

Human Rights Defenders Alert - India

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The Chairperson
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Dear Sir,

Sub: *HRD Alert - India - Urgent Appeal for Action – Haryana: Eleven Maruti Suzuki Workers and activists arrested on fabricated charges of serious nature -Reg*

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the eleven Maruti Suzuki Workers and activists who were arrested on completely fabricated charges of serious nature in Kaithal, Haryana on Sunday, 19 May 2013 for protesting against the company Maruti Suzuki.

About the Human Rights Defenders under attack:

Maruti Suzuki Workers, Unionists of Maruti Suzuki Workers Union (MSWU), activists providing solidarity to the latter, Shyamveer who is a correspondent of the workers newspaper, *Nagrik* and an activist with Inqlabi Mazdoor Kendra, and Amit and who is a workers' movement activist and current Ph.D student at the Economics Dept., CESP, Jawaharlal Nehru University (JNU), New Delhi

The Perpetrators:

1. The Police, Kaithal, Haryana.
2. The Government of Haryana

Date and Time of Incident: On Sunday, 19 May 2013 around 6.30 p.m.

Place of Incident: Near Surjewala's Residence, Kaithal, Haryana.

Incident:

On Friday, 18th May 2013, at 11.30 p.m. on the site of the protest against the Maruti Suzuki company, 96 workers of the company and activists were arrested and sent to Kaithal Jail under Sections 188, 341, 506, 511 of the Indian Penal Code. The arrestees include a member of the Provisional Working Committee, Maruti Suzuki Workers Union (MSWU), Yogesh Gawande, and two Trade Union activists who have been coming in support, Shyamveer who is a correspondent of the workers newspaper, *Nagrik* and an activist with Inqilabi Mazdoor Kendra, and Amit and who is a workers' movement activist and current Ph.D student at the Economics Dept., CESP, Jawaharlal Nehru University (JNU), New Delhi. On the morning of 19th May, 4 more workers were arrested from their homes in the villages nearby.

While protestors adopted democratic and peaceful means to demand the release of the arbitrary arrest of 147 workers, withdrawal of non-bailable arrest warrants from 66 workers and reinstatement of terminated 546 permanent and 1800 contract workers, they allege that the government has only responded with force and malice and in collusion with the Maruti Suzuki company management.

Their peaceful protests have been going on since 24th March, which included hunger strike, deputations, rallies, which are all in the ambit of the democratic right guaranteed in the Constitution. This was forcibly broken on 18th May by the huge police force of thousands of personnel in riot gear, tear gas etc. They came in before curfew under Sec.144 was declared on the entire town of Kaithal at 5.00 p.m. with effect till midnight of 19th May to prevent the unionists' call for a protest demonstration on 19th May in front of the residence of Haryana Industries and Commerce Minister, Randip Singh Surjewala. Thousands of people from across

Haryana and other pro-worker people from across the country were to come to express solidarity.

On 19th May 2013, they decided to go ahead with their pre-declared program, and around 1500 people started coming in solidarity from across Haryana in the morning. These included primarily workers and family members and relatives, and people from village Panchayats, democratic and mass organizations and individuals. A huge police force and CID Haryana personnel were deployed at the Bus Station, Railway Station and all points in the town to follow and stop anyone who was coming for support. The protestors gathered near Pyoda village 2km from the city limits, and started to peacefully march to register their protest, demanding that all those arrested on 18th May night be released immediately so that talks can happen. Barricades and a huge police contingent of over 2000 personnel with water cannons and tear gas vehicles, stopped them on the road next to Surjewala's residence.

At 6.30 p.m., without any warning, the stationed police force started a brutal assault with batons and tear gas and water cannons were unleashed mercilessly on the protestors, which included in large majority, women, children and old men. Hundreds were seriously injured and admitted to the hospital. The police came with a second round of beating with batons when people were still in a state of shock. The government has acted with malicious intention, and with a view to crush the struggle while all that the protestors wanted to do was register their peaceful protest in front of our elected representatives.

Eleven workers and activists were arrested on completely fabricated charges of serious nature. They are:

1. Ramniwas of Provisional Working Committee, Maruti Suzuki Workers Union (MSWU)
2. Deepak Bakshi who is advisor to the MSWU and General Secretary of Hindustan Motors - Sangrami Shramik Karamchari Union, Kolkata
3. Somnath who is a correspondent of the workers newspaper, Shramik Shakti
4. Suresh Koth, who is panchayat leader from Koth village, Hissar dist, Haryana
5. Nitish
6. Mangtu

7. Premchand

and three more people, whose names are still unclear.

They have been charged under non-bailable Sections 148, 149, 188, 283, 332, 353, 186, 341, 307 (attempt to murder) of the IPC, 3 of P/D, TPDA, 8NH for blocking the highway and 25 (54 and 59) of the Arms Act. They were produced in the Kaithal Court on 21st May 2013 and sent to 14 days of Judicial Custody. So 111 more workers and activists, who have continued with the movement even after repression since 18 July 2012 have now been arrested, taking the total of arrested workers and activists to 258, along with 66 non-bailable arrest warrants.

This is a serious pre-meditated assault on especially those of the active workers and activists who have stood in solidarity with the unionists and to portray them again as criminals only because they continue to protest against the violations they faced for the last two years since 4th June 2011, and especially since 18th July 2012 when it became apparent that the government was openly siding with the company against workers and activists.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:-

- All the arrested workers and activists are released immediately
- The terminated workers are reinstated without further delay.
- Physical and psychological integrity of the detainees proceeding their release is guaranteed
- Erring officers are punished under appropriate measures of the law if found guilty
- All necessary measures are taken to guarantee the physical and psychological integrity and security of activists and workers.
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary Working Secretary
Human Rights Defenders Alert - India

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