



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrdaindia@gmail.com Web: www.hrdaindia.org

May 21, 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 – Agartala: Abduction, Illegal arrest and brutal custodial torture of journalist Mr. Nitai Dey by Tripura police.***

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 physical attack, threat, custodial torture and illegal detention of journalist Nitai Dey while he was working on a report to cover the government's decision to ration fuel.

### **About the Human Rights Defender:**

Mr. Nitai Dey is a staff reporter of leading newspaper Tripura Darpan and a Video Correspondent for Guwahati based NE News. He is also a member of Agartala Press Club, Tripura Photo Journalist Association and Tripura Working Journalist Association.

### **Source of the Information:**

- Communication with the HRDA North East Regional Coordinator
- Communication with the HRD

### **The Perpetrators:**

- Inspector Arindam Roy, Colletilla Outpost police station, Tripura
- Police personnel of East Agartala police station, Tripura
- Personnel of Tripura State Rifles

### **Date of Incident:**

May 17, 2022

**Place of Incident:**

Petrol Pump at Radhanagar East Police Station, Agartala

**Details of the Incident:**

On May 17, 2022, Mr Nitai Dey went to the Radhanagar petrol pump to refuel his motorbike. While in the queue he spoke to people queuing at the petrol pump about the fuel rationing by the Tripura government following the disruption to the railway line at Badarpur and road traffic on National Highway-44.

While Mr. Nitai Dey was talking with the people in at Radhanagar Petrol Pump a police Inspector, Mr. Arindam Roy, grabbed Mr. Dey, pulled him out from the queue and started abusing him without any provocation.

He dragged Mr. Nitai Dey into the police van along with some armed policemen and assaulted Mr. Dey by slapping and hitting him with their hands. Inspector Roy also threatened to kill Mr. Dey inside the van for writing news against the police.

The policemen then forced journalist Nitai Dey to go to the East Agartala police station, wherein he was booked under Section 90 (ii) of Tripura Police Act. <sup>1</sup>. Then Mr. Roy pushed Mr. Dey into the Officer In Charge's chamber, forced liquor down Mr. Dey's mouth and started beating him.

He was slapped and hit by long batons by Inspector Roy, the Special Police officer, adhoc policemen and personnel of Tripura State Rifles who were brought in by Inspector Arindam Roy.

When he fell down to the ground Inspector Roy pressed his boots on his chest and threatened to kill him unless he divulged name of some journalists. Mr. Arindam Roy also offered to release Mr. Dey if he told the name of the journalists who worked with some particular news channels.

---

<sup>1</sup> Section 90: Offences by the public. Any persons who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government for the purpose of this Section, to the inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine.

(a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;

(b) being found intoxicated and riotous.

(c) neglecting to fence in or duly protect any well, tank, hole or other dangerous places or structure under his charge or possession; or otherwise creating a hazardous situation in a public place ;

(d) defacing, or affixing notices, or writing graffiti on walls, building or other structures without prior permission of the custodian of the property.

(e) wilfully entering or remaining without sufficient cause in or upon any building belong to the Government or land ground attached thereto, or on any vehicle belonging to Government.

(f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;

(g) wilfully damaging or sabotaging any public alarm system;

(h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public.

(i) acting in contravention of a notice publicly displayed by the competent authority in any government building;

(j) causing annoyance to a woman by making indecent overtures or calls or by stalking.

2. It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in Sub Section (1).

While hitting Mr. Dey continuously Inspector Roy disrobed him in the presence of female staff and used abusive words.. He said, *“Now situation has changed ...nightlife is only for policemen, not for the journalists. From where do you get the money to buy such expensive attires? You all are thieves. Call your father(s) or whoever you like then you will understand what is police”*.

After being brutally tortured, Mr. Dey was taken to Agartala government hospital at around 12:45 am in the night with 3-4 policemen including inspector Roy. During the medical test, Mr. Dey overheard Mr. Roy directing the on-duty medical officer of IGM to give a report of ‘intoxication’ to Mr. Dey despite Mr. Dey being a teetotaler.

Mr. Roy was brought back to the lockup around 1-1:30 am in the night. Inspector Roy, also slapped Mr. Dey and threatened his life in future if Mr. Dey pursued any action against him and took Rs. 10,000/- from Mr. Dey’s pocket.

Despite Mr. Dey’s repeated requests he wasn’t allowed to talk to his family and friends and while going out directed the on-duty police men not to give him food or water. When Mr. Dey asked what was his fault Mr. Roy said, “you are journalist and it is well enough to keep in the lock up.”

He was kept in the lock up till 1:30 pm and produced in front of the Chief Judicial Magistrate at 4 pm and released.

We are deeply concerned of Mr. Nitai Dey being subjected to threats, harassment, illegal arrest and custodial torture by the police officials of Agartala police station and Tripura State rifles in complete violation of DK Basu Guidelines due to his work as a journalist. It is a gross abuse of Article 19(b) and Article 21 of the Indian Constitution

Custodial torture is a crime in Indian and international law. The Hon'ble Supreme Court of India has called torture “one of the worst crimes in a civilised society governed by the rule of law. “Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture, and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

A free media is an extremely important fourth pillar of the Indian democracy. Our constitution gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of HRDs, including journalists. The right to freedom of expression encompasses three different aspects: 1) The right to hold opinions without interference; 2) the right to access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration of Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

If journalists are physically assaulted when they criticise politicians and public officials, seldom journalists will dare to take a stand and the fourth pillar of the democracy will be crushed further.

**Appeal:**

We urge the NHRC to —

- Direct the Director General of Police of Tripura to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the illegal detention and arrest, physical assault and custodial torture, of journalist Mr. Nitai Dey and submit the report to the NHRC within two weeks.
- Depending on the result of the inquiry, direct the Director General of Police of Tripura take stern action against Inspector Arindam Roy and errant police officials of the East Agartala police station, and policemen of Tripura State rifles who were responsible for abduction, illegal arrest and torture of Mr. Nitai Dey and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Tripura to provide security to Mr. Nitai Dey from any reprisals by the Inspector Arindam Roy and anyone else as he has been threatened several times.
- Direct the Chief Secretary of Tripura to provide an Rs 10 lakh in compensation to Mr. Nitai Dey for the physical and mental agony he has undergone at the hands of the Tripura police.
- Direct the Government of Tripura to ensure the physical safety of all journalists in the state who are under risk of reprisals from the perpetrators and provide a re-assurance of not engaging in such threats, harassment, torture against the journalists.

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary