

## *Human Rights Defenders Alert - India*

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October 10, 2011

**Shri A. K. Parashar**

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

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New Delhi-110001

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Dear Sir,

***Sub: HRD Alert - India – Maharastra- RTI activist Mehul Kataria attacked in Mumbai suburb –Reg***

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 now writing to express our grave concern regarding the attack on RTI activist Mr. Mehul Kataria and the inaction of police in carrying out a prompt investigation and in providing protection to the activist.

**Incident:**

**Name of the perpetrators:** Cricket bookies Rakesh Rathod and Rajesh Nagaria and two other unidentified persons.

**Place of incident:** Suburban Kandivali, Mumbai.

**Date of incident:** Friday, 8<sup>th</sup> October 2011

According to the information received, on 8.10.2011, RTI activist Mr. Mehul Kataria was attacked by four persons, two of them believed to be cricket bookies, with chopper and hammer in suburban Kandivali. Kataria, who works for a multinational company, had early this year tipped off the crime branch regarding a betting racket which led to a raid and arrest of four bookies.

According to police, the activist Mehul Kataria (39) was walking on the road last night in Kandivali, when four persons, wielding a chopper and hammer, started thrashing him.

The accused ran away from the spot, when people gathered around the place and Kataria was rushed to nearby Bhagwati hospital, with injuries on head and abdomen.

The senior inspector Mr. Hareshwar Pimple of Kandivali police station said that "An FIR, under section 324 (voluntarily causing hurt by dangerous weapons or means) was registered against four persons for attacking Kataria. Of the four, he identified the two as Rakesh Rathod and Rajesh Nagaria, who according to him are cricket bookies, adding that the manhunt for the accused was on."

Despite a serious attack on [Mehul Kataria](#), who was assaulted with a hammer by four men, the [Kandivli police](#) have registered only a minor case of assault under Section 324 of the IPC against the attackers.

Kataria claimed that he had already requested for police protection, as he sensed threat from the bookies in the area, as their operations had been busted by police, following a tip-off provided by him in January this year.

He alleged that the bookies and their associates had grudges against him and had plans to attack. He requested the police to provide protection, but they did not pay heed to his requests. Kataria had even appealed in the Bombay High court, seeking protection and the court had directed the police review his matter and going by the threat perception, provide him security.

But the local police did not look into the matter, as they were hand-in-gloves with the bookies Kataria alleged. However, Pimple rubbished the allegations stating they had never received any court order in this regard.

Kataria, who is recovering at [Bhagwati hospital](#), has demanded that the case be transferred to the crime branch. He alleged that the Kandivli police were shielding the attackers. Kataria has also alleged that Rajneesh Rathod, the right-hand man of bookie Brij Kanojia, accosted him with two others on SV Road and assaulted him.

In February this year, the high court had directed the Kandivli police to decide whether police protection should be given to Kataria but no such measure was taken.

## **Appeal**

We, therefore, urge you to immediately take necessary steps to

1. Take all necessary measures to guarantee the physical and psychological security and integrity of Mr. Mehul Kataria and all other RTI activists;
2. Carry out an immediate, thorough and impartial investigation into the incident of illegal arrest and detention of Mr. Ajit Mahato with a view to bring those responsible to justice in accordance with national and international standards;
3. Guarantee in all circumstances that RTI activists in India are able to carry out their legitimate activities without fear of reprisals, and free of all restrictions including judicial harassment.
4. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
  - Its 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”;
  - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
  - and its Article 12.2, which states 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”;
5. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

**Henri Tiphagne**

Hon. National Working Secretary,  
Human Rights Defenders Alert - India