



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 6, 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert -India – Urgent Appeal for Action – Odisha: Threats, intimidation, misuse of law and fabricated charges against Mr. Muralidhar Sahoo, Mr. Bibekananda Swain 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 threats, intimidation, misuse of law and fabricated charges against Mr. Muralidhar Sahoo, Mr. Bibekananda Swain and other land and environment HRDs and villagers in Odisha by police and administrative.

### **About the Human Rights Defenders:**

Mr. Muralidhar Sahoo, Mr. Bibekananda Swain and others are residents of Dhinkia panchayat under Erasama block in Odisha's Jagatsinghpur district. They have been opposing efforts to set up large industries in the coastal belt for over 20 years fearing ecological destruction and loss of forests and livelihoods.

Mr. Sahoo and others 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. Muralidhar Sahoo, Mr. Bibekananda Swain 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 HRDs
- Communication with other HRDs in the region
- Police records
- Media reports

**The Perpetrators:**

- Mr. Choudhury Pranjyananda Das, Tehsildar, Erasama and other revenue officials at the Erasama tehsil office
- Mr. Pradyumna Behera, Inspector In Charge, Abhyachandpur police station
- Mr. K. Ch. Nayak, Investigating Officer and Sub Inspector attached to Abhyachandpur police station
- Police personnel attached to Abhyachandpur police station

**Date of Incident:**

December 1, 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 2020 and August 2020 respectively. Local villagers feared the decision was taken to facilitate the JSW project 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 Pranjyananda Das reached Mahala for demarcation work along with a large contingent of police personnel. Local 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 1, 2021, at 8 PM, an FIR (123/ 2021) was registered at the Abhayachandpur Police Station against 34 HRDs including Mr. Muralidhar Sahoo and Mr. Bibekananda Swain and 300 other unnamed villagers for blocking the entry of officials into Mahala. The accused were charged under 143 (unlawful assembly), 341 (wrongful restraint), 294 (absence of complainant), 506 (criminal intimidation), 353 (assault or use of criminal force on a public servant), 186 (voluntarily obstructing any public servant in the discharge of his public functions), and 149 (common intent) of the Indian Penal Code.

The FIR was registered by Inspector In Charge of Abhyachandpur police station Mr. Pradyumna Behera on the basis of a complaint by Erasama Tehsildar Mr. Choudhury Pranjananda Das, who alleged that around 200 women and 100 men led by Mr. Muralidhar Sahoo, Mr. Bibekananda Swain and others obstructed revenue officials from carrying out their work. Sub Inspector Mr. K. Ch. Nayak was designated as the Investigating Officer in the case.

Though no one has been arrested in the case yet, Mr. Sahoo and other HRDs in the area fear they might be detained and arrested in violation of due procedure.

We firmly believe that police and administrative officials acted with malafide intentions to threaten and intimidate the HRDs and registered a false case against them in reprisal for their activism.

Firstly, the administration provided villagers only one day's notice for the demarcation exercise, which they protested, although the decision to carve out revenue villages in Patana and Mahala was taken more than a year ago. Secondly, a large contingent of armed police accompanied revenue officials during demarcation work, intimidated locals with their presence. Thirdly, a case against the HRDs was registered shortly after police and revenue officials left Mahala village on December 1, 2021, when they failed to enter the village for demarcation work. Whereas none of the HRDs who formed the human chain were questioned before the registration of the FIR, indicating no preliminary enquiry was conducted by police.

These actions on the part of police and administrative 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.

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 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. Muralidhar Sahoo, Mr. Bibekananda Swain and others are targeted and implicated in false cases for opposing big industries fearing they will cause massive environmental destruction, these rights are grossly violated.

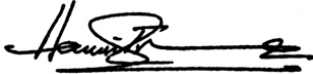
**Appeal:**

We thus request the Hon'ble Commission to urgently:

- Direct the Director General of Police, Odisha, to initiate an independent inquiry into the intimidation and fabricated case against the HRDs and submit a report to the NHRC in two weeks.
- Depending on the result of the inquiry, take stern action against errant police and administrative officials guilty of framing the HRDs and quash the false charges against them.
- Direct the Director General of Police, Odisha to ensure that the HRDs and the villagers resisting the illegal entry of officials are protected from further harassment and/ or arrest by police.
- 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.

Looking forward to your immediate action in this regard.

Yours sincerely,



**Henri Tiphagne**

National Working Secretary