



Human Rights Defenders Alert - India

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April 2nd 2015

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Punjab: Murderous assault on RTI Activist Dr. Harish Chander who exposed corruption by the local municipality – Regarding

Greetings from Human Rights Defenders Alert - India!

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

We are now writing to express our grave concern regarding the brutal assault made on RTI Activist Dr. Harsh Chander by assailants irked by his petitions seeking to expose corruption and irregularities in local municipality administration and corporate companies in Punjab.

Source of Information on the Incident:

- The Regional Coordinator for the North of India
- Media reports

The Human Rights Defender:

The 46 year old Harish Chander is an Ayurvedic and Homeopath doctor practicing in the Jaitu town of the Faridkot District in Punjab. He has been using the Right to Information (RTI) Act for the last 4 years, i.e. since the year 2011 to expose cases of fund embezzlement in the local municipal administration, rampant corruption in the process of

distribution of gas cylinders by gas agencies and RO water supply system in and around Jaitu city and rural areas of Punjab.

He filed a Public Interest Litigation (PIL) in the Punjab and Haryana High Court against the Jaitu Municipality Administration for the corrupt practices going on in its allotting of shops in municipality area. Instead of following auctioning procedure for the allotment of shops the Municipal Council arbitrarily allots shop to their own people on cheap rental rates like Rs.500 per month. These shops are later rented out on monthly market rates ranging from Rs. 5000 to Rs. 7000 by the people who were allotted the shops. The PIL was filed in October 2014 and case is related to renting of 50 shops in Jaitu city involving embezzlement of funds to the tune of Rs.65,00,000/-. In another incident he filed a complaint against the Head (Pradhan) of Jaitu municipality for submitting forged travel bills to the tune of rupees 16 lakh in which the Deputy Director of Jaitu administration had found the charges to be correct. Dr. Chander also filed RTI application exposing the corrupt practices of the gas agencies in Jaitu. According to the rules, gas agencies are required to do home delivery of gas cylinders within the range of 15 kilometers. Instead of doing that gas agencies in rural areas ask people to come to a common point and charge extra 15 rupees per cylinder. In Jaitu town this scam involves rupees 3 crores while for the whole of Punjab this amount comes to around rupees 400 crores. Similarly for the installation of big RO systems with infrastructure for water supply in community locations, Punjab government has launched a special project which costs around rupees 250 crores. In the implementation of this project corers of rupees are allegedly siphoned off by the administration and the middle men.

The Perpetrators:

Twelve Assailants of whom 9 were identified by the HRD

1. Mr. Yadvinder Singh Jaidhar (Current President Nagar Palika (Municipal Board), Jaitu
2. Mr. Pradeep Singla (Vice President, BJP Jaitu unit)
3. Mr. Dilbag Singh Baggi (Contested City Councillor election this year on an Akali Dal ticket)
4. Mr. Vijay Bhandari
5. Mr. C.P Singla (brother of Pradeep Singla)
6. Mr. Sukhpal Singh Sukkha
7. Mr. Aman Bihari
8. Mr. Ran Singh Bura
9. Mr. Rubi

Date of Incident:

31 January, 2015, at about 8.30 p.m.

Place of Incident:

No.1, Jaitu Mandi Chowk, Bara Bazaar, Jaitu, Faridkot District in the North Indian State of Punjab.

Incident detail:

According to the sources, on 31 January 2015 at about 6.00 p.m. Dr. Harish Chander handed over a pamphlet written by him and printed at a local printing house to the local newspapers in Jaitu for publication. The pamphlet carried details of funds embezzlements by the municipal councils, irregularities in municipal administration and other scandals. The matter was expected to be published the next day. On the same day Dr. Harish went to Jaitu Mandi Chowk around 8.30 PM. When he reached the Chowk, a group of people attacked him with iron rods and machetes (a big large heavy knife with a broad blade attached to a wooden base used locally for cutting mangos for pickle which is called *Kapa* in the vernacular). According to Dr. Harish Chander, a group comprising of 12 assailants attacked him brutally mercilessly. The assailants hit him with iron rods inflicting fractures in the bones of both his legs. He suffered multiple fractures and severe injuries in his head and received 5 stitches. He sustained injuries on his hands also. The assailants slit the skin of his left leg with some pointed sharp weapons and tried to cut his leg in two pieces with the help of the *Kapa*. He was taken to Faridkot Medical Hospital for medical treatment from where he was referred to Amandeep Hospital, Amritsar, Punjab. He could recognize 9 out of total 12 assailants.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Faridkot

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the murderous assault on the human rights defender Dr. Harish Chander
- Take immediate action on the perpetrators for the murderous assault by arresting them and using all provisions of law to ensure that the rights of Mr. Harish Chander are protected.

- Guarantee in all circumstances the physical and psychological integrity of Mr. Harish Chander, who is still under risk of further attacks from the perpetrators, at the cost of the state.
- Ensure provision of reparation, compensation, apology to the defender for the physical and psychological sufferings he underwent because of this assault and charges and provide a re-assurance of not engaging in such acts against HRDs such as Dr. Harish Chander;
- Put an end to all acts of attack and harassment against all human rights defenders including RTI Activists like Dr. Harsh Chander in the State of Punjab to ensure that in all circumstances they carry out their activities as writers without any hindrances;
- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty.
- Takes steps to conform to 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”;
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Punjab to also take necessary steps to establish a state focal point for HRDs in order that HRDs in the have a new protection mechanism in their own state.
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Punjab to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that

a co-ordinated strategy is developed within the State of Tamilnadu for the protection of the rights of human rights defenders.

- Recommend urgently and speedily during the pendency of this complaint the State Government of Punjab in collaboration with the NHRC Focal Point on HRDs and the SHRC in Punjab to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Punjab in collaboration with the and the SHRC in Punjab to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures 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.

Looking forward to your immediate action in this regard,

Yours sincerely,

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

(Henri Tiphagne)

Honorary National Working Secretary