

Human Rights Defenders Alert - India

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July 10, 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,

***Sub: HRD Alert - India - Urgent Appeal for Action –India/Chhattisgarh:
Raigarh-Environmental cum RTI activist Ramesh Agrawal shot at by
unidentified men – 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 over the attack on RTI activist Mr. Ramesh Agrawal by unidentified gunmen in which he sustained bullet injuries.

Name of the Perpetrators: Unidentified gunmen

Place of incident: Aitbari Bazar, Raigarh city, Chhattisgarh

Date and time of incident: July 7, 2012 at about 1 pm

About the activist:

Mr. Ramesh Agrawal (56 years-old), is an RTI cum Environmental activist who works for the environmental rights organisation - Jan Chetna

Manch. He is known for his work in protecting local communities from industrial pollution and displacement due to industrial projects, through the Right to Information Act (RTI). Agrawal has a history of effectively lobbying against pollution caused by industrial projects and the potential negative environmental impact of proposed projects in central Chhattisgarh. Ramesh Agrawal had clashed with Jindal Group (JSPL - Jindal Steel & Power Limited) the world's largest sponge-iron manufacturer with interests in steel, cement, and thermal power) as well as other industries with powerful steel and coal interests in Chhattisgarh's coal-rich Raigarh district for environment pollution and displacement issues.

Last year in May he was arrested after the JSPL filed a case against him and a fellow activist Harihar Patel for staging a protest against the public hearing conducted for an industrial project. The Amnesty International had asked the Government of India as well as Chhattisgarh state for his unconditional release in that regard.

Incident:

According to the information, on July 7, 2012 at about 1 PM, Ramesh Agrawal was shot at by two unidentified (masked) persons who arrived on a motorcycle while he was in his office at Aitbari Bazar, Raigarh district.

Mr. Raghubir Pradhan, an environmental activist acquainted with Mr. Agrawal alleged that the unidentified men threatened Ramesh to stop opposing Jindal and there was a scuffle. They shot him twice due to which he suffered two bullet injuries - one on his thigh and another on his hip.

Ramesh Agrawal was rushed to the District Government Hospital. The bullets were removed from his body and he was out of danger but is still being kept in the Intensive Care Unit (ICU). The police have launched an investigation into the incident and no arrest has been made yet in this regard.

The vested interests of the industries and land mafia have been suspected pertaining to the incident.

Background Information:

Chhattisgarh accounts for 16 per cent of India's coal reserves and contributes to over 18 per cent of national production. The deposits are concentrated in the northern part of the State, including Raigarh where rapid industrialisation has led to violent clashes between thermal power companies and villagers living above rich coal seams. Mr. Agrawal and his NGO organised village-level opposition to the projects and frequently accused several companies, particularly JSPL, of violating environmental norms and procedures.

In 2010, Mr. Agrawal wrote to the Ministry of Environment and Forests (MoEF), accusing the company of beginning construction on its plant prior to obtaining clearance from the Ministry. He accused Jindal Power Ltd. also of modifying the terms of the project without informing the MoEF, prompting the Ministry to temporarily withdraw its terms of reference.

In April this year, the National Green Tribunal (NGT) cancelled environmental clearance granted for a four-million-tonne per annum coalmine operated by JSPL, after Mr. Agrawal and his associates claimed that the mandatory public hearing held to clear the project did not follow accepted procedures. In its order, the NGT described the hearing as “a classic example of violation of the rules and the principles of natural justice to its brim.” In June last year, Mr. Agrawal was imprisoned for two months for allegedly inciting a mob at a public hearing organised to grant clearance for a 2,400-MW thermal power plant proposed by Jindal Power Ltd.

Mr. Agrawal has also exposed rampant illegal mining of iron ore, dolomite, bauxite and coal in the state, particularly in Raigarh and

Bilashpur districts inviting wrath from the mining mafias. He has been waging a relentless battle against mining mafias in the state for the past one-and-half decade ignoring several threats to his life.

Appeal

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

1. Guarantee in all circumstances the physical and psychological integrity of Mr. Ramesh Agrawal as well as all the environmental and RTI activists in the country;
2. Conduct an immediate, thorough and impartial investigation into the incident and brought the perpetrators to book under appropriate provisions of law;
3. Provide protection to Mr. Ramesh Agrawal and the members of his NGO;
4. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
 - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
 - and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others,

against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

5. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Honorary National Working Secretary,
Human Rights Defenders Alert - India

Copy to:

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