



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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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, intimidation, illegal detention and arrest of HRD Mr. Sushant Panigrahi under fabricated charges 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 to express our concern over the harassment, intimidation, illegal detention and arrest of HRD Mr. Sushant Panigrahi under fabricated charges by police and administrative officials in Odisha.

About the Human Rights Defender:

Mr. Sushant Panigrahi is a human rights activist based in Khaprakhol block of Bolangir district in Odisha. A vocal campaigner of the rights of mining and displacement affected communities, he has been associated with civil society groups and organisations like Mines, Mineral and People, Samata and People's Union for Democratic Rights, and has worked in Delhi, Chhattisgarh and other states.

Mr. Panigrahi moved back to his native place Mahara Padar village in Khaprakhol block in Bolangir district in 2019 and has been closely involved in unionising brick kiln workers and initiating rescue of bonded labourers from Bolangir working in Telangana and other states in the past two years. He has worked in close collaboration with organisations like Samata, Civil Liberties Committee (Telangana) and Ganatantrik Adhikar Surakha Sangathan (Odisha) during this period. He has received multiple death threats from labour contractors who are adversely affected by his activism.

Source of Information:

- Communication with the HRD
- Communication with HRDs in the region
- Social media posts
- Media reports

The Perpetrators:

- Mr. Jyotindra Pati, Thana Prabhari, Khaprakhol Police Station
- Assistant Sub Inspectors Mr. Panchanan Negi, Mr. Sewan Kerketta, Mr. SP Thakur and other personnel at the Khaprakhol Police Station
- Mr. Priyabrata Mahakud, Forest Officer

Date of Incident:

29-30 March, 2021

Place of Incident:

Khaprakhol block, Bolangir district, Odisha

Background of the Incident:

On December 7, 2018, Mr. Satya Mahanand, a 75-year old landless Dalit resident of Baghjaran village in Khaprakhol block, was allotted a plot measuring 6 decimals under the Odisha government's Vasundhara scheme, which provides homestead land to needy persons. In keeping with standard practice, Mr. Mahanand was provided a demarcation paper with details of the land grant. The paper was signed by revenue Inspector, Khaprakhol revenue circle and handed over to him in the presence of other villagers.

While Mr. Mahanand constructed a small house and secured the plot with a boundary wall in January 2021, some influential villagers including Mr. Rohita Meher, Panchayat representative, Mr. Belar Meher, panchayat nominee of Patnagarh MLA Mr. Saroj Meher, and Mr. Tapindra Suna, claimed a weekly market was supposed to be set up on the said land. They asked Mr. Mahanand to vacate the land, denied him access to grocery shops and drinking water in the village, and threatened to kill him if he did not do as directed.

On January 8, 2021, at around 11 AM, a group of villagers led by Mr. Tapindra Suna and Mr. Belar Meher arrived at Mr. Mahanand's house and demolished the boundary wall around his plot with the help of a bulldozer without informing him or seeking his consent. They also felled three trees on the plot aged over 200 years without seeking the approval of forest department, as required under law.

Mr. Sushant Panigrahi helped Mr. Mahanand to prepare the formal complaints, about the harassment, demolition and attempted land grab, death threats and ostracization addressed to the Khaprakhol Police Station on three occasions between January and March 2021. All the three complaints were received by Khaprakhol PS Thana Prabhari Mr. Jyoti Ranjan Pati on January 17, 2021, February 28, 2021, and March 12, 2021, but police did not register a single FIR.

Mr. Panigrahi also shared a video with Mr. Sewan Kerketta, Assistant Sub Inspector at the Khaprakhol Police Station, on February 27, 2021, over WhatsApp, where Mr.

Mahanand spoke about the death threats, and urged him to register an FIR and take action on guilty, but no FIR was registered.

On March 27, 2021, when Mr. Panigrahi visited Baghjharan, he took a picture of the felled trees on Mr. Mahanand's plot and shared the same with Forest Officer Mr. Priyabrata Mahakund over WhatsApp, along with details of the location and the names of those responsible for felling the trees.

Details of the incident:

On March 29, 2021, at around 5.30 PM, when Mr. Panigrahi and his colleague were passing by Baghjharan on their way back from a neighbouring village, they were intercepted by Mr. Tapindra Suna and his 5-6 supporters. They abused Mr. Panigrahi, and slapped, punched and kicked him multiple times, asking him why he had taken a picture of the felled trees and complained about the same to the forest officer.

When Mr. Panigrahi tried to film the proceedings on his mobile phone, Mr. Suna and others snatched his phone and bike key. They also slapped his colleague several times. Within 5-7 minutes, a small mob of villagers armed with batons and axes reached the site, but Mr. Panigrahi and his colleague fled from the spot on his colleague's bike leaving Mr. Panigrahi's bike behind.

Mr. Panigrahi reached the Khaprakhol Police Station at around 6.00 PM, where he registered an FIR (0041/2021) against Mr. Tapindra Suna under Sections 341 (wrongful restraint), 294 (obscene acts or words), 323 (voluntarily causing hurt), 392 (robbery) and 506 (criminal intimidation) of the Indian Penal Code.

However, a large mob of around 2000 people including Mr. Suna and labour contractors aggrieved by Mr. Panigrahi's attempts to unionise brick kiln workers and rescue bonded labourers reached the police station. They detained him in a cell inside the police station for over three and a half hours, and abused, heckled and threatened to kill him multiple times. Whereas 12-15 police personnel including Thana Prabhari Mr. Jyoti Ranjan Pati and Assistant Sub Inspectors Mr. Sewan Kerketta, Mr. SP Thakur and Mr. Panchanan Negi who were inside the police station premises did little to come to the aid of the HRD.

Instead, Inspector In Charge Mr. Pati asked the HRD why he had complained about the felled trees to the forest department. He told Mr. Panigrahi that the villagers were very angry with him and urged him to refrain from angering them further.

Assistant Sub Inspector Mr. Panchanan Negi advised the assailants to file fabricated cases against him for using casteist slur words and molesting women. Police registered an FIR (No 42/ 2021) against Mr. Panigrahi on the basis of complaints by Mr. Suna, a labour contractor and a villager between 7 PM and 10.30 PM on March 29, 2021, and he was charged under Sections 354 (assault or criminal force to woman to outrage her modesty), 341 (wrongful restraint), 294 (obscene acts and scenes), 323 (voluntarily causing hurt), 506 (criminal intimidation) (506) of the Indian Penal Code and provisions of the SC/ ST Prevention of Atrocities Act. Shockingly, the complaint regarding molestation was not filed by a woman but by another person, but police included the same in the FIR without any preliminary inquiry.

Meanwhile, some of Mr. Panigrahi's friends and colleagues learned of his illegal detention at the Khaprakhhol Police Station and posted on Twitter about the same, requesting the Superintendent of Police, Bolangir Mr. Kusalkar Nitin Dagudu to intervene in the matter and secure his release. At around 10.30 PM on March 29, 2021, Mr. Pati received a call from the SP, and informed him about the three complaints against Mr. Panigrahi, as well as the complaint registered by him against Mr. Suna and others.

Although Mr. Panigrahi overheard the SP asking Mr. Pati to forward all the complaints to court, Mr. Pati was angered at the SP's intervention and before letting him leave the police station premises at around 11 PM, threatened to put Mr. Panigrahi in jail at the earliest. His phone snatched by Mr. Suna was also returned to him.

On 30 March, 2021, at around 9 AM, Mr. Pati called Mr. Panigrahi and asked him to report to the police station to answer some questions. When the HRD reached the police station at around 9.30 AM, his mobile phone and bike were confiscated from him and he was made to sit in a cell inside the police station for around nine hours.

At around 4.30 PM, Mr. Pati, Mr. S.P Thakur and Mr. Sewan Kerketta told him that he was being arrested, but was not informed about the charges against him. He was not shown any arrest warrant or seizure memo, or allowed to speak to a lawyer of his choice; police made him sign the arrest memo forcefully, and his family was not informed of his arrest.

Mr. Panigrahi was produced before the Sub Divisional Judicial Magistrate of Patnagarh sub-divisional court at her residence at around 5.30 PM on March 30, 2021, and was remanded to judicial custody in Patnagarh Sub Jail for 33 days. He was granted bail by the Additional District Judicial Magistrate, Patnagarh on May 3, 2021.

We strongly believe that the harassment, intimidation, illegal detention and arrest of Mr. Panigrahi and his implication in fabricated cases are acts of reprisal against his work as a human rights defender to protect the land rights of Mr. Mahanand, a poor Dalit beneficiary of the Vasundhara scheme in Baghjaran village, as well as to unionise brick kiln workers, rescue bonded labourers and victims of human trafficking.

The blatant manner in which he was threatened by assailants inside the police station in the presence of Thana Prabhari Mr. Pati, and the advice offered by ASI Mr. Negi to assailants to file fabricated complaints against him clearly show that the police acted in collusion with influential villagers and labour contractors who were adversely affected by his work as a HRD. No FIR was registered regarding the illegal demolition of the boundary wall and the death threats against him despite multiple written complaints by Mr. Mahanand and Mr. Panigrahi sharing his video testimony with ASI Mr. Kerketta.

Moreover, in violation of instructions issued by the SP to Mr. Pati to forward both sets of complaints, by and against Mr. Panigrahi, to the court, police only arrested Mr. Panigrahi, but did not take any action against Mr. Tapindra Suna named in Mr. Panigrahi's FIR barring detaining him at the Khaprakhhol Police Station for a few hours on March 30, 2021. Mr. Panigrahi was also not informed of the FIRs and charges against him.

Further, when Mr. Suna met Mr. Panigrahi on March 30, 2021, while the two were detained at the Khaprakhol police station, he claimed Forest Officer Mr. Priyabrata Mahakud informed him on March 27, 2021, about the complaint lodged by the HRD over tree-felling on Mr. Mahanand's plot indicating collusion.

Lastly and most importantly, the illegal manner of his arrest which was a gross violation of the DK Basu guidelines of arrest without any arrest memo, access to lawyer, or information to his family shows that the arrest procedure was illegal in nature.

Appeal:

HRDA urges the Hon'ble Commission to protect human rights defenders, especially in situation where they exercise their Constitutional rights. We thus urge the hon'ble Commission members to:

- Direct the Superintendent of Police, Bolangir, to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into the harassment, intimidation, illegal detention and arrest of Mr. Sushant Panigrahi under fabricated charges.
- Depending on the results of the inquiry, direct the Director General of Police, Odisha, to take stern action against those policemen guilty of harassment, intimidation, illegal detention, arrest and misuse of law, including in framing Mr. Panigrahi in fabricated cases.
- Direct the Chief Secretary of Odisha to hold a comprehensive and impartial inquiry into attempts to grab Mr. Mahanand's land, including the lack of any action over complaints lodged by Mr. Mahanand and Mr. Panigrahi regarding death threats faced by Mr. Mahanand and the felling of trees aged more than 200 years on his plot.
- Depending on the result of the inquiry, direct the Chief Secretary of Odisha to take stern action against administrative and police officials guilty of ignoring complaints regarding land grab, death threats and illegal felling of trees.
- Direct the Chief Secretary of Odisha to provide adequate compensation to Mr. Mahanand and Mr. Panigrahi for the physical and mental harassment they had to go through and guarantee his and his family's safety from further harassment by the officials.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary