



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 25, 2019

To,

Mr.Khaleel Ahmed

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: RTI activist Mr. Hanamanta Bhangi assaulted, threatened and issued life threats by mining mafia – 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 intimidation, severe assault, kidnapping and threat to kill RTI activist Mr.Hanamanta Bhangi after he has exposed irregularities committed in the sand mining issues and for filing a PIL in this regard.

Source of Information on the Incident:

- Communication from the HRD
- The Regional Coordinator for South of HRDA India
- Media Reports

The Human Rights Defender:

Mr. Hanamanta Bhangi is a RTI activist based in Kolar (M) Grama of Shapura taluk near Devadurga in Raichur District of Karnataka. He has been using Right to Information Act to unearth malpractices and corruption and has filed several complaints before the appropriate authorities for action in the past several years. Because of his past work, Mr. Hanamanta Bhangi has been receiving several

threatening calls and pressure in order to prevent him from invoking RTI Act as well as to stop pursuing complaints that he has been filing.

Date of Incident:

- July 5, 2019

Place of Incident:

- Bhagur Grama, Devadurga Taluk, Raichur District

Background:

There has been rampant illegal sand mining done on the banks of Krishna river by Members of Legislative Assembly (MLA), Ministers of state cabinet and their relatives. Mr. Hanamanta Bhanghi has been in the forefront from the year 2015 raising the issue of illegal sand mining and has been filing complaints with authorities in this regard. He has also raised issues regarding the inaction of corrupt officials and has submitted representations to the concerned officials at the Mines and Geology department but, however no action has been taken so far..

Mr. Hanamanta Bhanghi has held press meets to highlight these issues seeking actions from the Deputy Commissioner of Raichur and Yadgir towards stopping the illegal sand mining done by former Member of Parliament (MP) Mr. B.V.Naik, Mr. K.Shivanagowda Naik MLA, Mr. Raju Gowda MLA, and the son of former MP MR. Rangappa Naik's son amongst others.

The public have also filed several complaints against this illegal sand mining which is wreaking havoc on the environment but the police, officials of Mines and Geology department has turned a blind eye to the sand mining which is done in the night using heavy machines to excavate the sand from the river. Since there is inaction by the district officials, Mr. Hanamanta Bhanghi has also filed a public interest litigation in the High Court of Karnataka which is pending.

Incident detail:

According to the sources, on July 5, 2019, Mr.Hanamanta Bhanghi saw illegal sand mining being done using Hitachi machines and the sand being loaded on to tipper lorries from the river near Bhagur Grama near Jalahalli. He started to record that on his mobile phone. Suddenly, a group of persons including the relative of a former MP, a businessman from Yadgir, assaulted him and snatched away his mobile, cash of Rs.1500. They then kidnapped him in a Bolero jeep and took him to the sand stockyard in Amarapura and physically assaulted him for more than 2 hours.After

this, they took Mr. Hanamanta Bhanggi to a deserted place near Jalahalli and severely assaulted him. He was later moved to another place near hosahalli cross at the quarry and was assaulted again. He was further taken to Kumbarpete in Surupura where the assault continued. While in the Bolero, the perpetrators were also talking of Mr. Hanamanta Bhanggi being killed but some of the group member refused. Later they attempted to throw him on the railway tracks near the Saidapur railway station in Yadgir.

The perpetrators later took Mr. Hanamanta Bhanggi to a lodge in Shaktinagar, and illegally confined him there, assaulted him again and destroyed the recording on the mobile of the sand transportation. At the lodge Mr. Hanamanta Bhanggi was slapped and assaulted by Mr.Srinivas Naik, son in law of former MP B.V.Naik with Ravi and Ashok Mr. Hanamanta Bhanggi was offered currency notes which was thrown at him on the bed and was asked to count. This was done in an attempt to record the same and produce it in the court to prove that Mr. Hanamanta Bhanggi had filed the PIL in the High Court for the sake of money. This incident was video recorded and Mr. Hanamanta Bhanggi was also made to sign in blank sheets of paper. All this including the assault was video-recorded and was posted on internet to show that Mr. Hanamanta Bhang was against the mining groups for money.

The perpetrators threatened to kill Mr. Hanamanta Bhanggi who was further intimidated for not filing any further complaint with the police or others and invoking RTI act. The perpetrators also wanted Mr. Hanamanta Bhanggi to withdraw the PIL filed at the Karnataka High Court.

The perpetrators then left Mr. Hanamanta Bhanggi at midnight at a place near Devadurga. Since Mr. Hanamanta Bhanggi was severely assaulted he telephoned the Superintendent of Police, Raichur who sent police officials and registered his complaint. Later he got himself admitted to the RIMS hospital for treatment where he was pressurised by the hospital authorities to get himself discharged soon.

An FIR on July 6, 2019 has been filed vide CC No.0066/2019 under sections 506,504,143,365,147,149,323,395,307 and 324 of the Indian Penal Code against few of the said accused but its apprehended that the accused are still active and pose a threat to the social and RTI activist Mr. Hanamanta Bhanggi. It should be noted that several activists and have condemned the attack and threat on Mr.Hanmanata Bhanggi, and have also sought action on the perpetrators who are highly connected.

It is pointed out here, that Article 12 of the Declaration on Human Rights Defenders enshrines that *“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”*. Therefore in compliance of Article 12 of the Declaration, the Commission is urged to direct for immediate police protection to human rights defender Mr Hanamanta Bhangi. Further in the context of human rights violations by third parties, the obligation to protect, first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State’s responsibility. Even acts and omissions committed by non-State actors under the instructions, control or direction of the State can, under certain circumstances, give rise to State responsibility. Therefore, it is paramount that prompt and full investigations are conducted and perpetrators brought to justice. Failure by States to prosecute and punish such perpetrators is a clear violation of Article 12 of the Declaration on Human Rights Defenders.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of intimidation, severe assault, kidnap and threat to kill, on social and RTI activist Mr.Hanamanta Bhangi and take immediate action on the perpetrators as there is a serious threat to his life;
- Guarantee in all circumstances the physical and psychological integrity of the social and RTI activist Mr.Hanamata Bhangi and his family without hampering his freedom to operate as an activist and whistle blower ;
- Looking into the charges of corruption made out by social and RTI activist Mr.Hanamata Bhangi through his applications and complaints filed.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
Honorary National Working Secretary