the district

collector's office came forward for a dialogue, protestors locked the gates of the forest department office in a symbolic gesture, to make their voices heard.

Details of the Incident:

The dharna began around noon on the second day, September 11, 2020. When some volunteers went to check the forest office gates they had locked the previous day, they found the locks were broken. KMM activists then decided to reach out to the forest department officials to initiate a dialogue. But when the delegated representatives went inside the office, they were abused and man-handled by officials who were present. Around 2.00 pm, a large contingent of police and CRPF personnel arrived at the forest office, where protestors had gathered, and without any warning unleashed a lathi-charge, which left several people injured. Police also allegedly fired at the protestors, which injured one villager.

A four-member civil society fact-finding team that visited Kaimur in the last week of September observed in its report titled that *"The police opened fire and lathi-charged the protesters. During this period, an Adivasi named Prabhu from Chaphana village was shot by a police bullet, the bullet went through his ear and took a chunk of his ear's muscle tissue. Police lathi-charged Adivasi women, men, youths and children viciously and many were injured which went unreported. Police brutality continued in the aftermath of this incident as well. Kaimur Mukti Morcha's office in Adhaura was ransacked by police and seven activists were arrested on false charges."*

The seven arrested activists included Mr. Sipahi Singh (65), Dharmender Singh (25), Pappu Paswan (23), Mr. Lallan Singh Kharwa (45), Mr. Kailash Singh (62), Mr. Ram Shakal Singh Kharwar (52) and Mr. Haricharan Singh (65). They were among 29 people named in an FIR (71/2020) on September 11, 2020, on the basis of a complaint by a forester, Mr. Rishikesh Kumar.

Mr. Kumar accused the 29 people named in the FIR and 400-500 others of protesting in violation of COVID-19 restrictions, illegally locking the gates of the forest department, police station and block offices, ransacking government offices and assaulting officials. He claimed the protestors pelted stones and bricks, set a patrol vehicle of the forest department on fire, and were identified through video footage captured by one tiger tracker and other cameras.

The FIR was lodged under Sections 147 (Punishment for Rioting), 148 (rioting, armed with deadly weapon), 145 (Joining or continuing in unlawful assembly, knowing it has been commanded to disperse), 323 (Punishment for voluntarily causing hurt), 307 (Attempt to murder), 353 (Assault or criminal force to deter public servant from discharge of his duty), 332 (Voluntarily causing hurt to deter public servant from his duty), 333 (Voluntarily causing grievous hurt to deter public servant from his duty), 337

(Causing hurt by act endangering life or personal safety of others) 338 (Causing grievous hurt by act endangering life or personal safety of others), 188 (Disobedience to order duly promulgated by public servant), 427 (Mischief causing damage to the amount of fifty rupees), 342 (Punishment for wrongful confinement) of the Indian Penal Code and section 427 (Punishment for possessing arms, etc, with intent to use them for unlawful purposes) of the Arms Act.

HRDA firmly believes that the forest department is acting in collusion with the police and the administration to evict, frame and intimidate HRDs who were drawing attention to government officials flouting the Forest Rights Act.

Section 4(1) of the Act categorically mentions that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from forest land under his occupation. According to the Act, even a plantation drive in the forest requires approval from the gram sabha.

The fact-finding report of the four-member team documented several instances of police and paramilitary forces abducting and/ or illegally arresting KMM activists in Kaimur the aftermath of the incident. Mr. Sipahi Singh and Mr. Ramshakal Singh, both residents of Goiyam village in Dumrawan panchayat and activists of KMM, were asked to meet the Subdivisional Officer and the Superintendent of Police on September 12, 2020, at around 5.00 PM under the pretext of having a dialogue, but were arrested upon their arrival.

Mr. Haricharan Singh, who was severely injured on his head during the protest on September 11, 2020, was taken to a hospital in Bhabhua for medical examination, and was arrested from there without his family members' knowledge. KMM activists also complained of police officials misbehaving and barging into their house without any search warrant or document. On September 12, 2020, police also broke the locks of the Kaimur Mukti Morcha's office and conducted raids there.

Appeal:

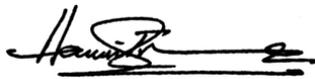
HRDA believes that the that the police officials violated freedom to peacefully assemble guaranteed by Article 19 of the Indian Constitution. We thus urge the hon'ble Commission to:

- Direct the investigation wing of the NHRC to undertake an independent and transparent inquiry of the incident of brutal lathi charge, arrests, and alleged firing on the protestors.
 - Order the forest department to submit the video footage of the incident from the forest department's tiger tracking footage and other cameras to verify if police fired on protestors and identify involved officials.

- Order the Kaimur SSP and DM to submit names of all the forest department officials and policemen who were present on duty on the day of the firing.
- A copy of the medical report of the HRDs.
- Depending upon the conclusions reached upon following an independent investigation, direct legal actions against all officials involved in firing and lathi-charge of the peaceful Adivasi protestors and indulging in the witch hunt against them.
- Direct the Director General of Police of Bihar to take steps to quash the FIR and scrap fabricated charges and cases against KMM activists.
- Direct the forest department and police officials to stop harassing, threatening and arresting Adivasis when they venture into forests to pluck tendu leaves (used in bidi-making) and other medicinal plants from the forest for selling them for survival.
- Direct the state government to give compensation to the arrested Adivasis for the extreme physical and mental torture they had to undergo at the hands of the Forest department officials.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary