



# 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  
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Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Bihar: Assault, intimidation, looting and fabricated charges against Mr. Buddha Majhi, Mr. Bharat Majhi and others of Sarta village by Bihar Police for protesting against a custodial death.***

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 in to express our concern over the intimidation, assault, and fabricated charges against Mr. Buddha Majhi, Mr. Bharat Majhi and others in Sarta village in Jehanabad district for protesting against the custodial death of Mr. Govind Majhi.

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

Mr. Buddha Majhi, Mr. Bharat Majhi and others are residents of Sarta village in Jehanabad district of Bihar. They are from socio-economically backward communities like Musahar and Ruidas, who are classified as Mahadalits in Bihar. Mr. Buddha Majhi, Mr. Bharat Majhi and others are daily wage farm workers, and regularly take part in protests against harassment of community members with false charges of brewing liquor by the police.

### **Source of Information:**

- Communication with the HRDs
- Communication with other HRDs in the region
- Media reports

### **The Perpetrators:**

- Mr. Dharendra Kumar Singh, Station House Officer, Paras Bigha Police Station
- Personnel from the Jhunathi Outpost and Paras Bigha Police Station
- Personnel from the Jehanabad District Police headquarters

### **Date of Incident:**

July 24-25, 2021

**Place of Incident:**

Jehanabad district, Bihar

**Background of the incident:**

Mr. Govind Majhi (31), resident of Sartta village in Jahanabad block of Jahanabad district in Bihar was arrested early morning on July 19, 2021, from his house for allegedly running a country liquor business and remanded in Daudnagar sub-jail in Aurangabad district. Liquor has been banned in Bihar since April 2016.

On July 23, 2021, his wife Ms. Suranti Devi received a call from a fellow prisoner who said Mr. Majhi was seriously ill and might die any time soon. Mr. Majhi died in Daudnagar sub-jail at 1.40 AM on July 24, 2021. When his family members reached the jail on the morning of July 24<sup>th</sup>, they saw his clothes were torn and he had multiple wounds on his legs and hands. They alleged police tortured him before his arrest and in jail, leading to his death.

**Details of the incident:**

After news of Mr Majhi's custodial death reached Sartta village at around 7 AM on July 24, 2021, villagers including Mr. Buddhu Majhi and Mr. Bharat Majhi began a peaceful protest at Nehalpur chowk on National Highway 110. By 8:30 AM, their number swelled to over 500, including many women and children, who blocked traffic on the highway and raised slogans demanding a judicial probe into Mr. Govind Majhi's custodial death, action against guilty policemen, and immediate compensation of Rs 25 lakh for his family.

At around 9 AM, a contingent of 20-25 police personnel in uniform from the Paras Bigha Police Station, including Station House Officer Mr. Dharendra Kumar Singh and female police officers arrived at the spot, joining 6-7 personnel from the Jhunathi Outpost who were present there since 7.30 AM.

Between 9.00-9.30 AM, Station House Officer Mr. Dharendra Kumar Singh and other policemen urged Mr. Buddhu Majhi and other villagers to lift the blockade, saying their demands would be looked into. However, the protestors remained steadfast, shouting slogans and demanding the Superintendent of Police or District Magistrate of Jahanabad to visit the spot to address their complaints.

At around 9.30 AM, a large contingent of 50-60 police personnel from the Jehanabad District headquarters – all in uniform, carrying batons and firearms – arrived at the spot in a bus, after which police lathi-charged protestors indiscriminately, without any prior warning. Some protestors fled the spot, but many more were angered by the unprovoked assault, and resisted the police assault, forcing a partial retreat. Around 10-12 villagers and 13 policemen were injured in the incident, whereas Ms Kanti Devi, a police officer, lost her life. Protestors said she was run over by the police vehicle she was trying to board to flee from the scene.

On July 24, 2021, police lodged an FIR (No. 125/21) at Paras Bigha Police Station regarding the incident on the basis of a complaint by Station House Officer Mr. Dharendra Kumar Singh. The complaint claimed that the protestors attacked police

with bricks, stones and sticks, forcing them to resort to lathi charge. It also alleged that Ms. Kanti Devi was run over by a vehicle at the behest of protestors, and named 51 people from the Majhi community including Mr. Buddhu Majhi and Mr. Bharat Majhi and 200 unknown persons as accused in the incident. Those named included villagers who lived in other states, who did not participate in the protest.

The accused were charged under Sections 147 (rioting), 148 (rioting with deadly weapon), 149 (unlawful assembly with common intent), 341 (wrongful restraint), 323 (voluntarily causing hurt), 337 (causing hurt by act endangering life or personal safety), 338 (causing grievous hurt by act endangering life or personal safety), 353 (assault of public servant), 334 (voluntarily causing hurt on provocation), 307 (attempt to murder), 304 (causing death by negligence), 504 (insult with intent to breach peace), 506 (criminal intimidation), 427 (mischief causing damage of up to Rs 50), 333 (Voluntarily causing grievous hurt to deter public servant from his duty) of the Indian Penal Code, Section 27 of the Arms Act and Section 3 of the Damage to Public Property Act.

At around 3 PM on July 24, around 250-300 police personnel in uniform allegedly from the Jehanabad district police HQ, laid siege on Sarta village, which continued till 5 AM on July 25, with several batches of personnel leaving after a few hours and others arriving to take their place. During this period, small police teams selectively raided the houses of Majhis and other Dalit communities, but spared the houses of dominant castes. Police barged into homes and conducted searches without showing any warrant or asking for permission. They broke utensils, television sets, laptops and mobile phones, damaged tube wells, tore up important documents, stole cash from homes, and assaulted with batons around 10-12 villagers, including Mr. Govind Majhi's wife Ms. Suranti Devi and his bed-ridden, paralysed mother.

Police also conducted a similar raid in Nehalpur Musahari tola adjacent to Sarta village on during this period. Most villagers went into hiding in the agricultural fields or in the forest during and after the raid, fearing another round of police brutality. They said the police action was similar to that of the Ranvir Sena, a militia of upper caste Bhumihars in Bihar, which was active between 1994 and 2000, carrying out more than half a dozen mass killings of Dalits.

Mr. Buddhu Majhi, Mr. Bharat Majhi and other lower caste Sarta residents were attacked, assaulted, raided, and slapped with fabricated charges in reprisal for raising questions over the custodial death of Mr. Govind Majhi.

Furthermore, the act of a community siege to the village, selectively raiding and looting homes of Dalit communities, is shocking and against the law, punishable under the SC/ST Prevention of Atrocities Act.

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.

The UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels; (article 1). That "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” (Article 12.2).

The Code of Conduct for Police In India under Sec 4 says, ‘In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.’ The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms.

**Appeal:**

HRDA urges the Hon’ble Commission to:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the custodial death of Mr. Govind Majhi, and the assault, intimidation, fabricated charges and raids on Mr. Buddhu Majhi, Mr. Bharat Majhi and other Sarta residents by Bihar Police officials.
- Depending on the result of the inquiry, direct the Director General of Police of Bihar to take stern action against policemen guilty of custodial torture and death of Mr. Govind Majhi.
- Direct the Director General of Police of Bihar to take stern action against policemen who were responsible for unprovoked lathi charge on a group of peaceful protestors; and action against the policemen who ordered the looting and raid to intimidate the village protestors.
- Recommend immediate compensation to Mr. Govind Majhi’s family and compensation to villagers whose property and documents were damaged/ destroyed in the police raid.
- Ensure the physical security. Mr. Buddhu Majhi, Mr. Bharat Majhi and other Sarta residents from further harassment by the police.

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

National Working Secretary