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A Forwarded Statement by the Asian Human Rights Commission (AHRC)

**INDIA: MASUM's Fact Finding Report dated 2
December 2006**

Singur, in Hooghly district of West Bengal was in the national news for the resistance by the agrarian populace in Singur against the forceful eviction from their property by the state government. The local people had been building up the resistance since long in the area where the TATA group [an Indian industrial group] had been permitted to establish a 'small car' factory after the acquisition of the land by the state government. The local people also got the support of a few intellectuals and student groups. They were camping in Beraberi, Ghaser Veri and other nearby villages for resisting the forcible acquisition of their land, many areas of which are fertile and multi-crop producing lands. The well acclaimed social activist, Ms. Medha Patkar was also present during the protest to express her solidarity with the movement. Ms. Patkar also participated in a public tribunal which was organised a few days back against the eviction.

On 2 December 2006 the state government deployed a huge police contingent and the Rapid Action Force (RAF) together numbering about 6000, in the area and is deploying additional force in the area. The government has also promulgated a prohibitory order under Section 144 of Criminal Procedure Code in Singur.

On 2 December 2006 at about 10am when the government officials started physically acquiring the land by fencing it the local villagers tried to resist the attempt in groups. Soon violence broke out and the police force and RAF resorted to widespread baton charge and firing of tear-gas shells and rubber bullets. It has been reported that the police entered into the adjoining villages and mercilessly assaulted the villagers, indiscriminately, showing no respect to the women, aged and the children. Several people were severely injured due to the police brutality. The police entered into the houses and ventured into the roof top and beat up unarmed persons with batons causing bloodshed.

Singur is in the limelight due to the 'leftist' government's alleged transition by calling in the industrial group, the TATAs, for constructing their 'small car' factory over the fertile land. The opposition political groups inside and outside the state legislative house and several socio-political groups in the street, had been protesting against this action of the government of forceful acquisition of the land from the peasants who were not at all willing to part with their land under any situation. However, the state government has decided to acquire the land by any means, even by using force, violence and terror.

In the course of the acquisition of the land the police arrested more than 60 people comprising of women and even children on 2 December 2006. Among them, Jhuma Patra, daughter of Mr. Ashok Patra of Ghaser Veri village, Singur, aged 12 years and a student of class V in Naraharipara Primary School and Soma Dhara daughter of Sanyasi Dhara of same village, are minors. A fact finding team by Masum visited the detainees at Chandannagar police station. Altogether 18 women were detained in Chandannagar police station by the police, charged with two police cases. [Singur police case 150 & 151 of 2 December 2006]. In both cases the complainant is the Officer-in-Charge of Singur Police Station Mr. Priya Brata Baxi. In the first case the police version is that they had detained 38 persons of which four were admitted to the government hospital. The police initiated the case under Sections 147/148/149/186/188/447/332/333/353/325/307 of the Indian Penal Code read with Section 9(b) (2) of the Indian Explosive Substances Act along with Section 9 of the West Bengal Maintenance of Public Order Act. In the second case ten persons and a police officer were injured. This case was registered under Sections 147/148/149/188/323/353/307 of the Indian Penal Code read with Section 9(b) (2) of the Indian Explosive Substances Act.

The fact finding team set-up by the Masum visited Chuchura Hospital, Chuchura and the Chandannagar police station. During the visit, the team met arrested persons and the injured persons in police custody for finding out the truth. According to the detainees they were unarmed and peacefully demonstrating while they were arrested. At the time of arrest no memo

of arrest or inspection memo to the injured was prepared by the arresting officer. This is against the law on arrest in India.

The police officers were armed and during the arrest and had severely assaulted the protestors. The team also visited Chinsura General Hospital, where four persons were undergoing treatment for their injuries, but under police custody. One of them was Mr. Dilip Das who bled profusely for hours without any medical assistance even after the arrest. It was much later he was provided medical treatment. Das had eight stitches on his scalp.

In the meantime Ms. Patkar was arrested with seven of her companions. It is alleged that she was also manhandled at the time of arrest and was verbally abused by the police. Later her companions, Mr. Dipankar Chakraborty, Mr. Sumit Chowdhury and several others were released from custody on furnishing personal release bonds at the Chinsura police station. The police however had earlier declared that she was not arrested. The entire arrest and detention of the protestors using violence and force is a violation of the Criminal Procedure Code of India and the Constitution.

At the Chandannagar police station at about 10pm, the fact finding team found 18 women lying in the front office of the station. They were Ms. Rangta Munshi, Ms. Gargi Sengupta, Ms. Swapna Banerjee, Ms. Chaitali Bhattacharjee, Ms. Dipali Moitra, Ms. Sankari Koley, Ms. Champa Poila, Ms. Padma Dey, Ms. Tapasi Das, Ms. Sakuntala Das, Ms. Shyamali Das, Ms. Sabitri Patra, Ms. Sabitri Das, Ms. Soma Dhara, Ms. Lakshmi patra, Ms. Jhuma Patra, Ms. Sandhya Patra and Ms. Pratima Dey.

Ms. Soma Dhara daughter of Sanyasi Dhara of Singur is aged about 14 years and Ms. Jhuma daughter of Alok Patra, a student of class five of Narasinghapur School are minors. The duty police officer and Officer-in-Charge of the Chandannagar police station said that under the order of senior officers, all persons were detained at the police station though all were not connected with any offence from Chandannagar area. Though in Chinsura, the District Head Quarters, there is a women cell of the police, the police did not detain the female detainees there. While talking with the female detainees, they informed the team that they were mercilessly beaten up by the police and police used abusing language against them. They leveled allegations that many of the female detainees were manhandled, molested and sexually abused by the male police officers. They also requested the team to supply a bottle of drinking water since the water supplied by police could not be used as the bottle was dirty and the water was unfit for human consumption. Not a single memo of arrest was prepared against them though it is a mandatory requirement under law.

Later, on 3 December, in the morning, the police released the two minors on personal release bonds. The rest of the female detainees were produced before the Additional Chief Judicial Magistrate of Chandannagar and they were handed over to judicial remand till 8 December 2006.

The fact finding team also visited the District Hospital at Chinsura. There the team met Mr. Dilip Das aged 44 years, Mr. Mrityunjoy Patra, aged 52 years, Mr. Tapan Batabyal, aged 53 years and Mr. Bilas Sarkar, aged 26 years.

All of them were kept in the prison ward with armed police guard. The team found Mr. Dilip Das with a bandage covering his head and an injury with eight stitches on his scalp. His medical condition is serious. He informed the team that the police assaulted him on his head. He also informed that his treatment was delayed in spite of the fact that he was bleeding profusely. For the injury he suffered at 11am he received treatment only by 1.30 pm. This was when the rest of the other detainees, who also required treatment, were brought to the Chinsura Hospital.

It is also alleged that a police officer later came to the prison ward and threatened all the four detainees to sign in the memo of arrest. However, they refused to sign since a few space were left blank in the memo. Mr. Mrityunjoy Patra, has injuries on his right leg and back. Mr. Tapan Batabyal had big haematoma on both legs. Mr. Bilas Sarkar had injuries on his left shoulder, lacerated wounds and swelling over different parts of the body.

The fact finding team then rushed to Chinsura police station where they found ten persons. All of them were the residents of Beraberi village, Singur police station and were kept in the police lock-up. They were Mr. Shyamal Ghosh, son of Mr. Sibram Ghosh, Mr. Uday Ghosh, son of Madan Mohan Ghosh, Mr. Birat Mlik, son of late Mr. Gokul Malik, Mr. Tushar Kanti Karmakar,

son of late Mr. Jugal Kishore Karmakar, Mr. Prabir Ghosh, son of Mr. Manik Ch Ghosh, Mr. Swapan Santra, son of Mr. Balai Chandra Santra, Mr. Amal Das, son of Mr. Narendra Nath Das, Mr. Sanat Sheet, son of Mr. Bhadreswar Sheet, Mr. Swarup Patra, son of Mr. Baidyanath Patra and Mr. Naba Kumar Bag, son of Mr. Gokul Chandra Bag.

All of them had injuries on their body caused by the baton charge. They were arrested at about 4pm at Singur and put in Chuchura lock-up after 8 pm. For about four hours they were forced to sit in a prison van.

The entire incident at Singur that happened on 2 December 2006 is a shocking example of how the police at the instigation of the state government violate the law and human rights. The police sprang into a barbaric force in Singur ignoring and violating the statutory requirements and the constitutional rights of the people under the encouragement of the state administration. This is a mockery at the face of democracy, legal procedures and the rule of law.

Among many other procedural mistakes the date and time of arrest was not shown correctly in the records to avoid responsibility for illegal detention. This is however not a plan executed exclusively by the officers at the Singur police station, but was intentionally done under the instructions of higher police officials. The police had shown no respect to the life and property of the people. The entire police action resembled a war scene.

Rudeness, harshness and brutality are forbidden under regulation 33 of Police Regulations of Bengal 1943. The mandatory directions of the Supreme Court of India in the D.K. Basu case (All India Reporter 1997 Supreme Court 610) have been shown scant respect by the state police force. The arrest and detention of the minors who were kept in police lock-up with other inmates and their release on the next day after furnishing personal bond is a violation of the procedure under the Juvenile Justice Act. All the detainees were produced before Additional Chief Judicial Magistrate Court at Chandannagar on 3 December 2006. It is surprising to note that even the court did not consider the reason of protest and the manner in which the police dealt with the protestors while they were produced in court. They were all remanded to custody.

From the behaviour of the police and that of the state government, it is not at all evident that a democratically elected system is at work; instead the government actions resemble a regime of tyrannical monarchy. The state police and the civil administration acted like the henchmen of TATA group.

The citizens of a free country like India have their right to assemble peacefully and express their views and opinions on any subject and the right to protest peacefully.

The judiciary that dealt with the case acted as if it was an agent of the police and the civil administration. While dealing with this case the court acted as if it forgot its role as a balancing force between the ordinary people and an arbitrary executive action. The neutrality and justice orientation of the judge who dealt with the case is thus questionable. The judiciary has failed to live up to the expectation of the people when it was most required.

Several international covenants and norms have been shown scant regard by the leftist party led West Bengal state administration. To be specific, one may draw attention to the United Nations Declaration on the Right to Development (1986). The term 'development' in Article 1(2) of the declaration implies: [t]he human right to development also implies the full realisation of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on human rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources and Article 2 (1) where it is stated that [t]he human person is the central subject of development and should be the active participant and beneficiary of the right to development.

It never appeared in the Singur incident, that the state government, which has an obligation to protect, promote and fulfill human rights ever cared for a moment the rights of the villagers who were forcefully evicted and that they had any value in the grand scheme of plans. The ordinary villager was thrown to face the gun wielding and baton charging 6000 strong armed force that made Singur into a battle field.

Regardless of what happened at Singur on 2 December 2006, it is not clear actually what the government is really going to do. There is no transparency in the procedure adopted by the state government for the acquisition of the land. Concerns like at what price the land will be handed over to the industrialists, what should be the actual value of the acquired land, what will

be fate of the villagers who were depended on their land, whether they will be heard by the state government and what would happen to those who are unwilling to give-up their land are left unanswered. If anything is to be done, it has to be executed peacefully, with transparency keeping the rights and the interest of the villagers at the highest priority.

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MASUM

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About AHRC: *The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.*