

## *Human Rights Defenders Alert - India*

National Coordination Office

No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu, INDIA

**Tel:** +91-452-2539520 **Cell Phone:** +91-9994368540 **Email:** hrda.india@gmail.com

April 12, 2012

Special Rapporteur on the situation of human rights defenders,  
Mrs. Margaret Sekaggya  
c/o Office of the High Commissioner for Human Rights - Palais Wilson  
United Nations Office at Geneva  
CH 1211 Geneva 10, Switzerland  
Email: urgent-action@ohchr.org

Dear Ma'am/ Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – West Bengal/ Kolkata/  
Nonadanga: Forced eviction by Kolkata Metropolitan Development Authority and  
arbitrary arrest of civil rights activists - 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 forced eviction of 300 houses by Kolkata Metropolitan Development Authority and arbitrary arrest of civil rights activists protesting the said evictions, in Nonadanga, Kolkata West Bengal.

### **Incident**

#### **Name of the perpetrators:**

1. Officers from the Kolkata Metropolitan Development Authority
2. Kolkata police headed by Deputy Commissioner of Kolkata Police Mr. Basab Dasgupta

**Date of incident:** March 28, 2012 and continuously thereon

**Place of incident:** Nonadanga, Kolkata, West Bengal

Human Rights Defenders Alert India has received information from Mr. Kirity Roy, Secretary, MASUM, concerning the forced eviction of the residents of 300 houses by the Kolkata Metropolitan Development Authority (KMDA) undertaken on 28 and 30 March 2012. The residents are reportedly victims of hurricane Aila from the Sundarban and those displaced from Nandigram of East Midnapur in West Bengal

state. The residents had settled at Nonadanga since the state government had failed to help the victims to rebuild their house and lives. The Kolkata Metropolitan Development Authority arrived at Nonadanga with police force, made a public announcement that the people should vacate the place and proceeded to bulldoze the houses down without any further warning.

Kolkata Metropolitan Development Authority had made a similar announcement on 28 March demanding the people to vacate the premises within 12 hours, against which the residents had protested. Subsequently on 4 and 8 April, the state police, allegedly with the assistance of street thugs associated with the ruling political party, assaulted the members of a protest group who were protesting against the eviction and detained many of its members. The evictees and those who supported them are either detained or have lost everything, including the shanties that many of them called a home.

**Case Narrative:**

Nonadanga is a hamlet with residents from diverse social identities but with unique similarity of destitution and poverty. Nearly 300 families, who are living in abject poverty, occupied the hamlet. The families that stayed in Nonadanga are those who had lost their property and house to hurricane Aila and those who were evicted from Nandigram. The hamlet had old and new settlers who found refuge at the hamlet over a period of time.

On 30 March at about 10 am, officers from the Kolkata Metropolitan Development Authority and police officers from Tiljala Police Station and Police Head Quarter-Lalbazar arrived with 3 bulldozers, prison vans, other police vehicles and three fire engines, arrived at Nonadanga. The huge posse of police was had firearms and sticks. The Kolkata Metropolitan Development Authority has not served any notice before their eviction drive though they made an announcement on 28 March at about 4.00 pm and had asked the residents to vacate the place within 12 hours. The residents, without success, tried their best to argue against the proposed eviction. Pregnant women, infants, the aged and students all were rendered homeless in the matter of a few hours.

Different civil society organizations gathered at the place and decided to protest against the incident. On 4 April, the police came down heavily upon the protestors. It is reported that the Kolkata Police along with a gang of street thugs who are allegedly from the ruling political party assaulted the protestors. A huge police force attacked

the protestors and started beating everyone ruthlessly, including women and infants, without any warning.

All their belongings, including clothes, stoves, cooking utensils, sheets used to set up a dwelling, ID cards, ration cards etc were all destroyed in the incident. It is alleged that the officers from the Kolkata Metropolitan Development Authority as well the state police in fact looted the people in broad daylight on the pretext of eviction and dealing with the protestors. Though required by law to prepare seizure documents, none were prepared, that today the victims have no record of what was looted from them by force by the officers.

**Incident:**

On 8 April 2012, the Kolkata Police arrested 69 activists of the Uchchhed Pratirodh Committee (Anti-eviction Committee) of Nonadanga (a common platform of different civil society organizations), including women and kids when they were peacefully holding a mass demonstration at the Ruby Hospital crossing of EM Bypass. The protest was against the eviction and demanding proper rehabilitation of the evictees. A daylong sit-in demonstration against the Nonadanga slum demolition and forcible eviction, started at Ruby hospital junction at 10 am.

Shortly before noon, a large police force, led by Deputy Commissioner of Kolkata Police Mr. Basab Dasgupta, came to the spot and asked to call off the sit-in. The police then attacked the protest calling it illegal despite the police being informed about the protest meet beforehand. Sixty nine protesters including evicted residents from the slum, including nine-year-old Monika Kumari Shaw, daughter of Mr. Dilip Shaw, were arrested. The child was kept in the lockup with her mother till 9 pm with all other injured protestors. The police failed to issue an arrest memo and none were informed where they would be detained when they were arrested. The police took them to Central lockup at Lalbazar. At night all were released except seven civil society activists. The activists still in custody are Ms. Deblina Chakraborty, Ms. Debjani Ghosh, Mr. Abhijnan Sarkar, Mr. Samik Chakraborty, Mr. Partho Sarothi Ray, Mr. Siddhartha Gupta and Mr. Manas Chatterjee. They are with a number of non-bailable criminal charges fabricated by the police in connection with Tiljala police station case number 103 of 2012 dated 4 April 2012.

All of them are arrested under Sections 143, 149, 332, 341, 342 and 353 of Indian Penal Code, 1860. According to the police, the activists provoked the people into committing a wrongful activity, illegal assembly, and wrongfully restrained and

resisted policemen. All the allegations charged, as per police record, were made for their association with 4 March demonstrations along with the evictees. In fact on 4 April 2012, Prof. (Dr.) Partho Sarothi Roy, one of the arrested was on his duty at Nadia district. The police have produced some of the detainees at the local magistrate court and the court has extended their remand without considering the facts and circumstances of the case, as if the remand is a form of punishment.

**Background Information:**

The evictees had to settle down at Nonadanga since the state government had completely ignored their requirement to have their houses reconstructed after the hurricane. Those who are from Nandigram also has a similar story to say since they were evicted from their dwellings during the police action and resultant violence in connection to the setting up of the industrial unit at Nandigram. The villagers who come to strange places like far away cities do not do it on their own volition, as opposed to popular misconceptions. They come looking for jobs and a livelihood since the villages where they stay fail to provide it. The government cannot and must not evict persons without making available to them adequate requirements to sustain a decent life. This is the singular responsibility of the state.

**Appeal**

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

1. Release the seven detained civil society activists Ms. Deblina Chakraborty, Ms. Debjani Ghosh, Mr. Abhijnan Sarkar, Mr. Samik Chakraborty, Mr. Partho Sarothi Ray, Mr. Siddhartha Gupta and Mr. Manas Chatterjee, immediately and unconditionally;
2. Guarantee in all circumstances the physical and psychological integrity of all the activists protesting the forced evictions;
3. Immediately rehabilitate the evictees, at the very least by the state government providing them an option to stay;
4. Record the statements of all the victims immediately and make an inventory as to the articles looted from them by the Kolkata Metropolitan Development Authority and the police;
5. Take immediate criminal actions against the officers for undertaking armed theft by government employees;
6. Provide immediate medical treatment to the victims hurt in the police action;

7. Pay interim compensation to all the victims until permanent arrangements are made by the government to resettle them decently.

Looking forward to your immediate action in this regard,

Yours sincerely,

***Henri Tiphagne***

Hon'ble National Working Secretary  
Human Rights Defenders Alert - India

**Copy to:**

**1. 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, akpnhrc@yahoo.com,

**2. Hon. Justice Shri K.G. Balakrishnan  
Chairperson, National Human Rights Commission**

Faridkot House, Copernicus Marg,  
New Delhi, PIN 110001  
Fax No. 23384863  
E-Mail: covdnhrc@nic.in, ionhrc@nic.in, jrlawnhrc@hub.nic.in  
Attn: Focal point Human Rights Defender

**3. Ms. Mamata Banerjee**

Chief Minister  
Government of West Bengal  
Writers' Building, Kolkata,  
West Bengal, INDIA  
Fax: + 91 33 22144328  
Email: cm\_wb@nic.in

**4. Director General & Inspector General of Police**

Government of West Bengal  
Writers Buildings, Kolkata-1  
West Bengal, INDIA  
Fax: +91 33 2214 4498 / 2214 5486  
Email: dgp\_westbengal@gmail.com

**5. Chief Secretary**

Government of West Bengal  
Writers' Building, Kolkata, West Bengal  
INDIA

Fax: + 91 33 22144328  
Email: chiefsec@wb.gov.in

**6. Additional Chief Secretary (Home)**

Government of West Bengal  
Writers' Building, Kolkata,  
West Bengal, INDIA  
Email: sechome@wb.gov.in

**7. OMCT International Secretariat**

PO Box 21  
8, rue du Vieux-Billard  
1211 Geneva 8  
Switzerland  
Phone: + 41 22 809 4939  
Fax: + 41 22 809 4929  
E-mail: omct@omct.org; dr@omct.org

**8. Front Line - The International Foundation for the Protection of Human Rights Defenders**

Head Office  
Second Floor, Grattan House  
Temple Road, Blackrock,  
Co Dublin, Ireland  
Tel: +353 (0)1 212 3750  
Fax: +353 (0)1 212 1001  
E-mail: info@frontlinedefenders.org ; cairionarice@frontlinedefenders.org

**9. Dr. P. Chidambaram, Union Minister of Home Affairs,**

Ministry of Home Affairs,  
104-107 North Block,  
New Delhi 110 001 India  
Fax: +91 11 2309 2979.  
Email: hm@nic.in

**10. Office of the United Nations High Commissioner for Human Rights**

United Nations Office at Geneva,  
1211 Geneva 10, Switzerland  
Email: Hrd-ra@ohchr.org

**11. Asian Forum for Human Rights and Development**

Baan Vichien, Apartment 3B,  
220 Sukhumvit 49/12 Klongton Nua, Wattana,  
Bangkok, 10110, Thailand  
Email: [hrd@forum-asia.org](mailto:hrd@forum-asia.org) [yap@forum-asia.org](mailto:yap@forum-asia.org)

**12. West Bengal Human Rights Commission,**

Bhabani Bhavan, Alipore, Kolkata – 27  
Email: wbhrc8@bsnl.in