



Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

Tel: +91-9994368540 Email:hrda.india@gmail.com

18 January, 2016.

To,

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

Sub: HRD Alert - India - Urgent Appeal for Action– Odisha: RTI activist and human rights defender, Mr. N. A. Saha Ansari, Vice President, Community Radio Association of India was physically assaulted in Konark, district Puri of Odisha – Regarding

Dear Sir,

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 writing to express our grave concern regarding the physical assault on RTI activist and human rights defender, Mr. N. A. Saha Ansari, Vice President of Community Radio Association of India. Mr. N. A. Saha Ansari was physically attacked by a local goon affiliated with local politicians at Konark town area in district Puri of Odisha with the intention to intimidate and harm the defender.

Source of Information on the Incident:

The Coordinator of HRDA for the East of India Communication with the HRD - Mr. N. A. Saha Ansari Local Media Report

Status of the Human Rights Defender:

Mr. N. A. Saha Ansari, aged about 44 years, is the chairman of Young India- an NGO registered under Society Act since 1989. Young India is a common platform for Indian youth which focuses and works on rights based issues related to human

development, governance accountability, youth advancement, local self governance, sustainable livelihoods, gender equity and human rights. Mr. N. A. Saha Ansari has been the target of vested interest groups in the past for exposing corruption in public distribution system through the use of Right to Information Act. He has filed hundreds of RTI queries in various state government departments so far. Young India under the chairmanship of Mr. N. A. Saha Ansari runs a community radio called “Namaskar Radio” which is the first Community Radio Station (CRS) in Odisha started functioning from Konark from July 11, 2010. “Namaskar Radio” broadcasts regular programme episodes along with other special programmes based on thrust areas like, local self governance, human rights, minority and dalit rights, right to food/information/education, gender equity and survival of indigenous trade and culture. He also edits a fortnightly magazine in Oriya language called “Namaskar”.

The Perpetrators:

1. Mr. Debasis Mishra, Inspector in Charge of Konark police station, district Puri, Odisha.
2. Mr. Madhaba Maharana, resident of village Raulapatna, Konark police station, district Puri, Odisha

Date of Incident:

13th January, 2015 around 9 AM

Place of Incident:

Konark Town, District Puri, Odisha

Details of the Incident:

According to sources on 13th January, 2016, Mr. N. A. Saha Ansari was going to his office from his home on a bike. As he reached Raulapatna, a small village at the entry point of Konark city he was stopped by a local goon namely Mr. Madhaba Maharana. Mr. Madhaba pulled and verbally abused Mr. Saha Ansari at the same time. The assailant was carrying knife and a batten piece made of wood and tried to attack Mr. N. A. Saha Ansari in an attempt to harm him physically. Somehow the defender managed to escape from the spot unhurt.

This was not the first time Mr. N. A. Saha Ansari has been targeted by vested groups; he has been threatened many times in the past. Mr. Saha Ansari had filed hundreds of RTI queries to expose corruption in many public grievance departments, like panchayat raj, rural development, civil supply, works, home and construction. In the year 2006, he was attacked by a group of miscreants and he was injured in the

attack. In 2008 a bomb was thrown at his office, he luckily escaped and could save his life from a mob attack. He has been filing complaints with the local police stations but the police as usual have always kept mum on his complaints but instead have been supporting the perpetrators who are politically connected. Mr. N. A. Saha Ansari alleged that this attack was also a planned one, although he does not have any personal rivalry with the accused person. But he apprehends that this must have been planned by those who have been exposed by him.

Mr. N. A. Saha Ansari filed a complaint in the local police station on 14th January 2016. His complaint has been registered under sections 341, 323, 294 and 506 of Indian Penal Code. The police have only called Mr. Madhaba Maharana on 15th January 2016 to the police station but after a brief discussion allowed him to leave. The defender alleges that in the present case the police are not taking any proactive action to arrest the perpetrator. Mr. N. A. Saha Ansari fears that he might face further attacks again in future by the perpetrators.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of physical assault on the human rights defender Mr. N. A. Saha Ansari;
- Take immediate action on the perpetrators as mentioned above for physically assaulting the human rights defender Mr. N. A. Saha Ansari with the intention to harm him;
- Guarantee in all circumstances the physical and psychological integrity of Mr. N. A. Saha Ansari who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the attack and threats to his life and give this assurance to the NHRC of India in writing immediately and urgently;

- Put an end to all acts of attack and harassment of human rights defenders like Mr. N. A. Saha Ansari in the State of Odisha to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs..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