



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 18, 2018

Ref: - HRDA/West/GJ/4/5/2018

To

Mr. 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

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert – India – Urgent Appeal for Action – Gujarat: Intimidation, harassment, illegal and arbitrary detention of farmer leaders, elected representatives, environment activists and farmers and denial of their right to participate in the public hearing by Surat Police in Gujarat - 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 intimidation, harassment, and illegal and arbitrary detention of farmer leaders, elected representatives, environment activists and farmers and on the denial of their right to participate in a public hearing by Surat Police.

Source of Information on the Incident:

- Communication with the HRDs who were detained by the police
- Communication from other HRDs in the region
- Regional Coordinator of HRDA

Status of the Human Rights Defenders:

1. Mr. Darshan Nayak is a lawyer, a Member of Surat District Panchayat and Director of Sayan Sugar Co-operative Society. He was also the District President of Surat of Indian National Congress.

2. Mr. Jayesh N. Patel is the President of South Gujarat Khedut Samaj and the Director of Surat Milk Cooperative (SUMUL). He is the President of Delad Village Milk Cooperative Society and is actively involved with farmers and milk cooperative societies for the past 20 years.
3. Mr. Ramesh I. Patel is the President of Olpad Taluka Khedut Samaj and is a farmer leader.
4. Mr. Krishnakant Chauhan is an activist and is associated with Paryavaran Suraksha Samiti (PSS). PSS focuses on the impact of industrial pollution in Gujarat and is actively involved towards pollution control monitoring, research and policy formulation. Members of PSS have been part of various committees constituted by the Supreme Court to monitor pollution. There are several path-breaking judgements by the Hon'ble Supreme Court of India in matters filed by PSS.
5. Mr. Naresh Virani is the President of Amreli Jilla Khedut Samaj and is a farmer leader.
6. Others including Anant Dhansukhbhai Patel, Sarpanch, Kosmada Village, Tal-Kamrej, Surat; Jasvantbhai Dayabhai Patel, President, Olpad Taluka Congress and; Surendrasinh Narsinh Chauhan, Farmer, Kimamli, Tal-Olpad, Surat.

The Perpetrators:

- Surat City Police personnel

Date of Incident:

- May 14, 2018

Background:

The Mumbai – Ahmedabad High Speed Rail (Bullet Train) project is being proposed with financial aid from Japan through its agency Japan International Cooperation Agency (JICA). It is said that the Indian government has exempted the project from environment and social impact studies. However, the JICA finance mandates that social and environment impact be carried out to ascertain minimum impact due to the project. There are guidelines provided by JICA to undertake the social and

environment impact studies and it also provides that transparency be maintained by taking the stakeholders into confidence and holding consultations for the same.

There is a discontent brewing among the affected farmers and populace as there is not much information shared with them by the project authorities about the impact and likely displacement.

Incident Details:

On May 14, 2018, the environment consultation for the Bullet Train project was announced by National HighSpeed Rail Corporation Limited (NHSRCL), a special purpose company registered under the Companies Act with the ownership of Government of India through the Ministry of Railways. The consultation was organised by Arcadis, a company from Netherland holding the contract to undertake surveys. The said consultation was to be held at 3 PM at Gandhi Smruti Hall, Nanpura, Surat. For the public hearing invitations were sent to elected representatives of local bodies and also through newspaper advertisement to the general public to participate and raise their queries.

There was unprecedented police deployment at the entrance and inside of the Gandhi Smruti Hall, around 150 police personnel were present. People who came to attend the consultation were frisked and thoroughly checked at the entrance itself. Even their hand-kerchiefs were checked for the colour, to ensure that only people supporting the project get access to the consultation. An atmosphere of fear and intimidation was created by the police to intimidate the farmers and deter them from representing themselves and facts in a fair manner.

Before the start of the consultation, Mr. Darshan Nayak, Member of the Surat District Panchayat and Director of Sayan Sugar Co-operative Society who was in conversation with the designated land acquisition officer was taken into custody by police personnel. The farmers and activists demanded to know his whereabouts. The police then detained other farmer leaders and environment activists who demanded the whereabouts of Mr. Darshan Nayak who was detained by the police. The farmers and leaders were forcefully taken away from the venue and were illegally detained by the police for more than two hours, thus, preventing them from participating in the public hearing and to raise and share their legitimate concerns and issues.

Appeal:

HRDA strongly condemns this act of the district administration and the police to obstruct people from participating in the public hearing. Detention of HRDs with the objective of refraining them from participating in the public hearing is deliberately done to further sideline people's concerns because of the Bullet Train project.

HRDA would like to recall NHRC's commitment to protect human rights in such situations under the Edinburgh Declaration of 2010 on 'the role of national human rights institutions (NHRIs) in addressing Business and Human Rights'. Point 11 of the Declaration emphasise the important role NHRIs can play in addressing corporate-related human rights challenges. NHRC should abide by section C of the Declaration titled as 'Complaints Handling' and refer to clause ii 'handling complaints related to corporate human rights abuse using their quasi-judicial powers,....'

We, therefore urge you to immediately take necessary steps and :-

- Order an immediate, independent, thorough, transparent, effective and impartial investigation through NHRC's investigation wing into the above mentioned incident of illegal detention and barring HRDs to participate in the public hearing in Surat;
- Based on the independent investigation, where statements of all concerned HRDs as mentioned in the appeal are recorded, initiate actions against the perpetrators including the corporations National High Speed Rail Corporation Limited and Arcadis;
- Exercise Section B titled 'Monitoring' of the Edinburgh Declaration and as mentioned in clauses i and ii, monitor and document violations of human rights by corporations operating or registered under the domestic jurisdiction and; examine the conditions of access to justice for all, including through conducting public enquiries, with particular reference to indigent, vulnerable and marginalised groups, affected by the business corporations and the private sector.
- NHRC should ensure that a team of independent representatives is sent for every public hearing event organised under the Bullet Train project and ensure that the public hearings are conducted in a fair manner and all the stakeholders are allowed to represent their views without any intimidation or harassment by

the police and other authorities. The team should monitor whether there is any denial of rights to freedom of speech, expression, assembly and association of the stakeholders including farmers and residents of the proposed project area and should report independently to the NHRC and the report should be available in the public domain.

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



Henri Tiphagne
National Working Secretary

Copies to:

Mr. Michel Forst

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