



Human Rights Defenders Alert- India

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30 March 2017

To,

Shri Srinivasa Kammath

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

Sub: HRD Alert - India – Urgent Appeal for action against the custodial torture inflicted upon the student activists who are protesting against the corruption made in new teacher appointments by the West Bengal police in Kolkata – Regarding

Dear Sir,

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 now writing to express our grave concern regarding the illegal detention and custodial torture of WHRDs namely Madhuja Sen Roy, Ahana Ganguli, Rupsa Saha and Ananya Niyogi by West Bengal Police, who were protesting against the corruption and irregularities done in the appointment of primary teachers in Kolkata, West Bengal on 10 March 2017.

Source of Information on the Incident:

The Coordinator of HRDA for the East of India & Media

The Perpetrators:

1. Mr. Arun Kumar Gupta, IPS, Director General & Inspector General of Correctional Services, West Bengal

2. Shri Sivaji Ghosh, IPS, Principal Secretary, Department of Correctional Administration. Government of West Bengal.
3. Superintendent of Police, Alipore Prison.

The Human rights defender:

Ms. Madhujā Sen Roy, Ms. Ahana Ganguli, Ms. Rupsa Saha and Ms. Ananya Niyogi are student and youth activists and are active members of Student Federation of India (SFI).

Date of Incident:

10 March 2017

Place of Incident:

Alipore Special Correctional Home for Women

Incident detail:

As per the source, Ms. Madhujā Sen Roy, Ms. Ahana Ganguli, Ms. Rupsa Saha and Ms. Ananya Niyogi along with other activist were protesting against the scam made in the Teachers Eligibility Test (TET) of primary school teachers on 9 March 2017. Many students including girls were arrested by West Bengal Police under the false allegation of “West Bengal Prevention of Defacement of Property Act”. All the arrested students were brutally beaten up by the police and a few of them were hospitalised too. The four young women were arrested and locked up in the police station, next day on 10 March 2017 and were remanded to police custody until 14 March 2017.

The four women were then taken to the jail to the “Alipore Special Correctional Home for Women”. On 10 March 2017, they were taken to the searching room, where they were stripped and searched which consisted of highly objectionable groping of their bodies, they were subjected to the filthiest sexist abuse by the women police personnel and prison authorities. The groping and abuse was repeated on 14 March 2017 also.

The police and the prison authorities are guilty of blatant violation of all standards to treat those in custody, particularly women prisoners.

Appeal:

Therefore, in the light of above mentioned facts and circumstances, HRDA most respectfully appeals that this Hon'ble Commission to urgently:

Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of custodial torture on the women human rights defenders;

- Guarantee in all circumstances the physical and psychological integrity and protection of the WHRDs;
- Based on the independent investigation, using powers under Section 12(B) of PHRA 1993, intervene in the court through a competent senior lawyer and ensure that all rights of WHRDs are protected, they are released unconditionally and actions as per the law are initiated against perpetrators of torture.
- Put an end to all acts of attack and harassment of human rights defenders in the State of West Bengal to 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 SHRC in West Bengal to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- 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 State of West Bengal for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of West Bengal in collaboration with the NHRC Focal Point on HRDs and the SHRC West Bengal 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 Government of West Bengal in collaboration with the SHRC, West Bengal 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 state of West Bengal.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

(Henri Tiphagne)

National Working Secretary