



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

December 23, 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: Fabricated case against Mr. Raju Katikia and other environmental activists.

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 fabricated charges against Mr. Raju Katikia and other environmental activists in reprisal for their opposition to an industrial project in the area.

About the Human Rights Defenders:

Mr. Raju Katikia is a resident of Dhinkia panchayat under Erasama block in Odisha's Jagatsinghpur district. Like other local villagers, he has been opposing efforts to set up large industries in the coastal district for over 15 years fearing ecological destruction and loss of forests and livelihoods.

Mr. Katikia participated in a peaceful movement opposing a steel plant and port by South Korean steel giant POSCO for 15 years. Although the Odisha government forcibly acquired land for the project in 2013 and cut down over 3 lakh trees, opposition against the project remained strong, and in 2017, POSCO exited.

A year later, the state government announced that the Jindal Steel Works (JSW) would set up a mega project at the site comprising steel, power and cement plants and captive jetties. Mr. Katikia and other HRDs in Dhinkia panchayat renewed their movement and in subsequent months and years, they conducted numerous public meetings, rallies and demonstrations opposing the JSW project. In recent months, they also opposed the project in public hearings conducted by the administration.

Source of Information:

- Communication with the HRD
- Communication with other HRDs in the region
- Police records

The Perpetrators:

- Mr. Pradyumna Behera, Inspector In Charge, Abhyachandpur police station
- Mr. Ashutosh Hota, Sub Inspector, Abhyachandpur police station
- Other personnel attached to Abhyachandpur police station

Date of Incident:

December 2, 2021

Place of Incident:

Dhinkia panchayat, Jagatsinghpur district, Odisha

Background of the Incident:

Mahala and Patana under Dhinkia panchayat in Erasama block of Jagatsinghpur district were accorded the status of revenue villages by the Odisha government in April 2021 and August 2021 respectively.

Local villagers alleged the decision was taken without any consultation with the Dhinkia panchayat and relevant palli sabhas (a fourth tier of local governance in Odisha below the gram sabha). They feared it was designed to facilitate land acquisition and fracture the movement, and held several meetings and rallies opposing the move.

On November 30, 2021, administrative officials undertook demarcation in Patana amidst the presence of 14 platoons of police personnel. Residents of the village held a peaceful demonstration beside the local temple. Armed policemen were deployed to intimidate the protestors and they had been given only a day's notice regarding demarcation. Delimitation work in Mahala village was scheduled the next day.

On December 1, 2021, when revenue officials led by Erasama Tehsildar Mr. C Pranjananda Das reached Mahala for demarcation work along with a large contingent of police personnel, residents protested by forming a human chain. Eventually, the demarcation work was called off and revenue officials and police left the area.

Details of the Incident:

On December 2, 2021, at around 9 PM, an FIR (124/ 2021) was registered at the Abhayachandpur Police Station falsely accusing Mr. Raju Katikia and 5-7 unnamed others. The accused were charged under 294 (absence of complainant), 506 (criminal intimidation), 427 (mischief causing damage up to Rs 50), 379 (theft), and 34 (common intent) of the Indian Penal Code.

The complainant Mr. Surendra Jena alleged that when he and other residents of Mahala accompanied administrative officials during demarcation work in their village on December 1, Mr. Raju Katikia and others warned them not to cooperate with the administration, and threatened to damage Mr. Jena's betel vines. On the morning of December 2, Mr. Jena discovered his betel farm was damaged and machineries and

accessories were stolen, he stated. Mr. Ashutosh Hota, Sub Inspector, Abhyachandpur police station was designated as the Investigating Officer in the case.

Though no one has been arrested in the case yet, Mr. Katikia and other HRDs in the area fear they might be detained and arrested.

This has become a pattern by the Odisha Police to target HRDs protesting against environmental activists working to protect the land and environment by planting false and fabricated cases against them. Mr. Katikia is another person targeted in this pattern and that a fake case has been filed against them in reprisal for their participation in a peaceful demonstration against the creation of new revenue villages without due consultation.

These actions on the part of police amount to a gross abuse of the HRDs' fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."*

When HRDs like Mr. Raju Katikia and others are targeted and implicated in false cases for opposing big industries fearing they will cause massive environmental destruction and loss of livelihoods, these rights are grossly violated.

Appeal:

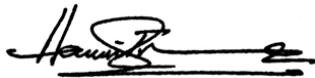
We thus request the Hon'ble Commission to urgently:

- Initiate an immediate, independent, thorough, transparent, effective and impartial investigation through its investigative wing into the fabricated charges against Mr. Raju Katikia and all other environment activists in Dhinkia and submit a report within two weeks.

- Depending on the result of the inquiry, direct the Director General of Police of Odisha to take stern action on policemen guilty of misusing law, muzzling freedom of speech, expression and assembly, and targeting HRDs.
- Direct the Director General of Police of Odisha to take appropriate measures to quash the false charges against HRDs.
- Direct the Chief Secretary of Odisha to initiate to initiate an independent inquiry into violation of legal provisions and rules during demarcation work in Patana and Mahala villages, and submit a report to the NHRC within two weeks.
- Direct the Government of Odisha to take immediate cognizance of the issues raised by the villagers/ regarding the demarcation in Patana and Mahala villages and not proceed in any manner without due and proper consultation with the villagers.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne
National Working Secretary