

# Human Rights Defenders Alert - India

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**08 Aug 2014**

## **Shri A. K. Parashar**

Focal Point - Human Rights Defenders & Joint Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Odisha: Illegal arrest of 5 Dalit Human Rights Defenders at Bhubaneswar – Reg***

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 now writing to express our grave concern regarding the illegal arrest of five Dalit Human Rights Defenders associated with NACDOR a national level platform of dalit activists in India, and the Babasaheb Ambedkar Mission of Odisha at Bhubaneswar, the capital city of the East Indian State of Odisha on the 3<sup>rd</sup> of this month.

### **Source of Information on the Incident:**

- A communication from the Coordinator of Human Rights Defenders Alert – India for the East of India

### **About the Human Rights Defenders under attack:**

1. Ashok Mallik, President NACDOR, aged about 48 years, residing at G-50 VSS Nagar, Bhubaneswar in Khurda District.
2. Litu Das, Youth President, NACDOR Odisha, aged about 32 years, S/o Anant Das, R/o village Jayadev Nagar Nageswar Tangi, Bhubaneswar in in Khurda District.
3. B.K.Bhoi, Khurda District President NACDOR Odisha, aged about 57 years, R/o village Raghunathpur, Nuagaon, Bhubaneswar.

4. Dusasant Bhoi, aged about 42 years R/o vill-Raghunathpur, Nuagaon, Bhubaneswar.
5. Sukanta Bhoi, Secretary Babasaheb Ambedkar Mission of Odisha, aged about 49 years, R/O village Jaipur, Pahala, PS-Balianta in Khurda District.

National Confederation of Dalit Organisations (NACDOR) is an organization committed to an inclusive, progressive, secular, democratic and non-sectarian society. NACDOR promotes democracy, human rights, sustainable development and peace and reconciliation with the perspective of the socially excluded Dalits. It strives for ecological balance and active peace and work towards equal access and rights over resources and services, without any prejudice, discrimination or exclusion on any basis, including caste, class, race, gender, age, religion, abilities, regions, language or property and also for a society where human rights and equal dignity of all are respected and there is no place for exploitation or oppression.

#### **The Perpetrators:**

1. Dr.R.K.Sharma, Police commissioner  
Bidyut Marg, Unit - V  
Bhubaneswar , Pincode-751001  
Telephone: +91-674-2530035  
Fax: +91-674-2530001/2530017  
email ID: [commissioneratepolice@nic.in](mailto:commissioneratepolice@nic.in)  
[commissioneratepolice@nic.in](mailto:commissioneratepolice@nic.in)
2. Sri Manas Ranjan Garanaik  
Inspector-in-Charge, Capital Police Station  
Rajpath, Near SBI Main Branch, Unit-I,  
Bhubaneswar  
Ph:+91-674-2533732  
Cell :+91-9437346046

#### **Date and time of Incident:**

6.00 am on the 3<sup>rd</sup> of August 2014

#### **Place of Incident:**

Sishu Bhawan Chowk, Bhubaneswar when protestors tried to surround the Chief Minister's residence

#### **Incident**

According to the information received, NACDOR and Ambedkar Mission of Odisha along with 60 villagers from the village BADATOTA in the Jatani Block of Khurda

district staged a Protest at lower PMG Bhubaneswar on the 27<sup>th</sup> of July 2014, against police inaction in several FIRs (First Information Reports) registered by 25 Dalit families regarding atrocities of people belonging to the dominant castes. Yet police officials did not arrest the perpetrators, hailing from dominant castes, on whom the Dalit families have leveled allegations in each of the FIRs.

The team's efforts to meet the Secretary to Government of the SC/ST department, the District Collector and other authorities were also in vain. It is learnt that they even had a discussion with the Police Commissioner in this regard but still there was no action forthcoming from the side of the police.

It is in this circumstance that the team decided to meet the Chief Minister at his residence with their grievance on the morning of the 3<sup>rd</sup> of August, 2014. While they were on the way, at the "Sishu Bhawan" Square, the local police blocked them using force. The protestors including women were injured and all protestors were taken from the place of incident in a police van and released in the outskirts of the city. The five human rights defenders mentioned above were arrested and taken to the court. They were then released on bail from the local court

### **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Khurda

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings those responsible and the erring police as sanctioned by the law by another independent senior police officer;
- Based on the said speedy investigation, recommends withdrawal of all charges levelled against the five human rights defenders with immediate effect since they were only proceeding to meet their Chief Minister since action contemplated under the law of the land was not being adhered to. In addition human rights citizens like all others have right to the freedom of assembly as clearly contained in the Un Declaration of HRDs, our own domestic standards and further as being detailed and upheld recently by the UN Special Rapporteur on the freedom of the right to assembly.

- All the local district officials guarantee in all circumstances the physical and psychological integrity of the five human rights defenders and the Dalit community fighting for their rights as they continue to be under risk of further attacks by the perpetrators, along with the District Monitoring Committee, do the needful to provide compensation to the wrongfully arrested activists and give this assurance to the NHRC of India in writing immediately and urgently;
- All the local district officials puts an end to all acts of harassment against all human rights defenders in their district and state to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”
  - Article 12.2, which provides that “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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Odisha.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary