

## Open Letter to the Chief Justice of Chattisgarh High Court

**Against widespread illegal practice of Chattisgarh Police  
of handcuffing prisoners in contempt of Supreme Court verdict**

**Demanding action against the police officers responsible  
for the decision to handcuff Dr. Saibal Jana**

To  
The Hon'ble Chief Justice,  
Chattisgarh High Court

Dear Sir

This is to bring to your kind attention the shocking and shameful handcuffing of Dr. Saibal Jana by the Durg Police this month, i.e. March 2016. Please find two photographs attached.

As your kind self is aware the law on handcuffing is unequivocal and clear. There are about half-a-dozen judgments of the Hon'ble Supreme Court on the matter. It is clear that the Chattisgarh Police in blatant violation of law handcuffed Dr. Jana and routinely handcuffs prisoners in contempt of the law declared by the Apex Court.

I would urge your Lordship to take up the matter urgently as a Public Interest Litigation in view of the widespread pernicious and illegal practice of routinely handcuffing prisoners and direct:

(a) Immediate steps to redress the grave violation of the human and fundamental rights of Dr. Saibal Jana:

(i) Action against the police officers responsible for the decision to handcuff Dr. Jana and

(ii) Compensation to Dr. Jana for violation of human and fundamental rights.

(b) Direct the Chattisgarh Government to immediately take steps to indoctrinate the police personnel as to the correct legal position with regard to handcuffing of prisoners, in view of the widespread practice of routine and illegal handcuffing of prisoners.

Yours sincerely,

R Shukla

(Rakesh Shukla)  
Advocate Supreme Court  
Member, Supreme Court Bar Association  
Member, International Council of Jurists  
66, Lawyers Chambers  
Supreme Court  
New Delhi 110 001  
e-mail: [rakesh.counsel@gmail.com](mailto:rakesh.counsel@gmail.com)  
Mob No. : [+91-9868363179](tel:+91-9868363179)

To  
The Hon'ble Chief Justice  
High Court, Chhattisgarh

Sir,

We the undersigned citizens of India feeling concerned about present state of affairs of health and related issues prevalent in our country, hereby express our deep concern about the upsetting event of arrest of Dr Saibal Jana, chief physician of Shaheed Hospital, Dalli-Rajhara, Chhattisgarh.

Dr Jana was arrested and put behind the bars in relation to a case dating back twenty five years, which was never transferred to trial court in these 25 intervening years. Furthermore, we are deeply pained and upset to note that Dr Saibal Jana was "hand cuffed" and paraded in public to take him to jail, which we consider to be violation of all civilized norms.

Dr Saibal Jana is dedicated healthcare professional working at Shaheed Hospital since graduation from Kolkata. He has worked relentlessly to uphold scientific rational practice in healthcare and has also implemented National Health Programme like RNTCP, malaria control, MCH etc. Dr. Jana's work in these areas is highly relevant as his work even in government programmes have set 'bench mark' in tribal areas of Dalli-Rajhara.

In the above context of Dr Jana's paramount contribution towards health and well-being of the poor tribal working population of Dalli-Rajhara we express our deep concern about such unacceptable attack on such eminent doctor working for people's health right as they are happening too frequently in the plea of "violation" of one or other "law".

We feel that when a case is not pursued by the government itself for twenty five years, it can be concluded that the government also doesn't think the case has any merit.

In view of the above we who have assembled in the Senate Hall, University of Kolkata on this day of 8<sup>th</sup> May 2016 to deliberate on "People-centric Healthcare Initiative", unequivocally demand immediate quashing of the said case pending in sessions court against Dr Saibal Jana so that Dr Jana's important work for people of our country can continue uninterruptedly.

Abhijit Chowdhury  
Abhijit Pal  
Amitava Sen  
Anasua Roychowdhury  
Anita Boral  
Anuj Roy  
Arindam Pal  
Ashis Kr Kundu  
Basudev Banerjee  
Bikas Sarkar  
Biswajit Roy

Biswendu Nanda  
Chandrani Mukherjee  
Debahuti Mukhopadhyay  
Debashis Bhattacharya  
Debashis Mitra  
Dulal Banerjee  
Hridoy Ranjan Das  
Indrajit Sengupta  
Jayeeta Majumder  
Jharna Panda  
Jiten Nandi  
Jnanbrata Sil  
Joya Mitra  
Joyhind Basu  
Kalyan Acharya  
Kunal Datta  
Manoj Mukherjee  
Monishankar  
Naba Datta  
Narayan Debnath  
Nirmalendu Sasmal  
Nityananda Ghosh  
Partha Pratim Pal  
Phanigopal Bhattacharya  
Pinaki Chatterjee  
Pradip Chatterjee  
Pradip Kr Roy  
Prasanta Chattopdhyay  
Ranjana Chattopadhyay  
Sabyasachi Das  
Samir Kumar Mandal  
Sandip Roy  
Sanjoy Gangopadhyay  
Shasanka Dev  
Shibkumar Mitra  
Shubhendu Dasgupta  
Sitangshu Kr Bhaduri  
Sobhan Panda  
Subhadra Urmila Majumder  
Subrata Majumder  
Sujata Guha  
Supriya Sengupta  
Swarnali Dey  
Tilak Purkayastha