



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 1, 2017

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Sub: HRD Alert - India – Urgent Appeal for Action - Death threats and withdrawal of police protection to a Human rights defender and Advocate Rajat Kalsan in Haryana- 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 intimidation and harassment to the human rights defender and advocate Mr. Rajat Kalsan by filing false case and also death threats received by him in Hisar district of Haryana.

Source of Information on the Incident:

- Regional Coordinator of HRDA
- Interaction with the HRD, Advocate Rajat Kalsan

Status of the Human Rights Defenders:

Mr. Rajat Kalsan, is a lawyer and Dalit rights activist. He is practicing law in the district court of Hisar, Haryana. He himself belongs to a Scheduled Caste. He pursues cases related to atrocities, violations, discrimination of Dalits in different courts in the state of Haryana. He also conducts awareness training on the constitutional rights for Dalit community youths in different rural pocket of the state. He is associated with several civil society groups working for Dalit rights in the state and at national level also.

The Perpetrators:

1. Mr. B.S. Sandhu, Director General of Police, Hayana
2. Mr. Amitabh Singh Dhillon, Inspector General of Police, Hisar Range
3. Ms. Manisha Choudhry, Superintendent of Police, Hisar

4. Narender Kadian, Superintendent of Police, Hansi

Place of Incident:

Hansi, Haryana

Case details:

Mr. Rajat has been representing Dalits in the state of Haryana in several cases of serious human rights violations involving discrimination and violence initiated by the members of dominant castes. He has intervened in the cases of gang-rapes, killings and house-burnings with dominant caste members as the perpetrators of crime. In Mirchpur village of Haryana, some miscreant had torched the Dalit *basti* (settlements) on April 21, 2010, and in this arson a man and his daughter died due to burning. He had been fighting for justice of the Dalit victims in this case and representing the victims in the court. He is also representing a gang rape case, in Hisar district where a Dalit young girl was kidnapped and was gang-raped on September 9, 2012, thereafter her father committed suicide. In another case of caste atrocity that he is representing is of a Dalit man whose hand was chopped off by the dominant caste men in Daulatpur, Haryana. Another case he is representing in the court is the case of two Dalit persons committing suicide due to harassment by the dominant caste people in Hansi Sub-Division of Hisar, Haryana.

Mr. Rajat assisted Dalit villagers from Bhatla in Hansi to file a criminal complaint in July 2017 against a social boycott imposed against them by members of dominant castes. This included preventing their participation in community gatherings, use of social commons and enjoyment of employment rights. Subsequently, based on a petition, the High Court of Punjab and Haryana constituted a fact-finding into the boycott. On September 2, 2017, Mr. Rajat assisted this committee when they visited the village. As a result, he received several death threats and was forced to flee as he feared assault by a group of dominant caste members.

On the occasion of the birth anniversary celebrations of Dr. B.R. Ambedkar and Guru Ravi Dass, he had organised legal awareness camps in the village. As a result, few persons belonging to the dominant caste alleged that he is disturbing brotherhood in the village and filed false complaints against him.

As in most of the cases he is representing the Dalits and perpetrators being from the dominant castes and government authorities including the police, he had been facing threat including death threats. Through an order of the court, he was provided with police protection for the past 6 years. But, for the past few months, the police protection provided to him has been withdrawn without any information. Following it, on numerous occasions he was threatened and recently facing serious threats to his life. He has also alleged that some political groups and officials from police department and others are in a conspiracy to lodge false case against him. He apprehends their intention is to arrest him under fabricated and false charges and kill him in the custody.

In an attempt to curtail Mr. Rajat's legal practice and him representing the Dalits and working against atrocities, a group of dominant caste people staged a demonstration at Hansi Old Court area demanding the state administration to cancel his license to practice law and register a case of disloyalty against the State. Hansi city police station had earlier registered two cases against him bearing with case no. 328/2015 and 725/2016. On September 14, 2017, the police registered another case against him which alleged that he had tried to instigate Dalit villagers to file false complaints, bearing with case no. 302/17 under sections under sections 389 (threat to public

servant), 153 A (promoting enmity between religious groups), 153 B (imputations prejudicial to national interests), 211 (false charges of offence), 193 (false evidence) ,505 (statements conducing to public mischief) ,506 (criminal intimidation) ,120-B (criminal conspiracy) ,109 (abetment) of Indian Penal Code.

Currently Mr. Rajat and his family are facing serious threats to life and liberty and it is alleged that senior officers of the state police department have intentionally and deliberately not provided him with the police security and are hands in glove with the dominant caste leaders in an attempt to assassinate him. Due to these threats, Mr. Rajat is unable to visit his home and undertake his peaceful human rights work of challenging the caste atrocities in Haryana. Apprehending attacks and fearing for his life, he only goes to his residence only a few days in a month, that too in late night and had to leave very early in the morning.

Appeal:

We, therefore urge you immediately to;

- Undertake an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident pertaining to the life and liberty of human rights defender Mr. Rajat Kalsan and order for quashing the false cases against him. The commission should record the statement of Mr. Rajat Kalsan;
- Order for immediate reinstatement of the police protection to Mr. Rajat Kalsan and his family;
- Ensure provision of reparation, compensation, apology to Mr. Rajat Kalsan for the psychological sufferings he underwent because of the undue harassment and ensure that he is provided with adequate protection and allowed to pursue his human rights work in a safe and enabling environment;
- Based on an independent investigation, order for prosecution against the state police officials who are involved in the harassments and threats to Mr. Rajat Kalsan.
- 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 Haryana.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)
National Working Secretary

Copies to:

Mr. Michel Forst

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