



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/PB/08/09/2019

September 18, 2019

To

Mr. Khaleel Ahmad

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 – Punjab - Brutal attack with the intention to kill a Dalit social activist and human rights defender Mr. Ashok Mahindra in Muktsar Sahiib district of Punjab - 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 writing to express our grave concern regarding the brutal physical assault with the intention to kill Dalit social activist and human rights defender Mr. Ashok Mahindra in Muktsar Sahib District of Punjab

Status of Human Rights Defender:

Mr. Ashok Mahindra is a Dalit social activist and a human rights defender. He is the State Coordinator of a human right organization called "Dalit Human Rights, Punjab". He has been working for the promotion and protection of Dalit human rights and the Dalit community for more than ten years in Muktsar Sahib District of Punjab. He has been associated with various local NGOs. He was a member of National Dalit Movement for Justice (NDMJ) associated with the National Campaign on Dalit Human Rights (NCDHR) at the Punjab chapter in Chandigarh. Mr. Ashok Mahindra successfully finished his two - year fellowship with Dalit Foundation from 2012 to 2014. Mr. Ashok Mahindra has been regularly assisting people who approach him for

help. He has been supporting and helping people in filing written complaints, writing First Information Reports, helping them connect to the lawyers and so forth.

Source of Information on the Incident:

Coordinator of HRDA for the North of India
Communication with the HRD

Date of incident:

11 September, 2019

Place of incident:

Muktsar Sahib district, Punjab

The Perpetrators:

Soma Singh and his father Jaswinder Singh Sinder

Details of the Incident:

On 11 September 2019, Mr. Ashok Mahindra left his home on his bike in Muktsar Sahib city in Punjab at around 7 pm. As he barely moved a few meters from his house on the street in B R Ambedkar Marg he was attacked from behind and fell down from his bike. He somehow managed to escape from the spot and run towards his house. When he reached home, the two assailants mainly Soma Singh and his father Jaswinder Singh Sinder came to his house and Soma Singh was carrying an iron rod and Jaswinder was having a small baton (lathi). They both started hitting the Mr. Ashok Mahindra indiscriminately with the intention to kill him and after receiving a blow on his neck, he fell down and became unconscious. The assailants were unsuccessful in executing the brutal attack because of the intervention of some of his neighbours and other people at the site of the incident. Fortunately, Mr. Ashok Mahindra survived the attack but he received three severe injuries. His right hand suffered fracture and left hand also got injured. He was immediately rushed to the civil hospital at Muktsar Sahib, Punjab. He was admitted in the hospital and treated from 11 September, 2019 to 13 September, 2019. The Station House Officer of the area police station came to record his statement. Although they have registered the case but they have not included IPC section 452 which is imposed for allegedly committing house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person. It is alleged that by not including section 452 the police has been seeking to diminish the enormity of the crime committed against the defender.

Mr. Ashok Mahindra was assisting Mr. Kamal Kumar, a Dalit who was attacked with a gun some time back. In his case the police did not invoke the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the assailants. The defender lodged a complaint with the Senior Superintendent of Police of Muktsar Sahib district to charge the accused under these relevant sections. Mr. Ashok Mahindra also organized an agitation in this regard. About three years ago Mr. Ashok Mahindra helped Mr. Gurmeet in filing a police complaint against an accused who attacked Gurmeet with a rifle. On the same day the accused was arrested. According to the sources in the present case the accused are involved in the drug trafficking activities and are suspected to have been hired by the vested interests to target the HRD. Mr. Ashok Mahindra has been a victim of vendetta like so many human rights defenders in the country and the state and police machinery has not taken any proactive measures to help the victim. They have not taken the accused on remand so far.

Pertinent to this particular case of Mr. Ashok Mahindra, it is pointed out that under the Declaration of Human Rights Defenders, it is stated that in the context of human rights violations by third parties, the obligation to protect, first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State's responsibility. Even acts and omissions committed by non-State actors under the instructions, control or direction of the State can, under certain circumstances, give rise to State responsibility. Therefore, it is paramount that prompt and full investigations are conducted and perpetrators brought to justice. Failure by States to prosecute and punish such perpetrators is a clear violation of Article 12 of the Declaration on Human Rights Defenders.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of targeting and brutally assaulting the human rights defender Mr. Ashok Mahindra;
- Take immediate action on the alleged perpetrators as mentioned above by arresting them for attempting to physically harm the human rights defender,

Mr. Ashok Mahindra and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Ashok Mahindra;

- Ensures complete medical check-up of the human rights defender Mr. Mr. Ashok Mahindra totally at state cost in the best medical facility available in the state to ensure that the defender is not suffering from any internal medical ailments after this incident;
- Guarantee in all circumstances the physical and psychological integrity and security of the defender Mr. Ashok Mahindra who still face the risk of further attacks from the perpetrators and using all provisions of law to ensure that the defender is not attacked or intimidated in Punjab in future and give this assurance to the NHRC of India in writing immediately and urgently;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary