



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 1, 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 –110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert -India – Urgent Appeal for Action – West Bengal: Intimidation, assault, fabricated cases against Mr. Lutfar Rahman, Mr. Wasim Akram and other HRDs, and arrests in violation of DK Basu guidelines by police.

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 deep concern over reprisals against Mr. Lutfar Rahman, Mr. Wasim Akram and other HRDs by police and government officials in Farakka district of West Bengal. Mr. Rahman and others were protesting peacefully against the laying of transmission lines over their properties and had petitioned the High Court. But police and government officials intimidated and assaulted them and booked them in fabricated cases. Police also arrested five HRDs in violation of DK Basu guidelines.

About the Human Rights Defenders:

Mr. Lutfar Rahman, Mr. Wasim Akram, Mr. Abdul Momin, Mr. Hanif Momin, Mr. Noor Mohammad, and Mr. Kaif Sk are members of the *Bagicha, Jibika o Bosti Rokkha Committee* (Committee to Protect Orchards, Livelihoods and Settlements), an organisation set up to represent the farmers of the Dadantola area in Farakka block of Murshidabad district.

Mr. Akram and others have participated in numerous peaceful protests to safeguard their farmlands, homesteads and orchards since 2021, when they learned that high voltage transmission lines carrying electricity from a power plant owned by the Adani group in Jharkhand to Bangladesh would pass through their villages.

Source of Information:

- Communication with HRDA East Regional Coordinator

- Communication with the HRDs
- Communication with other HRDs in the region
- Police records
- Videos and photographs of the incident
- Media reports

The Perpetrators:

- Mr. Debabrata Chakraborty, Officer in Charge, Farakka Police Station
- Mr. Junaid Ahmed, Block Development Officer, Farakka
- Other personnel attached to Farakka Police Station

Date of Incident:

June 3, 2022 – July 3, 2022

Place of Incident:

Murshidabad district, West Bengal

Background of the Incident:

A high-voltage transmission line taking electricity from Adani's Godda power plant in Jharkhand to Bangladesh passes through the villages of Dadantola, Samaspur, Imamnagar, and Gholakandi under Farakka police station in Murshidabad district of West Bengal.

Farmers and agricultural workers in these villages are opposed to the setting up of transmission lines as they fear facing huge crop losses and loss of livelihood. They also allege that work on laying transmission lines through their properties was initiated without any intimation or consultation.

On May 18, 2022, Mr. Lutfar Rahaman, one of the affected farmers and a member of *Bagicha, Jibika o Bosti Rokkha Committee* filed a writ petition in this regard in the Calcutta High Court (WPA 9159 of 2022). He submitted that since the transmission line had been installed through his orchard without any intimation, notice for land acquisition, and compensation, the transmission line could not be taken over his property.

Details of the Incident:

On June 3, 2022, at 20:05 hours, Mr. Sourabh Modi, Project In-charge for laying of transmission lines in Farakka, submitted a written complaint at the Farakka Police Station. He claimed that nine named accused including Mr. Lutfar Rahman and 11 unnamed accused attacked project workers with arms and damaged a drone earlier that morning.

Police immediately registered an FIR (177/2022) against that Mr. Lutfar Rahman and other accused without even questioning them once, although they had peacefully protested against use of drones to survey their lands, and despite the fact that Mr. Rahman's petition was being heard in the High Court. The accused were charged under Sections 341, 313, 325 307, 379, 427, 506, 34 of the Indian Penal Code.

On June 26, 2022, at 8 AM, Mr. Lutfar Rahman, Mr. Wasim Akram, Mr. Hanif Momin, and other HRDs and villagers began a peaceful, sit-in protest in Dadantola village, fearing that transmission lines could be laid over their lands despite their opposition.

At around 10 AM, a contingent of 250 police personnel led by Mr. Debabrata Chakraborty, Officer in Charge of the Farakka police station and the Joint Block Development Officer, Farakka reached the protest site at Dadantola. They asked the villagers to call off the protest, so work on setting up the power lines could be started, but villagers opposed this and began a Facebook Live session of their protest. The police remained stationed throughout the day and left the spot at 5 PM.

On July 2, 2022, at around 9:30 AM while the protest in Dadantola was ongoing, a 500-strong police contingent led by Mr. Debabrata Chakraborty, Officer in Charge, Farakka police station, and Mr. Junaid Ahmed, Block Development Officer, Farakka reached the protest spot. They asked Mr. Lutfar Rahman and other villagers and HRDs to vacate the spot, but he told them that they had a right to protest peacefully and that his petition was being heard at the High Court.

When Mr. Wasim Akram broadcast the argument between police officials and Mr. Lutfar Rahman and fellow villagers live on Facebook, Mr. Debabrata Chakraborty objected, and charged at the HRD with his baton, hitting him behind his head. Villagers took him to the Beniagram Primary Health Centre, where he received three stitches for his injury. Other police personnel also resorted to indiscriminate baton-charge, dispersing the peaceful protest, and injuring Mr. Hanif Momin and other HRDs who were treated at the primary health centre.

The police contingent camped at Dadantola till the afternoon, ensuring work on laying transmission lines through the properties of Mr. Lutfar Rahman and other villagers was carried out despite the matter being sub judice. Police chased and baton-charged those who tried going near the transmission towers in a bid to prevent the work, leaving around 25 villagers with injuries.

Police illegally detained Mr. Wasim Akram without providing any reason or showing any warrant when he was leaving the Beniagram health centre at around 12.30 PM after receiving treatment. Mr. Abdul Momin, Mr. Hanif Momin, Mr. Noor Mohammad, and Mr. Kaif SK were detained similarly from the protest spot.

The HRDs were shown as arrested in connection with FIR no. 212/2022, Farakka Police Station, which was registered at 00:05 hours on July 3, 2022. The complainant, Lady Sub Inspector Ms. Salma Farida claimed that the five arrested HRDs, nine other named accused and 35-40 unnamed accused obstructed the laying of transmission lines and abused and attacked the police personnel.

Mr. Wasim Akram, Mr. Abdul Momin, Mr. Hanif Momin, Mr. Noor Mohammad, and Mr. Kaif SK were produced in court on July 3 and remanded in Farakka jail. They were released on bail on July 18, 2022.

It appears that the local police and administration was complicit in forcefully laying transmission lines through the properties of Mr. Lutfar Rahman and other villagers in Dadantola although the matter was sub judice. Police registered two fabricated cases

against local HRDs including Mr. Rahman without any preliminary investigation, and arrested five HRDs in flagrant violation of the DK Basu guidelines, without showing any arrest warrant or providing them access to lawyers.

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.

The right to assemble peacefully is enshrined 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 HRDs like Mr. Lutfar Rahman, Mr. Wasim Akram, Mr. Abdul Momin, Mr. Hanif Momin, Mr. Noor Mohammad, and Mr. Kaif SK are subjected to reprisals for peacefully opposing infrastructure projects initiated without consulting or compensating them, these rights are grossly violated.

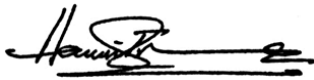
Appeal:

We thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police, West Bengal to initiate an immediate, independent, thorough, transparent, and impartial investigation into the above-mentioned incident and submit a report to the NHRC within four weeks.
- Ensure the safety and security of HRDs named in the FIRs.
- Depending on the result of the inquiry, take stern and urgent legal actions against all errant police and administrative officials.

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