

# Human Rights Defenders Alert - India

National Coordination Office  
23, West Park Street, 1st Floor,  
Shenoy Nagar, Near Post Office, Chennai – 600 030 Tamil Nadu, INDIA  
Tel: +91-9994368540 Email : [hrda.india@gmail.com](mailto:hrda.india@gmail.com)

**20 May 2013**

The Chairperson  
National Human Rights Commission  
Faridkot House, Copernicus Marg,  
New Delhi, PIN 110001  
Fax No. 23384863  
E-Mail: [covdnhrc@nic.in](mailto:covdnhrc@nic.in), [ionhrc@nic.in](mailto:ionhrc@nic.in), [jrlawnhrc@hub.nic.in](mailto:jrlawnhrc@hub.nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Madhya Pradesh: The arbitrary arrest of Madhuri Krishnaswamy (Behan)– Reg**

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 now writing to express our grave concern regarding the arbitrary arrest of Madurai Krishnaswamy (Behan) in Madhya Pradesh on Thursday, 16 May 2013.

**About the Human Rights Defender under attack:**

Madhuri Behen is a leader of the Jagrit Adivasi Dalit Sanghatan (JADS). The JADS is a membership-based mass organization that campaigns on constitutional rights of adivasis, including Gram Sabhas, forest rights, PDS (the Public Distribution System); and in the last few years, to promote the effective implementation of government schemes such as the NRHM and the NREGA .The Sangathan members have held many non-violent protests against corruption, lack of implementation and exploitation of tribals. This has led to criminal cases being filed against the JADS leaders.

**The Perpetrators:** V.K. Chauhan, the compounder of Menimata PHC in Barwani.

**Date and Time of Incident:** Thursday, 16 May 2013

**Place of Incident:** Court campus in Barwani of Madhya Pradesh

**Incident:**

Madhuri Behen from Jagrit Adivasi Dalit Sanghatan was arrested on 16<sup>th</sup> May, 2013 afternoon in a case that was filed against her and others as a result of protests for forcing a pregnant woman i.e. Baniya Bai who was in a critical condition and was in labour to deliver in full public view just outside the Menimata PHC.

The case was filed against Madhuri, Baniya Bai's Husband, Basant and others by the compounder and was registered as FIR No 93 of 2008. Madhuri and others had received a court notice to appear in the Court of Shri D.P. Singh Sewach, JMFC on 16th May. Madhuri appeared and was informed that the police had filed a closure report (khatma) but had not stated clear reasons for the closure and therefore the report was refused. Madhuri was arrested from the court complex. She has been remanded in JC till 30th May 2013 and will be placed in Khargone women's Jail.

This case of Baniya Bai is also part of the writ petition filed in the High Court of MP, Indore Bench in which the status of maternal health services was raised in light of 29 maternal deaths recorded in a span of 9 months in Barwani DH.

Baniya Bai is living in Sukhpuri village, Barwani. Baniya Bai was taken to the Menimata PHC for delivery by her father-in-law, Dalsingh, on the night of 11 November 2008. They made the 15 km journey on a bullock cart because no other transport was available. After admitting and taking a cursory look at her, the compounder, V.K. Chauhan, and nurse, Nirmala, left the PHC and went home.

The next morning, Baniya was forced by the compounder and the nurse to leave the hospital. Her family was asked for Rs. 100, which they did not have and so Dalsing immediately went to get money from their village. Despite attempts to re-admit Baniya Bai to the PHC, the compounder flatly refused saying that they could not manage the delivery so she would have to go to Barwani DH or Silawad Hospital.

Baniya's relatives tried to get the Menimata hospital compounder, nurse and staff to call for the Janani Express, but were unsuccessful. The family was told to make its own arrangements to refer to a higher hospital. When forced to leave the PHC Baniya Bai crawled out of the labour room, on to the road outside the PHC, where she lay down in severe pain.

Eventually, Baniya's mother-in-law, Suvali Bai, went looking for a Dai in the marketplace and found Jambai Nana, who had come to market collect her wages. After hearing about Baniya Bai's situation, Jambai agreed to assist her, and at around 12PM, conducted a normal delivery on the road outside the hospital. The father-in-law gave his dhoti (loin cloth) to provide cover for Baniya Bai during delivery. Following this incident, a crowd gathered outside the health centre.

Madhuri was passing by, inquired about what was happening. She then called up the Silawad CHC, the Silawad Police Station as well as health officials from Barwani. Upon being informed, senior officials from the health department ordered for a vehicle to be sent immediately to the Menimata PHC. After being denied emergency obstetric care and being forced to deliver in public view, Baniya Bai's and her child were taken to the Silawad Hospital for admission. The compounder was suspended after repeated demands for action from JADS, but was soon reinstated.

### **Appeal**

We, therefore, urge you to immediately take necessary steps to ensure that:

- All necessary measures are taken to guarantee the physical and psychological integrity and security of Ms. Madhuri Behen
- Madhuri Behen and others implicated in the matter are immediately released.
- The State government looks into the matter of Maternal Health and health system in large as a serious concern.
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

Honorary Working Secretary

Human Rights Defenders Alert - India

**Copy to:**

Shri A. K. Parashar  
Focal Point - Human Rights Defenders  
National Human Rights Commission  
Faridkot House, Copernicus Marg  
New Delhi-110001  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dr. Rameshwar Oraon  
The chairperson  
National Commission for Scheduled Tribes  
6<sup>th</sup> Floor, 'B' Wing, Loknayak Bhawan,  
Khan Market, New Delhi  
EMail: [chairperson@ncst.nic.in](mailto:chairperson@ncst.nic.in)

The Chairperson,  
Madhya Pradesh Human Rights Commission,  
Paryavas Bhawan, Arera Hills,  
Jail road, BHOPAL-462001  
E-Mail: [mphrc@sancharnet.in](mailto:mphrc@sancharnet.in)

OMCT International Secretariat  
PO Box 21  
8, rue du Vieux-Billard  
1211 Geneva 8, Switzerland  
Phone: + 41 22 809 4939  
Fax: + 41 22 809 4929  
E-mail: [omct@omct.org](mailto:omct@omct.org)

Front Line - The International Foundation for the Protection of Human Rights  
Defenders  
Head Office, Second Floor, Grattan House, Temple Road, Blackrock,  
Co Dublin, Ireland, Tel: +353 (0)1 212 3750, Fax: +353 (0)1 212 1001  
E-mail: [info@frontlinedefenders.org](mailto:info@frontlinedefenders.org), [caitriarice@frontlinedefenders.org](mailto:caitriarice@frontlinedefenders.org)

Asian Forum for Human Rights and Development  
Baan Vichien, Apartment 3B,  
220 Sukhumvit 49/12 Klongton Nua, Wattana,  
Bangkok, 10110, Thailand  
Email: [hrd@forum-asia.org](mailto:hrd@forum-asia.org)  
[yap@forum-asia.org](mailto:yap@forum-asia.org)

Special Rapporteur on the situation of human rights defenders,  
Mrs. Margaret Sekaggya  
c/o Office of the High Commissioner for Human Rights – Palais Wilson  
United Nations Office at Geneva  
CH 1211 Geneva 10, Switzerland  
Email: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)