



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.Srinivasagowda B Patil intimidated, assaulted, threatened and issued life threats for using RTI Act against corruption in grama panchayat – 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, assault and death threats faced by Mr.Srinivasagowda B Patil after he has exposed several irregularities committed in the gram panchayat and filing RTI application.

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 Srinivasagowda B Patil is a 48 year old farmer, graduate, poet, writer, social activist and an RTI activist based in Obalapura Grama of Ramdurga Taluk in Belgaum District of Karnataka. He has been a vocal votary of Right to Information

Act and is against all malpractices, corruption and has filed several complaints before the appropriate authorities for action for the past several years. His complaints with reference to the irregularities submitted to the NREGA Ombudsman have resulted in the order of recovery of Rs.15.53 lacks from the said public servant and has also led to initiation of criminal proceedings against him. Several applications filed by him are pending with the Lok Ayukta and the Anti-Corruption Bureau. Due to his past work, he has been receiving several threatening calls and pressure in order to prevent him from invoking the RTI act as well as to stop pursuing the complaints that he has been filing. One such attempt has been registered in Crime No.0149/2018 and the trial is on in CC No.390/2018 at the court of CJM in Ramdurga.

The Perpetrators:

- Mr.Hanumantaa Irappa Thippa Reddy, Member, Sopdal Gram Panchayat
- Mr.Ningappa Irappa Thipaa Reddy ,Sopdal Gram Panchayat
- Mr.Mukundagowda Patil , Son of Vice President, Gram Panchyat
- Mr.Hanumanta Venkappa Dhadibavi,Sopdal Panchayat
- Mr.Sidpaapa Durgappa Madar, husband of Member ,Sopdal Gram Panchyat
- Mr.Basava Shidlingappa Pattanshetty, Sopdal Grama
- Mr. Dyappa Ramanna Bandevaddar, Member,Oblapura Grama Panchayat
- Mr.Nagappa Shankreppa Angadi, husband of Member, Oblapura Grama Panchayat
- Mr,Mahesh Somammnavar, husband of Member,Grama Panchayat
- Mr.Basappa Huligappa Bandevaddar
- Mr.Muddukrishna Huligappa Bandevaddar and others.

Date of Incident:

- June 28, 2019

Place of Incident:

- Oblapura, Ramdurg Taluk, Belgaum District

Incident detail:

According to the sources, Srinivasagwda B.Patil has specifically filed applications seeking information regarding the irregularities committed in the Oblapura gram panchayat and since the information sought was not given, he had preferred an

appeal in three specific cases, Case No.KIC 779 APL 2019, KUC 780 APL 2019, KUC 781 APL 2019 with Karnataka State Information Commission which are pending.

On June 28, 2019 while Mr. Srinivasagowda B.Patil was at his residence around 3.30 pm, nearly 20 members which included Mr. Hanumantaa Irappa Thippa Reddy, Member of Sopdal Gram Panchayat , Mr. Ningappa Irappa, Thipaa Reddy of Sopdal Grama, Mr. Mukundagowda Patil , Son of the Vice President of Gram Panchyat, Oblapura ,Mr.Hanumanta Venkappa Dhadibavi of Sopdal Panchayat, Mr. Sidpaapa Durgappa Madar, husband of Member of Sopdal Gram Panchyat, Mr. Basava Shidlingappa Pattanshetty, Sopdal Grama, Mr. Dyappa Ramanna Bandevaddar, Member of the Oblapura Grama Panchayat, Mr.Nagappa Shankreppa Angadi husband of Member of Oblapura Grama Panchayat, Mr. Mahesh Somammnavar husband of Member of Grama Panchayat, Mr.Basappa Huligappa Bandevaddar, Mr.Muddukrishna Huligappa Bandevaddar and others surrounded his farm house, threw stones barged into his residence and damaged the CCTV camera. Mr. Patil was further assaulted and threatened to be killed if he continued with filing complaints and invoking RTI act.

The perpetrators wanted Mr. Patil to withdraw the applications filed under RTI Act seeking information and action on the irregularities committed in Oblapura gram panchayat and demanded that he withdraw the ones that he had filed. Mr. Patil was also intimidated that he should not file any further applications in the future. The perpetrators threatened Mr. Patil that he would be burnt alive if he continued to pursue exposing the irregularities and was further directed to specifically withdraw the appeal that was to come up for hearing on July 1, 2019 at the Karnataka State Information Commission. There would have been severe assault and further damage to property of Mr. Patil but the arrival of police prevented further damage.

Mr. Patil also has complaints filed against the allotment of work to the family members of panchayat members who were paid without the work being done in the Obalapura Gram Panchayat, in the year 2017-18. Based on this the accounts department had conducted an inquiry and had come out with a report which mentioned misuse of 19 lakh rupees. The report had further highlighted the misuse of more than 1 crore rupees for personal gains under the Swacha Bharat Mission where toilets were mostly built for own personal use and in cases where it was built

for others, the quality of construction was substandard, resulting in misuse of half the money under the said scheme. An FIR has been filed vide CC No.0082/2019 against few of the said accused but it is apprehended that the accused are still active and pose a threat to the human rights defender and RTI activist Mr. Patil, once they are out on bail.

In this regard, Mr. Patil has also submitted a representation to the Superintendent of Police, Belgaum District, the CEO, Chief of the Zilla Panchayat on the July 3, 2019 for suitable protection and action under the notification dated August 19, 2017 which mandates to grant suitable protection to whistle blowers and RTI activists in safe guarding their lives.

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. Srinivasagowda B Patil 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 Belgaum District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of threats issued to RTI activist Mr.Srinivasagowda B Patil and take immediate action on the perpetrators as there is a serious threat to his life;

- Ensure physical safety of Mr. Srinivasagowda B Patil and his family who are still under the threat from the perpetrators;
- Guarantee in all circumstances the physical and psychological integrity of the defender & RTI activist, Mr. Srinivasagowda B Patil and his family without hampering his freedom to operate as an activist and whistle blower;
- Looking into the charges of corruption made out by Mr. Srinivasagowda B Patil through his applications filed under the RTI Act.

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