



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 16, 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 – Rajasthan – Case of alleged custodial death of RTI Activist Mr. Jagdish Golia in Rajasthan – 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 alleged custodial death of RTI activist and human rights defender Mr. Jagdish Golia who was arrested by police of Pachpadra police station, Balotra city of Barmer district in Rajasthan on 5 October 2019. The defender died in a mysterious condition on 6 October, 2019 while he was in the custody of police.

About the Human Rights Defender:

Mr. Jagdish Golia is a RTI Activist and was associated with Kisan Shakti Sanghatan, Rajasthan. He has been using Right to Information Act since 2005 to get information on public issues and also on police atrocities. He had filed RTIs on issue like rules related to the practice used by the Rajasthan police to keep those arrested under CrPC section 151, 116 and 107 in the lock ups after removing their clothes and information regarding public electricity connection being directly used for the transport light signals. He had also exposed many cases of corruption in the state using RTI Act.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Rajasthan, India
- Media Reports

The Perpetrators:

Police officials at Pachpadra police station, Balotra city of Barmer district of Rajasthan

Date and Place of incident:

6 October, 2019

Pachpadra police station, Balotra, Barmer district, Rajasthan

Details of the Incident:

According to sources, Mr. Jagdish Golia allegedly died in a mysterious condition on 6 October, 2019 while he was in the custody of police of Pachpadra Police Station in Balotra city of Barmer district of Rajasthan. According to the police, RTI activist and human rights defender Mr. Jagdish Golia and two others named as Gopal Singh and Mahendra Singh were arrested on 5 October, 2019 under section 151 of Code of Criminal Procedure (CrPC) over a land dispute within their family. According to the police they were presented before the Executive Magistrate at the Tehsil Office for bail on 6 October, 2019. Police claimed that the Magistrate had granted bail to Gopal Singh and Mahendra Singh and Mr. Jagdish Golia complained he was not feeling well. Following the Magistrate's directions, he was taken to the Nahata Hospital where he was declared brought dead.

Sources informed that Mr. Jagdish Golia had a lot of sensitive documents related to the police and the police had detained him in the past. In regard to the circumstances of his death, the local RTI activists and human rights organisations challenge the police version of the events and suspect foul play. They alleged that RTI activist died in police custody in Barmer's Balotra city. They informed that RTI activist and human rights defender Mr. Jagdish Golia had a complaint pending in Pachpadra Police Station, in connection with that he first met Mr. Subhash Chandra Khoja, Deputy Superintendent of Police, Balotra where he was unheard. He then went straight to Pachpadra police station where he was booked under Section 151 CrPC at police station and was arrested. He was beaten and tortured at night in the police station. According to them the circumstances surrounding Mr. Jagdish Golia's death strongly

suggest that he died due to the brutal torture committed by police officers at the Pachpadra Police Station in Balotra city of Barmer district of Rajasthan.

Media reports carried the statement of Barmer SP Sharad Choudhary who said that Golia's mother Varju Devi had filed a complaint, alleging station house officer (SHO) of the Pachpadra police station, Mr. Saroj Choudhary had not ensured the timely treatment to Golia's internal and external injuries, which she said led to her son's death. Devi said in her complaint that she and her son were working on their farm in Sarana village on 5 October, 2019 when some people, belonging to their family, came and beat up Golia. It is alleged that the state police is trying to cover-up his torture and death by insisting that he died due to internal and external injuries suffered by him at his farm as it has been done in most other previous occasions when persons taken into custody had died while in custody.

This case is yet again an example of reprisal against human rights defenders despite there being several national and international mechanisms in place towards protection of human rights defenders. Recent one being the December, 2018 pledge by National Human Rights Institutions (NHRIs) wherein it was recognised that human rights defenders have a positive, important and legitimate role in contributing to the realisation of all human rights and was endeavoured by the Commission to create enabling environment for safeguard of human rights defenders.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order a prompt, effective, thorough, independent and impartial investigation into the circumstances surrounding the arrest and subsequent death in police custody of RTI activist and human rights defender Mr. Jagdish Golia;
- Ensure the result of the investigation must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- Along with local district officials guarantee in all circumstances due compensation to the family of the deceased RTI activist and human rights defender Mr. Jagdish Golia according to international standards and give this assurance to the NHRC of India in writing immediately and urgently;

- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- Conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners, which includes the obligation to provide treatment during detention;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, in particular with Articles 6, 12.1 and 12.2;
- Put an end to all acts of harassment, intimidations and attacks against all RTI activists and human rights defenders in general in the state of Rajasthan to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Guarantee in all circumstances that all RTI activists and human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary