



## Human Rights Defenders Alert – India

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*October 24, 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

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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Gujarat: Brutal murder of social activist and RTI activist Mr. Ratansinh Chaudhary on 17 October, 2015 in Garabadi village of Sui Gam Taluka of Banaskantha district of Gujrat – 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 killing of a social activist and RTI activist Mr. Ratansinh Chaudhary on 17 October, 2015 in Garabadi village of Sui Gam Block of Banaskantha district of Gujrat for exposing a systematic racket of embezzlement of public money and swindling of compensation amount meant for flood- affected people of Sui Gam Taluka of Banaskantha district of Gujrat.

**Source of Information on the Incident:**

- A communication from the Mahiti Adhikar Gujrat Pahal, Ahmedabad
- A communication with the colleague of human rights defender Mr. Harkhabhai Solanki.
- The Regional Coordinator of HRDA for North of India

**Status of the Human Rights Defender:**

Mr. Ratansinh Chaudhary, aged 54 years was a resident of Garabadi village of Sui Gam Block of Banaskantha district of Gujrat. He was known as social workers in his village. He was socially active for the last 5 years in village affairs raising voice against the prevailing corruption and financial

embezzlement in the district and village Panchayat administration. Mr. Ratansinh Chaudhary was targeted and killed for filing questions under the RTI act related to the disbursement of compensation amount for villagers affected by recent floods in his village. His RTI queries exposed a racket of swindling the compensation money by a vested interest group. Mr. Ratansinh had taken up this issue very seriously and pursuing it with higher authorities up to the level of Chief Minister of Gujrat.

**The Perpetrators:**

Mr. Mala Eva Rabari Mr. Nasa Deva Rabari Mr. Siva Deva Rabari Mr. Deva Bira Rabari

**Date of Incident:**

17 October 2015

**Details of the Incident:**

According to sources on 17 October, 2015, Mr. Ratansinh Chaudhary was going to his farm along with his elder son Dhanjibhai on a motorbike which is around 2 to 3 kilometers from his house. On his way when he reached near the station, there were 4 persons from his village waiting for himself. They hit him with lathis, his bike fell down and his son ran from the spot to save him. The assailants said, "You are the one who are making applications". In the attack Mr. Ratansinh was badly beaten. He was then taken to hospital. He succumbed to injuries on the way to hospital. According to the sources, the assailants from the same village were instigated allegedly by the Rabari community on some vested interests who had benefited by the administration in availing the relief or compensation amount for the damaged houses affected by floods in an unlawful manner. Mr. Ratansinh Chaudhary was using RTI Act to expose this embezzlement of funds for which he became their prime target. A case of murder has been registered against the four assailants. Two accused in the murder have been arrested and the other two are still absconding.

**Background Information**

After the floods hit Banskantha in Gujrat in 2015, the district administration conducted a survey to gauge the extent of damage and the corresponding aid and compensation. Various types of packages were announced by the government to help the flood victims such as compensation for crop, land erosion, compensation for cattle's, and support for damaged houses. There were many irregularities in the disbursement process. Many people in the village Garabadi of Sui Gam Block complained for not receiving relief after the survey was done. Some people in the village got nearly lakhs of rupees. Seeing this injustice, Mr. Ratansinh Chaudhary filed written complaint with the Taluka Development Officer, Sui Gam Taluka, (TDO). In his complaint he demanded that survey should be done properly and then only the amount should be paid.

He helped his friend Harkhabhai Ramjibhai in filing an RTI application to seek information on

cash given to the flood affected families in Garamdi and Khatau villages in July 2015. The RTI with TDO sought the following details:-

1. Certified copies of list of beneficiaries of cash dole in Garabadi and katav villages;
2. Certified copies of survey done for compensation of damaged houses after flood;
3. Certified copies of the list of beneficiaries of compensation for cattle's died during floods;
4. Certified copies of the list of applicant, and beneficiaries of crop loss compensation;
5. Criteria for selection for giving compensation and survey details and;
6. Details of action taken on the complaint filed by Mr. Ratansinh Chaudhary on 7<sup>th</sup> October 2015.

The national daily news papers reported that the query sought information under "proactive disclosure" by the district and panchayat authorities. The RTI replies showed "that people who were not affected by the floods received cash doles worth Rs 55,000 and Rs 90,000 while the actual victims got just Rs 2,500." The disclosures following Mr. Ratansinh Chaudhary's RTI queries made him the target of vested interests which led to his brutal murder.

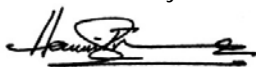
#### **Appeal:**

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

- Order an immediate, thorough, transparent, effective, independent and impartial investigation into the above mentioned events of killing of Mr. Ratansinh Chaudhary;
- Along with local district officials guarantees in all circumstances due compensation to the family of the deceased and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment against all RTI activists and all human rights defenders in Gujrat to ensure that in all circumstances they carry out their activities as defenders of human rights 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 Gujarat to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- SHRC in Gujarat to convene 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 Gujarat for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Gujarat in collaboration with the NHRC Focal Point on HRDs and the SHRC Gujarat 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 Gujarat in collaboration with the SHRC, Gujarat 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 the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Gujarat.
- Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary