

## More than Just an Arrest

*On 17<sup>th</sup> August 2010, social activist and our General Secretary, Naba Dutta, had been arrested from West Medinipur. Owing to unprecedented public outcry against the arrest, he was granted bail next day, but not before serious, and totally fabricated, criminal charges were brought against him. Why and how did this happen? Let us look at the context of this incident:*

### FACTS

1. Mr Naba Dutta, General Secretary of Nagarik Mancha, along with Ms Prajna Paramita Dutta Raychaudhuri, Mr Dipankar Majumdar and Mr Gautam Ghosh, all associated with our organization, had travelled to the Narayanganj BDO Office (155 km from Kolkata) in Belda Subdivision of West Medinipur, West Bengal on Tuesday, 17 August 2010.
2. This team from Nagarik Mancha went there in solidarity with a hunger strike and a sit-in demonstration programme organized in front of the said BDO Office by the 'Paschim Medinipur Lodha Shabar Kalyan Samiti' (Lodhas and the Sabars are *adivasis*). This organization was agitating with a 14-point charter of demand which included a demand for rebuilding 11 hutments burnt down by politically motivated miscreants. Announcement about the demonstration had been made in a Press Conference at Medinipur Town on 12 August 2010 including the news about Naba Dutta's forthcoming visit.
3. Naba Dutta and others including Joydeb Singh (an activist with Paschim Medinipur Lodha Shabar Kalyan Samiti) headed towards Kolkata in their rented car (WB-02M-8565) just after 5pm. About 5 km from the venue a police car (WB-34N-0011) approached them and a plain clothed personnel (later identified as the OC, Belda PS) informed them that they were to follow the police car to Narayanganj PS.
4. However when the police car ahead of them did not stop at the said Narayanganj PS, Naba Dutta and others, sensing trouble, started making calls to their contacts from their mobiles. By then there was another police car behind. Soon more plain clothed personnel came over to their car and confiscated the mobiles from the team members. When asked whether they were being taken into custody, the police gave ambiguous and contradictory answers.
5. For the next two hours or so the 'convoy', in gathering darkness, kept moving aimlessly in and around Kharagpur Town and ultimately stopped at Sadatpur Investigation Centre under Kharagpur PS located on the Nimpura-Kalaikunda Chowmatha.
6. At Sadatpur IC, Prajna, Dipankar, Gautam, Joydeb and Ashok (the driver) were 'released' after submission of PR Bond, while Naba Dutta was taken away towards Manikpur Beat House (a guest house) under Jhargram PS, about 45 km from Sadatpur IC in a police car (WB-34N-0011). Incidentally despite being asked for the police did not produce any warrant or arrest/custody memo.
7. The remaining members of the team, after their 'release', drove to Manikpur Beat House, near Jhargram, but on reaching there were informed that Naba Dutta had been taken once again to Sadatpur IC and hence they drove back again.
8. While traveling Naba Dutta demanded to be told as to what all this meant and whether the police had any charges against him. In response a personnel asked him what harm was being done and Naba Dutta "should be enjoying the car ride".

9. Finally on reaching Sadatpur IC, after 9.30pm the arrest memo was 'prepared' virtually in the presence of the accused. Naba Dutta was charged in connection with Jhargram PS Case No. 227/2009 under sections 121, 121A, 122, 123, 124A, 142, 147, 148, 149, 307, 323, 324, 325, 379, 436, 440, 447 of the Indian Penal Code and under sections 25, 26, 27 of the Arms Act.
10. Hence in plain speak Naba Dutta was charged with: 'Unlawful assembly'; 'Rioting'; 'Sedition/Conspiracy'; 'Waging war'; 'Collecting arms to wage war'; 'Concealment with intent to wage war'; 'Attempt to murder'; 'Causing hurt/grievous hurt'; 'Theft'; 'Causing mischief by fire/explosive'; 'Criminal trespass'; 'Using/concealing prohibited arms'.
11. Jhargram PS Case No. 227/2009 was concerned with an incident in which some temporary structures and vehicles belonging to Rashmi Cement, a sponge iron factory at Jitushole near Jhargram was burnt down on 18 December 2009 and the CPI (Maoist) publicly took responsibility and justified their action as a retaliation to the inaction of the West Bengal Government towards closing down this hugely polluting unit.
12. Naba Dutta, 'legally' arrested after five hours of illegal detention, was then confined within the premise of the Sadatpur IC up to about 12 noon the next day that is, 18 August 2010. Subsequently, he was driven to Jhargram ACJM's Court Lockup.
13. Senior Advocate Sadhan Roychowdhury appeared on behalf of Naba Dutta along with a team of eminent lawyers.
14. It was found that Naba Dutta's name did not even appear in either the FIR or the Case Diary in connection with Jhargram PS Case No. 227/2009 in which he was said to be accused. We also came to know that as per police records Naba Dutta was not at Jhargram on that day but he was said to have hatched the plan regarding arson etc at the said Jitushole unit while at a public meeting, held two days back, in Salt Lake, Kolkata. This was obtained u/s 164 when two witnesses had stated the above fact in front of the Magistrate. This allegation actually refers to a day-long sit-in-demonstration in front of WBPCB Office at Salt Lake on Wednesday, 16 December 2009 between 10am and 4pm organised by scores of organisations and initiatives including Nagarik Mancha besides eminent members of the citizenry. The single point programme was to demand for total withdrawal of permission for running sponge iron units with existing technology in the districts of West Midnapur, Bankura, Bardhaman and Purulia.
15. Consequently Naba Dutta was granted interim bail by the Hon'ble Judge at the Jhargram ACJM Court at about 4pm, on Wednesday, 18 August 2010, almost 24 hours after being illegally detained by the police near Narayangarh.

## **BACKGROUND IN BRIEF**

Since April 2009, Nagarik Mancha has been consistently lending its support and solidarity to the protests at the grassroots against pollution from three sponge iron units at Gajashimul, Jitushole and Mohonpur in the Jhargram PS area, West Medinipur. The pollution has been devastating the life and livelihood of a large portion of the 50,000 inhabitants, predominantly tribals, in 50-60 adjoining villages under Patashimul, Lodhashuli, Shalboni and Manikpara Gram Panchayats.

Since 2006, Naba Dutta as the General Secretary of Nagarik Mancha has been leading investigating and fact-finding teams also to the neighbouring districts of Burdwan, Bankura and Purulia where

sponge iron units have mushroomed in recent years, causing enormous environmental and socio-economic disaster.

Nagarik Mancha has taken up the sponge iron pollution issue with the West Bengal Pollution Control Board and in various courts of law. It has repeatedly petitioned the Left Front Government and its demands have been simple: the Government should follow its own rules and regulations – and those of the Central Pollution Control Board – in taking immediate restraining measures.

On 7 April 2010 a high powered meeting was held at WBPCB in which Nagarik Mancha was invited along with the victims of the pollution of the three sponge iron units near Jhargram. It was decided that a Notice will be served to all 55 large sponge iron units in the State asking for facts related to use of groundwater, coal etc. The Review Meeting, where Nagarik Mancha and the victims were again present, was held on 28 July 2010 where it was evident from the facts gathered by WBPCB in response to their official Notice, that most of the sponge iron units did not have requisite licenses and in gist, as per law, they were operating illegally. It was decided that this findings would be placed at the next Board meeting and suitable action, as per law initiated. That was about three weeks before the day of arrest of Naba Dutta.

Hence, the Nagarik Mancha has, in essence, only stood by the initiative of the people victimized by sponge iron units and has urged the authorities to follow rules and the laws of the land. Nothing more, nothing less. Only that it has been done consistently, led in the main by Naba Dutta.

The Government has remained a bystander from the word go, even going to the extent of patronizingly labelling these typically polluting units as ‘iron and steel manufacturing units’, buoyed by the need to fit these ‘investments’ in its declared dream of ‘industrialization at any cost’. The sponge iron manufactures hankering for fast and dirty profit have expectedly viewed the anti-pollution campaign as a menace, and therefore it’s no wonder now that the manufacturers and a section of the local administration are hand in glove, protecting each other’s interests. It is a shame that the Left front Government has allowed this nexus to flourish in an area which was known to be its invincible fortress, thanks to the support it got from the tribal population.

## **MATTERS OF SERIOUS CONCERN**

Nagarik Mancha is of the firm opinion that it is not a just a case of an arrest of its General Secretary. There are issues which demand an engaging discourse in all possible forums.

1. Does the ‘arrest’ and release of Naba Dutta not send yet another ‘message’ in the form of a deterrent to non-party social activism?
2. Attempts to illegally suppress non-party social activism is growing by the day, and Naba Dutta detention/arrest is just another tactical move by a section of political parties in power and the section of the bureaucracy which is unfortunately becoming exceedingly politicised.
3. The era of trumped up charges which was rampant in the ’70’s is returning again with renewed vigour.
4. Capital governing dirty and discarded technology, as well as the power accruing from such capital is not only becoming aggressive and rampant but also excessively manipulative and lumpenised.
5. A section of the Government and most of the political parties are shielding the so-called ‘investors’ and extending every possible support to the law breakers.

6. Signs are evident, and it is getting clearer by the day, that most of the political parties prefer the civil society activism at the ground level to shrink leaving little democratic space outside the party structure.
7. A section of the executive is hell bent to obey orders of their masters even at the cost of breaking all laws and rules and directly violating human rights whenever and howsoever they choose to do so.

## **ACTION**

We urge all concerned to demand:

1. Unconditional withdrawal of all charges against Naba Dutta and all other social activists who are presently victims of similar trumped up charges;
2. Taking required and adequate steps against the concerned officers who dared to take law into their own hands while piling false charges against social activists;
3. Closing down of all the sponge iron units which are clearly identified to be causing havoc with the life and livelihood of the local inhabitants as well as having devastating effects on the environment.

We propose that these matters are appropriately communicated separately to:

1. The Hon'ble Governor of West Bengal, Raj Bhavan, Kolkata 700062; Fax: +913322002444, +913322001649; Email: [secy-gov-wb@nic.in](mailto:secy-gov-wb@nic.in) and [governor-wb@nic.in](mailto:governor-wb@nic.in)
2. The Chief Minister, Government of West Bengal, Writers Building, Kolkata 700001; Fax: +913322145480; [cm@wb.gov.in](mailto:cm@wb.gov.in)
3. The Chief Secretary, Government of West Bengal, Writers Building, Kolkata 700001; Fax: +913322144328; [cs@wb.gov.in](mailto:cs@wb.gov.in)
4. The Member Secretary, West Bengal Pollution Control Board Paribesh Bhavan, LA Block, Sector III, Salt Lake, Kolkata 700098; Fax: +913323352813 +913323356730; Email: [ms@wbpcb.gov.in](mailto:ms@wbpcb.gov.in)

*[Prepared and circulated by Nagarik Mancha on 20 August 2010]*

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