



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 24, 2019

To

Mr. Khaleel Ahmad

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 – New Delhi – Harassment and intimidation of Delhi based civil society organisation “Paramarathi -EkPrayatanwith false charges levelled by the South Delhi Municipal Corporation in New Delhi– 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 writing to express our grave concern regarding frivolous charges levelled against Delhi based civil society organisation “Paramarathi -EkPrayatan” which has been working for the protection and preservation of hygienic conditions of Dwarka sub city in New Delhi. “Paramarathi” carries out sanitation and beautification work daily in the streets and pavements of Dwarka in New Delhi. The organisation has been issued a challan by South Delhi Municipal Corporation under sections 357, 139 and 461 of the Delhi Municipal Corporation Act, 1957 which deals with accumulation of garbage in the streets.

About the Human Rights Defender:

Paramarathi -EkPrayatanis a grass root NGO based in Dwarka, New Delhi which is working for the rights of people living in cities. It has been working on public hygiene and cleanliness since the year 2018. It works on cleaning and maintaining public places like parks, roads and sidewalks. “Paramarathi -EkPrayatan” as a human rights

defender organisation works for environmental justice in partnership with people and focuses on improving universal access to safe, inclusive and accessible, green and public spaces. The staff of Parmarthi with the help of volunteers clean up the streets, footpaths, pavements and service lanes in an around Dwarka sub city in New Delhi daily. They carry out cleanliness drive and beautification work of city parts and regularly maintain the places with the objective of making a visible difference to the Environment- both Physical and Social. Till date they have covered areas in 160 residential societies in Dwarka sub city in New Delhi under their sanitation drive along with more than 42 kilometres length of road around the city.

Source of Information on the Incident:

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

The Perpetrators:

Official of South Delhi Municipal Corporation

Date and Place of incident:

16 October, 2019

Inter section of Sector 4 and 5 of Dwarka, New Delhi

Details of the Incident:

According to sources, on 16 October, 2019 around 2.30 pm the dedicated staff members belonging to the “Paramartha -EkPrayatan”organisation were doing the work of garbage collection and street cleaning in the area around the inter section of Sector 4 and Sector 5 of Dwarka sub city in New Delhi. The objective of the cleanliness drive at various locations was to contribute in maintaining a spotless environment in Dwarka. Members of the organisation were collecting the garbage scattered around at the said inter section and with the help of small rickshaws or garbage carts they were keeping it at one place. It has been a daily practice while collecting the garbage which is later transported in trucks for disposal after the completing of sanitation work. On that day an official from SDMC came to the spot and raised objections regarding the pile of garbage and said this is not right. The staff of “Paramartha” informed the official that all the collected garbage will be loaded in a truck or garbage vehicle manually and then will be transported to the notified

and designated dumping sites/landfill sites for disposal located nearby Dwarka sub city.

The official did not pay any attention to what the members of the organisations were trying to convey to him. Instead of appreciating the efforts being taken by the citizen's organisation to contribute in the sanitation and beautification of the city, the official issued an on-the-spot challan in the name of the "Paramarathi" for various offences covered under the anti-littering law of Delhi government. Charges were framed against "Paramarathi" under sections 357, 139 and 461 of the Delhi Municipal Corporation Act, 1957 and the organisation was asked to appear before the Municipal Magistrate at Kakrola in New Delhi on 24 October, 2019 to represent their case. It is pertinent to mention here that Section 357 of DMC Act deals with Sanitation and Public Health and prohibits accumulation of rubbish and filth in street etc. Section 461 provides for punishment for certain offences related to public health and safety. As reported the Delhi Municipal Corporation officials have alleged that the garbage was laying there at the spot for the last 6 or 7 days in violation of the directions of National Green Tribunal regarding sanitation and hygiene. The founder of "Paramarathi -EkPrayatan", Mr. Ravi Tandon denied the charges and informed that as a daily practice the garbage from streets, pavements and footpaths is collected and kept in small pile at one place and later it is taken to be uploaded in the truck for its final disposal. It is unjustified to punish people and organisations who are wholeheartedly working for such a noble cause to promote public hygiene and preserve city's environment.

It should be mentioned here that State Governments and the local Municipal authorities have a constitutional duty and obligation to take proper measures in relation to proper collection, handling, transportation and ultimately in the hygienic disposal of Municipal Solid Waste. A responsible Municipal Authority constituted for precise purpose of preserving public health and providing better facilities cannot run away from its principal duty by choosing to ignore the facts on the ground.

This is appraised to the Commission that this case is yet again a case of targeting human rights defenders as a result of their work and commitment to human rights and fundamental freedom which is in contravention of International and national legal standards towards protection of human rights defenders and needs urgent attention of this Commission.

Appeal

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

- Take note of the situation and order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of harassment and intimidation of human rights defender organisation "Paramarathi -EkPrayatan" by the South Delhi Municipal Corporation;
- Take immediate and appropriate action against those who are responsible for harassment and intimidation of human rights defender organisation "Paramarathi -EkPrayatan" and using all provisions of law to ensure that the organisation is not subjected to any kind of harassment and intimidation in future;
- Immediately drop all charges against "Paramarathi -EkPrayatan" which are believed to be solely as a result of its legitimate and peaceful work in defence of the civic rights of people;
- Take all necessary measures to guarantee the physical and psychological integrity and security of staff and volunteers of "Paramarathi -EkPrayatan";
- Put an end to all acts of attack and harassment of all human rights defenders and organisations in the country to ensure that in all circumstances they carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;
- More generally, ensure 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

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