



## Human Rights Defenders Alert – India

National Coordination Office

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31<sup>st</sup> July, 2016

To

**Shri Srinivasa Kammath**

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 - Appeal for Action – Odisha: Physical threats and attempts to file false cases against RTI activist and human rights defender, Mr. N. A. Saha Ansari, Vice President, Community Radio Association of India by anti-social elements in Konark, district Puri of Odisha – Regarding**

### **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 RTI activist and human rights defender, Mr. N. A. Saha Ansari, Vice President of Community Radio Association of India in Odisha. Mr. N. A. Saha Ansari has been physically intimidated by local goons affiliated to local politicians in Konark town area in district Puri of Odisha. A false case has also been filed against the defender at Konark police station with the intention to further harm him.

### **The Human Rights Defenders:**

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 as well as 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:**

Unknown Persons

**Date of Incident:**

June 30, 2016.

**Place of Incident:**

Konark town under district Puri, Odisha

**Incident detail:**

According to sources Radio Namaskar (Community Radio) applied for lease of land for its office and studio before Tahsildar which is situated in Madhipurmauza near Junei village near Konark town. For the last few months some vested interests from Junei village have been trying to threaten Mr. Ansari to take revenge. The motive behind their actions has been to extract money for allowing the defender to take possession of the said land area.

In the month of November 2015 the land area was demarcated to avoid possible future encroachments since vested interests were trying to capture the land in an unauthorized manner. A case was also filed in Konark police station against 10 people who were trying to encroach the land. The decision of Tahsildar and Collector

on Radio Namaskar's lease application was still pending. Meanwhile on June 30, 2016 some people from this group stole stones which were stored near this land since last year's demarcation process. A complaint was lodged against the tractor which was used to illegally carry the stones. The Konark Police seized that tractor which was found without registration number and lawful documents. Before the investigation of police to collect the details of the alleged culprits like names of those who used this tractor and stolen stones, the group of people involved in the crime with the help of local villagers rushed to Konark police station on the same day and filed a false case against human rights defender Mr. N. A. Saha Ansari in order to harass and intimidate him. The district administrative officials such as the SDPO, Nimapara and IIC, Konark know the matter very well. An investigation has been initiated by the Konark Police on this matter at their level.

***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 Puri District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of physical intimidation and attempts to implicate in false case to the RTI activist and human rights defender Mr. N. A. Saha Ansari;
- Take immediate action on the perpetrators for the physically threatening the RTI activist and human rights defender by arresting all of them and using all provisions of law to ensure that the defender is not harassed or attacked or falsely implicated in future;
- 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 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