



Human Rights Defenders Alert – India

National Coordination Office

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National Human Rights Commission

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Sub: HRD Alert - India - Appeal for Action – Maharashtra: False Cases filed against Adivasi students who were seeking basic services in tribal hostel located in Panvel, Mumbai, Maharashtra who were engaged in a peaceful protest- 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 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 intimidation and harassment of Adivasi students by police of Pen Police Station, Maharashtra, by implicating them in false cases. The students were demanding basic facilities in their hostels. To mark their peaceful protest against the negligence on the part of authorities they went on an indefinite hunger strike in Panvel, Mumbai, and Maharashtra.

Source of Information on the Incident:

- Reports from Media
- The Regional Coordinator of HRDA for South of India

Status of the Human Rights Defenders:

The human rights defenders are tribal students living in Tribal Hostel located in

Panvel, Mumbai, and Maharashtra. They were carrying a peaceful struggle to demand their right to have adequate services in their hostel such as clean drinking water, library facilities, regular medical checkups, availability of computers and other facilities. The tribal students were seeking the rights to live with dignity including their fundamental right to seeking redress, associate and assemble.

The Perpetrators:

1. Tribal Development Officer Mr.Ranjana Dabhade
2. Police of Pen Police Station, Mumbai, Maharashtra

Date of Incident:

August, September 2015

Incident detail:

According to sources and media reports the conditions of Government Tribal Hostel in Panvel, Mumbai Maharashtra are very pathetic. There are two tribal hostels in Panvel, one for boys with a good building and the other for girls in Sukarpur where they were staying in five rented rooms in a chawl. In 2010, a new building was rented for the tribal hostel by the department in Kolavde which has a capacity for accommodating 500 students which was occupied from 2012; however it was very difficult to access since there is no public transport except for auto service which would stop by 7 PM making it difficult to commute. When there is a health emergency or any other difficult situation, it's very difficult to access and there is no vehicle for the tribal hostel. Students were also facing many issues like no proper food, and other facilities to live properly. Students gave several written complaints and placed their demands regularly, but the warden and other officials didn't pay much attention to that which worsened the life of the students.

On 1ST April, the owner of Kolavde hostel put up a notice asking the students to vacate, as it was April fool's Day they thought it was done to fool them but after they came to know that, the rent was due for more than a year and they had to vacate the hostel. It became impossible for students to live in Panvel and continued giving complaints and petitions to the warden and other higher officials highlighting the problems and issues. A Student delegation met the Minister, Commissioner and Additional Tribal Commissioner for Tribals and got assurances and consolations but the demands were not met.

On August 21, 2015 around 309 students of both hostels decided to meet the Tribal Development Project Officer in Pen to raise several issues such as location, cramped and overcrowding, poor quality food, No proper drinking water, basic amenities as mentioned in government resolutions of November 2011, April 2013 and June 2013. Further they raised issues pertaining to the girls hostel in Sukarpur which is a one room for 5 students but occupied by 25 with a single bath room, Female wardens maltreatment of girls, not given traveling allowances, diet rules not followed, even after many months of admission uniforms, books and other stationaries not disbursed, no proper clean drinking water, regular medical check-ups, no computer facilities in spite of allocated funds, not allowed to have their own cultural programs, not taken for outing, no facility for training for competitive examinations and physical trainings and no staff available to attend to urgent problems and issues of the students.

While they could not meet the local Tribal Development Officer Mr.Ranjana Dabhade who was absent on the day, the next day he lodged a complaint against these students in Pen Police station to suppress them from raising their demands. Based on this fabricated complaint the police lodged FIR against 9 students namely Sunil Totavar, Vikas Nadekar, Sachin Dinade, Gurunath Sahare, Ajay Thumda, Vinod Budhhas, Rahul Chadar, Damu Mande and Yogesh Kade accusing that they tried to break computers in the office and creating problems at the office attracting Sections 341, 141,147,149 and 506 IPC .

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 Panvel District

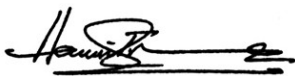
- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of filing false cases against the students who were seeking basic amenities and services in the hostel;
- Take immediate action on the perpetrators in this case, Tribal Development Officer, Mr. Ranjana Dabhade and the Police of Pen police station for harassing the students by filing false cases against them and

using all provisions of law to ensure that false cases against the students are immediately withdrawn and they are not harassed, ill treated and falsely implicated by the police in future;

- Order immediate appointment of a competent senior lawyer from the state of Maharashtra to defend the student HRDs in all the criminal cases registered against them at State cost with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals as determined by the Hon'ble Commission on the development in these cases;
- Ensure provision of reparation, compensation, apology to the student defenders for the psychological sufferings they have undergone because of the intimidation, harassment and false cases filed against them;
- Put an end to all acts of attack harassment, fabricated cases and incidents of killing against all human rights defenders in the State of Maharashtra and 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 to ensure that HRDs 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 meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc.] to ensure that a coordinated 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 the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Maharashtra.

Looking forward to your immediate action in this regard, Yours sincerely,



(Henri Tiphagne)
Honorary National Working Secretary