



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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17 November 2022

To,

Mr. Indrajeet Kumar,
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 – Madhya Pradesh: Public official suspended from service due to participation in a peaceful protest

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 shock at the suspension of Mr. Nitesh Alawa holding the post of *patwari* for participating in a protest a brutal murder of an Adivasi woman in Guna, Madhya Pradesh.

Source of Information:

Information from HRDA West regional consultant

Information from HRD

Date of Incident:

August 25, 2022

Place of Incident:

Jobat, Alirajpur District, Madhya Pradesh

Perpetrators:

Mr. Raghavendra Singh, District Collector, Alirajpur District, Madhya Pradesh

Ms. Devki Nandan Singh, Sub divisional officer, Jobat, Alirajpur District

About the Human Rights Defender:

Mr. Nitesh Alawa is a human rights defender who works as a *patwari* (revenue officer) in the village of Badi Khattal in Jobat tehsil of Alirajpur district in Madhya Pradesh. Mr. Alawa has been active in the fight for rights of Adivasis in the region and has in the

past raised his voice against atrocities committed against the communities. Mr. Alawa is the district president, Alirajpur of the Madhya Pradesh Patwari Union, the Media In-charge of Tribal Employees-Officers Organization and is the district vice president of the Scheduled Caste-Scheduled Tribe Officer Employee Organization.

Background of the Incident:

On July 4, 2022, an Adivasi woman was burnt alive in Guna district. The accused allegedly put diesel and set her on fire. The accused also made a video of this heinous crime. A week before the incident, the woman's husband said that his family had sought protection from the police, citing threats from the accused persons.

The gruesome nature of the attack was met with protests across the state. One such peaceful citizens protest was held on July 24, 2022, a Sunday, in Guna by leading Adivasi groups in the state include, the Jai Adivasi Yuva Shakti (JAYS). Mr. Nitesh Alawa attended this peaceful protest in solidarity with the victim and to demand justice. The protest was attended by adivasis from over 15 districts across the state.

Details of the Incident:

On August 25, 2022, Mr. Alawa was suspended from duty and a departmental inquiry was started. He was given a show cause notice on August 18 to which he replied on August 24. The suspension order cited Rule 3(1), 5 (1), 6(1) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 and Rule 9 of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1966, which authorizes suspensions pending disciplinary actions.

The order stated that they had taken the action as it had come to the administration's notice that there had been several "viral videos" circulated on social media, where Mr. Alawa has allegedly made incendiary and inflammatory speeches at the Guna meeting along with members of JAYS with an alleged attempt to create tensions among people.

Rule 3(1) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 states that every Government servant shall always, maintain absolute integrity, maintain devotion to duty and do nothing which is unbecoming of a Government servant.

Rule 5 (1) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 states that no Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

Rule 6(1) of the Madhya Pradesh Civil Services (Conduct) Rules, 1965 states that no Government servant shall engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, or morality, or which involves contempt of Court, defamation or incitement to an officer.

It is important to note that Mr. Alawa had taken leave from work with prior intimation to his superiors. He did not attend the protest in the capacity of any political party. The protest was not political in nature and was aimed at seeking justice for an Adivasi woman who had been burnt alive.

The order also states that he had been given "prior warning" regarding his activities. HRDA-India had sent an urgent appeal to the Hon'ble NHRC on September 14, 2021

pertaining to the case of Mr. Alawa (**Case No. 2849/12/26/2021**). He was suspended for the exact same reason – participation in a protest. Back then the protest was regarding the brutal mass murder of Adivasis in Nemawar district in Madhya Pradesh.

We believe that Mr. Alawa is being targeted repeatedly by the State for his right to participate in a peaceful assembly for the rights of Adivasis in the region and his suspension tantamount to a violation of the right to peaceful assembly of an HRD. We find it shocking that the state of Madhya Pradesh is violating the Constitutional rights accorded to a citizen.

Article 19 (a) and (b) of the Indian Constitution guarantees freedom of speech and expression, to assemble peaceably and without arms and to form associations or unions. Mr. Alawa was exercising his rights laid under Article 19 and should not be subject to a suspension. A government servant is a citizen of India first and is entitled to all the rights which the Constitution gives him.

The protest was peaceful and did not involve any speeches calling for violence and only demanded justice for victims of a heinous crime. There have been no reports to suggest that peace was disturbed as a result of the peaceful citizen's protests.

The protest does not fit the description of the protests as mentioned in Rule 6 (1). There were political actors and organisations that also took part but the protest was not political and was held to demand justice for the family whose members have been victims of a heinous caste atrocity.

Appeal:

We urge the Hon'ble Commission to take cognizance of the above case and:

- Direct the Chief Secretary of Madhya Pradesh to initiate a free, fair transparent inquiry into the matter of Mr. Alawa's suspension and submit a report to the NHRC within four weeks.
- Direct the District Collector of Alirajpur District of Madhya Pradesh to revoke the suspension order and reinstate Mr. Alawa.

Yours Sincerely,



Henri Tiphagne

National Working Secretary