



Human Rights Defenders Alert – India

National Coordination Office

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January 29, 2017

To,

Shri Srinivasa Kammath,

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: HRD Alert - India - Urgent Appeal for Action –Odisha – Mr. Chakrant Jena: Harassment and intimidation of RTI Activist and human rights defender Mr. Chakrant Jena by Superintendent of Police in Rourkela , Sundergarh District 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 endeavors 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 intimidation and harassment of RTI activist Mr.Chakrant Jena by the local police administration in Rourkela city in Sundergarh district of Odisha state.

Source of Information on the Incident:

- The Coordinator of HRDA for the East of India
- Communication from Odisha Soochana Adhikar Abhijan (OSSA)

The Human Rights Defender:

Mr. Chakrant Jena is an ex-service man who retired from army after 16 years of meritorious service. He is actively involved in social activities and rendering voluntary services to the poor and disadvantaged people in Rourkela and Sundargarh. He has also been associated with Odisha Soochana Adhikar Abhijan for the last five years and carrying out awareness programmes on RTI and filling RTIs to different offices in order to help the poor people in their fight to get justice.

The Perpetrators:

1. Shri Anirudh Kumar Singh, Superintendent of Police, Rourkela, District Sundargarh Odisha.
2. Additional Superintendent of Police Rourkela.

3. Inspector in Charge, Chhend Police Station, Rourkela, Odisha

Date of Incident:

January 18, 2017

Place of Incident:

In the office of Superintendent of Police, Rourkela, Odisha.

Incident detail:

According to sources, Mr. Chakrant Jena had filed a RTI Application on December 8, 2016, to the Public Information Officer, Office of Inspector General of Police, Western Range, Rourkela seeking information about details of licenses issued to private security agencies under Private Securities Regulation Act and details of procedure followed for issuing the license etc. The RTI was forwarded to Public Information Officer, Office of Superintendent of Police (S.P), Rourkela on December 13, 2016. On denial of information, he filed first appeal dated January 5, 2017, to the First Appellate Authority-cum-S.P., Rourkela to direct the Public Information Officer to provide complete information. The office of First Appellate Authority issued a notice to him on January 12, 2017, evening by hand to attend the hearing on January 14, 2017, at 10 AM. Since S.P. did not turn up till 1.15 PM on January 14, 2017, Mr. Chakrant Jena left the office explaining his inability to wait since he had other engagements. There after he dispatched a letter by post, addressing S.P. with a request to notice him again, since Additional S.P, Rourkela refused to acknowledge proof of his presence on January 14, 2017. Following it, Mr. Chakrant Jena was served another notice by S.P-cum-Appellate Authority through Chhend Police station, Rourkela on January 16, 2017 during evening hours to attend a rescheduled date of hearing on January 18, 2017, at 11 AM. On January 18, 2017, he was escorted to S.P. office on his arrival at 11 AM. He made a request to First Appellate Authority to allow one of his friends inside his chamber to advocate on his behalf. The S.P. refused permission rudely and he was visibly angry and the tone and tenor of his expression was demeaning and unbecoming of an IPS officer. The S.P. stated that the letter written to him to establish the presence of Mr. Chakrant Jena on January 14, 2017, for hearing was beyond any courtesy and decorum supposed to be followed by a common man. Then the S.P. intimidated Mr. Chakrant Jena to implicate him in criminal case happening around his residential colony and get him arrested. Then the S.P. asked Mr. Chakrant Jena about his livelihood for which Mr. Chakrant Jena responded that he worked as a supervisor in contract works and also helped his father in farming work after retirement from army. Immediately the S.P. threatened him to thwart his business and put him and his family in distressing condition.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Director General of Police and Chief Secretary of Odisha:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the harassment and intimidation of the human rights defender Mr. Chakrant Jena;

- Along with local district officials, put an end to all acts of harassment against all RTI Activists and all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conforms with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”
 - Article 12.2, which provides that “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”;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs. Etc.] to ensure that a coordinated strategy is developed within the State of Odisha for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the NHRC Focal Point on HRDs and the SHRC Odisha to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Odisha in collaboration with the SHRC, Odisha to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Odisha.

Looking forward to your immediate action in this regard,

Yours sincerely,
(Henri Tiphagne).

S/d-
 Honorary National Working Secretary