

NOTE

DENYING RIGHT TO RIGHTS ACTIVIST

A Correspondent writes :

Well-known human rights activist Mr Kirity Roy, Secretary of Banglar Manabadhikar Suraksha Mancha (MASUM) and National Convenor, Program Against Custodial Torture and Impunity (PACTI) was arrested illegally, harassed and indicted in frivolous charges on 07th April 2010 in connection with holding People's Tribunal on Torture.

MASUM organized a People's Tribunal on Torture (PTT) at Moulali, Kolkata on 9th and 10th of June, 2008, a programme as part of the project of NPTTI (National Project on Preventing Torture in India). Nearly 1200 victims and their families were present and 82 victims of torture narrated their plight before the panel members, consisting of illustrious persons of national repute in the public tribunal.

Though it is a well-known practice all over the world since past half a century, MASUM has been framed for the same questioning the legality of doing same, quite unknown incident to this effect by Kolkata police.

The quashing for the above FIR is scheduled to be heard by Hon'ble High Court Calcutta on 08/04/2010. The said case was initiated for holding People's Tribunal on Torture, a project under National Project on Preventing Torture in India on 09/06/2008 and 10/06/2008 at Kolkata.

On 07 April 2010, a huge contingent of police consisting at least 25 police personnel in mufti led by Inspector S Ghosal, Inspector Biswas and Sub-Inspector Pervez except only three uniformed policemen of local police station with rifles & revolvers appeared at the residence of Mr Kirity Roy at Srirampore, District-Hooghly, West Bengal, India at about 09:45 AM and arrested him in connection with Taltala PS case No.134 of 2008 dated 09/06/2008 and GR 1487/08 under sections 120B/170/229 of Indian Penal Code by Anti-Terrorist Cell, Detective Department, Kolkata Police. The arresting police officials disguised themselves by not wearing uniform, thus violating the DK Basu judgement. Though a 'Memo of Arrest' was issued, it was evident that they arrived at Mr Kirity Roy's residence with a pre-set 'Memo of Arrest'. It was not prepared at the place of arrest again violating D K Basu judgement guidelines. It is only on demand by the arrestee that the address of arresting place was included in the 'Memo of Arrest' by a different person than who had earlier prepared the 'Memo of Arrest' amounting to fabrication of official document as per their whims. It is to be noted that he was deprived to even attend nature's call before arresting him and later even not allowed to contact any lawyer of his choice, which is in contradiction to the rights ensured under Article 22 of Indian Constitution. Mr S Dhar, the Investigating Officer of the abovementioned criminal case was not present at the place of arrest amongst the arresting police personnel while Mr Roy was arrested.

Later, at about 1:45 PM he was produced before the Chief Metropolitan Magistrate (CMM), Bankshall Court. Even upto this time, despite pleading repeatedly, Mr Roy was not allowed to contact lawyer of his choice. He was detained in the lock-up purposefully without forwarding the required documents

by the police to the court. In consequence hearing on the bail petition for the arrestee, Mr Kirity Roy got delayed. It is only at about 4:35 PM that the appearing advocates brought the CMM's attention to this matter. Then, after few minutes the records and documents in connection with this case were produced by the prosecution before the CMM. The public prosecutor vehemently objected to granting bail in favour of the arrestee. Notwithstanding his objections, the learned court heard at length the submissions made by the defending advocates and granted the arrestee ad-interim bail. During this course, the arrestee was never been produced physically before the CMM, which is again a sheer violation of rights assured as per Indian Constitution. □□□