



## Human Rights Defenders Alert- India

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**November 5, 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint 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)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Rajasthan: Social Activist, woman human rights defender Ms. Nisha Siddhu and others illegally detained, verbally abused, beaten and threatened by the police station in-charge and other police personnel in Vishwakarma Police Station, Jaipur, 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 regarding illegal detention, merciless beating and intimidation of a woman human rights defender Ms. Nisha Siddhu along with labour union worker and leader Mr. Prem and other union workers by the Police station in-charge and other police personnel in Vishwakarma Police Station, Jaipur, Rajasthan. Both the defenders were protesting against the killing a migrant labourer in Jaipur, Rajasthan.

**Status of Human Rights Defender:**

Ms. Nisha Siddhu is a social worker and a woman human rights defender who has been working for rights of the women in Rajasthan for a long time. She also runs counseling and protection centers for women who are victims of abuse and all forms of violence. During the past many years, she has taken up several cases of abuse of women and her interventions in the cases of violence against women and women's rights in Rajasthan have secured justice for them and helped in strengthening the justice delivery system at the local levels.

Mr. Prem is a senior citizen and a union leader of workers' union in Jaipur, Rajasthan. He has been organising fellow workers in their struggle for their rights. Mr. Prem has been actively taking up and intervening from time to time in the cases related to the violation of human rights of the labourers and fellow workers.

**Date of incident:**

30 June 2015

**Place of incident:**

Vishwakarma Police Station, West Jaipur, Rajasthan

**Source of Information on the Incident:**

- The Regional Coordinator of HRDA for North of India
- Communication from Mr. Tarachand Verma

**The Perpetrators:**

Deepak Khandelwal, Police station in-charge, Vishwakarma Police Station, Jaipur, Rajasthan and other police officials

**Incident detail:**

According to the sources, on 30 June 2015, Ms Nisha Siddhu along with Mr. Prem and other union workers were illegally detained, verbally abused and physically assaulted by police station in-charge and other police personnel in Vishwakarma Police Station, Jaipur.

Ms. Nisha Siddhu and other workers' union workers were at the site of incident where local people and union workers were protesting peacefully against the police negligence in the killing of a migrant worker Mr. Kuldeep Prasad Singh. On the night of 27 June 2015, at around 8.00 PM, Mr. Kuldeep Prasad Singh, a migrant worker and

a native of village Dumria, district Baanka, Bihar was beaten up and abused verbally at Vishwakarma, Jaipur by local goons. The police personnel present at the site of incident did not intervene in the matter or try to protect the victim. The police also did not take him to the hospital immediately. Due to absence of immediate medical attention, Mr Kuldeep Prasad Singh passed away at the hospital, owing to major injuries. The police still did not take any action against the perpetrators.

The workers with local people were agitating against the police apathy in the case. The agitating workers were brutally beaten in the police lathi-charge. The Vishwakarma Police Station in-charge, Mr. Deepak Khandelwal and other Police personnel arrested Ms. Nisha Siddhu and other union workers. They took them to the police station. At the police station, the police personnel physically assaulted them as well as used vulgar verbal abuse against them. They even beat 60 years old Mr. Prem with batons, who is a senior worker of Labour Union and a leader.

After the incident, 11 victims of police excesses had undergone a medical examination at Kanvatiya Government Hospital, Jaipur on 3 July 2015 but the FIR was only lodged in the Vishwakarma Police Station on 19 July 2015 against the brutal lathi charge by the police on agitators. On 21 July 2015, the agitating workers held another big demonstration demanding that the police convert the FIR with charges from section 304 (deals with accidental murder) to section 302 (deals with attempt to murder) under Indian Penal Code in the case of Mr. Kuldeep Prasad Singh. On 22 July 2015, the case had been transferred from the Vishwakarma Police Station to Criminal Investigation Department, Crime Branch, Rajasthan (CID CB). So far, the CID CB has only recorded statements of Ms Nisha Siddhu and her son, Mr. Samarth Siddhu. They have not recorded the statements of other 11 victims yet. There has also not been any investigation or action against the police personnel responsible for the abuse of their powers.

Meanwhile, the human rights organisations in Jaipur had filed an application in State Legal Services Authority, Rajasthan (SLSA) on August 2015 demanding a compensation of Rs 5 Lakh to be provided to family of the victim Mr. Kuldeep Prasad Singh. The compensation has not been provided yet, and the matter is still pending.

## **Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Jaipur district:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned event of physical attack and verbal abuse of woman human rights defender Ms. Nisha Siddhu along with Mr. Prem and other union workers;
- Take immediate action on the perpetrators in this case Mr. Deepak Khandelwal, Police station in-charge and other police personnel of Vishwakarma Police Station, Jaipur, Rajasthan for assaulting and abusing verbally a woman human rights defender Ms. Nisha Siddhu along with Mr. Prem and other union workers;
- Guarantee in all circumstances the physical and psychological integrity of Ms. Nisha Siddhu along with Mr. Prem and other union workers who are still under risk of further reprisals from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defenders for the physical psychological sufferings they underwent and provide a re-assurance of not engaging in such acts against HRDs such as Ms. Nisha Siddhu, Mr. Prem and other union workers;
- Put an end to all acts of attack and harassment against all human rights defenders like Ms. Nisha Siddhu and Mr. Prem in the state of Rajasthan to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;
  - Article 12.2, which provides that "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”;

- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Rajasthan to take necessary steps to establish a state focal point for HRDs in order that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Rajasthan to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within Rajasthan for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Rajasthan in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Rajasthan to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- 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 Rajasthan.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary