

# Human Rights Defenders Alert - India

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**1<sup>st</sup> October 2014**

Shri A. K. Parashar,  
National Focal Point - Human Rights Defenders,  
National Human Rights Commission,  
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,  
New Delhi – 110 023  
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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Attempt on life of RTI  
Activist in Tofapur, Meerut, Uttar Pradesh – Regarding***

Greetings from Human Rights Defenders Alert - India!

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

We are now writing to express our grave concern over the attempt on the life of Mr. Kailash, a Dalit RTI Activist who attempted to expose the corruption in the local Village Panchayat Administration and the lack of action by the local police in apprehending the perpetrators.

## **Source of Information on the Incident:**

- A communication from the Coordinator of HRDA for the North of India.
- Media Sources
- The Nephew of the HRD.

**About the Human Rights Defender under attack:**

Mr. Kailash is a resident of Tofapur village in district Meerut, Uttar Pradesh. He belongs to the Dalit community of Jatav. He earns his livelihood by working as a daily wage worker around his village mainly for the cattle rearing sector.

Mr. Kailash has been using RTI law since February 2013. He has filed several RTI applications till date in the office of District Panchayat Raj Officer, Meerut, Uttar Pradesh which also include 2 RTI applications in the State Information Commission, Uttar Pradesh. His RTI queries are related to the use of village development funds and the corruption involved in the programmes meant for the infrastructural development of the villages. On the basis of his RTI applications, the Information Commission also issued orders to the Secretary, Government of Uttar Pradesh to provide information on the subject. He has been constantly receiving death threats from the Panchayat Head for asking information on the utilization of development funds. Mr. Kailash has already filed his complaint in this regard to the State SC/ ST Commission of Uttar Pradesh.

**The Perpetrators:**

- The Panchayat Head (Village Council President)
- Goons set on the HRD by the Panchayat Head

Mr. Kailash has identified four assailants against whom the FIR has actually been filed. They are:

1. Mr. Ishwar, S/o Jairam (Jairam is the village head)
2. Mr. Satvir, relative of Ishwar
3. Mr. Amarpal S/o Vijaypal
4. Mr. Monu S/o Kamarpal

- The Police (for inaction)

**Date and time of Incident:**

4 September, 2014, at around 11.50 AM

**Place of Incident:**

The forest area between village Tofapur and Kunkura under Inchauli Police Station limits, Meerut District, Uttar Pradesh.

## **Incident**

According to sources, Mr. Kailash was on his way by foot to Meerut to catch a conveyance to Lucknow, the State Capital as had been given the date of September 5 for a hearing on his RTI application by the State Information Commission and when he was crossing the forest area near Kunkura he was attacked by four men with guns. The four assailants had apparently been waiting for him to pass by. They had also parked two motorbikes nearby to escape after attacking him. They fired around 4 gun shots out of which two hit Mr. Kailash. Thereafter, thinking that Kailash had died, they escaped from the scene. Kailash was taken to hospital and admitted in the emergency ward. One bullet had hit the right side of his chest and the other hit his stomach piercing through his kidney. After surgery Kailash is stable but still he faces risk of infection.

Although the First Information Report has been filed against the assailants named by Kailash, they have not been arrested till date (26 September, 2014) by the Police. They are at large and pose grave risk to the life and property of Kailash and his family. His Nephew reports that they are apprehensive even about sending their children to School.

## **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the the District Collector / Deputy Commissioner and Superintendent of Police for Meerut jointly

- Orderan immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the perpetrators to book under relevant provisions of the SC ST POA and pulls up the local SHO for his / her inaction so far and with a specific direction to report in periodic intervals to the NHRC on the progress in the criminal case registered ;
- Order the appointment of a well experienced lawyer practicing on the criminal side in the subordinate criminal courts in Meerut where this case will be pending to ensure that the victim is represented at all stages of the investigation and later at the stage of trial in the court with a specific direction to report in periodic intervals to the NHRC on the progress in the case registered;

- Meet Mr. Kailash, the RTI activist concerned and ascertain from him the details of all the pending and past RTIs filed by him and ensure that the Chief Commissioner of the State Information Commission of Uttar Pradesh is informed of the RTIs filed and requested to ensure that all the information legitimately sought by the activist are provided for without any delay and that they are also placed on the web site of the SIC without any delay whatsoever;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Kailash and his family members as they continue to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment against all RTI Activists and all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - 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”
  - Article 12.2, which provides 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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary