



# Human Rights Defenders Alert - India

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*June 30<sup>th</sup>, 2015*

## **Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

ManavAdhikarBhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert – India - Urgent Appeal for Action –Villagers, social activists and women human rights defenders harassed and ill-treated / denied of their rights to freedom of assembly in Tehri Garhwal, Uttarakhand - 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 writing to express our grave concern regarding intimidation, harassment, inhuman and cruel treatment of villagers, social activists and women human rights defenders fighting for their land, livelihood and environmental rights along with their rights to freedom of assembly and of association under the human rights defender organizations Veer Madho Singh Maletha JanJagaranSamiti and Stone Crushers SangarshSamiti in Maletha village, TehriGarhwal, Uttarakhand on 6th June, 2015.

### **Source of Information on the Incident:**

- The Regional Coordinator of HRDA for the North of India
- Mr. Jot Singh Negi of Veer Madho Singh Maletha JanJagaranSamiti, Malethga village, TehriGarhwal,Uttarakhand
- Media reports

### **Status of Human Rights Defenders:**

Veer Madho Singh Maletha Jan Jagaran Samiti, Maletha village, Tehri Garhwal, Uttarakhand was formed in 2014. It is a registered body. The *Samiti* (Committee) is named after the legendary figure of Maletha village Madho Singh Bhandari who was known for his bravery, intelligence and the work he did for the people of Maletha. The Samiti organizes social and cultural activities in the whole of Uttarakhand. Besides undertaking social work, the group also performs dance dramas to showcase the stories of bravery associated with the legendary figure.

Stone Crushers Sangarsh Samiti, Maletha village, Kirtinagar block, Tehri Garhwal, Uttarakhand was formed in August 2014 which is organizing the villagers and leading peoples' movement to protest peacefully against the stone crushers units operating in the region. This *Samiti* mostly represented by village women is headed by Smt. Vimla Negi. Villagers from Maletha are collectively leading a democratic and peaceful struggle against the installation of stone crushing units in their region which are severely impacting the agriculture and environment of the village thereby adversely affecting their sources of livelihood.

### **The Perpetrators:**

District police administration of Tehri Garhwal - Kirtinagar Police Station.

Mr. Abbal Singh Rawat, SHO, Kirtinagar Police Station

Mr. Ram Singh Gusain, Sub Inspector, Kirtinagar Police Station

Mr. Madan Singh, Sub Inspector, Kirtinagar Police Station

### **Incident detail:**

According to the sources, people of Maletha village of Tehri district of Uttarakhand have been collectively and peacefully protesting against the installation of stone crushers in Maletha and adjoining areas to save their homes and earth. On June 6, 2015 at 7.45 PM around 40 policemen led by Kirtinagar police station SHO Mr. Abbal Singh Rawat came to the protest site in Maletha village and beat the protesting villagers mainly women. The police picked up Smt. Hemanti Negi with the intention to force feed her, who was on a fast unto death for last 13 days. Many protesters were injured in police action. The people who suffered injuries include Smt. Nanda Devi, Smt. Vimla Devi, Smt. Sushila Bisht, Smt. Sunita Padiyar, Smt. Seema Bisht and Mr. Samir Raturi. Police have registered criminal cases against at least 200 unknown villagers and 19 people have been named with charges such

as obstructing the official work and stopping the dumper trucks used by stone crusher units. Villagers are not allowed to enter into area within 300 meters of the stone crusher's site.

The Maletha area has 2 proposed and 3 stalled stone crushers. Two stone crushers were set up in Maletha in February 2014. There were plans to set up three more. Their operations created unbearable noise and generate massive amount of dust during operation. In August, another three machines turned up. The villagers began their protests in August 2014 after the state government granted licenses to the crushers to mine in the region. People started holding hunger strikes, staging dharnas, singing songs, shouting slogans and organising demonstrations against the stone crushing companies.

After the protest the district magistrate of Tehri, ordered the stone crushers to stop operations. But the stone crushers approached the Uttarakhand High Court which dismissed the district magistrate's orders. The court ruled that the district magistrate did not have the authority to throw out the stone crushers since the state government had given them permission to operate. The work resumed in December 2014. Finding no alternative the enraged villagers intensified a non-violent and peaceful agitation from 21st December 2014. On 20th January 2015, Smt. Sita Devi, a village lady, sat on a fast unto death and was forcefully evacuated on 11th day of her fast. The same day, Sameer Raturi an activist and convener of Himalaya BachaoAndolan (HBA) started indefinite hunger strike generating wider support base and sympathy from masses. The UttarakhandState Chief Minister Sri Harish Rawat intervened and assured villagers of suspension of three crusher units with immediate effect. After few days the government announced closure of the fourth unit and promised that the fifth crusher in all likelihood will meet the same fate. Despite the recent Commissioner's investigation report of June 2015, which was ordered as a resolution to people's protests, has clearly pointed out that all the stone crushers have broken the regulations, yet there has been no action to stop the functioning of the crushers. Seeing inaction, people are still continuing their protests. On June 29, 2015, 8 women human rights defenders have once again resumed their indefinite hunger strike to protest against the state government inaction on their demands.

**Appeal:**

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the targeting of the human rights defenders and women human rights defenders and using police force to beat and intimidate them for holding a peaceful assembly;

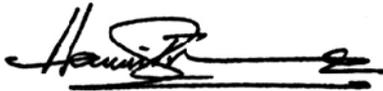
- Take immediate action on the perpetrators for the denial of the freedom of peaceful assembly to all the human rights defenders who participated in the peaceful dharna and protest, especially women human rights defenders from Veer Madho Singh Maletha JanJagaranSamiti and Stone Crushers SangarshSamiti in Maletha village, TehriGarhwaland that their safety is ensured;
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the defenders from the Veer Madho Singh Maletha JanJagaranSamiti and Stone Crushers SangarshSamiti in Maletha village, TehriGarhwaland other participants who are still under risk of further attacks from the perpetrators;
- Ensure provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the harassment and ill - treatment and provide a re-assurance of not engaging in such acts against HRDs such as the defenders from the Veer Madho Singh Maletha JanJagaranSamiti and Stone Crushers SangarshSamitiand the others who participated/intended to participate in the peaceful protest assembly;
- Put an end to all acts of harassment against all human rights defenders in the State of Uttarakhand to ensure that in all circumstances they carry out their activitieswithout 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 take necessary steps to establish a state focal point for HRDs in order that HRDs 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 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 the Universal declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttarakhand.

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