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## **India: Human rights defender Nitin Varghese arrested and kept in judicial custody by Madhya Pradesh police**

On 30 August 2023, human rights defender **Nitin Varghese** was placed in judicial custody following his arrest by the Madhya Pradesh police on 29 August 2023, after which he was remanded in police custody for a day. The human rights defender has been falsely accused of instigating local community members to attack forest officials in March 2023. At the time of writing this appeal, Nitin Varghese was still to be presented in court.

[Nitin Varghese](#) is a core member of the Jagrit Adivasi Dalit Sangathan ([JADS](#)), a collective which has been working for over 20 years to advocate for the rights of Dalit and Indigenous communities in rural areas of Madhya Pradesh. These communities face systemic violations of their right to land, livelihood, access to resources and the right to live with dignity. Nitin Varghese is a vocal advocate on issues such as illegal deforestation, forced eviction of local communities, and the denial of access to land and forests. The human rights defender Nitin Varghese and other defenders associated with the Jagrit Adivasi Dalit Sangathan have been repeatedly targeted in reprisal for their peaceful campaigns in support of the land and environmental rights of the Adivasi community in the Burhanpur District, Madhya Pradesh.

On 29 August 2023, human rights defender Nitin Varghese appeared before the Burhanpur District Court and was remanded to police custody at the Khandwa Jail based on a First Information Report (FIR) bearing number 0078/23. He was asked to surrender before the court through a proclamation under Section 82 of India's Criminal Procedure Code. The case against Nitin Varghese relates to an alleged attack on a Forest Range office in Burhanpur, where the police falsely claim that the human rights defender instigated members of the Adivasi community to attack public officials. In fact, four Adivasi community members were arbitrarily detained at the Forest Range office and the human rights defender Nitin Varghese was requested by community members to secure their release and prevent any harm befalling those in custody. The charges against the human rights defender include serious offences under the Indian Penal Code including rioting, use of criminal force against public servants, trespassing and unlawful assembly.

On 30 June 2023, Nitin Varghese was served a proclamation to surrender before the court. His application for anticipatory bail before the High Court of Madhya Pradesh was rejected on 16 August 2023, leading to his arrest. Police submitted to the court that one of the persons detained following the alleged attack named Nitin Varghese as the instigator of the attack while in custody. The human rights defender has denied all allegations against him and JADS maintains that one of the accused was forced to sign on a blank paper.

The police claim that Nitin Varghese instigated the Adivasi community members to forcibly break their relatives out of the custody in an attack on the Forest Range office. Although the FIR filed in relation to this incident on 2 March 2023 does not mention the human rights defender, in March 2023 the police summoned Nitin Varghese to the Lalbagh police station under the pretext of recording his statement. Despite the human rights defender cooperating fully with the police, they delayed recording his statement on two occasions. Significantly, the

persons named in the FIR were released on default bail after two months in detention, as no chargesheet was filed regarding the incident.

Nitin Varghese has been [targeted previously](#) due to his human rights work. On 20 April 2023, a FIR was filed against the human rights defenders Nitin Varghese and [Madhuri Krishnaswami](#) by a group of local politicians. The report was filed under sections 294 (Obscene acts and songs) and 34 (Acts done by several persons in furtherance of common intention) of the Indian Penal Code along with offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The same group of politicians had attempted to disrupt a meeting on 19 April 2023 between JADS members and opposition party leaders who were visiting the area to inspect allegations of deforestation.

It is alarming that the human rights defender Nitin Varghese is being implicated in a case that makes no mention of him, and in which the police have failed to produce a chargesheet to date. During this time, Nitin Varghese has also been suffering from a viral fever and is being treated for a serious medical condition.

Front Line Defenders is deeply concerned about the health and safety of the human rights defender if he is remanded in Khandwa Jail, which is already overcrowded.

Front Line Defenders strongly believes that the arrest of Nitin Varghese is due to his legitimate and peaceful human rights work. The attack on the human rights defender threatens his ability, and that of other human rights defenders in JADS, to carry out their work in defence of social and economic rights of marginalised populations in the state of Madhya Pradesh. Front Line Defenders calls on the relevant authorities to ensure the protection of human rights defenders against fabricated criminal cases and enable them to continue their meaningful and crucial work in defence of human rights.

**Front Line Defenders urges the relevant authorities in India to:**

1. Immediately release human rights defender Nitin Varghese and drop fabricated charges against him;
2. Guarantee under all circumstances that Nitin Varghese receives adequate treatment for his health conditions while in police custody;
3. Guarantee under all circumstances that Nitin Varghese is not subjected to torture or other forms of cruel, inhuman and degrading treatment while in police custody;
4. Cease persistent attacks against the human rights defenders and community members associated with JADS and ensure that they are able to carry out their legitimate human rights work;
5. Guarantee under all circumstances that human rights defenders in Madhya Pradesh are able to carry out their peaceful human rights work without any fear of reprisals.