



## Human Rights Defenders Alert- India

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**November 5, 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Maharashtra: Splattering face with ink and brutal assault with the intention to kill RTI activist and Human Rights Defender Mr. Mallikarjun Bhaikatti by right wing regional political outfit Shiv Sena workers for using Right to Information Act (RTI) to expose corruption in Latur district of Maharashtra-Regarding**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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 criminal assault in an attempt to kill an RTI activist and Human Rights Defender Mallikarjun Bhaikatti on 30<sup>th</sup> October, 2015 for using Right to Information Act (RTI) to expose irregularities and corruption in the illicit construction in Latur's Shahu College in Latur town of Latur district of Maharashtra. RTI activist and Human Rights Defender Mr. Mallikarjun Bhaikatti was badly beaten by right wing Shiv Sena workers who also smeared ink on his face before beating him black and blue.

### **Status of Human Rights Defender:**

Mr. Mallikarjun Bhaikatti is a resident of Priya Residency, Old Ausa Road in the city of Latur, Maharashtra. He hails from Solapur district of Maharashtra and has been living

in Latur for the last 6 years. He has been using Right to Information Act to expose corruption in government administration for the last two years. He has filed around 78 RTI applications so far. Most of his RTI queries were filed in the office of Municipal Corporation, District Collector and Vasant Rao Nayak Mahamandal (Corporation) in Latur. He filed a complaint around 8 months ago about the irregularities in the scheme under which loans are granted to notified tribes, scheduled caste and scheduled tribes by the Vasant Rao Nayak Mahamandal (Corporation). On the basis of this information, an enquiry was conducted and a scam involving Rs. 14 crores was unearthed. Only three months back 4 corporation employees were suspended on corruption charges. Mr. Mallikarjun Bhaikatti also exposed the corruption in the allotment of industrial land to business enterprises by Maharashtra Industrial Development Corporation (MIDC). The allotted lands under this policy meant for industries were being used for the construction of residential complex and houses. The scam involved Rs. 3.4 crores and after the enquiry 200 people were fined for violating the law. Notices were also issued to cancel the allotment of plots for the purpose of building houses against the law. Mr. Mallikarjun Bhaikatti was brutally attacked for exposing the illegal construction of a building in Shahu College in Latur district of Maharashtra.

**Source of Information:**

- Coordinator of HRDA for South of India
- Communication with the friend of human rights defender
- Media Reports

**Date of Incident:**

30 October, 2015, around 11 AM.

**Place of Incident:**

Shahu College premises, Latur, Maharashtra

**The Perpetrators:**

Mr. Shivaji Bhosle and 25 other Shiv Sena workers

**Incident detail:**

According to sources, RTI activist Mr. Mallikarjun Bhaikatti held a press conference on 29 October, 2015 at 11 AM in the conference hall of Hotel Rasika, Gandhi Chawk in Latur in which he revealed the details about the “illegal” construction in Latur’s Shahu

College premises. Mr. Mallikarjun Bhaikatti asked the information through an RTI query which revealed that around 14,000 sq ft illegal construction was carried out for a four-storey building and boys' hostel on the Latur-Nanded road. The state government gave the permission to the college to shift in the new building and shifting process was going on. On the basis of his complaint, municipal corporation passed the order to cancel the shifting. Infuriated by his exposure some vested interests allegedly Shiv Sena workers (reportedly to be 3 to 4 in numbers) forcibly picked up Mr. Mallikarjun Bhaikatti from his house in the morning on 30 October 2015 and put him in an Innova car and drove towards the Shahu College. In the car they continued to beat the defender with iron rods, chains and belts. The Shiv Sena workers brought Mr. Mallikarjun Bhaikatti to the college premises and they also called around 4,000 students to see their action. In the presence of the students they again assaulted him with iron rods and belts before blackening his face. They asked him to tender unconditional apology for defaming the college reputation and threatened him that if he fails, he and his family will be killed. They also called the Latur rural police station to file a case against Mr. Mallikarjun Bhaikatti which the police refused. They took him in the Innova car and threw him near a hotel. He was taken to Poddar Hospital and admitted there. RTI Activist and Human rights defender Mr. Mallikarjun Bhaikatti is still in the hospital undergoing all medical tests including MRI test to diagnose internal ailments. He has suffered injuries on his back, shoulder, both legs and thighs. Police have registered a case no: 245/15 under sections - 307, 326, 143, 147, 148 of IPC. Police have arrested Mr. Shivaji Bhosle, Trustee member of Shahu College, Latur as accused and alleged that Shiv Sena workers have assaulted Mr. Malikarjun on his orders. Mr. Abhay Salunkhe, City president of Shiv Sena, (Former District President of Maharashtra Nav Nirman Samiti) has taken responsibility of the attack and released press note and hand-outs in this case, but police have not yet arrested him since his name is not mentioned in FIR, (FIR mentions 25 unidentified people). He was also interviewed on local TV channels and videos also playing on national television have clearly shown him beating RTI Activist and Human rights defender Mr. Mallikarjun Bhaikatti.

### **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Latur district:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of the murderous attack on the life of RTI Activist and Human rights defender Mr. Mallikarjun Bhaikatti;
- Ensure complete medical checkup of RTI Activist and Human rights defender Mr. Mallikarjun Bhaikatti totally at state cost in the best medical facility available in the state to ensure that he is not suffering from any internal medical ailments;
- Take immediate action on the perpetrators for attempting to kill Mr. Mallikarjun Bhaikatti by arresting them and using all provisions of law to ensure that the defender is not attacked in future and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Mallikarjun Bhaikatti;
- Ensure provision of reparation, compensation, apology to the human rights defender for the physical and psychological sufferings he has undergone and also ensure to compensate Mr. Mallikarjun Bhaikatti for his medical expenses incurred during his treatment and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Mallikarjun Bhaikatti who is still under risk of further attacks from the perpetrators;
- Put an end to all acts of harassment against all human rights defenders in the State of Maharashtra to ensure that in all circumstances they carry out their activities as writers / activists without any hindrances;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - 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
  - Article 12.2, which provides 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”

- Recommend urgently and speedily during the pendency of this complaint the SHRC in Maharashtra to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Maharashtra to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within the State of Maharashtra for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the and the SHRC Maharashtra to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India are strictly adhered to in the state of Maharashtra.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary