

Human Rights Defenders Alert - India

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Shri A. K. Parashar

National 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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Odisha: False and fabricated case foisted against Human Rights Defender for questioning illegal establishment of PEPSI bottling plant - 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 filing of a false case against Somyaranjan Banchor, the Chief Executive Officer (CEO) of an NGO named Ekalabya on the 29th of January 2015 for opposing the illegal establishment of a bottling plant in his village.

Source of Information on the Incident:

- The Coordinator of HRDA for the East of India
- The Human Rights Defender in question

The Human Rights Defender:

Mr. Somyaranjan Banchor, Aged about 28 years, residing at Bhatli village in Bargarh District in the eastern Indian state Odisha. He is the CEO of a registered non-governmental organization "EKALAVYA" that is engaged in projects on agriculture in

the area and run the District Resource Center of NAWO's (National Alliance of Women's Organizations) and Odisha chapter. They have opened a cell at the Superintendent of Police's office in Bargarh and the Bhatli Police Station to look out for cases of violence against women (VAW).

The Perpetrators:

1. Haribandhu Gadtia, ASI Officer in Charge, Bhatli police station
2. Dandasena, Sub Divisional Police Officer (SDPO), Bhatli police station
3. The authorities of the PEPSI Bottling Plant in the region

Date of Incident:

29th January 2015

Place of Incident:

In Bhatli, the village of the Human Rights Defender.

Incident detail:

According to the sources, in 2012, the Soft Drink Company PEPSI planned to establish a bottling plant near Bhatli and as the area is dry and the ground water level had gone very low, the community opposed the project but to their astonishment the bottling plant was inaugurated on the 26th of January 2014. Following this Soumyaranjan Banchor filed several petitions under the Right to Information Act to different departments seeking information on the establishment of the plant and the clearance given. And he came to know from all the departments that the plant had no clearance. He complained regarding this to many authorities and also brought this matter before the District Collector.

In these circumstances, on the 29th of January 2015 a truck loaded with PEPSI bottles which came out of the plant caused an accident near the village, in which a girl student, Ms. Mamata Garia, died on the spot. Following this the locals, college students and teachers agitated on the spot and blocked the road. The mob also torched the truck. Local authorities like the Sub Collector and other official intervened in the matter and around midnight the road block ended after the bottling plant authorities agreed to compensate the deceased's family for her death.

The next day the local SDPO Mr. Dandasena called Mr. Banchor to his office and threatened him, asking him not to interfere in the affairs of the bottling plant and also informed him about a case lodged against him and 18 other villagers.

Mr. Soumyaranjan Banchor is currently out of his village as the local police had arrested some of the villagers in the case. This false case has been registered by Hadibandu Gadtia, the Officer in Charge of the Bhatli Police Station under sections 143, 341, 234, 336, 353, 186, 283, 120B and 149 of the Indian Penal Code.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the District Collector and Magistrate of Bargarh District in Odisha

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the targeting of the human rights defender through police officials other than those involved in this case, and ensure immediate withdrawal of all the false charges against him and bring the erring police to book
- Conduct an inquiry into the illegal sanctioning of the construction of the bottling plant exposed by Soumyaranjan Banchor and take due action on the same
- Guarantee in all circumstances the physical and psychological integrity of Soumyaranjan Banchor and the other demonstrators as they continue to be under risk of further attacks by the perpetrators;
- Provide reparation and compensation to Mr. Banchor for the physical and psychological sufferings he is undergoing because of the false case slapped on him
- Put an end to all acts of harassment against all human rights defenders in India 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.

Yours sincerely,

Henri Tiphagne

Honorary National Working Secretary