



Human Rights Defenders Alert – India

National Coordination Office

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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

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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Rajasthan: RTI activists and human rights defenders from Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan were brutally assaulted / denied of their rights to freedom of free assembly/association and right to protest on 16 January 2016 in Aklera Block in Jhalawar district of 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 the incident of brutal attack on RTI activists and human rights defenders from Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan which took place at Aklera Block in Jhalawar district of Rajasthan on 16 January 2016. Several activists including women sustained injuries in the attack by a mob of 30 to 35 people allegedly led by the Bhartiya Janata Party MLA, Mr. Kanwar Pal Meena. Human rights defenders from Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and MKSS were forcibly denied their rights to freedom of assembly, association and their right to protest for organising and leading the Jawabdehi Yatra or Accountability March. The March was being organised by Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and MKSS with the support of dozens of organisations in different districts of Rajasthan which aims to cover all

33 districts of the state in 100 days, raising a demand for an “accountability law”. The attack on the protesting citizens is also a blatant and criminal abuse of power exercised by the MLA, Mr. Kanwar Pal Meena. The videos, photographs and testimonies of the protesting citizens speak volumes about the atrocities meted out by the MLA and his goons.

Source of Information on the Incident:

The Regional Coordinator of HRDA for the North of India Communication with the HRD and participant Mr. Kamal Tank Communication with the HRD, Mr Bhanwar Meghwanshi, PUCL, Rajasthan Advocate Tarachand Verma, Rajasthan Media reports

Status of the Human Rights Defenders:

Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan is a network of more than 100 civil society organisations in the state which works on issues related to information, employment and other issues of social concerns. It was formed in the year of 2005. The network has spearheaded many campaigns successfully in the state of Rajasthan and has tried to generate social awareness and understanding about the social laws. The network coordinates its social activities through coordination committees in 33 districts and 295 blocks in the state of Rajasthan. It conducts its programmes through the participation of local citizens and school children who are given trainings in using RTI laws for social causes. It also aims to create adequate understanding about the importance and use of constitutional rights like rights to information, education and public hearing.

Mazdoor Kisan Shakti Sangathan (MKSS) is a grassroots organization formed in 1990. It is based in the Indian state of Rajasthan and works with the objective to change the lives of rural poor by using the modes of struggle and constructive action on issues like redistribution of land and minimum wages. MKSS is well known to build a campaign for the right to information and accountability in rural India. MKSS activities involve sit-ins, rallies, as well as lobbying with government. Music, puppets and street theatre are some of the innovative communication tools used by MKSS to demand accountability and transparency in governance which also includes public hearing.

Date of Incident:

January 16, 2016 around 5 pm

Place of Incident:

Teen Batti Crossing, Aklera Block, Aklera police station, Jhalawar district, Rajasthan

The Perpetrators:

Allegedly BJP MLA Mr. Kanwar Lal Meena and his supporters

Incident detail:

According to the sources, around 70 participants of the Jawabdehi Yatra or the Accountability March held a meeting at Aklera Block in Jhalawar, Rajasthan on 16 January, 2016 at around 4.30 PM. The meeting lasted for 20 minutes. Just after the meeting three persons came and attacked the activists. The three men ran away when other activists and workers rushed to help those who were being attacked. The activists continued their march after the incident. When the procession barely moved 50 meter and reached at teen batti crossing around 5 PM, 30 to 35 people wielding sticks (lathis) and other weapons came. According to social activists, they were being led by the present BJP MLA Mr. Kanwar Lal Meena who represents Manohar Thana constituency of Jhalawar district in Rajasthan Assembly. The attackers attacked with lathis, causing internal injuries to several of the activists. They did not even spare the women and slapped them, pushed them and hit them with lathis. Many of activists' cell phones were snatched by the assailants following MLA orders.

At least 12 activists were injured in the attack. Those injured included Mr. Shankar Singh, Ms. Amita Kumari, Mr. Anuj Ravane, Ms. Radhika Ganesh, Mr. Anurag Singh, Ms. Poorvi Kukarni, Mr. Kartik Rawat, Mr. Hem Singh, Mr. Kamal Tank, Mr. Mujid Rehman and others. The assailants allegedly damaged two jeeps belonging to activists and damaged their recording equipment.

According to sources, the police have filed an FIR against unknown persons with case no: 15/2016 under sections 147, 323, 427, 379 and 149 of Indian Penal Code (IPC). The police FIR refers the present BJP MLA Mr. Kanwar Lal Meena but has not named him in the FIR.

The Jawabdehi Yatra or Accountability March is being organised by Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and MKSS, Rajasthan with the support of dozens of organisations in different districts of Rajasthan. It aims to cover all 33 districts of the state in 100 days, raising demand for a strong decentralized and effective accountability mechanism, which should be time bound as well as participatory in spirit. During the "Yatra" several activists are also holding 'accountability fairs' and registering grievances along the way. The organisers have prepared a draft law on accountability mechanism and placing it before the general public for discussion.

Appeal :

We therefore urge you to immediately take necessary steps and:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of targeting and assaulting the

RTI activists and human rights defenders and, causing obstructions in holding a peaceful assembly and association;

- Take immediate action on the perpetrators in this case present BJP MLA Mr. Kanwar Pal Meena and his supporters for the brutal assault and for the denial of the right to freedom of assembly and association of all the human rights defenders who participated in the Jawabdehi Yatra or Accountability March organised by Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and Mazdoor Kisan Shakti Sangathan (MKSS) Rajasthan and that their safety is ensured;
- Guarantee in all circumstances at the cost of the State, the physical and psychological integrity of the defenders from the Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and Mazdoor Kisan Shakti Sangathan (MKSS) Rajasthan who are still under risk of further attacks from the perpetrators;
- Ensure provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the physical assault and provide a re-assurance of not engaging in such acts against HRDs such as the defenders from the Soochana Evam Rozgar Ka Adhikar Abhiyan, Rajasthan and Mazdoor Kisan Shakti Sangathan (MKSS) Rajasthan who participated/ intended to participate in the Jawabdehi Yatra or Accountability March and other similar peaceful protests;
- Put an end to all acts of harassment against all RTI activists and human rights defenders in the State of Rajasthan to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association, free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law. The UN Special Rapporteur on the right to Peaceful Assembly and Association, Mr. Maina Kiai has, in his several reports to the United Nations Human Rights Council and the General Assembly in the past few years emphasised on the right to peaceful assembly;
- 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 realisation 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 also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs. etc.] to ensure that a coordinated strategy is developed within the State of 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 SHRC 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