

Human Rights Defenders Alert - India

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September 17, 2012

Special Rapporteur on the situation of human rights defenders,

Ms. Margaret Sekaggya

c/o Office of the High Commissioner for Human Rights - Palais Wilson

United Nations Office at Geneva

CH 1211 Geneva 10

Switzerland

Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action - Maharashtra/ Mumbai District /Bandup: RTI activist thrashed for complaint against illegal factory on BMC land- 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 Naushad Khan, an RTI activist who was thrashed by 3 men for sending an RTI query to the BMC to get details of a plastic manufacturing unit that runs illegally on land that belongs to the Brihanmumbai Municipal Corporation (BMC).Mumbai, Maharashtra.

Date and time of incident: September 11, 2012

Place of incident: Bhandup, Mumbai District, Maharashtra

Name of the perpetrators: Abdul Malik and three of his partners - Akbar Khan, Alam Khan and Akram Khan

About the activist:

The activist, identified as Naushad Khan, 27, had filed an RTI application in July 2012 seeking information about the factory set up in the Kismat Nagar pipeline at Sonapur, Bhandup. He also filed a complaint with the fire brigade claiming that the factory could be hazardous for the area which is densely populated.

Case

Narrative:

On 30th August 2012, Khan received a reply from BMC stating that the factory was being without legal permission and the people running the factory had not submitted any papers seeking permission to run it.

On 11th September 2012, when Khan went to the factory with officials from the Vikhroli fire brigade, he was attacked by four people who allegedly ran the factory.

Background

Information:

Police said that the accused Abdul Malik (55) and his three partners got annoyed on learning that Khan has applied RTI query to unearth their illegal activities. The incident occurred on 11th of September 2012 in front of the BMC officers. They then assaulted Khan with sticks and bamboo canes and dragged him from the factory to some distance. Police are searching for the fourth accomplice.

Victim Khan, in the complaint, said, "I had filed an RTI application in July seeking information about the plastic factory set up in the Kismat Nagar pipeline in Sonapur at Bhandup. On August 30, I received a reply from the BMC fro RTI application which said that the factory being run was without any legal permission and the people running the factory had not submitted any papers seeking permission to run the factory."

When few officials from Vikhroli fire brigade along with Khan and went to the spot where the factory was, Khan was attacked by four people who ran the factory. "The factory is run by one Abdul Malik, 55 and his partners are

Akram Khan, 30, Akbar Khan, 28 and Alam Khan, 25. As they came to know that I had filed an RTI and then complaint about their illegal factory which was hazardous for the locality they started abusing me. This happened in front of the officers from BMC. They then assaulted me with sticks and bamboo and dragged me from the factory to some distance," stated by the aggrieved Victim.

Appeal:

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

1. To guarantee physical and psychological safety and integrity of the injured activist Mr.Naushad Khan;
2. To provide adequate medical treatment in a Government Hospital or in a private hospital at the cost of the State;
3. To conduct a prompt, transparent, thorough and impartial investigation into the afore said incident;
4. To identify and secure the gang of three people and book the perpetrators under the appropriate provisions of law;
5. To put an end to acts of harassment, threats and the brutal killings faced by right to information activists in the country
6. To 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

Honorary National Working Secretary

Human Rights Defenders Alert - India