



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**April 12, 2018**

**To**

**Mr. 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](mailto:hrd-nhrc@nic.in)

**Dear Sir,**

***Sub: HRD Alert - India - Urgent Appeal for Action – Odisha – Nilachal Bhattacharya - Human rights defender Nilachal Bhattacharya arbitrarily detained and arrested on false and fabricated charges by Odisha Police - Regarding***

**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 over the arrest and illegal detention of human rights defender Nilachal Bhattacharya by the Odisha Police.

**Status of Human Rights Defender:**

Mr. Nilachal Bhattacharya is a member of Communist Party of India (ML) in the Kalahandi district of Odisha for more than a decade. He has also formed a local group in the name of “Jangal Adhikar Committee” (forest rights committee) in the area and the focus was to fight for the land rights of the poor tribals in the district and also to get back the land forcefully acquired by the government for different purposes.

**Source of Information on the Incident:**

- Regional Coordinator for Eastern zone, HRDA
- Interaction with Mr. Yudhistir Mohapatra, State Secretary, CPI (ML)
- Advocate Sudhanshu ku Nanda from Bhawanipatna District Bar Association, Odisha.

**Date of the Incident:**

March 19, 2018

**Place of Incident:**

Madanpur Rampur, Kalahandi District, Odisha.

**Perpetrators:**

1. Dr.R.K.Sharma DGP Police Odisha Cuttack
2. Sri Asit Tripathy, Secretary Home Dept. Govt of Odisha
3. Shri Anjan Kumar Manik, District Collector and Magistrate, Kalahandi district
4. Shri Madkar Sandeep Sampat, SP Kalahandi District

**Details of the Incident:**

As per the sources, Mr. Bhattacharya has been engaged in different social activities and has participated in many agitations and protests on various issues. Earlier in the month of March 2018, Mr. Bhattacharya along with few others objected to the construction of a police barrack in the common forest land in M.Rampur village in Odisha. According to sources, the proposal to build the police barrack was with the support of the District Forest Officer (DFO) and other police officials. Later, the entire villagers belonging to M.Rampur protested against the building of police barrack in the common forest land.

Meanwhile, on March 19, 2018 Mr. Bhattacharya was arrested by the police and was brought to M.Rampur Police Station. It is said that since in this issue he had protested

against the DFO and the police officials he has been targeted by the police and arrested.

Initially the reason for detention was unknown and he was not informed about the charges of arrest. It is now known that Mr. Bhattacharya that has been arrested in the Case no. CT-276 of 2016 under Sections 143 (unlawful assembly) ,186 (Obstructing public servant in discharge of public functions), 294 (Obscene acts or songs), 283 (Danger or obstruction in public way or line of navigation), 506 (Criminal intimidation), 149 (unlawful assembly) read with Section 7 of Criminal Law Amendment Act and Case no. CT-40 of 2017 under Sections 147 (Rioting), 148 (Rioting with deadly weapon) , 294 (Obscene acts or songs),, 506 (Criminal intimidation),, 120B (Criminal conspiracy), 186 (Obstructing public servant in discharge of public functions), 427 (Mischief), 149 unlawful assembly) of Indian Penal Code, all of which are alleged to be false and fabricated in nature.

**Appeal:**

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of harassment of HRD by the college administration
- Direct for an independent, thorough investigation into the incident
- Order for the State Legal Services Authority of Odisha to depute a senior criminal lawyer to represent Mr. Bhattacharya at state costs.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

National Working Secretary

**Copies to:**

**Chairperson, Odisha Human Rights Commission,**

Toshali Bhawan(2nd Floor), Satyanagar,  
PO:Satyanagar,  
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**Shri Naveen Patnaik**

Hon'ble Chief Minister of Odisha  
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