

The moment of reckoning



Report of the INDEPENDENT FACT FINDING VISIT JINDAN MURDER CASE

13th and 14th September 2018

I. **Background of the incident and the Need for the fact finding:**

On the afternoon of 7th September 2018 the news of the death of a social activist and a dalit leader Kedar Singh Jindan had started doing the rounds on social and state level media. While the initial news was about him being run over by an SUV close to his village, by evening it was confirmed that Jindan (he was called by this name by friends, coworkers and relatives) was in fact murdered. [News reports](#) also started revealing the gory details of the killing, carried out brutally and in broad day light. The police, it was reported, had arrested two people (and later one more) and the post mortem reports too showed that Jindan was viciously attacked, assaulted and soon after, crushed by the murderers under a vehicle, multiple times. The chilling incident is an unprecedented one in the recent history of the state of Himachal Pradesh.

The [reports and statements by Dalit organisations](#), the CPM and the members of the family also highlighted that the murder was not just a well-planned one to silence an activist who had uncovered several cases of corruption in the area but also an extension of caste-based violence and discrimination that has been rampant in the region. [The rallies organized by the Rajput Sabhas](#) of the area immediately after the murder, calling for dropping of the charges under Section 302 IPC and the SC/ST Prevention of Atrocities Act made it evident that the issue was polarized and in such an atmosphere the investigation could be manipulated.

Kedar Singh Jindan was a practising lawyer at the Himachal Pradesh High Court and had been actively working on cases for the marginalised communities, especially Scheduled Castes and Scheduled Tribes and also the economically weaker section of Rajput and other communities. He belonged to the 'Koli' (Scheduled Caste) community and was a native of Shilai village of Sirmaur District in Himachal Pradesh. He had been vocal and active on many social issues, more importantly on caste-based discrimination on Dalits and other marginalised communities.

Before his murder, there was another (unsuccessful) attempt on his life in November 2017, when Kedar Singh Jindan was attacked by a group of about 50 people near his village in Shilai.

Jindan had arrived at his house in Paab village on the evening of September 6, 2018. He, apparently was called for a meeting to the Block Primary Education Office (BPEO) at Bakras on the morning of September 7, 2018. It was around this time that Jindan was brutally beaten up on his head with an iron rod, following which, the prime accused Jai Prakash (who is also the sitting Up-Pradhan of Gram Panchayat, Bakras) ran over his head with his car thrice and mutilated his face in broad day light, with many villagers watching. In an attempt to frame this as an accident, Jai Prakash himself called up the Deputy Superintendent of Police, informing that a person fell in front of his car and got injured.

Members of concerned organisations who were aware of Kedar Singh Jindan's work and also knew the area to be notorious for its patriarchal and casteist violence called for an independent fact finding into this case.

The fact finding was called by organisations working on issues of Social Justice in the state with the following objectives:

1. To extend solidarity and support to the family of Kedar Singh Jindan
2. To assess the context in which the violence took place and the perceptions around it
3. To assess whether the administration had taken effective steps to ensure that the investigation was done in a speedy and fair manner
4. To make appropriate recommendations to ensure that justice is done in the matter

The fact finding was carried out on the 13th and 14th of September

Members of fact finding team

1. Kuldeep Verma, Social Worker and Activist, Sirmaur
2. Birbal, Dalit Vikas Sangathan Sirmaur
3. Sukhdev Vishwapremi, Centre for Mountain Dalit Rights
4. Advocate Sanjay, National Campaign on Dalit Human Rights
5. Rajkumar, National Dalit Movement for Justice
6. Raja Velu, Human Rights Defenders Alert
7. Manshi Asher, Kangra Citizens Rights Group.

Members we interacted with:

1. Roop Singh, Anil Kumar, Dharam Singh, Chandan Singh: Dalit Vikas Sangathan, Sirmaur
2. Ran Singh, Gram Pradhan, Gundah
3. Bahadur Singh, Heera Singh and Gulab Singh, Village Paab
4. Rohit Malpani, Superintendent of Police, Sirmaur
5. Virender Thakur, Assistant Superintendent of Police and head of Special Investigation Team (SIT), Sirmaur
6. Aditya Negi, Additional Deputy Commissioner, Sirmaur
7. Hemlata Jindan (on the phone)



Apart from the interactions, important documents were obtained from the family of Kedar Singh Jindan about the work that he was doing in the area.

II. Key observations and issues studied

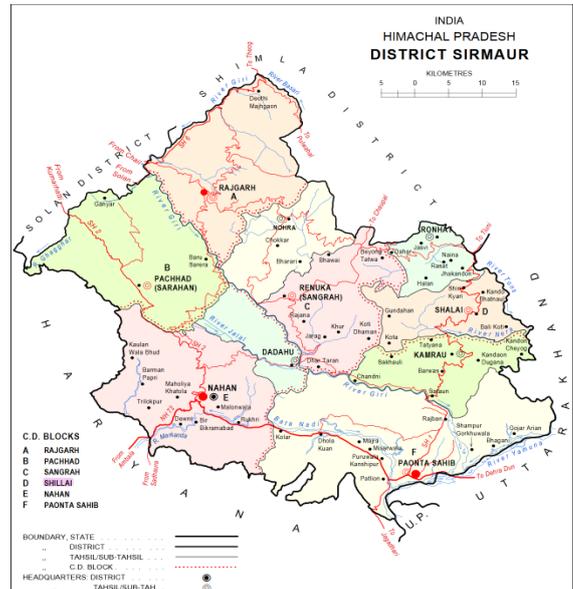
1. About the region

Sirmaur is the south eastern district of Himachal Pradesh and it shares its boundary with Uttarakhand and Haryana. The Giri river, which is a tributary of the Yamuna River basin, runs through the district and divides it into two equal halves. The Shilai tehsil falls in the trans-giri region also called Giri-paar. 30% of the population is Scheduled Caste in the Shilai block and it also has the lowest literacy rate. At 892, the block has the lowest sex ratio of all the blocks, standing low in comparison to district sex ratio of 920 and state figure of 977. (District Census 2011 data)

The region is primarily based on agriculture and animal husbandry. Compared to the other districts of Himachal, Sirmaur has lagged behind in terms of over-all development with relatively poor infrastructure, road and health facilities. Listed in the 50 most backward districts of the country, Sirmaur has nearly 23% of its households residing Below Poverty Line, of which 50% belong to the Scheduled Castes. Infact, the district has the highest proportion of scheduled caste population. Allotment of land under the land ceiling, land reforms and Nautodi (common lands) scheme has played an important role in saving the community from abject poverty but the Dalits still continue to face exploitation - with practice of discriminatory social customs and distribution and ownership of resources tilted in favour of the upper castes, mostly Thakurs. The socio-economic status of women in the communities is also low with hardships of day to day living and little access to health, education and resources. There are other unlawful practices of divorce and marriage that are severely discriminatory towards women that undermine their status in society further.

Surviving mostly on agricultural labour in earlier times, the Dalit communities, who have been historically landless, got titles on land either during land settlement or through *patta* systemⁱⁱ. Those who were not able to get land under this Act, were provided a minimum of 5 bigha per family either from the land recovered under Land Ceiling Act or on Shamlaat land (Common Property/Village forests)during the 1970s. These are the only agriculture lands owned by the Dalits, which may have got further divided between brothers, but still fulfill the subsistence food needs of their families. It is important to mention that though Dalits and landless farmers were allotted some Shamlaat lands under the *Nautod* scheme very few SC families received any titles or rights on these lands. The poor economic condition of the Scheduled Caste communities in the region have also perpetuated their marginalisation.

The Giripaar areas have got 126 panchayats comprising Shilai, Renuka(Sangrah), Rajgarh, Kamrau, Nohra, Paonta tehsil's Nagheta, Banor, Danda Kala Amb, Rajpur, Khaodri, Gorkhuwala, Doverisalwala, Bahngani, etc, spread over 1,299 sq km with a population of



1,01,742. In recent times there has been a growing demand to declare the trans-giri region as a scheduled area since the practices of the community who refer to themselves as 'Hattee' are considered to still be customary in nature. This demand led by a 'Hattee samiti' has been supported by the political representatives of the area and was the election plank of the BJP in the 2014 elections.

However, it needs to be noted that the demand for the 'Scheduled Tribe' status has been questioned and denied recommendation by the office of the registrar general of India (ORGI) in December 2017. In a correspondence to the state government on the same, the ORGI had made it clear that 'Hattee' is a term used to describe the people of 'Giripar' in general and there is no ethnographic documentation on such a tribe. The letter further notes that the 'Hattees' comprise of Rajputs, Brahmins as well as other communities like Kolis, Badhai etc who are classified as Scheduled Castes. (Annexure 1). "Rajputs and Brahmins are not scheduled tribes", the letter goes on to state.

The correspondence also makes a reference to the traditional practices of the Hattee community which happened to be caste based— A reference is made to the Khumbli Panchayat which is a local decision making and dispute resolution body of the upper castes almost always headed by Brahmins and another 'Khap' like body called the Chontru dominated by Rajputs.

If the government accedes to this demand, it needs to be understood that the rights of the Scheduled caste communities in the area will be completely compromised as they will be placed in the same category as the others who are, infact, the more socially and economically dominant castes in the area.

2. About Kedar Singh Jindan and the issues he worked on

Kedar Singh Jindan aged 44 years, son of Rattan Singh was born in Paab village, Gundaah Panchayat in Shilai block of Sirmaur District in Himachal Pradesh. The family belonged to the Koli community classified as Scheduled Castes. The Kolis are a near landless people and were traditionally *messengers and bonded labourers* working on the farms owned by the Rajput and Brahmin castes in the village. Between Jindan (as Kedar Singh was popularly known) and his brothers Bahadur Singh and Heera Singh there was 12 biswas of privately owned land. "We have also sought the 'permission' of the Rajputs to use and cultivate a few bighas of the shamlaat land in the village by payment of Rs. 5000/- and a goat to them", Heera Singh, Jindan's elder brother, informed the fact finding team.

Kedar Singh Jindan lost his father when he was young. Rattan Singh was apparently 'hacked to death' in a conflict over land with another Scheduled Caste family which the family claimed was motivated by the 'upper caste' members of the village. In an FIR that was filed in the Police Station Shilai in 2010 by Kedar Singh Jindan, he makes a reference to this in the main contents of the FIR (Annexure 2). The contents reveal that Kedar Singh was issued a threat by 'upper caste' members of the village who were disturbed by the expose of contract teachers in the village primary school. The threat was along the lines of "We had got your father killed by members of your own Koli family but we will make sure we kill you with our own hands".

Kedar studied in Navodaya Vidyalaya and struggled tremendously to complete his education. He had a degree in law and later even ran an educational academy to train young students. He had, over the years, emerged as a voice of the 'Koli' (Scheduled Caste) community in the region. He was the Vice President of the Akhil Bharatiya Koli Mahasabha, an office bearer of the Harijan League and also contested an election on a ticket from the Bahujan Samajwadi Party.

Kedar Singh Jindan opposed the discriminatory caste practices in his region ranging across bonded labour, use of casteist names, and sexual exploitation of women from the Dalit Community by the savarnas. He openly supported inter-caste marriages.

He himself had an intercaste marriage with Hemlata from Rohru (Shimla district). They went on to have two daughters, Vanshika and Dikshika, who now study in Standard X and VII, respectively.

The newspaper cuttings and documents that were made available by his family reveal that he had vehemently and relentlessly raised a range of issues from the area in the last ten years. These include:

1. Caste based discriminatory practices: He had specifically raised the issue of the traditional practices which were caste-based and involved the exploitation of the labour of those considered 'lower' in the caste hierarchy. (Annexure 3 and 4)
2. Corruption in Government Schools: Teachers 'renting out their teaching job' and being absent in school premises which was affecting the quality of education in the area. This movement started in Paab village. (Annexure 5)
3. Rape, Sexual Exploitation, Child Trafficking, Child Marriage: Specifically, he had supported a dalit woman, a survivor of gang rape by Rajput boys/men in the area (Annexure 3)
4. Inter-caste marriages: One particular incident that took place in Davra Village in 2014 stands out strikingly where Kedar Singh gave shelter to the couple (in Shimla) because of which he was threatened with his life at that time as well. (Annexure 6)

Kedar Singh Jindan also used the RTI Act to uncover information related to local development issues and to expose corruption.

It needs to be understood that on various occasions he had approached the local police and the administrative authorities to register his complaints which were related to the discriminatory practices, subordination and covert and overt violence of the dominant castes in the region. (Annexure 7). From the correspondence that he had with the police, it prima facie appears that the police had not taken any action on the issues that were repeatedly raised. Infact, it seems that the police would not file complaints at the behest of the savarna castes and in one particular correspondence the police report claims that matters were being raised by the Scheduled Caste communities in order to get money or compensation from the government. (Annexure 8)

It is also clear that the pleas made by Kedar Singh Jindan for police protection and his repeated statements about his life being in danger were ignored by the police (Annexure . It is shocking that the DGP in [news reports](#) and the head of the SIT, Shri Virender Thakur, in our conversations had given an impression that he had made no such requests for

protection. It must be noted that Shri Virender Thakur, the ASP at Sirmaur was the Investigation Officer in a case that was filed by Jindan in the year 2010 (Annexure 9 and 10)

The immediate context of the murder

In November 2017, Jindan was attacked by a group of people near his village in Shilai, Sirmaur District. He was travelling in a bus at the time was forced to get down from the bus and was attacked and beaten up badly by the group of 50 men, leaving him unconscious. They then buried him with buckets of wet sand so that he could not get up. Following this assault, Jindan had complained to the police and his family and well-wishers had advised him to not visit the area.

There seems to be no clarity on the action taken by the police in this case. This would need to be looked into by the investigating agencies in order to ascertain the role of the local police. (Annexure 11). Jindan also seems to have approached the National Human Rights Commission in this matter. The NHRC had disposed the matter with orders to the authorities. This needs to be investigated. (Annexure 12)

After the this attack, in a press conference Jindan had released a list of around 30 names from whom he had been receiving threats, and it included the name of Jai Prakash, who is now the prime accused in the murder case.

On June 29, 2018, Jindan had held filed a complaint with the anti-corruption Bureau and also held a press conference in Shimla where he exposed the irregularities in providing Below Poverty Line (BPL) certificates in his village, through the details he had collected using Right to Information Act (Annexure 13 and 14). He alleged that Jai Prakash (up-Pradhan) of the Bakras gram panchayat (the prime accused in this murder) had illegally obtained BPL certificates for his well-to-do relatives, through which they were appointed in government jobs, using his position in the panchayat by forging records. Evidences that supported his case included a posse of documents collected through RTI and photographs of the houses and cars which Jai Prakash's family owned. In the same press conference, Jindan also told the press that he had made a complaint to the Anti-Corruption Bureau demanding an inquiry into this alleged fraud and that he did not trust that they would carry out a fair investigation in the matter. He had demanded action against all culprits involved in issuing forged BPL certificates and officials who helped them get government jobs. After this expose, Jai Prakash's relatives lost their jobs which they held Jindan responsible for. ([Watch video of the Press Conference](#))

3 striking incidents which threatened the economic and political interests of the dominant communities of the area that Kedar Singh Jindan belonged to that need to be deeply investigated include:

1. The case of the suspension of teachers who were contracting out their jobs which led to an altercation in the village where Jindan's life was openly threatened.
2. The inter-caste marriage issue of Davra (2014) and Manli Villages (2017) which was supported by Jindan which led to his assault at Sataun in December 2017
3. The case of the BPL scheme expose where the misutilisation of BPL cards was done by members of Bakras Panchayats that ultimately led to his killing on September 7th

3. On the day of the killing

It is not clear as to what brought Kedar Singh Jindan to the area in the first week of September when he was killed but apparently he had a hearing and also had to collect some documents from some government offices at Shilai. He had been strictly instructed by his family and his brothers not to visit the village. However on the evening of 6th September he arrived at his village Pab at master (Guru ji) Nain Singh's house where he spent the night. Nain Singh was a friend and he often stayed at his place when he visited. Nain Singh also belongs to the Koli community. On the morning of the 7th of September, Kedar Singh Jindan said he had been called for a meeting at the Block Primary Education Office at Bakras. He took a motorcycle ride with Raghuveer, son of Nain Singh till the road head at Bakras. He then proceeded to the BPEO just a few metres above the road.

We heard two versions of what happened after this from different people.

Version 1 was that the accused Jai Prakash and others were present at the BPEO where they started intimidating Jindan. There was an 'altercation' and then he was brutally assaulted and beaten at the office. His legs were broken with rod and sticks and he was thrown down to the road where the SUV was parked. Jaiprakash then got into the vehicle and ran it over Jindan, going back and forth. Jaiprakash then called the Shilai Police and said that there was an accident and the person has died. [A video](#) of one of the eyewitnesses, Suresh (who is now in police protection and whom the team could not interact with suggests this version.)

Version 2 which was what the police told the team was that Kedar Singh Jindan was at the BPEO office for a meeting. The accused were near the road head. When Jindan came out of the meeting he was asked to come down by the accused. They beat him up ruthlessly with a stick and rod first and then threw him on the road. Jaiprakash then got into the vehicle and ran it over Jindan, going back and forth. Jaiprakash then called the Shilai Police and said that there was an accident and the person has died.

In both the versions the common part was that he was first beaten up and then run over by Jaiprakash with help of others. The most shocking and horrifying part of the incident is the fact that the killing took place in broad day light.

When the team visited the spot we observed that there were two shops near the road head at Bakras and a school premise adjacent to the BPEO. Also, the manner in which the incident took place in broad day light at Bakras, on a working day makes it clear that the murder took place in full public view. The 'altercation' between Jindan and the accused started close to the premises of the Block Primary Education Office next to a school and was followed by him being attacked with rods and sticks and run over by an SUV on the road and yet the fact that there are only two people who have come forward to testify to the murder indicates that there is complicity of a larger group of people in the incident.

The protests by Rajput Sabha in favour of the accused to drop the charges of murder and the Prevention of the SC/ST Act shows that this is a case involving the interests of the Rajput and upper caste people of the area.

Following the murder the police had first nabbed two persons and then a third a few days later. (Jaiprakash, Gopal Singh, and Karm Singh a.k.a Kaku have been arrested by the police but the other person Kuldeep Guruji who Suresh refers to in the [video](#), has not been picked up by the police yet. This needs investigation). A Special Investigation Team headed by ASP (Nahan) Virender Thakur is investigating the matter and had lodged an FIR under Section 302 (Murder) as well as the section 3(2)(5) of the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act. The SC/ST charges were added later and are not seen on the FIR filed on day 1. (Annexure 15). The demand of the family as well as other organisations that section 120 B of the IPC ‘criminal conspiracy’ should also be added to the charges seems to be a justified one given the sequence and context of the events.

The SP and ASP whom the team met assured that the documentary and forensic evidence in the matter was strong and that the police were doing a thorough job to ensure justice for Jindan. However, there seems to be little faith in the police given their nonresponsive attitude in all the complaints filed earlier by Jindan and the fact that the police maybe influenced politically. We spoke to Hemlata Jindan, wife of Kedar Singh Jindan on the phone and she was clear that she “did not trust the police” and that the matter should be investigated by the CBI. She has also said the same in a [press conference](#) in Shimla held on the 15th of September.

Our observations from various discussions make it obvious that this was not just an incident of personal vendetta but one of planned targeting of an activist by the dominant community because he was a member of the Dalit community. The demand to withdraw the charges under the SC-ST Act from members of Rajput Sabha is a baseless one. This remote area of Himachal is known for deep seated caste discriminatory practices. The fact that the dominant caste groups were defending the murder was a clear sign of the same.

The Khumbli Panchayats in the area are like Khap system here where the so called upper castes take the decisions about everything. Exclusion and discrimination is seen in all spheres here - economic, social and cultural. The state has taken no steps to address this.

We are shocked that such an incident could occur in a state like Himachal but this also shows that there is an increasing normalisation of violence in the society around us. It reflects the vulnerability of people who challenge the status quo or expose those who are powerful even at the village level. Kedar Singh Jindan is the 73rd person to be killed for using the RTI Act for exposing corruption in the country. The team also observed that the ruling government in the state and the local MLA were silent on the matter and had not issued any statement of condemnation of this brutal killing.



(These pictures taken on September 7th of the slain body of Kedar Singh Jindan were received on whatsapp)

III. Recommendations

Based on the observations above, the independent fact finding team concluded that the murder of Kedar Singh Jindan seems to be a planned conspiracy. The incident can be easily classified as one of caste-based violence apart from a direct targeting of an ‘activist’ who was exposing corruption and misutilisation of government schemes at the local level by the powerful and dominant forces in the society. The team also concludes that the family of the Kedar Singh Jindan and all his supporters in the area are in a vulnerable condition for standing up for him, as well as against caste-based domination.

The state government and the investigative agencies will have to ensure that no effort is spared to bring to justice the murderers of Jindan in order to even begin to address the issue.

The state government will have to draw out an action plan to hold accountable and make transparent the functioning of all government schemes as well as monitor the governance mechanisms in the area and the state. The other part of the long term action plan would have to address the social and economic inequities of the region.

Immediate demands

- A High-Court monitored investigation be handed over to Central Bureau of Investigation to unearth the wider conspiracy involving the murder of Mr. Jindan. Evoke 120b IPC ‘Criminal Conspiracy’.
- A detailed investigation needs to be carried out in relation to the inaction by the police in all the previous matters raised by Kedar Singh Jindan
- Ensure safety for the family members of Mr. Jindan
- Government job for the Mrs. Hemalata, wife of late Kedar Singh Jindan
- Expedite the process to ensure that the monetary compensation under Scheduled Caste (Prevention of Atrocities) Act, 2016 and as announced by the Government of Himachal Pradesh reaches the family as soon as possible
- Joint independent investigation by the National Human Rights Commission, National Commission for Scheduled Caste, Central Information Commission
- Ensure protection of the eye-witnesses till conclusion of trial

Long term interventions

- Regularisation of land occupations on Shamlaat/forest lands by Scheduled Caste community
- Implementation of Nautor for land distribution to Scheduled Castes in the area
- Redressal of Caste Violence through a regular Monitoring of SC commission
- District administration along with local NGOs and CBOs to initiate the Campaign for Untouchability and Atrocity, Violence, Discrimination and Exclusion Free Transgiri region
- Given the highly inequitable distribution of resources and social status no consideration for the area to be declared as Scheduled Area
- Enquiry into the implementation of government schemes in the area
- Public Disclosure of this information as well as all other information that was sought and extracted by Kedar Singh Jindan

References and Articles

- <https://timesofindia.indiatimes.com/city/shimla/ke-dar-singh-jindan-murder-wife-demands-probe-by-cbi/articleshow/65826439.cms>
- <https://www.newslaundry.com/2018/09/17/the-life-and-death-of-ke-dar-singh-jindan-dalit-rti-activist-himachal-pradesh>
- <http://www.newindianexpress.com/nation/2018/sep/13/slain-activist-ke-dar-singh-jindan%E2%80%8Bnever-sought-security-says-himachal-pradesh-dgp-1871459.html>
- <https://www.newsclick.in/ncpri-writes-himachal-cm-seeks-probe-dalit-rti-activists-murder>
- <https://www.tribuneindia.com/news/himachal/hc-notice-to-state-over-jindan-s-murder/656176.html>
- <http://www.uniindia.com/independent-fact-finding-team-of-human-rights-defenders-activists-visit-sirmaur-to-probe-ke-dar-murder/states/news/1350895.html>
- https://www.business-standard.com/article/pti-stories/koli-mahasabha-demands-cbi-inquiry-into-death-of-rti-activist-jindan-118092000628_1.html
- <https://www.tribuneindia.com/news/himachal/anger-erupts-after-nahan-leader-s-murder/649879.html>
- <https://countercurrents.org/2018/09/20/murder-of-dalit-rti-activist-ke-dar-singh/>
- <http://www.newindianexpress.com/nation/2018/sep/13/slain-activist-ke-dar-singh-jindan%E2%80%8Bnever-sought-security-says-himachal-pradesh-dgp-1871459.html>
- <https://thewire.in/rights/with-attack-on-himachal-man-number-of-murdered-rti-activists-rises-to-73>
- <https://www.newsx.com/national/himachal-pradesh-dalit-rti-activist-murder-ke-dar-singh-jindan>
- <https://www.thestatesman.com/cities/complaints-on-bpl-list-sc-st-act-cost-rti-activist-his-life-1502684759.html>
- <https://himachalwatcher.com/2018/09/08/rti-activist-murdered-in-himachal-in-broad-daylight-had-exposed-a-bpl-fraud/>
- <https://www.thequint.com/news/india/himachal-pradesh-rti-activist-murdered-kin-demand-cbi-probe>

ⁱ The Himachal Pradesh Common Land Vesting and Utilisation Act (1974), also known as the Nautor Lands Act, was enacted to redistribute land to the landless or land poor but was discontinued by 1980. The redistributed land was granted from land classified by the revenue department as ‘wastelands’. It carried a number of restrictions on its use. Nautor land must be cultivated by the grantee and cannot be sold for 15 years. After the 15 year period it was considered to be the same as other agricultural land. (http://www.umanitoba.ca/institutes/natural_resources/mountain/book/6/4.html)

ⁱⁱ Titles of ownership over land received from the government, under various Acts.