



Human Rights Defenders Alert - India

National Coordination Office

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The Chairperson
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: covdnhrc@nic.in

Sub: HRD Alert - India - Urgent Appeal for Action – Gujarat: Arrest, intimidation and harassment of 6 land rights defenders of the Tadvi tribe in Kevadia, Narmada District – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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, intimidation and harassment of six defenders of land rights belonging to the Tadvi Tribe in the Kevadia Village of Narmada District in Gujarat.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for the North of India
- Press Release issued by National Alliance of People's Movement (NAPM)
- Mr. Rohit Prajapati of *Paryavaran Suraksha Samiti* (PSS) / Environment Protection Committee based in Baroda, Gujarat.

The Human Rights Defender:

1. Sarojben Sukhrambhai Tadvi along with her two sons, Roshankumar (10 years) and Jathankumar (7 years),

2. Jyotiben Kanchanbhai Tadvi,
3. Savitaben Rameshbhai Tadvi,
4. Champaben Chandra Kantbhai Tadvi,
5. Jyotshnaben Sanjaybhai Tadvi along with her son, Smithkumar (5 years)
6. Sukrambhai Ukad Tadvi

All the afore-said activists to the Tadvi tribe of Gujrat and they have been living for generations in the Kevadia Village in Narmada district. Their settlement falls within an area protected by the Fifth Schedule of the Constitution of India. The government had acquired land in this area for an irrigation canal project i.e., the Sardar Sarovar Project (SSP) in 1963. After a change in the location of the said project, the Government of Gujarat changed its plan and now wants to acquire around 10 hectares of their land for the construction of a three-star hotel known as “*Shreshtha Bharat Bhavan*”, without obtaining the mandatory environmental clearances or following due process of law. It is noteworthy that the tribal villages in this area have been protesting against land acquisition since 1963.

The Perpetrators:

Police personnel from the Tilakavada, Kevadia and Rajpipla Tehsils of Narmada District, Gujarat

Date of Incident:

The 28th of March 2015 at about 10.00 AM

Place of Incident:

Kevadia village of Narmada District in the Western Indian State of Gujarat

Incident detail:

According to the sources, on the 28th of March, 2015 the locals were protesting the construction of the illegal ‘Open Air Prison’ before the presence of police force, officials of the Sardar Sarovar Narmada Nigam Limited and officials of the Larsen and Toubro (L & T) Company that is erecting the Statue of Unity in the Kevadia region. People displaced by the project were demanding that they should be provided land for land, including plots for housing, as per the latest government policy prior to any work commencing for proposed tourism projects. A police team who came from Tilakavada, Kevadia and Rajpipla Tehsils, in collusion with the private contractors started intimidating people in an attempt to illegally evict them from their ancestral land. They arrested six people without informing their families

and took them to an undisclosed location at 11.00 AM in the morning and released after 6.30 PM. They were booked under Section 68 and released under Section 69. It was an illegal detention. It was known later via media sources that they were taken to Tilakwada Police Station.

Background to the incident:

The Kevadia village and its surrounding areas have a long history of land acquisition. In 1963 land in many villages was acquired for the Sardar Sarovar Project (SSP). However the actual location of the Dam was thereafter moved a few kilometres upstream to village Vadgam from its original location Navagam. According to official information obtained under the Right to Information Act, 2005, no compensation has been paid for the acquisition of land in 1963. After a change in the location of the Dam, the local people have remained in possession of the land. In 2005 the government of Gujarat announced the formation of the Kevadia Area Development Authority to launch various infrastructure and tourism projects in this region. Under this authority land of 70 villages in the Kevadia areas was planned to be acquired. But due to stiff opposition and protest from the tribal community the acquisition plan was withdrawn. The Government of Gujarat now wants to acquire around 10 hectares for the construction of a three-star hotel known as “Shreshtha Bharat Bhavan”, under its tourism project without obtaining the mandatory environmental clearances or following due process of law. Tribal families and other villagers around the project areas are routinely terrorised, harassed and prevented from carrying out their work for earning their livelihood. Police and private contractors regularly threaten them and police forces continuously guard those areas. Although the government has orally assured the people land for land, given the past experiences, local tribal families are resisting the attempts of the government.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Narmada

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of intimidation, arrest, illegal detention and harassment of the protestors from Kevadia Village.
- Take immediate action on the perpetrators for the arbitrary arrest, intimidation and harassment made on the human rights defenders by the police personnel and using all provisions of law, ensure that the rights of the protestors are

protected and any charges still pending against them are dropped unconditionally.

- Guarantee in all circumstances the physical and psychological integrity of the protestors, who are still under risk of further attacks from the perpetrators.
- Ensure provision of reparation, compensation, apology to the defenders for the physical and psychological sufferings they underwent because of this arbitrary arrest and detention and provide a re-assurance of not engaging in such acts against HRDs such as the protestors from Kevadia;
- Put an end to all acts of attack and harassment against all human rights defenders like the protestors from Kevadia in the State of Gujarat to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Gujarat to also take necessary steps to establish a state focal point for HRDs in order that HRDs in the have a new protection mechanism in their own state.
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Gujarat to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within the State of Gujarat for the protection of the rights of human rights defenders.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Gujarat in collaboration with the NHRC Focal Point on HRDs and the SHRC Gujarat to provide sensitization training to law

enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Gujarat in collaboration with the and the SHRC Gujarat to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures 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.

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 it.

Henri Tiphagne
Honorary National Working Secretary