



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIATE

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May 3, 2017

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

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India – Urgent Appeal for Action – Karnataka: Threat, intimidation, mental harassment and false case filed against RTI activist Ms. L. Manjula and her family members for unearthing large-scale illegal construction & corruption in Bangalore in Karnataka - Regarding

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 threat, intimidation, mental harassment and false case filed against RTI activist Ms. L. Manjula and also her family members for unearthing big-time illegal construction & corruption.

Source of Information on the Incident:

- Communication with the human rights defender Ms. L. Manjula.
- Communication with activists in the region
- The Regional Coordinator of HRDA for South of India.
- Media Reports

Status of the Human Rights Defenders:

Ms. Manjula is a resident of Bengaluru and is an RTI activist. She is a physically challenged person who cannot even move without any assistance but has been in the forefront of many exposures about corruption and illegal constructions. She is not attached with any organisation, but gets a monthly PHP Pension of Rs.1200 /- and she spends it for fighting against corruption.

In the present case, she is responsible for exposing corruption and bribery to an extent of more than Rupees Five crore unearthed through the filing of RTI for the construction of an illegal apartment in connivance of corrupt officers of Bruhat Bangalore Mahanagara Palike (BBMP), Bengaluru Electricity Supply Company Limited (BESCOM), Bengaluru Water Supply and Sewage Board (BWSSB), Karnataka State Pollution Control Board, Electrical Inspectorate and other government departments and public service companies.

The Perpetrators:

- Smt. Kamalamma, owner of property bearing No.3374 (PID No.48), at 4th Cross, Gayathrinagar, 'C' Block, Ward No.65, Bengaluru.
- Smt. Mollasri Guggilla the Managing Partner of M/s. SMR INFRA
- Mr. Ramesh Samudrala,
- Mr. Yankoba
- Police personnel of Subramanyapura Police Station.

Timeline of the attack on HRD:

- From the year 2015 (August)
- Atrocity case filed on 03 April 2017
- Called to the police station on 04 April 2017
- Arrested on 05 April 2017

Incident detail:

According to sources, a multi storied building named SMR ASTRA consisting of seven floors has been constructed in a joint venture basis by Smt. Kamamma who has given the General Power of Attorney (GPA) in favour of Smt. Mollasri Guggilla who is the Managing Partner of M/s. SMR INFRA for constructing a residential apartment at No.3374 4th Cross, Gayathri nagar, Ward No 65, Rajaji nagar 2nd Stage, Bengaluru. This deal has been signed by violating all rules and regulations and law of the land allegedly in connivance with corrupt Public Servants of various government departments.

The owner of the said building has obtained approval for building plan from the Assistant Director of Town Planning, West Zone, BBMP, Bangalore vide LP NO. [AD.COM](#): WST: 0282:14.15 DATED 20.8.2014 and other approval plan for the same building was also obtained from the Joint Director (South), Bruhat Bangalore Mahanagara Palike vide LPNO. BBMP: ADD. DIR: JD (SOUTH): LP: 0639:13.14 DATED 14.11.2014 which had been acquired fraudulently only after partial construction of the building.

Since there existed two plans now and for a single building there cannot be two plans sanctioned, Smt. Manjula, who is staying in the neighbouring property and severely affected by the illegal construction, brought all this to

the notice of the Commissioner, BBMP, Bangalore and as a result on 03 August, 2015 the sanctioned plan for the construction of residential apartment was cancelled.

The plan sanctioned by the BBMP was for stilt plus three floors, but now a building with stilt and six upper floors stands constructed clearly indicating that three additional floors have been constructed by the builder illegally. No set back area has been left as required under building bye-law. Ms. Manjula filed several complaints to the authorities against the construction of building in violation of the sanctioned plan and all her complaints were ignored by the Assistant Executive Engineer, Malleswaram Sub Division, BBMP, Bangalore due to pressure from the elected representatives of the area. She also filed several applications by invoking provisions of RTI Act to several public authorities and exposed the connivance of the public servants with the builder in allowing the construction of the building in blatant violation of various provisions of building bye-laws, Karnataka Fire Services Act, Water and Air Act, Electrical Regulations, Sewerage and Water Supply Regulations etc,. Ms. Manjula's information secured under RTI Act exposed huge irregularity, corruption as well as huge revenue Loss to the BBMP, BWSSB, BESCO, Fire Force Authority, Karnataka State Pollution Control Board. Aggrieved by the inaction of the various public authorities, Ms. Manjula further filed a Writ Petition before the Hon'ble High Court of Karnataka, who in their interim order on October 20, 2016 in Writ Petition No.9243/2016 had passed orders stating, "PARTIES SHALL MAINTAIN STATUS QUO IN RESPECT OF THE BUILDING CONSTRUCTED AND OCCUPANCY OF THE BUILDING SHALL NOT BE RELEASED WITHOUT THE LEAVE OF THIS COURT".

Despite this interim order of the High Court and the City Civil Court, the Assistant Executive Engineer, Malleswaram Sub Division, BBMP and Assistant Engineer, Ward No.65, BBMP, Bangalore, have allowed further

completion of the building and allowed occupancy. It is alleged that the builder and the owner had paid bribe of more than Rupees Five Crore to various Public Servants for allowing illegal construction, providing of water supply, providing electrical supply despite with a major share of bribe given to the officers of Bruhat Bangalore Mahanagara Palike. In order to suppress and stop the activities of Ms. Manjula, she was threatened by the anti-social elements hired by the builder and owner of the building. Even her mother and brother were threatened with dire consequences.

As she continued her fight against corruption on April 3, 2017, a false criminal case was filed against her, her mother and brother and a case has been filed with FIR NO. 124/2017 under the SC and the ST (Prevention of Atrocities) Act, 1989 (U/s-3(X)); IPC 1860 (U/s-506, 34,504) in Subramanya Nagar Police Station, Bengaluru. The complaint was filed by one Mr. Yankoba, who is the watchman of the said illegally constructed building. She also alleged unfair treatment by the personnel of the Subramanyapura police station, where the case is registered.

On April 11, 2017, the police had arrested Ms.Manjula and her mother Lingamma, as she need support to walk. Later her brother, Mr. Nagaraja came to the station around 6:00 PM and then they both were released an hour later. The next day the three went to the station at 8:40 AM and were taken do all the procedures including medical check-up in K.C General Hospital and produced them before the Bengaluru City Civil Court. She was later released on bail in the same day.

It is further learnt that, there is immense pressure being brought on Ms.Manjula intimidating her to withdraw the Writ Petition filed in the High court. She also feels that her neighbour one Mr. Krishna Naik and the land owner Smt. Kamamma's sons are very close friends and now feels that

he could be the same person who has given the idea to the land owner and the builder.

It is to be noted here that, in an earlier incident, Mr.Krishna Naik, working as a driver in the Police Department (one of her neighbours) was committing petrol theft, regarding which Ms.Manjula had filed a complaint with the Lok Ayuktha due to which she was threatened and abused for which she filed complaint and the FIR was registered in Subramanya Nagara Police Station. His friends had pressurised her to withdraw the case but she had refused to do so which resulted in a false criminal case filed against her under the Prevention of Atrocities Act. The Police Inspector Mr. Sreedhar had refused to file the FIR under this Act, but Mr Krishna Naik with the help of his senior officials influenced and insisted with the Police Inspector to file FIR. Mr. Krishna Naik had just wanted her to withdraw the complaint by threatening her with a false complaint.

Other activists in the region as well as HRDA are of the view that, there would be further attempts by the builder and owner of the building to intimidate, threaten and indulge in unlawful activities against the RTI activist Ms.Manjula and her family members.

Appeal:

We, therefore urge you to immediately take necessary steps and undertake independent investigation and to also ensure that the Commissioner of Police, the Deputy Commissioner and District Magistrate of Bangalore City:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned false case filed against right to information activist Ms.Manjula and her family members;

- To order for an investigation by the Criminal Investigating Department regarding the false complaint filed against Ms. Manjula since the local police are under pressure from the local MLA and corporator who are allegedly protecting the builders and encouraging the construction of this illegal building;
- Take immediate action on the perpetrators, in this case the known persons, the builder, developer, watchman and the police personnel of Subrammanyapura Police Station and all those unknown forces helping and functioning behind them;
- Take immediate action on the situation of Ms. Manjula and her family members and direct the concerned to provide protection to them;
- • Guarantee in all circumstances the physical and psychological integrity of Ms. Manjula and her family members who are still under risk of further reprisals from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation, compensation, apology to the family of the defender for the psychological sufferings they are undergoing because of the constant threats and attack on Ms Manjula ;
- Put an end to all acts of attack and harassment and killing against all human rights defenders and right to information activists like Ms. Manjula in the State of Karnataka and ensure that in all circumstances they carry out their activities as activists and defenders of human rights without any hindrances.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

(Henri Tiphagne)

National Working Secretary