

## *Human Rights Defenders Alert - India*

National Coordination Office

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*February 28, 2012*

**Shri A. K. Parashar**

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

Copernicus Marg

New Delhi-110001

Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action -India/Maharashtra:  
Thane - RTI activist Premkumar Jha shot dead - 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 over the brutal killing of RTI activist Mr. Premkumar Jha who had sought information regarding illegal constructions.

### **Incident**

**Name of the Perpetrators:** Unidentified person(s)

**Place of incident:** Gurudutt Nagar, Virar area, Thane District

**Date of incident:** 25<sup>th</sup> February 2012, Friday

### **About the activist:**

Mr. Premkanth Jha (45 years), a resident of GuruduttNagar, Fulpada in Virar (E) was a RTI activist who had sought information through RTI on illegal construction in Vasai Virar belt near Mumbai and had exposed few cases of corruption. He was also the national level public relations officer of the Bhrashtachar Atyachar Virodhi Samiti.

**Incident:**

On February 24, 2012 Premkanth Jha was shot dead by unknown assailants in the Virar area of Thane, Maharashtra, while he was heading home on his motorbike. The Watchman of his building, Guru Dutt Nagar Society, saw him bleeding profusely and alerted his family. He was taken to a hospital where he was declared dead.

Initially the police had registered an 'accidental death' case. But Premkanth's family raised suspicion on his death and the postmortem report also confirmed their suspicion when a bullet was found in his head. The family members claim that Jha had been receiving threats for uncovering construction scams. Jha's son Mihir filed a complaint with the Virar police station, following which a murder case has been registered against an unidentified person.

**Background Information:**

There are major irregularities in the Municipal Corporations of Mira-Bhayander and the Vasai-Virar belt and illegal constructions, land grabbing and destruction of Mangroves are ignored. Many activists have been questioning this and have come under threat for the same.

It is to be noted that Premkanth had filed several RTI petitions with the Vasai - Virar Municipal Corporation seeking details of several construction projects. Premkanth had exposed a few corruption cases because of which he had received threat calls. But he had ignored them.

Scores of other activists in the state have also been attacked and threatened. Earlier in August 2010, activist Ramdas Ghadegavkar was found dead. Activist Datta Patil who exposed corrupt bureaucrats was killed in Ichalkaranji in May 2010. Education activist Vasant Gite was murdered in Aurangabad in April 2010. Whistleblower Arun Sawant was killed in Thane in February 2010. Satish Shetty, who took on the builder mafia in Talegaon, was slashed to death in January 2010. Jha's case also points to the increasing audacity of the attacks on human rights defenders.

The Central Information Commission's move to protect RTI activists does not seem to have deterred the killers and the whistleblower protection bill is still waiting for the Rajya Sabha's nod. But with a majority of attack cases coming from Maharashtra, the state government too needs to shoulder the responsibility of protecting its activists.

### **Appeal**

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

1. Conduct a prompt and thorough investigation into the case of the brutal murder of Mr. Premkumar Jha, the result of which must be made public, with a view to identify and bring those responsible to justice in accordance with national and international standards;
2. Guarantee in all circumstances the physical and psychological integrity of RTI activists in Maharashtra;
3. 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”;

4. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India;

5. Create an enabling environment and 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;

Looking forward to your immediate action in this regard,

Yours sincerely,

*Henri Tiphagne*

Hon. National Working Secretary,

Human Rights Defenders Alert - India