

Human Rights Defenders Alert - India

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Shri A. K. Parashar

National 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 – Gujarat: Tribal Activist
detained under PASA - 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 detention of senior tribal leader and activist Jayram Gamit from Songarh in Tapi District of the West Indian state of Gujarat by Forest Department Police under the Prevention of Anti-Social Activities Act (PASA Act) since 31 December 2014.

Source of Information on the Incident:

- All India Union of Forest Working People

The Human Rights Defender:

Jayram Gamit is a senior Tribal leader and a Tribal Farmers' rights activist also associated with the All India Union of Forest People. He is also a Taluk Panchayat member from Songarh, Tapi, Gujarat. He has been involved in a Campaign against efforts to hand over large tracts of tribal land to non tribals, particularly those who

were mining the area surrounding the river. Despite his alignment with the ruling party, he kept fighting for the rights of the tribal farmers, which became the major reason for his detention and arrest under PASA.

The Perpetrators:

1. The Forest Department
2. The Local Police
3. The District Administration

Date of Incident:

31st of December 2014

Place of Incident:

In Ojhar, the village of the Human Rights Defender in Songarh in the Tapi District of the west Indian state of Gujarat.

Incident detail:

According to the sources, the Tribal Activist was picked up under the Prevention of Anti-Social Activities Act (PASA Act) ahead of a major protest that he and another senior activist, Romel Sutariya of All India Union of Forest People had been planning on. This was to be held Tapi and Chotta Udeupur on the implementation of Forest Rights Act and against the land mafia.

On 31st Dec 2014, in village Ojhar, Songarh, District Tapi when few Adivasis were levelling their land on which they filed claim under Forest Rights Act (FRA), the Ranger and Forest Guards came with JCB and stopped the work and started beating tribals. False cases were filed on the tribal people and they molested the tribal women. When the tribals protested against this, there was an altercation between the tribals and the forest department. A woman forest guard who was deputed there made a false allegation against Jeyram and booked him under sections for anti-social activities. He was also booked for instigating tribals to take up arms.

It is said that the District Collector, Ranjeet Kumar, got the tribal activist arrested under the pressure of local ruling party politicians to arrest Gamit following their campaign against efforts to hand over large tracts of tribal land to non tribals, particularly those who were mining the area surrounding the river. Soon after his

arrest, Gamit was taken to Rajkot. The arrest has taken place following a complaint from the Forest Department complaint to the police. There is no word so far from the Gujarat authorities about the arrest.

Activists from the region feel that the whole conspiracy has been orchestrated by the Forest Department in connivance with the District Administration and the Police so that he does not organize tribals in the region with other young activists like Romel Sutaria of Adivasi Kisan Sangarsh Morcha and All India Union of Forest Working People.

This is not the first time that protesting activists in Gujarat are being picked up as part of "preventive" measures to stop protests. Even those who are not in any way involved in protests are "picked up" when senior government functionaries such as the Chief Minister visits an area. They are often put under house arrest or are detained ahead of apprehensions of protest. However, this is the first time in the recent past that an arrest has taken place under PASA, considered "draconian" by human rights defenders, and meant to be used against anti-social elements seeking to create disturbance.

Appeal :

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the detention of the human rights defender through police officials other than those involved in this case, and ensure his immediate release
- Ensure withdrawal of all the false charges against Jayram Gamit and bring the erring police and forest officials to book
- Guarantee in all circumstances the physical and psychological integrity of Jayram Gamit, Romel Sutariya and their family members and the tribal activists as they continue to be under risk of further attacks by the perpetrators;
- Put 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.

Yours sincerely,

Henri Tiphagne

Honorary National Working Secretary