



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 22, 2018

To

Mr. Khaleel Ahmed

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Brutal murder of RTI activist and Dalit lawyer Mr. Kedar Singh Jindan in Himachal 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 writing to express our grave concern over the brutal murder of RTI activist and Dalit lawyer by upper caste persons from his village in Himachal Pradesh.

Status of Human Rights Defender:

Mr. Kedar Singh Jindan was a practising lawyer at the Himachal Pradesh High Court and has been actively working on cases for the marginalised communities, especially Scheduled Castes and Scheduled Tribes and also the economically weaker section of the Rajput and other communities. He belonged to the 'Koli' (Scheduled Caste) community and was a native of Shilai village of Sirmaur District in Himachal Pradesh. He had been vocal and active on many social issues, more importantly on case-based discrimination on Dalits and other marginalised communities. He used to run an educational academy at Shilai to train young students and had over the years emerged as a voice of the Scheduled Caste communities in the region. He had been actively

using the Right to Information Act to uncover information related to development issues in his village and the neighbouring villages mainly to unearth corruption and irregularities. Mr. Jindan had in the past helped an inter-caste couple in their marriage which had earned envy among the Rajput community in his village and he himself had got married to his wife Ms. Hemlata in an anti-caste marriage.

Source of Information on the Incident:

Report of Independent Fact-Finding Team

Perpetrators:

- Jai Prakash;
- Members of Rajput community in Shillai village, Sirmaur District of Himachal Pradesh.

Details of the Incident

Jindan who was based in Shimla had arrived at his native village in Paab village where his brothers resided on the evening of September 6, 2018. He along with his relative went to the Block Primary Education Office (BPEO) on the morning of September 7, 2018. Jindan was brutally beaten up on his head with an iron rod by the prime accused Jai Prakash, who then ran over Jindan's head his car thrice and mutilated his face in broad day light while many villagers were watching the murder. Then Jai Prakash himself called up the Deputy Superintendent of Police and told that a person fell in front of car and got injured and tried to frame this as an accident.

Background of the incident

In November 2017, Jindan was attacked by a group of people near his village in Shillai, Sirmaur District. He was travelling in a bus at the time was forced to get down from the bus and was attacked and beaten up badly by a group of 50 men, leaving him unconscious. They then buried him with buckets of wet sand so that he could not get up. Following this assault, Jindan had complained to the police and his family and well-wishers had advised him to not visit the area. There seems to be no clarity on the action taken by the police in this case. It is learnt that Mr. Jindan also had approached the National Human Rights Commission (NHRC) with a complaint over his attack which had been registered with Case No. 118/8/9/2017 and later the case was

disposed off by transmitting the complaint to the concerned authorities. It is very evident that no action had been taken by the authorities to ensure adequate protection to Mr. Jindan after there was an attempt on his life and had approached the NHRC.

After this attack, in a press conference Jindan had released a list of around 30 names from whom he had been receiving threats, and it included the name of Jai Prakash, who is now the prime accused in the murder case.

On June 29, 2018, Jindan had held filed a complaint with the anti-corruption Bureau and also held a press conference in Shimla where he exposed the irregularities in providing Below Poverty Line (BPL) certificates in his village, through the details he had collected using Right to Information Act. He alleged that Jai Prakash (up-Pradhan) of the Bakras gram panchayat had illegally obtained BPL certificates for his well-to-do relatives, through which they were appointed in government jobs, using his position in the panchayat by forging records. Evidences that supported his case included a posse of documents collected through RTI and photographs of the houses and cars which Jai Prakash's family owned. In the same press conference, Jindan also told the press that he had made a complaint to the Anti-Corruption Bureau demanding an inquiry into this alleged fraud and that he did not trust that they would carry out a fair investigation in the matter. He had demanded action against all culprits involved in issuing forged BPL certificates and officials who helped them get government jobs. After this expose, Jai Prakash's relatives lost their jobs which they held Jindan responsible for.

This case is a clear depiction of gross violation of human rights of an individual who was a human rights defender and who during his lifetime faced constant threat to life for his work as an activist and was denied adequate protection despite having alarmed the authorities about the threats received and was left alone to be murdered by his perpetrators.

Appeal:

We, therefore urge you to immediately take necessary steps and:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal murder of Mr. Jindan;

- Ensure safety of family member of Mr. Jindan who are still under threat;
- Ensure for the protection of all eye-witnesses in the case who are under immense pressure and threat given the sensitivity of the issue;
- Ensure that the process of providing monetary compensation under Scheduled Caste (Prevention of Atrocities) Act, 2016 to Mr. Jindan's family is expedited.

Looking forward to your immediate action in this regard,
Yours sincerely,



Henri Tiphagne
National Working Secretary