

Human Rights Defenders Alert - India

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February 26, 2011

Hon. Justice Shri K.G. Balakrishnan

Chairperson

National Human Rights Commission of India

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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Gujarat: Farmer and RTI Activist
immolates himself - Reg**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the self immolation of a farmer who is also an RTI activist, Mr. Jabbardhan Gadhvi following non-provision of information he sought and the circumstances that led to it.

Incident

According to the information we received, Mr. Jabbardan Gadhvi (45) from Dhavdi, Kutch set himself on fire at a revenue office on Monday after his attempts to get information were thwarted. He died after dousing himself with kerosene and setting himself alight in the presence of at least 4 policemen, who failed to stop him.

As per the information, Gadhvi had sought information about 12 acres of his land which was illegally sold off by some people two years ago. His younger brother Mr. Malhardan Gadhvi had urged the police present there to stop the self-immolation, but none came forward. Apparently he was also prevented by the police to go near

his brother's burning body. Mr. Anirudhsinh Zala, Rapar's *Mamlatdar* (Tahsildar, the head of a Taluka/ Tahsil, subdivisions of a district) was a mere spectator to this ghastly incident. Gadhvi is reported to have met the Mamlatdar and told him that he would commit self-immolation but the Mamlatdar had allegedly told him to do as he wished.

While fighting the battle for information on his land, J Gadhvi apparently came to know about irregularities in the implementation of the MNREG scheme in the district and filed another RTI application asking for details. He visited the offices of local revenue department and the collector several times, but did not get the information. Police Sub-Inspector (SI) Mr. R G Parmar and head constables Mr. Velji Dongariya and Mr. Kesha Pandya, constables Mr. Jesang Toral and Mr. Manhendra Solank have been suspended. The District collector Mr. M Thennarasan has suspended the responsible *Talati* (village accountant) Ms. Pravina Jadhav and Mamlatdar Mr. Zala was transferred.

A case has been lodged with the Rapar police against SI Mr. R G Parmar, Mamlatdar Mr. A. Zala, and Talati of Dhavdi village Ms. Pravina Jadhav under Section 306 of the IPC.

According to police they have to collect the land records of the disputed case but Talati Ms. Pravina Jadhav, who is in possession of all the records, is missing. A case has been registered against her under Section 409 of the IPC.

Relatives of the deceased and RTI activists fear that the suspended Rapar SI Mr. Parmar who is now in Gandhidham and Ms. Jadhav whose whereabouts are not known might destroy all the evidence in the case

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

- The information sought by Jabbardhan Jadhav is made available to the bereaved family
- Proper implementation of the Right to Information Act, 2005 is done and that it is ensured that every activist who uses the RTI is also assured of her /his protection by the Central / State government

- Appropriate legal action is initiated against the officials who failed in their duty of providing information in the stipulated time and those who were mute spectators of the suicide therefore, guilty of abetment
- Compensation is paid to the family of the person who has been forced to commit suicide for the lack of response on his RTI application.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator

Human Rights Defenders Alert - India

CC:

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