



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 09, 2020

To

Mr. Debindra Kundra

National Focal Point - Human Rights Defenders & Assistant 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 – Madhya Pradesh –
Death threats to Vyapam scam whistle blower and human rights
defender Ashish Chaturvedi in Madhya 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 Vyapam scam whistle blower and human rights defender Ashish Chaturvedi who has been abused and given death threats by the builder mafia in Gwalior, Madhya Pradesh, The defender has been targeted after he had served legal notices to the builders regarding encroachment of government land and selling it illegally to people hiding original documents.

About the Human Rights Defender:

Ashish Chaturvedi is a Whistle blower and human rights defender. He is one of the prime whistle blowers in the high-profile, multi-crore Madhya Pradesh Professional Examination Board (MPPEB) scam, also called Vyavasayik Pareeksha Mandal or Vyapam scam. Vyapam Scam is multimillion-dollar corruption where, since 2007, tens of thousands of students and job aspirants have paid hefty bribes to middlemen,

bureaucrats and politicians to rig test results for medical schools and government jobs. With at least 40 deaths linked to the Vyapam scam in Madhya Pradesh, HRD Ashish Chaturvedi now lives in constant fear of becoming the next victim. He has faced 17 attacks and numerous threats to his life so far.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- Communication with the HRD in Gwalior
- Media Reports

The Perpetrators:

Unknown persons but suspected to be linked with land mafia

Date and Place of incident:

December 13 and December 14, 2019

Gwalior in Madhya Pradesh

Details of the Incident:

According to sources on December 13, 2019 around 2.30 pm Ashish Chaturvedi received a call from an unidentified person on his cellphone from cell phone number 7699 844587 and the caller asked him about the notices he had served to the builders regarding illegal colonies. The caller threatened him and said if he does not take the notices back, he would face dire consequences. Ashish Chaturvedi told the person to instead make a written legal reply to the notice. On this, the unidentified caller started abusing him and even threatened to kill him. He had again received a call on his cell phone from an unknown person with cell phone number 8319398829 on December 14, 2019. The caller again asked him to withdraw the legal notices he had sent in the matter of illegal land encroachment and building of illegal colonies.

Sources informed that Ashish Chaturvedi had come across some documents that suggested several colonies were built on encroached land by a group of builders. Soon after, he had served legal notices to the builders through his lawyer and wanted to know about the colonies and unsuspecting buyers. At least 6 to 7 persons belonging to the land mafia operating in Madhya Pradesh are said to be involved in this matter. Sources also informed that an anti-mafia squad, formed by the collector of Gwalior in Madhya Pradesh has also taken cognizance of the threat issued to the HRD. He has

lodged a complaint with Jhansi Road police station in Gwalior. A case has been lodged against the unidentified caller in Jhansi road police station at Gwalior under sections 294, 506 and 507 of the Indian Penal Code (IPC). Following the registration of the case an inquiry has been launched into the matter.

It is further brought to the notice of the Commission that per the Declaration on Human Rights Defenders, State parties are under the duty to act with due diligence to prevent, investigate and punish any violation of the rights of the Defenders. In other words, States should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures to ensure investigation of alleged violations; prosecuting alleged perpetrators; and provide defenders with remedies and reparation. Examples of actions or omissions which contravene the State's duty of due diligence include the failure to provide effective protection to defenders at risk.

Further under the Declaration, 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:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above mentioned incident of threats issued to the life of whistle blower and human rights defender Ashish Chaturvedi in Gwalior in Madhya Pradesh;
- Take immediate legal action against the unknown perpetrator as mentioned above after identification and arrest him for threatening the whistle blower and human rights defender Ashish Chaturvedi;
- Guarantee in all circumstances the physical integrity and security of the whistle blower and human rights defender Ashish Chaturvedi who still faces the risk of

further reprisals and using all provisions of law to ensure that the defender is not harassed and intimidated in Madhya Pradesh 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,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)
National Working Secretary