



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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NHRC Diary No. 9304/IN/2020 for the complaint submitted online

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July 1, 2020

To,
Mr. Debindra Kundra,
Focal Point - Human Rights Defenders & Assistant 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 – Andhra Pradesh: Woman Human Rights Defender P Ranganayakamma arrested in a false case for questioning the government regarding their response to the Vishakhapatnam gas leak incident

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 regarding the arrest of human rights defender Ms. P Ranganayakamma in a false case for questioning the government in the recent Vishakhapatnam gas leak incident.

Source of Information:

- Communication with the HRDs in the region
- Media Reports

Date of Incident:

May 18, 2020

Place of Incident:

Guntur district, Andhra Pradesh

The Perpetrators:

Crime Investigation Department, Andhra Pradesh police

About the Human Rights Defender:

Ms. P Ranganayakamma is a 66-year-old woman human rights defender, writer and critic has written extensively on issues relating to women and social justice. She has written 15 novels, 70 short stories, and many essays, publishing about 60 volumes in all. The main theme of her work is the issue of gender equality for women. Most of her works have been published either in magazines or daily newspapers and subsequently published in the form of books.

Background of the Incident:

On May 7, 2020, styrene, a poisonous gas, leaked from a storage tank at LG Polymers plant at Vishakhapatnam, Andhra Pradesh. It led to the death of 12 people and affected the health of at least 450 people in Vishakhapatnam and 4 other villages around it. Several of them will face long term health complications. However, no arrests were made by the police for the killings and causing life threatening health hazards. The South Korean company running the plant has not been held responsible for negligence in any manner whatsoever.

Details of the Incident:

In such a scenario, WHRD Ms. Ranganayakamma, wrote 20 questions on her Facebook page questioning the government for their inaction. Questions raised by her included:

- *Why was the company not seized?*
- *Why was styrene moved away?*
- *In whose name was the styrene bought?*
- *Was the company given to some other organisation to run?*
- *Which bank gave them loan of crores?*
- *Why hasn't the bank served notice to the company?*
- *Why did the government announce the relocation of the company instead of the company itself?*

- *Why didn't the High Court order a CBI inquiry immediately?*
- *If evidence is destroyed how will the UNO, Supreme Court or High Court find out the truth? etc*

Immediately after posting the questions, an FIR was filed against Ms. Ranganayakamma by the Crime Investigation Department (CID) of Andhra Pradesh police under Section 505(2) (making statements that create or promote enmity), 153(A) (indulging in wanton vilification), 188 (Disobedience to order duly promulgated by public servant) and 120-B r/w 34 (criminal conspiracy) of Indian Penal Code, and also under Section 67 (Punishment for publishing or transmitting obscene material in electronic form) of IT Act, 2008.

On May 18, 2020, Ms. Ranganayakamma was arrested by the CID. The CID told the media that "action would be taken against those who post false comments against the State Government and misguide the public".

The above incident is a clear case of misuse of power by the police officials. The arrest of Ms. Ranganayakamma is an attempt to stop the senior citizen and WHRD from questioning the government and threaten all others from exercising their free expression. This is a clear violation of Article 19 of the Constitution which provides for free speech and power to express oneself to every citizen. The incident which took place has affected the lives of lot of people in the nearby areas and thus as a concerned citizen in a democracy she has the right to ask relevant questions to the government about the steps taken by them for the well-being of the people. By arresting her the state government not only tried to silence the her and other people questioning them but also tried to hide its failure to do any concrete investigation with respect to the gas leak.

We would also like to draw your attention towards the status of Ms Ranganayakamma as a senior citizen. Arresting a senior citizen during a global pandemic is detrimental to her health as senior citizens are most vulnerable to the coronavirus. Currently Ms. Ranganayakamma has been given bail and investigation against her is proceeding.

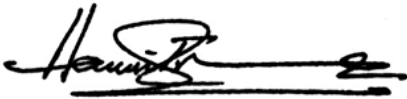
Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter of the police misusing law to silence questions by human rights defenders and restricting their fundamental rights to dignity and liberty.

We therefore urge you to immediately take necessary steps and:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident involving the false case filed against Ms. P Ranganayakamma.
- The Director General of Police, Andhra Pradesh and the Commissioner of Police, Vishakhapatnam be directed to submit a comprehensive report pertaining to the above incident of cases against Ms. P Ranganayakamma.
- Direct the Chief Secretary, Andhra Pradesh to submit the status of all actions taken in the case of the Vishakhapatnam gas leak, specifically mentioning all legal actions against the LG Polymers and compensation if any granted to the victims and survivors.
- Direct to quash the FIR against Ms. P Ranganayakamma and restore her rights without any delay.
- Direct the Chief Secretary, Andhra Pradesh to take necessary steps for providing congenial atmosphere to the human rights defenders for their smooth working in the state of Andhra Pradesh.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary