



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 26, 2021

To

Mr. Srinivas Kamath,
National Focal Point - Human Rights Defenders & Joint 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: Threats and , assault of citizen protestors preventing them from speaking to a HC appointed committee and fabricated charges against HRDs Mr. Manas Kar, Ms. Sarita, Mr. Pradipta Satpathy, Ms. Kali Swain and other environmental activists 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 grave concern on the physical assault on Dinkia villagers by goons supported by JSW Utkal (a Jindal Steel Works Group company) on February 19, 2022 in presence of the police and senior administrative officials. The villagers were on their way to meet the High-Court appointed committee of lawyers and submit their concerns regarding the ongoing clampdowns in the name of acquiring land for JSW.

We are also concerned about the fabricated cases filed against HRDs Mr. Manas Kar, Advocate. Sarita, Mr. Pradipta Satpathy, Ms. Kali Swain and other environmental activists engaged in peaceful and democratic protests against the JSW Utkal's proposed steel complex in Odisha's Jagatsinghpur district.

About the Human Rights Defenders:

- Ms. Sarita, an advocate associated with Human Rights Law Network, is a well-known human rights defender in Odisha.
- Mr. Pradipta Satpathy, Ms. Kali Swain, Mr. Manas Kar and others active members of JSW Pratirodh Samiti, which is spearheading the movement against JSW Utkal's proposed steel complex in Odisha's Jagatsinghpur district.

They have participated in numerous peaceful, democratic protests demanding scrapping of the project, and have also filed appeals regarding police repression and eviction in the project area in Odisha High Court.

Source of Information:

- Communication with HRDA East Region Co-ordinator
- Communication with other activists in the region.
- Police records
- Media reports

The Perpetrators:

- Mr. Nimain Sethy, Additional Superintendent of Police, Jagatsinghpur
- Mr. Rashmi Ranjan Sahoo, Deputy Superintendent of Police, Jagatsinghpur.
- Mr. C Pragyananda Das, Tehsildar, Erasama.
- Mr. Jibananda Jena, Inspector In Charge, Abhaychandpur Police Station.
- Mr. Ashutosh Hota, Sub Inspector, Abhaychandpur Police Station.
- Mr. JN Patra, Assistant Sub Inspector, Abhaychandpur Police Station.
- Other personnel attached to Abhaychandpur police station.

Date of Incident:

February 19, 2021

Place of Incident:

Dhinkia panchayat, Jagatsinghpur district, Odisha

Background of the incident:

JSW Utkal plans to construct a 13.2 million tonne per annum steel plant with captive jetty, thermal power station and cement grinding unit in Jagatsinghpur district of Odisha. But villagers residing in the area fear the project could cause loss of livelihoods and environmental degradation, and have been participating in a peaceful movement demanding its discontinuation.

In November-December 2021, peaceful protests by villagers intensified, after the state government approved the creation of two new revenue villages in the project area, which locals feared was a ploy to fracture their movement.

In subsequent weeks, police registered over 27 fabricated cases against villagers, arrested them without due procedure, and lathi-charged unarmed protestors without any provocation on several occasions, leaving many seriously injured.

Three PILs were filed in the Orissa High Court regarding these police excesses and reprisals, and sought direction to the authorities to withdraw all fabricated cases against villagers, as well as the police force stationed in Dhinkia panchayat. HRDA has also filed multiple appeals before the NHRC regarding these violations.

On February 16, 2022, the three PILs were taken up for hearing by a division bench of the Orissa High Court, which ordered counsels Mr. Prasanta Kumar Jena, Mr. Omkar Devdas, Mr. Sukanta Kumar Dalai and Additional Government Advocates, Mr.

Debakanta Mohanty and Mr. J. Katikia to visit Dinkia on February 19, 2022, and file a joint report.

Details of the Incident:

On February 19, 2022, the High Court-appointed committee reached Dinkia village to hold an enquiry on people's opinion on the project around noon.

Prior to their arrival, police organised a flag march in the village and threatened residents including petitioners Ms. Kuni Mallick and Ms. Santi Das not to say anything against JSW or the police and administration.

Meanwhile, goons backed by JSW captured entry points to the meeting venue and attacked those who gave statements against the company. Videos of the incident showed villagers being dragged, beaten, slapped and violently assaulted by the rival group in the presence of the high-court appointed committee. The district administration and police failed to ensure security of the villagers.

As many as five villagers, including two women and one child, were seriously injured in the attack by JSW goons. These attacks took place in the presence of senior police officials from the Abhaychandpur police station – namely IIC Mr. Jibananda Jena and SI Mr. Ashutosh Hota. Senior police and administrative officials of the district, including Additional SP Mr. Nimain Sethy and Erasama Tehsildar Mr. C Pragyananda Das, who reached the spot after the incident, also took no action against the assailants.

The police registered three FIRs against villagers opposed to the project who were present to meet the court-appointed committee, claiming they assaulted fellow villagers and police personnel, and abused them using casteist slurs.

The complainant in FIR no 77/ 2022 was Mr. Jibananda Jena, IIC, Abhaychandpur PS. He claimed that on February 19 at 12.30 PM, when the court-appointed committee was visiting Dinkia, Mr. Manas Kar, Ms. Kali Swain, Ms Sarita Bardhan (a misrepresentation of Ms. Sarita from HRLN), and six other named accused along with 10-15 unnamed others created disturbance, assaulted other villages and abused them in casteist terms. The accused were charged under Section 160 (committing affray) of the Indian Penal Code and Sub Inspector Mr. Ashutosh Hota was assigned as Investigating Officer in the case.

The complainant in FIR no 78/ 2022 was Dinkia resident Mr. Jogendra Malika. He claimed that Mr. Manas Kar, Mr. Pradipta Satpathy, Ms. Kali Swain, Ms Sarita Bardhan, and six other named accused along with 50 unnamed others assaulted him and other villages and abused them in casteist terms. The accused were charged under Sections 341, 323, 294, 307, 34 of the Indian Penal Code, and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ ST Prevention of Atrocities Act. Deputy Superintendent of Police Mr. Rashmi Ranjan Sahoo was assigned as Investigating Officer in the case.

The complainant in FIR no 79/ 2022 was Dinkia resident Mr. Akshaya Behera. He claimed that when he and some others were on their way to meet the court-appointed committee, Mr. Pradipta Satpathy, Ms. Kali Swain, Ms Sarita Bardhan, and five other named accused obstructed and abused them, assaulted them with stones and threatened to kill them. The accused were charged under Sections 341, 323, 294, 324,

307, 34 of the Indian Penal Code and Assistant Sub Inspector Mr. JN Patra was assigned as Investigating Officer in the case.

The HRDs are afraid for their safety and security and fear they might be arrested without due procedure or be implicated in more fabricated cases. We are deeply concerned about the assault on villagers who were trying to meet the High Court appointed committee in the presence of the police and senior administration officials as well as the threats and flag march by the local police warning residents not to say anything against JSW or the police and administration.

We also believe that Mr. Manas Kar, Ms. Sarita, Mr. Pradipta Satpathy, Ms. Kali Swain and others were assaulted and implicated in fabricated cases in reprisal for their activism against the JSW Utkal project.

These actions on the part of police officials 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 as well as the NHRC guidelines.

The right to assemble peacefully is enshrined 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 Clause 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. Manas Kar, Ms. Sarita, Mr. Pradipta Satpathy, Ms. Kali Swain and others are targeted expressing their concerns regarding police repression and forceful eviction before court-appointed committees, these rights are grossly violated.

We are shocked that the police as public servants threatened citizens trying to speak to a judicially sanctioned committee; took no action against goons who assaulted and prevented citizens from speaking to the HC appointed committee in their presence and implicated lawyers and HRDs in false cases.

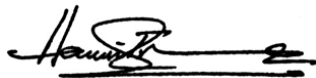
Appeal:

We thus request the Hon'ble Commission to urgently:

- Urgently initiate an independent inquiry by the Director General of Investigation of NHRC into the threats and flag march by the police warning the villagers not to speak to a HC appointed committee against the administration and the company and the assault of villagers by goons stopping them from speaking to the judicially appointed committee and submit the report to the NHRC within two weeks.
- Direct the Director General of Police of Odisha to quash the false cases against the HRDs and ensure that the HRDs are not arrested or tortured by the police in violation of DK Basu guidelines.
- Depending on the result of the inquiry, take stern action against errant police and administrative officials guilty implicating HRDs in fabricated cases and failing to come to their aid when attacked by goons allegedly backed by the company.

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 drawn underneath it.

Henri Tiphagne
National Working Secretary