

To,
The Chairman,
Madhya Pradesh Human Rights Commission,
Paryavas Bhawan, Block 1,
Jail Road, Bhopal

December 19, 2011

Sub: Intervention sought with regard to violation of the rights of the 15 arrested persons over the incident of violence on 3 December 2011 at Barkhedi - Aishbag Railway Crossing, Bhopal.

Dear Sir,

Emboldened by your suo motto cognizance and prompt response to the incident of violence on December 3 2011 at Barkhedi - Aishbag Railway Crossing, Bhopal, we survivors' organizations of Bhopal, wish to draw your attention to the gross violations of the constitutional and legal rights of 15 persons who were arrested on December 3, 2011 by authorities of Aishbag and Jehangirabad police stations. (List of arrested appended).

- 1 Name: **Rashida Bee, Balkrishan Namdeo, Nawab Khan, Rachna Dhingra & Satinath Sarangi, Safreen Khan as representatives of 5 Bhopal gas survivor organizations**
- 2 Postal Address: **C/o 44, Sant Kanwar Ram Nagar, Berasia Road, Bhopal**
- 3 Place of incidence: **Aishbag and Jehangirabad Police Station.**
- 4 Date / period of incidence: **3 December 2011-.5 December 2011**
- 5 Details of human rights violations:-
 - a. None of the arrested persons were given particulars of the offence for which he was arrested (*Article 22 of the constitution and Section 50 CrPc*).
 - b. Despite repeated requests by the arrested persons none was allowed to convey any information to their family and friends. In fact family members were running around from one police station to another in search of the arrestees till late night on December 3, 2011. The first time that their family members could see them was on December 5, 2011 when they were produced before the magistrate. (*Article 22 of the constitution and Section 57 CrPc*).

- c. The arrestees were not allowed to consult their lawyers for their defence. (*Article 22 of the constitution*)
- d. All 15 in the appended listed were arrested between 2:30 pm to 4:00 pm on December 3, 2011 and they were produced before the magistrate at 3:00 PM on December 5, 2011. (*Article 22 of the constitution Section 57 CrPc*)
- e. All 14 adult arrestees were handcuffed when they were presented in Court and during the entire period of transporting them to and from the court. This was not warranted as none of them were violent or desperate or likely to attempt escape or suicide.
- f. On December 4, 2011 when we visited the Aishbag police station we found 6 (mostly young men) who had been arrested the previous day on charges related to the incident of violence were stripped to their underpants in the lockup and provided with no protection from cold. Later we learnt from family members that they were not given any food on December 3, made to bend and stay in a painful position (murgha) for long periods and were beaten black and blue at the time of their arrest and afterwards at the police station. The first time they received any medical attention was on the morning of December 6, 2011. Reportedly, some of the arrestees' mobile phones and money were taken away by the policemen.

6. Complaint against which public servant / department: **Madhya Pradesh Police Department; TI of Aishbag and Jehangirabad of Police Stations**

7. Whether matter is pending before a Court /Tribunal /other Commission: **No**

8. Relief prayed for:

- i. Conduct inquiry, summon, receive, and requisition any witnesses or documents necessary for the conduct of the inquiry warranted in this instance, including but not limited to the police station diary and other log books;
- ii. Call for reports from the Police with regard to the events of 3 December 2011, to be filed as affidavits;
- iii. Allow the Complainants to present evidence and call witnesses to assist the Hon'ble Commission in adjudicating the facts of the case;
- iv. Conduct any investigation that may be necessary for the adjudication of the Complaint;
- v. Take any action necessary on the completion of the inquiry to initiate criminal proceedings as they deem fit;

- vi. In the interim, recommend to the State of Madhya Pradesh, for the grant of interim relief, pursuant to S. 18 (3) of the Prevention of Human Rights Act, 1993, as the Hon'ble Commission feels necessary;
- vii. Pass such further and other order/s as the facts and circumstances of the case may require.

We sincerely hope that the Commission will take appropriate action on the above mentioned violations.

Thanking You

Yours sincerely,

Rashida Bi, Bhopal Gas Peedit Mahila Stationery Karmchari Sangh 94256 88215	Nawab Khan, Bhopal Gas Peedit Mahila Purush Sangharsh Morcha 9302792493	Balkrishna Namdeo, Bhopal Gas Peedit Nirashrit Pension Bhogi Sangharsh Morcha 9826345423	Satinath Sarangi, Rachna Dhingra, Bhopal Group for Information and Action 9826167369	Safreen Khan Children Against Dow Carbide
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Address: c/o 44, Sant Kanwar Ram Nagar, Berasia Road, Bhopal. Web: www.bhopal.net