



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July18, 2019

To,

Mr.Khaleel Ahmed

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

ManavAdhikarBhawan,

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: RTI Activist Mr. S.Anand kidnapped, intimidated, assaulted and illegally confined for raising complaints against actions of a Judicial Magistrate in Bengaluru - 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 the kidnap, intimidation, assault and illegal confinement of RTI Activist, Mr.S.Anand for raising complaints against a Magistrate in Bangalore City of Karnataka.

Status of Human Rights Defender:

Mr. S.Anand is an engineer and a noted activist fighting for good governance, against corruption and a RTI activist. He is also the District Secretary of PROUTIST Universal and founder of Vishwa Kannada Samaja Manava Hakkugala Hitharakshana Samithi. Based on public issues he has filed several complaints with the government departments and in the different courts in Karnataka which is ongoing.

Source of Information:

- The Regional Coordinator of HRDA for South of India
- Communication from the HRD Mr. S. Anand
- Media Reports

Date of Incident:

26 April 2019

Place of Incident:

8th Additional Chief Metropolitan Magistrate, Bengaluru

The Perpetrators:

- Magistrate Mr.M.Mahesh Babu
- Advocates who had kidnapped Mr. S. Anand within the court premises

Background:

Mr.S.Anand was taken into custody by the High Grounds Police in a false case due to his human rights work and was produced before the 8th Additional Chief Metropolitan Magistrate(ACMM) Mr.Mahesh Babu on March 6, 2019.He was charged with offences under Sections 353, 504 read with Section 34 of the Indian Penal Code which only attracts punishment of imprisonment up to 2 years. The court should have given him bail since the offence of which he was alleged to commit, did not attract judicial custody, as per Section 437 of Code of Criminal Procedure and also under the judgement of the Supreme Court in the case of Arnesh Kumar v. State of Bihar. However, in Mr.Anand's Case,the ACMM Mr. Mahesh Babu sentenced him to judicial custody for 15days.Against this decision of the Magistrate, Mr.S.Anand filed a private complaint in the 1st ACCM Court, Bengaluru against Mr. Mahesh Babu under Section 220 of the Indian Penal Code.

Incident detail:

According to sources, on April 26, 2019 when Mr. S. Anand was appearing in Case No. 28766 of 2018 in the 8th Additional Chief Metropolitan Magistrate, Bengaluru, one advocate called him out and with the help of around fifteen other advocates, kidnapped and confined him illegally in their office within the court premises and injured him and also got five letters written by him forcibly.The advocates threatened him and were forcing him to withdraw the private complaint and case that he had filed against the Magistrate Mr.M.Mahesh Babu (PCR No. 13057 / 2018). In the meantime,Mr. Anand's friend Ramesh

who was waiting for the case, informed the Police Control Room and got him rescued from the custody of the advocates.

Attack on activists and public-spirited persons by non-state actors has become a tactic to intimidate the defenders so that they are deterred from challenging the systems. In this case challenging the Magistrate for not following the due process of law was also a kind of questioning the system for which Mr. S. Anand was detained illegally and intimidated so that he would withdraw the complaint against the Magistrate. It is urged to the Commission that Mr. Anand needs to be protected by the State and therefore strict action needs to be taken against the perpetrators.

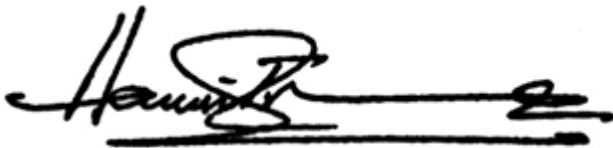
Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned kidnapping, assault, intimidation on RTI activist Mr. S. Anand
- Ensure necessary action against the perpetrators in this case, the lawyers who has abducted Mr. Anand
- Guarantee in all circumstances the physical and psychological integrity of the family and friends of Mr. S.Anand of further attacks and intimidation from the perpetrators
- Put an end to all acts of harassment against all lawyers, RTI activists and human rights defenders in the State of Karnataka to ensure that in all circumstances they carry out their activities as writers / activists without any hindrances

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

Honorary National Working Secretary