



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/East/OD/06/08/2023

31 August 2023

To,
Mr. Indrajeet Kumar,
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

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Odisha: Illegal detention of HRD
Bhalachandra Shadangi by Odisha Police.**

Greetings from Human Rights Defenders Alert!

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 regarding the illegal detention of HRD and lawyer Mr. Bhalachandra Shadangi at Triki police station in Odisha by Inspector in Charge of Triki and other police officials for meeting with arrested victim's families for redressal.

About the Human Rights Defenders:

Mr. Bhalachandra Shadangi is a lawyer and the National Secretary of the All India Kisan Mazdoor Sabha (AIKMS).

Source of Information:

- Communication with the HRD
- Media Reports

Perpetrators:

- Ms. Bishwarari Bag Inspector In charge of Triki police station
- Mr. Jana Sub-Inspector of Triki police station and
- Other police officials of Triki police station

Date of Incident:

August 18, 2023

Place of Incident:

Police station Triki, Odisha

Background of the incident:

The Mountain ranges of Siji Mali, Manging and Kutru Mali are spread across three blocks of Kalahandi and Rayada district, which comprises of around 145 villages; are proposed to be mined by Vedanta and Adani group. Due to the intervention of gram sabhas Vedanta failed to obtain the mining lease.

Local HRDs allege that in order to obtain the mining lease, Vedanta has entrusted its mining operations to Maitri Infra and Mining company and it tried to bribe the tribals with the promise of money. When the local leaders questioned them they were threatened with the support of the police.

On August 12, 2023 at about 07.30 AM, officials of Maitri Infra and Mining company came to visit the proposed mining site at Siji Mali. Aggrieved by this at 11.00 AM the tribals gathered together at the protest site and protested against the mining activities.

On August 12, 2023, FIRs no.-92, 93, 96, 97 and 101 were registered against 24 activists out of which 21 activists were arrested and produced before the Judicial First Class Magistrate Court (JFCM) Kasipur and were remanded to Rayagada District Jail. On August 16, 2023, three HRDs were arrested by District police Rayagada.

Details of the Incident:

On August 18, 2023, following the arrest of 24 tribals, advocate Bhalachandra Shadangi visited the Kasipur area and met with the families of arrested persons. The HRD was returning to Triki the same day.

At 11 pm the HRD was stopped by Inspector In charge of Triki police station, Mr. Bishweswari Bag and Sub Inspector Mr. Jana who were not in their uniform, along

with 4-5 other police officials at Tikri. The HRD was taken to the Triki police station and detained till 12.30 in the night. According to the HRD, he was questioned about his visits in Kasipur Block and his meetings with the arrested persons' families.

When the HRD asked to show the arrest memo or detention memo the police failed to produce the same, the HRD demanded this release and at 12.30 AM he was released.

HRDA strongly believes that the illegal detention of the HRD is an act of reprisal for his activism as an advocate and human right defender and was in complete violation of the DK Basu Guidelines of Detention and Arrest as ordered by the Honorable Supreme Court.

The DK Basu Guidelines require that the police are in uniforms with visible name badges while detaining or arresting a person, every police officer making an arrest is required to prepare a memo of arrest or detention, with one witness signing it and has to inform the legal authorities, the family about the place where the detained person is being held. The Odisha police's non adherence to any of the above is a misuse of its power and illegal detention by the police.

The United Nations Declaration on Human Rights Defenders 1999 states the following:

- Article 9 (1) *"In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights"*.
- Article 9(3)(c) *"Everyone has the right, individually and in association with others "To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms"*.
- Article 11 *"Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession"*.
- Article 12 *"Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms"*.

Advocate Shadangi being an HRD and a lawyer was within his rights to meet the victims and their families. This incident clearly shows the misuse of official power by police personnel and they should be held accountable to ensure that law enforcement agencies in Odisha do not violate and abuse law.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Police of Odisha to initiate a transparent, independent inquiry in the illegal detention of HRD Mr. Bhalachandra Shadangi and submit the report to NHRC within two weeks.
- Direct the Director General of Police of Odisha to submit with the Hon'ble Commission urgently the CCTV footages, duty registers and vehicle logs of the Triki police station for August 18, 2023.
- Based on the inquiry, take immediate and strict action against Mr. Ms. Bishwarari Bag Inspector In charge of Triki police station and Mr. Jana Sub-Inspector of Triki police station and all the policemen who were involved in illegally detaining Mr. Shadangi. Also take action against the policemen who violated the law, and illegally abducted a citizen.
- Issue adequate compensation to the HRD for the illegal detention.
- Direct the Director General of the Police of Odisha to ensure the safety of HRD and his family and to protect them from further harassment by the police.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary