



## **Human Rights Defenders Alert - India**

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**June 29, 2016**

**To,**

**Shri Srinivasa Kammath**

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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***Sub: HRD Alert - India - Appeal for Action – Assam: Brutal assault and arrest of social activists and human rights defenders of ‘Krishak Mukti Sangram Samiti’ (KMSS), Guwahati including women and elderly person by Assam Police and CRPF at the Hotel Radisson Blue in national highway 37, bypass, Guwahati, Assam / denial of their rights to assemble freely and 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 writing to express our grave concern over the brutal lath charge and arrest of social activists and human rights defenders of ‘Krishak Mukti Sangram Samiti’ (KMSS) by Assam police and CRPF on June 25, 2016. The defenders were targeted when they were protesting against the Central Government’s decision to auction 12 oil fields of Assam to private parties including foreign investors. At the time of the lathi charge on social activists at the compound of Guwahati Radisson Blue hotel, Guwahati Union Minister of State (Independent Charge) of Petroleum and Natural Gas Dharmendra Pradhan, State Industry and Commerce Minister Chandra Mohan Patowary, State

Chief Secretary VK Pipersenia were having an interactive meeting with the senior officials from oil sector PSUs and prospective investors in one of the rooms of the hotel.

**Source of Information on the Incident:**

The Coordinator of HRDA for the North East of India  
Media Reports

**The Perpetrators:**

Assam police and CRPF

**Date of Incident:**

June 25, 2016

**Place of Incident:**

Hotel Radisson Blue, National Highway 37, Bypass, Guwahati, Assam

**Details of the Incident:**

According to sources on June 25, 2016, at around 11 AM, more than 200 activists of 'Krishak Mukti Sangram Samiti', Guwahati were holding a peaceful protest at the compound of hotel Radisson Blue, Guwahati against Central Government's decision to auction 12 oil fields of Assam to private parties including foreign investors. At that time of protest Union Minister of State (Independent Charge) of Petroleum and Natural Gas, Mr. Dharmendra Pradhan, State Industry and Commerce Minister, Mr. Chandra Mohan Patowary, State Chief Secretary, Mr. VK Pipersenia were having an interactive meeting with the senior officials from oil sector PSUs and prospective investors in one of the rooms of the hotel. KMSS activists were demanding to handover their memorandum to the Union Minister and refused to give it to any other officials. The Police and CRPF personnel tried to remove the protesters forcibly, but the protesters

resisted. Then police and CRPF started beating the protesters indiscriminately with lathis (batons). Around 20 activists including women and elderly person sustained severe injuries in the police action. The police arrested 14 activists which included Chief Advisor Akhil Gogoi, Joint secretary Anil Boro, President of women wing-Nari Mukti Sangram Samiti, Bimola Gogoi, General Secretary of student wing-Satra Mukti Sangram Samiti, Bidyut Saikia and their secretary of Guwahati branch Deben Sharma. They protesters were then taken to Bashistha Police Station and released later at around 7 PM.

### **Background Information**

The Government of India decided to put 12 small oilfields of the state for auction along with 55 other such discoveries across the country. All these 67 oilfields discovered in the past are under the control of Oil India and ONGC. As these are small oilfields, these were not so financially viable. Now government is targeting to garner Rs. 30,000 crore from the auction of these 67 blocks. According to the estimates of the Union Ministry, 67 oilfields have 86 MMT reserves to the tune of Rs. 70,000 crore and 12 oilfields located in Assam are estimated to have reserves of 21 MMT worth Rs. 17,000 crore. The ministry claimed that to develop these fields, government needs Rs. 4,000 crore and after handing over the oilfields to the bidders, this amount will be invested in Assam. The bidding process is to start from July 15, 2016 and it will be over by the end of December. Leasing of the fields to winners will begin from January 2017. The officials from Jubilant, HOEC, GEECL, GeoEnpro, Nippon Power, Eagle Offshore, Jaybee Energy, SKG Global, Cheval Developers, KEI-RSOS, PFH Capital Advisors, Nityam Resources, Siddharth Enterprises, ONGC, OIL, BPCL, BRPL, NRL, AIDC and ICC were present in the meeting at Guwahati. The decision for auctioning the oil fields to private parties including foreign investors was taken by the central government unilaterally without consulting the people of the state.

### ***Appeal:***

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

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal assault and arrest of

the social activists and human rights defenders of 'Krishak Mukti Sangram Samiti' (KMSS), Guwahati by police and the CRPF personnel and denying them their rights to free assembly and protest;

- Takes immediate legal action on the perpetrators, in this case security personal of Assam police and the CRPF personnel, for the brutal assault, arrest and denial of the right to assemble and associate freely and protest of the social activists and human rights defenders of KMSS, Guwahati who participated in the peaceful assembly and protest and using all provisions of law to ensure that the defenders are not attacked and implicated in false cases in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantees in all circumstances at the cost of the state, the physical and psychological integrity of the defenders from the KMSS, Guwahati who are still under risk of further attacks from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensures 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 KMSS, Guwahati;
- Puts an end to all acts of harassment against all human rights defenders in general in the state of Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Guarantees under all circumstances the constitutional right provided under Article 19 (1) (b) of the Constitution of India which accords all citizens the right to assemble peaceably and without arms;
- Takes steps to ensure the provisions contained in the Code of Conduct for Police in India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods

of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms;

- 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”;
- Recommends urgently and speedily during the pendency of this complaint, the SHRC in Assam to also take necessary steps to establish a focal point for HRDs in Assam in order to ensure that HRDs have a new protection mechanism for them;
- Recommends 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 Assam for the protection of the rights of human rights defenders;
- Recommends urgently and speedily during the pendency of this complaint, the

Government of Assam in collaboration with the NHRC Focal Point on HRDs 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;

- Recommends urgently and speedily during the pendency of this complaint, the Government of Assam 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 Assam.

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)**

National Working Secretary

**Copies to:**

**Justice (Retd.) H L Dattu**

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