



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 25, 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 – Chhattisgarh: Brutal assault of Adv. Priyanka Shukla by police and officials and arrest at a shelter for HIV positive children in Bilaspur.

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 brutal assault and torture of Adv. Priyanka Shukla, lawyer of the *Apna Ghar*, a residential shelter for HIV positive children, by the officials of Women and Child Development Department in Chhattisgarh; officials of Child Welfare Committee and by the policemen of Sarkanda Police Station and Bilaspur Women Police Station.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with the woman HRD
- Media Reports

Date of Incident:

August 17, 2020

Place of Incident:

Apna Ghar Shelter Home, Ameri, Bilaspur, Chhattisgarh

The Perpetrators:

- Mr. Sanip Ratre, Town Inspector, Sarkanda Police Station, Bilaspur
- Ms. Parvati Verma, District Child Protection Officer
- Mr. Prashant Agrawal, Superintendent of Police Bilaspur
- Ms. Nimisha Pandey, Chief Superintendent of the Police, Chhattisgarh
- Mr. Suresh Singh, District Program Officer, Women and Child Development Department
- Ms. Anju Chelak, Station In-Charge, Women Police Station, Bilaspur
- Police Personnel of Sarkanda Police Station, Sarkanda, Bilaspur
- Police Personnel of Women Police Station Bilaspur
- Other officials of the Women and Child Development and Child Welfare Committee, Bilaspur

About the Human Rights Defender:

Advocate Priyanka Shukla is a human rights lawyer practising in Bilaspur, Chhattisgarh since 2014. She is associated with Jagdalpur Legal Aid Group since 2015, working for the rights of the Adivasis.

Details of the incident:

On August 17, 2020, around 10:00 am, the staff at the *Apna Ghar*, a residential shelter home in Ameri, Bilaspur, which cares for HIV positive children below 18 in Chhattisgarh, called their lawyer Adv Priyanka Shukla on phone and informed her that a lady had come to the shelter and was trying to take away two minor girls but both children had refused to go with her. The woman claimed to be an officer from the Women and Child Development Department from *Janjgir-Champa* and she wanted to take both girls to *Janjgir-Champa*. However, she did not show any papers or legal notice. The woman left the shelter saying that she'll return later.

Around 12:30 pm, about 50 officials in 3 police cars and 2 government cars arrived, including Mr. Suresh Singh (District program officer in the Ministry of Women and Child

Development), Ms. Nimisha Pandey, Chief Superintendent of the Police, Chhattisgarh, Ms. Parvati Verma (District Child Protection Officer) and Mr. Sanip Ratrey (Town Inspector in Sarkanda police station), along with other officials in Women and Child Development Department and policemen from two different police stations -- reached the shelter home at Ameri, Bilaspur. They said that they had orders from the District Magistrate to relocate the children, but when asked to show the written order by the shelter superintendent, they only waved the order paper from far. The Deputy Chairperson of *Apna Ghar*, Ms. Deepika Singh and the shelter lawyer Adv. Priyanka Shukla had an argument with the officials and told them they cannot enter without a legal order. They also pointed out that the HIV positive children were most prone to COVID 19 infection, they should not be shifted during the time of the pandemic. However, the officials did not listen to them. The policemen first turned off all the CCTV cameras and confiscated all the mobiles, and then tried to force the children to go with them.

Since the children refused to go with them, they started to physically assault the children and dragging them to the cars. Due to this brutal physical assault, most of the girl children were injured and bloodied. When Adv Shukla protested that they couldn't take the children without a court order, the policewomen physically assaulted her too by hitting her with fists and dragging her by her hair. When she tried to hide in a room, she was forcibly taken out and put into the police car and driven off by the police. For more than an hour she was driven around in the car, till they finally took her to Sarkanda Police station at Bilaspur around 10 km from the shelter.

In the police station, Adv. Shukla was not allowed to talk to anyone, nor was any of her family informed of her detention. Her repeated appeal for medical treatment for her hand injury was ignored and she was denied any food or water. At 2:55 pm, an FIR was lodged against her, Ms. Deepika Singh and Mr. Sanjeev Thakkar (Director Apna Ghar) in the Sakri police station by Ms. Parvati Verma under following sections of the Indian Penal Code - S341(Punishment for wrongful restraint), S323 (Punishment for voluntarily causing hurt), S186 (Obstructing public servant in discharge of public functions), S353 (Assault or criminal force to deter public servant from discharge of his duty).

At 6 pm, the police transferred Adv. Shukla to Sakri police station under the pretext of a medical check-up. They kept her at Sakri police station about half an hour and then

took her for a medical check-up to the Bilaspur Medical College. The doctors advised Adv. Shukla to get admitted to the hospital but the police refused to get her admitted. After the medical check-up, she was taken to the Judicial Magistrate at Bilha, Bilaspur. She was released on Rs 10,000 bond at 10 pm. On August 18, Ms. Shukla was admitted to the hospital and her hand x-rayed; the report of which is awaited.

The whereabouts and health and medical condition of the 14 minor girls who were forcibly taken from the shelter by the officials of the Women and Child Development Department is unclear. Advocate Shukla's only crime was in trying to protect the children and get the government to follow lawful procedure. Regarding the detention, arrest and mental and physical torture of Adv. Shukla in the police station, the policemen followed no proper detention or arrest procedures and are in complete violation of various sections of the CrPc, DK Basu and NHRC guidelines.

Appeal:

We appeal to the Hon'ble Commission to urgently:

- Direct the NHRC's investigation wing to initiate a detailed immediate, independent fair and transparent inquiry against the assault on Adv Priyanka Shukla and girl children by the District Administration, Women and Child Development Department, Child Welfare Committee and the police officials.
- Direct the Chief Secretary of Chhattisgarh to urgently send a report on the location and welfare of the forcefully taken away minor girls to the NHRC within 48 hours.
- Recommend, after an independent inquiry, stringent legal actions against all police personnel and government officials involved in the assault, detention and custodial torture of Adv. Priyanka Shukla and compensate for the extreme physical and mental torture she has suffered

Yours sincerely,



(Henri Tiphagne)

National Working Secretary