



## 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  
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Dear Sir,

**Sub: HRD Alert – India - Urgent Appeal for Action – Uttar Pradesh: Illegal detention and harassment of social activist Ms. Medha Patkar and others/ violation of rights to freedom of assembly and of association of human rights defender organisations Azadi Bachao Aandolan and others by Uttar Pradesh Police at Allahabad in Uttar Pradesh - Regarding.**

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 Illegal detention and harassment of social activist Ms. Medha Patkar and others and violation of rights to freedom of assembly and of association of human rights defender organizations Azadi Bachao Aandolan and others by Uttar Pradesh Police in Allahabad in Uttar Pradesh. At least 20 social activist and human rights defenders were planning to go Karchhana area in Allahabad district to meet and support villagers who have been illegally detained and being kept in police custody since 9 September 2015 for peacefully protesting against forceful acquisition of heir land for a thermal power plant in the region.

**Source of Information on the Incident:**

- The Regional Coordinator of HRDA for North of India
- Communication with Mr. Krishna Swaroop Anandi of Azadi Bachao Andolan, Allahabad, Uttar Pradesh
- Communication with Mr Avinash Mishra of CITU (CPM) and Insurance Employees Union
- Media Reports

**Status of Human Rights Defenders:**

**Ms. Medha Patkar** is a social activist who has led the struggle for the rights of people affected by the construction of the controversial Sardar Sarovar Project on the Narmada River in Gujarat, India. She is the founder of people's based Narmada Bachao Andolan (Save Narmada Movement) and National Alliance of People's Movements. Medha Patkar is the recipient of numerous awards, including the Goldman Environmental Prize, Amnesty International's Human Rights Defender's Award and the BBC's Green Ribbon Award.

**Azadi Bachao Andolan** is a national movement in India which was established on 5 June 1989 at Allahabad in Uttar Pradesh. The movement is leading a sustained campaign to protect land, Water, forests and mining rights of indigenous people which are adversely affected by the development projects run by the corporate companies. The movement is also fighting for the human rights of the local tribal communities who are forcibly displaced due to ongoing large infrastructural development projects.

**Date of incident:**

26 September 2015

**Place of incident:** Allahabad University, district Allahabad, Uttar Pradesh

**The Perpetrators:**

District police administration of Allahabad district, Uttar Pradesh

CO Ms. Alka Bhatnagar, (Trans – Yamuna Area), Allahabad

CO Mr. Rajesh Singh, (Trans – Yamuna Area), Allahabad

SP Mr. Asutosh Mishra (Trans – Yamuna Area), Allahabad

SP Mr. Ram Pravesh Rai (Trans – Yamuna Area), Allahabad

**Incident detail:**

According to sources on 26 September 2015, at least 20 social activists along with renowned Indian social activist Ms. Medha Patkar were forcefully detained at Swarajya Vidyapeeth in Allahabad and later they were taken to Reserve Police Lines Allahabad. The activists were to travel to Karchhana area of Allahabad district from Swarajya Vidyapeeth to meet and support local farmers and villagers fighting for their land rights and livelihood resources. The social activists belonged to various human rights and trade union organisations including Azaadi Bachao Andolan, Shahri Gareeb Sangharsh Morcha, Akhil Bhartiya Kisan Mazdoor Sabha, CITU (CPM), AITUC and AICTU. The organiser Azaadi Bachao Andolan of Allahabad had earlier informed the District Magistrate about holding this protest meet.

The villagers of Karchhana were detained forcefully since 9 September 2015 for peacefully raising their voice against forceful land acquisition in order to build a thermal power plant in their area. It is to be noted that the villagers of Karchhana have been protesting peacefully for the last two years against the forcible land acquisition for the power plant to be built by Jaypee company, NTPC and UP Power Corporation in their area. The villagers have been demanding from the district administration to release 42 villagers including women, senior citizens and 13 children of the Karchhana area who were beaten up and put behind bars since 9 September 2015. These families are going to be affected by the power plant. The villagers have also been demanding from the district administration to follow Allahabad High Court's order passed in 2013 which ruled that the villagers should get their land as entitled, and the villagers who have received compensation against their acquired land should return the compensation and get their lands back from the district administration.

On the night of 25 September at 8.30 PM, the organisers from Azadi Bachao Andolan who were leading the group of activists along with Ms. Medha Patkar to travel to Karchhana had received a notice from the local police informing them that they are not allowed to leave the premises of Guest House of Allahabad University to proceed for their meeting at Karchhana. Ms. Medha Patkar was staying at university guest house and was invited there to deliver a memorial lecture on occasion of third death anniversary of eminent social activist Shri Banwari Lal Sharma and in support of the ongoing struggle of the local people. The police was deployed around the area at the same time and put Medha Patkar on house arrest. At 11.30 am, Ms. Medha

Patkar and others went walking towards Swarajya Vidyapeeth which is 500 meters away from the Guest House and from there they were to travel to Karchhana area covering the distance of 30 Kms.

The police imposed section 144 fearing violence and the group of 20 activists were not allowed to leave the place. They tried to talk to the police and asked them if they could travel to Karchhana and they will not hold the protest, the police refused to listen to them. The group again tried to pursue the police to give permission for only 4 persons to travel that request was also turned down. The activists decided to hold a dharna (sit –in protest) at Swarajya Vidyapeeth.

At around 12.00 pm all the 20 protesters along with Ms. Medha Patkar were forcefully put into a police van by the police and taken to Reserve Police Lines Allahabad. There were 16 small cars and around 100 police personnel present at the time of incident. Protesters have identified CO Alka Bhatnagar, CO Rajesh Singh, SPRA Asutosh Mishra and SP Ram Pravesh Rai who were present and involved in forceful illegal detention of the protesters. Section 151 of CrPc as preventive detention was imposed on the protesters once they were taken to the Police Station. The case was not officially filed. The protesters had demanded to talk to the District Magistrate, Mr Sanjay Kumar regarding the detention and they were allowed to speak to him, Mr Sanjay Kumar visited them at the police station and assured them of the release of villagers of Karchhana area. At 5.15 pm on 26 September 2015, all the 20 protesters along with Medha Patkar were released. However the police claimed that they never arrested the social activists and no paperwork or formal case was filed by them.

**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 Allahabad District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of the targeting of the human rights defenders Ms. Medha Patkar and other social activists and causing obstructions in holding a peaceful assembly a violation of their right to association and peaceful assembly ;

- Take immediate action on the perpetrators for illegal detention of Ms. Medha Patkar and other social activists and the denial of the freedom of peaceful assembly of all the human rights defenders who intended to participate in the meeting, especially those from the Azadi Bacho Andolan and other organisations mentioned above and that their safety is ensured;
- Guarantee in all circumstances at the cost of the state, the physical and psychological integrity of the defenders Ms. Medha Patkar and other social activists especially those from the Azadi Bacho Andolan and other organizations who face the risk of further attacks from the perpetrators;
- Ensure provision of compensation and apology to each of the defenders for the physical and psychological sufferings they underwent because of the harassment and provide a re-assurance of not engaging in such acts against HRDs such as Ms. Medha Patkar and others from Azadi Bacho Andolan and other organizations;
- Put an end to all acts of harassment against all human rights defenders in the State of Uttar Pradesh to ensure that in all circumstances they carry out their activities as human rights defenders without any hindrances;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law. The UN Special Rapporteur on the right to Peaceful Assembly and Association, Mr. Maina Kiai has, in his several reports to the United Nations Human Rights Council and the General Assembly in the past few years emphasized the right to peaceful assembly;
- 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 Uttar Pradesh to also 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 Uttar Pradesh to convene a meeting 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 Uttar Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the SHRC Uttar Pradesh 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 Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary