



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 30, 2017

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy 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: Threat and assault on Right to Information (RTI) activist Mr. Rajkishor Mayurbhanj district in 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 endeavours 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 threat and assault on RTI activist and human rights defender, Mr. Rajkishor Nayak, by the *sarpanch* and her husband in his village in Mayurbhanj district of Odisha.

Source of Information on the Incident:

- The Coordinator of HRDA for the East of India
- Communication with the HRD

Status of the Human Rights Defender:

Mr. Raj Kishor Nayak, is a retired CRPF personnel now residing in Badakhaladi, Mayurbhanj district Odisha. He is passionately engaged in social work, rendering voluntary services to the needy and poor tribals in his Gram Panchayat under Kaptipada block of Mayurbhanj district.

He is involved in exposing corruption cases in the use of government funds earmarked for the implementation of social welfare schemes in the state under Pradhanmantri Awas Yojana and Biju Puca Gruha Yojana in his area.

The Perpetrators:

1. Sri Brajabandhu Nayak, Inspector-in-Charge (IIC) Kaptipada Police Station.
2. Sub-Divisional Police Officer (SDPO) Udala, Mayurbhanj district, Odisha
3. Shri Pandit Rajesh Uttamrao Superintendent of Police, Mayurbhanj district Odisha.

Date of Incident:

May 16, 2017

Place of Incident:

Badakhaladi village, Mayurbhanj district Odisha

Details of the Incident:

According to sources on May 1, 2017, Mr. Rajkishor Nayak had filed a RTI application in the office of Gram Panchayat to access information about details of implementation of allotment of houses, list of beneficiaries and disbursement of funds under Biju Puca Yojana. Having gone through his RTI application, newly elected *sarpanch* of the village Ms. Rajashree Marandi and her husband Mr. Ajaya Kumar Ghan, a contractor by profession, got terribly disturbed as they feared the information sought in the RTI query might be against them.

On May 4, 2017, Mr. Ghan , *sarpanch's* husband, threatened Mr. Nayak that he will be falsely booked under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) , if he did not withdraw the RTI Application. Mr. Nayak ignored this threat and did not yield to it.

Around 4:30 PM on May 16, 2017, while Mr. Nayak was riding a two-wheeler, a group of 10 goons engaged by Ajay Kumar attacked him and had beaten him mercilessly. He managed to escape from the place and returned to his home.

On May 17, 2017, he went to Kaptipada police station to register a complaint. Mr. Brajabandhu Nayak, the Inspector-in-Charge (IIC) refused to file a FIR in the case and registered only the complaint and provided the Diary Number to the HRD. When insisted to file a FIR, the IIC told that a FIR will be filed in two days after investigation. After two days when the HRD went to find the status of the case and to get a copy of the FIR, he found that no FIR had been registered and he was asked to compromise on the complaint. Then, Mr. Nayak approached the Sub-Divisional Police Officer (SDPO), at Udala and appraised him about the non-registration of FIR by IIC, Kaptipada. The SDPO made a call to IIC, Kaptipada and instructed him to register and give him a copy of the FIR.

Even after the intervention by the SDPO, till date, Mr. Nayak's FIR has not been registered by IIC, Kaptipada police station. On other hand, the IIC is trying to arrest Mr. Nayak on the FIR based on a false complaint filed by the opposite party. This matter was subsequently brought before the District Magistrate and Superintendent of Police of the district but till date no result is seen in the case.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of threat to the RTI activist and human rights defender Mr. Rajkishor Nayak;

- Immediately, pass an order to register the human rights defender's complaint in the Kaptipada police station;
- Take immediate action on the perpetrators for the assault made on the RTI activist and human rights defender by arresting all of them including the mastermind of the attack and other accused and using all provisions of law to ensure that the defender is not harassed or attacked in future;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Rajkishor Nayak 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;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- 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
National Working Secretary

Copies to:

Justice (Retd.) H L Dattu

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