



## Human Rights Defenders Alert - India

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**April 18, 2016.**

To,

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

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**Update on cases 685/13/23/2016, 788/13/23/2016 & 680/13/23/2016**

***Sub: HRD Alert - India - Urgent Appeal for Action– Maharashtra: Activist and woman human rights defender, Ms. Triupti Desai leader of Pune based “Ranragini Bhumata Brigade” ill-treated and physically assaulted along with other women activists by the members of Hindu right wing groups for entering into the sanctum sanctorum of Shri Mahalakshmi temple in Kolhapur district of Maharashtra defying the “dress code” prescribed by police and priests on 13 April, 2016 – 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 writing to express our grave concern regarding the ill-treatment and physical assault on activist and women human rights defender Ms. Triupti Desai, leader of Pune

based women's right group, "Ranragini Bhumata Brigade" along with other women activists by the right wing Hindu groups while they went into the sacred platform of Shri Mahalakshmi temple in Kolhapur district of Maharashtra to worship the deity defying the "dress code" prescribed by police and priests. Advised by the police to wear a sari inside 'girbh griha' of the temple, Ms. Triupti Desai entered the inner sanctum sanctorum in a salwar kameez.

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

The Regional Coordinator of HRDA for West of India

Reports from Media

#### **Status of the Human Rights Defender:**

Ms. Trupti Desai is the leader of 'Ranragini Bhumata Brigade' which is a group of women rights activists based in Pune, Maharashtra. The women group is protesting against the alleged gender bias and discrimination followed by the temples like Shani Shingnapur and Mahalakshmi temples in Maharashtra which do not allow women to enter into the temple to pray in the sanctum sanctorum. The women group wants to end the 400-year-old tradition which bans women devotees from worshipping. Earlier the women activists group was denied their right to offer worship at the 'chauthara' (sacred platform) of Lord Shani temple known as Shani Shingnapur temple in Ahmednagar district of Maharashtra which is traditionally barred for women. The "Ranragini Bhumata Brigade" under Ms. Trupti Desai is spearheading the campaign against the traditional ban on the entry of women inside temples in Maharashtra and other places. They are demanding that the temple trust should allow women inside the core area of the temple. The brigade is determined to do away with the gender barrier and age-old patriarchal tradition, using democratic means to achieve its goal. On 9th April 2016 women for the first time, could offer their prayers at the inner sanctum sanctorum of the Shani Shingnapur temple in Ahmednagar, Maharashtra after a Bombay High Court ruling on April 1, 2016 which upheld the women's fundamental right to go into places of worship and held the government responsible for protecting the right.

**The Perpetrators:**

The Police of Kolhapur Police Station, Maharashtra

Right wing Hindu groups like the Sanatan Sanstha, Bajarang Dal and Shiv Sena

Authorities and priests of Shri Mahalakshmi temple Kolhapur, Maharashtra

**Date of Incident:**

13<sup>th</sup> April 2016

**Details of the Incident:**

According to sources on 13<sup>th</sup> April, 2016, Ms. Trupti Desai along with other women activists from Pune-based women's rights group, Ranragini Bhumata Brigade entered Shri Mahalakshmi Temple in Kolhapur, Maharashtra where entry for women was prohibited until the Bombay High Court ruling on 1<sup>st</sup> April, 2016. Ms. Trupti Desai along with other women activists were attacked in the presence of police by a mob of right wing groups gathered at the temple. A fight started between Ms. Trupti Desai and the local women after the activist challenged the "dress code" prescribed by police and priests. Notwithstanding the "advice" given by the police to wear sari inside 'girbh griha' of the temple, the woman activists entered the inner sanctum in salwar kameez though some priests and devotees tried to block their way. Mob attacked the women activists and they were abused by the priest. It was reported that the attackers said "don't let Trupti Desai get out alive".

Earlier on the same day Ms Triupti Desai and other women activists had organised the 'Vijay' rally in the afternoon to mark the "victory" for the cause of women who were recently allowed to enter the inner sanctum of the temple in a major departure from the long-standing tradition. The event was being organised after the Bombay High Court allowed women's entry into the temple. On April 1, 2016 the Mumbai high court ruled that women had a fundamental right to enter the places of worship and the state was obliged to uphold the ruling. The court was responding to a PIL claiming that barring women is arbitrary, illegal and in violation to the fundamental rights of a citizen that the Constitution bestows. The district administration had imposed Section 144.

The police did not allow them to move forward in a procession and Ms. Triupti Desai and others were taken into preventive custody for maintaining law and order. Later the police allowed Ms. Triupti Desai and other women to go individually to the temple in a peaceful manner. The police had asked her to follow the dress code but she refused to wear a sari while entering Shri Mahalakshmi temple's sanctum sanctorum. According to the women activists, there is no such law that forces one to wear a particular dress before entering a temple. The Police action is in a clear violation of court's direction and it is a matter of contempt of the Bombay High Court's order.

### **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, District Collector and District Magistrate of Kolhapur district:-

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of ill-treatment and physical assault on woman human rights defender Ms. Trupti Desai and other activists of 'Ranragini Bhumata Brigade' by the members of Hindu right wing groups;
- Take immediate action on the perpetrators, in this case Hindu right wing groups for attacking the defender and the Kolhapur district police for failing to give protection and helped facilitate the entry into the temple to woman human rights defender Ms. Trupti Desai along with other women activists of 'Ranragini Bhumata Brigade';
- Guarantee in all circumstances the physical and psychological integrity of the Ms. Trupti Desai and all other women activists of 'Ranragini Bhumata Brigade' from further reprisals from the perpetrators and using all provisions of law to ensure that the defenders are not harassed, ill-treated or intimidated in future;
- Ensure provision of reparation, compensation, apology to the women human rights defenders for the psychological sufferings they have undergone because of the police action, ill-treatment and assault on Ms. Trupti Desai and other women activists of 'Ranragini Bhumata Brigade' and provide a re-assurance of not engaging in such acts against WHRDs;

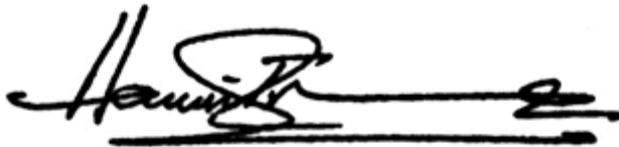
- Put an end to all acts of attack, harassment and arrest of all women human rights defenders like Ms. Trupti Desai and other women activists of 'Ranragini Bhumata Brigade' in the State of Maharashtra and ensure that in all circumstances they carry out their activities as women defenders of human rights 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, 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,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line drawn underneath it.

**(Henri Tiphagne)**

National Working Secretary

**Copies to:**

**Shri A. K. Parashar**

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