



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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NHRC Diary No. 8383/IN/2020 for the complaint submitted online

Ref No: HRDA/South/KAR/04/06/2020

June 23, 2020

To,
Mr. Debindra Kundra,
National Focal Point - Human Rights Defenders & Assistant 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: Dalit HRD Mr. Venkatesh brutally assaulted and murdered in Hassan, case of police inaction in registering FIR under SC/ST PoA Act

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 murder of Dalit activist Mr. Venkatesh in Mallipatna village in Arakalgud taluk, Hassan District, Karnataka and police inaction in registering timely FIR under appropriate sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act).

Source of Information on the Incident:

- HRDs in Hassan district
- Media sources

About the Human Rights Defender under attack:

Mr. Venkatesh belonged to Dalit community and was actively working on various social issues and working with the local Dalit activists. He was a daily wage labourer, aged 50, with a wife and two minor sons.

The Perpetrators:

- The Sub-Inspector and Circle Inspector of Arakalgud police station
- The owner and hotel employees who beat up Mr. Venkatesh

Date of the incident:

June 4, 2020

Place of Incident:

Arakalgud police station

Malnadu Hotel, Mallipatna village in Arakalgud taluk- Hassan District, Karnataka

Details of the Incident:

Mr. Venkatesh, a Dalit activist, went to the Malnadu Hotel in Mallipatna village on June 4, 2020, to eat food along with his friend Mr. Murali. While eating his food, he asked the hotel server for water multiple times. According to available reports, the hotelier said – “firstly it is wrong on my part to have ‘you people’ having food in my hotel, should we also give water as soon as you ask?” Mr. Venkatesh got angry and said to the hotelier that he was not eating here for free; he was paying for his food.

The hotelier called some employees and beat up Mr. Venkatesh and his friend Mr. Murali. Both of them were severely injured. Hearing the news, Mr. Venkatesh’s brother in law ran to stop the assault and Mr. Venkatesh was taken to Arakalgud Hospital for treatment. However, due to lack of facilities, the doctor referred Mr. Venkatesh to Hassan Institute of Medical Sciences and Hospital for admission and treatment. He was treated there for three days. Later the hospital authorities asked the patient to be moved to a Bangalore Hospital due to serious injuries.

The incident happened on June 4, 2020 and Mr. Venkatesh’s brother in law tried to file an FIR with the Arakalgud police station immediately, but they refused to file a case. A human rights activist Mr. Gangadhar and few others also contacted the concerned Police Circle Inspector to take necessary and prompt action on the case. The local Dalit leaders in the area conducted a protest near the Arakalgud police station and over a thousand people across the taluk participated which was covered by the media.

As a consequence of public pressure, the police only filed the FIR on June 8, 2020 case (FIR No. 155/2020 of Arakalgud Police Station). This FIR against the hotel owner Jagadeesh Gowda and three hotel employees mentions IPC Sections 323, 324, 504, 506 and 34 and the PoA Act sections 3(1)(r) (intentionally insults or intimidates with intent to humiliate a member of a SC or a ST in any place within public view) and 3(1)(s) (abuses any member of a SC or a ST by caste name in any place within public view).

The Superintendent of Police (SP) R. Srinivasa assured the protesters that the accused will be arrested, steps would be taken for compensation to the victim's family and an enquiry on the officials of Arakalgud police station. On June 10, 2020, Mr. Venkatesh died at the hospital and the SP in a letter to Arakalgud police station ordered to include IPC Section 302 in FIR 155/2020. All four accused are arrested.

We would like to submit here that the officials of the Arakalgud police station have deliberately denied registering the FIR at the initial instance on June 4, 2020, when Mr. Venkatesh's brother in law tried to do so and registered the same only after public pressure on June 8, 2020. According to the PoA Act, attempt by the police officer to dissuade a complainant from registering, pressurize them to reach a settlement, simply refuse to register, or register it as a non-cognizable offence, is against the law and attracts punishment for this. Since all offences listed under the PoA Act are cognizable offences, the police must register an FIR. Refusal to register an FIR is punishable with up to one year imprisonment under Section 4 of PoA Act.

Appeal:

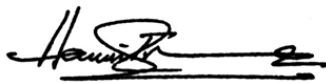
We therefore urge you to immediately take necessary steps to:

- Direct the Superintendent of Police of Hassan District to register an FIR under Section 4 of the PoA Act against the officials of Arakalgud police station as prima facie this is a case of deliberate delay and negligence to register the complaint of caste atrocity. Order for their suspension till the time investigation is completed against them.
- Order the Superintendent of Police and District Collector of Hassan District for an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned case of non-registration of FIR on June 4, 2020, by the officials of Arakalgud police station.
- Ensure that the family of Mr. Venkatesh receives adequate and timely relief amount as per provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the same is submitted by the District Collector of Hassan District to the commission.

- Ensure that in addition to the relief amount, the following are also provided to the family of the deceased HRD and the same is submitted by the District Collector of Hassan District to the commission –
 - Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to Rs.5000/month, as applicable to a government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase;
 - Full cost of the education up to graduation level and maintenance of the children of the victim;
 - Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.

Looking forward to your immediate action.

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary