



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/West/RJ/05/01/2023**

January 31, 2023

To,  
Mr. Indrajeet Kumar,  
Focal Point - Human Rights Defenders & Deputy Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Rajasthan: Assault on Dalit HRD and lawyer in Jhunjhunu, Rajasthan.**

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 about the assault on Dalit HRD and lawyer Mr. Hansraj Kabir.

**Source of Information:**

- Communication with the HRD
- Communication with others HRDs in the region
- Media Reports

**Date of Incident:**

January 24, 2022

**Place of Incident:**

Udaipurvati, Jhunjhunu, Rajasthan

## **The Perpetrators:**

- Mr. Vikas Kalawat
- Ms. Manju Devi

## **About the Human Rights Defenders:**

Mr. Hansraj Kabir has been an advocate since 2012. He has been involved in human rights related work since 2002. He has been working for the rights of Scheduled Castes and Scheduled Tribes in Rajasthan. Since September 2021, he has been visiting villages on every Sunday to raise rights-based awareness and political and constitutional awareness among SC & ST communities.

## **Background of the Incident:**

Mr. Vikas Kalawat is a local political functionary who works for Mr. Rajendra Singh Gudha, a member of Rajasthan's Legislative Assembly and a minister in the Rajasthan government.

In March 2022, Mr. Kalawat duped two Dalit sisters of their rightful ownership of a piece of land and had transferred the land to his name. The two sisters filed an FIR in this case in their local police station and Mr. Kalawat was charged under Sections 420 (cheating and dishonestly) and 406 (criminal breach of trust) of the Indian Penal Code (IPC). However, the police closed the case in a couple of months.

The sisters approached Mr. Kabir to challenge the closure of the case in court. In September 2022, Mr. Kabir filed a petition with the Judicial Magistrate, Udaipurvati, challenging the police decision. The next hearing of the case was scheduled for February 17, 2023

## **Details of the Incident:**

On January 24, 2023, Mr. Kabir was at the Udaipurvati Court and had left the court premises to have lunch and tea. Between 2.10 pm and 2.20 pm, he received a series of phone calls from an unknown number. Each time, the person on the line asked him to urgently come to his seat in the court as they need some advice. Mr. Kabir said that he was drinking tea and would reach his seat shortly.

When Mr. Kabir reached his seat, he saw there were around four or five persons, including a woman named Ms. Manju Devi, standing there. As soon as he greeted them, one person asked him to confirm his identity. Following this, Ms. Devi hit him first, and others joined in the assault and even tried to hit him on his private parts, and threatened to kill him.

A lawyer friend rushed to Mr. Kabir's help and ushered him to the Sub-Divisional Office Court. At this stage, the HRD did not know who his assailants were and had never met them prior to this incident.

The HRD was very shaken for nearly 30 minutes. He had nearly lost his hearing during the time and was very disoriented. He then went to the local community health centre, which was situated next to the court premises, and was accompanied by other advocate friends practicing at the court. At the clinic, the doctor recommended that he consults an ENT specialist.

Mr. Kabir and his friends then went to the Udaipurvati police station. There he filed a complaint, which was registered as an FIR (0033) at 6.26 pm. The police charged Mr. Vikas Kalawat and Ms. Manju Devi under sections 143 (unlawful assembly), 341 (wrongful restraint), 323 (voluntary hurt) and 506 (criminal intimidation) of the IPC.

On January 25, 2023, Mr. Kabir visited the BDK Hospital at Jhunjhunu for a medical test, which showed that his left eardrum was ruptured due to the attack. He is undergoing treatment for the same.

The attack on the HRD was pre-meditated and those who have attacked him should be charged under section 307 (attempt to murder). The assailants also issued death threats. Mr. Kalawat is a politically influential person in the region and carries considerable clout. Many of the HRD's well-wishers have asked him to remain cautious and have advised him to take the public bus to work instead of his personal motorbike.

It is important to note that on January 24, 2023, a cross FIR (0035) was registered against the HRD based on the complaint by Manju Devi, one of the assailants and accused in FIR 0033. The HRD has been charged under sections 341 (wrongful restraint), 323 (voluntary hurt), section 509 (word, gesture, or act intended to insult the modesty of women), and section 384 (extortion) — which is a non-bailable offence.

It is appalling that a lawyer is attacked within the premises of the court. The UN Declaration for Human Rights Defenders clearly puts the onus of protection of human rights defenders on the State. Article 9 (3) of the Declaration states that everyone has the right "*To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.*" Article 9 (5) states: *The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.*

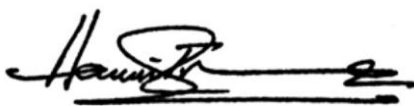
To practice law and represent clients is a fundamental right and it is the responsibility of the government to ensure that this right is protected.

**Appeal:**

We appeal to the Hon'ble Commission to urgently:

- Direct the Director General of Police of Rajasthan to initiate an immediate inquiry in the assault of an HRD and submit a report to the NHRC within two weeks.
- Direct that the SP takes appropriate steps to include Section 307 (attempt to murder) of the Indian Penal Code to the existing FIR and all required measures to arrest accused and the main perpetrator
- Direct the Director General of Police of Rajasthan to ensure the complete physical and psychological security to the HRD and his family and give it in writing to the NHRC within a week.
- Direct payment of interim compensation, in addition to the compensation allowed under the SC ST PoA Act, to the HRD given that the brutal attacks on him are a result of his human rights work. We urge that this case is treated as a case of reprisal on human rights defender

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary