



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 17, 2022

To  
Mr. Indrajeet Kumar  
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 – Assam: Misuse of law and non-compliance with mandatory procedures to harass and falsely implicate HRD Mrinal Kanti Shome for inciting protest.***

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 writing to express our grave concern over the misuse of law and fabricated charges against HRD Mrinal Kanti Shome for highlighting the plight of tea estate workers.

**About the Human Rights Defender:**

Mr. Mrinal Kanti Shome is the General Secretary, Assam Majoori Shramik Union (AMSU). He is a retired school headmaster and who has been working to highlight the plight of tea garden workers since 2008.

**Source of the Information:**

- Communication with the HRDA North-East Co-ordinator
- Communication with the HRD

**The Perpetrators:**

- Ms. Ramandeep Kaur, SP Office, Cachar, Silchar
- Mr. Amit Singha, Officer in Charge, Cachar, Sadar police station
- DSP, Cachar, Sadar police station

**Date of Incident:**

May 22, 2022

**Place of Incident:**

Silchar, Assam

**Background of the incident:**

Since April 2022, there has been an ongoing protest by the Dolu tea estate workers against the illegal acquisition of land of tea estate for the new Silchar Airport and clearance of tea bushes which will affect the livelihood of more than 2000 tea workers of the Dolu tea estate.

On May 11, 2022, CrPC 144 was imposed on Dolu and the protest gained momentum with more tea estate workers joining in. On May 12, the eviction was started and the tea estate surrounded by the police and the workers were asked not to leave the tea estate and leaders of tea workers were targeted and arrested.

The tea workers are demanding that their concerns be heard and addressed which include, exploring alternative proposals for the new airport location, failing which the issue of re-employment, rehousing and rehabilitation must be addressed. Workers say that they must be heard through their legitimate representatives.

They allege that the government has a memorandum of understanding with the tea estate company entered into with trade unions, who do not represent the workers nor can they demonstrate that they consulted the workers.

**Details of the Incident:**

On May 22, 2022, at around 03:30 pm, two armed policemen and two unarmed policemen in uniform and one in civil clothes came to Mr. Shome's residence. They asked him to come to the SP Ramandeep Kaur's Office.

At about 4 pm, he was taken to the SP Office Cachar, Silchar, where he waited for some time; then he was taken to Silchar Sadar Police Station main office, after which he was taken to Civil Hospital for a regular health check-up which is compulsory for a detainee.

Around 06:30 pm he was again taken to the SP Ramandeep Kaur's chamber office where he was interrogated for 30 minutes by SP Kaur, who asked him questions about the HRD's family members; how he found the funds for his son to study abroad and regarding the workers movement at the Dolu tea estate.

Mr. Shome said that the SP also threatened him that his son's visa will be affected if he continues his activism and that his pension will also be stopped. She also falsely accused him of taking money from a certain Mr Rajendra Agarwal. He alleges that Ms. Kaur also treated him discourteously in a manner not befitting a senior citizen.

After questioning for about 30 minutes he was detained in a room inside the police station by the Officer In Charge, which had no water supply, no mattress, an unusable bathroom and no mosquito net. When Mr. Shome asked on what charges he was being detained, the OC replied that only the SP knows that. Mr. Shome's wife and other union members came to meet him around 7:30 pm and they were allowed to meet him for about one minute only. After one minute the policemen asked them to

leave and closed his door. The OC told Mr. Shome's friends and wife that he will be released next morning.

On May 23, 2022 around 10:45 pm Mr. Shome was released from the police station after nearly 30 hours of illegal detention. He was not given any food, nor was he arrested, or produced in front of a magistrate.

On June 01, 2022 at around 5 pm the OC again came to his home and told him to come to the Sadar police station.

At around 06:15 pm Mr. Shome went alone to the Sadar police station, where after making him wait for an hour the OC told him to stop meeting people, not to organise any meetings and to refrain from going to Dolu estate for any protest. He was also threatened by the DSP at the Sadar station that he might be slapped with NSA if he continues his protest.

HRDA is extremely concerned with Mr. Shome's repeated harassment, intimidation, and arbitrary detention for more than 24 hours in the police station in violation of the DK Basu guidelines of detention and arrest and the Indian laws. We believe that the Silchar police has indulged in serious misuse and abuse of power and has broken multiple guidelines of the DK Basu guidelines of arrest. The HRD was also not provided a detention memo or any official document in violation of the DK Basu guidelines as directed by the Honourable Supreme Court.

No formal arrest was made and yet the HRD was detained for a period of nearly 30 hours making the concerned officials liable for prosecution under Sections 339 and 341 (wrongful restraint), 340 and 342 (wrongful confinement).

Questioning of an accused can be done only after a formal arrest and after the accused has been produced before a magistrate and custody has been granted to police. None of these procedures were followed and thus questioning and the threats amounts to harassment by the police.

We are also concerned with the HRD who is a senior citizen being threatened by the Silchar police officials regarding stopping his legal pension and his son's legal visa and being told to stop meeting people or organising peaceful protests in violation of the Article 19(b) of the Indian Constitution which gives every Indian citizen a right to assemble peacefully.

The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in international human rights law.

India has ratified the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which guarantees the rights of Human Rights Defenders. Article 9 of this declaration states, "*The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.*"

Globally, human rights defenders face major risks as a result of their work both from the state and out of state actors. The protection of Mr. Shome, and ending impunity for harassment against him, is a responsibility of the state of safeguarding the DK Basu guidelines, Indian and international law.

We appeal to the NHRC to treat this as a case of reprisal against Mr. Shome for exercising his fundamental rights guaranteed through Article 19(b) of the Indian Constitution and the Indian Supreme Court through the DK Basu guidelines.

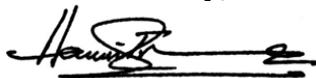
**Appeal:**

Thereby, we urge the NHRC to urgently:

- Direct the Director General of Police of Assam to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into repeated harassment, illegal arbitrarily detention and threats to labour rights activist Mr. Shome by the Silchar, Sadar police and submit the report to the NHRC within two weeks.
- Depending on the result of the investigation, direct the Director General of Police of Assam to initiate strict action against Assam police officials including Ms. Ramandeep Kaur, SP, Sadar Police Station; Mr. Amit Singha, Officer in Charge, Sadar Police Station and DSP, Sadar Police Station for illegally detaining, threatening and harassing Mr. Shome and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Assam to stop the repeated harassment and intimidation of HRD Mr. Shome by the police officials and give it in writing to the NHRC.
- Direct the Chief Secretary of Assam to provide compensation to Mr. Shome for the mental and physical torture and harassment he has undergone.

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary