



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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March 22, 2019

To

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
Email: hrd-nhrc@nic.in

Sub: HRDA Alert – India – Urgent Appeal for Action – High handedness of the Odisha Industrial Security Force and Vedanta security leading to the spot death of one Human Rights Defender Mr. Dani Batra and injuring about 30 other protestors in Lanjigarh, Dist Kalhandi 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 high handedness of Odisha Industrial Security Force (OISF) deployed in Lanjigarh, action of which has led to the death of one person and has rendered 30 other protestors injured. The protestors were protesting peacefully in front of the plant gate.

Source of Information:

- Regional Coordinator HRDA for Eastern zone
- Mr. Upendra Naik, Member Niyamgiri Surakhya Samiti
- Mr. Basanta Betra, HRD from Rangopali village

Perpetrators:

- Odisha Industrial Security Force (OISF)
- Vedanta officials

Date of Incident:

March 18, 2019

Background of the incident

Vedanta, a multi-national mining private company, is reported to have acquired about 3,000 acres of land from 2004 onwards, around Lanjigarh and other surrounding villages in Kalahandi district of Odisha for construction of an aluminum refinery plant. The company promised to provide permanent jobs to the native tribal community in the plant and also to provide healthcare, education and other facilities for the displaced community. Over a decade since then, Vedanta has not fulfilled its promises and responded to the demands of the native people who have been displaced due the construction of the aluminium refinery plant. As the demand and promises were not fulfilled by the company, the displaced community used to peacefully protest on a given day every month in front of the Vedanta's plant in Lanjigarh.

Details of the Incident:

As per the sources, on March 18, 2019, morning at about 10 AM, displaced villagers and local contract workers from the Vedanta's aluminum refinery plant had gathered in front of the plant to peacefully protest for their demands. The security of the plant is provided by the OISF, a special police force formed by the Odisha State Government to protect the industries owned by the government and also extended its protection to private companies. As they were protesting peacefully, the OISF personnel tried to evict the protestors which was resisted by the displaced villagers. It is alleged that the OISF personnel started to physically attack the protestors and used force to dispel the crowd. This resulted in injuries to almost 30 protestors and death of Mr. Dani Batra.

This incident comes as a shock as it is less than a year since the brutal killing of 13 peaceful protestors against Sterlite Industries, a copper smelter plant owned by Vedanta in Thoothukudi, Tamil Nadu.

It is strongly believed that Vedanta's collusion with the State and its unjust legal and regulatory mechanisms have led to the unethical practices and displacement of the tribals and Adivasis in Lanjigarh. Further the resettlement, rehabilitation and development of the locals as promised by the company is not fulfilled and therefore infringed the right to life of the locals as guaranteed by the Constitution of India.

Further, arbitrary lathicharge leading to death and grievous injuries to peaceful protestors qualifies as highhandedness by the company and the State. It is evident that standard operating norms for the police weren't followed by the OISF personnel.

This excessive and unjustifiable use of force was just to silence and deter any peaceful protest which once again violates fundamental rights and freedoms as guaranteed Indian Constitution and therefore requires urgent and immediate attention of this Commission.

Appeal:

HRDA would like to recall Commission's commitment to protect human rights in such situations under the Edinburgh Declaration of 2010 on 'the role of national human rights institutions (NHRIs) in addressing Business and Human Rights'. Point 11 of the Declaration emphasize the important role NHRIs need to play in addressing corporate-related human rights challenges. NHRC should abide by section C of the Declaration titled as 'Complaints Handling' and refer to clause ii '*handling complaints related to corporate human rights abuse using their quasi-judicial powers*'. We also would like to remind of the NHRC's role as the Focal Point on business and human rights at the Commonwealth Forum for NHRIs, to act promptly on issues of corporate violations in human rights.

We, therefore urge you to immediately take necessary action and ensure:

- Order an immediate, thorough, independent, transparent, effective and impartial timebound investigation into the above-mentioned incident through the Investigation Team of the NHRC;
- Based on the independent and impartial investigation, order definite actions against the OISF and Vedanta as per the requirements of the law;
- Ensure provision of reparation, compensation, to the deceased defender by NHRC of India immediately;
- Exercise Section B titled 'Monitoring' of the Edinburgh Declaration and as mentioned in clauses i and ii, monitor and document violations of human rights by corporations operating or registered under the domestic jurisdiction and; examine the conditions of access to justice for all, including through conducting public enquiries, with particular reference to indigent, vulnerable and marginalised groups, affected by the business corporations and the private sector.
- Guarantee in all circumstances the physical and psychological safety and integrity of the deceased HRD family members and the villagers & their family members,

other community leaders and members who are still under risk from the perpetrators; and

- Ensure the implementation of the 2013, Gram Sabha verdict of the people of Niyamgiri.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

Henri Tiphagne
National Working Secretary