



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 18, 2019

To

**Mr. Khaleel Ahmad**

National Focal Point - Human Rights Defenders & Deputy 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 - Harassment and intimidation of social activists and Dalit Human Rights by Rajasthan Police for protesting against police inaction– 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 the attempt to harass, intimidate and criminalise social activists and Dalit Human Rights Defenders Mr. Jaiki Kumar Tatiwal, Fagi Block President of Student Wing of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan, Mr. Trilok Raj Beniwal, Chief Coordinator, Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan and others by registering false police cases against them by the Rajasthan police of Fagi police station in district Jaipur Rural. The Dalit human rights defenders are being targeted and harassed for demanding the arrest of the accused in a case of molestation and attempt to rape a Dalit minor girl in Jaipur.

**About the Human Rights Defender:**

- Dalit human rights defender Mr. Jaiki Kumar Tatiwal is Fagi block President of Student Wing of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan.

- Mr. Trilok Raj Beniwal is a Dalit human rights defender and the founder and Chief Coordinator of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan.
- The other defenders implicated in the case are members of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan and work in various capacities in the organisation.

**Source of Information on the Incident:**

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Rajasthan

**Perpetrators:**

- Sub Inspector Mr. Bhim Singh of Fagi Police station, Jaipur Rural, Rajasthan Police
- Police officials of Fagi Police

**Date of incident:**

27 May 2019

**Place of incident:**

Fagi police station, District Jaipur Rural, Rajasthan

**Details of the Incident:**

According to sources on 27 May 2019 social activists and human rights defenders from Bhim Rao Ambedkar Samajik Vikas Sanstha and Samvidhan Bachao Sangathan of Rajasthan organized a protest against the inaction of police in the case of a reported attempt to molest and rape a Dalit minor girl in Harsulia village in Jaipur, Rajasthan on May 25, 2019 at around 10.30 PM. After that the victim's family registered a complaint with the Fagi police station in Jaipur. But the police did not take any action against the accused persons. In protest to the inaction of the police, the activists blocked the main road at Harsulia bus stand along with the local villagers demanding immediate arrest of the culprit in the incident. Despite the fact that the activists and human rights defenders were peacefully demanding the arrest of the accused, the police filed cases against the activists and dalit rights defenders with FIR No. 332/19 under sections 143 (unlawful assembly), 353 (Assault or criminal force to deter public servant from discharge of his duty), and 283 (Danger or obstruction in public way or line of navigation) of the Indian Penal Code. Dalit human

rights defenders Mr. Jaiki Kumar Tatiwal, Fagi Block President of Student Wing of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan and Trilok Raj Beniwal, Chief Coordinator, Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan have been named in the FIR along with others which was filed by the Sub Inspector Bhim Shingh of Fagi police station, Jaipur Rural district.

The UN Secretary General Antonio Guterres has remarked Human Rights Defenders to be our eyes, ears and conscience. In this backdrop it is reiterated once again before the Commission that human rights defenders should be entitled to carry out their work unhindered and if needed protection through national mechanisms becomes an essential. This includes work on all human rights and choice of method whether it is advocating for human rights through peaceful protest or any other non-violent means. This right requires the enjoyment of many other rights, principally the fundamental rights to expression, association, assembly and others.

Further, The Declaration on Human Rights Defenders, adopted in 1998 by the UN General Assembly, states that governments are under a duty to “*take all necessary measures to ensure the protection of human rights defenders by the competent authorities against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions*” as a consequence of their efforts to promote human rights. Therefore, the government is bound by its international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation or from limitations on their rights to freedom of speech, assembly, association and movement individually and collectively.

In addition, the 2017, UN resolution on Protection of Human Rights Defenders reaffirms the international community’s shared commitment to protect those who struggle peacefully for rights and justice and therefore calls upon the state parties to reconsider the protections afforded to human rights defenders, and to strengthen the implementation of them in each and every country.

**Appeal:**

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned police cases filed against

Dalit human rights defenders Mr. Jaiki Kumar Tatiwal, Mr. Trilok Raj Beniwal and others of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan.

- Immediate withdrawal of all the false charges levelled against the above-mentioned Dalit HRDs.
- Guarantees in all circumstances the physical integrity of Mr. Jaiki Kumar Tatiwal, Mr. Trilok Raj Beniwal and others of Bhim Rao Ambedkar Samajik Vikas Sanstha, Rajasthan who still face the risk of further reprisals and using all provisions of law to ensure that the defenders are not harassed, intimidated and falsely implicated by the Rajasthan police in future.
- Ensure provision of reparation, compensation, apology to the defenders for the psychological sufferings they are undergoing because of the fabricated cases against them and provide a re-assurance of not engaging in such acts against HRDs.
- Put an end to all acts of harassment and intimidation against all human rights defenders in general in Rajasthan to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

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)**

Honorary National Working Secretary