



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 26, 2021

To,
Mr CS Mawri,
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 – Urgent Appeal for Action – Rajasthan: Threats and harassment of HRD and anti-illegal mining activist Mr. Kailash Meena by Rajasthan police in the police station.

Greetings from Human Rights Defenders Alert!

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 threats and intimidation being made to Mr. Kailash Meena by the Rajasthan police.

Source of Information:

- Information from HRDA West Regional Consultant
- Communication with the HRD
- Media Reports

Date of Incident:

October 11, 2021

Place of Incident:

Neem Ka Thana, Sikar, Rajasthan

Perpetrators:

Police officials of Neem Ka Thana police station, Rajasthan

About the Human Rights Defender:

Mr. Kailash Meena lives in Sikar district and has been working on atrocities against Dalits, women and other social issue in Rajasthan for more than 20 years. He is also actively involved in exposing the illegal mining and has created a platform for resisting illegal mining and unauthorized construction activities in Sikar and Jhunjhunu in Rajasthan.

Details of the Incident:

On October 10, 2021, Mr. Meena lost his mobile phone and went to Neem Ka Thana police station on October 11, 2021, to register a case for a lost mobile phone.

There were three plain clothes police officials sitting in the room where complaints are written down. The police officials told him verbally that they were getting several complaints about him without giving any specifics. They showed him a document stating that this was his file which they planned to reopen, without showing him the contents. They further said that he runs a fraud movement and under the guise of environment protection he is troubling locals. On being asked about their IDs, the policemen refused to tell him their names (and had no name tags). This entire conversation, which was totally irrelevant to his complaint of a lost mobile, lasted around 30 minutes. At the end, the police officials stated that he needed to file the complaint for the lost mobile online and it would not be done at the station.

After the closure of mines along the Aravalli Mountain range in Haryana by the Supreme Court India in 2004, most mining operations shifted to Rajasthan which has adversely affected the daily lives of people and environment of Sikar and Jhunjhunu districts of Rajasthan. Due to his work against illegal mining and the powerful mining-mafia, he has been receiving personal attacks and life threats, and faces more than 10 false cases. In several cases, he has been acquitted by the court.

The local police have in the past displayed willful negligence when there were clear threats made to the HRD. (ref: NHRC Case No. 1680/20/24/2019). On August 15, 2019, HRDA had petitioned the Hon'ble Commission highlighting the danger that the HRD and the apathy of the local police after an attempt on his life was made in August 2019. This case continues to be pending in the NHRC.

It might be assumed that the illegal mining mafias are possibly hand in glove with the police to explain not only their past inaction but also the latest incident in continued harassment of the HRD.

We also write with trepidation that old cases are being deliberately resurrected and the police could use the fake cases to initiate procedures such as chapter proceedings, which we have seen being used arbitrarily against HRDs across the country with rising frequency with the sole intent to harass and intimidate the HRDs. These proceedings have been initiated by police in other states on the basis of fraudulent cases, which have not been proven. Such proceedings go against the tenets of the justice as they presume guilt before a conviction, in some cases even before the matter is even heard by court.

Protection of HRDs is a key duty of any State as specified in the declaration on human rights defenders, adopted in 1998 by the UN general Assembly. Article 2 of the declarations states that the State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

Appeal:


We thus request the National Human Rights Commission to urgently:

- Direct the Superintendent of Police of Sikar to order an immediate, independent, thorough, transparent, effective and impartial investigation into

the incident of harassment of Mr. Kailash Meena in the Neem Ka Thana police station by policemen and submit the report to the NHRC within two weeks.

- Depending on the result of the inquiry, identify the officials involved in the incident of intimidation and threats against Mr. Kailash Meena and take punitive action against the policemen responsible.
- Ensure that Mr. Kailash Meena is completely protected from any further harassment by the police through re-opening of fake cases to harass and intimidate him further.

Yours Sincerely,

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

Henri Tiphagne
National Working Secretary