



## **Human Rights Defenders Alert- India**

National Coordination Office

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**17<sup>th</sup> October, 2016**

**To,**

**Shri Srinivasa Kammath**

National Focal Point - Human Rights Defenders & Deputy  
Registrar

National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex,

INA, New Delhi – 110 023

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***Sub: HRD Alert - India - Urgent Appeal for Action –  
Maharashtra: Right to Information (RTI) activist and  
human rights defender Mr. Bhupendra Vira, hacked to  
death for using RTI Act to expose irregularities in  
building and illegal constructions in Mumbai -  
Regarding***

**Dear Sir,**

**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 writing to express our grave concern regarding the gruesome murder of an RTI activist and Human Rights Defender Mr. Bhupendra Vira in Mumbai, Maharashtra for using Right to Information Act to expose illegal constructions and irregular buildings.

**Status of Human Rights Defender:**

Mr. Bhupendra Vira was an anti-encroachment activist and was instrumental in procuring demolition orders from Brihanmumbai Municipal Corporation (BMC) against illegal structure in Mumbai. He had also led a campaign against land grabbing and illegal construction in his neighborhood. His family said he had received repeated threats due to his work against illegal buildings. As a result of the complaint sent by Mr. Vira, BMC had issued around 40 notices to around 100 illegal structures and also Lokayuktha has sent a letter to BMC regarding the complaints sent by him.

**Source of Information:**

Media Reports

West regional coordinator of HRDA - India

**Date of Incident:**

October 15, 2016

**Place of Incident:**

Kalina, Santa Cruz, Mumbai

**The Perpetrators:**

Unidentified person

**Details of the Incident:**

According to the several media reports, Mr. Bhupendra Vira was shot dead at his residence in Kalina, Santa Cruz East in Mumbai in the late hours of 15<sup>th</sup> October 2016. An unidentified person entered Mr. Vira's house and shot him in his head. He was rushed to V N Desai Hospital after he was found to be lying with bullet wound but was declared dead in the hospital.

***Appeal:***

HRDA therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, the District Magistrate of Mumbai:

- ✓ Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident involving the gruesome murder of RTI activist and human rights defender Mr. Bhupendra Vira;
- ✓ Take immediate legal action on the perpetrator by arresting him after identification for brutally killing the human rights defender Mr. Bhupendra Vira;
- ✓ Ensure provision of reparation to the family members of RTI activist and human rights defender Mr. Bhupendra Vira for the sufferings they are undergoing and give this assurance to the NHRC of India in writing immediately and urgently;

- ✓ Guarantee in all circumstances the physical and psychological integrity of the family, colleagues and friends of Mr. Bhupendra Vira who face the risk of further attacks and intimidation from the perpetrators;
- ✓ Put an end to all acts of harassment and attacks against all RTI activists and human rights defenders in the State of Maharashtra to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- ✓ 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:
  1. 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
  2. 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 NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated 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 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 coordinated 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 is strictly adhered to in the State of Maharashtra.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

**(Henri Tiphagne)**

National Working Secretary