



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 14, 2021

To,
Mr CS Mawri,
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 – Urgent Appeal for Action – Rajasthan: Murder of RTI activist in Jhalawar and police inaction in arresting the murderers.

Greetings from Human Rights Defenders Alert!

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 murder of RTI activist Mr. Rai Singh Gurjar and inaction by the Rajasthan police.

Source of Information:

- Information from HRDA West Regional Consultant
- Communication with the HRD's family
- Media reports

Date of Incident:

September 18, 2021

Place of Incident:

Jhalawar, Rajasthan

Perpetrators:

- Mr. Kalulal Patidar, Sarpanch, Titarwasa
- Mr. Chandra Singh Hada, village secretary, Titarwasa
- Mr. Jitendra Singh, Inspector Jhalrapatan Police Station

About the Human Rights Defender:

Mr. Rai Singh Gurjar was a human rights defender based in Titarwasa in Jhalawar district of Rajasthan. For several years he had been associated with the struggle for the rights of

Dalits of the region and had raised issues of corruption in the Panchayat with the use of RTI. In January 2019, he was also elected the deputy sarpanch of the Titarwasa gram panchayat.

Background of the incident:

In September 2019, Mr. Gurjar voiced concern against corruption in development work that was being undertaken in his gram panchayat through RTIs. It is noteworthy that his village had been adopted by the Vice President of India Mr. Venkaiah Naidu under the model village scheme as a member of the Rajya Sabha in 2017. Local and national media ran stories regarding Mr. Gurjar's concerns and had based their articles on the information he had received through RTIs.

In February 2021, the Anti-Corruption Bureau (ACB) of the Rajasthan Police arrested the Sarpanch of the village Mr. Kalulal Patidar for bribery, upon a complaint made by Mr. Gurjar. Mr. Patidar was released on bail in September 2021.

On September 8, 2021, after Mr. Patidar was released on bail, the HRD wrote to the collector, stating that Mr. Patidar had been given authority to access and use bank accounts of the panchayat and had in effect been re-instated as the sarpanch. In his letter he sought an investigation as to how this was made possible and the role of the administration in granting Mr. Patidar the authority to use the bank accounts. He had named Mr. Bhomsingh Indra, development officer of Jhalrapatan district, and had accused him of working with Mr. Patidar. He had urged the collector to investigate the same.

Details of the Incident:

On September 18, 2021, Mr. Chandra Singh Hada, the village secretary, called Mr. Gurjar around 4.30 p.m. and asked to come to Madhopura to meet him. Mr. Gurjar went to Madhopura village and was on his way home after meeting him.

Around 9 p.m., Mr. Gurjar's brother got a phone call saying that the HRD was lying on the road in a critical condition. The HRD was taken to Jhalawar district hospital, where he was pronounced dead.

The postmortem was conducted on the following morning, which listed 13 injuries that the HRD had across his body on his head, arms, and legs. It stated that the all the injuries were antemortem in nature and had been caused by blunt force and fresh before death. The cause of death was listed due to the injuries the HRD received on his head.

The family of the HRD allege that this is a case of murder by the people whom the HRD had complained, but the police planned to write an FIR as a case of accident. HRD's brother, a lawyer, insisted on not filing a case of accident and said they will file a complaint themselves.

On September 19, 2021, HRD's brother made a formal complaint at Jhalrapatan police station based on which the police registered FIR No. 0306 at 2.10 p.m. The FIR named three accused: 1. Dinesh, son of Kalulal Patidar 2. Nehpal, son of Durga Singh 3. Chandra Singh Hada. All three have been charged under section 302 and section 34 of the IPC for the murder of the HRD. However, the police have not yet arrested any of the accused mentioned in the FIR.

We believe that this is a shocking case of willful negligence by the police towards the murder of an RTI activist. The HRD had been consistently raising the issue of corruption and misappropriation of funds by the sarpanch Mr. Patidar. The lethargy of the police and the

potential threat to the HRD and his family goes against some of the fundamental duties of the state with regards to the protection of human rights defenders.

The Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”*

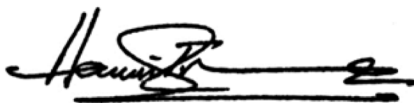
RTI activists have been among the most vulnerable and targeted human rights defenders in the country. According to media reports, during the lockdown (since March 2020) as many as 10 activists have either been killed or assaulted.

Appeal

We thus request the Hon'ble Commission to urgently:

- Direct the Superintendent of Police of Jhalawar to ensure that the accused are arrested immediately and initiate an independent inquiry into police inaction as no arrests are made despite it being over four weeks since the murder of RTI activist Mr. Rai Singh Gurjar and submit the report to the NHRC within four weeks.
- Direct the District Magistrate of Jhalawar to investigate the role of the administration in granting Mr. Kalulal Patidar the authority to use the bank accounts and submit a report to the NHRC within four weeks.
- Direct the District Administration of Jhalawar to provide Rs. 10 lakhs compensation to the family of RTI activist Mr. Rai Singh Gurjar and ensure complete physical safety of the family and send the report to the NHRC within four weeks.

Yours Sincerely,



Henri Tiphagne
National Working Secretary