

Police Intimidation of Rohit Prajapati, Environmental, Human Rights and Trade Union Activist of Gujarat - Is it a crime to raise peoples' issues?

Wednesday 12 October 2011, by [PRAJAPATI Rohit](#) (Date first published: 11 October 2011).

Letter to the Police Commissioner of Vadodara

Kindly provide me the reasons for the repeated questioning by police, whether there are any allegations or charges, and if so, what these are and if there is an investigation of any kind, I would like to know the nature of the investigation.

Rohit Prajapati

On Sunday, Oct 9th 2011, at around 12.30 p.m., two policemen in plainclothes (Ajaysinh Gajendrasinh, ASI from LIB branch and Maheshbhai Prajapati, ASI at JP Police Station, Tandalja, Vadodara, Gujarat) visited my house. They asked for my phone number, name of my organization, and about my present ongoing activities. Having nothing to conceal, since our activities are public, I provided the requested information. Within 5 minutes of their departure two more policemen in uniform appeared and demanded two passport size photographs. I responded that I could provide the photographs only if there was a written request. Within 15 minutes we got a phone call from (Phone No. 2358132) Mr. Maheshbhai Prajapati requesting me to provide the two passport size photographs. I repeated that I would require the request in writing. The letter was provided within 10 minutes (letter no. 5098/2011 from JP police station, signed by the station PI). Accordingly I promptly provided 2 passport size photographs.

This was not a case of one day of sudden activity by the police, but the latest in a series of such enquiries that have been going on for some 2 years - police have visited both our home and the offices of Jyoti Karmachari Mandal (JKM). The first visit to Jyoti Karmachari Mandal was on March 7, 2010, followed by a police visit to our home the next day. The first visit to our home occurred in our absence, and the police questioned our minor son, who was present at home at that time. The next visit from the police occurred on 20th April, 2010. There were 2 officers (Mr. Dinesh Chaudhari, PI, State IB, along with a colleague). They remained for nearly an hour asking about details of my background, contacts, activities etc. After a few days they returned to collect copies of my passport. A few months later a team of the Special Operations Group (SOG) came to my home in the late evening. Six or seven members of the SOG team barged into my house and straight away went upstairs. We objected to their entry and demanded to know their identity and the reason for their "visit". After that several of the team left, while three remained to question me. We pointed out that the same kind of extensive (relevant as well as irrelevant) questions had been asked and information collected by the police on earlier occasions, to which they replied that this occasion was different

because they were from the SOG. The SOG members too took copies of my passport. The next police visit was on the afternoon of 3rd October 2011, involving Mr. Dineshsinh Chauhan (PI, State IB), Mr. Sureshbhai B. (PI, State IB) and Mr. Pappubhai (IO, State IB). They spent about 45 minutes getting “updates” on my activities. One of the matters they questioned me about was my complaint about the residential complex coming up next to industrial hazardous solid waste sites in Ahmedabad (Vatva & Naroda). They demanded to know why I was raising objections against the State Government’s move to amend the law prohibiting residential construction within 500 metres of hazardous waste sites (to permit construction within 100 metres of such sites). Mr. Chauhan gave me his e-mail ID and I even provided him further information by e-mail. In spite of this once again on 09-10-2011 police officials came for further investigation as mentioned above.

In the several visits and questioning by the police, no specific reason has ever been given for the questioning; the police have always insisted that these were “merely routine” enquiries. So far, I have cooperated with the police and provided whatever information or documents they have asked for, including things like bank account details. My activities in association with the People’s Union for Civil Liberties, Jyoti Karmachari Mandal and Paryavaran Suraksha Samiti (Environment Protection organisation, a radical environmentalist group operating in Gujarat) organizations have been completely open, legal and public (and in the public interest). I have never had any reason to conceal any information related to these activities. However, in the light of repeated visits by the police, with demands for the same information provided earlier and already available with them, it is now difficult not to conclude that these repeated visits have any other purpose than intimidation and harassment. In today’s Gujarat, it appears that anybody who questions the correctness of government policy or actions, or is seen in any way to obstruct the purposes of the government, is becoming a target for intimidation and harassment. Yesterday I have written to the Police Commissioner requesting to know the reason for the repeated questioning by police, whether there are any allegations or charges, and if so, what these are and if there is an investigation of any kind, I would like to know the nature of the investigation.

In this connection, I feel I should provide a summary of my public activities, and present my assessment of why this harassment is being organised.

My Recent Activities

As I have written above, I am involved in three organisations - PUCL, JKM, and PSS. As a Trotskyist, I have been an internationalist, and have collaborated with comrades in the Fourth International over trade union, environment and other issues. In 2002, during the pogrom like atmosphere created by Hindutva fanatics, I along with other friends played some role in fighting that. As a matter of principle, we decided to stay on in Tandalja, resisting the attempt to turn it into a purely Muslim ghetto. We campaigned for the restoration of peace. We brought out, through PUCL, a comprehensive report of the Gujarat Carnage. We campaigned over the Best Bakery case. We also collaborated in bringing out the first collected documentation in English about the Gujarat Carnage, The Genocidal Pogrom in Gujarat: Anatomy of Indian Fascism. Though I am also involved in a new organisation, Radical Socialist, my chosen areas of work have been, in the last half a decade or more, the three organisations already named.

My work as a trade unionist and my work as an environmental activist have been intertwined. We

believe in the need for environmentally aware trade unionism, as well as a class approach to the question of environment protection. As a result, for a decade and a half, we have been developing environmental agenda connected to industrial pollution.

We have consistently been raising the issue of industrial pollution in Gujarat and exposed the industry-Gujarat Government nexus that touts 'treatment facilities' as a solution to the problems of hazardous solid waste, effluent, surface & groundwater contamination. Our position has been founded on the facts & figures obtained under RTI. Gujarat Pollution Control Board officials admitted that a lot still has to be achieved in pollution control.

As treatment facilities were / are not able to meet the Gujarat Pollution Control Board's (GPCB) norms a moratorium on starting of new industries or expansion of existing industries was declared for the Ankleshwar area on 7-7-2007, and now Ministry of Environment and Forests has extended it up to 31-3-2012. Later on, on 13-1-2010 a moratorium was declared for other areas like Vatva, Bhavnagar, Junagadh, Vapi, etc. The moratorium was subsequently lifted for the Vapi, Bhavnagar, Junagadh area. PSS objected to the lifting of moratorium for Vapi because treatment facilities of Vapi are still not able to meet the GPCB norms. Today the moratorium for Vatva, Ankleshwar is extended till 31-3-2011. This has stalled the projected huge investment in these areas of Gujarat. However, we believe that as responsible citizens, we are not and cannot be concerned only with the quantum of investment, but with what is being invested, what the goal of the investment is, and how it affects the masses of working people.

On 4-1-2007 Government of Gujarat granted permission to incinerate the hazardous waste of Union Carbide, Bhopal at Ankleshwar. We opposed it and also filed an intervention application in the Jabalpur High Court. Ultimately Government of Gujarat was forced to withdraw its permission by letter dated 4-10-2008 and now case is pending in the Supreme Court.

A direct outcome of our persistent efforts since 1994 has been GPCB / Government having to act against Hema Chemicals which was responsible for illegal dumping of hazardous chromium waste. As per the direction of the Supreme Court Monitoring Committee the company has been ordered to pay Rs. 17 crores as first instalment towards remediation of the site. GPCB was constrained to order the confiscation of passport of Hema Chemicals' owner, and prohibiting him from disposing of his property etc. The owner's name has been flashed across all international airports in India so that he does not leave the country.

We had also launched a complaint against residential & commercial complexes coming up in the vicinity of hazardous solid waste sites in Ahmedabad (Vatva & Naroda) in violation of GPCB notification on industrial hazardous solid waste and The Hazardous Waste (Management & Handling) Rules, 1989.

Now we are given to understand that Forest & Environment Department and Urban Development and Urban Housing Department of Government of Gujarat have decided to modify the CPCB & GPCB guideline and norms - which require 500 meters distance from TSDFs & CETPs for the residential complexes - and reduce it to 100 meters to legalize illegal residential complexes. The original guideline was issued with the intention of preventing risk to the health and safety of the people. The revision obviously looks at the profit margin of unscrupulous promoters, not the innocent buyers who will suffer in future.

The decision to continue to enforce the 500 meters distance stipulation for future clearly shows that this norm is not wrong and that is why Government of Gujarat is now modifying it to 100 meters only for post-facto regularization of illegal residential complexes which came up in violation of the CPCB & GPCB guideline and norms. This is going to be a disastrous action on the part of the concerned

authorities as far as the health and safety of the people is concerned.

It is clear that such a decision can only be due to immense pressure from the rich and powerful.

It cannot have been a suo moto decision. Instead of taking firm action and enforcing the regulations, these departments are succumbing to pressure from all sides from powerful rich people who want to legalize their illegal residential complexes.

Any post facto relaxation in the present environmental guidelines and norms is nothing but manipulation of present environmental norms to legalize illegal construction activities in order to favour powerful rich people who can pressurize the Government to act against the interests of ordinary people. We opposed the proposed dilution of norms and letters were written to Government of Gujarat and also to Ministry of Environment and Forest to intervene in the matter to prevent such illegal modification.

Vapi Industries Association (VIA), United Phosphorus Limited (UPL), and Avik Pharmaceutical Ltd. have filed a defamation case to the tune of Rs. 25 Crores against 'The Times of India' and Rohit Prajapati in the Vapi Court, District Valsad, Gujarat with reference to a news item which appeared in 'The Times of India' on 5th June 2010 [[1](#)]

On 17th September 2011, I filed an RTI application with the Chief Minister's office, seeking information regarding the 'Sadbhavna Mission'. The RTI application sought to know how much money was spent on this programme, who were the sponsors, and under which policy or rules this programme was conceived and carried out.

There is sufficient reason to apprehend that individuals and interest groups affected by our efforts may resort to legal, extra-legal and other means against some of us. We want to alert you to that possibility and request quick action in case of any such eventuality. I have already been subjected to repeated questioning by police both in our office and at home, amounting to intimidation and harassment.

I would therefore appeal to friends and activists in trade unions, in human rights movements and in environment protection movements, as well as in other sectors of social movements, to take note of these developments and to extend solidarity with us.

Rohit Prajapati
Environmental and Trade Union Activist
Member of People's Union for Civil Liberties, Jyoti Karmachari Mandal & Paryavaran Suraksha Samiti

Copy of the letter send to the Police Commissioner of Vadodara

10th October 2011

To,
The Commissioner of Police, Vadodara
Police Bhavan, Indira Avenue,
Jail Road, Vadodara - 390 001

Reference: Various and sudden visits by persons claiming to be police officers or persons belonging to LIB, IB and SOG divisions of police force during last 2 years and latest visit on 09/10/2011.

Subject: Kindly provide me the reasons for the repeated questioning by police, whether there are any allegations or charges, and if so, what these are and if there is an investigation of any kind, I would like to know the nature of the investigation.

Sir,

I, Rohit Prajapati, the undersigned, am associated with various voluntary organizations and am a social activist concerned with various issues including environmental protection and the menace of pollution. As a part of my mission I have taken up and raised a number of matters and issues concerning environmental pollution.

In view of the aforementioned I thought it fit to bring to your kind notice the following facts which seriously threaten my rights as an ordinary human being and citizen of this country:

* During last 2 years, some 5 or 6 times persons claiming to be police personnel have suddenly visited my residence and office and made oral / verbal inquiries regarding my personal life, including matters related to my social being. Being a law abiding citizen, I have always extended cooperation in these enquiries.

* However, during the last 2 or 3 of the several visits, the concerned individuals claiming to belong to the SOG conducted their enquiries in an aggressive manner and tone. As a law abiding citizen I have continued to extend all cooperation and hitherto never thought to refer the matter to you, because I believed that this might essentially be an unavoidable circumstance of my mission, since my work might be causing inconvenience to Government and persons in positions of power.

* However, during the most recent visit on 09/10/2011, after the "routine" repeated inquiry was over, i.e. after I had replied to all questions, the police personnel asked for two copies of my photograph, which I thought was unreasonable and therefore asked for their request in writing; on receiving a letter bearing no. 5098, issued under the signature of the PI of JP Police Station, I did supply the photographs as demanded by them.

* As a citizen, I am concerned about the treatment being meted out to me through secret inquiries, as I am not aware of any ongoing inquiry, or of any cause or reason for such an inquiry.

* The process of inquiry has already caused considerable inconvenience to me. While I respect the fact that security agencies may at times be required to carry out certain investigations, I am unable to see what is prompting this rash of enquiries in this case, and feel compelled to bring to your notice the incidents and events. Law abiding citizens engaged in lawful, constitutionally sanctioned and guaranteed activities are not ordinarily subjected to repeated "routine" police enquiries and surveillance.

I am optimistic that my communication to you may play a role in correcting and regulating the administration of inquiries by your department such that innocent citizens are not unnecessarily harassed for engaging in lawful activities considered essential to the proper functioning of a democratic state.

I am sure you will take serious note of the aforesaid matter, which has caused absolutely unwarranted pain to me and my family, and therefore take some corrective and remedial steps to prevent any unjustifiable use of power and force.

I am an activist who has agitated by remaining within the four corners of the law, and has never

indulged in any illegal activities.

The aforementioned type of actions carried out by persons from your department amount to intrusion into my fundamental rights of privacy. Your department's actions amount to violation of my fundamental rights to privacy and dignity. Because of health reasons my movements have become very limited, as I have been advised substantial rest, and such intrusions into my home are having adverse effects on my health.

Kindly provide me the reasons for the repeated questioning by police, whether there are any allegations or charges, and if so, what these are and if there is an investigation of any kind, I would like to know the nature of the investigation.

I shall be thankful if you supply this information to me as a conscientious public servant, so that I shall not be compelled to take recourse to the RTI law.

Rohit Prajapati

Footnotes

[1] Vapi: caught in a toxic chokehold, The Times of India, 4th June 2010.

http://articles.timesofindia.indiatimes.com/2010-06-05/pollution/28278983_1_cpcb-comprehensive-environmental-pollution-index-gpcb