



## HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 26, 2022

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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Abduction and custodial torture of HRD Mr. Somnath Dugga by District Reserve Guard and police officials and non-registration of complaint against torture.***

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 deep shock over the abduction and torture of HRD Mr. Somnath Dugga by personnel from District Reserve Guard, and the collusion of police personnel of Bharanda and Narayanpur police stations in Narayanpur district of Chhattisgarh. We are also deeply concerned about the police not registering an FIR against perpetrators despite a written complaint from the HRD's family.

### **About the Human Rights Defenders:**

Mr. Somnath Dugga is a member of the Rowghat Sangharsh Samiti, an organisation fighting against the Rowghat iron-ore mining project in Chhattisgarh's Narayanpur district. He is also the Gram Patel (traditional village headman) of Anjarel village in Narayanpur, located on the edge of the mine, and has participated in numerous peaceful protests against the project in the past few years.

### **Source of Information:**

- Communication with the HRD
- Communication with other HRDs in the region
- Police records
- Medical reports

### **The Perpetrators:**

- Mr. Suku Nureti, Mr. Manu Ram Dugga and other District Reserve Guard (DRG) personnel
- Mr. Prahlad Kumar Sahu, Officer in Charge, Bharanda Police Station
- Officer in Charge, Narayanpur Police Station
- Police Personnel attached to Bharanda and Narayanpur Police Stations

**Date of Incident:**

May 31, 2022

**Place of Incident:**

Narayanpur district, Chhattisgarh

**Background of the Incident:**

Anjarel village, which falls under the jurisdiction of the Bharanda Police Station in Narayanpur district, is home to about 25 Adivasi families. Located barely 50 metres away from the edge of Bhilai Steel Plant's Rowghat iron-ore mine, Anjarel is not shown as displaced in the environmental and forest clearance granted to the project. Local authorities had also assured the gram patel Mr. Somnath Dugga and villagers that it would not be affected by mining activities. But blasting and digging activities that began six months ago have damaged farm lands and houses in the village. The Rowghat Sangharsh Samiti has organised several protests against these moves in the past six months.

**Details of the Incident:**

On May 31, 2022, at 9:00 PM, around 15-16 District Reserve Guard (DRG) personnel led by Mr. Suku Nureti, Mr. Manu Ram Dugga arrived at Mr. Somnath Dugga's residence on six motorbikes. The personnel – all men – were in civil dress and carrying arms, and some of them had their faces covered with cloth. They forcefully barged into the house, started thrashing the HRD with batons and boots, and dragged him out without giving any reason for their assault. They severely tortured Mr. Dugga in front of his house with batons, logs of wood and kicks till he lost consciousness.

When Mr. Dugga's mother tried to intervene, they put a gun on her chest and threatened to kill her. DRG personnel also assaulted other family members who tried to prevent them from torturing the HRD. They slapped his wife, hit his mother and other family members Mr. Kamlesh Dugga, Ms. Hembati Dugga and Ms. Lalita Dugga (who was carrying an infant) with batons on their back, waist and buttocks.

The DRG personnel then abducted Mr. Somnath Dugga. They lifted him by his hands and feet, carried him till the foothills, where an official police vehicle (Bolero) was waiting, bundled him into the vehicle, and took him away to an unknown place. The HRD was unconscious at the time and wearing only an underwear, as his clothes were torn during the assault. The DRG personnel did not tell the family anything about whether there was a case against the HRD, or where they were taking him.

At around 10.30 PM, Mr. Dugga's family members and neighbours visited the Bharanda Police Station to inquire about him, but police officials said they did not know anything and asked them to check with the Narayanpur Police Station. When other HRDs called the Officer in Charge of the Narayanpur police station, he denied having any information in the matter.

On June 1, 2022, at around 10 AM, Mr. Dugga's family received a call from Narayanpur Police Station, informing them that the HRD had been released. They also showed the family a statement bearing Mr. Dugga's signature claiming the police did not assault or torture him (Mr. Dugga stated he was forced to sign on the statement by police personnel). Family members then took the HRD for a medical check-up to the District Hospital, Narayanpur, where he was admitted, and where he underwent treatment for seven days. The admission ticket mentioned police assault and noted that Mr. Dugga was still unconscious at the time of admission, with swelling and blood clots on his back, legs and chest. After his release from the hospital, Mr. Dugga was treated for dislocation of his knee by a traditional healer in the village.

On June 1, 2022, Mr. Dugga's mother lodged a written complaint at the Bharanda Police Station regarding the torture and illegal detention, asking for the registration of an FIR against Mr. Manu Ram Dugga and other DRG personnel within five days. Though the complaint was received at the police station with a stamp, no FIR has been registered yet. Meanwhile, personnel from the Bharanda Police Station visited Anjarel and threatened to implicate Mr. Somnath Dugga and witnesses who signed the complaint regarding his torture if they pursued the matter any further.

We firmly believe that DRG personnel and police acted with malafide intentions to target Mr. Somnath Dugga, known for his pro-people stand, when the village is awaiting displacement on account of the Rowghat coal mine.

DRG personnel in plain clothes, severely tortured the HRD and abducted him. They also assaulted and threatened to kill family members who tried to intervene and save the HRD. Personnel from the Narayanpur Police Station then illegally detained Mr. Dugga and did not provide him medical treatment despite him being unconscious and seriously injured. Further, personnel from the Bharanda Police Station, instead of registering an FIR and taking action against the perpetrators, are threatening witnesses to withdraw the police complaint.

We are shocked at the brazen manner in which the DRG personnel abused their power to torture and abduct the HRD. The callous attitude of the police – who detained the HRD arbitrarily and illegally, forced him to sign a statement, and threatened witnesses – also raises serious questions. These instances amount to complete violation of the DK Basu guidelines of arrest, Indian laws, Constitution of India and the fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution.

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. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

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. D.K.Basu vs. State of West Bengal, the Supreme Court of India called torture "one of the worst crimes in a civilised society governed by the Rule of Law."

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.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”*

When HRDs like Mr. Somnath Dugga are illegally detained and tortured to muzzle opposition to forced displacement, these rights are grossly violated.

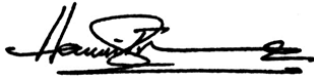
**Appeal:**

We thus request the Hon'ble Commission to urgently:

- Direct NHRC's investigation division to initiate an independent inquiry into the shocking abduction and custodial torture of Mr. Hemu Dugga and assault on his family members and submit to the NHRC within two weeks.
- Direct the Superintendent of Police of Narayanpur to register immediately an FIR on the basis of Mr. Hemu Dugga's mother's complaint and submit a status report to the NHRC within two weeks.
- Depending on the result of the inquiry, take stern and urgent legal actions against all errant police and paramilitary officials and file an FIR against them. Suspend immediately Mr. Manu Ram Dugga and other DRG personnel involved in the custodial torture with immediate effect, and file an FIR against them and submit the status report to the NHRC.
- Provide compensation of five lakhs to HRD and his family for their physical and mental trauma, including actions under the SC ST Preventions of Atrocities Act.
- Direct the Director General of Police, Chhattisgarh to ensure that Mr. Dugga and his family is completely secure physically and in all other ways and submit this in writing to the NHRC.

Looking forward to your immediate action in this regard.

Yours sincerely,

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

**Henri Tiphagne**  
National Working Secretary