



Human Rights Defenders Alert – India

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To

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Joint 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 - Appeal for Action – Telangana: Physical assault, harassment, illegal detention and slapping false case against woman human rights defender and activist of Peoples Union for Civil liberties (PUCL), Advocate Jaya Vindhyala by Telangana police in Hyderabad, Telangana – Regarding.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding woman human rights defender and general secretary of PUCL, Telangana, advocate Jaya Vindhyala who was physically assaulted, mentally and physically harassed and ill-treated by Woman Circle Inspector and Male Sub-Inspector of Police of Mahila Police station and Town Police station respectively in the state of Telangana.

Status of the Human Rights Defender:

Ms. Jaya Vindhyala is a lawyer practicing at High Court in Hyderabad and various courts in other districts for the past 14 years. She is at present the General Secretary of People's Union for Civil Liberties, Telangana (PUCL-TS Unit) and previously she was the President of undivided Andhra Pradesh PUCL. She is also a member of the National Committee of Human Rights Defenders in the state. She is the Vice-President of Forum for Right to Work and the General Secretary of Greater Hyderabad Society Forum for Fast Justice. She is an

active social worker and takes up cases of human rights violations and handles matrimonial disputes and other family disputes.

She has been actively working to defend civil and political rights of the people for last 30 years. She has been closely associated with PUCL which came into existence forty years back, after emergency was imposed in India by then Indian Prime Minister Mrs. Indira Gandhi on June 26, 1975. PUCL today is one of the most powerful and reputed civil liberties organizations, not only in India but also known worldwide for its work of defending civil liberties.

The Perpetrators:

1. Mrs. Nirmala, Circle Inspector, Women Police Station, Vikarabad, Telangana
2. The Sub Inspector of Police, Town Police Station, Vikarabad, Telangana

Date of Incident:

July 14, 2016

Place of Incident:

The Mahila Police Station and the Town police station, Vikarabad, Telangana, India.

Details of the Incident:

According to sources, a software engineer named Mr. Abdul Sami approached the WHRD advocate Jaya Vindhyala on July 13, 2016 and showed her the injuries on his body sustained due to the severe beating by Women Police Station House Officer Mrs. E. Nirmala on July 12, 2016. Mr. Abdul also informed her that he had lodged a complaint about it with the Human Rights Commission. To assess the situation and verify the truth, the WHRD went to his home located at Tolichowki area. There she saw 2 locks on the main door of his house while the neighbours of Mr. Abdul Sami informed her that the 2nd lock was put by the police personnel of Women Police Station, Vikarabad.

The same day on July 13, 2016 advocate Jaya Vindhyala spoke to WPS SHO on her mobile with no.: 9010994452 about Abdul Sami case and told her that it was a matrimonial dispute. Mr. Abdul Sami's wife had already told her that she was expecting KHULA and Abdul Sami was also ready for that. If KHULA papers are kept ready they should clear the issue in single sitting amicably. The SHO asked the WHRD to come on July 14, 2016 to meet her. The WHRD also spoke to the DSP and SP. They also asked her to meet the IO Mrs E. Nirmala. On July 14, 2016 the WHRD went to the Women Police Station, Vikarabad to meet Circle Inspector Nirmala. The WHRD asked her about the case and about injuries on Abdul Sami and reasons for locking Abdul Sami's house. The WHRD also told the woman inspector that the police allegedly demanded a bribe of Rs. 15000 from Abdul Sami and that was the

reason he was beaten badly. The woman inspector did not reply properly to her questions. The WHRD Jaya Vindhya then called Deputy Superintendent of Police who had asked her to meet the Circle Inspector. While the WHRD was narrating about Nirmala's behaviour, the Circle Inspector meanwhile suddenly snatched her cell phone and slapped her on the right cheek and dragged her into the interrogation room. Inspector Nirmala pushed her with force as a result the WHRD fell on the floor causing her physical injury and severe pain. The WHRD was illegally detained, harassed and mentally and physically tortured for about two hours and all the while she was abused with vulgar language. The WHRD was kicked forcibly to the chair. The WHRD was in utter distress and feeling giddy without any food or water offered to her. So she asked for medical aid. But instead of taking her to the hospital the police men along with Nirmala took her to the Town Police station, Vikarabad.

The WHRD was forced to sit in the Town Police Station for more than an-hour in a bitter unhealthy situation. Later Mrs Nirmala, Circle Inspector and the Sub Inspector of Town Police Station registered a case vide Cr.No. 207/2016 dated 14-7-2016 Police Station, Vikarabad town for offences under sections 353, 504 of IPC against the WHRD Jaya Vindhya. According to sources while WHRD was at the police station, the Sub Inspector of Police, Town Police Station was reading the complaint filed by the Circle Inspector, Women Police Station against her loudly in a manner to make her to understand that there was a complaint against her and therefore she is expected to be submissive before them. After this, the WHRD Jaya Vindhya went to the Office of the Superintendent of Police, Ranga Reddy district at Vikarabad who was not available and then approached the Deputy Superintendent of Police and lodged a written complaint against Mrs. Nirmala, Circle Inspector, Women Police Station, Vikarabad for her illegal detention, harassment, and torture.

On July 18, 2016 a representation was also submitted to the Home Minister, Government of Telangana with the request to take necessary and prompt legal action against Circle Inspector Ms. Nirmala seeking her suspension forthwith to ensure a fair investigation and justice to the victim of police atrocities.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the District Collector and District Magistrate of Hyderabad District to:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of physical assault, harassment and ill-treatment of woman human rights defender, advocate Jaya Vindhyaala;
- Take immediate action on the perpetrators, in this case, the circle Inspector of the Women Police station and the Sub-Inspector of Police, Town Police Station and other police personnel of both Police Stations for issuing threats, intimidation, physical assault, illegal detention and filing false case against the woman human rights defender, advocate Jaya Vindhyaala;
- Guarantee in all circumstances the physical and psychological integrity of WHRD advocate Jaya Vindhyaala who is under the risk of further reprisals from the perpetrators and using all provisions of law to ensure that the defender is not harassed or falsely implicated in future;
- Ensure provision of reparation, compensation, apology to the woman human rights defender for the psychological sufferings she has undergone due to her illegal detention, physical and mental harassment and intimidation;
- Put an end to all acts of harassment and intimidation against all human rights defenders like Jaya Vindhyaala in the state of Telangana and ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which 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 12.2, which provides 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”;

- Recommend urgently and speedily during the pendency of this complaint, the SHRCs in Telangana and Andhra Pradesh to also take necessary steps to establish a state focal points for HRDs in order to ensure that HRDs have a new protection mechanism in their own states;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the States of Telangana and Andhra Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Governments of Telangana and Andhra Pradesh in collaboration with the NHRC Focal Point on HRDs and the SHRCs Telangana and Andhra Pradesh to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Governments of Telangana and Andhra Pradesh in collaboration with the SHRCs of Telangana and Andhra Pradesh to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the States of Telangana and Andhra Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary