



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 11, 2021

To
Mr. C.S Mawri,
National Focal Point - Human Rights Defenders & Assistant 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 – Urgent Appeal for Action – Odisha: Harassment, misuse of law and fabricated charges against RTI activist Mr. Srikanta Pakal by Odisha Police.

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 in to express our concern over the harassment, misuse of law and fabricated charges against RTI activist Mr. Srikanta Pakal by Odisha Police.

About the Human Rights Defenders:

Mr. Srikanta Pakal is a well-known RTI activist associated with the Odisha Soochana Adhikar Abhijan (OSAA) – a civil society group that works to popularise, promote and implement the Right to Information Act and the Lokayukta Act, 2014. He resides in Choudwar in Cuttack district of Odisha and through RTIs he has exposed corruption and irregularities in the implementation of several government schemes. His work has irked powerful politicians and government officials.

Source of Information:

- Communication with the HRD
- Communication with HRDs in the region
- Fact finding report by the OSAA
- Police records

The Perpetrators:

- Mr. Radhakanta Sahu, Officer In Charge, Balipatna Police Station
- Mr. Rajat Kumar, Investigating Officer, Balipatna Police Station
- Police personnel attached with Balipatna Police Station

Date of Incident:

March 31, 2021

Place of Incident:

Balipatna, Khordha district, Odisha

Details of the Incident:

On March 31, 2021, at 7.38 PM, an FIR (88/2021) was registered at Balipatna Police Station against Mr. Srikanta Pakal under Sections 341 (Punishment for wrongful restraint), 294 (Obscene acts and songs), 323 (Voluntarily causing hurt), 354 (Assault or Criminal force to a woman with intent to outrage her modesty), 420 (Cheating and dishonestly inducing delivery of property), 506 (Punishment for Criminal Intimidation) of the Indian Penal Code and Section 3(2) (va) (Punishment for Offenses covered under IPC) of the SC/ST Prevention of Atrocities Act.

The FIR was registered by Balipatna Police Station Officer In Charge Mr. Radhakanta Sahu on the basis of a complaint by Ms. Sunei Bhoi, a resident of Pubagada village under Balipatna Police Station in Khordha district. The complainant claimed she had paid Rs 20,000 to Mr. Pakal two years ago to secure a house under a government scheme titled 'Biju Pakka Ghar', but Mr. Pakal had disappeared after taking the money. On March 31, 2021, she spotted Mr. Pakal in her village and asked him about the status of her house, when he threatened and abused her in casteist terms in the presence of other villagers, the complaint stated.

Mr. Pakal neither knew the complainant Ms. Bhoi, nor had he ever visited the Pubagada village in the past. He learned about the FIR against him from media reports. Police did not provide the HRD with a copy of the FIR, and he was able to get it on May 31, 2021, only after filing an RTI application. He was also not contacted either by Officer In Charge Mr. Radhakanta Sahu, or by Investigating Officer Mr. Rajat Kumar, raising questions about whether any probe was conducted into the charges against him.

On September 10, 2021, an 11-member fact-finding team, comprising of senior journalists, activists and lawyers, visited Pubagada village to ascertain facts in this case. They met Ms. Bhoi in the presence of the Sarpanch, her family members and other villagers, and recorded her statement. She said that she didn't submit any complaint to the police, and knew nothing about the FIR against Mr. Pakal. She also said the signature accompanying the complaint was not hers as she was illiterate and gave thumb impressions wherever required.

It is our firm belief that the allegations against Mr. Pakal are politically motivated and aimed at damaging his credibility as an HRD. The fabricated FIR is a case of misuse of powers by the police and a tool of reprisal against the HRD for exposing and fighting corruption and abuse of authority through RTI.

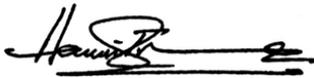
Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter of fabricated charges against an HRD and:

- Direct the investigation wing of the Hon'ble Commission to initiate an immediate, fair and transparent inquiry in this case of fabricated charges against Mr. Srikanta Pakal for exposing corruption and abuse of authority through RTI.
- Depending on the result of the inquiry, direct the Director General of Police of Odisha to take immediate and strict actions against the police officers who misused their powers and falsely booked Mr. Srikanta Pakal.
- Direct the Director General of Police of Odisha to take measures to ensure that Mr. Srikanta Pakal is not further harassed in this case.
- Direct the Chief Secretary of Odisha to pay adequate compensation to Mr. Srikanta Pakal for the politically motivated and fabricated charges against him aimed at damaging his credibility.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

Henri Tiphagne
National Working Secretary