



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/East/CG/05/12/2022

December 31, 2022

To

Mr. Indrajeet Kumar,
National Focal Point - Human Rights Defenders & Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA
New Delhi –110023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – Chhattisgarh: Assault, arson, and disproportionate use of force against tribal HRDs in Bijapur district and construction of illegal security camp in Pusnar.

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 concern over the the raid, assault, arson, and disproportionate use of force against tribal HRDs by police and paramilitary personnel in Chhattisgarh's Bijapur district. Police also set up a security camp in Pusnar village without obtaining consent from the gram sabha.

About the Human Rights Defenders:

- Villagers of Gangaloor block in Chhattisgarh who are protesting the establishment of illegal paramilitary camps in Pusnar and Burji villages.
- Moolwasi Bachao Manch is a civil society platform steered by educated youth that works towards protecting the constitutional, legal and cultural rights of socially marginalised groups. The Moolwasi Bachao Manch also spearheads similar ongoing peaceful protests against paramilitary camps proposed/set up without gram sabha consent in several other places in south Bastar area of Chhattisgarh such as Silger, Nahadi and Dharmaram.

Source of Information:

- Communication with other HRDs in the region
- Media reports

The Perpetrators:

- Mr. Anjaneya Varshney, Superintendent of Police Bijapur
- Mr. Ashok Patel, Divisional Forest Officer
- Mr. Pavan Verma, Officer in Charge, Gangaloor Police station
- Officer in Charge, Bijapur Kotwali Police station
- Other personnel from Bijapur district police and Kotwali police stations

Date of Incident:

December 15, 2022

Place of Incident:

Bijapur district, Chhattisgarh

Background of the Incident:

Villagers in Gangaloor block in the Maoist-insurgency affected Bijapur district of Chhattisgarh have been opposing the establishment of new paramilitary camp in Burji village without due process.

In end-2021, villagers – predominantly tribals – began a peaceful sit-in protest at Burji village, located 3 km away from Gangaloor police station, demanding the withdrawal of all proposed security camps in the block.

The dharna was organised under the banner of Moolwasi Bachao Manch, and a stage and temporary shelters were constructed at the venue to facilitate the indefinite protest. Hundreds of villagers including men, women and children from Gangaloor and adjacent blocks took turns to visit the dharna site every day for over a year to participate in the protest.

The protestors alleged that proposed paramilitary camps in Burji and Pusnar villages were in violation of provisions in the Forest Rights Act, 2006 and the Panchayat (Extension to Scheduled Areas) Act, 1996, as they did not have consent from gram sabhas.

They demanded withdrawal of proposed paramilitary camps, and protested against the construction of a concrete road through the farm lands of hundreds of families in Gangaloor, Pusnar, Hiroli and other villages. They also demanded justice for the victims of police firing in Silger village (May 2021) and other encounters in Bastar.

Activists from Moolwasi Bachao Manch also met and/or wrote to various government authorities in 2021 and 2022 demanding withdrawal of proposed paramilitary camps.

Details of the Incident:

Shortly after midnight on December 15, 2022, a large contingent of police and paramilitary personnel led by Mr. Anjaneya Varshney, Superintendent of Police Bijapur; Mr. Ashok Patel, Divisional Forest Officer; Mr. Pavan Verma, Officer in Charge, Gangaloor Police station; and Officer in Charge, Bijapur Kotwali Police station arrived at the protest spot in Burji in official vehicles.

The police used brute force to break up the peaceful assembly of about 200 protestors. They bulldozed the stage and temporary shelters set up by protestors and destroyed or threw away their belongings such as rice, dal, vegetables, utensils, and clothes.

When villagers and activists from Moolwasi Bachao Manch protested against the vandalism, police began a lathi-charge. They charged at protestors, many of whom were still asleep, and hit them with batons, forcing them to flee from the dharna site. The police force then moved to Pusnar.

At 10 AM on December 15, 2022, when the protestors started trickling back to the protest site, they chased away villagers who, hitting them with batons. Meanwhile, other police and paramilitary personnel proceeded to Pusnar village, located 7-8 km away through dense forests, where they set up a security camp within a few hours.

More than 25 protestors suffered serious injuries on their head, back, hands and legs due to the assault by police. Though many of them were unable to walk or stand upright for over a week, they did not visit the government hospital or access medical treatment fearing intimidation and arrest by police.

Since the construction of the camp in Pusnar, police and paramilitary personnel stationed there have not allowed villagers to harvest their crops in farmlands in the vicinity of the camp. Police also beat and chase away villagers when they venture into the forest to fetch firewood and other forest produce.

Tribal villagers and Moolwasi Bachao Manch activists who were part of the dharna in Burji had been highlighting violation of their constitutional and legal rights through

peaceful means for over one year. While the government paid little heed to their concerns, a security camp was established in Pusnar overnight on December 15, 2022. It also appears that police personnel led by the Deputy Superintendent of Bijapur unleashed violent reprisals and assault on protestors on two occasions.

These instances amount to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

A peaceful assembly is also protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, *"states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders."*

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *"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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."*

When villagers who protest against the violation of constitutional and legal safeguards of tribals and other socially marginalised groups are subjected to reprisals, these rights are grossly violated.

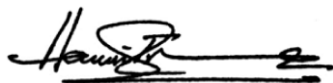
Appeal:

We appeal to the NHRC to treat this as a serious case of reprisal against human rights defenders for exercising their constitutionally guaranteed fundamental rights, and urge the NHRC to urgently –

- Direct the investigation wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the lathi charge, assault, and vandalism against protestors in Burji and submit a report to the NHRC within 4 weeks.
- Direct the Chief Secretary of Chhattisgarh to initiate an inquiry into the establishment of a security camp in Pusnar without gram sabha clearance and in violation of the Forest Rights Act, 2006 and the Panchayat (Extension to Scheduled Areas) Act, 1996, and submit a report to the NHRC within four weeks.
- Depending on the result of the investigation, recommend legal actions against police officials who misused their powers to muzzle dissent against militarisation, and assault villagers who protested against security camps set up in violation of laws.
- Take adequate steps to ensure that freedom of peaceful assembly and expression is upheld in Chhattisgarh.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary