



Human Rights Defenders Alert - India

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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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Maharashtra: Assault on HRDs Mr. Bhuskute and Mr. Patil by police for peaceful protest against tribal land acquisition by police – Regarding

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 assault on senior human rights defender Mr. Bhau Bhuskute and Mr. Avinash Harishchandra Patil for staging protests against the illegal acquisition of tribal land by the Maharashtra Police.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for the South of India
- Advocate Rama, HRD Alert - Maharashtra through Ms. Ulka Mahajan, Mr. Avinash Patil and Ms. Kamayani Mahabal of www.kractivist.org
- Letter of concern and statement from National Alliance of People's Movements (NAPM)
- Media reports

The Human Rights Defender:

Bhau Bhuskute, 90 years old, is a senior human rights defender and an expert on land laws and author of many books on the subject. He is also a guide to many people's movements. His late father, Mr. Vinayak Rao Bhuskute was also a defender who fought for the Mulshi Dam displaced, amidst the freedom movement. Bhau Bhuskute is known for principles and working for the interests of Adivasis (Tribal / Indigenous people) and the working class.

Avinash Harischandra Patil is a leader of the Adivasi Punarvasan Andolan (Tribal Rehabilitation Movement)

The Perpetrators:

Maharashtra Police – Mr. Anil Pawar and Mr. Sanjay Sawant, Inspector of Police in particular

The Builder Mafia in Malad East, Mumbai Suburban District

Date of Incident:

10th of April, 2015

Place of Incident:

Kurar Police Station in Malad East, Mumbai Suburban District in the Western Indian State of Maharashtra

Incident detail:

According to the sources, on the 10th of April 2015 a protest was being held peacefully and according to law at the Kurar Police Station under the leadership of Mr. Bhau Bhuskute against the acquisition of land by the builder Mafia at Kokani Pada, Vasti, Malad East under the pretext of being acquired for the Slum Rehabilitation Authority (SRA).

The authorities, specifically the Collector, Prant Officer, Tahsildar and the Police Commissioner had been informed of this protest vide a letter as early as the 7th of April, 2015. It was a peaceful dharna and the only demand of the tribals was that criminal complaint should be against the builder but the police prevented them from carrying on and Police Inspectors Mr. Anil Pawar and Mr. Sanjay Sawant assaulted

Mr. Bhuskute and Mr. Avinash Harishchandra Patil of the Adivasi Punarvasan Andolan.

The Police used force on people who were affected by the said landowners with police asking the men and women to leave police premise where they had assembled to submit a complaint. Few people from the movement under the leadership of Mr. Bhuskute told the police that they would not leave the premise and remained seated in the police station. The irked policemen assaulted them and Bhuskute collapsed on the floor.

In a bid to protect Mr. Bhuskute, the tribals intervened, but the police evicted the tribals by force and closed the gate. A Senior Police Inspector, one Mr. Kathe attempted to stop his junior colleagues but both the perpetrators did not pay attention.

Background to the incident:

Builders are planning an illegal acquisition of land belonging to Adivasis in Kokani Pada, Malad East, in the name of SRA and other means which includes misuse of police power. Land surveys are being used to forcibly evacuate the tribals, the residents of the area for generations. One Mr. Maruti Janu Boye owns five acres and 39 *guntas* (*gunta* is a measure of land and one *gunta* is approximately equal to 2.5 cents) at Survey No 280 at Kokani Pada. The Builders of Omkar Developers are threatening tribals through goons and trying to remove them from their houses. The Adivasi Punarvasan Andolan (Tribal Rehabilitation Movement) is resisting their efforts fighting for the rights of the tribal people.

Avinash Harishchadra Patil of the said movement alleged that police are not taking cognizance of their request to file an FIR (First Information Report) under the SC /ST atrocities Act and are demanding the registration of FIR on behalf of the 250 tribals of the movement.

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 Mumbai Suburban District

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of assault of the activists Mr. Bhau Bhuskute and Mr. Avinash Harishchandra Patil.
- Take immediate action on the perpetrators for the assault on the activists Mr. Bhuskute and Mr. Patil and for refusing to file FIR on the complaint submitted by the Tribal residents of Kokani Pada and using all provisions of law, ensure that the defender is not harassed or assaulted in future.
- Guarantee in all circumstances the physical and psychological integrity of Mr. Bhuskute and Mr. Patil, 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 the assault and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Bhuskute and Mr. Patil;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Bhuskute and Mr. Patil in the State of Maharashtra 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 Maharashtra 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 Maharashtra 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 Maharashtra for the protection of the rights of human rights defenders.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the NHRC Focal Point on HRDs and the SHRC Maharashtra 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 Maharashtra in collaboration with the SHRC Maharashtra 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