

2020



LIFE AND DEATH IN THE TIME OF RTI
CASE STUDIES FROM MAHARASHTRA



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth

COMMONWEALTH HUMAN RIGHTS INITIATIVE

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LIFE AND DEATH IN THE TIME OF RTI

CASE STUDIES FROM MAHARASHTRA

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South Asia

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FOREWORD

The other day, in the country's highest court, a question was asked- how a petitioner was describing himself as an RTI activist in his application. "Is this a profession?" the Supreme Court of India asked.

Perhaps it is not a profession but it is a calling, which often comes with challenges and risks. For those who use and pursue Right to Information (RTI) applications for the sake of administrative transparency or even personal understanding of an issue and better clarity put themselves at risk and in harm's way by doing so. Not because they seek to abuse the law but because they seek to uphold it and uphold it robustly by in turn holding public servants and networks of powers and privilege accountable. The act of pressing for transparency itself has its roots in the Constitution of India where the right to information is regarded as flowing from Article 19(1)(a) which states that "all citizens shall have the right to freedom of speech and expression".

This leads to a broader interpretation of speaking on issues freely and fearlessly, as well as asserting the right to know about those issues which affect us, our lives, that of our families and communities and in the larger context of our country, whether directly or indirectly. As has been said, the right to free speech and expression includes the right to know, because unless expression of an opinion on an issue draws upon research (however cursory) and knowledge of that issue before sharing one's views, there cannot be an engaged discussion or sharing of views. However, unfortunately, it often appears that, instead, a lack of knowledge is driving free speech these days, given the proliferation of fake, provocative news and misleading information on social media platforms and broadcast media.

That is why RTI is such an important tool for mining information and placing it in the public domain. While individuals can do the former, it is the media which can bring problems and issues, which hold the balance between life and death or a better life and a lesser, diminished one, to the knowledge of stakeholders and the public. As a result, media can impact both policy and the situation on the ground for the better.

Every day, thousands of Indians put themselves at risk by filing RTI applications about the road that wasn't build, the school which hasn't paid its teachers, the water supply which is non-functional, the forest that vanished, mid-day meals which haven't materialized, the sewage lines which are overflowing, the pensions which have never been paid - issues and problems that confront many hundreds of millions more. Officials try to deflect and defy, withhold and delay, pass on responsibility to other or simply not reply. It is a long, tedious and often frustrating experience as Venkatesh Nayak, the head of our ATI team, his colleagues and many others who campaign for and use RTI have found. But in the medium and long term it could pay rich dividends.

One cannot underscore enough the risk factor here. Many citizens who have used RTI in India have been killed while pursuing their cases and campaigns and the criminal justice system, in

most cases, has either failed or been extremely slow in meeting the basic demands of their kin to bring the killers to account, if not to court.

These unique and detailed investigations into the killings of 13 RTI activists in Maharashtra, by the authors of this book, both journalists, is a step in exposing the violence inflicted on truth-seekers to light. It is also a reflection on the state of affairs in this sector in one of India's largest states- as the authors put it, Maharashtra has the "dubious distinction" of witnessing the largest number of attacks on RTI users in the country.

RTI activists, whether in the purest definition of the term or not, are more than activists: they are risk takers, they are whistle blowers and they are human rights defenders. In the process, often, their own rights get interfered with or trampled upon and in the 80+ cases from across the country, of which these 13 are a key part, lose their lives. They need protection and it is the statutory bodies such as the National and state human rights commissions and information commissions which must actively pursue their cases.

Media can expose a wrong doing or highlight a good deed. But it cannot implement the law. That is the job of governments and the justice system. The protection of citizens (not just of the State) is the role of law upholding (not just enforcing) agencies. But without the media's role as watch dog and in relentless pursuit of the facts, the latter often is not provoked into action, even to the extent of performing its own basic duties.

At CHRI, different teams use RTI extensively for access to justice work as well. In the past year or so we have developed training programmes for media, encouraging the use of RTI as a tool of professional excellence. This becomes, through persistence and strategic applications, a key element in investigative journalism. That is why it is encouraging that numerous media houses these days have RTI units which do path breaking, award winning work, with a focus on investigation. For ultimately, RTI is an enabler, it enables the facts to be drawn out from the root source - government which holds information and data in mind boggling volume on any and every subject.

I hope, the case studies in this book will encourage other journalists to work on similar themes not just because they are important or "good stories" but because they confront us with uncomfortable, unpleasant and compelling facts and truths: the failure of the justice system and what constantly, sustainably needs to be done to ensure that those who fall in the line of duty are not forgotten. Such campaigns for fact telling and truth sharing, for rights must be kept robustly, noisily and busily alive and not extinguished. For this is not a profession, this is a life's work.

Sanjoy Hazarika
International Director, CHRI

About the Authors

Vinita Deshmukh and Prasannakumar Keskar are senior journalists. Both are former editorial staffers of *The Indian Express*.

Vinita Deshmukh has used RTI as a tool for investigative reporting since 2005. She has exposed several irregularities and scams including those relating to the post-retirement home of a former President of India and the allocation of land to a multi-national company for establishing a research centre in Pune. She is currently Consulting Editor with the *Corporate Citizen* and *Moneylife*.

Prasannakumar Keskar is a seasoned crime journalist. He has reported on several irregularities like the infamous counterfeit stamp papers scam (Telgi scam) and the petrol pump allotment scam in Maharashtra.

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PROLOGUE

CHRI's 2018 status report on Information Commissions and the use of right to information (RTI) laws in India, shows Maharashtra ahead of other States and Union Territories in terms of the sheer volume of information requests made since the RTI Act came into force in October 2005.¹ This report, based on an analysis of annual reports published by Central and State Information Commissions, counted more than 2 crore (20 million) RTI applications filed across India between 2005-2015. While various agencies under the Central Government received more than 57 lakh (5.7 million) information requests, public authorities in Maharashtra had processed nearly 55 lakh (5.5 million) during this period. In recent years Maharashtra has reported processing between 7-8 lakh (700-800,000) RTI applications annually, placing it second only to the Central Government's performance even in term of averages.

Maharashtra also has the dubious distinction of reporting the highest number of attacks on citizens and activists who use RTI to make government agencies more transparent and accountable. At least 36 instances of assaults and attacks on and 41 cases of harassment of or threats to citizens using RTI have been reported by the media. At least 16 alleged murders have been linked to RTI activism of the victims in Maharashtra since the enforcement of the RTI Act.² Country-wide, at least 86 cases of murder, 170 cases of physical assault (in some cases multiple attacks on the same individual), 183 cases of threats or harassment reported by the media are linked to the RTI activism of the victims. Unable to cope with the retaliatory pressure they faced, at least seven RTI activists are said to have taken the extreme step of ending their lives.

These RTI activists were not seeking information about the country's defence or strategic interests or trying to pry out the trade secrets of any private company. Nor were they seeking to invade the privacy of their neighbours through their RTI requests. Instead, they used the RTI Act to make local public authorities more transparent and accountable in their functioning than the latter were willing to be voluntarily. Our inquiries revealed, the RTI activists slain in Maharashtra were essentially whistleblowers who used the RTI Act for:

- exposing corruption in cooperative societies and irregularities in cooperative banks;
- unearthing land-grabbing and real estate scams involving the urban land mafia;
- opposing the construction-realtor mafia in towns and cities;

1 *State of Information Commissions and the Use of RTI Laws in India: Rapid Review 4.0*, CHRI, New Delhi March 2018, p. 52, accessible at: <https://www.humanrightsinitiative.org/download/ICs-RapidReview4-finalreport-NDelhi-ATITeam-Mar18.pdf>, accessed on 20 December 2019.

2 See the database maintained at the Hall of Shame: Mapping Attacks on RTI Users, accessible at: <http://attacksonrtiusers.org/>, accessed on 20 December 2019. CHRI curates the Hall of Shame to document instances of attacks on RTI users and activists on a Google Map based on media reports of such incidents.

- exposing corruption and irregularities in granting building permissions by municipal corporations;
- exposing defections of municipal corporators from one political party to another through corrupt means;
- uncovering forgery of property records used for illicit gain;
- unearthing irregularities like diversion of food grains under the mid-day meal scheme meant for school children;
- unmasking the diversion of housing assistance benefits meant for poor families to ineligible persons;
- uncovering illegal takeover of sugar factories by politicians;
- exposing illegal sand mining;
- unearthing irregularities in the staffing and management of educational institutions;
- exposing irregularities in the disbursement of grants and hostel rooms for students from migrant families;
- protecting the rights and entitlements of pavement hawkers and vendors;
- laying bare irregularities in the transfer of key officials in civic bodies;
- exposing misuse of public funds in the repairing the ancestral home of a well-known freedom fighter;
- identifying truant employees of civic bodies;
- unearthing corruption in the repair and maintenance of sewer works; and
- exposing corruption in road repair and pavement construction works.

They paid the price of such activism with their lives. The cost of demanding transparency, it seems, is much higher than the INR 10/- application fee and INR 2/- per page photocopying charges stipulated by the RTI Rules in Maharashtra.

Supported by a three-month fellowship from CHRI, we took up the task of inquiring into the life and death of 13 RTI activists in Maharashtra whose alleged murder was reported by the media. We decided to examine the causes and the consequences of their RTI activism. We also looked at the manner in which the criminal justice system, namely, the police, the prosecution and the courts reacted to their killings. Did the system act swiftly enough to bring the culprits to book? How long and difficult was the road to justice for the bereaved families? Were their voices heard in the course of the investigation and prosecution? What impact did the gruesome violence have on the families and the immediate socio-political environment in which the victims lived? What was the role of oversight bodies like the State Information Commission, particularly with regard to the victims' information requests that were processed by public authorities before these activists were attacked? Will we be able to access credible answers to these and other related questions during our field study? These issues were uppermost in our minds when we launched this study across seven districts of Maharashtra.

When it came to tracking down information about these 13 deaths,³ the challenges were many and our findings disturbing, to say the very least. This is mainly due to the absence of any concerted effort from any quarter- either government or civil society or the State Information Commission or the National Human Rights Commission (which treated at least one of the victims as a human rights defender) to document the aftermath of these murders. Official records relating to the criminal investigation and prosecution were hard to come by. Families often did not preserve records evidencing the RTI activism of the victims. The local RTI activist fraternity either did not have adequate knowledge of these cases or refused to speak with us fearing reprisals. Equally worrisome was the hostile campaign run through the local media by vested interests, with active or tacit support from law enforcement agencies, to malign the victims about their motivations for activism resulting in social stigma for the bereaved families.

Despite the many difficulties in gathering credible information about these cases, our inquiries revealed, the slain RTI activists belonged to various socio-economic strata of society. Some were successful businessmen, a few were farmers. Some belonged to middle class families. At least one belonged to a nomadic tribe and another hailed from a family of migrant labourers. Some were highly educated, a few others did not go beyond basic schooling. Several were Maharashtrian in origin. A few of them had migrated from northern and western parts of India in search of a better life and livelihood opportunities. One of them had migrated to Maharashtra in order to escape persecution he faced for assisting law enforcement agencies in Delhi. At least three victims worked closely with prominent political parties but that did not afford them any extra layer of protection.

The most worrisome discovery in this study is the failure of the criminal justice system to identify and punish the murderers. In at least four cases, the accused were acquitted for lack of sufficient evidence. So, while the fact of murder is undeniable, nobody has been found guilty of committing the crime. In a majority of other cases the trial has not been completed.

In one case, the police closed the matter saying it was a case of accidental death due to consumption of liquor. In another the police blamed the murder on an alleged extra-marital affair that the victim was having, without making inquiries about his RTI activism to examine the conspiracy angle.

At least two of these cases were handed over to India's apex crime investigation agency- the Central Bureau of Investigation (CBI) after the local police failed to handle them in a professional

3 Meanwhile, three more individuals are reported to have been murdered in Maharashtra as a consequence of their RTI activism since the launch of this study. However this study is limited to the 13 cases that were reported at the time of the commencement of this study. Multiple media reports mention Irfan Kazi of Jaitapur in the list of RTI activists who were murdered in Maharashtra during this period. See: "Jaitapur boils after activist's death": Times of India, news report dated 19/12/2010 accessible at: <https://timesofindia.indiatimes.com/city/mumbai/Jaitapur-boils-after-activists-death/articleshow/7125307.cms>, accessed on 20 December, 2019. While Irfan Kazi's death has been linked to his participating in the public protest against the nuclear power plant being constructed in Jaitapur, we have not been able to locate any evidence of his RTI interventions. So his case is not included in this study.

manner. CBI boasts a successful prosecution rate of 65-66% of the cases it handles every year.⁴ However, in the very first RTI-related murder case reported in Maharashtra, the CBI filed a closure report citing lack of prosecutable evidence against the accused. The victim’s brother has challenged this finding in the Supreme Court of India in a last ditch effort to seek justice. In another case, the CBI has announced a cash reward of INR 5 lakhs (500,000 rupees) for credible information about the culprits of the murder, having failed in its own investigative efforts.

This is the report card of how the criminal justice system in Maharashtra responded to these murderous attacks that emerges at the end of our study:

#	Name and provenance of the murdered RTI activist	Date of the incident	Trial court’s judgement date	Length of the family’s wait for justice	Outcome of the trial
1.	Satish Bhoja Shetty (Talegaon Dabhade, Dist. Pune)	13 January, 2010	not applicable	Legal proceedings have dragged on for more than a decade	Both the local police and the CBI filed closure reports citing lack of sufficient evidence. His brother has challenged the CBI’s closure report in the Supreme Court in September 2019
2.	Dattatreya Patil (Ichalkaranji, Dist. Kolhapur)	26 May, 2010	22 April, 2013	Almost three years	All 9 accused acquitted for lack of sufficient evidence
3.	Ramdas-Ubale Gadegaonkar (Gadegaon, Dist. Nanded)	Intervening night of 27-28 August, 2010	31 July, 2013	Almost three years	Local Police closed the case labelling it “accidental death” due to consumption of liquor in their summary report as visceral examination showed the presence of ethyl alcohol.

4 “Conviction rate of CBI dipped in last 3 years: Govt.”, *Economic Times*, news report dated 12/04/2017, accessible at: <https://economictimes.indiatimes.com/news/politics-and-nation/conviction-rate-of-cbi-dipped-in-last-3-years-govt/article-show/58148427.cms?from=mdr>, accessed on 20 December, 2019.

#	Name and provenance of the murdered RTI activist	Date of the incident	Trial court's judgement date	Length of the family's wait for justice	Outcome of the trial
4.	Vitthal Gitte (Waghbet, Dist. Beed)	22 April, 2013	05 May, 2015	More than four years	All 9 accused acquitted for lack of sufficient evidence
5.	Premnath Jha (Virar, Dist. Thane)	24 February, 2012	not applicable	Almost eight years and counting	In 2018 CBI announced a reward of INR 5 lakhs for any credible information about the culprits of the murder
6.	Comrade Kapurchand Gupta (Kandivali, Dist. Mumbai Suburban)	20 November, 2012	not applicable	More than seven years and counting	Trial has not been completed
7.	Sunil Kumar Loharia (Vashi, Dist. Thane)	16 February, 2013	not applicable	More than seven years and counting	Trial has not been completed
8.	Vasant Patil [Bhandup (West), Dist. Mumbai Suburban]	22 July, 2013	2019 (exact date not known)	six years	All accused were acquitted for lack of sufficient evidence
9.	Abrar Ahmad Jamil Ansari (Bhiwandi, Dist. Thane)	17 December, 2013	not applicable	More than six years and counting	Chargesheet filed in March 2014. Trial does not seem to have been completed against the nine accused
10.	Bhupendra Vira [Kalina, Dist. Mumbai (Suburban)]	15 October, 2016	not applicable	More than three years and counting	Chargesheet filed in January 2017. Trial has not been completed

#	Name and provenance of the murdered RTI activist	Date of the incident	Trial court's judgement date	Length of the family's wait for justice	Outcome of the trial
11.	Mohan Ganuji Waghmare (Yavatmal city, Dist. Yavatmal)	Intervening night of 23-24 February, 2017	not applicable	More than two and a half years and counting	Chargesheet filed in May 2017. Trial has not been completed
12.	Suhas Bhaurao Haldankar (Pimpri-Chinchwad, Dist. Pune)	09 April, 2017	not applicable	More than two and a half years and counting	Chargesheet filed on 27 July, 2017. Trial has not begun yet
13.	Shailesh Nimse (Aghai, Dist. Thane)	20 April, 2018	not applicable	Uncertain after more than one and a half years and counting	Charge sheet was filed in August 2018. Trial has not been completed

Before we narrate our detailed findings from each case study, we place before the reader our main observations and the major challenges we faced while conducting our investigation:

- Reluctance of families of slain RTI activists to speak out:** Traumatized by the brutal murder of their bread-winners who were labeled as 'RTI blackmailers' by the police and sometimes by the media, family members were reluctant to talk to us about their experiences. They looked at anyone who approached them for information about the slain activist with suspicion. Afraid that they may be targeted again and also distressed by the fact that the whistleblower's sacrifice had gone in vain, some had burnt up the RTI documents obtained by the murdered activist or hidden them away. We had to find alternate means to obtain these documents, from friends or compatriots with whom they shared their penchant for activism. We were successful in some cases but were stonewalled in others. In two cases we could not find photos of the slain activists at all.
- Shoddy police investigations:** In almost all cases, immediately after the murder, the families, obviously in a state of shock, could not give the name(s) of persons whom they suspected for being behind the attacks. Meanwhile, the police, in the name of probing all angles, came up with explanations that we found bizarre, avoiding even mention of the possibility of the murder being related to their "RTI activism" in their reports. Later, when the families came forward to name the suspects, the police refused to probe this angle, terming the attempts by the families as an afterthought. For example, when the first information report (FIR) was registered by the family member who learnt of the murder first, it did not identify any suspect. Later when the family members gave their statements to the police in the course of

the investigation, they were labelled as ‘deliberate improvements’ by the trial courts. This happened in the case of Satish Shetty (case study #1) and Dattatreya Patil (case study #2) to name a few. As a result, the perpetrators of the heinous crime got ample opportunity to escape the long arm of the law and even destroy crucial evidence. Because of this, we had to spend considerable time digging out details of what else had occurred that did not find mention in the police investigation reports.

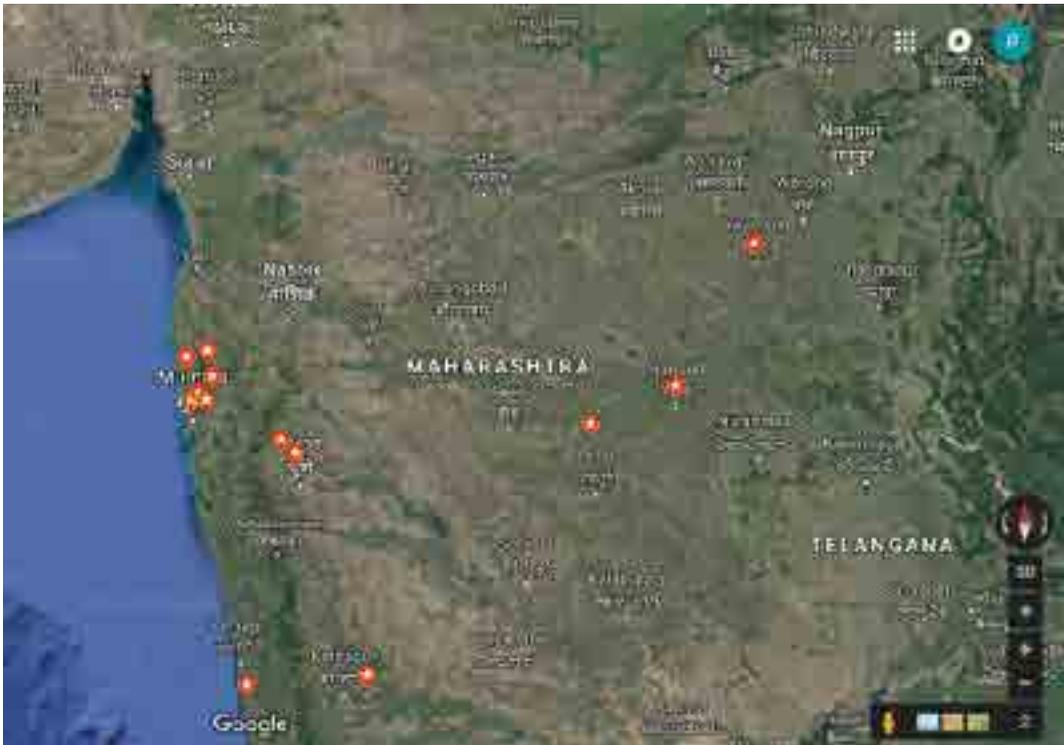
- **Police, branding RTI activists as blackmailers:** The police have been treating the murders of RTI activists as routine cases of murder due to personal enmity and avoiding describing the victims as RTI activists. Instead, immediately after the murders or at times even during the trials in the court, they projected the RTI activists as blackmailers. This resulted in a media trial which stigmatised the families for years, making it impossible for them to not only seek justice but also to lead a normal and dignified life in the community where they reside. At least one family moved away where it lived and remained untraceable despite our fervent efforts.
- **Witnesses turning hostile:** Panchas (witnesses) turned hostile in almost every case of acquittal not least due to fear of reprisals from the murder accused or pressure from other quarters. After all, these activists had taken on the locally powerful and the influential head-on in their struggle for social causes. The criminal justice system also did not bother to ensure the safety and security of the witnesses so that they could give evidence during the trial in a free and fearless manner. Further, the delay in arresting the suspects also created a fear psychosis. Such delays helped the culprits to influence witnesses as it was alleged in the case of Vitthal Gitte (case study #4). There was a considerable time gap between the murder and the trial proceedings, as a result of which discrepancies between various accounts of how the crime was perpetrated cropped up during the depositions in the trial court.
- **No coordinated efforts by the RTI activist community:** Families of slain RTI activists got little help from their fraternity. In rural areas, RTI activists either do not know each other or do not help in furthering the causes that the slain activists had taken up. In urban areas like Mumbai, the apathy is even more apparent. Therefore, tracking down the families of the slain activists itself became an arduous task. In most cases, neither the RTI activists nor journalists from newspapers which had carried screaming headlines after the murders, had the contact number or addresses of the victims’ families. Even the police and public authorities were not forthcoming with such information despite our repeated efforts. Tracking down the families was an uphill task in many cases.
- **Stalking during our field trip:** ‘Let sleeping dogs lie’ is the attitude adopted by society in general, in such matters. As a result, someone who starts making inquiries is often seen as a potential threat and faces hostile reactions. During a field trip, one of us, authors, was at the residence of a slain activist making the usual inquiries. A couple of men reached the house and using their mobile phones clicked our photographs, that of our driver and the car we used. On our return journey we halted at a dhaba (roadside restaurant) for a meal. While the

youth at the counter was questioning us about who he was and the purpose of journey, we could see our photo, that of our driver and the car we used loaded on his mobile phone. Our photos had been shared at lightning speed with the youth at the dhaba, situated at least 200km away from the village where we had conducted our inquiries earlier.

- **Inadequate legal support:** When it came to the trial court, public prosecutors relied on circumstantial evidence thanks to the inadequacy of evidence collected during the police investigations particularly with regard to witness statements. Also, in the cases we have analysed, the public prosecutors did not further cross-examine the witnesses who turned hostile. With most of the RTI activists having been killed in public places or on public roads, there would have been witnesses, whom the police did not take the trouble to track down - deliberately or otherwise. This was observed even by the trial court in the Dattatreya Patil murder case in which strictures were passed against the Investigative Officer for his failure to track down witnesses who might have seen the activist and the accused present in the same area at the same time.
- **Lack of records in police stations:** In almost all cases, records at the police stations did not have the judgement in cases where the trial had been completed. This, even after two to three years of the court having delivered the judgment. We had to rely on the E-courts website to procure them. Thankfully, Maharashtra has taken steps to upload judgements of trial courts in criminal cases. So we were able to access some case records. However where case numbers or case details were not known, finding official documentation of several cases became impossible. In a few ongoing cases the police records only spoke of preventive action taken against the accused after they were granted bail. No further information about the status of the criminal trial was available with them.
- **Media found wanting:** We found that news reports published and circulated, in rural areas were tilted against the slain activists. In one case, the reporter of a prominent newspaper confessed to us that the facts mentioned in his story were false. Moreover, there had been no follow up reporting of the cases by the media. As a result, we had to cross-check every fact reported in newspapers. When it came to the latest status of the cases we had no way other than extensive Internet searches through E-court websites, public and private websites and blogs to rely upon. At times while looking for addresses or contact details of the victims' families we had to talk to local grocery shopowners and community workers to collect information and to identify the bare bone facts in order to stitch them together into a reliable narrative.

Given the extremely poor response of the system to provide justice to the victims' families, we believe, prevention is better than cure. It is better to put in place mechanisms to ensure that the possibility of attacks on RTI activists and users is mitigated. In the rare instance where such attacks occur, effective oversight mechanisms are necessary to ensure that the law enforcement agencies and the courts do their mandated jobs without any external influence or considerations. Our policy recommendations, to prevent attacks on RTI activists and whistleblowers and swiftly prosecute and punish culprits whenever they occur, are given at the end of this report.

BLOOD STAINED MAP OF MAHARASHTRA



Places where 13 RTI activists were killed in Maharashtra

PART I
CASE STUDIES



SATISH BHOJA SHETTY
KILLED ON 13 JANUARY, 2010
TALEGAON DABHADE
DIST. PUNE

Background

Late Satish Bhoja Shetty was the first RTI activist to be killed in India. His was one of the boldest uses of RTI by an individual to take on the big sharks who “illegally” grabbed premium land, adjacent to the Mumbai-Pune Expressway. Though Satish Shetty’s murder was the first such case in the country, it was not an isolated occurrence. Maharashtra had already been witnessing a string of threats and attacks on activists. Convenor of the Movement against Intimidation, Threats and Revenge against Activists (MITRA) Ms. Sumaira Abdulali was

threatened and assaulted in May 2004, H.S. D’Lima of Citispace was threatened and assaulted in March 2005; James John of AGNI was threatened and assaulted in March 2006; activist Edwin Britto was first threatened and attacked in 2000 and a second time in June 2005; Suryakant Panchal of Bombay Environmental Action Group (BEAG) was assaulted in June 2004; Ms. Anandini Thakoor and Aftab Siddiqui got threats in July 2005, January 2009 and mobbed thrice; and Navin Pandya of Action for Good Governance and Networking in India (AGNI) was threatened and attacked in September 2009. Some of these activists had used Maharashtra’s own RTI Act that existed before Parliament enacted the RTI Act in 2005, to demand transparency in the working of overnment agencies. Satish Shetty was the first to pay the price of demanding transparency and accountability with his life.

Brief Profile

Satish Shetty, took to social activism in the early 1990s. In 2005 he became the District Co-ordinator of Bhrashtachar Virodhi Dakshata Samiti founded by social reformer Shribhau Limaye to combat corruption in public administration in Maharashtra. The RTI Act empowered Satish Shetty to expose several cases of corruption and malpractices in local-self-governing bodies and track the progress or lack of it made to fix accountability of those found responsible. He used RTI to ferret out information that would help solve the problems that people from the disadvantaged and vulnerable segments of society faced with the administration. Although an epileptic and hailing from a humble background, Satish Shetty had dedicated his life for social causes demanding justice for the faceless, ordinary citizen.

Satish Shetty had blown the whistle on a series of land scams in and around Talegaon, Lonavala and Pimpri-Chinchwad in Pune– a favourite zone for realtors in Maharashtra. An anti-corruption crusader for at least 15 years prior to his murder, Satish Shetty had been using the RTI Act to expose irregularities in government offices for the last five years of his life. He shot to fame after exposing certain corrupt land deals in and around the country’s first expressway, the Mumbai–Pune expressway.

His RTI interventions

Around June-July, 2009 Satish Shetty had started exposing illegal land deals and land scams, allegedly perpetrated by the Ideal Road Builders (IRB) Group, a dominant Infrastructure Company in Maharashtra. Most of his RTI documents pertained to the Tahsildar's office, Maval, under which several villages in and around the upcoming Pune-Mumbai Expressway were covered. Bare land was turning into a gold mine. In fact, through the RTI documents, he had established the fact that the IRB group had allegedly usurped a vast area of land to build a township and thanks to Satish Shetty's exposé through RTI documents, the township project got scuttled. This had angered the land scamsters. An year before Satish was killed, he had procured over 200 documents on 239 land deals in the area. He sought comprehensive information regarding the mega land scam through RTI applications.

In his intervention application filed before the Bombay High Court challenging the poor quality of the police investigation of his brother's murder case, Sandeep Shetty had averred, "As per the information available on the website www.irb.co.in, the IRB Group is a group of companies and other entities, headed by Virendra D. Mhaiskar, Chairman & Managing Director of their Flagship Company IRB Infrastructure Developers Ltd. The IRB and its subsidiaries are involved mainly in road developments and have constructed or operated and maintained about 1200km of roads so far. In August 2004, IRB was given a contract of four-laning of 111km of the old Mumbai-Pune Highway on self-finance basis along with Toll Collection, Operation and Maintenance of both old Mumbai-Pune section of NH-4 and Mumbai-Pune Expressway of 95 kms length at a total capitalised costs of INR 1,301 crores (13,016.14 million rupees). As per the contract, the IRB was to make upfront payment of INR 918.10 crores (9,180 million rupees) to Maharashtra State Road Development Corporation (MSRDC), a wholly-owned company of the Govt. of Maharashtra, which constructed the Mumbai-Pune Expressway.

"Three years later, sometime in 2007, the IRB Group diversified into real estate development by undertaking a construction project of an Integrated Township on 1,400 acres (5.66 km²) of land at Villages Taje and Pimploli, Taluka Maval, District Pune. As a matter of fact, Mumbai-Pune Expressway passes through these two villages. In the final prospectus dated 08 February, 2008 submitted to Securities and Exchange Board of India (SEBI) and the Registrar of Companies (ROC) in respect of Public Issue of its Shares by IRB, it was declared as follows:

- i. On Page 409 (Internal Page 361) it was declared that the IRB had undertaken the said Township Project through one of its subsidiaries, Aryan Infrastructure Investments Pvt. Ltd. (Aryan). On 20 June, 2007 and 18 July, 2007, IRB had acquired 66% holding in Aryan. Land Reserves of IRB are held through Aryan. IRB had also entered into an agreement dated 09 March, 2007 with Aryan Constructions, a proprietary concern of Virendra D. Mhaiskar HUF (Hindu Undivided Family), a group entity, pursuant to which Aryan Constructions was awarded the lump-sum turnkey contract for site development of the proposed township.
- ii. On Page 509 (Internal Page 461) it was declared that on 24 October, 2007, Aryan applied to

the Urban Development Department of Govt. of Maharashtra for location clearance of 1,400 acres (5.66 km²) Special Township at Taje & Pimploli and same is under process.

- iii. On Pages 140 & 141 (Internal Pages 92 & 93) it was declared that the present land reserves of the Company are of approximately 925 acres (3.76 km²) and it intends to acquire additional 475 acres (2.23 km²). As per the Chart of Land Reserves at Taje & Pimploli as on 25 December, 2007 – land owned by the IRB Group through its subsidiaries is 812 acres (3.3 km²) and land under MoU is 113 acres (0.46 km²) – both totalling to 925 acres (3.76 km²).”

After learning that many of the transactions of lands at Taje & Pimploli villages done by IRB Group were bogus and fraudulent, Satish Shetty, began probing this matter. It transpired that a number of government officials were hand-in-glove with the Directors of IRB. These, at the lowest level, included Ms. Ashiwini Kshirsagar, the then Sub-Registrar of Assurances, Maval at Lonavala, who was later suspended, according to Sandeep Shetty.

Prior to his death, persistent efforts by Satish Shetty resulted in an inquiry, which proved that large scale illegalities and irregularities had in fact taken place in the land deals. On 16 September, 2009, he gave a written complaint to the Police Inspector of Local Crime Branch (LCB) of Pune Rural against Ms. Ashwini Kshirsagar and others, including Virendra D. Mhaiskar. No offence was registered and instead, an inquiry was undertaken. Finally, on 15 October 2009, an FIR (C.R.No.152/2009) was registered at Police Station Lonavala City, against one Deepak Gadgil and 12 others, including Virendra D. Mhaiskar under Sections 420, 467, 468, 469, 471 r/w 34 IPC (offences of cheating, forgery, using forged documents as genuine committed by a group of persons pursuing a common intent).

On 15 October, 2009, Ms. Ashwini Kshirsagar was apprehended by the police in her office in the presence of Satish Shetty and some media persons and taken to Police Station Lonavala City. However, it was later learnt that she had already been granted anticipatory bail (under Section 438, CrPC). A week later she was suspended from her job pending inquiries into the complaint made against her.

According to Sandeep Shetty, “to the best of my information, Virendra Mhaiskar and his associates were never arrested despite the seriousness of the offence and large scale financial fraud perpetrated by them. This was obviously done on account of pressure by some influential and interested persons. Initially the Local Crime Branch investigated the case. However, Satish smelled a rat and complained to the Inspector General of Police (Kolhapur Range) alleging manipulation by the accused in connivance with the police officers. Acceding to his request to transfer the case to some other Investigative Officer (IO), the probe was handed over to a team headed by Sub-Divisional Police Officer Dilip Shinde and later on Police Inspector Tonpe was directed to investigate the case.”

2009: Satish receives threats, asks for protection

It was after this police complaint that Satish started receiving threats that he and his family members would be killed if he did not stop his activities. On 24 November, 2009, Satish Shetty submitted a written application to the SP Police, (Rural) Pune, seeking protection for himself and his family members. In the said application, he clearly mentioned the threats, their source, and the reason why these people wanted to eliminate him.

According to Sandeep Shetty, “He had also mentioned that his on-going investigation into and prospective exposure of the fraudulent transfer of about 1,800 acres (7.32 km²) of land have put him and his family in imminent danger. This application clearly shows that my brother was being pressurised at the instance of the stakeholders of IRB Group and that he was apprehending danger to his life from them. The police did not take any action, either to give him protection or investigate into his complaint.”

Sandeep adds, “shockingly, the affidavit of 10 February, 2010 filed by Investigating Officer, Mr. Dilip Shinde, in the *suo motu* writ petition by the Bombay High Court (No. 466/2010) is completely silent about Satish’s application for police protection and the fact that he had squarely expressed fear that he may be killed by V. D Mhaiskar and their associates.”

The Murder

On 13 January, 2010, Satish was brutally attacked in broad day light on a busy main road connecting Talegaon-Dabhade to National Highway No.4 in a thickly populated area with numerous shops and houses on both sides of the road. There is always a good deal of vehicular and pedestrian movement on this road. A large number of people take their morning walk here. Satish Shetty was on his way back home from his usual morning walk around 7.15am when he was done to death. He had stopped at a kiosk near his home to read newspapers when suddenly masked men riding a motorcycle attacked him with sharp weapons and fled. Satish Shetty collapsed and lay in a pool of blood. Despite it being a busy road, passersby did not come to help. Shetty was shifted to a hospital after the attackers fled and was proclaimed dead on arrival.

The Police Investigation

Satish Shetty’s murder sent shockwaves across the country, giving rise to speculation as to who were the influential and corrupt people who ordered the hit on this whistleblower.

Two hours later after the murderous attack on his brother, Sandeep Shetty lodged an FIR [Crime Registration (C. R) No. 8 of 2010] at Talegaon Dabhade Police Station stating that he suspected the involvement of two infrastructural companies, IRB Group & Sable Waghire Group. Within a couple of days of the murder, the Local Crime Branch (LCB) of Pune Rural police arrested lawyer Vijay Dabhade, his clerk Pramod Waghmare, Dongrya Hanumant Rathod, Navnath Shelar,

Sham Dabhade and Parshuram Telgu under Indian Penal Code Sections 109, 120 (b) and 302 read with 34. The LCB officials claimed that Santosh Ratan Shinde from Dehu Road, who had been arrested in some crimes previously too, voluntarily approached them and confessed to have accepted the contract to kill Satish Shetty for INR 1 lakh (100,000 rupees) from one Vijay Dabhade through Parshuram Telgu around 15 months before the day of murder.

Interestingly, when Vijay Dabhade, Parshuram Telgu and Pramod Waghmare were produced in the court for remand hearing on January 16, 2010, the remand report did not mention the date and time of their arrest. Though the remand report spoke of a conspiracy to commit the murder, there was no mention of the two firms, which had been mentioned by Satish Shetty in the application he had given to the Superintendent of Police (Rural), Pune while seeking police protection, a few months before he was murdered. The remand report that was submitted when the arrested people were produced in the court for extension of their police custody on 25 January, 2010 too remained silent about these two firms. On 28 January, 2010, the arrested persons were remanded to judicial custody. It was mentioned during the remand hearing that police inquiries with Sandeep Shetty and other relatives provided no clues against the two realtor firms. All those who were initially accused of committing the murder were released on bail subsequently. Two of the accused- Vijay Dabhade and Shyam Dabhade died afterwards.

Says Sandeep: “In my complaint, I had specifically stated that Satish had exposed large scale land scams linkable to the IRB Group. This group had tried to bribe Satish to back off from his RTI-based inquiries, and when that failed they threatened him with dire consequences. In my complaint, I expressed my suspicion that Satish had been murdered at the instance of V. D. Mhaiskar and their associates in connection with the work he was doing which was causing them huge losses and bad public exposure. The police continued to misdirect the probe by drawing a red herring to save people named by me in the FIR. My late brother, had also named them in his application to the SP (Rural), Pune seeking protection, submitted a couple of months before he was murdered.”

The Criminal Trial

Today, almost nine years later and after multiple investigations conducted by several teams of Maharashtra Police and the CBI, the murder still remains shrouded in mystery. Making it worse, taking the case to its logical conclusion does not appear to be on the agenda of the powers-that-be. In fact, the fearless and incessant legal courtroom battle waged by Sandeep Shetty and intervention by the High Court alone have kept the case alive.

Sandeep Shetty alleges, “Satish had been offered two crore rupees by an employee of the company to stop follow up of the case. During CBI examination, my cousin Mr Dinesh Shetty revealed that one Mr Jayant Dange a liaison officer in IRB Infra’s subsidiary company had approached Satish to convince him to stop his investigation in the land scam committed by IRB Infra through

its subsidiary companies. When Satish refused to compromise, he also threatened Dinesh that he would physically assault Satish if he did not give up following the land scam case.”

Says Sandeep, “when he rejected the offer, he was threatened with dire consequences. This prompted my brother to seek police protection apprehending danger to his life from IRB Group viz. Aryan Infrastructure Investment Pvt Ltd, IRB and Jyo Development Corporation for police protection. However, no action was taken on the application.”



Sandeep Shetty

Meanwhile, there was a suo motu intervention by Bombay High Court in the Satish Shetty case. When the matter (WP No.466/10) came up for hearing in the High Court on February 17, 2010,

the State Police failed to justify the outcomes of its investigation although five persons had already been arrested. The High Court also allowed Sandeep Shetty’s intervention petition and directed the State to file response on Sandeep’s prayer for handing over the case to the CBI for a proper and impartial investigation.

On 06 April, 2010, the Maharashtra Government consented to handing over the case to the CBI for further investigation. As an afterthought, on 13 April, 2010, the Pune Rural Police filed a charge sheet against Vijay Dabhade and other arrested persons. On 09 July, 2010, the case was entrusted to Pramod Kumar Manjhi, Additonal Superintendent of Police, CBI, STF (State Task Force), Mumbai. However, there was little progress in the probe for a year.

Meanwhile, two of the accused, Pramod Waghmare and Vijay Dabhade were granted bail and on 28 September, 2011 the Local Crime Branch of Pune Rural police submitted its final report to the Judicial Magistrate First Class (JMFC) at Vadgaon Maval praying for “C” Summary in the case relating to the land grab which had been initiated by Satish Shetty’s interventions. (“C” Summary report is filed by the police to close a case when, after conducting the investigations, they reach the conclusion that the case is neither true nor false). The JMFC accepted this contention in his order issued on 27 December, 2011.

Meanwhile, in early 2012, the Joint Director of CBI, West Zone formed a new investigating team headed by Sushil Pratap Singh, Deputy Superintendent, CBI - ACB, Pune. Sandeep Shetty says, “The new team rigorously probed the IRB Infrastructure’s role. They recorded more than 600 statements of witnesses. They also raided premises of the IRB Infrastructure and its associate companies and individuals. They conducted polygraph tests on people

related to IRB Infrastructure Ltd. including the CMD of the company Virendra D Mhaiskar.”

On 06 July, 2013, the CBI moved a petition in the Bombay High Court seeking quashing of the Pune Rural Police’s “C” Summary Report and the consequent order of the JMFC court accepting it, seeking permission to open up the case. As there was no response, in August 2014, CBI again moved Bombay High Court contending that the State Police had wrongly filed a closure report in the land grab case filed by Satish Shetty, which was the prime motive for his murder. Accordingly, the High Court set aside the closure report filed by the State Police and the JMFC’s order which accepted it.

However, Sandeep Shetty alleges, “In the most brazen move, the CBI did a volte face, three days later, on 11 August, 2014 and filed a closure report in Satish’s murder claiming that no prima facie motive had been established.”

As for the land scam case filed by Late Shetty with the local police, the CBI took up further investigation after citing emergence of new evidence in its raids conducted in 2015. In January, 2015, the CBI raided the premises of IRB Infrastructure Ltd and 22 other locations of its associate companies and individuals in Mumbai and Pune. The then PRO of CBI Kanchan Prasad issued a press note stating that fresh incriminating evidence in Satish Shetty’s murder case was found during the raids. Subsequently, CBI formed a new team of officers from Special Crimes Unit-II, New Delhi, headed by Deputy Superintendent, Vijay Shukla.

On 19 March, 2016, Indian National Congress leader Digvijay Singh held a press conference in New Delhi and played parts of the crucial audio recordings alleging a cover up attempt by the CBI before mass media representatives.

On 06 April, 2016, the CBI arrested retired Police Inspector Bhausahab Andhalkar. On 11 April, 2016, Assistant Inspector Namdev Kauthale was also arrested. Both Andhalkar and Kauthale were part of the investigations carried out by the Pune Rural Police and the CBI claimed that they were responsible for creating a false case against some individuals to protect the real perpetrators of Satish Shetty’s murder.

CBI filed a chargesheet against Andhalkar and Kauthale on 04 July, 2016 under Indian Penal Code Sections 120-B (criminal conspiracy), 193 (creating false evidence), 201 (causing disappearance of evidence), 211 (false charge of offence made) and 218 (public servant framing incorrect record). Though the chargesheet initially did not invoke murder charges, they were added later on. The duo was granted bail by the Sessions Court on 20 July, 2016. After that, again there was a long silence.

On 13 April, 2018, the CBI in another turn around, filed a closure report in the Bombay High Court in the Satish Shetty murder case. Sandeep Shetty sought an interim stay in the matter on 27 September, 2018 arguing that any criminal investigation conducted by any agency has to end

with a report detailing the investigation as per Section 173(8) CrPC whether it is a closure report or a chargesheet. He also pointed out that there is no such provision in the CrPC to permit an Investigating Officer to close an ongoing investigation merely by submission of an 'intimation' to the Court. He also argued that the Hon. Judge has misinterpreted a simple application of 'Intimation' to be a 'closure report'. The CBI argued that it does not require any order from the court to proceed with its decision of closing of investigation, CBI stated that it has just shown courtesy towards the court by filing the intimation and if Sandeep Shetty has a grievance he can file a protest petition against the 'intimation'.

Sandeep Shetty has now approached the Supreme Court with an appeal against the High Court's order stating that it overlooked major facts in the case and had passed an order based on inaccurate facts.

The Aftermath

Sandeep Shetty who has been carrying on this campaign seeking justice for his brother with remarkable patience and perseverance states, "after looking at the chronology of events it would not be absurd to believe that the investigation of the murder of my brother Shetty was intentionally allowed to drag on to weaken the case and allow time for the perpetrators to cover up their trial. They have tried to wear me out so that I do not pursue the case further. In the backdrop of the past events it will be very hard for me to trust CBI's commitment to solve this case but I will keep fighting till I get justice for my brother."

After Satish Shetty's death, another RTI activist Vijay Kumbhar had created a website- www.surajya.org to make copies of all official documents that Satish Shetty had obtained through his RTI interventions, publicly accessible. Kumbhar said that most of the documents relating to land deals appeared to be clear cases of fake registration and cancellation of registration of land deals. Kumbhar has now demanded an inquiry into the matter.

Soon after Satish Shetty's murder, his close friend Arun Mane continued to use RTI, on the same issues like him. He too was assaulted on 02 January, 2011 but thankfully he did not die. He is in a shell now as says he has abandoned social work due to "family pressure", but apparently the pressure is from the alleged culprits who have big money power to silence him too.

Hearing an application filed by RTI activist Vijay Kumbhar, the then Information Commissioner Vijay Kuvalekar asked five state departments to "provide information to applicant Mane within four days, free of cost". The departments were headed by the District Collector, Settlement Commissioner and Land Records, Inspector General of Registration, Superintendent of Police and Chief Forest Conservator. IC Kuvalekar also asked the departments to allow the public to access this information. This was indeed a landmark order.

Some observations and unresolved questions

- CBI took over the investigation in the murder of Satish Shetty from the local police. Initially CBI STF (Special Task Force) conducted the investigations. The Investigating Officer at that stage was Mr. Pramod Kumar Manzhi. Sandeep Shetty says: “My interaction with him revealed that he concurred with the facts on which I had filed my FIR and suspected that Mr Virendra Mhaiskar, CMD, IRB infra, through his henchmen would have murdered my brother Satish. But having said that, he never took any positive step to take forward the investigation other than doing a general inquiry for more than a year. I became suspicious but had little choice than to trust him. The CBI team gathered all the documents procured by Satish from my house and most of them related to the land grab cases of Aryan Infra and IRB Infra.” This unexplained lack of progress for more than a year, we find quite perplexing.
- “During my interaction with then Joint Director CBI West Zone, Mr. Rishi Raj Singh who was monitoring the investigation very closely, he had said to me that we are very close to cracking this case and you will see arrests by the end of 2012. He was prematurely transferred in the month of July 2012. The pace of investigation slowed down thereafter” observes Sandeep Shetty. Was this transfer routine in nature or effected with an intention to derail the probe, remains a mystery, in our opinion.
- “Mr Keshav Kumar took over as Jt. Director CBI to replace Mr Rishi Raj Singh. In my first interaction with him he assured me that he is committed to cracking this case and would use all his skills and experience for so doing. He also assured me that he would be accessible to me any time of the day for any information that I required or for giving him any information that I considered useful for the investigation. In the month of November 2012, CBI conducted a series of raids on the offices of people and companies associated with IRB Infra. I was informed that lot of sensitive and relevant material pertaining to the case of Satish’s murder was acquired during these raids. Apparently, Mr S P Singh, the Investigative Officer (IO) was unable to get sanction from the Director’s office for any arrests. On 13 January 2014, the 4th death anniversary of Satish, I was told that the arrests would take place. I spoke to Keshav Kumar. He told me that there will be action within few days. He also indicated to the press on 13 January, 2014 that the case is on the verge of being cracked, and that there would be startling revelations within a week. Nothing happened afterwards” laments Sandeep Shetty. We are also hard put to explain these matters as the CBI remains tight lipped about what changed their enthusiasm for making the startling revelations.
- “I also noticed that the CBI’s counsel was not opposing the State’s frequent motions seeking adjournments in the High Court. I indicated my apprehension about the CBI counsel’s approach in the court to the IO. But the adjournments continued to be granted. This was the first time I suspected the intention of CBI. I tried to contact the Jt. Director but he stopped responding to me. After March 2014, I could notice that the IO was also stressed and would ignore me. The CBI counsel in this court kept his policy of not arguing against to the State’s adjournment applications. In the last week of June I approached the IO in his office, and I confronted him and sought to know him why all this was happening. That is

where I learnt to my utter shock that senior officers of the CBI were trying to hush up the case to save Mr. Virendra Mhaiskar,” alleges Sandeep Shetty. He suspects corruption at the highest level in the CBI as the main reason for the go-slow approach adopted by CBI. Why were frequent adjournments sought in a case of such serious implications and why the CBI’s counsel did not object to them remains a mystery. The CBI must also answer for dragging its feet instead of completing the investigation rapidly.

- “The 41-page closure report that the CBI filed reads like a chargesheet rather than a report seeking closure of the case for lack of prosecutable evidence. The IO lines up undeniable evidence of strong motive, frequent instances of abetment, apprehension of the deceased for the purpose of assaulting and injuring him by these people, fake investigation of police after murder of Satish, polygraph tests asserting deception in responses to questions regarding the involvement in Satish Shetty’s murder and the most important - Call Record Analysis showing close nexus between some of the accused when Satish Shetty filed the FIR against them at Lonavla City Police Station until he was murdered in Talegaon” claims Sandeep Shetty. We believe the CBI has a lot to explain about its manner of handling the case.

We hope the Supreme Court will appreciate all the facts and evidence involved in the case and render justice for Satish Shetty’s family.



DATTATREYA PATIL
KILLED ON 26 MAY, 2010
ICHALKARANJI, DIST. KOLHAPUR

Brief Profile

Dattareya Patil, who was killed on 26 May, 2010, belonged to the powerloom town of Ichalkaranji in Kolhapur district. Situated in the middle of the rich sugarcane bowl of Maharashtra, this town is at a distance of 30km from Kolhapur. But it is the revival of powerlooms most of which are in bad shape that politicians keep on promising.

Dattatreya Patil, fondly called Datta, was the son of a labour migrant from the area bordering Karnataka at a distance of about 100km from Ichalkaranji. His father later came to own a fairly large plot of farmland on the town's outskirts. Datta gave up his studies in Class IX and wanted to pursue Kabaddi or wrestling both of which he excelled in but could not pursue further because of financial constraints. While helping his father till the nine acres of farmland, he regularly organized kabaddi tournaments. These kabaddi tournaments continue to be organized by his friends even after his death.

The crusade against corruption: Perturbed by rampant corruption that affected every aspect of everybody's daily life, Patil founded an anti-corruption platform- Rashtravadi Bhrashtachar Virodhi Manch (RBVM) (nationalist anti-corruption organisation) in 1992. This group was not formally registered under any law.

Datta Patil's brother, Kshamanand (58), who runs a socks manufacturing unit and was an active supporter of his brother's crusade, recalls, "the then District Superintendent of Police Dr Madhavrao Sanap encouraged my brother and assured all help though refused to be the chief guest at the inaugural. He cautioned Datta Patil about the risk of taking on influential people, but he remained firm in his resolve. In order to make his work appear more participatory and democratic, he nominated one citizen representative from every municipal ward of the Ichalkaranji municipal council to this platform."

Soon, Datta Patil's RBVM became a force to reckon with. His first campaign started around the mid-1990s (when the RTI Act did not exist) centred around the pilferage of rice served in the mid-day meal programme of schools. Under this scheme every student was provided 200gm of rice per day. The objective of the mid-day meal scheme is to encourage impoverished families to enrol their children in school instead of deploying them as child labour to make ends meet. During his investigations he found that some government officials were hand-in-glove with racketeers who diverted the food grains meant for school-going children for sale in the open market. He launched a campaign against the local Tahsildar who is tasked with implementing the mid-day meal programme. "Such was the impact of his agitation that subsequently officers started avoiding postings in Ichalkaranji," claimed Kshamanand. This fact has been corroborated by Shivaji Raut, Patil's friend and a journalist-turned-RTI activist based in neighbouring Satara district of Maharashtra.

His RTI interventions

RTI for illegal defection to another political party by councilors: In April 2009, Datta Patil locked horns with all the 57 corporators of the Ichalkaranji Municipal Corporation. These corporators had the backing of the Indian National Congress (INC) party before the elections but they defected to the Bharatiya Janata Party after being elected. Raut claims, “These corporators allegedly defected as each one of them had been paid INR 25 lakhs (2.5 million rupees). Datta Patil filed an RTI in the bank where the money had been allegedly put in each corporator’s bank account. He received a reply containing copies of their respective passbook entries and was able to establish the tradeoff.”

Datta Patil then moved the District and Sessions Court seeking registration of criminal cases against the corporators under various sections of the *Prevention of Corruption Act, 1988*, *Indian Penal Code, 1860* and the *Maharashtra Municipal Corporations Act, 1949*.

Datta Patil stated in his complaint that these corporators had been elected to the Municipal Council for a five-year term from 2006 to 2011 and that they were public servants under the *Maharashtra Municipal Corporations Act*. As per the government resolution, election to the post of Municipal Council Chairman is held after every two and a half years. The term of the then sitting Municipal Council Chairperson Kishori Prakash Awade was to end on 15 June, 2009 and the District Collector, Kolhapur, who was named as a witness in the case had initiated the process to elect a new Chairperson.

In his complaint Datta Patil quoted facts collected from various newsreports such as *Daily Kesari*, *Daily Tarun Bharat*, *Daily Lokmat*, *Daily Vastravadal*, *Rashtrageet*, *Daily Pudhari*, *Sahara* and *Daily Sakal* circulated in the district about meetings held between corporators of INC, Shaha Vikas Aghadi, Janaswarajya Shakti parties and independents since 28 May, 2009. It was alleged that these organisations had committed certain illegal acts by giving various allurements to the corporators. It was also pointed out that giving allurements, bribes or gratifications in cash or kind to ensure favourable voting for the post of chairperson of Municipal Council was a punishable offence as per the *Indian Penal Code and the Prevention of Corruption Act*. Datta Patil urged the court conduct a detailed inquiry and punish the guilty. He also pointed out that none of the persons named as accused had denied these newspapers reports.

The complaint stated that the accused had conspired in neglecting the public interest and their public duty for wrongful gain as municipal corporators and had accepted bribes directly or indirectly to vote in favour of candidates contesting the election for the post of Chairperson or to abstain from voting. It also pointed to newspaper reports of the actions of the accused that had resulted in morchas, riots, demonstrations and assaults and criminal cases being filed against some of them. This had created a law and order situation in the city due to which the government had been forced to deploy elaborate police force and summon reinforcements. The complaint stated there was a feeling among the people that the police was under political pressure to not take action against the accused.

The complaint also said that some corporators were reported to have repaid their pending loans during the period though they did not have any other source of income while some other corporators or their relatives had purchased property during this period.

The complaint added that according to newspaper reports, the then sitting Corporator Kishori Awade's husband Prakash Kallappa Awade, who was then a sitting MLA, had reportedly sent some corporators on a tour besides getting involved in financial transactions.

Datta Patil prayed for action against all persons involved in abetting and instigating the corporators. He had also asked for a probe into the accounts of the corporators and their relatives in banks and credit societies and sealing their accounts, if necessary.

In a major victory for Datta Patil, the local court ordered an investigation into the matter under Section 156(3) of the *Code of Criminal Procedure, 1973*. That case was pending when he was killed.

Irregularities in Scheduled Caste cooperative power loom societies: Datta Patil began using the Central RTI Act in 2006 to check the efficacy of a scheme to promote co-operative societies for the welfare of power loom workers. In order to find out whether some persons in connivance with local self-government officials were allegedly misusing these funds, he has filed an RTI application in the office of the Registrar of Co-operatives and launched an agitation.

When the scheme was launched, at the turn of the century, workers who wanted to start a power loom unit, were required to raise 5 per cent of the capital and form a cooperative society. The State Government and the National Cooperatives Development Corporation (NCDC) were to provide 35% of the capital each, while the remaining 25% was to be provided in the form of long term loans by financial institutions.

To get the 95% assistance of the total project cost, the Scheduled Castes Cooperatives were required to send project proposals to the government, which would scrutinise the documents and disburse the assistance if the cooperatives were found complying with the terms and conditions of the scheme. As many as 70 Scheduled Caste Cooperatives were sanctioned in Kolhapur district and the total cost of their projects was INR 370 crore (3.7 Billion rupees). Most of the sanctioned projects were from Hatkanangale and Shirol talukas of Kolhapur district.

As per the norms, a majority of the members of these cooperatives had to be from Scheduled Castes, though some persons of other castes could be given membership. Caste certificates of the members were to be collected along with their ration cards and voter identity cards as address proof and other documents needed for appointment as members. The minimum number of members of the cooperative was required to be 50 and the chairperson, deputy chairperson, secretaries and other office-bearers were to be elected from amongst these members. The amount of capital collected from the shareholders of the cooperative was required to be deposited in bank accounts opened in the names of the office-bearers of the cooperative. Once the society's

share of project cost was raised, the society was required to be registered as per government rules and the project report submitted for approval. These projects were approved or rejected by the Department of Cooperatives.

Datta Patil submitted a complaint dated 15 December, 2009 to the Maharashtra State and Anti-Corruption Bureau in this connection. Copies of the complaint were also sent to the Minister in charge of the Department of Cooperatives and other senior government officers.

The complaint stated that the cooperative societies had shown bogus members on their records and nobody other than the office-bearers had benefited from the scheme. Persons of other castes who were members of the cooperatives were elected to the board of directors and they controlled the entire functioning of the cooperative while members of the Scheduled Castes elected as chairpersons, deputy chairpersons and other office-bearers remained only on paper. Thus, a few 'upper caste' politicians were exploiting the scheme to appropriate government funds and use the money for their own benefit, the complaint alleged. The complaint also named the politicians belonging to these 'upper caste' who were allegedly misusing the government scheme for their own benefit.

In his complaint Datta Patil also alleged that such cooperatives had bought old machinery, put a fresh coat of paint on it and shown them as new machinery purchased in their expenditure reports. Bogus bills were produced to support these claims. The complaint added, in some cases, the five per cent project cost that the society was required to raise from members had been deposited in a single instalment with the bank account of the society in order to get the bank balance certificate, which was to be submitted along with the project proposal. The entire amount was withdrawn immediately after the bank issued the certificate. In a few cases, the property card (record of ownership details) of a piece of land was shown as land procured for the power loom project in the project report and the actual power loom was set up at some other place after the project report was approved by the government. There were also instances of low quality construction and changes in the design approved by the government.

Datta Patil added in his complaint that in some instances, the resignation of all Scheduled Caste directors and members of cooperatives were obtained after the project was approved, new members and board of directors were shown and the ownership of the cooperatives was changed against the scheme's guidelines.

Datta Patil had also alleged that the then Social Welfare Ministers Jaywantrao Awale and Chandrakant Handore had accepted bribes of several lakh rupees from the office-bearers of cooperatives to grant approval to their projects.

In his complaint Datta Patil demanded an inquiry into the entire matter and also stated that the persons involved in the scam were likely to threaten, assault or murder him or file false complaints against him because he had exposed the scam. Datta Patil therefore sought protection from the higher authorities.

“Because the power looms get special subsidy from central and state governments, bogus claims are filed after completing the formalities. Datta Patil obtained this information after filing an RTI application with the Cooperatives Registrar and then filed a complaint of misappropriation of government grants with the Anti-Corruption Bureau (ACB). Due to his efforts, ACB had filed cases against several government personnel,” says RTI activist Shivaji Raut. This case was also pending when Datta Patil was murdered.

Illegal takeover of sugar factory by a politician: In another case, Datta Patil used RTI to expose alleged corruption, forgery of documents and misappropriation of public funds to the tune of Rs 7.80 crore (INR 78 million) by the Ambai Agricultural Produce Processing Cooperative Society at Shahupuri in Ichalkaranji taluka. He had alleged involvement of a former Social Welfare Minister who was also a former Member of Parliament.

Shivaji Raut says, “Apparently, the society had not paid farmers their dues. The farmers approached Datta Patil for help. He was aware there were some irregularities involving the minister. Patil filed an application under the RTI Act seeking information related to the malpractices and irregularities. The reply revealed a scandal involving takeover of Siddha Khandsari Ltd. - a sugar factory owned by the Ambai Agricultural Produce Processing Cooperative Society.

Datta Patil filed an information request on 18 January, 2010 with the office of the Cooperatives, Marketing and Textile Department seeking information under the RTI Act seeking information about financial assistance provided to the Agricultural Produce Processing Cooperatives in Kolhapur district by the State Government between 1999 and 2009. Later in March 2010, using the information he obtained, Datta Patil filed a Public Interest Litigation (PIL) in the Bombay High Court. He was murdered soon after.

Besides the State Government, Datta Patil had named a host of individuals, including politicians and institutions as respondents in his petition, including a former Minister.

Datta Patil’s petition also mentioned that he had sent complaints on 15 December, 2009 to the Chief Minister, Director General of Police, Anti-Corruption Bureau and Central Bureau of Investigation seeking investigation into these matters.

Datta Patil is also said to have met the Director of Social Justice (Welfare) Department and brought the alleged misappropriation and fraudulent transactions to his notice. The Director had promised that the matter would be investigated and he would be informed of the outcomes later. Datta Patil met the Director on a couple of occasions to enquire about the status of investigations till January 2010. In February 2010, he was told that he would receive written intimation about the progress of investigation. But with no such report coming his way, Datta Patil decided to file the Public Interest Litigation (PIL) suit later.

Datta Patil alleged in his PIL petition that the Kolhapur District Central Cooperative Bank Ltd,

Principal Secretary to the Government of Maharashtra, Director of the Department of Social Justice were supposed to keep a eye on the irregularities, illegalities and misappropriation of public funds. He averred in his petition that though he had written a letter pointing to a number of instances of manipulation and mafeascence, the then Chief Minister was not inclined to conduct an inquiry against former Minister and MP Shri Jaywantrao Awale- the main respondent in his PIL, as both belonged to the ruling Indian National Congress Party. He urged the Bombay High Court to appoint a committee of independent persons to probe the allegations made by him.

Exposing land-grabbing based on forged property documents: Datta Patil had also lodged a police complaint against alleged land grabbing by Shri Rajendra Kokane a real estate agent, residing in the Shahupuri area of Ichalkaranji. This realtor had allegedly forged a property document in his name whereas it was in fact owned by one Shri Vishwanath Moghe, who had sold it to someone else before his death. The realtor was arrested and put behind bars for two and a half months. But he was granted bail, a few days before Datta Patil's murder. "In this case too he had used RTI and found several such frauds committed by Kokane," said Shivaji Raut. This case, according to the police, resulted in Datta Patil's murder.

The Murder

In what appears to be a well-planned conspiracy, Datta Patil was murdered on 22 May, 2010.

On that fateful day, as was his usual routine, visitors thronged to his house until 11am to sort out their grievances like difficulties in obtaining ration cards and accessing information on matters that affected them on a daily basis. Thereafter, his wife Geeta recalls that he visited the Tahsildar's office in Shirol. He returned home sometime after 2pm for lunch. At 4 pm, he left home again to visit his farm. On the way he stopped by the local police station.

Datta Patil's mother recalled, "Datta was riding on his motorcycle to go to our field in Shivanakwadi, located at a distance of 10km from Ichalkaranji. Just as he was nearing the farm, he was attacked by some people wielding sharp-edged weapons like swords and knives. Datta suffered at least six injuries on his head, neck, back and hands. The assailants fled the spot as Datta collapsed. Later, we came to know about the incident from Rama Vadar, a labourer working in a nearby farm who had witnessed the attack. We also came to know that he had rushed to the spot and informed the police. The police soon reached the spot and took Datta to the Zilla Parishad Hospital at Lat village - situated about 5km away from the place of attack. But Datta was declared dead after they reached the hospital."

The Police Investigation

The investigation in Datta Patil's murder case was conducted by the Kurundwad Police Station, which is located at a distance of around 16km from Ichalkaranji.

The details in the entry in the crime register (Part 2, Page 17 Entry No. 12) at the Kurundwad police station say:

- The incident took place in the agricultural land allotted for project-affected person Dayappa Patil under the jurisdiction of Shivnakwadi village sometime between 4.35pm and 8.15pm on 22 May, 2010.
- An offence under Indian Penal Code sections 302, 34, 201, 120 (B) was filed under Case Registration No. (35/2010).
- The deceased was Dattatreya Pirgonda Patil, age 47, resident of Gandhi Camp, Ichalkaranji.
- The weapons used were swords and choppers.
- Prabhakar Pirgonda Patil, age 40, resident of Gandhi Maidan, Ichalkaranji filed a complaint saying that some unidentified persons stabbed his brother Dattatreya Pirgonda Patil while the latter was proceeding to his farm at Shivnakwadi on Hero Honda Passion Motorcycle No MH 09/ AE 931. They inflicted serious injuries on him, thus killing him.
- A formal case was filed at 7.55pm on 22 May, 2010 on the basis of FIR filed by Prabhakar Patil.
- Vehicles used to commit the offence include: Suzuki Motor Cycle MH 06/ I 6900, Yamaha Motor Cycle MH 09/ J 2430 and Suzuki Motor Cycle MH 10/ D 2040.

The entry mentions the subsequent arrests of nine persons:

1. Rahul Kumar Dhale: Age - 20 yrs, Occupation - Labourer, Resident of - Shahapur, Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur.
2. Shrinivas Tukaram Morkar: Age - 20 yrs, Occupation - Labourer, Resident of - as above.
3. Dayanand Ramlal Navale: Age - 22 yrs, Occupation - Labourer, Resident of - as above.
4. Mahesh Madhukar Vibhute: Age - 25 yrs, Occupation - Labourer, Resident of - as above.
5. Gurunath Anant Meshtri: Age - 22 yrs, Occupation - Labourer, Resident of - Gurukannan Nagar, Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur.
6. Rajendra Prakash Kokane: Age - 32 yrs, Occupation - Plot Agent, Resident of - Shahapur, Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur.
7. Satish Vilas Rajput: Age 22 yrs, Occupation - Labourer, Resident of - Shantinagar, Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur.
8. Rushikesh Maharudra Kurne: Age - 28 yrs, Occupation - Plot Agent, Resident of - Shahapur, Ichalkaranji, Tal. Hatkanangale, Dist. Kolhapur; and
9. Imtiyaj Babasaheb Shaikh: Age - 30 yrs, Occupation - Centering work, Resident of - as above.

As per the entry, Dhale and Morkar were arrested at 1.45am. on 25 May, 2010; Navale, Vibhute, Meshtri and Kokane were arrested at 6.45pm on 27 May, 2010 while Rajput, Kurne and Shaikh were arrested at 4.45pm on 02 June, 2010.

In his written supplementary statement dated 30 May, 2010 and addressed to the Police Inspector, Kurundwad Police Station, Prabhakar Patil who caused the FIR to be registered, expressed suspicion that the arrested suspects might have committed the murder at the instance of someone else. The supplementary statement said that murder was not the fallout of personal enmity, but because of the Datta Patil's social work. He clearly stated that all members of the Patil family firmly believed that the murder had been ordered by someone active in politics. He minced no words while stating that the murder was the consequence of his use of RTI and stated that such killings would eliminate whistleblowers from our society. Pointing out that Datta Patil had filed cases against political leaders, corporators, chairmen of cooperative societies during the course of his activism, Prabhakar's supplementary statement said that copies of documents related to these cases which were in the possession of the Patil family were also being handed over to the police. However, the police took no further action on this statement.

As for the follow-up action by the police during the pendency of the case, the diary entry mentions a chapter case (142/ 12) filed against the arrested suspects under Section 107 of the Code of Criminal Procedure, 1973. This provision relates to the power of the authorities to take security from any person for keeping peace. As per this section, when an Executive Magistrate receives information that any person is likely to commit breach of peace or disturb public tranquility or to do any wrongful act that may probably cause breach of the peace or disturb public tranquility and is of opinion that there is sufficient ground for proceeding against him or her, a show cause notice may be sent to such a person asking them as to why they should not be ordered to execute a bond, with or without sureties, for maintaining peace for a certain period, not exceeding one year.

According to the entry in the crime register, Half Sheet No. 44/2010 was filed in the court on 21 August, 2010 and the case was given the number- RCC No. 39/2010. It also stated that on 09 September, 2010, supplementary report of investigation bearing Outward No. 2440/ 2010 was filed in the Additional Session's Court, Jaysingpur. No appeal was preferred against the acquittal of the accused.

The Family's Ordeal During the Investigation

It appears from newspaper reports that after arresting the suspects, attempts were made to malign the image of Datta Patil.

While the FIR was silent on the identities of the suspects and the motive behind the murder, a report published in a leading Marathi daily on 04 June 4 2010 following the arrest of Rajendra Kokane accused the Late Datta Patil of blackmailing Kokane. The news report alleged that Kokane got Datta Patil murdered because the latter threatened to expose his involvement in a land scam and that Patil was blackmailing him by demanding an amount of INR 1 lakh (100,000 rupees) of which Kokane had already paid him INR 50,000. No evidence was published along with the news report to support this claim. Such unsubstantiated reports not only maligned Datta Patil's family



L to R - Datta Patil's daughter Varsha alias Sonali Patil, wife Geeta and brother Kshamanand

but made it tough for them to fight it out in the court. The police did not act on their supplementary statement.

Kshamanand recalled how the family tried to convince the court and the police that the murder was part of a larger conspiracy to eliminate Datta Patil because he was crusading for public causes, empowered by RTI. He says, "Though the FIR was silent on the identities of the suspects and motive behind the murder, we had subsequently submitted a supplementary statement to the police. We suspected that the people

who were arrested were just pawns and someone else had masterminded the murder. Since the police did not act on our supplementary statement, we filed a Writ Petition in the Bombay High Court in July 2010. We also petitioned to the National Human Rights Commission. We resolved to fight tooth and nail. But the High Court felt it appropriate to wait and see the progress of the criminal investigations."

The Criminal Trial

During the investigations, the police had seized the vehicle, weapon, clothes and ashes of clothes etc. at the instance of some accused, recorded their confessional statements and also the statements of the witnesses.

The witnesses examined by the prosecution during the trial included: Prabhakar Patil (Dattatreya Patil's brother and complainant), Krishna Salokhe (panch), Santosh (panch), Pundlik (panch), Sharad (panch), Chandrakant (ASI), Anil Vibhute (API), Nasruddin (ASI), Arvind Kamble (panch), Rushikesh (panch), Ramchandra, Geeta Patil (Datta Patil's wife) and Prakash Gaikwad (IO). It relied on documentary evidence including the complaint, register of seizure panchanama, inquest panchanama, spot panchanama, photographs, seizure panchanama, memorandum panchanama of accused Rahul Dhale, motor cycle seizure panchanama, memorandum panchanama of accused Mahesh, seized register, memorandum panchanama of accused Rushikesh, mobile seizure panchanama, vehicle panchanama, specimen hand writing of Mahesh Vibhute seizure panchanama, requisition letter, C.A. Report and statement of Rama Vadar.

During the trial, Additional Public Prosecutor V G Sardesai, argued that the entire case depended upon circumstantial evidence and there was no eye-witness to the incident. He admitted that the FIR was registered against unknown persons and all the panch witnesses had turned hostile.

He did point out that a false document had been prepared by Kokane in respect of property owned by deceased Vishwanath Moghe; that Datta Patil had lodged the complaint against Kokane; that the police had registered the offence against Kokane; and that Kokane was behind the bars for more than two and a half months in that case.

Sardesai argued that after being released from jail, Kokane conspired with other accused and murdered Patil. He argued that after the murder, the accused had also destroyed the clothes of the suspects.

He also argued that there was a conspiracy between the accused to murder Datta Patil. He submitted that before and after the incident, the accused persons had stayed in a lodge at Sawantwadi, whose guest register was seized by the police and the hand writing of Mahesh Vibhute, who had signed the lodge register had been proved as per the opinion of a handwriting expert. He also submitted that the police had seized ashes from the spot where the accused had burnt their clothes.

The defence lawyers on the other hand argued that the prosecution had failed to prove the motive. They argued that Prabhakar Patil had not named any accused person in his complaint. If Prabhakar had any suspicion about the accused, he would have definitely named them in the complaint. They argued that even though there was an agreement or document in respect of the property of Vishwanath Moghe, Datta Patil had no interest in that property and he was third party to the transaction. They argued that since he was not an aggrieved party, the question of Datta Patil lodging any complaint against Kokane did not arise. Moreover, they argued, that no relative of Moghe had been examined to hold that there was any reason for the accused to murder Datta Patil. Quoting testimonies of Prabhakar Patil, Geeta Patil and Prakash Gaikwad, they further argued that Datta Patil had many enemies. They argued that the evidence given by Gaikwad clearly indicated that Datta Patil was facing various complaints and he was blackmailing others. They also argued that none of the confessional statements of the accused were proven as all the panch witnesses had turned hostile. They pointed out that people who were present near the spot of crime were also not examined by the prosecution. Thus no one claimed to have seen the accused in the vicinity of the crime scene.

C.D. Gogle, Additional Sessions judge, Jaysingpur acquitted all the accused on 22 April, 2013 on grounds of inadequacy of evidence and lack of eyewitnesses to the murder. His judgement is published on the official website of the court. However, the crime register, which is maintained at the police station containing entries regarding progress in criminal cases investigated and sent up for trial by that police station and also preventive actions taken in connection with the case, is silent about the outcome of the trial.

Judge: “Patil had many Enemies”

The judge observed that though Prabhakar Patil had deposed that he suspected that the crime was the fallout of the complaint filed by Datta Patil against Kokane in the court, the evidence was nothing but an improvement as his initial statement/complaint to the police was silent on this point.

On the testimony of Geeta Patil that the accused conspired with common intention and murdered her husband, the judge observed that her statement was silent on this material point. The judge also observed, she had admitted during her cross-examination that her husband had lodged complaints against 57 persons in respect of corruption before the incident and that such evidence clearly indicated, as argued by the defence counsel, that Datta Patil had many enemies. The judge also pointed out that in her cross-examination, she had admitted that though the police had made inquiries, she did not disclose that Kokane had prepared a false document. However, there was no specific mention in the judgment about use of RTI by Datta Patil.

On 22 April, 2013, two and a half years after the trial began, the trial Judge, acquitted all the accused on grounds of insufficient evidence. But in his judgement, the Judge rapped the police, particularly the Investigating Officer, Prakash Gaikwad for poor quality investigation and not producing sufficient evidence to prove the guilt of the accused.

The Aftermath

Eight years after the murder, the Patil family is still trying to cope with the loss. Datta Patil's daughter Varsha alias Sonali (25) was in Class XII when her father was murdered. He wanted her to appear in the civil services examination. However, his murder changed her life. She decided to pursue a degree in law and completed the B.SL., LLB course. In 2015, she married a bank officer living at Belagavi in Karnataka. The Patil family had to sell two acres of their nine acre agriculture land to finance her wedding. Now Varsha plans to appear for the judicial service examination to become a judge. Datta Patil's son Dinesh (23) managed to get admission in an engineering college but dropped out after completing two years of the course. He is presently working in Pune. His other son Mahesh (21) is studying in the third year of B.Com course.

Amidst this gloom, the family saw a few silver linings too. In 2010, the RTI Foundation gave its prestigious National RTI Award 2010 to Datta Patil posthumously. In 2011, NDTV gave its Indian of The Year 2011 Award to Datta Patil posthumously and also made a documentary about him and his work.

Despite attempts made to brand Datta Patil as a blackmailer after his murder, some of his fellow activists continue to remain in touch with the family and offer them whatever support they can. Prominent among them is RTI activist Shivaji Raut who, the family said, helped them pursue their petitions in the court.

The issues and causes for which Datta Patil fought for have come to a standstill. “People have been approaching me saying that I should become a party to the cases my husband had filed about corruption and malfeasance before his death in order to keep those issues alive,” says Geeta Patil, but she says she is hesitant to do so.



The Patils at the RTI Awards 2010 distribution function

Datta Patil is dead and those accused of murdering him have been acquitted. But for the family, the tribulation continues.

“We had heard of murders of other people but we had never foreseen that one of our own would be killed. Therefore, we had no idea of the trauma that the family of a murder victim undergoes,” says Kshamanand Patil. He adds, “I noticed that even the presence of documents pertaining to his work and murder was disturbing them. So, I decided to remove the documents from the house and keep them at my socks manufacturing unit.”

Some observations and unresolved questions

After speaking to members of the Datta Patil’s family and reading the judgement in this case, the points that stand out in their quest for justice are:

It appears that instead of coming up with a strong case supported by adequate documentary and testimonial evidence, the police were trying to weaken the case from the beginning:

- there was no mention whatsoever about Datta Patil being an RTI crusader in the complaint or in the chargesheet.
- the family claims it had submitted a supplementary statement naming suspects but there is no mention of such a statement in the judgment.
- immediately after the arrest of the suspects, why did the media carry reports accusing Datta Patil of blackmailing Kokane.
- the Investigating Officer too stated in his testimony in the court that Datta Patil was blackmailing people. However, little effort was made to bring on the court’s record that he had filed a complaint against Kokane for forging property records.
- the police appear to have done little to find eye-witnesses either to the murder or to the presence of Patil and the accused at the crime scene or its vicinity at the same time. The police did recover weapons and other evidence but these did not prove useful for the prosecution as most of the witnesses including the panchas turned hostile.



RAMDAS BAPUJI UBALÉ-GAĐEGAONKAR
KILLED ON THE INTERVENING
NIGHT OF 27-28, AUGUST 2010
NAYA MONDA, DIST. NANDED

Brief Profile

Ramdas Bapuji Ubale-Gadegaonkar belonged to the influential Maratha caste, but the family's financial status was quite poor. He had to quit studies after passing the Class VII exams to lend a helping hand in cultivating the family's agricultural land and rearing cattle. He lived at Gadegaon, a tiny hamlet with a population of a thousand people.

Always aspiring to be in public life, he became a member of the powerful political party, Shiv Sena, but when he realised that party politics alone would

not help him work for social causes, he took to RTI activism.

His nephew Ashok Ubale recalled, "My uncle was a fearless man. He would come to Nanded, 2km away from Gadegaon, every day to deliver milk to his clients. This helped him develop strong views against social and economic inequality and he soon started doing social work. He joined the district level cooperative body of milk producers some twenty years ago and soon became an important functionary there. As his following increased, he decided to join Shiv Sena."

"Ramdas never made big money but he managed to make ends meet. He even got his daughter Gangasagar (25) married to a suitable groom in nearby Gopal Chavadi village. His wife Dondubai was illiterate but she always stood by him. While he continued his social work, she would take care of farming and cattle rearing operations. His sons Raju and Nitesh went to the local school," he added.

His RTI interventions

Crusade Against Corruption: Another nephew of Ramdas Gadegaonkar, Anil, told us that, Ramdas found himself at the centre of a raging controversy when he unearthed a scam in a housing scheme for poor people. "The Nanded Municipal Corporation had come up with the scheme and the local MLA managed to grab most of the houses for his own supporters by enrolling them as bogus beneficiaries. When Ramdas got to know about this, he used RTI extensively and exposed the scam. It proved to be just the beginning of a bitter political rivalry," Anil added.

From what Anil told us, soon after exposing the scam of bogus beneficiaries, Ramdas Gadegaonkar again used RTI to expose a series of illegal sand mining operations in the district. Because of his incessant follow-up, the owners of illegal sand mining operations were ordered to stop their operations and fined. Later on, Ramdas Gadegaonkar also exposed irregularities in the functioning of the district cooperative bank.

“As Ramdas continued his battle against corruption, his enemies increased. He would often receive threats, but he never took any of them seriously. He believed he was a man of the masses and that their strength would protect him,” Anil said.

Ramdas Gadegaonkar may be known as an RTI activist to most people in public life in Nanded, but it is difficult to chronicle his journey as one. It has been eight years since his death, but neither date-wise specific information nor documentary evidence of his RTI activism is available, except for a mention in the summary report of the police when his murder was being investigated.



Anil Ubale

The Death

Ramdas Gadegaonkar was found dead under mysterious circumstances in the Naya Monda area of Nanded on the intervening night of August 27-28 in 2010. In the records of Shivajinagar Police Station in Nanded, the case lies buried as one of “accidental death”. His family has now given up hope of finding out how he died. If there is anything on the mind of his family, it is the question of their own survival in the face of total lack of social support.

Ashok, his nephew, said, “Ramdas had left home around 7pm of 27 August, 2010. He planned to travel to Aurangabad that night. Before beginning his journey, it appears that he went to Neeraj Bar in the Naya Monda area with some acquaintances. A couple of hours later, we heard rumours that he was involved in a fight with someone after stepping out of the bar and that the police controlling the traffic in the area had intervened and broken up the fight. However, we did not pay much attention to it then.”

“Shortly before midnight, one of our acquaintances, Pinku Pokarna, told us that Ramdas was found lying on the road at Anna Bhau Sathé Chowk in the Naya Monda area. By the time we reached there, the police had shifted him to a hospital,” he added.

The Police Investigation

Raju, Ramdas Gadegaonkar’s son, recalled, “My father died the same night. The police filed a case of accidental death but we were never given any document relating to the case. We were told he had died due to consumption of poisonous liquor. We did not believe it because we knew



Raju Ubale

my father had invited the wrath of some influential persons when he exposed the illegal sand mining operations. We knew he had already received threats from them. But nobody in our family was either educated or wealthy enough to pursue the matter. Besides, the post mortem too spoke of death due to poisoning”.

“I was not even in my teens when my father died. I remember him as a stalwart who would always be flanked by people. Several prominent people came to meet us immediately after he died. They made several promises but nobody did anything to help us out of our crisis. Even when my father was alive, we were just managing to make both ends meet. His death meant death of our breadwinner. We faced the question of survival and had nobody to look upon. In those dark days, I felt that the activism that my father was involved in had done no good for anybody. Such was my frustration that I just picked up all the documents that my father had left behind and burnt them up. I don’t know exactly what my father did and how. I am not even sure how he died. The police say he died due to consumption of liquor. But there are people who say he might have been murdered. I just don’t know whom I should believe. But now I realise one thing, my father’s good reputation came from his activism. I want to prove myself as a successor of his legacy. That is why I have started participating in the movement to end the miseries of our caste,” Raju told us.

Documents procured through RTI: During our visit to Nanded, we tried getting information about the case from the police but to no avail. We visited the Shivajinagar police station, where a case was filed in connection with Ramdas Gadegaonkar’s death. However, despite waiting for several hours, the staff at police station refused to provide any information unless there was an order to that effect by the Inspector in-charge, who was not available. We then met the District Superintendent of police, Sanjay Jadhav. He tried to contact the Inspector over the phone and wireless set but there was no response from the officer.

Finally, after returning to Pune, we filed an RTI application with the Public Information Officer (PIO) at the office of the District SP, Nanded. The application was forwarded to the PIO at the Shivajinagar P.S. who sent us the copies of FIR and the summary report of the case.

The summary report has a mention of Ramdas Gadegaonkar’s RTI activism in sand mining issues. It said, “Since deceased Ramdas Ubale was a journalist and since there was excessive sand dredging in Asana River, he had obtained information from Hon. District Collector and Hon. Tahsildar, Nanded and printed news (sic). Resultant, sand dredging was stopped (sic). Therefore, his relatives suspected possibility of sand mafia being involved in his death. This angle was probed but no evidence to support the possibility was found, nor the investigations revealed involvement of sand mafia.”

As per the documents provided by the police, Ramdas Gadegaonkar’s brother Shivaji Ubale filed an FIR at Shivajinagar Police Station on 28 August, 2010 saying, “I was at my residence in Nanded around 11.30pm on 27 August, 2010 when I was informed over the phone that my

brother was found lying near the Vidyut Bhavan office in Nanded and I should reach the Civil Hospital. When I went to the Civil Hospital at Nanded, I was shown a body in the post-mortem room which I identified as that of Ramdas. He had left home for Nanded around 8pm on 27 August, 2010. I don't know what caused his death." On basis of the FIR, the police filed a case of Accidental Death under Section 174 of the Criminal Procedure Code (CrPC) at 2.30am on 28 August, 2010.

Section 174 of CrPC empowers a police officer to inquire into the death of a person, who has committed suicide, or has been killed by another person or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence. After completing the investigations, the officer is required to draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. The report is then submitted to the District Magistrate or the Sub-Divisional Magistrate.

According to the documents provided by the police, Head Constable Munde who was assigned to investigate the case, drew up the spot *panchanama* and *inquest panchanama* and sent the body for post-mortem. The preliminary post mortem report stated, "Opinion (on cause of death) reserved. Viscera preserved for chemical analysis and histopathology." The viscera was later sent to the Deputy Director, CA, Aurangabad for chemical analysis. The report of chemical analysis received on 06 May, 2011, said ethyl alcohol was discovered in the viscera.

The documents provided by the police showed that one Umesh Suresh Rao Ghadge had recorded a statement saying that he had seen an inebriated Ramdas Gadegaonkar standing with the support of a wall near Vidyut Bhavan on the evening of 27 August, 2010. Later in the night, he spotted Ramdas Gadegaonkar lying along the road and informed Adv. Dilip Gopalsingh Thakur, who alerted Keshav Laxman Ubale, Shivaji Ubale and policemen at Shivajinagar police station. The police recorded the statements of 21 persons, including Rakhmaji Maruti Gudemwar, Adv. Dilip Thakur, Ramdas Gadegaonkar's wife Dhondubai and daughter Gangasagar Dilip Shinde.

Since ethyl alcohol was discovered in the viscera, the conclusion drawn was that Ramdas Gadegaonkar had died due to consumption of liquor. The summary report filed by the police, however, mentioned his involvement in RTI activism. Subsequently, the police filed a summary report before the Taluka magistrate on 31 July, 2013 to close the investigation.

The Aftermath

It took us some effort to track down Ramda Gadegaonkar's nephews Ashok Jagannath Ubale (35) and Anil Jagannath Ubale (30), and sister-in-law Parvati (55). They have not been in regular touch with his wife and children. However, they helped us get in touch with his son Raju (22).

“There was a time when my father was considered powerful. Today, nobody remembers him. People who he once helped have become big people today but they avoid us. I find it frustrating,” Raju said.

Raju had to drop out of school after the death of his father. He now looks after their two-acre agricultural land while his mother tends their two buffaloes. “That helps us keep ourselves together. In my spare time, I try to do whatever social work I can,” Raju added.



Ashok Ubale

Some observations and unresolved questions

After speaking to Ramdas Gadegaonkar’s family members and his acquaintances, and going through the summary report submitted by the police, it appears that the police were pre-determined that his death was a case of “accidental death” because he was found lying on the road and nobody was coming forward to state what had happened.

The following questions point to this possibility:

- In their summary report why did the police not reconstruct the events since Gadegaonkar left his residence on the fateful day, especially where he went and consumed liquor?
- If he had died after consuming poisonous illicit liquor, as the post-mortem report reveals discovery of ethyl alcohol in his viscera, was any attempt made to trace the person who sold the liquor to Gadegaonkar as selling illicit liquor is a punishable offence?
- If any such bootlegger was traced, why was he not arrested and charged with culpable homicide not amounting to murder or at least causing death due to negligence?
- Why were no other cases of similar deaths or even adverse reactions reported by other individuals who consumed liquor in the same area the same day?
- The summary report submitted by the police mentions briefly that involvement of sand mafia was probed as Ramdas Gadegaonkar had used RTI to expose illegal sand mining operations. However, it does not mention the names of any sand mining contractor whose statement was recorded.
- The summary report submitted by the police does not provide details of the inquest panchnama. It is silent on any external or internal injuries sustained by Gadegaonkar.
- Raju Ubale told us that the family was not provided any documents other than a copy of the post-mortem report. Why was a copy of the summary report not provided to the family?
- Ramdas Gadegaonkar’s nephews and sister-in-law told us that they had received information about a brawl involving the activist that had taken place at a bar before he was found lying on the road on that fateful day. Why is the summary report submitted by the police silent on this issue?



VITTHAL EKNATH GITTE
KILLED ON 18 APRIL, 2011
VILLAGE WAGHBET,
DIST. BEED

Brief Profile

Vitthal Eknath Gitte, a marginal farmer belonging to the nomadic Vanjani tribe, lived in the drought-prone Beed district of Maharashtra. Beed is home to many leading politicians: the late Gopinath Munde (BJP), his daughter and former Minister, Pankaja Munde and NCP leader Dhananjay Munde, to name a few.

Parli tehsil in Beed has some coal-based power plants and is famous for the Vaidyanath temple which draws devotees from all over the State. Waghbet is a medium-sized village on the outskirts of Parli town. Dotted with 292 houses,

Waghbet has a population of 1,300 people, most of them belonging to the Vanjani community.

Vitthal Gitte was not cut out to be an RTI Crusader. He had not even studied upto the higher secondary level. He struggled hard to cultivate his four and a half acres of agricultural land and run a flour mill so that he could look after his family. Like Vitthal Gitte, his wife too was not well educated, having studied only upto Class 4. Yet this barely literate farmer used RTI so effectively that he gathered proof of irregularities in government grants given to an educational institution, which led to the institution being derecognized- all within a span of two years. Because of his crusade, he faced threats. He was only 40 years old when he was killed.

His anti-corruption crusade: Vitthal Gitte became an activist because he was infuriated with the alleged injustice done to his cousin Arun Uttamrao Gitte at the Sainath Middle School, Waghbet, where the latter had worked as an Assistant Teacher since 1999. The school was run by the Tanaji Malusare Shikshan Prasarak Mandal, Waghbet, an institution founded by their influential distant relative- Radhakishan Gitte.

Arun Gitte recalled, “I was among those who were appointed when the school was started in 1999. When the State Government approved 40 per cent grant to the school in 2004-05, it had five teachers and five non-teaching staff. But only a couple of staffers received their salaries from the grants while the others were what is called “non-granted”. When the grants were approved, the school discontinued the services of some of the non-granted staffers and recruited new teachers. However, my appointment was given approval for a year. Then the school management asked the staff to open new bank accounts and obtained blank cheques from the teachers who were recruited to fill up granted posts. While most staffers obliged, I refused to do so. Later, when the grants were disbursed, I myself withdrew the entire salary for ten months deposited in my account but the school management used the blank cheques given by other staffers and withdrew the money from their accounts. My stubbornness angered Radhakishan Gitte. When the school reopened for the academic year 2005-06, my name was not on the attendance muster. Still I continued to work. The only evidence of my employment there is my signature on the notebooks of the students I taught.”

He adds, “In December 2005, the school management filed a caveat before the school tribunal praying that the school management be given a hearing in case I complained. I came to know about it only when I received a letter to this effect from the Tribunal. Later on 12 December, 2005, a police complaint was filed accusing me of hurling stones at the school building, abusing the Headmistress, Asha Gitte and damaging her vehicle. I was arrested on the basis of the complaint and promptly released on bail too.”

“When Vitthal Gitte came to know about the injustice done to me, he tried talking to Radhakishan Gitte. However, he did not listen. Thus we came together and our legal battle with the school’s management started. Vitthal Gitte used RTI to seek information that proved misappropriation of grants and irregularities by the educational society, not only in the school, but also in other institutions like the Late Shankarrao Gitte College, Dharmapuri. When we got adequate information, thanks to the documents procured by Vitthal Gitte and myself through the RTI, I complained to the education department, and the then State Education Minister and also moved a petition in the Bombay High Court,” Arun Gitte said.

His RTI interventions

On 19 May, 2005, Vitthal Gitte filed an application under the erstwhile Maharashtra RTI Act with the office of Charity Commissioner at Beed, seeking copies of annual balance sheets and audit reports of Tanaji Malusare Shikshan Prasarak Mandal at Waghbet submitted until then.

On the same day, he filed another RTI application with the office of the Education Officer of Beed Zilla Parishad seeking the following information: copies of annual inspection reports of Shri Sainath Vidyalaya at Waghbet; yearly lists of employees working in the school, copies of the yearly time tables of the school since its inception, and copies of the annual recognition for school and its staff.

The officer, in turn, asked Vitthal Gitte to collect the information from Shri Sainath Vidyalaya and asked the school to provide the same. When the school refused to provide the information, he moved an appeal before the Education Officer in October, 2005. The officer wrote to the head master of the school the next day, directing that the information sought by Vitthal Gitte, other than the personal recognition given to the employees by the State Government, be given to him within four days. Since the school failed to provide the information, Vitthal Gitte wrote to the officer in December, 2005 demanding supply of the information and action against the head master of the school.

Meanwhile, in October 2005, Vitthal Gitte had sent an RTI application to the Late Shankarrao Gitte Senior College at Dharmapuri in Parali taluka seeking copies of teacher-wise yearly time tables since 1999 to find out whether the headmistress of the Shri Sainath Vidyalaya was employed in that institution also.

On 22 November, 2006, Vitthal Gitte sent another RTI application to the Public Information Officer (PIO) of the office of the Education Officer seeking the following information:

- recognition of the staff of the Shri Sainath Vidyalaya;
- payment made to the granted school staff from government coffers and payment of salaries for non-granted staff made by the school;
- whether five bogus candidates had appeared for the SSC board and what action was taken in that regard;
- copies of the recognition granted by the office of the Education Officer to the school on 31 March, 2004
- whether the answer sheets of history paper of SSC exam conducted in March 2006 were checked by the laboratory assistant of the school and what action was taken in that regard.

When the PIO failed to provide the information, Vitthal Gitte filed another appeal before the Education Officer on 03 January, 2007.

Meanwhile, in July 2006, Vitthal Gitte and Arun Gitte both had filed complaints before the Joint Charity Commissioner, Latur and Joint Charity Commissioner, Beed, against irregularities in the functioning of Tanaji Malusare Shikshan Prasarak Mandal and the school run by it, relying on the information obtained by them under RTI.

In 2009, Arun Gitte moved a writ petition in the Aurangabad Bench of the Bombay High Court against irregularities in the functioning of the Mandal, naming the State of Maharashtra, Minister for School Education, Deputy Director of Education for Aurangabad Division and Tanaji Malusare Shikshan Prasarak Mandal as Respondents.

On 01 June, 2013, the Deputy Director of Education cancelled the recognition granted to the school based on this complaint. However, the order was stayed by the School Education Department on 27 June, 2013.

While his crusade against the irregularities in Tanaji Malusare Shikshan Prasarak Mandal and Shri SainathVidyalaya was on, Vitthal Gitte also took up cudgels against alleged irregularities in the allotment of houses to the poor under a government scheme. He applied to the PIO of the *panchayat samiti*, Parli Vajjanath in February 2008 seeking information on allotment of houses under the scheme.

He also launched a campaign against alleged irregularities in disbursement of grants and allotment of hostel rooms at the Zilla Parishad School at Waghbet among students belonging to migrant families. He filed an RTI application seeking information from the school's PIO in this regard on 18 November, 2009.

Meanwhile, Vitthal Gitte's wife Prabhavati, who had been elected member of the Waghbet Gram Panchayat, too joined her husband's crusade against corruption and irregularities in the Gram Panchayat. In 2008, she sought information about irregularities in the implementation of a scheme for improvement in the standard of living of Dalits in Waghbet village. On 22 April, 2008, she filed a complaint with the Block Development Officer of Parli Panchayat Samiti alleging involvement of the *sarpanch and gramsevak* of Waghbet gram panchayat in the scam.

The Murder

“On 18 April, 2011, a cousin had organised a feast for the entire village to celebrate the return of his parents from *char dham yatra* (visits to the four major Hindu pilgrimage centres). We all were there. On the same day, *Daily Lokmat and Daily Lokasha* (regional news publications) had carried reports on the alleged irregularities in the school. Suspecting that those news reports had been carried at my behest, Radhakishan Gitte's sons Amarnath and Mahesh, their associates, with 15 to 20 others, carrying swords, daggers and sticks and attacked me. They would have killed me had the women folk not rescued me and taken me home,” Arun Gitte recalled.

According to Arun, when his brother and other relatives, including Vitthal Gitte tried intervening, a free-for-all ensued.

“Vitthal suffered injuries all over, including a deep wound on his head, and collapsed. Immediately after the trouble started, I had called up the police. The police station is 7km away from Waghbet but the police took half an hour to reach the village. The police shifted Vitthal to a hospital at Latur where he succumbed to his injuries. I and eight of my associates were taken to the Parli rural police station, along with Radhakishan Gitte's sons and their companions. There the police recorded my FIR against Amarnath, Mahesh and their companions for murder. Amarnath Gitte too filed a complaint of attempt-to-murder against me and seven others,” Arun added.

The Police Investigation

During the course of investigations, the police drew a *panchanama* (a record of observation by five persons) of the scene of the crime on 18 April, 2011. They recorded the statements of at least 15 persons, including Vitthal Gitte's wife Prabhavati, and Constable Madhav Totewad from Parli Rural Police Station, who had recovered Vitthal Gitte's clothes, along with those of Amarnath Gitte and Premchand Gitte. Constable Totewad had also recovered the weapons used to attack Vitthal Gitte and others.

The police also conducted searches at the houses of Amarnath, Premchand, and their associate Angad Devnao Changire. Apart from that, call record details of the mobiles of Radhakishan Gitte, Mahesh Gitte and another suspect Parmeshwar Gitte were obtained.

The inquest *panchanama* mentioned that Vitthal Gitte had suffered injuries on his head, face, chest, right hand and right leg. The post-mortem report stated the cause of death as head injury.

However, initially the police refused to believe that the killing was the fallout of Vitthal Gitte's crusade against corruption. Newspapers quoted the then District Superintendent of Beed Police, Ravindra Sengaonkar, saying, "Vitthal Gitte was not murdered just for his RTI query though it is true that he had exposed irregularities and embezzlement through RTI." Later on he refuted the claim that he had made such a statement before the media.

However, Arun Gitte, who had failed to provide details of Vitthal Gitte's RTI activism and threats received by him earlier, filed a supplementary statement with the on 22 May, 2011. The statement gave details of Vitthal's use of RTI to expose corruption and also provided copies of RTI applications and appeals filed by him along with the replies he received.

The Criminal Trial

The police submitted separate chargesheets in both cases (one of Vittahl Gitte's murder and the counter attempt- to-murder case filed by his assailants) in the court of the Judicial Magistrate (First Class) at Parali. The chargesheet filed in the case of Vitthal Gitte's murder named nine persons, including Amarnath Radhakisan Gitte, Mahesh Radhakisan Gitte, Premchand Nagnath Gitte, Fulchand Nagnath Gitte, Tarachand Nagnath Gitte and Sangram Laxman Gitte as the accused. The chargesheet filed in the attempt-to-murder case named Arun Uttamrao Gitte, Balasaheb Narayan Gitte, Madhavalias Mahadeo Shraavan Gitte, Haridas Janardhan Gitte, and three others as the accused.

During the trial, the prosecution examined six witnesses in the murder case while five prosecution witnesses were examined in the attempt to murder case. In both the cases, all witnesses turned hostile. They argued that there was a commotion which led to a brawl, but did not lay specific blame against any individual. The Additional Sessions Judge at Ambejogai, Uttam L Telgaonkar, gave separate judgments acquitting all accused in both cases on 05 May, 2015.

Arun Gitte alleged that after the murder, Radhakishan Gitte and his sons bribed all witnesses and a compromise was struck to ensure that no party would try to get the accused in any of the cases convicted. "The witnesses turned hostile because of that," he added.

The Aftermath

After Vitthal Gitte's murder, his family faced difficult times. "While my mother started operating the flour mill after our father died, my sister and I were forced to look after agricultural operations while pursuing our studies. Thankfully, many of our relatives supported us during those days. Later, my sisters got married. Though the relatives helped us we had to sell some of our land to finance the marriages," Santosh, Vitthal Gitte's son, said. He works with Axis Bank in Ambejogai town.

Vitthal Gitte's wife Prabhavati refused to meet us.

Vitthal Gitte's other son, Vaibhav, says, "I was just a 10-year-old when my father was murdered. I didn't even understand why he was killed." Vaibhav is preparing to join the Indian Army.

Vitthal Gitte's daughter Ashvini is preparing to appear in the competitive examination to join the civil services. His other daughter Anuradha has also completed her B.Sc course.

Vitthal Gitte's cousin Arun is still jobless and earns his livelihood by cultivating the family's agricultural land and tutoring students in private. His legal battle against the school still continues. But he does not seem to be too perturbed about the killers of Vitthal Gitte going scot-free. "In the first place, the police had tricked me while filing the FIR pertaining to Vitthal's murder. Immediately after the incident, they took me to the police station under the pretext of registering the FIR. I was arrested after Amarnath Gitte filed his case of attempt-to-murder. The police took my signature on several documents including the FIR while I was at the police station. I was injured and confused. I was unable to think properly," he told us.

Some observations and unresolved questions

At first glance, it appears that the police made all out efforts to build a water tight case and bring the culprits to book. However, a deeper probe shows, the justice delivery mechanism made Vitthal Gitte look like a victim of a heinous crime that occurs often in society. The truth that he was an RTI activist, who fearlessly fought against corruption and irregularities, was simply not projected anywhere. The questions that arise from the manner in which the criminal justice system including the police, the prosecution and the trial court responded to this incident are:

- Why did the then District Superintendent of Police (SP), Beed Shri Ravindra Sengaonkar allegedly tell the media, "He (Vitthal Gitte) was not just murdered for his RTI query though it is true that he had exposed irregularities and embezzlement" when there was nothing on record to prove that there were other reasons behind the murder?
- If the SP did not make that statement as he clarified later on, why was there no rebuttal of the newspaper report from him?
- If the police had recorded statements of many witnesses, why were only six summoned to testify in the court?
- If the witnesses changed their statements before the police and deposed in the court claiming that there was a commotion and free-for-all but did not lay specific blame against any individual, why were they not declared hostile by the prosecution and cross-examined?
- If the police had recovered weapons used to attack Vitthal Gitte at the instance of the accused as shown in the panchanamas, why was no attempt made to emphasise this evidence to prove the guilt of the accused during the trial?
- Why did the police choose to conduct the panchanamas of the searches of the houses of the

accused in the presence of members of the extended Gitte family living in the same village instead of summoning independent panchas who were less likely to turn hostile?

- Why did the prosecution not press for perjury charges against the witnesses who changed their testimonies?



PREMNATH JHA
KILLED ON 24 FEBRUARY, 2012
VIRAR,
DIST. THANE

Brief Profile

Development in the Vasai-Nalasopara-Virar region, which is situated at a distance of 50km from Mumbai, has been a controversial issue for several decades now. According to the initial development plan for the region, most of the land in the hilly region was demarcated as a green zone. As the need to decongest Mumbai was felt, the government de-reserved some green zones. However, development continued unabated in the reserved zones as well. Issues like land grabbing, encroachment on green areas and misuse of open spaces involving builders, civic officials, politicians and criminals have been a cause of

grave concern. The builders-politicians-criminals-bureaucrats nexus has also been highlighted time and again, especially since the Bhai Thakur gang is said to be active in the area, enjoying political patronage.

In 2010, a major agitation was launched by a number of NGOs and villagers to exclude 53 villages from the Vasai-Virar Municipal Corporation. This precipitated several demonstrations, and police lathi-charged the agitators on some occasions. While activists and villagers were determined to save the beautiful landscape comprising of mangroves and hills, the builder lobby was determined to grab reserved areas for residential and commercial construction.

Forty two-year old Premnath Shivji Jha's crusade against irregularities in the local administration leading to his murder took place against this backdrop. His killing came in the wake of a series of murderous assaults on RTI activists- Yashwant Gavand and Santosh Daundkar as well as the alleged harassment of another RTI activist- Kamlakar Shenoy by the police.

Despite our several attempts, Premnath Jha's family could not be contacted. We inquired with many prominent RTI activists and others in Mumbai but nobody could provide the whereabouts of the family. We went to the family's last reported address- Guru Datta Nagar Society in Virar. Inquiries with local residents and security guards there revealed that one Jha family lived in flat No. 301 in the 'C' Wing. However, a middle aged woman there said they were not related with Premnath Jha and that Premnath Jha's family lived in a flat in the adjacent Audumbar building for a couple of years but had shifted elsewhere without leaving any forwarding address after the murder. Upon further inquiry, the security guard and residents of Audumbar building said no Jha family ever lived in that building. Proceeding further to trace the whereabouts of the family became very difficult.

His RTI interventions

According to newspaper reports, Premnath Jha had filed many RTI requests with the Vasai Virar Municipal Corporation seeking details of several under-construction projects. Unfortunately, details about Premnath Jha's use of RTI are not available because the Vasai Virar Municipal Corporation has not published them on its website. As will be shown in Part II below, it is mandatory for a public authority to do so as per the general order issued by the Maharashtra State Information Commission. The State Information Commission had directed the proactive disclosure of information sought by an RTI activist who is murdered, on the website of the public authority which had received or processed his/her RTI applications. Either Virar's urban local body does not seem to have complied with these directions or took the information off its website after displaying it initially.

The newspaper reports also quoted Premnath Jha's son Mihir claiming that his father had exposed several cases of corruption and had been getting threatening calls but he ignored them. There were also newspaper reports quoting Sanjay Pathak, an India against Corruption (IAC) activist working in the Vasai-Virar belt, saying that Premnath Jha had antagonised many people because of his inquiries into illegal constructions.

However, it appears from newspaper reports that Premnath Jha, himself a real estate agent, was a member of *Bhrashtachar Atyachar Virodhi Samiti*. A few months before his murder, he had also joined hands with some activists of IAC. However, when we contacted senior Aam Aadmi Party (AAP) member, Ms. Preeti Menon, former senior AAP member, Ms. Anjali Damania, and his colleague Sanjay Pathak, they claimed they had no knowledge of the whereabouts of Premnath Jha's family.

The Murder

On 24 February, 2012, Premnath Jha was going home for lunch from his workplace around 1pm. He was riding his two-wheeler towards his residence in Virar (East)'s Phulpada when several rounds were fired at him from a revolver. One bullet struck him in his forehead and he fell down. A watchman deployed at the Guru Dutta Nagar Society spotted him injured and bleeding, lying on the road and alerted his family. He was rushed to hospital where he died while being administered emergency medical treatment.



Premnath Jha's wife Anita and son Bipin

According to some activists who had knowledge of the incident, Premnath Jha was first taken to the local government health centre, where the doctor said it was a case of accident and gave the family clearance to dispose of the body without conducting a post-mortem. “Why do you want us to rip apart the body and stitch it up?” he is reported to have told Premnath Jha’s sons and others accompanying the body but they insisted on the post mortem examination.

The police had initially registered a case of accidental death. But Premnath Jha’s family members suspected foul play as his forehead had an injury mark, seemingly caused by a bullet. Later the post mortem examination was conducted at JJ Hospital. The hospital confirmed bullet injury as the cause of death. The newspaper reports quoted Sanjay Pathak as stating, “had it not been for our insistence on an autopsy, the police were willing to dismiss it as a case of accidental death.”

The Police Investigation

As in many other cases of killings of RTI activists, the police tried to malign the image of Premnath Jha immediately after it became apparent that it was a case of murder. Newspaper reports quoted Yusuf Bagwan, a Police Inspector deployed at the Virar Police Station, saying, “Premnath Jha was not a RTI activist, but a real estate agent. He extorted money from owners of buildings for their illegal constructions. He had several cases of cheating, voluntarily causing hurt and demanding ransom lodged against him. In 2007, we had filed an application for his externment from the area. However, in 2009, he signed a bond stating that he would stop his activities if he was allowed to stay in the city.” Bagwan was also quoted as saying that the police had questioned several people but this had yielded little information about Premnath Jha’s assailants.

The apathy towards the murder that took place in broad daylight resulted in an angry reaction from several organisations. RTI activists even submitted a petition to the then Chief Minister of Maharashtra, Prithviraj Chavan of the Indian National Congress urging him to investigate the nexus between the builders’ body- the Maharashtra Chamber of Housing Industry (MCHI), and certain governmental officials. They sought an inquiry against some specific officials including the police and demanded their removal if their connivance and corruption related to this case of murder was discovered during the investigation. The activists identified in their petition, the following officials:

- (1) Executive Engineer, Building Proposal, Municipal Corporation of Greater Mumbai,
- (2) Deputy Chief Engineer, Building Proposal;
- (3) Director, Engineering Services & Projects;
- (4) Senior Police Inspector (for deliberately turning a blind eye to illegal constitutions and criminal activities allegedly under direct ‘orders from above’;
- (5) District Collector & Additional Collectors (encroachment removal);
- (6) Controller of Unauthorized Constructions, City and Industrial Development Corporation’s (CIDCO) Planning Department; and

(7) Metropolitan Commissioner, Mumbai Metropolitan Region Development and Revenue Department.

The activists also called for setting up a State Government panel before which RTI activists could depose and submit documents that reveal corruption involving many of the builders. This should form the basis for creating a 'watch list', they demanded. Above all, they asked for a five-year moratorium on approvals of all new-construction projects.

The Flank Road Citizens' Forums too sent a memorandum dated 28 February, 2012 demanding investigation into the role of officials of MCHI and *Mantralaya* (State Government Secretariat) in Premnath Jha's murder; creation of a 'watch-list' of unscrupulous builders to safeguard civil society, and calling for a five-year moratorium on new project approvals and also steps to strictly regulate the industry to prevent a probable artificial housing construction bubble in the near future.

Investigations into the case were initially conducted by the Investigating Officer of Virar Police Station. Later the case was transferred to the State's Crime Branch. However, the Crime Branch too failed to crack the case. Since the investigations appeared to be heading nowhere, Premnath Jha's son Mihir moved the Bombay High Court seeking transfer of the investigations to an independent agency like the CBI.

In March 2013, a Division Bench of the High Court was informed that after the investigations were transferred to the Crime Branch's special cell it was returned to the Virar police station on 03 January, 2013.

During the hearing, the High Court observed, "From the recent report of the police it is clear that it is groping in the dark and it is extremely unlikely that headway will be made in the investigations." The court thus transferred the investigations to the state Criminal Investigation Department (Crime) (CID-Crime) and noted, "We expect and hope that the CID will make some headway in the case." The court thus kept the petition pending and directed the CID to file its probe report after four weeks.

When there was no headway even after that, on 24 August, 2014, the High Court slammed the CID for dragging its feet and transferred the case to CBI.

Later, in January 2016, CBI arrested two individuals- Baburao R Ramanna and Umesh Shankhe for allegedly hatching a conspiracy to kill Premnath Jha by hiring contract killers as he had sought information about their illegal construction activities. Media reports said Premnath Jha had filed some RTI applications with regard to constructions in which Ramanna had vested interests. Ramanna and Shankhe, who were both in Thane Jail in connection with another murder case, had, according to the CBI, hatched a conspiracy to get Premnath Jha eliminated. They successfully executed this conspiracy after being released on bail, according to the CBI.

In November 2018, the CBI announced a reward of INR 5 lakhs (500,000 rupees) for any person coming forth with credible information about the culprits responsible for Premnath Jha's murder. The announcement was published in several Marathi language dailies. We could not find any further details of this case in the absence of access to court records and most importantly the members of Premnath Jha's family.

Some observations and unresolved questions

Although we worked on Premnath Jha's murder case for more than three months, we found little information about his RTI activism or the case record relating to his murder. Whatever information we could gather after online search and talking to a number of activists and local residents raised many doubts in our minds:

- Newspaper reports indicated that the road in the Phulpada area of Virar where Premnath Jha was shot was deserted. However several flats in the Guru Datta Nagar Society situated nearby and where Premnath Jha lived have their windows opening towards the road where he was shot. Surely, some residents might have heard or noticed something. Did the police make any attempt to locate witnesses in this housing society during the investigation before throwing their hands up?
- Why did the doctor at the local government health centre declare that it was a case of accidental death and give the family the go-ahead to dispose of the body without conducting a post mortem examination?
- What was the basis of the claim made by Police Inspector Yusuf Bagwan before media persons about Premnath Jha not being an RTI activist and that he was a real estate agent with a dubious past. Did he make any attempts to ascertain what kinds of information had been sought by him through his RTI interventions and whether they could be linked to his murder?
- During our attempt to locate the family, we approached several shopkeepers and others in the area. Nobody was willing to talk about the incident or provide the whereabouts of the family. This silence is deafening, to say the least. Who are they afraid of? There are more questions than there are answers in this case.

Photo Not Available

COMRADE KAPURCHAND GUPTA
KILLED ON 20, NOVEMBER 2012
KANDIVALI,
DIST. MUMBAI (SUBURBAN)

Brief Profile

Over the last few decades, Kandivali in Mumbai Suburban district, with a number of cotton mills, has become a cosmopolitan area and a major business centre. Gujaratis, Jains and Vaishnavs belonging to the business class and professionals have made Kandivali (West) their home. Later, even the Dawoodi Bohra Muslims who were engaged in business activities too settled down here in large numbers. Hundreds of industries in five industrial estates attracted a large section of the working class and professionals. As a result, Kandivali has a mixed population of people belonging to various socio-

economic classes which also results in major inequalities and inequities.

Born in a village in Uttar Pradesh of Deoria district, Kapurchand Gupta migrated to Mumbai in search of a livelihood in the 1980s. His family's financial situation forced him to quit studies after he cleared his class 10 board examinations. With little money in hand, he became a vegetable vendor in Kandivali.

However, he did not confine himself to remaining one of the many unsung and nameless roadside vendors of Mumbai's pavements. His service and dedication to the cause of the common person made him a celebrity of sorts. This was clear, when thousands of people- commoners as well as political leaders- thronged his residence after he was killed in November 2012.

Com. Gupta's close associate and friend Akhilesh Gaud, a member of the Maharashtra Council of the Communist Party of India, says "though not highly educated, Gupta was dedicated to public causes and became a member of the Youth Federation."

He added, "While operating as a vegetable vendor, Gupta also experienced the problems faced by his fraternity. They were harassed by corrupt policemen and Bombay Municipal Corporation (BMC) officials. He realised that their problems had aggravated because they were unorganised. He formed a union of hawkers and vendors with the help of the Communist Party of India (CPI) and All India Trade Union Congress (AITUC) and stalwarts like Narayan Ghagare, Harihar Yadav and Charul Joshi in 1985."

Gaud added, "At that time, there were several unions of hawkers and vendors in Mumbai, each led by a different leader. Gupta worked with Comrade Govind Pansare and other leaders to bring them together under the banner of AITUC. Finally in 1994-95, the AITUC Hawkers' Federation was founded. Later in 2004-05 he founded the Shahid Bhagat Singh Hawkers' Union in suburbs like Kandivali, Malad, Goregaon, Andheri, Dahisar and Varsova along the Western Railway line. When the new union was registered in 2006, Ghagre became its president and Gupta the general secretary."

In 2002-03, shop-owners of Kandivali (West), especially on the Mathuradas Road and M. G. Road areas near the railway station, came together to evict vendors and hawkers operating in the area. They launched a hunger strike demanding that BMC and the police take action against the vendors and hawkers who have been operating there for more than 50 years. Com. Gupta retaliated by going on a hunger strike against the shop owners. Later, the shop-owners realised the importance of co-existence and co-operation with the hawkers and vendors and dropped their demand. This was a major victory for Com. Gupta.

His RTI interventions

Akhilesh Gaud said, “When the RTI Act came into force, Gupta realised its importance. He worked hard to study the Act and started using it effectively to address people’s grievances.”

Exposing irregularities and corruption in slum rehabilitation projects: In 2008, a slum rehabilitation project was launched in Sant Dyaneshwar Nagar area of Kandivali. However, several eligible slum-dwellers were denied benefits under this scheme. Though they were eligible, their applications for houses under the project were rejected. Similar was the situation in another project at Andheri. When Com. Gupta came to know about this from the people who approached him to for help, he took up their cause. He obtained information by sending a number of RTI applications to the BMC, office of the District Collector and the State government. After a two-year-long battle, he finally succeeded in getting houses allotted to 16 families in the Sant Dnyaneshwar Nagar area.

Plots for hawkers’ markets: Though several plots had been earmarked for markets in the development plan of BMC, they were not constructed in Kandivali. Even at the sites where markets had been developed, stalls had not been allotted to vendors. Com. Gupta used RTI to obtain information about the plots reserved for markets and the status of the development work undertaken by BMC at various places. Thanks to his efforts hawkers and vendors were allotted stalls in markets in Kasturba Road and Kalpataru areas in Kandivali by BMC.

Exposing a scam in Kapol Bank: Late Rajratna Shri Khushaldas Kurji Parekh, an educationalist and reformer had established the Kapol Co-operative Bank Ltd. in 1939 for the economically weaker sections of society. Com. Gupta came to know about irregularities in the disbursement of loans by the bank. He obtained information from the Reserve Bank of India (RBI- India’s Central Bank) by filing a number of RTI applications with them, the Cooperatives Department and the Agriculture Ministry and demanded action. Subsequently, Mumbai Police filed cases against some of the bank officials. RBI also prevented the Kapol Bank from granting fresh loans or renewing the old ones, giving advances, making any investments and incurring any liability including borrowing of funds and acceptance of fresh deposits, without its prior written approval. This was another feather in Com. Gupta’s cap.

Exposing irregularities in Ashram Shalas (Residential Schools) for Adivasi students: In 2011, Com. Gupta came to know about allegations of corruption in the government-run *Ashram Shalas* (residential schools for Adivasi students). He filed several RTI applications with the Social Welfare Department and the Office of the Commissioner for Women and Child Welfare seeking information. At the time he was murdered, Com. Gupta was still working on this issue.

Exposing irregularities in transfers and postings of BMC and state government officials: The *Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005* stipulates transfers of government officials after a specific period of service in a post so that they do not develop vested interests in the job. However, Com. Gupta noticed that several BMC and State Government officials had been posted at the same place for very long periods. He used RTI extensively and secured transfer orders of allegedly corrupt officials as per provisions of the law.

Exposing misuse of funds meant for the restoration of ancestral home of freedom fighter Shivram Hari Rajguru at Rajgurunagar: Com. Gupta idolized revolutionary freedom fighter Shivram Hari Rajguru. The State Government had sanctioned INR 1 crore (10 million rupees) for restoration of his dilapidated ancestral home of the revolutionary at Rajguru Nagar. The renovation work of the 250-year-old Rajguru Wada, where Rajguru was born on 24 August, 1908, began in 2007. However, there were allegations of irregularities in the work and misuse of funds. When Com. Gupta came to know about them, he filed RTI applications with the State Government and the archaeology department to expose the scam. After the scam came to light, the work was stopped and an inquiry panel was formed. Subsequently, some officials of the Archaeology Department were suspended.

Curbing the menace of money lenders harassing hawkers and grabbing their properties: Lack of financiers in the formally regulated financial sector forces vendors and hawkers to borrow money from private lenders at very high interest rates sometimes reaching 15%. These lenders also tampered with their account books and collected exorbitant amounts from the hawkers and vendors. In case they failed to pay up, the lenders would even grab their properties. Com. Gupta had filed several RTI applications with the State Government seeking accountability in order to curb the menace of private moneylenders and ensure legal action against them.

The Murder

Com. Gupta was busy making preparations for the 40th national conference of AITUC, scheduled to be held in Mumbai on November 27, 2012 just before his murder.

On 20 November, 2012 Com. Gupta and his colleague Yogesh Gaud (23), who is the son of Akhilesh Gaud, were riding a motorcycle on M. G. Road in Kandivali (West) near Kandivali Railway Station late at night. Around 10.10pm a car dashed against their bike making them stop on the middle of the road. Two men got off the car and attacked Com. Gupta and Yogesh

with knives. Yogesh, who sustained minor injuries, fled as the assailants continued to stab Com. Gupta. He, had suffered 27 wounds on his back, head, waist, legs, thighs, and private parts. He was taken first to a nearby private hospital and then to Bhagwati Hospital where he was pronounced dead on arrival.

Akhilesh Gaud said, “We had just stepped out of a meeting which was held to discuss arrangements for the coming AITUC convention when the incident took place. Com. Gupta wanted to go to Borivali. I asked Yogesh to accompany him. Soon after I came to know about the incident, I rushed to the scene and shifted Com. Gupta to hospital.”

The Police Investigation

Shivprasad Kesari and Shivkumar Bharadwaj fled Mumbai immediately after the murder. The police tracked them down by triangulating the location of their cell phones and arrested them in Nashik on 21 November, 2012.

According to the police, both Kesari and Bharadwaj were hawkers and operated stalls near Kandivali Railway Station. The Police claimed that Kesari and Bharadwaj were angry with Com. Gupta because he was hampering their money-lending business.

The police said, Kesari and Bharadwaj, had planned the murder while drinking in a bar near Mathura Das Road on the evening of 20 November, 2012. When they spotted Com. Gupta riding pillion on Yogesh’s motorcycle, they decided to hit the motorcycle with their Maruti Zen and attack Gupta and Yogesh.

The Criminal Trial

After completing investigation in the case, the police filed a chargesheet and the case was committed for trial in the District and Sessions Court, Mumbai in March 2013. The trial is still going on seven years after Com. Gupta’s murder. Akhilesh Gaud said, “Along with some friends of Com. Gupta and CPI workers, we have been following the case but the judicial process is moving at a slow pace. The court complex in Kandivali has six courts but only three public prosecutors are available to handle all criminal prosecutions. In 2014, we petitioned the State Government to appoint a Special Public Prosecutor but no decision has been taken.”

He added, “Both the accused are in jail ever since they were arrested. Kesari had filed a bail application in the High Court but his lawyer withdrew it when we field an Intervention Application to be heard. Later, he again filed a bail plea, which was rejected. A couple of days before the bail application was rejected, NCP MLA Vidya Chavan had raised a question in the State Assembly about the progress of the case and a discussion was held on the matter. On 05 April 2018, Justice Mrudula Bhatkar of the Bombay High Court had issued an order, instructing the Sessions Court to complete the hearing and dispose of the case within 90 days. Nevertheless the case is still lingering without reaching any conclusion.”

Akhilesh Gaud said, “Delay in disposing of the case has been causing problems. An important prosecution witness, Haresham Gaud, was attacked by some goons and warned not to testify in court. Haresham had suffered injuries on his legs and head in the attack. We too received threats. When we informed the authorities, we were provided with police protection.”

Akhilesh Gaud added, “We suspect that some policemen from Kandivali Police Station had connived with the killers, Shivprasad Kesari and Shivkumar Bharadwaj, and avoided taking action immediately after receiving information about the attack. Otherwise, the killers would not have succeeded in fleeing Mumbai. The police swung into action only when some of us met the then Deputy Commissioner of Police, Mahesh Patil, and threatened an agitation. We warned that Com. Gupta’s last rites would not be performed till the killers were arrested.”

He recalls, “Thousands of people flocked to Kandivali from all over Mumbai as news of the fatal attack on Com. Gupta spread. That too built up pressure on the police who formed several teams and nabbed the killers. The funeral procession began only after the police brought the killers back to Mumbai. The entire Kandivali area observed a bandh on 21 November, 2012”.

However, Akhilesh says there are still doubts whether Kesari and Bharadwaj acted on their own or were part of a larger conspiracy involving bigwigs whose interests had been hurt because of Com. Gupta’s activism.

“Both Kesari and Bharadwaj were suspects in several cases of extortion and assault. Gupta was facing a threat from many people whose activities he had exposed. He had been attacked by goons, allegedly hired by some builders involved in slum rehabilitation projects in 2005. Later in 2006, the policemen had filed a case of extortion against him alleging that he collected *haftas* (weekly protection money) from hawkers. Gupta had also received threats when he exposed corruption in Kapol Cooperative Bank. Some builders who wanted to redevelop properties on Mathuradas Road and M. G. Road were angry because Gupta was opposing their attempts to evict hawkers operating there for more than 50 years. There is a strong possibility that some of Gupta’s enemies instigated Kesari and Bharadwaj to eliminate him by either paying money or tempting them that they would become leaders of the hawkers’ union after Gupta was killed,” he alleged.

The Aftermath

Com. Gupta’s family consists of his unlettered wife Sushila, three daughters and two sons. Two of his daughters were married off when he was alive. The family faced financial problems after his murder. Akhilesh Gaud said, “Friends and associates of Gupta came together to offer every possible support to the family. A week after Gupta was murdered, CPI leader A B Bardhan, who was in Mumbai to attend the national convention of AITUC, announced financial aid of INR 1 lakh (100,000 rupees) to the family from the party funds. Shop owners, hawkers and vendors in Kandivali too came forward and helped Gupta’s family from time to time. Friends,

associates and shopkeepers would provide food to Gupta family. We helped the family get Gupta's daughter Neha married in 2015. Some people proposed to provide a place on Mathuradas Road where the Gupta family would be able to sell their wares. However, we felt it would be demeaning for the family and opposed it.”

Com. Gupta's sons Punit and Sunil were young when he was murdered. Punit quit studies after passing the first year of his degree course and took up a job to support the family. Sunil too followed suit after passing the Class XII examination.

The causes Com. Gupta took up are being followed up by his associates and followers, cases of irregularities in the slum rehabilitation projects being one such example. Some residents of Rajgurunagar are keeping a hawk's eye on the ongoing work of restoration of the ancestral home of freedom fighter Rajguru. The cases filed against officials and directors of Kapol Bank are still pending in court. The hawkers' unions are fighting to ensure that stalls at markets constructed at Kasturba Road and Kalpataru markets are allotted to genuine hawkers and vendors only.

Office-bearers of Shahid Bhagat Singh Hawkers' Union are struggling to oppose plans of builders wanting to redevelop properties on Madhuradas Road and M. G. Road in Kandivali to evict hawkers from there.

Interestingly, while cooling his heels at Thane Central Jail, one of the accused in the murder case, Kesari, has started using the RTI Act. He filed an application with the Maharashtra Real Estate Regulatory Authority (RERA), asking it to provide him information on what is required to lodge a complaint against a developer. MahaRERA, in turn, informed him that all the relevant information was available on its website.

Some observations and unresolved questions

Though Com. Gupta's murder case has been followed up vigorously by his associates, there are several doubts about the conduct of the police.

- Mathuradas Road and M. G. Road are situated close to Kandivali Railway Station. Both these roads are crowded, especially during peak morning and evening hours, because of a large number of pedestrians and vehicles. Besides, a large number of shops and hawkers on these roads too draw a lot of people making them congested. Still not even traffic policemen were present in the area when Com. Gupta was attacked- why?
- Com. Gupta's associates say the attack was reported to the police immediately after it took place. Yet, why did the police not carry out a 'nakabandi' (stop and search) exercise after the murder to ensure that the attackers do not flee Mumbai?
- Com. Gupta was a prominent leader. The police knew him well too. Despite having complete information about his activism, why did the police look at the case merely as a case of enmity arising out of Com. Gupta's opposition to Kesari's money-lending activity instead of

probing the conspiracy angle related to his activism and social work, which would entail a harsher punishment for the culprits upon conviction?

- According to Com. Gupta's associates, his killers used to operate outside a building belonging to some builders with whom he had clashed earlier over irregularities in the slum rehabilitation project. Com. Gupta's associates allege that these builders wanted to evict hawkers operating in front of buildings coming up for redevelopment. Why did the police not concentrate on probing a possible conspiracy angle between the killers and builders?
- More importantly, why has the trial dragged on for more than seven years? Delayed justice is an affront to the dignity of the family of Com. Gupta.



SUNIL KUMAR LOHARIA
KILLED ON 16 FEBRUARY, 2013
NAVI MUMBAI, DIST. THANE

Brief Profile

Belonging to a middle class family in New Delhi, Sunil Kumar Loharia used to work with the Indian Railways initially. Later he quit the government job to become a dealer of vehicles manufactured by the automobile giant Yamaha. His hardwork gained him appreciation from the company as Delhi's best dealer with highest sales figures for three consecutive years.

Sunil Loharia was not only a successful businessman but also a conscientious person who would not hesitate to raise his voice against wrongdoing that came to his notice. Evidence of this penchant for justice was his role in facilitating the arrest of one, Gopal Thakur, suspected of committing offences under the *Terrorist and Disruptive Activities (Prevention) Act, 1985* (TADA) in Delhi in 1993. Sunil Loharia had provided crucial tips to the police which helped in nabbing the suspect. However, his do-gooder streak proved to be the bane of his life as he started receiving threats from Gopal Thakur's accomplices soon after. Finding it difficult to lead a peaceful life in Delhi, despite police protection, he shifted to Mumbai in 1999.

On shifting base to Mumbai Sunil Loharia realised, there were ample opportunities in the real estate business in Greater Mumbai, especially Navi Mumbai. After a sluggish start in the 1970s, development in Navi Mumbai was taking off in leaps and bounds during the 1990s. Proximity to Mumbai city, connectivity to the rest of Maharashtra, growing employment opportunities in wholesale and retail business, agricultural marketing, Information Technology (IT) industries and call centres and rapid improvement in transport facilities were aiding the growth of Navi Mumbai. At the turn of the century, its population had more than doubled to almost 5 lakhs (500,000) from 2.09 lakh (209,000) figure in 1991. This boost in population as well as industrial and commercial activity required the development of residential and commercial buildings. Although initially the City and Industrial Development Corporation of Maharashtra (CIDCO) was dominating this sector in Navi Mumbai, the economy was opening up and the involvement of private builders in construction activity was rapidly increasing. CIDCO's share in the construction of dwelling units fell from about 16% to 3% between 1995-2000, while the private sector's share rose to 29%.

Taking a cue from the ample business opportunities available, Sunil Loharia, launched his firm S. K. Builders and Developers, in Navi Mumbai in 1999. As his business flourished, he expanded his firm setting up branches in Dubai in 2003 and in New Zealand in 2005. Soon after, he obtained a residency permit in New Zealand though his operations in India continued.

In the course of developing his business, Sunil Loharia discovered the existence of a syndicate comprising of builders, architects and officials attached to the Navi Mumbai Municipal Corporation (NMMC) and officers of the Maharashtra Police controlling the real estate sector. These individuals

are said to have formed a nexus to allegedly cheat the government and property buyers by selling properties in gross violation of the law, particularly, the Development Control Regulations of Navi Mumbai Corporation, 1994. Sunil Loharia set about to expose this real estate racket. That is when his problems began. His four year-long crusade against corruption in the real estate sector cost him his life.

His RTI interventions

Sunil Loharia's journey as an RTI activist started after he was cheated by some real estate agents, builders and architects in a deal involving some flats in the plush Palm Beach area of Vashi. In 2009 he bought 10 flats in this area, some for his own residential use and others as an investment exercise. However, when he asked the builder to provide him the originals of the building plans and other important documents of the properties he had bought, he was turned down. This prompted him to file an RTI application with the Navi Mumbai Municipal Corporation (NMMC) and CIDCO to procure these documents.

Initially, his RTI query was not taken seriously by the Public Information Officer (PIO). So he filed an appeal with the First Appellate Authority (FAA). The FAA directed the PIO to provide him the requested information. After studying the plans and documents obtained under the RTI Act, Sunil Loharia realised that the building had not been constructed as per the original plan approved by the municipal authorities. He discovered many loopholes and diversions from the approved plan in the actual construction. Almost 50% of the flats that he had bought were illegal constructions. This prompted him to survey some other buildings in the area and also seek information about them from Navi Mumbai's civic body under RTI. These documents revealed that hundreds of multi-storeyed buildings on Palm Beach Road and other areas of Navi Mumbai had been constructed in similar illegal fashion. Next Sunil Loharia filed a Public Interest Litigation (PIL) suit in the Bombay High Court highlighting these gross irregularities. Soon after, he started receiving intimidating phone calls. He and his family were threatened with dire consequences for moving the Court. He was warned that his family would be eliminated if he persisted with his PIL.

On 19 March, 2010, Sunil Loharia wrote a letter to the Commissioner of Police, Navi Mumbai, demanding police protection. In his letter, he alleged that from the manner in which a syndicate of top-ranking town planning officers of the NMMC, CIDCO, builders and high profile real estate agents was operating, a real estate scam worth more than INR1,000 crore (10 Billion rupees) had taken place. This, he said, had resulted in huge monetary losses to NMCC, CIDCO, the Revenue Department, the Stamp Duty and registration Department, and the Income Tax Department in particular and the citizenry in general.

On 29 May, 2010 the then Ward Officer, B Ward (Nerul) of NMMC, sent a notice to six partners of M/S Vighnagar Developers - Ladha Punja Ravriya, Dinesh Keshavji Patel, Vershi Khimji Dama, Vijay Ravji Gajara, Govind Dhanji Varchand and Keshavji Gangji Gala- as well as

Anurag Garg of M/S Dimensions Architect Pvt Ltd, stating they had undertaken unauthorised construction of a building in Nerul, Navi Mumbai. The Ward Officer directed them to remove the unauthorised construction within a month of receiving the notice.

On 02 June, 2010 Sunil Loharia wrote to the Commissioner of Police, Navi Mumbai, again stating that he had filed two complaints in May 2020 about unauthorised construction of hundreds of multi-storeyed buildings on Palm Beach Road and other areas of Navi Mumbai, but the police had not taken any action about them. He reiterated that he had received threats and sought immediate action. In his complaint he also alleged that some officers of the Town Planning Office of NMMC, CIDCO and high-profile builders, architects and real estate agents were hand in glove in committing the scam.

Even after filing his PIL in the Bombay High Court, Sunil Loharia sent many written complaints to the Commissioner of Police, Navi Mumbai, Municipal Commissioner, Navi Mumbai Municipal Corporation, and Managing Director, CIDCO, against the 'corrupt' town planning officers and architects and sought to know details of action taken against them through his RTI interventions. Since he continued to receive threats against his family members, on 21 June, 2010 he wrote to the Director General of Police seeking police protection.

A day later, Sunil Loharia wrote to the Commissioner, NMMC, once again complaining that he had not been provided information he had sought through his RTI applications submitted on 7 and 24 May and 19 June, 2010 respectively. He pointed that his appeal filed in June 2010 had also not been decided by the FAA. In this letter he reasserted that after going through the approved maps and occupancy certificates of some buildings he had found that illegal work was carried out in some buildings before obtaining the occupancy certificates. Again, in his letter, he reiterated that he and his family members were receiving threats from the town planning officers of NMMC through phone calls. Some individuals visited his house in a bid to intimidate him into withdrawing his RTIs, complaints and the PIL.

On 30 June, 2010, Sunil Loharia wrote to the Assistant Director of Town Planning, NMMC, giving him a list of 166 plots in various nodes (areas officially marked out for jurisdictional and developmental purposes) of NMMC where, he alleged, occupancy certificates had been issued though additional constructions had been made in the buildings even before the occupancy certificates were issued. In his letter, he alleged the following irregularities:

1. main entrance lobby of every high rise building was constructed illegally;
2. though Affordable Housing Unit (AHU) room is not shown in approved residential building plan, servant rooms had been constructed illegally and they were not approved even in the occupancy certificates;
3. all high rise towers had some floors built illegally which were not as per the plans attached to the occupancy certificate;
4. flower beds and cupboards were shown in the occupancy certificates but balconies were

constructed in their place and that there was illegal extension of buildings in the space meant for cupboards; and

5. occupancy plans, marketing brochures of the builder, registered sale agreement of flats and plans attached therein differed from each other significantly.

Sunil Loharia attached structural audit reports prepared by structural engineers and architectural design reports by architects obtained by him to support these allegations.

On 01 July, 2010, Sunil Loharia again wrote to the Commissioner of NMMC alleging that Kishore Agraharkar, Town Planning Officer and one Hemant Sonawane employee of NMMC had visited his office and threatened him demanding withdrawal of his complaints. He also alleged in his complaint that builder Manish Bhatija of Paradise Home Makers, architect Anurag Garg of Dimensions Architects Pvt Ltd, and Sunil Bhanushali, builder and businessman from Agriculture Produce Marketing Committee Market were witnesses to this intimidation.

On 22 July, 2010, Sunil Loharia sent another complaint to the Assistant Director of Town Planning, NMMC, referencing his letters sent in May and June, 2010. This time he sent a list of 379 plots in Navi Mumbai where occupancy certificates had been issued in blatant violation of the Development Control Regulations without collecting penalty charges despite there being unauthorised additional constructions in these buildings.

Realising that his exertions were leading nowhere, instead the intimidation was increasing, this time with goons ransacking his office, Sunil Loharia decided to escalate the level of making complaints. On 29 November, 2010, he wrote to the Municipal Commissioner, Navi Mumbai, the Chief Minister, the Secretary of the Urban Development Department and the Speaker of the Maharashtra Legislative Assembly alleging inaction on the part of the civic authorities. He pointed that he has been raising the issue of unauthorised constructions for more than six months and had also filed a PIL in the Bombay High Court on this issue. He offered to provide detailed reports with evidence to back up his claims within two days of their response. He mentioned the fact that he was receiving threats against the well being of his family from the officials of NMMC, some high profile builders and architects. He also alleged that his office was ransacked on 19 November where he had kept some of the information he had obtained under the RTI Act.

On 14 December, 2010 he wrote a similar letter to the then Commissioner of Police, Navi Mumbai. In 2011, he filed another writ petition in the Bombay High Court after the police refused to take cognizance of his complaint.

Later on 24 June, 2011, Sunil Loharia submitted a complaint to the police through his lawyer Adv. Mayura Maru accusing the partners of Vighnahara Developers as well as officers of NMMC of cheating him and the government by preparing forged documents and selling flats to him. An FIR was registered at Nerul Police Station under various sections of IPC against Vijay Ravji

Gajra, Govind Dhavji Vicharchand and Umesh Patil on 05 December, 2011 on the basis of this complaint.

Following these actions, Pramod Mittal, a real estate agent, filed a separate complaint against the partners of Abhishek Builders and Developers, their associates, members of the board of directors of CIDCO, Maharashtra State Electricity Distribution Company Ltd, the then Deputy Commissioner of Police (Crime), Navi Mumbai, alleging irregularities in some projects in Kharghar, Navi Mumbai. A formal FIR under various sections of the IPC was filed at Kharghar police station on the basis of this complaint also on 05 December, 2011.

At the time of our investigation all these cases were yet to be disposed of.

The Murder

On 16 February, 2013 Sunil Loharia's employees at S. K. Builders and Developers opened the office located on Palm Beach Road around 8am. Office boy Ganpat Chawda went to clean Sunil Loharia's cabin a short while later. Casually, he looked at the CCTV monitor installed in the cabin and noticed to his horror, an individual dressed as a watchman firing bullets at Sunil Loharia just outside the office.

Ganpat Chawda rushed out of the cabin immediately raising an alarm. Surjeet Singh Kalra, the Manager of the company, office boy Satyendra Pandey and maid Kokila Yadav too rushed to the main entrance of the spacious office. All of them saw bullets being fired at Sunil Loharia. They also saw him collapse as another assailant stabbed him with a sharp-edged weapon.

As both assailants tried to run away, leaving Sunil Loharia writhing in a pool of blood, Ganpat Chawda and Surjeet Singh Kalra chased them. Ganpat Chawda tried to stop them in their tracks by hurling stones. One stone hit the assailant dressed as a security staffer and Surjeet Singh Kalra grabbed him immediately. He told the police later that even as he nabbed the assailant named Venkatesh @ Kumar Ramu Chettiyar, he was blabbering, "(Sunil Loharia) did not do well by picking up a quarrel with the builders. (He) did not do well by picking up a quarrel with Suresh Bijlani, Anurag Garg, Bhupesh Gupta, Sumeet Bachewar, S P Agarwal, Raju Gupta, Gajra. Told you to leave Navi Mumbai and go. This was to happen. These people have done your work."

Satyendra Pandey and Kokila Yadav managed to put Sunil Loharia in an autorickshaw driven by Tejas Janjurne to take him to Hiranandani Fortis Hospital at Vashi. On the way to the hospital, Sunil Loharia told Satyendra Pandey that Sunil Bijlani and Anurag Garg were instrumental in causing the attack on him and that he would not survive. He also said they had been threatening him repeatedly. They reached the hospital around 8.45am. While being taken to the ICU, his son Sandeep Kumar alias Sunny Loharia also arrived. Sunil Loharia told him that Suresh Bijlani, Anurag Garg, Sumeet Bachewar, S P Agrawal and Bhupesh Gupta had ordered the attack and that he would not survive.

Sunil Loharia was declared dead at 10.20am. His post-mortem examination was conducted at the municipal hospital in Vashi. The post-mortem report mentioned the presence of at least five bullet wounds apart from several other stab injuries.

The Police Investigation

Soon after Sunil Loharia's death, Surjeet Singh Kalra lodged a formal FIR at Vashi Police Station which was registered at 10.50am. The statements of several witnesses were recorded and the articles seized from the site of the crime were sent for forensic examination. Subsequently, 14 persons were arrested. They included contract killer Venkatesh @ Kumar Ramu Chettiyar, Wajeed alias Zaheer Nambi Ahmed Qureshi, Francis Devraj Chauri alias Rajiv, former 'encounter specialist' police inspector Emanuel Samuel Amolik who had been dismissed from service for links with the underworld, Navi Mumbai-based real estate agent and developer Sumeet Ganpatrao Bachewar, contractor Mohit alias Altaf Aftab Khan, cable operator and real estate agent Bhupesh Gupta, construction and real estate businessman Suresh alias Jawahar Chelaram Bijlani and his brother Mahesh Chelaram Bijlani, and architect Anurag Shivmohan Garg.

The investigations were initially conducted by the Navi Mumbai Police, but later the case was transferred to the Mumbai Crime Branch. Later, Sunny Loharia and Mumbai journalist Ketan Tirodkar moved the Bombay High Court alleging improper investigations by the police and praying that the investigations be transferred to CBI. In April 2018, a Bench headed by Justice P V Hardas ordered the State Government to entrust the probe to a specially constituted Special Investigative Team (SIT). The court said the SIT should be headed by an officer not below the rank of an Assistant Commissioner of Police and that its probe would be monitored by the Joint Commissioner of Police (Crime). The Court assumed to itself the task of monitoring the progress of the investigation and directed the SIT to submit reports periodically.

The Criminal Trial

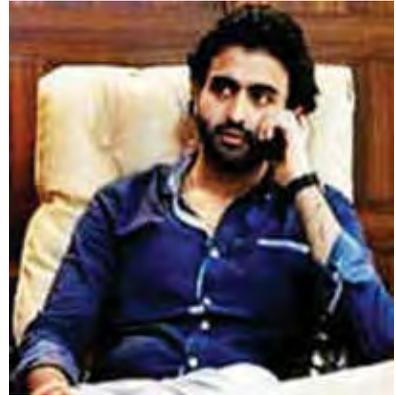
The chargesheet that was eventually filed in the court stated, "Sunil Kumar Loharia was done to death by accused persons by indulging in criminal conspiracy as he was in the habit of lodging several reports against builders with the police apart from initiating proceedings against them in various courts of law as well as lodging complaints against builders with the office of the Navi Mumbai Municipal Corporation and CIDCO."

If the case has remained alive all these years, the credit goes to Sunny Loharia, who has been relentlessly pursuing the matter all these years, becoming an intervening party in various petitions and applications filed in the court by the accused and the State besides moving the courts with his own litigation too.

Suresh Bijlani, Sumeet Bachewar, Aftab Alam, S P Agarwal and Bhupesh Gupta approached various courts, right from the Sessions Court to the Bombay High Court and the Indore

Bench of the High Court of Madhya Pradesh as well as the Supreme Court of India. Sunny Loharia became an intervening party in all these matters to ensure that the accused are not granted bail.

In May 2013, the Indore Bench of the MP High Court granted transit bail to builder Suresh Bijlani after he claimed to be a native of Indore in Madhya Pradesh and said his father was old and ailing and had to be hospitalised in Mumbai and hence he needed interim bail for his father's treatment. A week before that, the Supreme Court had rejected his bail application. Sunny Loharia took the matter to the Supreme Court again and Bijlani's bail was cancelled.



Sandeep alias Sunny Loharia

At present, trial in the case is going on in the Sessions Court in Thane.

The Aftermath

Sunny Loharia, who has an MBA degree in Finance was handling S. K. Developers and Builders' business abroad. However, after his father's murder, he returned to India and took over the family's business here.

Sandeep has been given police protection while his office is surrounded by CCTV cameras. He says, "I perceive a threat to my life." In fact, a day after the Indore Bench of the MP High Court granted 60 days transit bail to builder Suresh Bijlani, Sandeep filed a complaint with the Vashi police alleging that Bijlani had called him over his cell phone and threatened him with dire consequences. A few days later, he filed a fresh FIR accusing Bijlani and four unidentified persons accusing them of holding him at gun point outside the Corporation Garden at Vashi and threatening him again.

Sandeep says, "In May 2013, Bijlani had engineered a fake attack on himself to implicate me. I had come to know about the conspiracy and tipped off the police about it hours before the attack. However, the police filed a case against me. Later, I was discharged in the case." Bijlani was shot at two bike-borne gunmen while he and his friend Asif Karel were going to meet a common friend in Kharghar. Bijlani had lodged a complaint at Kharghar Police Station alleging involvement of Sandeep Loharia and Vinod Asrani, a cricket bookie (bookmaker who facilitate betting and gambling), in the attack. The police later filed a "B" Summary closure report in the case not finding any evidence against Sunny Loharia.

Later, in November 2016, the police had alleged that Manish Nagori, - an alleged gun-runner and contract killer who had been arrested for alleged involvement in the murders of intellectual-

activists Dr. Govind Pansare and Prof. Narendra Dabholkar, had revealed during the investigations that Sandeep had offered him a contract on Bijlani's life. In August 2017, the police again gave a clean chit to Sandeep saying someone was out to frame him. However, in December 2018, Bijlani moved the Bombay High Court alleging threat to his life from the Loharia family and sought investigation by an independent agency into his allegations. The Court asked the State to file a reply in the matter. This case was pending at the time of writing this report.

Some observations and unresolved questions

Some major questions remain unanswered from this case:

- documents clearly show that Sunil Loharia had been receiving death threats for several months before the murder. The documents also show that he had written several letters to almost every senior official including civic officials, top police officers and even the Chief Minister and Speaker of the Maharashtra Vidhan Sabha seeking protection. Yet, why was he not provided police protection?
- why did the police refuse to file criminal cases against the builders on the basis of Sunil's complaints when he had alleged commission of cognisable offences like cheating and forgery against them? Why have the PIL cases against unauthorised constructions and irregularities in the approval of building plans dragged on for so long without any resolution?
- why was no action taken against the police officers who refused to act on Sunil Loharia's complaints when the CrPC makes it mandatory for the police to launch an investigation on receiving information of the commission of a cognisable offence?
- why did the Indore Bench of the MP High Court granted transit bail to Suresh Bijlani when he was wanted in a serious case filed in another case, especially when the Supreme Court had rejected his bail plea just a week earlier?
- why did the police release false information about Nagori claiming that Sunny Loharia had given him a contract to murder Suresh Bijlani when they did not have any evidence to prove it?
- why has the trial in Sunil Loharia's murder dragged on for so long when right to speedy justice is a constitutionally guaranteed fundamental right according to the Supreme Court of India?



VASANT PATIL
KILLED ON 22 JULY, 2013
BHANDUP (WEST),
DIST. MUMBAI (SUBURBAN)

Brief Profile

Vasant Patil was a carpenter who also ran a makeshift iron press shop at his two room-house in Jaybhavani Chawl in the modest Tembipada neighbourhood of Bhandup (West) in Mumbai Suburban district. He had been living in that area since 1991 when he moved from Sion in the neighbouring Mumbai City district. Though times were tough due to shoddy public amenities, Vasant Patil considered himself to be a man of the masses and became pro-active to demand accountability from the local authorities.

Like many residential areas of Mumbai, the central suburban railway line divides Bhandup into eastern and western segments. Tembipada is a large slum located on the slopes of a hill in Bhandup (West). The area, extending for more than a kilometre, is home to about 18,000-19,000 households. It has also been identified as one of the 161 'landslide spots' by Brihan Mumbai Municipal Corporation (BMC) in S Ward – being located at the highest altitude amongst all 24 civic wards. Hundreds of single-storeyed tenements, each containing a dozen or so residential units comprised of two rooms each, have mushroomed all over the hill and alongside the water supply pipeline near the Tembipada police chowki. Though called 'chawls', they bear no resemblance to the famous multi-storeyed chawls in Girgaon or Parel. They look more like urban slums with barely three-feet-wide roads used not only as walkways but also as open bathrooms and public toilets, storage space and other purposes by the local people.

Bhandup has developed a lot since the first human habitation came up in 1803, thanks to rail and road connectivity and a number of industries, including CEAT tyres, Asian Paints and BASF located mostly in Bhandup (West). As a result, Bhandup has a large number of residents who belong to the working class.

Tembipada was still developing when the Patils moved in. Vasant Patil organised the chawl dwellers to form chawl committees. Each committee was allocated a specific civic issue to handle. While these fora acted as local citizen-pressure groups, Vasant Patil was designated the president of several chawl committees. When the area was merged into BMC, he struggled to get civic amenities for the local residents. However, it was not an easy task to get funds allocated for development of the area populated by the not-so-affluent working class and to ensure that wherever funds that had been allocated were used for the designated purpose. This is where Vasant Patil found RTI useful. He would seek information from the civic body about the allocation of funds and expenditure. Then he would try to exert pressure on the civic body to provide better amenities to the people.

His RTI interventions

Shiv Sena, which has a strong presence in Mumbai, dominates the Bhandup area. At the same time, there is a good presence of the Bharatiya Janata Party (BJP), Indian National Congress (INC) and the Nationalist Congress Party (NCP). Like in most urban slums, a fierce struggle for gaining an edge has resulted in tough competition between these political parties in the area.

As Vasant Patil's influence increased, various political parties started making overtures to him. He chose to join the BJP. This offended local supporters of other political parties. As Vasant Patil continued to work for public causes, respect for him among the residents increased and his stature in the party rose. Vasant Patil's neighbour, Baban Khopade who works as a mason and his son Sagar, who were supporters of INC, were apparently envious of him. This laid the basis for growing enmity between the Patil and Khopade families.

Vasant Patil's wife Mayavati says proudly, "He improved the living conditions of the residents here. He would fight for social causes. When we came to live here 25 years ago, there were no civic amenities. This was barren land. There was no water supply, he ensured that the area received it. There was no proper road, he got the internal roads tiled. He was committed to public causes. People too would praise him. Nobody spoke ill of him."

Mayavati alleged, "They (the Khopades) could not stand my husband's progress and popularity. This resulted in rivalry which became intense. Khopade would accost us on the road but my husband would not get scared. My husband would always be accompanied by people. Therefore, they found it easier to kill him in the privacy of our home."

Local residents familiar with Vasant Patil's work add that the land mafia operating in the area and some local politicians having nexus with land grabbers, too, were angry with him, because he had filed several RTI queries against illegal constructions in the area. The local landlords had threatened him earlier. Vasant Patil and another RTI activist Yeshwant Gawand had even been allegedly assaulted by the then Corporator Suresh Shinde because he was arrested in a case filed by Vasant Patil against land grabbing and illegal structures in the area. However, Mayavati, being unlettered, was not able to tell show us the RTI-related papers that Vasant Patil had obtained nor was she able to tell us where they might be. Nor are these papers uploaded on the website of BMC despite express orders from the Maharashtra State Information Commission that concerned public authorities must upload all RTI applications replied filed by an RTI applicant who is murdered.

The Murder

It was on the morning of 22 July, 2013 that Vasant Patil was mercilessly hacked to death by a gang of men armed with sharp-edged weapons who barged into his residence in Jai Bhavani Chawl. Such was the brutality of the attack, he died instantaneously. The autopsy revealed, he had suffered 31 stab injuries all over his body.

The previous evening, Vasant Patil had gone to attend a party meeting near Bhandup Railway Station. The meeting went on till late in the night. When he was returning to Tembipada around midnight, people stopped him at several places to talk to him about their problems as he walked the distance of about one km from the main road to his house. It was nearly 1am when he reached home.

Mayavati recalled, “After he returned home, I served him dinner. We went to bed sometime after 1.30am. I woke up around 7am. After cleaning the house, I opened the door and found that the rains had made the passage outside our house slushy. I woke him up and asked him to clean up the place while I went to use the public toilet. I saw him getting up and I stepped out. When I returned, I found him lying in a pool of blood.”

She said, “As I went to the public toilet, he stepped out and started pouring water stored in a can on the tiles of the passage. That was when the killers struck. He must have been half awake when they attacked him. It took them just a few moments to hack him to death and flee.”

She added, “When I returned home, I saw blood all over. Two tin containers and a fan in the room lay scattered. I could not fathom what had happened. I felt he was playing a trick on me. But when I saw him lying in a large pool of blood, realisation struck me that he was badly injured. I tried giving him water but he would not drink. I opened his clenched teeth with a screw driver that was lying nearby and poured water in his mouth. But it just flowed out. He was already dead by the time I got back home.”

“By then people had gathered around. I was so stunned that I could not understand why they were standing there, looking at us intensely. Then someone pushed me aside and took charge of the situation. Still I could not stomach the fact that my husband had died. I was totally confused and weeping. Later, when we reached the hospital, he was declared “brought dead”. I became hysteric. They had to give some pills to calm me down. The whole day I was stunned and shell-shocked. I did not have even a drop of water. Some kind soul gave me a cup of tea after he was cremated in the evening,” said Mayavati.

The Police Investigation

A case of murder was filed at the Bhandup Police Station and the entire area was swarming with policemen after the killing. Mayavati says, “When the policemen arrived for investigating the case, I told them that I suspected that the Khopades had done it. However, the policemen had come to know that we had had a quarrel with a neighbour (not Khopade) over fetching water from the public water tap a day before. They caught the neighbour’s husband and son. I tried explaining to them that though there had been a quarrel, they had nothing to do with killing. I told them the Khopades were our real enemy. But my words seemed to fall on deaf ears.”

She added, “Later, around 12 midnight, BJP MP Kirit Somaiya along with other party workers came to meet me. He asked the party workers to ensure that I reach Mantralaya at 7am the next day. Normally, ashes of the dead are collected on the day after the funeral but I could not go for that ritual. The party workers came calling at 6am and nine of us left Bhandup for Mantralaya in three vehicles. Many others too had reached there. There were around 35 people at the Mantralaya. The media had also come. The then home minister, R. R. Patil summoned me and Kirit Saheb inside. R. R. Patil was courteous to me. He made me sit beside him and listened to me. I told him everything. Then he called up the police station and asked the officers about Baban Khopade. He ordered his immediate arrest. Had I not gone to Mantralaya and met R. R. Patil, nothing much would have happened”.



Mayawati Patil and Kirit Somaiya protesting against the murder and demanding the arrest of Vasant Patil’s killers

R. R. Patil’s instructions apparently made the police swing into action. He also ordered transfer of the investigation from Senior Inspector Shrirang Nadgauda of the Bhandup Police Station to Crime Branch’s Assistant Commissioner of Police Prafulla Bhosale. While Baban Khopade was arrested, his son Sagar, who worked with the BMC, apparently fled to the nearby pilgrim centre of Shirdi. Sagar and his friends - computer engineering student Nitin Khilari and mechanical engineering dropout Santosh Nimangare, who was an accused in a previous case of dacoity - were arrested later.

Considering that there could be a threat to Mayavati’s life, the police provided her security for a few days after the murder. The police installed CCTV cameras outside her house and started patrolling the area. The vigil continued for a fortnight or so.

The Criminal Trial

After Mayavati met R. R. Patil and due to the transfer of the investigation from the local police to the Crime Branch, the attitude of the policemen apparently changed. Mayavati says, “The police asked me to come and identify the arrested persons. However, I was not comfortable doing it. I felt I would have to see them handcuffed. I knew them. They were neighbours, you see.”

Mayavati says the policemen asked her to attend the remand hearings too. “The policemen from crime branch unit in Ghatkopar would ask me to attend the remand hearings. I would go to the court. There, at least five to six policemen and some officers would speak to me. They would keep reassuring me. I was too scared, you see.”

After completing the investigations, the police filed the chargesheet and the case was committed to the session's court. The trial began a couple of years after the murder. Mayavati went to the court and testified.

She says, the court acquitted the accused in 2019 giving them the benefit of doubt due to lack of evidence. "They have now returned home. They live here only. They were released just like that. I got nothing. Money power worked," claims Mayavati.

The Aftermath

Six years after her husband's death his alleged killers - Baban Khopade, his son Sagar and Sagar's friends Nitin Khilari and Santosh Nimangare - were acquitted by the Sessions Court. Mayavati has no hope that justice would ever be done. Still, she is grateful to the then Home Minister, R. R. Patil, for giving her a hearing. The policemen who were entrusted with the investigation of the case and provide her with protection gave her some confidence initially. Her neighbours have been lending a helping hand to her from time to time. But the feeling of hurt and pain is evident. With tears in her eyes, Mayavati tells us, "Sorry! I just lose control. My entire world has fallen apart. I have lost everything I had."

Mayavati found herself in a piquant situation after her husband's killing. Originally a resident of Pune, she is unlettered. She finds it difficult to operate even a basic mobile phone. But she is a fighter, as she tries her best to overcome the calamities that befell her, one after another. She has lost her husband, who was the sole breadwinner of the family. She lost the piece of land in Bhandup which her husband had invested his life's earnings and where he dreamt of building their own house. She had to sever ties with her only daughter and grandchildren when her son-in-law allegedly tried to con her. As if all this was not enough, she is living under constant fear as her next door neighbours, who were tried for the killing, have been acquitted and have returned home. But a resolute Mayavati continues the struggle to make both ends meet as a paid volunteer of the BJP and by working as a door-to-door saleswoman selling sarees.

Today, with the Khopades having returned home, Mayavati, who is living a lonely life, feels threatened. When she is at home she rarely opens the door. "Won't I get scared? I have to go out to buy vegetables and to fetch water. I go out to sell clothes. I need to step out of the house every day. But I avoid the road opposite my neighbour's house. I do not want to see their face. They have ruined my life."

Some observations and unresolved questions

Despite Mayavati having assistance from the highest levels of power in the Mantralaya, she was denied justice by the system. That Vasant Patil was murdered in broad daylight has never been in doubt. Yet nobody has been found guilty. We could not access the court records as Mayavati being unlettered does not have copies, nor could we find the case detail.

- It is not clear what kinds of evidence was collected by the police during the investigation.
- Mayavati's refusal to go for the identification parade to spot the culprits might have hurt the case badly.
- It is not known whether the court made any effort to provide her with legal aid as a family member of the victim.
- It is not known what efforts were made by the police to examine witnesses in the locality who might have seen the armed gang enter and leave Vasant Patil's house that fateful morning. Surely, someone would have spotted the assailants as the neighbours gathered about the house soon after the gruesome murder. Nobody seems to have heard the commotion that might have been caused during the attack. Did Vasant Patil cry out for help which nobody heard?
- Does the act of transfer of investigation of the case from the local police to the Crime Branch not indicate lack of faith in the ability of the local police to conduct impartial investigations? This is not an isolated issue but a systemic one that speaks volumes about police performance and confidence levels of the community in the ability of the police to prevent and investigate crime. Has the government paid serious attention to these macro-level issues?
- Even stranger is the lack of media reports about the acquittal. While the incident of Vasant Patil's murder and the intervention of the then Home Minister got wide coverage in the English language media, the media failed to follow up on this case. As a result the acquittal seems to have gone completely unnoticed by anybody but those closely involved with the case. What does this speak of the responsibility of the media sector in general towards cases that they report initially? Should there not be a follow-up on the manner in which the criminal justice system reacts to such occurrences?



ABRAR AHMAD JAMIL ANSARI
KILLED ON 17 DECEMBER, 2013
BHIWANDI, DIST. THANE

Brief Profile

Studded with more than seven lakh (700,000) powerlooms, Bhiwandi, a small town in Thane district, is often referred to as the Manchester of Asia. Between three to four lakh people are employed by the flourishing textile industry. After the British Raj cracked down on people who joined the first war for independence in 1857, Muslim weavers from Uttar Pradesh and Bihar migrated to Bhiwandi to escape their wrath. Local history remembers Khan Saheb Samad Seth @ Abdus Samad Momin, an enterprising man who lived by the principle “sell off gold and buy iron” for starting the first powerloom in 1927. With the

advent of powerlooms, Bhiwandi soon developed into a textile town.

This history of Bhiwandi is well known. What many people do not know is how common RTI use is in Bhiwandi. There are multiple reasons for RTI’s popularity in Bhiwandi. One of them appears to be the ineptness of the Bhiwandi-Nizampur Municipal Corporation to provide effective and efficient urban administration. Another is the overbearing influence of communal politics that forces people to rely on RTI to get access to basic services and amenities instead of relying on the patronage of local leaders. Arguably, there might be very few places across India like Bhiwandi where blank forms for RTI applications and appeals are available at almost every photocopying centre and almost any typist operating by the roadside is able to crunch out an RTI application if he or she is provided just the name and address of the applicant and subject on which information is required.

It was in these circumstances that Abrar Ahmad Jamil Ahmad Ansari, a shopkeeper living in Barf Galli of the Kapaali area of Bhiwandi turned into an RTI activist to unearth large scale irregularities in the Building Permission Department of the Bhiwandi-Nizampur Municipal Corporation and expose the land sharks-builder-politician-civic officials nexus.

His RTI interventions

Information about Abrar Ansari’s use of the RTI Act is not available in sufficient detail. In superficial compliance with the directions of the Maharashtra State Information Commission, the Bhiwandi-Nizampur Municipal Corporation displays links to information sought by Abrar Ansari on its website. However, this link does not contain any substantive information. Clicking on it displays a “page under construction” message.

After several attempts, we managed to locate Abrar Ansari’s family in a dimly-lit building in the crowded Barf Galli, a lane dominated by a community of goat slaughterers. However, his family was unwilling to talk about him.

We tried talking to several RTI workers from the town and former officials of the Municipal Corporation. Most of them were reluctant to talk about his murder. The reason: he is alleged to have been murdered by an influential politician and a whisper campaign had been going on to brand him as a blackmailer, and portray his killers as “dedicated social workers and do-gooders”.

According to local RTI activist Ayaz Shaikh, “Between 2010 and 2012, the city faced severe problems with infrastructure. Several new projects had been promised but none had taken off. As a result, residents of Bhiwandi were facing problems due to narrow roads which were often dug up for laying drain pipes or for some other construction. Filth and garbage lay strewn all around. Supply of water and power was infrequent and inadequate. These civic issues boosted activism among alert citizens who used RTI in a bid to improve the living conditions in their own areas. This increase in the use of RTI resulted in some scams coming to light. Corruption became a major rallying point during the campaigning for the civic elections in 2013. Just like many other citizens, Abrar Ansari too began using RTI around 2010.”

Ayaz Shaikh added, “Ansari concentrated mainly on issues relating to the city’s unrestricted and unplanned development. He would file RTI applications mostly seeking information related to issues like land-grabbing, encroachments, unauthorised constructions and apathy of the civic body towards taking any action against such unauthorised constructions and the irregularities in granting building permissions.”

Shaikh admits he did not know Ansari personally. Yet he had heard a lot about his use of RTI. “In a short time, he exposed several scams involving land sharks, builders, politicians and civic officials. He also filed some complaint cases in this regard. Thus, he became a force to reckon with in the civic body’s corridors,” Shaikh said.

According to the local residents, just before he was attacked, Abrar Ansari had obtained information about the construction of an unauthorised building which allegedly involved 25 powerful people, including several corporators including Hasib Khan of the Samajwadi Party and civic officials. They said, Abrar Ansari was receiving threats ever since he accessed that information.

The Murder

According to media reports and the FIR filed by the police, Hasib Khan had called Abrar Ansari for a meeting near his residence in the Fatimanagar area of Bhandup (West) on the night of 16 December, 2013. When Abrar Ansari reached the meeting point located near a soap factory, a gang of nine persons armed with sticks and iron rods attacked him. He suffered multiple fractures on his hands and legs besides some deep wounds. As he was bleeding profusely, he was taken to a private hospital by some local residents and shifted to Nain Hospital in Mumbai later. He succumbed to his injuries the next day.

An FIR under Section 325 IPC (causing grievous wounds), was filed at the Shantinagar police station on 16 December itself. It named Corporator Hasib Khan, Ashif Sher Khan, Gufran, Ashid Khan, Wasim and Bahatar Puli as some of the suspects. After Abrar Ansari's death, the offence of murder under Section 302, 1PC was added.

However, the first arrests were made two months later, on 23 February, 2014. Corporator Hasib Khan, Sher Khan and Wajid Shaikh who was not named in the FIR were arrested. The other accused named in the FIR were never arrested.

The Criminal Trial

After completing the investigation, the police filed a chargesheet against Hasib Khan, Sher Khan and Wajid Shaikh. Later they were released on bail pending trial. The only consolation was that they were externed from Bhiwandi after being enlarged on bailed. At the time of writing there was no credible information about the current status of the criminal trial.

NHRC takes cognizance of the incident

According to a report about the cases of attacks on Human Rights Defenders looked into by the National Human Rights Commission (NHRC), published on its website, NHRC took cognizance of the complaint about Abrar Ansari's murder in early 2014. Notice was issued to the Police Commissioner, Mumbai calling for a detailed report of the incident and action taken to bring the guilty to book. In April 2014, the Deputy Commissioner of Police (DCP), Zone-II Bhiwandi submitted a report giving details of action taken in the case. The DCP claimed that proper investigation into the murder had been carried out after registering an FIR. While Gufran had been granted anticipatory bail, Ashif Sher Khan was in judicial custody at the time of submission of this report. The DCP claimed that chargesheet had been filed against five accused persons in March 2014. He stated that the search for other accused persons was being conducted. The NHRC considered this report and sent a copy to the complainant seeking his comments and directed the DCP to file a fresh status report about action taken to arrest the remaining accused within four weeks. No further details are available on the NHRC's website.

The Aftermath

Bring up the topic of Abrar Ansari's murder and people of Bhiwandi become uneasy.

In an attempt to track down Abrar Ansari's family, we contacted Prakash Neel, owner-editor of *Daily Sabkar Sandesh* (local newspaper) in Bhiwandi. Initially he agreed to help us. Later on he changed his mind. He declined any assistance saying he would not like to be involved.

Ayaz Shaikh confided in us, "A local journalist, Abu Les, informed me about the murder. When I started trying to find out details of the incident, Shaharyar Khan, a former engineer in the

municipal corporation, sought a meeting with me. He told me Abrar Ansari was killed because he was using RTI to blackmail people.”

When we confronted Shaharyar Khan at Kazi Hospital in Bhiwandi, where he was undergoing dialysis, the former engineer flatly refused to acknowledge that any such conversation had ever taken place between him and Ayaz Shaikh. “I don’t know anything about Abrar. I know Ayaz Shaikh because he used to come to me seeking my guidance to interpret the documents he obtained under the RTI. I have nothing to do with any other RTI worker. Of course I know Hasib Khan because he was a corporator. He was not vocal at the general body meeting of the municipal corporation but he did a lot of development work in his ward,” Khan claimed.

Abrar Ansari’s family refused to meet or even talk to us on the phone. When we reached their house, initially nobody opened the door. Later, a woman did come to the door, but told us to go away. When we asked about the whereabouts of Abrar Ansari’s brother, Rafiq, she said he was at his shop in Bhiwandi. After much persuasion, she gave us Rafiq’s mobile number. However, Rafiq refused to meet us saying he was in Thane. He promised to talk over the phone the next day but then did not respond to our repeated calls later on. Later, when we sent a message urging him to respond to our call, he replied with a message saying, “Sir, I’m sorry and I’m not interested in talking about that matter.”

Some observations and unresolved questions

Even though we spoke to RTI activists, journalists and former civic body officials in Bhiwandi, several questions remain unanswered:

- why did the police try to dilute the case by pressing charges of causing grievous hurt instead of filing a case of attempted murder under Section 307 of IPC on the day on which Abrar Ansari was attacked when obviously his injuries were life threatening?
- why was there a two-month delay in arresting Hasib Khan and other attackers?
- did Shaharyar Khan tell Ayaz Shaikh that Abrar Ansari was a blackmailer? If yes, why? And if he had said so, why did he claim that he did not know anything about Ansari later on when we met him?
- why did journalists and several others in Bhiwandi refuse to even speak about Abrar Ansari’s murder?
- why is the family unable to even speak out about the murder and the trial? Why has the police not provided them adequate security in order to overcome their fears?



BHUPENDRA VIRA
KILLED ON 15 OCTOBER, 2016
KALINA, DIST. MUMBAI (SUBURBAN)

Brief Profile

Born in a middle class Gujarati family settled in Mumbai, Bhupendra Vira's life was full of hardships. His mother died when he was young. He quit studies after passing his Class IX examination in Gujarati medium. He started working at a wholesale shop dealing in coconuts. Later, Bhupendra Vira ventured into the steel trade, in partnership with his brothers who established a private firm. However, after their father's death, 15 years ago, the brothers split up and the firm was shut down.

The Vira family had lived in Razzaq Chawl in the Kalina area of Santa Cruz (East) in Mumbai (Suburban) district for more than four decades. Razzaq Chawl is a cluster of tenements situated on some five acres of land behind the Kalina Masjid. Some tenements are used for residential purposes and others for commercial use. The entire Chawl is owned by Razzaq Khan who owes allegiance to the Indian National Congress (INC).

Bhupendra Vira who was a businessman became an RTI activist because of the alleged illegal activities of his landlord- Razzaq Khan, a former corporator elected to the Brihanmumbai Municipal Corporation (BMC). Such was the effect of his use of RTI that it forced BMC officials to act against scores of illegal constructions, delivering a body blow to the landlord-turned-corporator. A part of his residence was also demolished. This created enmity between him and Bhupendra Vira which resulted in the latter's death.

Bhupendra Vira's wife Ranjana says, "Our family was living here even before I got married to Bhupendra Vira 43 years ago. We possessed five rented units. While we lived in this unit comprising three rooms, we used the other units for business. After the steel trading firm folded up, my husband set up a stationery-cum-photocopy shop in one of the units. We used other units to store the raw material and stationery."

His RTI interventions

Bhupendra Vira's struggles began in 2010 when the former corporator and his sons used muscle power to try and evict him from his rented units and repossess the property to let it out to another tenant for a higher rent.

Ranjana recalls, "Our shop had been closed for some days. One day, I spotted Razzaq Khan and his sons breaking the locks and throwing out our belongings. I immediately told my husband and our son Mayur. The latter rushed to the spot and protested, but the armed goons attacked him with sharp weapons. That resulted in a police case. We also filed a case in the city civil court. The enmity started from there as the case dragged on for years." Razzaq Khan and his son Amjad

Khan were arrested on the basis of the complaint filed by Mayur.

Bhupendra Vira's son-in-law, Sudhir Gala says, "Razzaq Khan and his sons were in the habit of occupying properties illegally. That is how they had become rich. They would not spare even their own tenants. If a tenant kept his unit closed, they would break the locks, repossess the property and let it out to another tenant at a higher rent. This had been going on for several years but there was little resistance as the victims were unorganised and the landlord had a nexus with the civic body and police officials."

He further says, "When the landlord grabbed our properties, my father-in-law stood up against him. While the court case was on, he came to know about RTI. He studied the RTI Act and realised that it was a powerful tool to seek justice. That's how his use of RTI began some six years back."

Sudhir Gala adds, "During his fight against the property grabbing actions of Razzaq Khan and his sons, my father-in-law realised that there were several others too who would have liked to resist such depredations of the former corporator and his sons. They had not pursued any course of action because they were unable to take on the high and mighty on their own. Secondly, they did not have proper guidance. Determined to teach a lesson to Razzaq Khan and his sons, my father-in-law organised an informal forum of several victims, who accepted his leadership. People started coming to him for guidance when their properties were grabbed or when they faced problems due to lack of amenities. This is how my father-in-law became a crusader for public causes. This initiative brought him fame and respect."

Prominent RTI activist Clarence Pinto, from the Voice of Kalina, ALM says, "Though Bhupendra Vira had no formal legal training, he had mastered the use of RTI. He launched an all-out attack on irregularities in property deals, corruption in BMC and nexus between the real estate mafia, politicians and civic officials. He filed several RTI applications with the civic body to expose corruption. If the PIOs denied information, he would shoot away a first appeal to the First Appellate Authority (FAA). He would fight tooth and nail and ensure that he got the required information. Then he would use the information obtained under RTI to approach every available forum seeking remedial action. If the BMC officials failed to act, he would move the Lokayukta. He would file police complaints against illegal constructions and property grabbing. He would also file civil cases in courts. The real estate mafia felt threatened due to his actions."

Sudhir Gala said, "Even the Lokayukta had appreciated my father-in-law's courage and dedication. Following a hearing of a case which my father-in-law fought vigorously and won, the Lokayukta had observed that India needs more people like Bhupendra Vira to weed out corruption and make India stronger."

Some of the issues that BhupendraVira is said to have exposed through RTI are:

- Supreme Packaging Industries building at Chandu Studio Compound, Kalina - a total of

13 units for commercial purposes were built at Chandu Studio Compound allegedly in violation of building byelaws;

- Noor Razzaq Chawl No 4 - as many as 14 rooms were allegedly built illegally at Noor Razzaq Chawl No. 4- a two storeyed building behind Kalina Masjid;
- Kamani Engineers building at Chandu Studio Compound - a total of 60 units were allegedly built in an illegally constructed three storeyed building;
- Illegal structures behind Kalina Masjid - illegal structures housing Amjad Metal Works, Currant Crafters, Kesuriwala industries, S K B Industries were allegedly built behind Kalina Masjid;
- 70 units allegedly built illegally at Peterwadi, behind Golden Pebbles Society (which is near a 2-Star Hotel). These included a three storeyed marriage hall and three tenements;
- Lala Mansion building - Razzaq Khan's son Amjad Khan had allegedly built two floors of this building at Kole Kalyan village in Andheri illegally for his own residential use;
- Tenement behind Kalina Masjid comprised 18 rooms which were said to be in clear violation of building byelaws;
- A two storeyed building at Chandu Studio compound where construction of three units had been completed and work was on to construct one more floor when Bhupendra Vira intervened.
- Noor Razzaq Chawl No 5 - a total of seven units were allegedly constructed illegally in this two storeyed building.
- Nana Namdeo Chawl behind Kalina Masjid - a two storeyed structure comprising seven units had been constructed blocking the road and work was going on to build more units when Bhupendra Vira intervened.
- Encroachment of open space of Golden Pebbles Society behind Kalina Masjid- this was also allegedly illegal.

In all these cases, Bhupendra Vira obtained information by filing RTI applications with BMC and then moved the Lokayukta and the local civil court for remedies. He also filed police complaints against Razzaq Khan and his sons Amjad Khan and Nisar Khan in this context

In all these cases, demolition orders and notices were issued by the civil court and the BMC. During the period of six months before he was murdered Bhupendra Vira was responsible for 100 notices and demolition orders being issued against illegal structures, most of them allegedly belonge to Razzaq Khan.

The Murder

Bhupendra Vira was shot dead at his three-room ground floor residence in Kalina on the evening of 15 October, 2016, while he was watching TV. His wife Ranjana was also present in the house

but she did not hear any gunshots.

Ranjana said, “A festive atmosphere prevailed on that day as it happened to be Sharad Purnima and a marriage was going on in the neighbourhood. We normally have meals early in the evening and Vira had the habit of watching TV after his dinner. On that fateful day, after his dinner, he switched on the TV set to watch a religious sermon being broadcast on a channel. Since some children playing outside were making a lot of noise, he opened the door and asked them to lower their voices. He then sat down in a chair leaving the door open. I went to the other room, changed my clothes and returned to the drawing room in a few minutes to find him lying still in the chair. Blood was oozing from his temple.”

Ranjana recalls, “Amjad (son of Razzaq Khan) was loitering in this area since the afternoon. I had noticed him peeping inside our house earlier in the evening but did not pay much attention.” Sudhir Gala says, “Probably he did not dare shoot my father-in-law then and as there were too many people around, he could have got caught. The children were playing outside at that time; my mother-in-law was also with my father-in-law. That seems to have made him wait for some time.”

Ranjana immediately summoned neighbours who helped her take her husband to the VN Desai Hospital in Santa Cruz. Meanwhile, Ranjana called up Sudhir Gala, who lives in Kurla, and informed him about the incident.

Sudhir Gala recounts, “I was home when around 9.45pm my mother-in-law rang up. She told me that my father-in-law was injured. I thought maybe he had fallen and suffered minor injuries. I tried reassuring her but she said she was taking him to the VN Desai Hospital. That was when I realised it was a serious matter. I immediately left for the hospital and reached there about an hour later. By then the doctors had pronounced my father-in-law dead.

The Police Investigation

After Bhupendra Vira was declared dead, policemen from Vakola Police Station reached the hospital. The medical examination revealed that Bhupendra Vira had been shot from close range and the bullet had entered his head through the right side of his temple and exited near the left ear. The body was sent to J J Hospital for post-mortem.

When the policemen went to the spot, they found an empty bullet lying in the room where Bhupendra Vira was watching television. Later, Sudhir Gala filed a complaint with the police naming Razzaq Khan and his sons and alleging that they had killed Bhupendra Vira because he had launched a crusade using the RTI to expose their illegal activities. A formal FIR about the murder was filed at Vakola police station on the basis of Sudhir Gala’s complaint around 2.35am on 16 October, 2016.

However, no immediate arrests were made even though Sudhir Gala had named Razzaq Khan and his sons in the FIR. The police suspected that a contract for murder had been given out in Bhupendra Vira's name. They questioned nine suspects in October 2016.

The police first tried to present the case as a murder that had taken place due to a property dispute. Newspaper reports published at that time quoted Deputy Commissioner of Police Ashok Dudhe saying, "It looks like a land dispute led to the Khans killing Bhupendra Vira."

On 17 October 2016, Razzaq Khan and his sons Amjad and Nisar were arrested. The police claimed that, during interrogation, Amjad had told them that he fired at Bhupendra Vira from a country-made revolver and hid it at his Kalina residence. The police recovered the firearm from his house and sent it for ballistic examination. A month later, the Forensic Science Laboratory reported that the bullet that killed Vira was fired from the same weapon.

The Criminal Trial

The Police's Crime Branch Unit 8 filed a 602-page chargesheet in the Killa Court on 12 January, 2017. The chargesheet made out charges under IPC sections 302 (murder), 120B (criminal conspiracy) and 34 (common intention) as well as relevant sections of the *Arms Act, 1959* against the accused.

It listed 92 witnesses in the case and recovery of the murder weapon – a pistol and 12 live cartridges – and confessions of the father and sons. The case has been committed to the session's court. Razzaq Khan, Amjad Khan and Nisar Khan had to spend 10 months in jail. They were released on bail later on. The outcome of the trial is awaited.

The Aftermath

The murder of Bhupendra Vira was a major blow to his wife Ranjana Vira and sons Mayur and Rohit. Mayur is a supplier of raw material to hotels in Goa, and Rohit is a construction material supplier based in Bangalore. Bhupendra's daughter Khushbu is married to Sudhir Gala, a hairpins manufacturer.

The worst impact of Bhupendra Vira's death is felt by Ranjana, who now earns a living by running a tiffin service. As Mayur and Rohit live outside Maharashtra, the responsibility of taking care of Ranjana has fallen on the shoulders of Khushbu and Sudhir Gala, who shuttle between their unit in Dahisar, the Vira residence in Kalina and their own residence in Kurla.



Ranjana Vira

The release of Razzaq Khan and his sons has left Ranjana and other members of the family worried about their safety.

Fortunately, Ranjana is in touch with with other RTI activists including Clarence Pinto of Voice of Kalina, ALM, who often visit her residence to reassure her and also follow-up on public interest matters raised by her late husband. BMC is taking action against illegal constructions exposed by Bhupendra Vira, albeit at snail's pace.

Action Taken by the Maharashtra State Information Commission

Following the murder, leading transparency advocate and former Central Information Commisisoner, Shailesh Gandhi, wrote a letter to the Maharashtra State Information Commission demanding publication of Bhupendra Vira's RTI applications and responses so as to frustrate the motives of the assailants and other vested interests who wanted the information to remain under wraps.

On 17 October, 2016, the then State Chief Information Commissioner (SCIC) Ratnakar Gaikwad ordered BMC and the State to share details on the RTI applications filed by Bhupendra Vira, which activists say could reveal the larger motive behind the killing.

“The murder of Bhupendra Vira needs to be probed on top priority and the guilty should be punished without loss of time to send a message to anti-social, corrupt and criminal elements. It is also necessary to put in public domain the information Vira had sought over the last one year from public authorities, especially the BMC,” SCIC Gaikwad said in the order.

He had given the Municipal Commissioner of BMC a deadline of 30 October, 2016, to post the information on the official website. He also asked an Additional Chief Secretary to the Government of Maharashtra to review Bhupendra Vira's RTI applications filed with different departments and upload the details on the government's portal. BMC has complied with this directive by publishing Bhupendra Vira's RTI applications and replies on its official website.

Aam Aadmi Party leader Priti Sharma-Menon, meanwhile, accused the police of failing to prevent the murder. “Vira had filed several complaints against Razzaq Khan, saying he was receiving death threats. But the cops took no action. Their negligence resulted in the murder,” she said.

Some observations and unresolved questions

After reviewing the FIR lodged by Sudhir Gala and newspaper reports and listening to the family's account, multiple questions crop up about the manner in which officials at Vakola Police Station handled the case:

- immediately after the murder of Bhupendra Vira, why did the police insist on treating the case as a murder arising out of a personal property dispute when Sudhir Gala had mentioned

about Vira's activism in his complaint to the police?

- when Sudhir Gala had specifically named Razzaq Khan and his sons in his FIR, why did the police not arrest them immediately? Why was an entire day spent on questioning several other people and ruling out the possibility of it being a case of contract killing when the family specifically identified Razzaq Khan and his sons as suspects?
- why has the trial dragged on for more than three years despite the Supreme Court of India holding that victims of crime have a fundamental right to speedy justice?
- why has BMC been slow in acting against individuals and firms indulging in illegal constructions and encroachment of public roads?

Photo Not Available

MOHAN GANUJI WAGHMARE
KILLED ON 27 FEBRUARY, 2017
KOLHE LAYOUT, DIST. YAVATMAL

Brief Profile

Formerly a part of Berar province, Yavatmal city is part of Amaravati Division in Maharashtra. Black-soil rich Yavatmal is famous for cotton which is a major cash crop cultivated in the Vidarbha region. The city's economic life primarily revolves around cotton with industrial activity mainly focusing on cotton collection, ginning, weaving yarn and textiles. Indian textile and fashion major Raymonds' cotton factory is a landmark in the district. The district is populated by several Scheduled Caste and nomadic tribal communities. Yavatmal is famous for its Navaratri (Dussehra) festival occurring in the autumn

season (usually in October). The Durga Puja mandap (platform) is said to be second only to those constructed in Kolkata, West Bengal. Tipeshwar wildlife sanctuary in Pandarkawada tehsil and the Sahastrakund waterfall on the boundary of Marathwada and Vidarbha regions are other places of tourist interest.

Journalist turned RTI activist Mohan Ganuji Waghmare hailed from Uttar Wadhona Village in Ner tehsil of Yavatmal district. Fifty-four-year old Waghmare was living alone for two months ever since his wife Murdika moved to her parent's house in Borising Village just before his murder. Apparently, relations between Waghmare and his wife were strained. Waghmare's daughter was studying in Hyderabad while his son was studying at Chandrapur, also in Vidarbha.

His RTI interventions

Unfortunately, not much information about Waghmare's RTI activism is publicly accessible. We tracked down Digambar Pajgade, one of his friends and a colleague in his RTI crusade, Digambar Pajgade has been a whistleblower in several scams including the Jawaharlal Darda Education Society land scam in Yavatmal, allegedly involving former state education minister Rajendra Darda, who is the editor-in-chief of the Lokmat media group, and former chief minister Ashok Chavan. "He (Waghmare) was a towering personality. He would accompany me to Delhi, Mumbai and other places for procuring information and pursuing court cases. When he would find it hard to get information under RTI about corruption and scams, he would consult me. He had exposed a case of illegalities in a local shopping complex," Pajgade told us.

However, he was not in a position to provide documents about cases unearthed by Mohan Waghmare or information sought by him under the RTI and replies received from public authorities. He said, "Waghmare would keep files of his cases with him. I had told him that I had to maintain many files of so many cases that it would be better if each one of us maintained one's own files. Therefore, I do not possess documents procured by Waghmare under RTI."

He added, “Waghmare was a witness in three cases that I had filed. He had testified in one of the cases filed by me and was to testify in two others.”

According to newspaper reports, Mohan Waghmare was an eyewitness in a case of attack on Digambar Pajgade. The latter had suffered a deep wound in his head when he was attacked with a chopper in the Jamankar Nagar area on 09 April, 2013. The assailant, Mayur Vadafale (20), a resident of Wagapur village, had fled after attacking Digambar Pajgade, dropping the chopper on the spot. Digambar Pajgade’s wife, Vandana (47), had lodged a complaint at the Wadgaon Road Police Station saying she and her husband were heading towards the market on their motorcycle, when Vadafale, intercepted them. She alleged that as soon as they got down, Vadfale attacked Pajgade with a chopper, snatched Vandana’s gold necklace and cash worth Rs 5,000 and fled. Though newspaper reports quoted police Sub-Inspector Naresh Randir saying that old rivalry was believed to be the motive for the attack, he did not mention Pajgade’s efforts to seek police protection apprehending a serious threat to his life. Prior to this attack Digambar Pajgade had lodged a complaint with Superintendent of Police of the district about an impending threat to his life and sought police protection.

The newspaper reports said Digambar Pajgade had filed two separate PILs before the Nagpur Bench of the Bombay High Court against the Dardas who had allegedly grabbed land worth INR 40 crore (40 Million rupees) in the Darda Nagar area and allegedly misused the MP Local Area Development Fund to the tune of INR 1.32 crore (13.2 Million rupees) for constructing a multi-storeyed school building. Former Maharashtra Chief Minister Ashok Chavan was made a Respondent in this case for not taking action against the Dardas in the land scam. The PILs came up for hearing on 36 successive dates, but each time the Bench refused to hear them. The Chief Justice of the Bombay High Court then constituted a special bench comprising Justices Z A Haq and Ravi K Deshpande and the PILs were posted for final hearing on 23 October, 2015. But, Justice Deshpande recused himself from the case. This prompted Digambar Pajgade to make a representation before the Chief Justice and Registrar General of the HC on 17 January, 2016 demanding that a Special Bench comprising judges from USA, UK or other foreign countries be set up to hear the case as eight Indian judges had refused to hear his petition. Mohan Waghmare was his compatriot in most of these efforts.

The Murder

On 27 February, 2017, people living in the neighbourhood of Mohan Waghmare’s house discovered a foul stench emanating from within and raised an alarm. One Manubai Pathane alerted Mohan Waghmare’s brother about the stench around 7.30pm that day. He rushed to the spot and found the door bolted from inside. He informed policemen at the Wadgaon Road Police Chowki. They arrived around 10.30pm and forced open the door to find the decomposed body of Mohan Waghmare. Local newspaper reports quoted unnamed police sources saying that unidentified killers had stabbed Mohan Waghmare to death with sharp-edged weapons, climbed the staircase to the roof of the house and jumped out. According to these reports blood-stained

shoe marks were found on the staircase and the rooftop of Mohan Waghmare's house. Mohan Waghmare seemed to have been murdered a few days before his body was discovered lying unattended in his house.

The Police Investigation

On 04 March, 2017, four days after his decomposing body was found, the then District Superintendent of Police of Yavatmal, M Rajkumar, announced at a press conference that Mohan Waghmare's brother-in-law Vinayak Bhagvan Bhavare, a resident of Bori Gosavi, had murdered him with the help of his friend Datta Fattu Rathod on the night of 23 February, 2017. He said the murder was a fallout of disputes over domestic and property matters. He claimed that Bhavare and Rathod had confessed to the murder during their interrogation after their arrest.

Though Digambar Pajgade hinted at the possibility of Mohan Waghmare's murder being connected to his RTI activism, he refused to comment on the investigations. He said, "I cannot comment on what happened and what did not happen. The accused were arrested. They have been granted bail now. What I feel is not relevant because the police is the one who investigate. How can we take a stand? I take a stand only when I am convinced myself."

"When one tries to do some good work, people harbour enmity against him. In my case, when I fight against corruption, my family gives me full support but in other cases, family members do not realise the value of such work. Sometimes there are attacks. Sometimes there are attempts to pressure you. There are attempts to terrorise the activist. In some families, there are personal enmities or the relationships are strained. Still the activist keeps on doing his work," Digambar Pajgade added.

He continued, "Since investigations in criminal cases are carried out by the police and we are not a party to the investigations, it would not be appropriate for me to comment on it. In a civil case one can take a firm stand. In this case, the accused have been arrested, evidence has been collected against them, and they have been caught on the basis of their mobile location or something else. Therefore, I cannot say this murder may have been committed by somebody else."

The Criminal Trial

The police filed a chargesheet in the court of the Chief Judicial Magistrate on 26 May, 2017. The case (RCC No. 2374/2017) was subsequently transferred to the District and Sessions Court for trial. The trial is going on. Meanwhile, both the accused Vinayak Bhavare and Dattu Rathod have been granted bail.

Some observations and unresolved questions

This has been one of the most challenging cases for us as no information has been forthcoming about Mohan Waghmare's RTI activism or probable cause of his murder. We tried to talk to a local reporter who had covered the murder case but he refused to comment on whether the murder was in any way connected with Mohan Waghmare's RTI activism. We have sought information from the police about the case under the RTI and the response to our application is pending.

Curiously neither the local nor the regional newspapers have followed up on this case.

However, from the newspaper reports that are available, it appears that the police never considered the possibility of Mohan Waghmare's murder being associated with his RTI activism. Given the fact that he supported Digambar Pajgade's struggle against the illegalities committed by local bigwigs, it is not possible to rule out the role of such affected parties in the murder.



SUHAS BHAURAO HALDANKAR
KILLED ON 09 APRIL, 2017
PIMPRI-CHINCHWAD, DIST. PUNE

Brief Profile

Not too long ago, Pimpri-Chinchwad was a little known suburb of Pune. Today it is a modern city with its own municipal corporation and its own police commissionerate. Its meteoric rise is primarily due to rapid industrialisation and its municipal corporation is listed among the richest in Asia. The city boasts of a variety of industrial establishments, primarily comprising automotive and manufacturing industries like Bajaj Auto, Tata Motors, Kinetic Engineering, Atlas Copco and Alfa Laval. The twin cities as well as the cantonment areas of Pune, Khadki and Dehu Road form the urban core of the

Pune Metropolitan Region (PMR).

It is the unbridled growth in neighbourhoods like Kharalwadi that has spurred many RTI activists in the area to risk their lives and demand accountability from the Pimpri-Chinchwad Municipal Corporation (PCMC) where corporators have developed vested interests in practically every civic amenity constructed for the citizens. There are multiple allegations of large scale corruption and financial irregularities in the contracts awarded by PCMC.

Thirty five year-old Suhas Haldankar, a resident of Kharalwadi, belonged to a middle class family which lived in a chawl. He found the RTI Act to be a powerful tool to procure information regarding the shoddy civic works undertaken by the PCMC.

His RTI interventions

In December 2016, Suhas Haldankar had filed an RTI application, seeking information about the name and details of the contractor who was constructing public toilets and drainage lines in Ward no. 40 of Kharalwadi. He had also asked for details of road construction and paving in the same ward along with the name of the contractor and financial details. To the credit of the PCMC, he was provided nearly 1,000 pages of information in two separate replies. Details revealed that works amounting to nearly INR 1crore (10 Million rupees) were given to a handful of contractors with specifications laid down about the quality of work to be executed. In reality the works were done in such a shoddy manner, it became clear that most of the funds had been siphoned off instead of being spent on the construction job itself.

Armed with this information, Suhas Haldankar, submitted several complaints about the poor quality of the public works undertaken, to the Municipal Commissioner of PCMC. However, Ward No. 40, which is in proximity to the PCMC headquarters, was literally the private fief of two corporators, the Kadam brothers. One of them was President of the Indian National Congress-affiliated labourers' union, Indian National Trade Union Congress (INTUC).

“Haldankar was a genuine RTI activist and pursued the cause with utmost dedication and sincerity. He had raised various issues of poor civic amenities with PCMC after procuring documents from various departments. However, no action was taken as the Kadam brothers were known to ‘terrorise’ people into silence in their constituency. He fell a victim to goondism,” senior journalist Avinash Chilekar said.

With the help of the documents he procured through RTI, which included copies of MoUs between the contractor and the civic authority, he had shamed the culprits, mostly corporators. He even went public deriding the corporators for putting up illegal banners on the roads. The calling out of the corporators for their inefficiency and alleged corrupt activities, led to further animosity between them. On the eve of the civic body elections, Suhas Haldankar even put up a banner criticising the lackadaisical performance of the corporators during their tenure as people’s representatives. That apparently was the proverbial last straw that broke the camel’s back.

Suhas Haldankar’s sister Shweta Kargotkar told the media on the day he was killed that he was being threatened repeatedly for exposing the civic inadequacies in the Kharalwadi area. “Whether it was the shoddy condition of public toilets for women, overflowing drains, bad state of roads or broken footpaths, my brother always drew PCMC’s attention towards it,” she reportedly said. Before the elections, Shweta said, her brother had put up a board, carrying newspaper cuttings, highlighting the pathetic state of civic amenities. This had not gone down well with politicians who were not doing anything for the people. They had threatened my brother,” she lamented.

The Murder

On 09 April, 2017, Suhas Haldankar was returning home riding his motorcycle around 10pm. He was stopped by two persons at a traffic intersection in Kharalwadi. The two men questioned him about a advertisement board he had put up, highlighting the lack of basic civic amenities in Kharalwadi. He had put up this board just before the civic elections were held. As an argument ensued between them, other people joined the two accused and started thrashing Suhas Haldankar. One of them picked up a concrete block and threw it at Haldankar, hitting him on the head, the police said. Others also threw concrete blocks at Haldankar, who then collapsed in a pool of blood, according to an eye witness, who testified before the police. Suhas Haldankar was rushed to a nearby hospital. The doctors declared him dead on arrival. Eleven culprits were arrested and remanded to eight days of police custody. The next day, local people took out a silent march demanding action against the culprits and an end to “goonda raj” (hegemony of hooligans) in the area.

Manoj More, a senior journalist with *The Indian Express* and a resident of Kharalwadi, said, “In the last five years, as many as ten murders have taken place in the Kharalwadi area of Pimpri-Chinchwad. Additionally, attempt-to-murder cases too seem to be on the rise, with the area witnessing at least 25 of them in the last five years. As the sun sets, miscreants roam freely in the Kharalwadi-Gandhinagar area, openly consuming liquor and harassing women. Two politicians,

Haldankar had put up banners in the area. Both Kailas and his brother Sadguru kadam, also an accused in the case, are former corporators.

Shweta Karghotkar, Suhas's sister said that some of the persons accused of murdering him had been appointed by the PCMC to its Bal Bhavan (a public hall meant for children). "Through an RTI application, my brother found out that they were supposed to be guarding the Bal Bhavan. However, most of them were working for local politicians," she said. Shweta said the same people had threatened her brother earlier. "They used to tell my brother that he should not interfere in their activities or they will deal with him. My brother was also offered money to keep his mouth shut. But he refused. He used to say, "why should we compromise on our principles for a few bucks"," recalled Shweta.

The Criminal Trial

The Police filed a chargesheet in Suhas Haldankar's murder case on 27 July, 2017. At the time of writing this report, we learnt the trial had not begun yet.

Action Taken by the Maharashtra State Information Commission

Suhas Haldankar's crusade was acknowledged by the State Information Commission (SIC) after his death. On 12 April 2017, just three days after his murder, the SIC issued an order directing the PCMC to publish in detail all information sought by Suhas Haldankar since 01 March, 2016 on its official website.

PCMC accordingly issued a circular on 13 April instructing its Heads of Department (HoDs) to submit detailed information regarding RTI applications that Suhas Haldankar had submitted through its single window Civic Facilitation Centre (CFC), within a week. If no information could be shared, the department concerned was required to inform the CFC accordingly. The HODs were warned of punitive action if the information submitted was found to be false. The SIC was to review the information.

Despite these strict instructions, none of the departments submitted the information to the CFC within the stipulated deadline.

Consequently, the CFC issued a fresh circular on 02 May, 2017, extending the deadline for submission of all information within the next three days and warned defaulting HODs of disciplinary action.

At the time of writing the report we checked the PCMC website. Two of Suhas Haldankar's RTI applications and replies prepared by PCMC are accessible to any person under the "RTI Info" section of the website. The first set of documents is regarding his RTI intervention about the sewer construction works in the area along with more than 150 pages of copies of official

records pertaining to the work order, bills and vouchers and payment details made available on the website. The second set of documents pertain to the road macadamizing and paving works undertaken in the area such as tender documents, approvals, sanction orders, bills and vouchers running into more than 720 pages. Documents relating to his RTI interventions about employees of Bal Bhawan are not accessible on this website.

Some observations and unresolved questions

The Police arrested 12 persons in relation to Suhas Haldankar's murder case and filed a chargesheet on 27 July, 2017, within less than four months of the alleged murder. Of the 12 individuals only three continue to remain in jail while nine others are out on bail. However, at the time of writing this report, the trial had not yet begun. We raise the following concerns with this case:

- more than two and a half years have passed since the police filed the chargesheet in this case after completing the investigation. Why has the trial not begun yet?
- A local resident with whom we spoke, told us, at least five of the suspects are accused of committing another murder prior to that of Suhas Haldankar. They were released on bail in that case also. Why did the police not extern them from Pimpri-Chinchwad area despite being fully aware of their antecedents?
- Suhas Haldankar's sister, Shweta Karghotkar claims, he had received life-threatening calls prior to his murder? Why did the police not provide him any protection?
- PCMC, egged on by the State Information Commission sent circulars to its HoDs repeatedly requiring them to proactively disclose Suhas Haldankar's RTI applications they had processed and the responses they had sent to him. Only a couple of the several RTI interventions that he made have been uploaded on their website. Why has action not been taken against the officials who did not comply with this requirement, despite the circular warning them of disciplinary action?



SHAILESH NIMSE
KILLED ON 20 APRIL, 2018
AGHAI VILLAGE, DISTRICT THANE

Brief Profile

Forty-three-year-old Shailesh Nimse was a resident of Aghai village in Shahapur taluka the largest in Shahapur is the largest taluka in Thane district. Surrounded by Sahyadri ranges on all sides, it is rich in forests and water resources. Several major water sources from which Mumbai draws its supply are located in Shahapur. This has made Shahapur a much sought after place for holiday homes and building farm houses. Though the population is predominately adivasi (Scheduled Tribes), Shahapur is fairly well developed due to its pleasing environment, proximity to Mumbai and the Mumbai-Agra highway (NH-3) which cuts across the taluka.

It also has considerable industrial activity as Jindal Steel, Liberty Oil and various other industries have their plants established in this area. Besides, the taluka is also home to at least three dozen educational institutions including several residential schools. All these factors have attracted a sizable number of migrants moving in to Shahapur. This has led to frequent clashes between 'locals' and 'outsiders'.

Forty-three-year-old Shailesh Nimse, a resident of Aghai village in Shahapur taluka, was a well-known public figure. Born in a well-to-do family, he was also a real estate businessman and corporator. Shailesh Nimse was married to Vaishali @ Sakshi Nimse for 15 years. They had three children. Their eldest daughter studies in college, while the other daughter and son study in school.

Shailesh Nimse was the deputy chief of the taluka unit of the regional political party- the Shiva Sena. He built his political career rapidly and became the favourite of the party leadership which first made him deputy chief of its local unit and later gave him the ticket to contest the Shahapur municipal council polls.

His friends and others who knew him told us, he was inclined towards politics and social work ever since he was a teenager. This led him to join the Shiv Sena after he dropped out of school. Uttam Pimple, chairman of the Palghar Municipal Council who was Shailesh Nimse's political colleague and close friend said, "I knew Shailesh since childhood as my sister was working in his area as a political worker. We met for the first time, sometime in the 1990s. He would often visit my house and he was a dedicated Shiv Sainik".

His RTI interventions

There was another dimension to Shailesh Nimse's public persona. He was also an RTI activist. Shailesh Nimse had used RTI extensively to expose alleged irregularities in the *Vishwatmak Jangli Maharaj Ashram Trust*- a socio-religious non government which also works in the education sector. This Trust is registered under *Bombay Public Trust Act, 1950*, having its headquarters at Kokamthana near the well known religious centre- Shirdi in Ahmednagar district. The trust boasts of branches across Maharashtra, Gujarat, Andhra Pradesh, Madhya Pradesh, Karnataka and Uttarakhand.

Besides religious activities, the Trust is actively involved in the area of education. It runs a primary school, junior college and a D. Ed college. The trust had acquired land on a table-top hill on the Mohili-Aghai Road where it set up its ashram, Atma Malik School and Vishwatmak Om Gurudev College of Engineering. It also runs a wrestling centre and a meditation centre besides organising yoga camps and de-addiction camps. It also has a free-of-charge food distribution centre and a healthcare centre. When Shailesh Nimse came to know about certain irregularities in the functioning of the Trust, he used RTI to expose them.

Shailesh Nimse's friend Uttam Pimple says, "He had obtained quite a lot of information under RTI about the *Ashram Trust's* activities and finances. He told me he had filed a case against the trustees on the basis of the information he had obtained through RTI. He was involved in some dispute with the trust when he was murdered. I feel his murder was an outcome of that dispute."

Unfortunately, no further information could be located about Shailesh Nimse's use of RTI as he did not work with other RTI workers in the area. However, workers of his political party and his friends say he would use RTI to take up issues relating to the welfare local residents.

The Murder

On the morning of 21 April, 2018, Kashinath Patil, a resident of Chincheli village found a charred body lying in a thicket near the Dalya Malya hills situated near Devchole village. He reported the discovery to the Ganeshpuri Police Station situated in Bhiwandi taluka of Thane district. Police Inspector Shekhar Dombhe Patil immediately alerted the Police Control Room and rushed to the spot. By the time the police team reached the spot, a sizeable crowd had gathered there.

Additional Superintendent of Police, Thane (Rural), Prashant Kadam, and Sub Divisional Police Officer of Ganeshpuri Sub Division, Krishna Katkar, too reached the spot along with a team of forensic experts. They tried to identify the body by asking people who had gathered there but no one could do so. This indicated that the deceased did not belong to that area. There was no other clue at the spot which would help identify the deceased. The body was sent for post-mortem examination and all police stations in the district were alerted to check cases of missing persons recorded with them. This too proved futile.

The Police Investigation

Later, the police received a tip off that a Hyundai Sonata car had been found abandoned around 1.5km from the spot where the charred body was discovered. The vehicle registration papers revealed that it belonged to Shailesh Nimse. When the police team reached his residence, his wife Vaishali @ Sakshi informed them that he had left home in his car around 1am after receiving a call on his mobile from somebody whom she could not identify. She told the police that he had closed the door from outside while leaving and that she did not know where he had gone and for what purpose. The police then took Sakshi to the hospital where she identified the charred body as that of her husband.

As news of Shailesh Nimse's murder spread, a number of Shiv Sena leaders and workers gathered at the Ganeshpuri Police Station and started raising slogans demanding the arrest of the killers. Senior police officers pacified the party workers, assuring them that the case would be handled by the Crime Branch. A team of Crime Branch officials, led by Senior Police Inspector Vyankatesh Andhale, were tasked with the investigation of the case. Shiv Sena MLA, Eknath Sinde visited her family soon after learning of the murder.



Shiv Sena MLA Eknath Shinde visiting Sakshi Nimse

During the course of the investigation, the police were told that Shailesh Nimse allegedly had illicit relations with another woman and this often resulted in arguments between him and his wife. They also learnt that he would often beat up Sakshi. Pramod Waman Lute was a relative and neighbour of the Nimses. The police found his behaviour suspicious. He was summoned to the police station on 24 April, 2018 and subjected to sustained interrogation. During the interrogation when he was confronted with the call detail records of Shailesh and Sakshi Nimse's mobile phones and CCTV footage obtained from a school situated on the road linking Ganeshpuri to Shahapur, Pramod Lute broke down and is said to have confessed to the crime. On the basis of his confession, the police arrested Sakshi the same day.



The police parading Sakshi Nimse and Pramod Lute at the press conference

The next day, Additional Superintendent of Police, Thane (Rural), Prashant Kadam, claimed at a press conference that the case had been solved as Sakshi Nimse also had confessed her involvement in the murder. The police claimed that Shailesh Nimse's extra-marital affair began in 2013, which had Sakshi worried. She tried to convince him to mend his ways, the police claimed, but he did not pay heed and gifted a flat to his paramour. The police also revealed that Shailesh Nimse tricked Sakshi into signing divorce papers so that he could gift all his property to his lover. He is also said to have told Sakshi the specific date when he would be leaving home to stay with his lover.

According to the police, an enraged Sakshi Nimse then allegedly gave a contract for INR 1.5 lakhs (150,000 rupees) to Pramod Lute and two of his accomplices for killing her husband. According to the police, on the night of 19 April, 2018, Sakshi left the door of their bedroom open, when where Shailesh Nimse was fast asleep. She herself went to sleep in another room but opened the door for Pramod Lute and his two accomplices to enter the house around 1am. They killed Shailesh Nimse and carried his body in the boot of his Sonata car. They are said to have set his body on fire near Ganeshpuri, to destroy all evidence of their actions and abandoned the car at a distance of about 1.5km that spot before fleeing.

After the arrest of Sakshi Nimse and Pramod Lute, their accomplices in the murder Vijay Kisan Vakh and Shiva Dudaram Gharat alias Shivaji could not be arrested for several days despite the police knowing about their involvement.

This delay in their arrest is one of the reasons why some of Nimse's friends suspect the authenticity of the police version. Immediately after the murder, Sakshi had suspected the hand of members of the *Vishvratnak Jangli Maharaj Ashram* Trust in the murder. Thane district Shiv Sena unit chief Prakash Patil and Uttam Pimple too had claimed that it was a well-planned murder.

Uttam Pimple discounted the police version as follows: "There was no reason for us to suspect the involvement of Sakshi as they were living together. We had no inkling that there was any rift

between them. Sakshi would often come to Palghar alone and Shailesh would join her a couple of days later. I do not know anything about Pramod Lute. But I do not think he is a relative of Sakshi. I would not be able to judge Shailesh Nimse as I don't know what he was doing without my knowledge. I do not think it is appropriate to make accusations against him. As for Sakshi, howsoever bad her husband might be, why would she take such a drastic step? She has three children to think of.”

According to Uttam Pimple, the police investigation in the case was shoddy. “I shall give an example. When I told Sakshi that the body was found, she started saying she did not know when he left the house. That was when I had my doubts about the entire matter. I said let us go and see it ourselves. The spot where the body was found was a dense forest. Mumbai gets large parts of its water supply from there. When I left for the spot, the man who had allegedly committed the murder sat beside me to show me the way. He did not know there was a CCTV camera on the route. On spotting the camera, I stopped. I went to the school and asked the staff there if the CCTV camera was functional. He was shell-shocked. Later, it was I who told the police that a CCTV camera was located there and asked them to get the footage. The police could nab the accused because of that. Still, I would go a step ahead and ask, “Isn't there a possibility that someone else instigated his wife to get him murdered? Isn't there a possibility that someone poisoned her mind making allegations about her husband's affair with another woman and that he was set to marry his paramour?” Pimple asked.

He went on to allege the possibility of the *Vishwatmak Jangli Maharaj Ashram* Trust being behind the murder and the police shielding its members. He said, “Nilesh Sambare, a businessman and trustee of the Trust, had levelled allegations against me that I was shielding the accused. When a reporter of the Daily Lokmat told me about what Nilesh Sambare had said, I told him that I have nothing to do with the accused. I have no idea why he made politically motivated accusations against me. I have no political rivalry with him. But Nilesh Sambare happens to be on that Trust and he had spoken at the press conference called by the District Superintendent of Police immediately after the Superintendent of Police left. Doesn't this imply that the police are shielding him? How can he speak there? How appropriate is it? Wouldn't the police come to know about it?” There are more questions and confusion than answers that are plainly visible in this case.

The Criminal Trial

At the time of writing this report, Pramod Lute, Sakshi, Vijay Kisan Vakh and Shivaji alias Shiva Dudaram Gharat continued to remain in jail. After the police submitted the chargesheet on 18 August 2018, the case was committed for trial in the court of Additional Sessions Judge, Thane. The framing of charge is underway. At least 40 hearings were held since 23 August, 2018 till the time of writing this report.

Some observations and unresolved questions

A cursory glance at the police version would convince anybody about the possibility of the arrested accused being the killers of Shailesh Nimse and the motive stated by the police as being the real motive behind the murder, especially in the light of the police claim about the existence of evidence like CDRs of Shailesh and Sakshi and mobile tower tracking of Pramod Waman Lute's cellphone showing his presence in the vicinity of Shailesh Nimse's house on the fateful night. However, scratch the surface further and several questions crop up:

- Why was the likelihood of Shailesh Nimse's murder being precipitated by his use of RTI against the *Viswvatmak Jangli Maharaj Ashram* Trust not investigated by the police? Why, were the statements of the trustees not recorded?
- If Shailesh Nimse had tricked Sakshi into signing the divorce papers, have those documents been seized? If yes, why was no mention made of that at the press conference held by the police after Sakshi's arrest when the police were talking about having other evidence like CDRs, mobile tower tracking and CCTV footage?
- Reports said the spot where the body was found was in a dense forest and also that a crowd had gathered before the police reached the spot. What were the measures taken to prevent crucial evidence from being tampered with at the spot?
- Were attempts made to trace fingerprints on Shailesh Nimse's car after it was found abandoned? If yes, were the fingerprints of the accused found on it? If yes, why did the police remain silent about it during the press conference?
- Uttam Pimple alleges that it was he who located the CCTV camera and alerted the police about its footage. If this is true, why could the police not find the CCTV camera and its footage on its own?
- Uttam Pimple also alleges that trustee of the *Viswvatmak Jangli Maharaj Ashram* Trust, Nilesh Sambare, spoke to reporters at the press conference organized by the police immediately after the Superintendent of Police. Given that allegations had already been made against the Trust, why was Nilesh Sambare speaking at the press conference called by the police?
- There are questions that Sakshi Nimse also must answer. Newspaper reports said Shailesh Nimse left from home around 1am on the fateful night and did not return. It was also reported that Nimse's friends and associates started looking for him in the morning. If this was so, why did she not approach the police and file a missing persons' complaint immediately?
- Newspaper reports quoted Sakshi alleging involvement of the *Viswvatmak Jangli Maharaj Ashram* Trust in her husband's murder. Did she know about any threats received by Nimse?

- Shiv Sena's MLA Eknath Shinde visited Shailesh Nimse's house in the dead of the night after his murder. His supporters had also shared photos on social media praising him for the gesture. But why did the party leadership not try to get to the root of the matter, especially when it is sharing power in Maharashtra along with the Bharatiya Janata Party at the time of the murder?

There are several questions that need convincing answers. We hope the trial throws more light on these matters.

PART II

ROLE OF THE MAHARASHTRA STATE INFORMATION COMMISSION

ROLE OF THE MAHARASHTRA STATE INFORMATION COMMISSION AFTER THE DEATHS OF RTI ACTIVISTS

Alarmed by the hundreds of cases of killings, assault or harassment and threats faced by RTI activists reported by the mass media, transparency advocates have consistently urged governments and police authorities to ensure speedy investigation and trial in order to punish the culprits. They have moved human rights commissions at the State and the national level to oversee the investigations. In a few cases, outside Maharashtra, such interventions have helped in identifying those responsible for such crimes, especially murders of RTI activists and the trial has resulted in punishment for the perpetrators.

The RTI fraternity has also sought the intervention of the Information Commissions- oversight bodies appointed under the RTI Act- to ensure that all information sought by the slain RTI activists are disclosed proactively by the concerned public authorities. The primary purpose of making such a demand is to frustrate the motives of those responsible for the murders or such vested interests that endeavour to keep information about wrongdoing and corruption under wraps which the activists and whistleblowers tried to expose.

These sporadic demands for transparency of information sought by RTI activists who were killed acquired systemic recognition and response thanks to the intervention of transparency advocate and former Central Information Commissioner, Shailesh Gandhi. Following the murder of Bhupendra Vira in October 2016 (case study #10), he submitted a complaint under Section 18(1) of the RTI Act to the Maharashtra State Information Commission demanding that all information formally sought by slain RTI activist-cum-whistleblower be sought from the concerned departments and disclosed proactively on their respective websites. In his complaint he urged the SIC to:

1. “request the police department to enquire into this murder and arrest the culprits immediately;
2. order the public authorities where Mr. Vira’s RTI applications are pending to immediately release all the information which he must have sought in RTI (sic). He had been filing RTI applications to uncover illegal encroachments from BMC, SRA and Lokayukta;
3. direct the police department to provide security to his family; and
4. any other relief you can offer.”

In December 2016, the then State Chief Information Commissioner, Ratnakar Gaikwad inquired into the complaint and directed the Chief Secretary and other top ranking officers in the Maharashtra Government including senior officials of BMC to take immediate action in all such cases. Key portions of this directive are reproduced below:

“It is extremely serious, sad and unfortunate that RTI activists who play a very important role in ensuring effective implementation of RTI Act have to face violence, intimidation and resistance from unscrupulous and corrupt elements in the society and it is the duty of the government and public authorities to ensure full protection and safety of RTI activists to support transparency and accountability in the working of public authorities.

The gruesome murder of Mr Bhupendra Vira needs therefore to be probed on top priority and guilty be punished without loss of time so as to send the right message to anti-social and corrupt and criminal elements. It is also necessary to put in public domain information which Mr. Bhupendra Vira had sought during the last one year forthwith by all public authorities in Mumbai especially Brihanmumbai Municipal Corporation (BMC)...

I therefore, in exercise of powers vested in me under ... the RTI Act, order that:

1. Chief Secretary, Govt. of Maharashtra, Additional Chief Secretary (Home) and Commissioner, Police, shall immediately conduct a thorough probe into the matter of Mr. Bhupendra Vira and take the investigations to logical conclusion urgently;
2. Municipal Commissioner, BMC, shall review all pending applications filed with various PIOs in BMC by Bhupendra Vira during the last one year and ensure that information sought is put on the website of BMC before 31st October 2016 without fail;
3. Additional Chief Secretary, General Administration Department (GAD), is directed to review pending RTI applications filed by Mr. Bhupendra Vira during the last one year with various public authorities other than BMC and ensure that information sought is put on the website of the government before 31st October, 2016 without fail;”

BMC uploaded some of the RTI applications and responses related to Bhupendra Vira’s activism on its website. Thanks to the intervention of the SIC, other public authorities were compelled to publicise the RTI applications and responses relating to the work of three other RTI activists who were also murdered such as, Satish Shetty (case study #1), Abrar Ansari (case study #9) and Suhas Haldankar (case study #12).

The present SCIC of Maharashtra, Sumit Mullick, who retired as Chief Secretary to the Government of Maharashtra, is also determined to monitor and take action in such cases. Speaking to the media in December 2018, he said, “RTI cannot function if RTI activists or RTI users are threatened, intimidated and murdered. RTI cannot operate in such an environment. To make information flow to people who demand information which is their right, they should be able to get it without any intimidation and physical threat. I intend to take strict action and plan to monitor by ensuring that investigations are conducted promptly and chargesheets are filed immediately. I also welcome citizens who come to know or have witnessed such murders to immediately report to the police as well as to me so that I can also follow-up. And I will also ensure that whatever information had been sought by the activist who has been fatally assaulted

and paid a price with his life, should not go in vain and that the information which apparently instigated the murder, must be put up in the public domain.”

Our RTI application to the SIC

On 24 August 2018, we filed an RTI application with Maharashtra SIC, seeking information about action taken in all cases of RTI activists found dead in the State under suspicious circumstances. We formally sought:

1. “copies of orders of SIC in the aftermath of the deaths (murder/suicide) of RTI applicants;
2. copies of reports of public authorities/orders of public authorities/updating of information by them on their website of information sought by the victim under RTI; and
3. copies of second appeals closed or pursued by you that is SIC, after death of an RTI applicant.”

We sought information for the period between November 2005 and August 2018. On 29 September, 2018, we got a reply from the SIC’s PIO, stating that the information we had sought was vast and not focused on any particular case and hence it was not possible to furnish any information. The PIO advised us to specify details of any particular case to enable him to search for the records. It appears that they SIC does not have a mechanism to easily locate files relating to cases of murders of RTI activists even though Section 4(1)(a) of the RTI Act requires them like every other public authority to index, catalogue and digitise records to facilitate easy access under the Act.

EPILOGUE

At the end of this study we are reasonably convinced, unless transparency and accountability systems are strengthened, the phenomenon of attacks on RTI activists and users is not likely to disappear. If examples of other attacks where the victims survived to tell the tale are any indication, even a citizen's maiden RTI intervention to unearth possible wrongdoing in a government agency could become hazardous to his life and safety.

Women RTI users and activists do not fare any better. According to media reports, at least three women, namely, Jayshree Mane (2014 - Pune), Deepti Ghoshal (2013 - Mumbai), Sumaira Abdulali (2010 - Mumbai) suffered physical assaults because of their RTI interventions in Maharashtra alone. Another five women, namely, Amita Jaiswal (2017 - Nagpur), Shobha Wankhede (2017 - Mumbai), Arpita Salvi (2015 - Mumbai), Ujjwala Baravkar (2014 - Pune) and Anikta Sah (2013 - Nagpur) faced threats or harassment for using RTI. This might be only the proverbial tip of the iceberg as many cases of threats or harassment might go unreported through the mass media.

This is a deplorable state of affairs in a country whose national motto is *satyameva jayate* (truth alone shall triumph). In the 13 cases of murder that we investigated the guarantee of "Justice" enshrined in the preamble of India's Constitution continues to elude the families. The acquittals and the delayed trials we have recounted above, have had a chilling effect not only the survivors but also other members of the community in which the victims lived and walked. Nevertheless it goes to the credit of the people of Maharashtra that they continue to use RTI in large numbers despite the ever present possibility of retaliatory attacks. This state of affairs cannot and must not be allowed to continue if the administrative systems in Maharashtra are to make the transition from business-as-usual attitude to transparency and accountability in real time and in a meaningful manner. This is indeed the vision spelt out in the preamble of the RTI Act. It is only when State agencies take action to prevent and move to punish wrongdoing and corruption swiftly and resolutely, will individuals not elect to stray away from the path of lawful behaviour.

We offer the following recommendations that Governments, public authorities and Information Commissions (within and outside Maharashtra) must urgently implement to ensure a safe atmosphere for RTI activists and whistleblowers:

- the Central Government must immediately bring into force the *Whistleblowers Protection Act* (WBP Act), which Parliament enacted in February 2014 without making any of the retrograde amendments that were proposed in 2015;
- the State Government must urgently notify competent authorities to act upon complaints from whistleblowers including RTI activists who submit evidence-based complaints of wrongdoing and corruption in public authorities;
- the State Government must put in place a scheme for ensuring safety of RTI activists and

whistleblowers by expanding upon the WBP Act to prevent such attacks, after widespread consultation with civil society actors, media representatives and citizen activists;

- Maharashtra's Lokayukta Act must be reviewed in light of the provisions of the *Lokpal and Lokayuktas Act*, that Parliament enacted in 2013 to ensure alignment between the two laws and provide for an effective mechanism to act on complaints of corruption and other offences and irregularities committed by public servants;
- The human rights commissions at the State and national level must adopt a policy of treating all individuals who use RTI in matters of public interest or indulge in whistleblowing on corruption and wrongdoing in public authorities, as human rights defenders;
- The human rights commissions must use their powers under the *Protection of Human Rights Act, 1993* to ensure professional and time bound investigation of cases of attacks on RTI activists and users and become observers of the ensuing criminal trials;
- As custodians of the fundamental rights guaranteed by the constitution the High Courts must put in place systems to seek reports from the respective courts to ensure fair and speedy trial of criminal cases pertaining to attacks on RTI activists and whistleblowers. Article 227 of the constitution empowers them with such wide powers of superintendence over the trial courts;
- Police departments and commissionerates must work in tandem with the State Information Commissions to develop protocols and training programmes for investigating officers to explore linkages with the RTI activism of victims of crime before filing their final reports or chargesheets before the courts for further action;
- Civil society groups must conduct capacity building programmes for RTI activists and whistleblowers who work without any organizational affiliation to engage in media advocacy in order to publicise the outcomes of their interventions. A fair amount of publicity for their work can act as a deterrent against possible attacks from vested interests;
- RTI activists and whistleblowers must be sensitized and trained to handle their RTI interventions in a professional manner without turning it into a one-on-one attack on officers or politicians or vested interests who may be involved in the wrongdoing. This can reduce the possibility of enmity taking root and obviate the possibility of murderous attacks on RTI activists and whistleblowers; and
- Governments must invest sufficient resources in developing the capacity of public authorities to proactively publish on their website all RTI applications, replies and information supplied to requestors including whistleblower complaints and action taken in such matters. When information about allegations of wrongdoing and of corruption become public knowledge through official channels, targeted attacks on RTI activists and whistleblowers are likely to be reduced.

REFERENCES AND BACKGROUND MATERIALS

LIST OF DOCUMENTS, COPIES OF OFFICIAL RECORDS AND OTHER REFERENCE MATERIALS USED IN THE COMPILATION OF THIS REPORT

1) Satish Bhoja Shetty

- a) Court documents obtained from Sandeep Shetty
- b) RTI documents obtained from Vijay Kumbhar

2) Dattatreya Patil

- a) Video and audio recordings of interviews with his brother, wife, mother and daughter
- b) Photo of Dattatreya Patil
- c) Copy of supplementary statement given by Prabhakar Patil
- d) Copy of the plaint filed by Dattatreya Patil in the District and Sessions Court, Kolhapur in connection with the defection of corporators from Ichalkaranji Municipal Council
- e) Copy of the complaint sent by Dattatreya Patil to the Chief Minister, the Director General of Police, the Maharashtra State and the Anti Corruption Bureau in connection with the power looms cooperative societies scam
- f) Copy of the petition filed by Dattatreya Patil in the Bombay High Court in connection with the scam involved in the takeover of Siddha Khandsari
- g) Copy of judgment in the Dattatreya Patil murder case
- h) Newspaper reports -
 - I. <https://indianexpress.com/article/cities/pune/kin-of-slain-rti-activists-say-cases-moving-at-snails-pace/>
 - II. http://archive.tehelka.com/story_main48.asp?filename=Ne260211 Coverstory_18.asp
 - III. <https://maharashtratimes.indiatimes.com/maharashtra/pune-news/-/articleshow/6009469.cms>

3) Ramdas Bapuji Ubale-Gadegaonkar

- a) Audio recording of interviews with Ashok Ubale, Anil Ubale and Parvati Ubale
- b) Audio recording of interview with Raju Ubale
- c) FIR filed by Shivaji Ubale in connection with the death of Ramdas Ubale Gadegaonkar
- d) Extract from the Accidental Death Register at Shivajinagar Police Station, Nanded
- e) Copy of the summary report filed by Shivajinagar Police before the Magistrate

- f) Newspaper reports -
 - I. <https://rtiindia.org/forums/topic/56565-another-rti-activist-killed-in-nanded-maharashtra/>
 - II. <http://suchnaexpress.blogspot.com/2010/08/mystery-shrouds-rti-activists-death-in.html>
 - III. <http://mobilegov.in/gov/news/regular-story/mystery-shrouds-rti-activist-s-death>

4) **Vitthal Gitte**

- a) Audio recording of the interview of Arun Gitte
- b) Chargesheet filed in Vitthal Gitte's murder case along with statements and other documentary evidence
- c) Copy of judgment in the Vitthal Gitte murder case
- d) Copy of the petition filed by Arun Gitte in Bombay High Court along with exhibits
- e) Details of RTI documents of Vitthal Gitte and Prahavati Gitte
- f) Newspaper reports -
 - I. <https://www.hindustantimes.com/delhi-news/the-rti-murders/story-CKqyg8GjBKWvd4GMzr9SWI.html>
 - II. <https://indianexpress.com/article/cities/pune/kin-of-slain-rti-activists-say-cases-moving-at-snails-pace/>

5) **Premnath Jha**

- a) Newspaper reports -
 - I. <https://timesofindia.indiatimes.com/city/mumbai/RTI-activist-shot-dead-in-Virar/articleshow/12039192.cms>
 - II. <https://www.hindustantimes.com/mumbai/rti-activist-s-murder-six-suspects-questioned/story-OOdkSvapm4RejolzjYG57H.html>
 - III. <https://www.governancenow.com/news/regular-story/probe-builders-body-attack-rti-activists-activists-maha-cm>
 - IV. <http://troubledgalaxydetroyeddreams.blogspot.com/2012/02/premnath-jha-killing-petition-to-cm.html>
 - V. <http://www.dnaindia.com/mumbai/report-hc-transfers-virar-rti-activist-murder-investigation-to-cid-1806719>
 - VI. <https://rtiindia.org/forums/topic/82731-maharashtra-rti-activist-shot-dead-in-virar/>
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 - VIII. <https://www.ndtv.com/mumbai-news/cbi-arrests-2-persons-in-right-to-information-activists-murder-1265582>

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- a) Newspaper reports and material from other online resources -
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- a) Audio recording of interviews with wife Ranjana Vira and son-in-law Sudhir Gala
- b) Newspaper reports -
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CHRI PROGRAMMES

CHRI seeks to hold the Commonwealth and its member countries to a high standard of human rights practice, transparency and fulfill the Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ)

* **Police Reforms:** In too many countries the police are seen as an oppressive instrument of the State instead of protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reforms so that police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information (ATI)

* **Right to Information:** CHRI's expertise in the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting RTI laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana, the Maldives and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices and knowledge to the governments and civil society both when laws are being drafted and when they are implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, bringing valuable insights to countries seeking to evolve new RTI laws.

* **South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. An area of synergy lies in linking SAMDEN with RTI movements and activists.

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations, especially at the UN Human Rights Council. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7, monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.

On an average between 7-8 lakh RTI applications are filed in Maharashtra every year. Maharashtra also has the dubious distinction of reporting the most number of attacks on people who use the RTI Act to demand information from government agencies as a matter of right. More than 75 instances of attacks, assaults and harassment or threatening of RTI activists have been reported by the media since October 2005. At least 16 RTI activists have been killed till date.

While the application fee is INR 10 and photocopying charges are INR 2 per page, these activists paid the price of transparency with their lives. How did the criminal justice system in Maharashtra react to these killings? Were the culprits punished? How long and difficult was the wait for justice for the bereaved families?

Two seasoned journalists investigated the life and work of 13 RTI activists in Maharashtra and the aftermath of their killings. Their report card reveals the dismal state of affairs in what is adjudged the second best governed State in India as per Central Government's Good Governance Index-2019. Effective laws and systems are urgently required to prevent and punish attacks on RTI activists many of whom are essentially whistleblowers. This will ensure practical realisation of the national motto- *satyameva jayate* (truth alone shall triumph).

For more information, see the database maintained at:
Hall of Shame: Mapping Attacks on RTI Users
<http://attacksonrtiusers.org>

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