



Human Rights Defenders Alert- India

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30th December 2016

To,

Justice (Retd.) H.L. Dattu,

Chairperson,

National Human Rights Commission,

New Delhi

Email: chairnhrc@nic.in

Sub: HRD Alert – India – Urgent Appeal for Action – Chhattisgarh: Harassment of Human Rights Lawyer Ms. Shalini Gera by Superintendent of Police – Bastar, Chhattisgarh – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding continuous harassment of Ms. Shalini Gera and her colleagues by the police including the Superintendent of Police in Bastar, Chhattisgarh. Ms. Shalini Gera has already approached the hon'ble commission through a petition on 28.12.2016.

Status of Human Rights Defender:

Ms. Shalini Gera is a human rights lawyer, practicing in the District Courts of Dantewada and Jagdalpur, as well as the High Court of Chhattisgarh in Bilaspur. She is also a member of Jagdalpur Legal Aid Group, who was forced to move out of Jagdalpur in February 2016. The hon'ble commission had ordered an investigation into the said matter. She is also a part of the legal team that represents the petitioners in the Writ Petition Cr. 372/2016 (CG High Court) *Kumma Pottam and Anr vs. State of Chhattisgarh and Ors*, where the petitioners have claimed that their son has been murdered in cold blood by security forces.

Source of information of the incident:

Communication from Ms. Shalini Gera

HRDA East Coordinator

Place of the incident:

Jagdalpur, Bastar in Chhattisgarh State

Details of the incident:

Pursuant to order of the Hon'ble High Court of Chhattisgarh, dated 23.12.2016, in the case Writ Petition Cr. 372/2016, an exhumation of the body was carried out on 25.12.2016, and a second post mortem was conducted in the Maharani Hospital of Jagdalpur on 26.12.2016. On the request of the legal team to the Commissioner of Bastar, Mr. Dilip Wasnikar, arrangements were made for the stay of the villagers and the legal team in Room no. 3 of the Goel Dharamshala in Jagdalpur for this purpose.

On 26.12.2016 the post mortem was completed and the villagers departed for their village around 1 pm, while the legal team was to leave for Bilaspur from Jagdalpur by the 9 pm bus. Suddenly at around 7 pm, a contingent of 7-10 police personnel arrived at Room No. 3, lead by Sub Inspector Archana Dhurandhar, who called the entire legal team out, noted their IDs and claimed that they had been "caught" staying in the room in an unauthorised manner. Other police personnel were outside the Dharamshala. Sub Inspector Dhurandar was extremely belligerent and demanded that the three legal team members inside the room (Advocates Nikita Agrawal, Rishit Neogi and Shalini Gera) had to accompany her to the police station immediately to be interrogated for being found under suspicious circumstances. The legal team explained the purpose

of the visit and the fact that they had been authorised to stay there by the Commissioner himself, but the Sub Inspector did not listen to any of their explanations, and just demanded that the team immediately accompany her to the police station. She also demanded that all of their belongings be searched in that room. It should be noted that no notice was given asking them to come to the police station, and also no warrant was produced for searching their belongings. Hence the legal team refused to allow this illegal search. Ms. Shalini Gera tried to call the District Collector of Bastar, Sub-Divisional Magistrate of Jagdalpur, Naib Tehsildar of Jagdalpur who all had helped in arranging for the stay and they did not answer the calls. After about 30-45 minutes, Ms. Shalini Gera contacted the Commissioner and he spoke directly to Sub-Inspector Dhurandhar and convince her that he had indeed authorised their stay in the Goel Dharamshala.

It should be noted that legal team's presence in Jagdalpur that day was well publicised, given the public interest in the present case, and it was well known that they were present there under the order of the Hon'ble High Court – many media sources had carried the story of the exhumation and court ordered post-mortem, and it is highly unlikely that this is a mere coincidence that the legal team was harassed in this manner.

On 27.12.2016 at around 6:32 PM, Ms. Shalini Gera received a call from an unknown number (+91 94242 87654) on her mobile number +91 7587155468, where a male voice asked her if she was Shalini, and then told her that SP Bastar wanted to speak to her. Another male voice then came on the line, introduced himself as SP Bastar, and said that he had received a complaint against her and wanted to ask some questions. This person on the call wanted to know whether Ms. Shalini Gera had been to *Palnar Samudayik Bhavan* where she had incited villagers against the *Aadhar Card*. She told him that she had not done anything like that. He asked her then where all she had gone in the past few days and she had said that she had been to Palnar, District Dantewada to meet her client Mundra Ram Sori, several months ago and do not know of any *Samudayik Bhavan* there.

Then, he asked her what she had been doing in Matenar and Ms. Shalini Gera explained that PUCL had organised a small meeting in Matenar (district Dantewada) on adivasi rights on 20.12.2016 in which national delegates from PUCL had come to meet with Bastar villagers and conversations between them had ensued. He then

claimed that they were spreading false stories of police atrocities in front of young children, and that he has photographs from that meeting etc. The other person had asked Ms. Shalini Gera, whether any Jawaharlal Nehru University (JNU) students were present at the meeting, to which she replied that to her knowledge, there were no students from JNU there. However, he responded that he had information that seven JNU students were present there. He further asked her whether she had opened the lock of the *Panchayat Bhavan* (the venue of the PUCL meeting) and also whether she had gone anywhere with Sukul Prasad Nag, the elderly resident of Matenar village, who had helped organize the PUCL meeting in the village.

When Ms. Shalini Gera asked him why he was questioning her about Matenar and Palnar, which are in district Dantewada outside of his jurisdiction of district Bastar, the other person on the phone said he had received a written complaint against her that she was in Goel Dharamshala yesterday, exchanging “old notes” for Naxalites. Ms. Shalini Gera denied this and told him that she was in Goel Dharamshala the day before, duly authorised by the Commissioner of Bastar Division, to follow up on orders of the Hon’ble High Court of Chhattisgarh.

After the call ended, Ms. Shalini Gera had checked the number on which she had received the call from SP Bastar on the “TrueCaller” mobile application, and found that it belongs to one Mr. Farukh Ali. It should be noted that there is one Mr. Farukh Ali who belongs to the vigilante group “AGNI” active in Bastar, and he has recently sent defamatory and inflammatory messages from the same phone number against some attendees of a PUCL meeting in Matenar village, containing confidential police information about them, on several WhatsApp groups, and has also threatened journalists earlier.

To ensure the identity of the person with whom she had just spoken, Ms. Shalini Gera from her mobile number +91 7587155468 called the official number of SP Bastar (+91 94791 94003) and asked that she needed to confirm whether it was indeed him that she had spoken to just a few minutes before. At this the SP Bastar rather rudely informed her that there is indeed such a complaint against her and that he indeed had just called her, and she should stop wasting his time with these calls.

A few hours later, she was informed that the same Farukh Ali had posted news of a complaint by one Vinod Pandey against her given to SP Bastar, claiming that she has

been exchanging notes of Naxalites in Goel Dharamshala in Jagdalpur where it is claimed among other things that that she has been visiting the jungles of Dantewada to meet with Naxalites in the recent days, and exchange their notes in the Goel Dharamshala in Jagdalpur. It is again highly objectionable that SP of Bastar District would share this confidential information with a private individual, who uses it only for the purposes of maligning other people, inconvenient for the Bastar police.

It should also be noted that on 23.12.2016, Ms. Shalini Gera was before the Hon'ble High Court in Bilaspur arguing the matter in the above mentioned case, about 500 kilometres from Dantewada district. On 24.12.2016, she was again in Bilaspur appearing in a press conference regarding this above matter of Kumma Pottam, which was widely reported in press. On 25.12.2016, she was with the SDM of Bijapur and Tehsildar of Bijapur since 8 am till late at night, in order to facilitate the court ordered exhumation in Metapal village of Bijapur district. That night she had spent in the Goel Dharamshala on the authorisation of the Divisional Commissioner of the Bastar Division. On 26.12.2016, she was present at the court-ordered post mortem in the morning at 7 am till early afternoon, and was in the District Court of Bastar in Jagdalpur in the afternoon. It is clear that she could not have been in the forests of Dantewada at any of these dates or times. These are easily verifiable matters of public record and showing the utter falseness and fabrication of the complaint against her. The alacrity with which it has been made public only goes to show that the entire purpose of this complaint is simply to malign and harass the defender.

Appeal:

We wish to bring to your notice that these are intimidatory techniques, meant to threaten and silence human rights defenders in Bastar region. We wish to bring to your kind notice that Ms. Shalini Gera and her colleagues used to stay in Jagdalpur, till the Bastar police forcibly evicted them from there in February 2016, under orders from SP Dash and IG SRP Kalluri. A complaint related to this is already being investigated by the NHRC.

We fear that this is a continuation of the harassment already faced by Ms. Shalini Gera and team, and other human rights activists, academics, lawyers, writers, tribal rights activists etc. in the Bastar Division, and this requires urgent intervention from the NHRC.

We appeal to the NHRC to initiate an independent investigation in the said matter and also ensure that human rights defenders are allowed to continue their work in Chhattisgarh without harassment from the State.

Looking forward for your action,

Thanking you,

Sd/-

Henri Tiphagne

National Working Secretary