

Human Rights Defenders Alert - India

National Coordination Office

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Shri A. K. Parashar

Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Chhattisgarh: False cases foisted on Human Rights Defender – 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 continuous foisting of false cases on Sajal Kumar, a human rights defender based in Dharmjaigarh in Chhattisgarh by the DB Power Company.

Source of Information on the Incident:

- Social Media – CG Net
- The Coordinator of HRDA for the East of India

About the Human Rights Defenders under attack:

Mr. S. Sajal Kumar aged about 36 years, S/O Atul Chandra Madhu is a resident of Bwayeb Colony, Dharmajaigarh in the Raigarh District of Chhattisgarh. Sajal Kumar is an active member of the *Bhoomi Bachao Sangharsh Samiti*, a platform resisting DB Power Company's land acquisition in the area for a coal mine and the

environmental impacts that it will cause. He is the Petitioner against the said Company in a case with the National Green Tribunal.

The Perpetrators:

Mr. Ram Lal, Security Guard and other officials of DB Power.

The local police

Date and time of Incident:

16th July 2014.

Place of Incident:

Bwayeb Colony, Dharamjaigarh in the Raigarh District of Chhattisgarh

Incident

According to the information received, on 15th July 2014, morning the employees, security guard and vehicles of DB Power Company entered Bwayeb Colony. When villagers queried why the company personnel were entering the village when there was a stay on them by the National Green Tribunal, they did not respond. Subsequently a group of villagers opposed their entry into the village. Mr. S. Sajal Kumar was not present there at that time, but the security guard lodged a false complaint against Mr. S. Sajal Kumar in the local police station the next day i.e. on 16th July. The local police are investigating the matter and Mr. S. Sajal Kumar is being threatened by the company goons and the police because which he has been forced to be away from his house.

Background

In the year 2007, DB Power Ltd. got an approval from the state government for an open cast mining of coal in village Dharamjaigarh in Raigad district of Chattisgarh. It has been allowed about 540 HC of land. The major area to be acquired is from village Dharamjaigarh. Around four villages nearby will also be impacted by the project.

Concerned about the displacement of the villagers concerned and the environmental impact, the villagers formed a common platform to resist, named "BHUMI BACHAAO SANGARSH SAMITI" in 2007. There are about 1000 members and Mr. M. Mangalchand Biswas aged about 75 years and residing at Gram Panchyat, Bwayeb Colony Dharamjaigarh is the president of the forum. Mr. S. Sajal kumar has been one of the active members of the forum since its inception.

The company employees have filed about four false cases against Mr. S.Sajal Kumar in the local police station.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Dharamjaigarh

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the perpetrators and the erring police to book by another senior police independent officer;
- Based on the said speedy investigation that the SP recommends withdrawal of all the cases based on false charges against Sajal Kumar with immediate effect;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Sajal Kumar as he continues be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment against all human rights defenders in India to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - 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”
 - Article 12.2, which provides 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”;

- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Chhattisgarh.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne

Honorary National Working Secretary