



## **Human Rights Defenders Alert - India**

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9<sup>th</sup> July 2015

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

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New Delhi – 110 023

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**Dear Sir,**

**Sub: HRD Alert - India - Appeal for Action – Odisha: Social Activist Mr. Sumanta Parida threatened by the District Naxal squad of Rayagada police - reg**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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 Anti-Naxal squad of Rayagada district police, threatening social activist and human rights defender Mr. Sumanta Parida and implicating him under various fabricated charges for leading a protest campaign against bauxite mining and refinery project of RSB Metaltech company in Rayagada district to save tribal land and environmental rights.

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

The Regional Coordinator of HRDA for East of India

A communication with the HRD Mr. Sumanta Parida

### **Status of the Human Rights Defenders:**

Sumanta Parida is the Convener of Rayagada district unit of Lokshakti Abhiyan, Odisha which is an Indian organization representing a broad civil society movement and supporting other coalitions. The organization is fighting for the land rights of

tribals and protects them from human rights abuses perpetrated by the corporate mining companies in Odisha with the support of local state government.

Sumanta Parida is also the President of RSB Pratirodh Sangram Manch (RSBPSM) with its headquarters in Rayagada, Odisha. It is an organisation formed by the tribals and dalits of the district in 2012 to protest against proposed bauxite mining and refinery project of RSB Metaltech in Rayagada district which is going to drastically affect the environment and flow of water in Jhanjavati river which originates from Sashu Bohu Mali hills in the district. RSB Pratirodh Sangram Manch (RSBPSM) claims that the river will dry up once the mining starts there and residents of as many as 14 villages under Serigumma panchayat and three villages under Gumma panchayat will lose their agricultural land to the company. A large tract of forest land will also be lost.

**The Perpetrators:**

1. SP Rayagada Police
2. Anti-Naxal squad of the Rayagada district police

**Date of Incident:**

28<sup>th</sup> June 2015.

**Place of Incident:**

Resident of Mr. Sumanta Parida at Jayaramguda, Rayagada Municipality, Rayagada.

**Incident detail:**

According to sources, on 28<sup>th</sup> June 2015, five armed police men of the local 'Naxal Squad' of the Rayagada police surrounded Mr. Sumanta Parida's house. Two constables took him to the jeep waiting outside his house. The police officer interrogated him and told him that he is associated with the Maoist group of the areas so he has to inform the police about them. Police also searched his house without a proper search warrant with them. The police threatened him by saying that they would send him to jail for at least 7 years on various fabricated charges or throw him in a river after killing him if he does not give them any news about the Maoists or Naxals. The police gave Mr. Parida 3 days time to report with information and left. The HRD is now in a traumatic status, he is apprehending that the local police could lodge false cases against him to harass and intimidate or even kill him in a fake encounter.

Mr. Sumanta Parida, aged 35 years is the president of RSB Pratirodh Sangram Manch (RSBPSM) which is spearheading the campaign against the proposed alumina refinery complex and also against a 30 MW co-generation power plant at Serigumma panchayat of Kalyansinghpur block and Gumma panchayat of Rayagada block in Rayagada district. The estimated cost of the project is Rs. 3500 crores. The company, which will source bauxite from Sasubohumali hills, requires over 613 hectares of land for the projects. People of all the 17 villages are going to be affected by the project. Land has already been acquired by the state government. The government tried to hold two public hearings in 2011 and 2013. The SB Pratirodh Sangram Manch intervened during the public hearings and termed them illegal the way it was being held.

Rayagada has a population of 3 lakh and people are dependent on the river Jhanjabati. Jhanjabati river is considered as the lifeline of Rayagada and Kalyansinghpur blocks. Apart from being used for agricultural purpose, water from Jhanjabati is supplied to Rayagada town for drinking purpose. If bauxite mining is started at Sasubohumali hills then the river will dry up and tribals will lose their livelihood. According to RSBPSM, the tribal people living in Sashu Bohu Mali hill are yet to get their legal right over the land used by them under the Forest Rights Act. Yet the state government has signed up MoU with the company for mining in the area. Consent of local tribal people was not taken before signing of the MoU. The struggle against the proposed project is still continuing

**Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Rayagada District -

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of threats issued to Mr. Sumanta Parida;
- Take immediate action on the perpetrators, in this case personnel of Anti-Naxal squad of the Rayagada district police issuing threats to him and harassing him. Using all provisions of law, ensure that the defender is not harassed in future;

- Guarantee in all circumstances the physical and psychological integrity of Mr. Sumanta Parida, who is still under risk of further reprisals from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he underwent because of the threats and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Sumanta Parida;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Sumanta Parida in the State of Odisha to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Odisha to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to

ensure that a coordinated strategy is developed within the State of Odisha for the protection of the rights of human rights defenders;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the NHRC Focal Point on HRDs and the SHRC Odisha to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the SHRC, Odisha to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms 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