

Human Rights Defenders Alert - India

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Shri A. K. Parashar

Focal Point - Human Rights Defenders
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi-110001
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India / Madhya Pradesh - Urgent Appeal for Action - Harassment, intimidation, and threats, assault and murder attempt on human rights defenders - 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 regarding the harassment, intimidation, and threats, assault and murder attempt on human rights defenders, Dr Sunilam, National Secretary, INSCO and Aradhana Bhargav, lawyer.

Incident

We have been informed by reliable sources that on 22nd May Dr. Sunilam, National Secretary of Indian Solidarity Committee (INSOCO), Ex MLA Multai (MP) & founder president of Kishan Sangharsh Samiti was returning to Chhindwara after the meeting with farmers at the village Bhulamohgaun. He was accompanied by Advocate Aradhana Bhargav, Mahila Sangharsh Samiti State President. Both were attacked near Ner village around 15km from Chhindwara. Immediately Adv Aradhana informed about the incidence to the Superintendent of Police (SP) thrice who assured her that, very soon police will reach at the spot but police took 2.1/2 hours to reaching at the spot form Chhindwara. The Superintendent of Police did not send

a message across to control room in order to nab the culprits & seize the vehicles. All seven persons present in the Vehicle were injured, Dr. Sunilam's both hands were injured and right hand fractured & has sustained injuries on his head. Adv. Bhargav has serious injuries on her head and her left hand is fractured.

Despite these serious injuries police have registered only a case of simple beating under 323 IPC, although it was case of attempt to murder. Ten criminals of Adani Groups were recognized by Adv. Bhargav and named by Dr. Sunilam in his statement, but the police have not registered cases against them by name. Dr. Sunilam started fast immediately after the incident.

It is important to know that Adani Pench Power Limited is establishing power plant of 1320 Megawatt at Chausara, Chhindwada. In 1987 Madhya Pradesh Electricity Board has acquired land of five villages to establish power plant. Land acquisition was done at the rate between Rs 1500 to Rs 10000 per acre. But govt. did not start the project. Now the Madhya Pradesh government sold this land to Adani Groups at the rate of Rs.13.75 lakhs per acre. According to the Land Acquisition Act, if the purpose for which land is acquired is not met, then the land acquisition becomes null and void. It is important that possession of the land till date is with the farmers. The farmers of five villages namely Chausara, Hiverkhedi, Dhanora, Tekathawadi, Dagabani Piparia are agitating to get back their lands. Farmers have decided to organize a *mahapanchayat* (village council meeting) on 26th June and have also decided to sow their lands.

It is surprising that Adani group has started construction work without getting clearance from the Ministry of Environment and Forest. The Central State Minister of Environment and Forest, Mr. Jayaram Ramesh has categorically told Medha Patkar and Dr. Sunilam at his New Delhi office that no clearance has been given to the project; hence no construction work can be done. But the fact is construction activities are going on in full swing, inspite of several complaints by farmers. Farmers are demanding that illegal construction by Adani's must be removed from their farms.

Another issue related to this project is concerned with Pench Diversion Project in which two Dams are going to be constructed namely Machagora Dam & Pench Dam for which land acquisition process is going on in 33 villages. Contract for construction

of these dams was given to contractor M/s S.K.Jain who deposited fake FDR of Rupees 1100 million. Kisan Sangharsh Samiti raised the issue resulting in the cancellation of contract. Simultaneously district council inquired into the allegations of low quality constructions & recommended that constructed structures must be demolished. After the cancellation of this contract it was taken up by Adani Company.

In the Land Acquisition Act it is clearly mentioned that land can be acquired only for public purpose and not for the commercial activity. As the water from two dams are going to be used by Adani Power Project which is engaged in commercial activities, so automatically the land acquisition becomes null & void. Farmers are resisting all land acquisition procedures underway and want their lands back.

Meanwhile public hearing of Adani Pench project limited faced strong protests organized by farmers. During the hearing farmers clearly declared that they are not ready to give lands for the project at any cost and demanded a fresh public hearing outside the illegal premises of Adani. Farmers on their own organized a separate public hearing, which was violently disturbed by Adani's goons.

We understand that harassment, intimidation, and threats, assault and the murder attempt on human rights defenders, Dr. Sunilam and Advocate Aradhana Bhargava are acts aimed to target them and obstruct their work. For your information, Dr. Sunilam was attacked several times. In 1998, after Multai police firing in which 24 farmers were killed and 150 injured, due to NHRC action, Dr. Sunilam was provided security for 12 years, which has been withdrawn two years back.

We are gravely concerned about the intimidation tactics employed by Adani's and the state, and the alleged afore mentioned facts and recalls that the authorities have to fulfill their constitutional obligations to protect the right to life and to protect the rights of a human rights defender to perform his duties without any hindrance. The State authorities must ensure that the forces comply with international human rights standards on law enforcement, in particular those relating to the defenders rights.

We are deeply concerned by the developments. We call upon the competent authorities to ensure that the investigation is carried out promptly, effectively, thoroughly, independently and impartially, the result of which must be made public, in order to bring those responsible for the assault and attempt to murder, before a

competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

We are gravely concerned about the physical and psychological safety and integrity of Dr Sunilam, Adv Advocate Aradhana Bhargav and the other members of the Kisan Sangharsh Samiti.

Appeal

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

1. All necessary steps are taken to guarantee the professional and personal freedom and personal security of Dr Sunilam and Advocate Aradhana Bhargav;
2. Ensure that an effective remedy as well as the right to full redress, including compensation, is granted to Dr Sunilam and Advocate Aradhana Bhargav;
3. Revive security for Dr. Sunilam;
4. Guarantee the respect of human rights defender and the fundamental freedoms in accordance with national laws and international human rights standards.
5. Ensure that all such human rights defenders can freely conduct legitimate activities promoting and protecting human rights without fear of reprisals, in accordance with the UN Declaration on Human Rights Defenders.
6. Issue necessary directions to the state and call for the arrest of all the perpetrators involved directly and indirectly in the case.
7. Call for a report from the state government and the police department on the delay in the response of the police in responding to the call for help.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator
Human Rights Defenders Alert - India