

Gujarat (India): Oppose the Continual Harassment of Rohit Prajapati

Defend the Environment, Oppose Attacks on Working Class Rights and Health and Safety

Tuesday 25 June 2013, by [DESAI Swati](#), [PRAJAPATI Rohit](#), [Radical Socialist \(India\)](#), [SHAH Trupti](#) (Date first published: 24 June 2013).

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Statement of Radical Socialist

Comrade Rohit Prajapati, member of Radical Socialist, and veteran trade unionist and environmental activist, associated with Paryavaran Suraksha Samiti (Environmental organisation), Peoples Union for Civil Liberties, Jyoti Karmachari Mandal and Vadodara Kamdar Union (independent trade unions), and Paryavaran Suraksha Samiti, as well as connected intimately to the anti-fascist militants of Gujarat from before the 2002 pogroms, has been under various kinds of political harassment, both from the Narendra Modi government, and from the big business companies that have been making huge profits under Modi's regime.

Comrade Rohit was marked out when he, identified by the police as a Hindu, stayed in the predominantly Muslim inhabited Tandalja area in 2002. He was further identified for his role during the pogroms, and for his subsequent role. Comrade Rohit also had been arrested for participating in the struggles over the Narmada dam.

In the last two decades and more, he and his comrades, in trade unions, in the environmentalist organisations, have been fighting to link environmental issues and the rights of workers, poor peasants, adivasis. This has led to militant battles, court cases, and other forms of struggles. The issues include the struggle against inadequate protection for workers and local communities when hexavalent chromium is used, the struggle to get minimum wages for chemical industry workers, the struggle to keep Vapi, Ankleswar, Vadodara and Vatva industrial areas and the residential areas of workers and other common people cleaned up.

As a result, the Modi government had installed a surveillance programme, and police personnel were constantly coming to his home and asking questions for a whole year, even though no case had been filed. At the same time, the exposures of environmental pollution and the impact on health of workers and community dwellers in Vapi, Ankleswar, Vadodara and Vatva etc also got industrialists angry. They are aware that because of the struggles by trade unionists and environmental activists, Hema Chemicals has been put under restraint by the Supreme Court of India. In order to try and forestall such actions against them, the Vapi industrialists have filed two cases against comrade

Rohit. Both are over the reports, based on his arguments, that Vapi is the most polluted town in the country. The first is a civil defamation suit for Rs. 25 Crores (approximately 4.2 million US dollars), while the latest is a Criminal Defamation suit under clauses of the Indian Penal Code that can lead to two years imprisonment.

Radical Socialist expresses the view that this is nothing more or less than another tactical move in an ongoing class struggle, which however is of great importance. Gujarat is not only the place that had a massive pogrom. Gujarat is also the development model that the fascists of the RSS-BJP want to highlight as the model for the whole of India. The struggles of comrades formerly in the Inquilabi Communist Sangathan, and now in Radical Socialist, along with their allies in trade unions, civil rights organisations, and environmentalist organisations, show up constantly that this model has devastating consequences for the working class and all other toilers. The Narmada waters go, not to the dry areas of Gujarat, as rhetorically promised before the dam was built, but to beautify the Ahmedabad waterfront. The industrial growth of Gujarat is based on repeated attempts to flout Pollution Control Board norms. Not merely by low wages, but also by physically killing the workers through pollution are these industrialists making fast profits and thus is Modi showcasing to the world his model Gujarat.

We call upon all working class, environmentalist, and socialist organisations, and all organisations concerned in any way with the rights of humans, to support these struggles. In this context, we urge the formation of a broad defence committee, that will look not only at the cases against Comrade Rohit, but also seek to support the work being done by the JKM, the VKU and the PSS about industry, workers rights and pollution.

We attach with this statement the note circulated by Comrade Rohit and Comrade Trupti Shah

International Liaison committee, Radical Socialist, 24/06/2013

Public Note issued by Rohit Prajapati and Trupti Shah (24/06/2013)

Dear Friends,

One more case against environmental activist Rohit Prajapati.

The first Civil Defamation Case (SPL C. S. NO .77 OF 2011) was filed against Rohit Prajapati by Vapi Industries Association and others for Rs. 25 Crores on 13 June 2011. And now a criminal defamation case (C.C. No. 1503 of 2013) follows the civil defamation case, earlier filed by Vapi Industrial Association and others against Rohit Prajapati and The Times of India in June 2013. Both the defamation cases pertain to news reported on dated 5th June 2010, in the Times of India. [\[1\]](#). Summons has been delivered to Rohit Prajapati on 22 June 2013.

The Vapi Industrial Association's contention:

The VIA in its notice in this criminal defamation case (C.C. No. 1503 of 2013) states,

"It is also sated in the said article, "Recently, environmental minister Jairam Ramesh called Vapi the most polluted town in the country. Forbes and time magazines have listed it among the 10 most

polluted towns in the world. Its three streams – Damanganga, Kolak and Balitha – no longer resemble a water body. The Central Pollution Control Board (CPCB) has in fact categorized both the Damanganga and Kolak rivers unfit to support life. The Pollution has affected 71,000 residents living in 12 villages.” It is submitted that Shri Jairam had in fact visited Vapi, Gujarat. He had not only praised Vapi but said that other industrial estates should learn from Vapi. He declared Vapi pollution free. The same was reported in Times of India dated 8th July; 2010. [...] It is also stated in the said article, “The Vapi Industrial Association (VIA) and the CETP has failed to regulate its members. Critical value of chemical oxygen demand, biological oxygen demand, ammonical nitrogen, oil residues exceed GPCB Norms,” says environmental activist Rohit Prajapati.” The statement is totally false. CPCB officials and many reporters visited Vapi and praised CETP of Vapi. [...] The statement made in the said defamatory article is not only baseless but also malicious and made with malafide intentions. [...] The statement made “VIA and CETP has failed to regulate its members”, is false. Recently officers of CPCB had visited CETP Vapi and have found that there is remarkable improvement in the COD and BOD in CETP plant. [...] It is therefore prayed as under: (a) This Hon’ble Court be pleased to take the cognizance of the facts which constitute an offence u/s 500, 501 and 502 of the Indian Penal Code against the Accused and convict the accused for the offence committed.”

Section 500 in The Indian Penal Code, 1860

500. Punishment for defamation. - Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

501. Printing or engraving matter known to be defamatory.- Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

502. Sale of printed or engraved substance containing defamatory matter. - Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Our contention:

The statements made in news papers are based on the information received from Central Pollution Control Board and Gujarat Pollution Control Board under Right to Information Act, 2005.

The ongoing hearing of the Civil Defamation case SPL C. S. No. 77 of 2011 against Rohit Prajapati is on 27 June 2013.

The first hearing of the Criminal Defamation case C. C. No. 1503 of 2013 against Rohit Prajapati is on 18 July 2013.

Probably this is one more “action” and many more such legal and “other action” may come in the

coming days from others also.

We are determined to fight these legal and other battles that we may have to face in the coming days.

It is an open secret that most of the 'Common Effluent Treatment Plants (CETPs) of Gujarat are not able to meet the Gujarat State Pollution Control Board(GPCB) norms since long and all most all the news paper have reported about this not once but number of times in detail.

As many of you are aware, attempts to force industry to adhere to environmental norms, and attempts to create norms, have been viewed with deep hatred by industry and government alike.

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. Rohit Prajapati have already been subjected to repeated questioning by police both in office and at his home, amounting to intimidation and harassment.

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

Swati Desai & Rohit Prajapati
Paryavaran Suraksha Samiti

BACKGROUND INFORMATION

History of intimidation, questioning by the police officials and state's coercive tactics against any dissent:

The first Civil Defamation Case was filed against me for Rs. 25 crores on 13 June 2011. Now the criminal defamation case follows the civil defamation case, which was filed by Vapi Industrial Association and others against Rohit Prajapati and The Times of India in June 2013. The incidents in recent past give us reason to allege that this intimidation is happening at the state government's behest.

The Vadodara Police Commissioner has yet to reply to my letter (Kindly provide me the reasons for repeated questioning by police. I would like to know the nature of the investigation, the basis of allegations or charges if any that prompts the questioning. - Rohit Prajapati) dated 10 October 2011.

An overview of our engagement:

I am involved in three organisations - Paryavaran Suraksha Samiti, Radical Socialist, Independent Trade Union - Jyoti Karmachari Mandal, Vadodara Kamdar Union, and People's Union for Civil Liberties. 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 on 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*.

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 the Right to Information Act, 2005. 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 till further order. 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 further order. 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 January 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 October 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 in 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.

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.

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 in Ahmedabad's case.

The Gujarat State Disaster Management Authority (GSDMA), it seems, doesn't think that chemical industries have potential to cause chemical disasters in the state. Despite the Bhopal gas tragedy that killed thousands of people 25 years ago, the Gujarat government doesn't seem to have learnt anything. Reply to our Right to Information Application about Chemical Emergency Plan of the Gujarat state the GSDMA stated in their replies that "A Chemical Emergency Plan is currently under consideration at the Disaster Management Authority." [1] GSDMA further stated in their replies that "In reference to your above mentioned letter where information like numbers and names of the chemical industries, chemical used, final product, pollutant generated and its impact, also information about engineered landfill site - treatment storage and disposal facility, effluent treatment plants, common effluent treatment plants, etc. have been sought by you, we would like to inform you that the requested information is not available with this office." [2]

Mr. Narendra Modi, the CM is the chairperson of the Gujarat State Disaster Management Authority and the same authority has to implement 'The Gujarat State Disaster Management Act, 2003. The Act clearly states '(2) (h) "disaster" means an actual or imminent event, whether natural or otherwise occurring in any part of the State which causes, or threatens to cause all or any of the following: (i) widespread loss or damage to property, both immovable and movable; or (ii) widespread loss of human life or injury or illness to human beings; or (iii) damage or degradation of environment; [3] but the web site of Gujarat State Disaster Management Authority states 'The GSDMA has been constituted by the Government of Gujarat by the GAD's Resolution dated 8th February 2001. The Authority has been created as a permanent arrangement to handle the natural calamities.' [4] What about environmental disasters? There is no 'Comprehensive Chemical Emergency Plan' with the Gujarat State Disaster Management Authority. The Director, Health & Safety Department has an 'Off Site Emergency Plan;' but when I demanded a copy of it, I was told that it is secret. [5] A chemical emergency plan is not among the priorities in Gujarat, a chemical state with one of the country's highest concentration of chemical industries. This is nothing but disastrous situation of Chemical State Gujarat.

On 22 June 2011, I wrote review of Mr. Narendra Modi's book. [2] where I said "your book CONVENIENT ACTION - Gujarat's Response To Challenges of Climate Change selectively presents information and data which are convenient to defend the 'development model' being pursued by the state. Even the Gujarat Ecology Commission report acknowledges the abysmal status of the environment in Gujarat. Why did you base your book on cherry-picked evidence that ignores the level of irreversible environmental degradation in the state of Gujarat? You have included in your book on page 132-133 a photo of the 'Common Effluent Treatment Plant' of Vapi, a facility which has

not been able to fulfil the environmental norms prescribed by Gujarat Pollution Control Board since many years. While the photo is very large, there is no discussion about the functioning of CETP of Vapi.”

Rohit Prajapati

Environmental and Trade Union Activist

Member of Paryavaran Suraksha Samiti, Radical Socialist, Jyoti Karmachari Mandal, Vadodara

Kamdar Union & People’s Union for Civil Liberties

[1] Reply by GSDMA to Rohit Prajapati dated 10-8-2007

[2] Reply by GSDMA to Rohit Prajapati dated 23-8-2007

[3] <http://www.gsdma.org/dmact.pdf>

[4] <http://www.gsdma.org/profile.htm>

[5] Reply by Director, Health & Safety Department, Vadodara, to Rohit Prajapati, dated 9-9-2010

Footnotes

[1] Vapi: caught in a toxic

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

[2] <http://www.radicalsocialist.in/articles/environment/378-narendra-modi-and-climate-change-a-response>