



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April 9, 2020

To,
Mr. Debindra Kundra,
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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Assam: Indigenous and peasant rights defenders Mr. Soneshwar Narah and Mr. Pranab Doley arrested under a two-year-old case for their recent questioning corruption in public distribution system during the COVID-19 pandemic – Regarding

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 indigenous and peasant rights activists Mr. Soneshwar Narah and Mr. Pranab Doley for questioning the siphoning off of rice from the cooperatives in Golaghat, Assam, intended for public distribution during the COVID-19 pandemic.

Source of Information:

- Communication with the HRDs in the region
- Media Reports

Date of Incident:

April 07, 2020

Place of Incident:

Bokakhat Police Station, Assam

The Perpetrators:

Police Personnel of Bokakhat Police Station, Golaghat, Assam

About the Human Rights Defender:

Mr. Soneshwar Narah is the Convenor and Mr. Pranab Doley is the Secretary of the Jeepal Krishak Sramik Sangha, a farmer rights organisation in Assam. They have been actively involved in intervening in a series of human rights issues faced by the indigenous community and peasants in Assam.

Details of the incident:

On April 06, 2020, Mr. Soneshwar and Mr. Pranab, on behalf of the Jeepal Krishak Sramik Sangha, sent a letter to the Chief Minister of Assam, asking for a high-level probe in a scam about siphoning off of 800 kg of rice from the public distribution system in Kaziranga Cooperative Society, Golaghat's Community Cooperative Society and the district civil supplies department. The local assembly representative from Golaghat, Mr. Atul Bora, is the Agriculture Minister of Assam. They also registered a First Information Report (FIR) in this matter in the Bokhkhat Police Station on April 06, 2020.

According to sources, on April 07, 2020, Mr. Soneshwar and Mr. Pranab were called by the police personnel of the Bokhkhat Police Station on the context of recording their statement in a matter related to the said scam. Offering full cooperation to the police, even in the absence of any written summon, both of them went to the Bokhkhat Police Station. However, upon their arrival at the police station, both of them were arrested in a two-year-old case of June 2018. The June 2018 case (registered against FIR No. 290 of 2018 Bokhkhat Police station, offence u/s IPC Sections 109/188/353/34) is based on the complaint of a police personnel claiming that he was deterred from discharging his duty while he was on his way to Golaghat for post-mortem examination. The FIR invokes offences under IPC Sections 188 and 353 involving punishment less of than seven years.

The sudden arrest of Mr. Soneshwar and Mr. Pranab in two-year-old case, immediately after they filed the FIR and addressed a letter to the Chief Minister seeking a high-level probe in siphoning off of huge quantity of rice meant for the poor during this pandemic raises pertinent doubts. In *Re Contagion of COVID-19 virus in prison*, a suo-motu case of the Supreme Court, the apex court has directed all states to establish systems to decongest prisons during the current pandemic. Furthermore, the court has also emphasised on the guidelines in *Arnesh Kumar v State of Bihar* (AIR 2014 SC 2756) whereby it stated that it is not necessary to arrest a person for offences which are punishable for less than 7 years of imprisonment.

We would further like to urge that at the very first instance, the calling of Mr. Soneshwar and Mr. Pranab to the police station without a written summon issued under Section 160 of the CrPC is violation of the set guidelines and procedures of arrest. Moreover, they were called on the pretext of another matter of public interest and then effectuated their arrest in a two-year-old case demonstrating a politically motivated arrest and malicious intentions to implicate the HRDs.

This act of the police, using legal mechanisms to curb free expression (Article 19) of Mr. Soneshwar and Mr. Pranab, is to deter them and others from questioning acts of public officials involved in the alleged scam of siphoning of basic essentials during the current pandemic. Mr. Soneshwar and Mr. Pranab through their letter to the Chief Minister only ensured that the poor and disadvantaged sections of the society receive food grains in this time of crisis.

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 expression, dignity and liberty.


Appeal:

We therefore urge you to immediately take necessary steps to:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident involving the arrest of Mr Soneshwar Narah and Mr Pranab Doley.
- Order for the copy of the written summon served to Mr Soneshwar Narah and Mr Pranab Doley under Section 160 of the CrPC.
- Intervene urgently in the court through a senior criminal lawyer and emphasize adherence to the Supreme Court guidelines set out in Armesh Kumar v State of Bihar (AIR 2014 SC 2756) and ensure that Mr Soneshwar Narah and Mr Pranab Doley are immediately released on bail.
- Direct the Government of Assam through its Chief Secretary to inform the commission on actions taken to probe into the alleged siphoning off of rice during this pandemic from the Kaziranga Cooperative Society, Golaghat's Community Cooperative Society and the district civil supplies department in Golaghat.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary