



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 28, 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](mailto:hrd-nhrc@nic.in) [cr.nhrc@nic.in](mailto:cr.nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Gujarat: RTI activist and human rights defender Mr. Amit Parmar brutally attacked and mercilessly beaten by four men allegedly related to village sarpanch in Khopala village in Botad district of Gujarat on November 24, 2019 – 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 regarding the brutal physical assault on RTI activist and human rights defender (HRD) Mr. Amit Parmar, near Khopala village in Botad district of Gujarat. The said RTI activist was brutally beaten by four men allegedly having links with the sarpanch (village head) of the Khopala village. Mr. Parmar became a target of attack because he had filed an RTI application seeking information on the details of the grants of government development projects given to the village panchayat.

## **About the Human Rights Defender:**

RTI activist and HRD Mr. Parmar is 27 years old and a resident of Khopala village, Botad, Gujarat. He is a final year student of LLB at HK College, Ahmedabad. He has been socially active in his village and has been raising issues related to village development. He has been fighting for the rights of Scheduled Caste (Dalits) and

Scheduled Tribe in and around his village especially highlighting the discriminatory attitude of the administration in the distribution of financial assistance to the marginalised people belonging to SC/ ST categories. He has been using RTIs for the last one year and seeking information related to development issues in village panchayat. His recent RTI application was related to the grant given to the sarpanch for maintenance of houses under the 'Indira Housing Scheme' and use of village pastoral land.

#### **Source of Information on the Incident**

- The Coordinator of HRDA for the West of India
- Communication with the HRD
- Communication with the RTI activists and HRDs in Gujarat
- Media Reports

#### **The Perpetrators:**

Sarpanch Ms. Vimla Gabani, her husband Jasmat Gabani, son Sanjay Gabani and four unknown persons

#### **Date and Place of incident:**

November 24, 2019  
Near Khopala village of Botad district in Gujarat

#### **Details of the Incident:**

According to the information received, on November 24, 2019, RTI activist and HRD Mr. Parmar was going out of his village Khopala on his bike along with his brother Mr. Vinod Parmar. They were on their way to Lakhanka village from Khopala. Around 2.30 pm when they reached at Pipal road, nearly 8 kilometres from their village, they were intercepted by four men unknown to the defender who had come on two bikes. They were carrying iron rods and batons. They started hitting the HRD repeatedly with iron rods and abused him by hurling derogatory casteist remarks. Mr. Parmar was also threatened and asked to withdraw the RTI application he had filed recently. Physical attack and beating continued for 5 to 10 minutes. The HRD suffered fractures in both his legs and hands. His elbow also suffered fracture. His lower limbs were also severely injured as a result of the beating inflicted by the assailants. His brother Mr. Vinod Parmar was also roughed up by the assailants. HRD's brother Mr. Vinod Parmar called on 108 for emergency ambulance through which he was taken to the

government hospital and admitted. Sources informed that the assault was carried out by men closely associated with the village sarpanch. RTI activist, Mr. Parmar was earlier threatened by the husband of village sarpanch Ms. Vimala Gabani. He was threatened to withdraw the RTI application filed by him or else he would face dire consequences.

Because of the injuries suffered, the HRD had to undergo two surgical operations - one on his left hand and other on his leg. He is still in the hospital and receiving treatment.

The Botad Police has filed a case against sarpanch Ms. Gabani, her husband Mr. Jasmat Gabani, son Mr. Sanjay Gabani and four unknown persons under Indian Penal Code sections 324, 325, 504, 506 (2) for causing hurt by dangerous weapon, causing grievous hurt, intentional insult and criminal intimidation along with sections of the Prevention of Atrocities against Scheduled Caste and Scheduled Tribe Act. The case has been transferred to SC/ST cell of Botad Police, Gujarat. However, the police has failed to arrest any of the accused yet.

The Hon'ble Commission is once again apprised that many RTI activists have been harassed and even murdered for seeking information to "promote transparency and accountability in the working of every public authority". Many face assaults on a regular basis. People seeking information from their [gram panchayat](#) and the local administration also face social ostracism.

RTI activists are vulnerable [HRDs](#). Unlike other HRDs, a majority of the RTI activists are not part of an organisation; they often act alone, moved by anger at corruption and other illegal activities. RTI activists are vulnerable because they live in the same areas as public authorities and political leaders who do not want information about their activities to be disclosed. For the most part, human rights defenders receive media attention only when killed or seriously injured. When complaints are made by RTI activists, law enforcement personnel (who often work with corrupt officials) do not take appropriate action. The [Central Information Commission](#) and the State Information Commissions are not mandated to deal with such threats or attacks or to provide protection when needed. Attacks on RTI users have not ceased despite directions from several information commissions and state governments to protect them from harm.

Further, per the Declaration on HRDs 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 HRDs.

### **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 above mentioned incident of brutal physical assault on RTI activist and HRD Mr. Amit Parmar;
- Ensure complete medical check-up of RTI activist and HRD Mr. Amit Parmar 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 as a result of this brutal physical assault;
- Take measures to seek response from the Botad Police for abetment and negligence in not arresting the accused despite booking them for grave offences including provisions of the SC/ST Prevention of Atrocities Act;
- Guarantee in all circumstances the physical and psychological integrity and security of RTI activist Mr. Amit Parmar who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against the HRD;
- Ensure provision of reparation, compensation, apology to the HRD for the psychological sufferings he is undergoing because of this brutal physical assault 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 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 Gujarat 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 Gujarat.

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



**(Henri Tiphagne)**  
National Working Secretary