



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/NE/AS/12/01/2024

January 23, 2024

To

Justice (retd.) Mr. AK Mishra
Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Justice Mishra,

Subject: Requesting to initiate suo moto proceedings on arrest of HRDs Bidyut Saikia and Akash Doley by Assam Police officials without following the due process of arrest

We are writing to you to bring to your kind attention that on midnight of January 20, 2024, a police official of Jorabat Police Station arrested HRD Mr. Bidyut Saikia from his residence in Guwahati, and a Furcating Police Station official arrested Mr. Akash Doley in Gandhi Basti, San Mandi, Guwahati.

The police arrested the HRDs overnight without informing them of the charges against them; did not prepare any memo at the time of the arrest; nor informed the family members of the HRDs about the place of detention. They were arrested at midnight and still not produced before the Judicial Magistrate. When civil society members enquired in the police control room about the information related to the arrest of the HRDs, the Assam Police failed to furnish the same.

All these amount to multiple violations of the DK Basu guidelines of detention and arrest as ordered by the honourable Supreme Court as well as a violation of NHRC guidelines for police personnel on various human rights issues 2010. *(Guideline 3: Ensure that the arrestee is informed of the full particulars or the grounds of arrest (Article 22 of the Indian Constitution). Guideline 4. Ensure that a relative or a*

friend of the arrestee is informed about the fact of the arrest and the place where he/she is being detained (Section 50 A (1) of Cr. P.C)

Every person has a right to life and liberty enshrined under Article 21 of the Indian Constitution 1950, Article 3 of the Universal Declaration of Human Rights 1948 and Article 6 of the International Covenant on Civil and Political Rights, 1966. The Right to life includes the right against arbitrary arrest or detention. The targeted attack on the HRDs by the police amounts to a serious violation of life and liberty.

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *suo moto* cognizance of this incident and initiate an independent inquiry through NHRC's investigation wing.

We hope and expect that the NHRC will intervene in this case impartially and in a time bound manner.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', written over a horizontal line.

(Henri Tiphagne)

National Working Secretary