

Human Rights Defenders Alert - India

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The Chairperson
National Human Rights Commission
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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Meghalaya: Judicial Harassment of Agnes Kharshiing for protesting eviction drive - 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 arrest and subsequent rejection of bail plea of Ms Agnes Kharshiing, President of Civil Society Women's Organisation (CSWO), by a lower court in Shillong, Meghalaya. On November 9, 2013, Ms Agnes Kharshiing was arrested for protesting against the eviction drive at Shillong which has left hundreds homeless. She was released on conditional bail after 9 days in judicial custody.

Source of Information on the Incident:

A communication dated 15 November 2013 from the Asian Human Rights Commission (AHRC). Media Reports

About the Human Rights Defenders under attack:

Ms Agnes Kharshiing is the President of Civil Society Women's Organisation (CSWO). Ms Agnes has been active in the Right to Information movement and anti-corruption movement in the state of Meghalaya. She campaigned against massive corruption in teacher's appointment in Meghalaya. Earlier this year, she raised concern over custodial killings of two youths in Jaintia Hills. Earlier in May 2013, CSWO protested against acquisition of land for the construction of the New Shillong Township and brought the matter media attention. **The Perpetrators:**

The Executive Engineer of the Meghalaya Urban Development Authority (MUDA)

Date of Incident:

Arrested on 9 November 2013 and rejected bail on 9th and 11th of November 2013

Place of Incident:

Umsawli, Shillong, State of Meghalaya, India

Incident

According to the information received, the Meghalaya Urban Development Authority (MUDA) conducted an eviction drive on November 8, 2013, at 10 a.m. at Umsawli area to pave the way for construction of the New Shillong Township. MUDA has apparently acquired about a total of 2,000 acres of land for the purpose in Mawdiangdiang and adjoining areas. MUDA claimed that the construction of the new township is to ease the traffic congestion and overcrowding of Shillong's main city area. Civil Society Women's Organization (CSWO), led by Ms Agnes Kharshiing, protested the recent eviction drive at Umsawli where inhabitants have been labelled as 'encroachers'.

According to the information, Agnes went to the eviction venue and asked for proper documents related to the eviction drive. Later, she was on her way back from the spot when she was followed by a group of police personnel, who compelled her to go to the police station. She was detained. She was not informed about the grounds of her arrest during the arrest. Later, the Executive Engineer of MUDA filed an FIR to Rynjah Police Station charging her of obstruction of demolition/eviction and instigating people to block the road. Another FIR was also filed against her by a JCB driver alleging intimidation and threat of dire consequences by Agnes against officials

present during the eviction drive. Kharshiing has been booked under sections 109/186/353/332/ 506/ 34 of the Indian Penal Code, and remanded for 14 days in judicial custody. Her bail plea was moved and rejected on November 9, 2013 by the Additional Deputy Commissioner. The second bail plea was also rejected on November 11, 2013. The lower court claimed that the investigation officer had collected sufficient evidence against her.

Earlier on November 8, at 8 a.m., Kharshiing had lodged a complaint at Rynjah police station alleging that MUDA Secretary T. Lyngwa and Additional District Magistrates D.M. Wahlang and I. Majaw and others had “illegally trespassed” into the residence and shop of Bokstar Lyngdoh and Tridik Lyngdoh at Mawlong-Mawtari village. In another FIR filed before the same police station, one Jropsila Kharkongor alleged that Lyngwa, Wahlang, Majaw and others had illegally trespassed and demolished her two shops at Umsawli village. The eviction drive has resulted in the demolition of 2 shops cum houses in Umsawli and 6 houses and two cow sheds in Mawlong area. CSWO has alleged that there is no clarity on the 'acquired land' and the credentials of the seller are questionable. Civil society members fear that the eviction drive may cause further homelessness and loss of property of the people. About 2,000 acres of land has been 'acquired' by the government for the proposed township and documents accessed by CSWO through Right to Information Act, 2005, reveal questions over the acquisition, as well as unregistered documents. CSWO has demanded transparency over the dealings. The government has claimed that the land has been acquired under 'Land Acquisition Act and not purchased. According to the government, the allegations made by CSWO are false and fabricated. A defamation case has been filed by the MUDA against Agnes.

Agnes was conditionally released on bail on the 16th of November 2013 after 9 days in judicial custody. But we are concerned that the authorities may implicate Agnes in false and fabricated charges and harass her for demanding transparency in land dealings.

Appeal

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

- The Chief Minister of Meghalaya intervenes to get all charges framed against Ms. Agnes's dropped, prevents further harassment of the activist and also

ensures transparency in the land dealings for the proposed construction of New Shillong Township.

- The Home Minister of Meghalaya ensures physical and psychological safety and integrity of Agnes, her staff and family.
- The Superintendent of Police of Shillong city acts on the FIR filed by Agnes alleging trespassing in the proposed eviction sites.
- 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.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Honorary Working Secretary