

Human Rights Defenders Alert - India

National Coordination Office

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February 9, 2012

Shri A. K. Parashar

Focal Point - Human Rights Defenders

National Human Rights Commission

Faridkot House

Copernicus Marg

New Delhi-110001

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert-India - Urgent Appeal for Action - India: Rajasthan/Bikaner district - RTI activist, Dudhram attacked for his attempts to expose scam in MNREGA scheme - 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 over the brutal attack made on Mr. Dudhram, a 65 - year old RTI activist for his efforts to expose the corruption in the MNREGA scheme in Rajasthan as a result of which he has sustained multiple fractures.

Incident

Perpetrators: Supporters of the present Sarpanch of Somalsar village

Place of incident: Somalsar Village, Bikaner district, Rajasthan

Date and time of incident: 2nd February 2012 around 11.00 am

About the Activist:

Dudhram is a former Sarpanch (headman) of Somalsar village near Nokha city of Bikaner district, who was working to expose irregularities in the rural jobs scheme MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) in his area. The activist is battling for life at a hospital after being attacked on February 2, 2012 allegedly by cohorts of the present Sarpanch.

Incident:

According to the information received, as a result of the attack on Dudhram on February 2, 2012, he has suffered nine fractures and has also sustained injuries on one of his kidneys. Dudhram is now in the ICU (Intensive Care Unit) of S.K. Soni Hospital, a Private Hospital in Jaipur.

A doctor at the hospital where he has been admitted reported that Dudhram is in Intensive Care Unit (ICU) and showing signs of improvement, but he will take time to recover fully.

Dudhram's family as well as the NGOs alleged he was beaten up by supporters of the current sarpanch.

Background Information:

MGNREGA/MNREGA or the Mahatma Gandhi National Rural Employment Guarantee Act is a flagship scheme of the central government guaranteeing 100 days of work every year to one member of every rural household.

Dudhram, in his efforts to expose the corruption in the said scheme, lodged a complaint with the state government's Anti-Corruption Bureau (ACB) saying six roads were constructed at a cost of Rs. 12 Crore in 2010 in Nokha.

He said in spite of this work not being completed in 2011, work was sanctioned again under MGNREGA for clearing sand from the roads. Dudhram had complained to the Anti Corruption Bureau (ACB) about the allocation of Rs 4 crore for clearing sand, because allegedly, no such work was actually carried out, but around Rs.4 crore was paid for it. The government engineer and people of the area also wrote to the collector that no work had been done, after which a team from Jaipur came for inspection. The issue

flared up and as a consequence, Dudhram, who had been instrumental in the happening of the probe, was beaten up brutally.

Despite an FIR (First Information Report lodged with the Police) against 10 accused, no arrests have been made so far. Social activists are now demanding an audit to expose corruption in the area.

"We were raising a valid point against corruption. We complained to the collector and to the ACB. A team was sent from Jaipur which triggered this. They decided they would beat me up if I did not go quiet on it. They may have attacked me, but others will stand up against it," Dudhram said.

It would be pertinent to note that Dudhram's case is far from being the first case of an RTI applicant being attacked in Rajasthan. Last year Manglaram, also an RTI activist, from Barmer suffered the same fate. Despite the rhetoric against corruption, the government seems to be failing to protect whistle blowers.

Civil society organizations are calling for the **protection of provisions of the Whistleblower's Act, currently pending before the Indian Parliament**, to include RTI activists. Another demand is that existing mechanisms for the protection of human rights defenders and others be immediately applied to RTI activists.

Appeal

We, therefore, urge you to immediately take necessary steps to

1. Guarantee in all circumstances the physical and psychological integrity of Mr. Dudhram and all other RTI activists in Rajasthan;
2. Conduct a prompt and thorough investigation into the case of brutal attack against Mr. Dudhram, the result of which must be made public, with a view to identify and bring those responsible to justice in accordance with national and international standards;
3. Conform to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:

- Its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;

- its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;

- and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

4. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India;

5. Create an enabling environment and guarantee in all circumstances that RTI activists in India are able to carry out their legitimate activities without fear of reprisals, and free of all restrictions including judicial harassment;

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,

Human Rights Defenders Alert - India