



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 29, 2019

To

Mr. Khaleel Ahmed,
National Focal Point - Human Rights Defenders & Deputy 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 - Appeal for Action against – Forced eviction and arbitrary firing against indigenous persons in Madhya 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 forced eviction and illegal firing on the Barela Adivasis of Siwal village in Burhanpur Dist, Madhya Pradesh.

Human Rights Defender:

1. Mr. Gokhriya Badole
2. Mr. Bhurala Achale
3. Mr. Rakesh Achale
4. Mr. Vakil

All of them are from Siwal village and members of Jagrit Adivasi Dalit Sangathan which is working in Madhya Pradesh for the protection of Adivasi rights.

Source of Information on the Incident:

- Regional Coordinator HRDA
- Information from social activists from the state
- Media publications

Perpetrators:

- Rajesh Kaul, Burhanpur District Collector
- Ajay Singh Superintendent of Police, Burhanpur District
- Rajesh Randhava, Forest Ranger Burhanpur District
- Sudhanshu Yadav, District Forest Officer, Burhanpur
- Bhupesh Kumar Sukla , Forest Department
- SR Sanger, ASDPO, Forest Department
- Sundarlal Thakur, Tahasildar
- Prabina Bano Ansari, Naib Tahasildar
- Deepa Dodbe, Deputy Superintendent of Police

Date of Incident:

July 10, 2019.

Details of the Incident:

On July 9, 2019, a team comprising of the local police, revenue officials and forest officials of Burhanpur district of Madhya Pradesh arrived at Sivil village for eviction move. They destroyed the harvest of 60 hectares of forest land by a JCB machine, where the Adivasis had cultivated paddies and other harvests. The Barela Adivasis live in the village, whose livelihood is based on the agriculture and forest produces. They have occupied the forest land and have been cultivating the land for years. They have also applied for entitlements of the land under the Forest Rights Act 2006. They have submitted the proof of their occupancy with their claim forms but their claims are still in pending. The eviction team, however, without considering their pending claims, destroyed the harvest and dug pits on the land for establishing fencing pillars. When, the Adivasis saw the eviction move, they protested against it and in retaliation, the team opened fire on them and as a result, four villagers were severely injured.

The villagers claim that the forest ranger, Mr. Rajesh Randhava opened fire on them and Mr. Shukla, the SDO was leading the eviction team. After the police firing, the eviction team left the village. The villagers went to the local police station for filing FIR against the eviction team but after a long struggle an FIR was filed against unnamed perpetrators and since the villagers knew some of the officers by name they recorded it in the FIR.

The eviction team also filed a counter FIR against 26 villagers under Sections 353, 147, 148, 149, 332 and 472 of the Indian Penal Code alleging them of rioting, attacking and not allowing the government officials to perform their duties.

The act of the eviction team is a gross violation of the section 4(5) of the Forest Rights Act 2006, which categorially states that no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete. It is also the violation of Article 21 of the Indian Constitution, which guarantees the right to life with dignity to everyone.

In the present case, pending the applications for entitlements of the land under the Forest Rights Act 2006 of the vulnerable adivasis and forest dwellers, the action of the state forces mowing down 60 hectares of forest produce without any proper notice or following the process of natural justice tantamount to arbitrariness and harassment of the adivasis and forest dwellers to incite public disorder. More so, filing of counter cases with the charges of rioting and attacking government officials is just a move not only to intimidate, harass and repress human rights defenders advocating for the rights of the minorities but also to discourage defenders protecting land and forest rights of indigenous communities from the corporate cronies of the ruling communities. In this backdrop once again it is safe to assume that an effort is being to malign people's movements by clubbing all genuine protests as orchestrated by naxals and Maoists.

The action of the state forces violates right to freedom of assembly and association which is guaranteed by the Indian Constitution and international human rights law. Slapping of false charges against the said human rights defenders are part of a pattern of harassment and repression of human rights work in India and is in a bid to break the spirit of the protestors.

Appeal:

We, therefore urge your good office to immediately take necessary steps to ensure that;

- Order an immediate high-level inquiry into the case of illegal forced eviction and police firing;
- Ensure adequate protection to the Human rights defenders, adivasi leaders and villagers who apprehends further chance of threat by the perpetrators;
- Cases under IPC 307 be registered against Burhanpur DFO, Sudhanshu Yadav; SDO (Forest) Neapanagar, Bhupendra Shukla and Forest Ranger Rajesh Randhawe and cases against the DFO and SDO be registered under the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989;
- The counter FIR against the 26 Adivasi person be quashed immediately;

- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings both are undergoing because of the threats, intimidation and harassment and give an assurance to the NHRC of India in writing immediately and urgently.
- Put an end to all acts of attack and harassment of human rights defenders in the State of Madhya Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- 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 Madhya Pradesh.

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)

Honorary National Working Secretary