



Human Rights Defenders Alert - India

National Coordination Office
6, Vallabai Road, Chokkikulam, Madurai 625 002.
Tamil Nadu, INDIA
Tel: +91-9994368540 Email: hrda.india@gmail.com

April 20th 2015

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 – Uttarakhand: Activists
Munish Kumar and Prabhat Dhyani subjected to murderous assault by mining
mafia – 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 murderous assault made on human rights defenders Munish Kumar and Prabhat Dhyani fighting for the rights of the Buxa Tribe in Ramnagar, Nainital, Uttarakhand on the 31st of March 2015 by people involved in illegal quarrying in the region.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for the North of India
- Media reports

The Human Rights Defender:

The human rights defenders have been defending land and environmental rights and rights of the people belonging to the Buxa Tribe for the last three years. Buxa and Tharu tribes mainly inhabit the Uttarakhand Himalayan Tarai region in Ramnagar,

Bajpur, and Kashipur blocks of the Nainital and Udham Singh Nagar districts. The Buxa tribe is a sub class of the Tharu tribe but is deemed as the lowest class of Tharus. Their ancestral lands in Tarai region have been slowly usurped by settlers coming from outside after partition of the country. They live in very poor social and economic conditions. They are losing their rights over their land and natural resources. Most of their agricultural land has been illegally and forcibly occupied by outsiders. They are ill-treated by the police and local administration.

Mr. Munish Kumar is the editor of a local Hindi fortnightly publication titled '*Nagrik*' (Citizen) which mainly covers the political news. *Nagrik* is printed and published from Ramnagar in Nainital District. *Nagrik* has a web edition called www.enagrik.com. Munish Kumar is also a political activist and works in association with a regional political party.

Mr. Prabhat Dhyani is a Lawyer and a political activist who is associated with the regional party '*Uttarkhand Parivartan Party*'. Prabhat is also the editor of a local Hindi weekly news magazine '*Uttarakhand Prabhat Times*'. He had been active in the struggle for an independent Uttarakhand state.

The Perpetrators:

The illegal quarrying mafia and their henchmen

One of the HRDs, Munish Kumar, identified the following eight assailants from among the 15 persons who attacked them

- Ms. Prito devi
- Mr. Sukhvinder
- Mr. Jassi
- Mr. Munna Singh
- Mr. Debu Singh
- Mr. Sher Singh
- Mr. Huri Singh
- Mr. Bachchan Singh

Date of Incident:

The 31st of March 2015, at about 5.15 PM

Place of Incident:

The Thari Village in Haldua P.O. under Ramnagar Police limits in the Nainital District of the Northern Indian State of Uttarakhand

Incident detail:

According to the sources, on March 24, 2015, a 17 year old girl belonging to the Buxa Tribe was hit by a stone being carried by a dumper truck to the stone crushing site located in Veerpurlachhi Village in Ramnagar town of district Nainital in Uttarakhand. The girl later succumbed to the injury caused by the said incident in the hospital. This incident triggered a village-level protest and villagers dug - up the road to obstruct the movement of dumpers. Dumper trucks are normally used to ferry the illegally mined sand and stones in the area to the stone crusher units. Obstructing their movement causes heavy loss of profits for the sand mafia that continues to operate brazenly in Tarai region of Uttarakhand and do illegal mining of the riverbed. Sand mafia has the patronage of politicians in the region.

On 31 March 2015, villagers along with the HRDs Prabhat Dhyani and Munish Kumar protested against the operation of the stone crushing unit by blocking the road in front of dumpers to stop their movement. Around 300 henchmen hired by Mr. Sohan Singh (owner of Dhillon Stone Crushing Unit) surrounded the entire Veerpurlachhi village with the intent of attacking the protestors. Meanwhile the SDM and area police CO reached the spot and levelled the road with sand and stones.

Later when Prabhat and Munish were returning from the Veerpurlachhi village on a motorbike to Ramnagar town, 15 people stopped them at village Thari and attacked with batons. They have a video recording of the incident on their mobile phones and tablet devices. Prabhat suffered fractures in his hand and thumb and Munish sustained injuries all over his body. When the assailants attempted to take them onto a vehicle and set them on fire, people from nearby shops of the village came to their rescue. Prabhat and Munish were both taken to Haldwani government hospital and admitted there for medical treatment.

Background to the incident:

On the 1st of May 2013 Mr. Sohan Singh, the proprietor of Dhillon stone crushing unit his henchmen who are allegedly involved in illegal quarrying in Ramnagar area of district Nainital attacked the Veerpurlachhi village. The village has around 12 families belonging to Buxa or Bhoksa tribes. Buxas were protesting the movement of dumpers carrying stones and sand through their village road to Dhillon stone crusher located at a corner of their village. The area was facing an ecological problem due to the rising dust created by the operation of stone crushing units in their village. Buxa women demanded that stone crusher owners sprinkle water on the road twice a day to check the problem of flying dust. This infuriated the stone crusher owner Mr. Sohan Singh and his henchmen attacked the villagers. They forcibly entered the houses of tribal Buxas and dragged people out of their houses and brutally beat

them with batons and other weapons. They fired at people and many houses were also burnt. According to sources, 13 Buxa villagers had to run away from the village to save their lives. Sohan Singh was apparently asked to stay away from the place by the police to avoid arrest. After public protest and pressure from civil society groups, a police complaint was filed against Sohan Singh and he was arrested but released just after 20 days. After that Sohan Singh managed to file an FIR (First Information Report) against 13 Buxa tribals on fabricated charges under section 307 with the help of Ramnagar court. But after protests from villagers and other civil society groups, their arrest was stayed by the Uttarakhand High Court. Sohan Singh, being a politically well-connected person managed to get an order for reinvestigation of the 1st May 2013 incident by the state police DIG. In this reinvestigation report it was recorded that Sohan Singh and his son D.P. Singh were not present during the attack on Buxa villagers.

Both Munish Kumar and Prabhat Dhyani challenged the re investigation report in the court and were helping Buxas legally in continuing their fight in the court. According to the law stone crusher unit cannot be installed within the range of 550 meters of any populated area and a river. While the district administration has officially recorded that road and village water canal are built on village land and proposed to conduct a measurement exercise of areas owned by Buxa villagers, it is yet to materialize.

In this case of assault on Munish Kumar and Prabhat Dhyani, initially FIR was filed against unknown persons by the Ramnagar Police but later due to public pressure they named some people identified by the defenders in the FIR. Six people including a woman involved in the murderous attack have been arrested. The purported mastermind of the attack Mr. Sohan Singh is still at large.

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 Nainital

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the murderous assault made on the human rights defenders Mr. Munish Kumar and Mr. Prabhat Dhyani.
- Take immediate action on the perpetrators for the assault made on the human rights defenders by arresting all of them including the mastermind of the attack Mr. Soham Singh and using all provisions of law, ensure that the rights of Mr. Munish Kumar and Mr. Prabhat Dhyani are protected.

- Guarantee in all circumstances the physical and psychological integrity of Mr. Munish Kumar and Mr. Prabhat Dhyani, 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 assault and charges and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Munish Kumar and Mr. Prabhat Dhyani;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Munish Kumar and Mr. Prabhat Dhyani in the State of Uttarakhand 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 Uttarakhand 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 Uttarakhand 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 Uttarakhand for the protection of the rights of human rights defenders.
- Recommend urgently and speedily during the pendency of this complaint the State Government of Uttarakhand in collaboration with the NHRC Focal Point on HRDs and the SHRC Uttarakhand to provide sensitization training to law

enforcement and security forces on the role and activities of humanrights 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 Uttarakhand in collaboration with the and the SHRC Uttarakhand 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,



Henri Tiphagne
Honorary National Working Secretary