



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**September 22, 2017**

To

**Mr. Srinivasa Kammath**

National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
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***Sub: HRD Alert - India – Urgent Appeal for Urgent Action – Police surveillance on human rights defender and whistleblower Mr. Ashish Chaturvedi, in Gwalior, Madhya Pradesh – Regarding***

Dear Sir,

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 surveillance by police on 'Vyapam' whistleblower Mr. Ashish Chaturvedi.

**The Human rights defender :**

Mr. Ashish Chaturvedi is a RTI/Social Activist and a well known Whistle Blower of the multi-crore Madhya Pradesh Professional Examination Board (MPPEB) scam, popularly known as "VYAPAM". He has used the Right to Information Act extensively to expose the corruption made by the Madhya Pradesh Government in MPPEB. He had been attacked and threatened several times and he had asked for protection from the court. The court had allowed him a Personal Security Officer (PSO).

**Source of Information on the Incident:**

- The Coordinator of HRDA for the East of India
- Media source

**The Perpetrators:**

- Mr. Dinesh Kaushal, Additional Superintendent of Police
- Mr. Anil Kumar, Inspector General of Police, Madhya Pradesh Police

**Place of Incident:**

Gwalior's City, in the residence and where ever Mr. Chaturvedi is moving out.

**Incident detail:**

As per the sources, Mr. Ashish Kumar Chaturvedi after obtaining documents regarding irregularities in the medical entrance examination, through Right to Information Act and ascertaining the seriousness of the matter had filed several complaints before Madhya Pradesh government authorities. The said complaints were taken up by the crime branch, Indore initially and later on the investigation was handed over to the special Task Force (STF) and the same was monitored by Madhya Pradesh High Court.

Mr. Chaturvedi is under constant threat from that day onwards. He had been threatened numerous times and is being supplied with PSO for his protection.

Over the period of investigation of "VYAPAM" matter, where Mr. Chaturvedi is one of the main witness, had received and is still receiving threats. Most of the threats have been communicated to the PSO Guards by Mr. Chaturvedi. Apart from Mr. Chaturvedi even the CBI Inspector (Mr. Harish Goyal) who is investigating the Crime No. 285/14 (Where Mr. Chaturvedi is the complainant and in which names of some influential people have come up), was also threatened over phone.

The PSO Guard, who has been assigned to look after the safety and security of the Mr. Chaturvedi has been provided with a video camera for recording Mr. Chaturvedi's

movements and activities In this respect Mr. Chaturvedi has requested for information under Right to Information Act, 2005, for which the office of Jhansi Road Police Station, Gwalior has given information in its reply dated 25.04.17 regarding the video camera.

The PSO guard from the date of issuance of the video camera, have been involved in recording the activities of Mr. Chaturvedi round the clock. Mr. Chaturvedi has been illegally and with mala-fide intentions, been kept under around the clock surveillance by video graphing his actions and movements, which is a complete violation of his fundamental right to privacy as provided by the Constitution of India.

On January 26, 2017, the PSO guard crossed their limits when they illegally, vehemently and without the consent of Mr. Chaturvedi entered into his house and started video graphing, including his mother and sister. The same was objected by Mr. Chaturvedi, however, the PSO guard started abusing him and told that this has been done under the instructions of Assistant Superintendent of Police Mr. Dinesh Kaushal (Nodal Officer) and T.I. Rajkumar Sharma. The guards are still continuing to record and monitor the day-to-day activities of Mr. Chaturvedi by the video came or in their respective mobile phones.

The video graphing of day to day life of Mr. Chaturvedi and his family members by the PSO guards has harassed Mr. Chaturvedi and his family to the core and in the guise of surveillance, the recording is nothing but a tool for the Police authorities to harass the HRD.

Mr. Chaturvedi has made several complaints to the competent authorities and apprised them about the video graphing and monitoring by the PSO guard but no actions has been taken yet.

Although the camcorder was issued for the purposes of safety and security of Mr. Chaturvedi, however, there were several incidents where Mr. Chaturvedi was attacked by some miscreants but the recording of such incident was not done by the PSO guard. In one such incident, Mr. Chaturvedi was engaged in preparation for his sister's marriage and three persons from a political party tried to abduct Mr. Chaturvedi and

used force against him in the presence of PSO guard equipped with camcorder, and the recording of said incident took place. In this respect, Mr. Chaturvedi has filed a complaint with the Police authorities, but no action has been taken till date.

The recording by the PSOs till this date is continued, the only difference is that the video recording is now being done by using their mobile phones.

Mr. Chaturvedi's normal life has been harmed and his social image has been damaged by such act. It has not only affected his social life, but his right to privacy and right to move freely has been sacrificed and breached by such act. This holds much greater importance after the recent Supreme Court's 9 member bench ruling that privacy is a fundamental right.

**Appeal :**

Therefore, in the light of above mentioned facts and circumstances, HRDA most respectfully appeals that this Hon'ble Commission to urgently:

- Undertake an independent investigation by the NHRC's investigation team and hold appropriate officials responsible for the PSOs video graphing Mr. Ashish Chaturvedi and his family members. Following the investigation, take strict actions against officials involved in a clear act of surveillance and intimidation of the HRD.
- Guarantee in all circumstances the physical security, protection and psychological integrity of Mr. Ashish Chaturvedi and order immediately to stop the video graphing of his day today activities and movements by the PSO ;
- Take immediate action on the perpetrators for intimidating in the work and normal life of the human rights defender and also for harassing his family members;
- Put an end to all acts of attack and harassment of human rights defenders in the State of Madhya Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- 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 Madhya Pradesh.

Yours sincerely,

**Henri Tiphagne**

National Working Secretary

**Copies to:**

**Special Rapporteur on the situation of human rights defenders,**

Mr. Michel Forst

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**WORLDWIDE MOVEMENT FOR HUMAN RIGHTS  
(FIDH)**