



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/East/WB/8/7/2018**

*July 31, 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  
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**Sub: Appeal for Action by Human Rights Defenders Alert (HRDA), India - In the Matter of False case filed against Human Rights Defenders Mr. Kirity Roy & Others at Dinhata Police Station, Coochbehar, West Bengal**

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.

Through this appeal we are writing to express our grave concern regarding the registration of false case against human rights defender Mr. Kirity Roy and others at Dinhata police station in Coochbehar district of West Bengal on July 19, 2018.

**Source of Information about the Incident:**

The HRDA Coordinator (East)  
Human rights defender Mr. Kirity Roy

**The Human Rights Defenders:**

Mr. Kirity Roy is the secretary of Banglar Manabadhikar Suraksha Mancha (MASUM) and is also the National Convener of Program Against Custodial Torture & Impunity (PACTI).

Since the last two decades MASUM is engaged in monitoring cases of human rights violations by the Border Security Force (BSF) and other state agencies in the state of West Bengal. Towards this MASUM has registered a number of petition before different state and national human rights institutions and courts.

**The Perpetrators:**

1. Mr. Virendra, Director General of Police West Bengal.
2. Dr. Bholanath Pandey, Superintendent of Police, Coochbehar
3. Mr. Sanjoy Ghosh, Inspector In Charge, Dinhata PS
4. Mr. Kaushick Saha, District Collector and Magistrate, Coochbehar
5. Mr. Krishnava Ghosh, SDO Dinhata
6. Mr. Sushanata Saha, Confidential Assistant of SDO

**Date of Incident:** July 19, 2018

**Place of Incident:** Sub Divisional Officer office, Dinhata.

**Details of the Incident:**

As per the source, on July 19, 2018, Banglar Manabadhikar Suraksha Mancha (MASUM) planned to submit a memorandum to the Sub-Divisional officer (SDO) of Dinhata to bring to his attention concerns about the arbitrary restriction of movement of citizens by imposing section 144 of Cr.Pc unnecessarily, which results in illegal confinement, torture and extra judicial killings. Towards this MASUM had organized a procession from Dinhata railway station to the SDO office to submit a memorandum on the issue.

MASUM Secretary, Mr. Kirity Roy was leading the procession on behalf of MASUM. The procession reached the SDO office area about 12.55 PM. While the procession reached at the office of the SDO, the procession was stopped at the gate. A five-member delegation was sent to submit the memorandum. The Confidential Assistant of SDO Mr. Sushanata Saha received the memorandum as it was reported that the SDO, Dinhata was busy in his court. After submitting the memorandum, the delegation asked him to receive the memorandum with due procedure. He duly received the memorandum and returned the same putting his signature on the copy of the memorandum. However, after a while Mr. Saha came out of his office room, asked to return the memorandum copy, took it with him, went back to his room and didn't heed to the five members including Mr. Roy who were asking back the memorandum copy. A commotion broke thereafter and SDO official called the local police to the spot.

On July 23, 2018, through a reliable source, MASUM came to know that the Dinhata Police had initiated a criminal case against Mr. Roy and other unnamed 50 persons vide Dinhata Police Station Case No. 259/18 dated July 19, 2018, under sections 341/186/353/427/565 & 34 of the Indian Penal Code.

On July 24, 2018, at around 8.30 PM, MASUM visited the official website of the Coochbehar District Police and in FIR list section found no information about the FIR against Mr. Roy; on

the contrary the list is showing the details of the FIR with same number but from previous year (2017).

The above said FIR in the name of Mr. Roy has been fabricated and is being falsely filed by the police to cover up the incident, wipe off the evidence, destroy evidentiary documents and prevent it from being produced in the court of law. Further this action of the police amounts to false personation with an intention to harm the reputation of MASUM and its secretary Mr. Roy.

**Appeal :**

We, therefore urge you to immediately take necessary steps through the following:

Order immediately, independent, impartial and thorough investigation into the incident and take urgent steps to ensure the safety of the HRDs;

Take immediate action including ordering legal prosecution of the erring officer/officials for falsely registering the charges against the human rights defenders and using all provisions of law to ensure that the defender is not harassed or attacked in future;

Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings they are undergoing because of the threats and intimidation to their life and the perpetrators to give this assurance to the NHRC of India in writing immediately and urgently;

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 journalist / 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 West Bengal.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**  
Honorary National Working Secretary