



Human Rights Defenders Alert – India

National Coordination Office

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12th May, 2016

To

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

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Jharkhand: Tribal environmental rights activist, author and human rights defender, Mr. Gladson Dungdung was illegally offloaded by Indian immigration authority on April 9, 2016 from the Air India flight AI 115 from Delhi to London. He was to travel to London where he was reportedly going to attend a workshop on Environmental History and Politics of South Asia to be held in the University of Sussex on May 10, 2016 – 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 writing to express our grave concern regarding the tribal environmental rights activist, author and human rights defender, Mr. Gladson Dungdung who was illegally prevented from boarding an early morning Air India flight AI 115 to London on April 9, 2016 at IGI Airport Delhi. Mr. Gladson Dungdung was to travel to London where he was reportedly going to attend a workshop on environmental history and politics of South Asia, to be held at the University of Sussex on May 10, 2016. The defender, also an adivasi author, has been targeted for his work on adivasis, ownership rights

over the natural resources, adivasi identity, human rights, ecology and against unjust development processes.

Source of Information on the Incident:

- Media Reports

Status of the Human Rights Defender:

Mr. Gladson Dungdung is an adivasi and environmental rights activist from Jharkhand based in Ranchi. He is general secretary of Jharkhand Human Rights movement, an NGO. He has been working for the Indigenous people's right from the last 20 years. He believes in retaining and increasing the forest cover for the adivasi population as well as for the betterment of the world. He initiated a forum in the state of Jharkhand which is known as 'Jharkhand Indigenous People's Forum'. Mr. Dungdung is the author of seven books, five in Hindi and two in English. He has written columns in various magazines and newspapers on the indigenous people's rights His recent publication is "Mission Saranda: A War for Natural Resources in India" which addresses the contemporary issues of mining and communities in Eastern India. It documents the struggles and the human rights violations in Saranda Forest which is one of the most extensive surviving Sal forests in Asia, a centre of bio-diversity and a repository of India's rich Adivasi cultural heritage. He came into prominence in the year 2011 when Jharkhand police and paramilitary forces launched Operation Anaconda within the state's Saranda forests to flush out CPI (Maoist) members. He was one of the leaders of an agitation in Nagri, a tribal village 15 km north of Ranchi where people were protesting against the government acquisition of 227 acres of the paddy farmers' land to build multiple educational institutions.

The Perpetrators:

Immigration authorities at Indira Gandhi International Airport New Delhi

Date of Incident:

May 9, 2016

Place of Incident:

Indira Gandhi International Airport, New Delhi

Details of the Incident:

According to sources, on May 9, 2016 Mr. Gladson Dungdung was to travel to London by Air India flight where was scheduled to take part in a workshop at the University of Sussex on environmental history and politics of south Asia on May 10, 2016. He reached Indira Gandhi International Airport, New Delhi at about 4 AM in the morning on May 9, 2016. After getting his boarding pass he went to the immigration desk. The immigration official asked him whether he was a student. He replied that he is a human rights activist and they asked him to wait. As soon as the immigration officer heard that he worked in the human rights field, he walked away to talk to his superiors. The defender was made to wait at the immigration office for an hour without explaining anything. When the official came back, he called the Air India staff asking them to offload his luggage since the system apparently showed his passport had an 'impounded' status. The immigration officer informed him that they were retaining his passport saying he was in wrongful possession of it. Mr. Gladson Dungdung was subsequently not allowed to board the flight and had to return to his home in Ranchi. According to sources, Mr. Gladson Dungdung was informed by the immigration officials that his passport had been impounded in 2013, therefore, they would send it back to RTO, Ranchi for verification. It needs to be mentioned here that his passport was returned to him after verification in 2014, following which he even travelled to Denmark and London to attend international conferences in the last two years.

Mr. Gladson Dungdung claimed that the reason behind the offloading was his 2015 book "Mission Saranda: A War for Natural Resources in India", which questioned the government's stated intention of development while allegedly harming tribal heritage and endangering the area's fragile ecosystem.

We would like to insist that according to the Indian Constitution every Indian citizen has the fundamental right to peaceful assembly under Art 19 and right to free speech and expression under Art. 19(1) (a) of the Constitution. Mr. Gladson Dungdung, an adivasi author and outspoken critic was travelling to exercise his fundamental right of free speech and expression to inform people, including students, decision and policy makers to highlight the negative impacts of development projects on tribal population which is well within his freedom. The Supreme Court of India in `Maneka Gandhi vs

Union of India' (1978) held that the freedom of speech guaranteed under Art. 19(1) (a) is exercisable not only in India but also outside and if State action sets up barriers to its citizen's freedom of expression in any country in the world it would violate Art. 19(1) (a) as much as if it inhibited such expression within India itself.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of violation of the right to liberty of movement and freedom of association; harassment, or intimidation against tribal rights activist and human rights defender Mr. Gladson Dungdung by the immigration officials at the IGI Airport, New Delhi as he is targeted solely for his human rights activities;
- Ensures that the Government of India immediately returns his passport at the earliest and revokes its decision to restrict foreign travel of human rights defender Mr. Gladson Dungdung thereby enabling him to travel abroad if all his travel papers are in order;
- Take immediate and appropriate action against those who are responsible for the harassment of human rights defender Mr. Gladson Dungdung and using all provisions of law to ensure that the defender is not harassed in any way in future and provide a re-assurance of not engaging in such acts against HRDs;
- Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and denial of his right to liberty of movement and freedom of association and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Gladson Dungdung who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of attack and harassment of all human rights defenders like Mr. Gladson Dungdung in the country to ensure that in all circumstances

they carry out their activities as defenders of human rights without any hindrances;

- Takes steps to ensure that the Government of India stops hounding and targeting rights activists with coercion and intimidation and instead creates a conducive, non-adversarial, intimidation-free environment enabling people to share, discuss and debate in a democratic spirit crucial issues of development projects and programmes;
- 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 6 (c) which states that “everyone has the right, individually and in association with others to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”
 - 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”;
- 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.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary