



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/RJ/10/02/2020
February 17, 2020

To

Mr. Debindra Kundra

National 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 - India - Urgent Appeal for Action – Rajasthan: *Brutal lathi charge, ill- treatment and fabricated cases filed against human rights defenders by Rajasthan police in Udaipur for a peaceful protest against Citizenship Amendment Act in Udaipur, 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 over the use of brutal force, physical abuse and ill- treatment of human rights defenders belonging to Bahujan Kranti Morcha and other civil society organisations by Rajasthan police of Udaipur during a peaceful protest against Citizenship Amendment Act in Udaipur, Rajasthan on January 29, 2020.

About the Human Rights Defenders

The defenders who organised the protest, are from various human rights organisations of Rajasthan. They are associated with Bahujan Kranti Morcha, Udaipur, ACTU, Bhim Army, Jantantrik Vichar Manch, Rashtriya Muslim Morcha, Udaipur Muslim Youth, AIPEWA, Rashtriya Atyachar Nivaran platfo, Rajasthan. Bahujan Kranti Morcha, Udaipur gave the call for nationwide protest on 29 January, 2020 under the Bharat Bandh event. Bahujan Kranti Morcha is a platform of Dalit human rights defenders that advocates issues of Dalits and other oppressed castes.

Source of Information on the Incident:

- The Coordinator of HRDA for North of India
- The Coordinator of HRDA for Rajasthan
- Communication from Bahujan Kranti Morcha, Udaipur
- Media Reports

The Perpetrators:

Personnel of Udaipur Police, Rajasthan

Date and Place of incident:

29 January, 2020

Udaipur, Rajasthan

Details of the Incident:

According to sources on January 29, 2020 a peaceful protest against the controversial Citizenship Amendment Act and National Registry of Citizens was organized by Bahujan Kranti Morcha, Udaipur with the support of Bhim Army, Jantantrik Vichar Manch, Rashtriya Muslim Morcha, Udaipur Muslim Youth, AIPEWA, Rashtriya Atyachar Nivaran Shakti, Rajasthan in Udaipur, as part of a larger event of an country wide protest. Initially, protestors moving towards the Townhall in Udaipur were confronted by the police who surrounded the gathering. Sources informed that there were threats issued by the police, in an attempt to dissuade the protestors from carrying on. Further, as organisers of the protest attempted to clarify the protest as part of a larger all-India event and not an individual rally, the police reportedly indicated that Section 144 (restrictions on public gatherings) of the Criminal Procedure Code had been put in place. However, after being allowed to enter the Ashvini Bazaar, the protestors were reportedly subject to heavy lathi charge which left more than 40 people injured, some left with fractures and some had injuries on the head. Around a hundred protestors were booked by Rajasthan police under various sections of Indian Penal Code. The police resorted to second lathi charge near the District Collector's office. Sources informed that abuses and comments of a communal nature were made by the police.

In addition to the forceful measures deployed by the police to disperse the protestors, 3 FIRs were lodged separately against around 100 people in total, in Hathipol police station, Bhupalpura police station as well as Suraj Pol police station in Udaipur district of Rajasthan. FIR filed in Hathi Pol police station against 5 to 10 people unnamed under sections 452, 336, 427, 384 and 143 of Indian Penal Code. FIR filed in Suraj Pol police station against 41 people and others with Case Co: 42/20 under sections

143, 149, 186, 188, 283 of Indian Penal Code. FIR filed in Bhupal Pura police station against 46 people with Case No: 25/20 under sections 332, 353, 147, 149, 336 and 504 of Indian Penal Code. The police have arrested nearly 100 persons on charges of rioting, unlawful activities, assaulting public servant, damaging public property and causing injury to people. The wide number of people who have been charged under several sections of the IPC, with violent lathi charge, in addition to lack of clarity on the incident calls for an independent inquiry. In the deployment of excessive force, making arrests and charging people in mass for dissent as well as using tactics to forcibly remove protestors from their position, the Rajasthan police denied the HRDs their rights to assemble and associate freely and to register their legitimate protest in a peaceful and democratic manner which is both a fundamental right guaranteed by the Constitution of India as well as in International law through several instruments.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above mentioned incident of brutal lathi charge and fabricated cases filed against the human rights defenders from Bahujan Kranti Morcha, Udaipur and other human rights organisations by Rajasthan police in Udaipur:
- Take necessary steps to ensure that the cases filed against HRDs are withdrawn and that they are no more harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Recommend strict and immediate legal action on the perpetrators in this case police personnel of Rajasthan police in Udaipur for brutally beating the defenders and give this assurance to the NHRC of India in writing immediately and urgently;

Looking forward to your immediate action in this regard,
Yours sincerely,



(Henri Tiphagne)
National Working Secretary