



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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To,

**March 7, 2019**

**Mr. Khaleel Ahmed,**

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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**Sub: HRDA Alert – India – Urgent Appeal for Action- Odisha- Mr. Lingaraj Azad - Arrest of Mr. Lingaraj Azad, leader of Niyamgiri Suraksha Samiti 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 now writing to express our grave concern regarding the repeated judicial harassment and arrest of human rights defender Mr.Lingaraj Azad, leader of Niyamgiri Suraksha Samiti, Odisha by the Kesinga police under false charges.

## **Status of Human Rights Defender:**

Mr. Lingaraj Azad, is an indigenous tribal activist from the Kalahandi District of Odisha and has been struggling against bauxite mining in Niyamgiri area of Kalahandi and Rayagada districts in Odisha, where Dongria Kondh (indigenous tribal community) are to be displaced forcibly from the thirty villages due to bauxite mining. Mr. Lingaraj Azad is a fierce fighter for the rights of the adivasis. He is the National Vice-President of Samajwadi Jan Parishad and National Convener of National Alliance of Peoples Movement (NAPM) under which he has successfully led the peoples movement and fought the valiant struggle against Vedanta Corporation. In nearly three decades of his activism, Mr. Lingaraj has faced physical attacks, arrests, judicial harassments from the State in connivance with corporates due his struggle against the systemic oppression and corporate loot of the natural resources in the region.

**Source of Information:**

- Regional Coordinator HRDA for Eastern zone
- Advocate Sidharth Nayak, who is Mr. Lingaraj's legal counsel
- Another HRD from the region (anonymous)

**Perpetrators:**

- Mr. Battula Gangadhar, Superintendent of Police, Kalahandi;
- Mr. Gupteswar Bhoi, Sub-Divisional Police Officer (SDPO) Kesinga Police station;
- Mr. Mohapatra, Inspector In Charge Kesinga Police Station;
- Mr. Sanjay Kumar Mandal, Inspector In Charge Lanjigarh Police Station.

**Date of Incident:**

March 6, 2019

**Brief History**

Dongria Kondh, is a vulnerable indigenous tribal group that resides in the Niyamgiri hill range, Odisha. The Odisha Mining Corporation (OMC), which is a public sector undertaking allowed Sterlite Industries, owned by Vedanta Corporation to mine bauxite from the Niyamgiri area by violating the Forest Rights Act and The Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA), which was opposed by the Dongrias who consider the hill range as the abode of their traditional god '*Niyam Raja*'. Since then the said tribal group formed an association named "Niyamgiri Suraksha Samiti" (NSS), which opposed the mining. After the landmark Supreme Court verdict in 2013 in the case of *Orissa Mining Corporation Vs Union of India*, the mining came to a halt, but Sterlite Industries along with OMC is now trying to re-start the mining by displacing the Dongrias from the nearby thirty villages. Mr. Azad was leading the NSS, since its inception because of which the local police is trying to arrest him in different fabricated and false charges in order to help the mining companies to start the displacement of the indigenous community without much resistance.

**Details of the Incident:**

As per the sources, on March 6, 2019, while Mr. Azad was in his village, one police personnel from the Kesinga Police Station came to his house and asked him come along with him to meet Mr. Gupteswar Bhoi, who is the SDPO. Mr. Azad refused to go along with him and told him that he would go on his own to meet the SDPO. Accordingly, he went to the Kesinga police station in his bike from his village and at the police station, he met the SDPO. The SDPO informed Mr. Azad that the reason to summon him to the police station was to question him in an old case registered with the Lanjigarh police station and therefore personnel from the said police station had come to meet him.

After a few hours, Mr. Lingaraj was told that he is now being arrested for two old cases bearing Case No. 28 dated 26/04/2017 under Sections 143,147,148,188,149, of the

Indian Penal Code (IPC) 7 of the Criminal Procedure Code (CrPC) along with 341,120 B of the IPC and another case bearing Case No. 1 of 2019 dated 18/2/2019 under Sections 147,148, 294, 506,149 IPC and 27 of the Arms Act. After medical checkup, he was forwarded to Bhawanipatna district court and remanded to custody.

It is pointed out here that arrest and brazen attack of Mr. Lingaraj by the Odisha government just before general elections is a planned action and is done just to stop him from continuing the anti-displacement activism so as to discontinue him from carrying forward his struggle for the indigenous people.

**Appeal:**

We, therefore urge you to immediately take necessary action to ensure that the Superintendent of Police and the District Collector of Kalahandi District:

- Order immediate and unconditional release of Mr. Lingaraj;
- Order that the State Legal Services Authority to send a senior criminal lawyer of Mr. Lingaraj Azad's choice to represent in the cases for which he has been arrested now and others which he is facing at state cost;
- Order an immediate, thorough, transparent, effective and impartial speedy investigation into the above-mentioned incident;
- Guarantee in all circumstances the physical and psychological safety and integrity of the HRD Mr. Azad, his family members, other community leaders and members who are still under risk from the perpetrators.

Looking forward to your immediate action in this regard,

Yours sincerely,

-sd-

**Henri Tiphagne**

**National Working Secretary**