



# 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: [hrda.india@gmail.com](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

November 18, 2021

To  
Mr. C.S Mawri,  
National 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert-India – Urgent Appeal for Action – Tripura: Misuse of law, fabricated charges, harassment, illegal detention and arrest of two women journalists Ms. Samriddhi Sakunia and Ms. Swarna Jha for reporting on communal violence.**

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, harassment, intimidation and illegal detention and arrest of two women journalists violating multiple sections of the DK Basu Guidelines for reporting on communal violence in Tripura, in a bid to stop them from reportage and to muzzle free speech.

**About the Human Rights Defenders:**

Ms. Samriddhi Sakunia (21) and Ms. Swarna Jha (25), are news correspondents of HW News Network based in Mumbai.

**Source of the Information:**

Media Reports

**The Perpetrators:**

- Officials of Fatikroy Police Station, Unakoti District, Tripura
- Officials of Dharmanagar Police Station, North District, Tripura
- Officials of Kakraban Police Station. Gomati District, Tripura
- Officials of Nilambazar Police Station, Karimganj District, Assam

**Date of Incident:**

November 13-15, 2021

**Place of Incident:**

- Nilam Bazaar, Karimganj District, Assam
- Dharmanagar, North Tripura District, Tripura

**Background:**

Between October 15, 2021 and October 26, 2021 extensive violence took place in Tripura. Rallies were taken out by the Vishwa Hindu Parishad (VHP) and Hindu Jagran Manch (HJM), wherein participants shouted hate slogans, vandalised properties and clashed with the police. Fuelled with fake news and rumours, vandalism spread widely in three districts of Tripura.

**Details of the Incident:**

In early November 2021, two women journalists from the HW News Network namely Ms. Samridhi Sakunia (21) and Ms. Swarna Jha (25) travelled to Tripura to report on the violence in Tripura.

On November 12, 2021, HW News Network published their report titled, *"I Hate What Happened In Bangladesh...But Pains To See Our Mosque Burnt: Locals of Darga Bazaar Recount Horror"*, on its website. The report can be accessed here - <https://hwnews.in/ground-reports/i-hate-what-happened-in-bangladesh-but-pains-to-see-our-mosque-burnt-locals-of-darga-bazaar-recount-horror/172774>.

On November 14, 2021, at 2:52 am, an FIR was filed in the Fatikroy Police Station, Unakoti District, Tripura, by Mr. Kanchan Das, a member of the VHP, under IPC section 120 (B) (party to criminal conspiracy), 153A (offence of promoting disharmony, enmity or feelings of hatred between groups, religion, race, etc.) and 504 (whoever intentionally insults, and thereby gives provocation to any person).

A second FIR, dated November 14, 2021, was also filed against the two journalists (F.I.R No. 82/2021) at Kakrabani Police Station in Gomati District, Tripura, under IPC sections 153A (offence of promoting disharmony, enmity or feelings of hatred between groups, religion, race, etc.), 153b (Imputations, assertions prejudicial to national-integration), 193 (intentionally gives false evidence in any of a judicial proceeding or fabricates false evidence), 504 (whoever intentionally insults, and thereby gives provocation to any person), 120 (B) (party to criminal conspiracy) and 204 (Whoever secrets or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice).

On November 13, 2021, at around 10:30 pm, a team of 16-17 personnel from the Assam Police and CRPF, arrived at the Hotel Panchbati in Dharmanagar where Ms. Sakunia and Ms. Jha were staying. The journalists tweeted that they were not allowed to move out from hotel. No detention notice was given to them.

On November 14, 2021, when the journalists were trying to check out from their hotel at 5:30 am, on their way to Sichaar in Assam, they were served a copy of the FIR and were detained at the Nilam Bazar police station, at Karimganj District. According to HW Network, the women journalists were then taken by the Tripura Police officials back to Tripura at around 1 am in the night.

On November 15, 2021 they were produced before a Chief Judicial Magistrate's court in Gomati district, Tripura, and released on bail stating that the alleged offences against them were serious in nature but to have kept them in detention would have been "extreme curtailment of personal liberty".

A press statement issued by the Director General of Police, Agartala, alleges that the reporters were creating tensions between communities and "fabricating, concealing of records in furtherance of criminal conspiracy." The Editors Guild of India and Indian Women's Press Corps has slammed the detention and FIRs against the two journalists.

We believe that the above charges against the two women journalists and the manner in which the Tripura and Assam police acted against the women journalists is a case of extreme abuse of power.

We also believe that the Tripura and Assam police violated multiple sections of the DK Basu guidelines and that the arrest can't be called valid in absence of proper arrest procedures. The guidelines categorically state that an arrest memo must be prepared at the time of arrest and the same should be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest. No arrest memo was created at time of the arrest.

Moreover Section 46 of the CrPC, 1973 states that women cannot be arrested after sunset and before sunrise. The provisions of sub-section (4) of the CrPC 1973 mandates that, if the police want to arrest woman after sunset, they have to seek prior permission of the Magistrate. This wasn't followed by Tripura police.

The unlawful way in which the two women journalists were detained in Assam, handed over to Tripura police, who came with no documents, then took them in the night at 1 am to Tripura, Gomti district, Kakraban Thana is a total violation of multiple sections of DK Basu Guidelines of arrest.

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 of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration on 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 muffled up their reporting on facts 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.

Globally, journalists who are human rights defenders as well face major risks as a result of their work both from the state and out of state actors. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. A free press and active civil society are essential to ensure

the public's right to know, so that governments and institutions can be held accountable.

The arrest of the two journalists, as well as UAPA filed against the fact finding team of Supreme Court lawyers and 68 Twitter handles including of various journalists by the Tripura police earlier, shows that the Tripura Police and State are severely abusing their power to stop journalists from reportage.

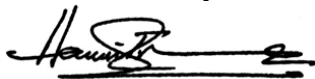
**Appeal:**

We appeal to the NHRC to treat this as a case of reprisal against a human rights defender for exercising his fundamental rights guaranteed through Article 19 of the Indian Constitution and malafide actions by the Tripura police. Thereby, we urge the NHRC to urgently –

- Direct the independent wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into illegal detention and un-compounded charges on journalists Ms. Samriddhi Sakunia and Ms. Swarna for reporting on the Tripura violence. Towards this, examine –
  - a. Footage from the CCTV cameras at the hotel as to the exact time and actions of the Tripura police.
  - b. Footage from the CCTV cameras at the Nilam Bazaar police Station regarding the time of entry and exit of the two journalists.
  - c. Details from the log register at the Nilam Bazaar police Station.
- Depending on the result of the investigation, to initiate strict action against Tripura police officials who carried out the illegal detention and arrest of the two women journalists, flouting DK Basu guidelines and other international and national laws.
- Direct the Chief Secretary of Tripura to create a safe atmosphere conducive to journalists and HRDs in the state.

Looking forward to your immediate action in this regard.

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary