



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 17, 2021

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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – West Bengal: Illegal detention and arrest of HRDs Mr. Tipu Sultan and Mr. Arka Goswami under fabricated sedition charges by the West Bengal 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 in to express our concern over the illegal detention and arrest of HRDs Mr. Tipu Sultan and Mr. Arka Goswami under fabricated charges by West Bengal Police for sedition.

### **About the Human Rights Defenders:**

Mr. Tipu Sultan and Mr. Arka Goswami are activists residing in Bolpur in Birbhum district of West Bengal. They have participated in numerous struggles in the past 5-6 years highlighting instances of human rights violations and injustice, including cases of malnutrition, suicide and the rape and murder of minor girls from marginalised communities in the area.

### **Source of Information:**

- Communication with the HRDs' families
- Communication with other HRDs in the region

### **The Perpetrators:**

- Mr. Arun Kumar Khan, Inspector in Charge, Barikul Police Station, Bankura
- Mr. Baldeb Patro, Sub Inspector and In Charge, Mandaldihi Outpost under Barikul Police Station, Bankura
- Mr. Siladitya Saha, Inspector in Charge, Bolpur Police Station, Birbhum
- Other police personnel of Barikul Police Station in Bankura and Bolpur Police Station in Birbhum district.

**Date of Incident:**

April 24, 2022

**Place of Incident:**

Bolpur, Birbhum district, West Bengal

**Background of the incident:**

On January 27, 2022, an FIR (4/2022) was registered at the Barikul Police Station in Bankura district against Mr. Shiba Prasad alias Shibu Murmu, Mr. Mangal alias Doktor Hansda, Mr. Sabyasachi Goswami alias Kishore and other unnamed accused. The complainant in the case Sub Inspector Mr. Satyajit Mahanty claimed he and other police officers had busted a Maoist plot to attack the police and nabbed two alleged Maoists from the spot with incriminating material, while the remaining managed to flee.

The accused were charged under Sections 148, 149, 120B (criminal conspiracy), 121 (waging war against the state), 121A (conspiracy to commit offences punishable by section 121), 122 (collecting men, arms, ammunition to wage war), 123 (concealing with intent to facilitate design to wage war), 124A (sedition) of the Indian Penal Code.

It is important to note that neither Mr. Tipu Sultan nor Mr. Arka Goswami were named as accused in the case, nor were they questioned by police regarding their involvement in the said incident in the ensuing three months.

**Details of the Incident:**

On April 24, 2022, at around 11.30 AM, Mr. Arka Goswami heard someone call out his name when was on his way to the fish market in the Jamboni area of Bolpur. Suddenly two persons in civil dress abducted him and forced him into a vehicle.

They took him to a lodge somewhere in Bolpur and confiscated his mobile and wallet. Although they did not reveal their identity or tell him why he was detained, they forged a document claiming to have found Maoist posters on Mr. Goswami and got it signed by two others who were present at the lodge.

On April 24, at around 12.30 PM, around 6-7 persons in civil dress arrived in front of Mr. Tipu Sultan's house in a police vehicle. They identified themselves as attached to the Barikul Police Station in Bankura, barged into Mr. Sultan's house and dragged the HRD forcibly into the vehicle without providing any reason or explanation and without allowing him time or opportunity to put on a shirt, trousers or slippers.

Police officials refused to show any arrest warrant to Mr. Sultan's family members despite repeated requests, and took Mr. Sultan away to the same lodge where Mr. Goswami was detained. The duo were then taken onward to the Barikul Police Station where they were kept overnight.

Mr. Goswami and Mr. Sultan's family members visited the Santiniketan and Bolpur Police Stations immediately thereafter to inquire if the HRDs had been arrested and/ or detained, but they were not provided any information. At around 8 PM, the families were hand-delivered letters from Inspector in Charge of Bolpur Police Station Mr.

Siladitya Saha claiming that the HRDs had been arrested from their homes in connection with FIR no 4/2022 of Barikul Police Station.

The HRDs were produced at the court of ACJM Khatra on April 25, and have been in judicial custody at the Khatra sub jail since then. The jail authorities also did not allow them to meet their families despite the relaxation of COVID protocols by state and central governments.

On occasions when they were produced at the Khatra court for hearing, they were kept in a lock-up like enclosure, with two walls standing 10 metres apart separating them from family members. Further, police claimed in court that the HRDs were found in possession of several Maoist posters and incriminating literature, but refused to share seizure lists or other documents with their lawyers and family members. Police has also not returned Mr. Goswami's mobile phone and wallet which were confiscated from him during his detention.

We are gravely concerned by the illegal manner of their arrest in violation of multiple DK Basu guidelines which include abduction by police men without uniforms or badges, detention and arrest without detention or arrest memo, and no information to the families of the victims. Furthermore, the alleged forging of witnesses and seizure lists raises serious questions about the intent of the police.

We strongly believe that the sedition charges against the HRDs despite the police having failed to produce a charge sheet in a similar case from 2018, are fabricated and a misuse of the sedition law by the police.

The two HRDs are a link in the increased use of sedition charges against dissenting voices. As recently as last week, the Supreme Court's three-judge bench virtually suspended the law on sedition, 132 years after it was first introduced. The Supreme Court also stayed all pending trials, appeals and proceedings that involve a sedition charge and granted those accused of sedition to seek bail.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

The Declaration on human rights defenders adopted in 1998 by the UN general Assembly state: *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."*

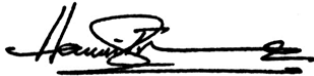
**Appeal:**

We thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police, West Bengal to initiate an independent inquiry into implication and arrest of the HRDs, and submit a report to the NHRC in two weeks.
- Depending on the result of the inquiry, take stern action against errant police officials who violated the DK Basu guidelines of arrest and quash false charges against the HRDs.
- Direct the state government to provide both the HRDs a compensation of Rs 5 lakh each to the two HRDs towards physical and emotional distress and legal costs.

Looking forward to your immediate action in this regard,

Yours sincerely,

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

**Henri Tiphagne**  
National Working Secretary