



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No:- HRDA/North/CT/3/7/2018

July 17, 2018

To

Mr.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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Chhattisgarh: Arbitrary arrest of human rights defender Ms. Durga Jha by - 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 now writing to express our grave concern about the arbitrary arrest of human rights defender Ms. Durga Jha on July 12, 2018 in Raipur, Chhattisgarh.

Source of Information on the Incident:

- HRDA Regional Coordinator
- Interaction with HRD
- News Reports

Status of Human Rights Defender:

Ms. Durga Jha is a Dalit rights activist and has also been engaged in defending civil and political rights of people in Raipur, Chhattisgarh.

The Perpetrators:

- Shri AN Upadhyay, Director General of Police, Chhattisgarh
- Mr.Pradeep Gupta, IG of Police, Raipur
- Amresh Mishra, Superintendent Of Police, Raipur
- Mukesh Khare, CASP Mana Police Station, Raipur

Date of Incident:

July 12, 2018

Place of Incident:

Mana Police Station, Raipur.

Details of the Incident:

As per the sources, on June 14, 2018, while the Prime Minister was visiting Raipur, a delegation tried to meet him inside the airport. However, they were not allowed to meet him and so, they decided to protest by shouting slogans. Some of them waived black flags as well. Based on this incident, two FIRs were registered by the police. One filed on June 14, 2018 another on June 15, 2018. The first one mentioned sections 151, 107, 116 of the IPC while the second consisted of sections like 147, 186, 419, 332 and 353. 14 protestors, including two women, who participated in the protest were arrested on the basis of these FIRs.

On June 18, 2018, a bail application was moved. The accused in the first charged with sections 151, 107 and 116 of the IPC were granted bail . On this day Ms. Durga Jha and Ms. Varnita Sinduria were not presented in the court. The 12 men who were present in the court were rearrested and sent to judicial custody in the second case. The two women remained in jail and were not rearrested. They were kept for two extra days without any reasonable reason and were released on June 20, 2018. This created a problem as on June 24, 2018, all 12 men were granted bail but since the women were not taken into judicial custody their bail applications were not entertained. As per records, they were not arrested. On July 12, 2018, both Ms. Durga Jha and Ms. Varinita Sinduria were called by the Mana police station's SHO and when they reached at the police station they are purposefully made to wait till 1 PM and then taken to the court. Bail applications were filed for both of them in the Court of Judicial Magistrate which were rejected by the magistrate and both of them were sent to judicial custody.

Appeal:

We, therefore urge you to immediately take necessary steps and:

Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of the arbitrary arrest of human rights defender Ms. Durga Jha and her colleague;

Based on the independent investigation, exercising powers granted under Protection of Human Rights Act 1993, intervene in the said case through a competent lawyer;

Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings she is undergoing because of the arbitrary arrest and provide a reassurance of not engaging in such acts against HRDs especially women;

- Put an end to all acts of harassment of human rights defenders like Ms. Durga Jha in the State of Chhattisgarh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

- More generally, ensure 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 Chhattisgarh.

Yours sincerely,

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

Henri Tiphagne

Honorary National Working Secretary