



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 21, 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 – 110023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Rajasthan: Police inaction during the assault on a Dalit Human Rights Defender and his family and negligence in arresting the perpetrators.

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 caste-based assault on a Dalit human rights defender in Rajasthan and negligence of the police. We are also concerned at the serious charges filed by the police against the DHRD for demanding the arrest of people who assaulted him.

Source of Information:

- Information from HRD
- Information from HRDA West regional consultant
- Information from other HRDs in the state

Date of Incident:

August 20, 2021

Place of Incident:

Joharli village, Sikar District, Rajasthan

Perpetrator:

Inspector Kastoor Verma, Neem Ka Thana police station

About the Human Rights Defenders:

Mr. Gigraj Verma is a resident of the village Joharli in Sikar district of Rajasthan. He is

a human rights defender and has worked with Dalit communities in the region for several years and has been active in getting legal help and representation for Dalit victims of atrocities.

He has also worked with several organisations such as CORO India and Action Aid in programmes and projects aimed at empowering Dalit and marginalised communities.

Background of the Incident:

Mr. Verma helped victims of Dalit atrocities register cases against the perpetrators with relevant sections of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In this year, for instance, he has helped with the registration of three such FIRs: No 375/2021 with the Neem Ka Thana police station, FIR 391/2021 with the Ajitgadh police station and FIR 228/2021 with the Neem Ka Thana police station. The persons against whom the FIRs were registered belong to the dominant caste group in the region.

Details of the Incident:

Around 8 PM on August 20, 2021, Mr. Verma was at his residence along with his family when a group of approximately 8-10 persons comprising members of the Gurjar caste surrounded his residence. They were armed with sticks, axes and other weapons and had arrived with the intent to kill the HRD.

The crowd initially hurled casteist abuses on the HRD and his family. Hearing the abuses, the HRD called the police station multiple times during this period. Inspector Mr. Kastoor Verma was present at the police station and attended the call. Despite informing him of the crowd outside his home and the gravity of the situation, no help was sent immediately.

The HRD and his sisters went outside and saw the group, who were armed. The group then beat up the HRD and his sisters. They even snatched the HRD's gold chain and took it away with them while leaving. They also threatened to kill the HRD, if he were to leave his home. Hearing the commotion, neighbours of the HRD came out of their homes, and the group left the HRD. The HRD and his family went back to their home. A larger group, of around 18-20 persons of the Gurjar caste, returned around 8.30 PM and tried to break the HRD's door. The HRD and his family then shouted for help. Hearing their plea, residents of his village came to help. Seeing the villagers come out of their homes, the assailants stopped their attempt to break in but openly threatened the family with death if they left their home.

Around 8.45 PM, the HRD called the Deputy Superintendent of Police (DSP) Mr. Girdhari Lal Sharma and the Superintendent of Police Mr. Kuwar Rastradeep.

The police finally arrived after 10 PM. According to the HRD, the police even went to the homes of the persons whom he had identified but did not arrest them. The police returned.

The HRD then went to the Neem Ka Thana police station along with others around 11.30 PM and stayed there. They found the Inspector Mr. Verma to be in an inebriated state and the HRD even posted about this on Twitter tagging the Sikar Police's Twitter handle.

The HRD's complaint was filed at the Neem Ka Thana police station the same night, which was then registered as an FIR (No. 0411/2021) at 2.36 AM on August 21, 2021. In his statement, the HRD was able to identify 18 people in the group that attacked him and his family and stated there were 7-8 people he did not know.

The police applied sections 143 (unlawful assembly), 341 (wrongful restraint), 323 (voluntarily causing hurt), 379 (theft), 504 (intentional insult to prove breach of peace) of the Indian Penal Code and sections of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989: Section 3(1)(r) - Intentionally insults or humiliates in any place within public view, Section 3(1)(s) - Deliberately insults or humiliates by caste name in public view and Section 3(2)(va). No arrests have made in the case yet.

On August 21, 2021, an FIR was registered (FIR No. 0375/2021) against the HRD and two others (Vinod Saini and Sarjeet Mahrana) by the police at the Neem Ka Thana police station. The FIR has been registered by Mukesh Kumar, a constable at the police station.

The HRD and others were charged under sections 143 (unlawful assembly), 332 (voluntarily causing hurt to a public servant), 353 (assaults or use of criminal force on a public servant), 342 (wrongfully confining a person), 341 (wrongful restraint), 188 (disobedience to order by public servant), 269 (Negligent act known to be likely to spread infection of any disease dangerous to life), 270 (malignant act which may spread disease), 186 (obstructing public servant), 189 (threat of injury to public servant).

The FIR states that the HRD along with 50-60 people sat outside the police station and blocked the gate stating that they would not leave the premises until the perpetrators were arrested and they resorted to crowding, pushing, and shoving as well as told the police officials that they would not be allowed to leave until the perpetrators were arrested.

The HRD and along with others were protesting outside the police station due to the inaction of the police in registering a complaint and arresting the members identified by Mr. Verma in the group that assaulted him and his family.

The FIR registered by the police states that the HRD and others started their protest started at 10 AM on August 21, 2021. Police officials had nearly eight hours to initiate immediate action against members of the group, which prompted a protest from the HRD and others.

The HRD and the others were only demanding that the police take swift action against the crime. The quantum of punishment that the sections in the FIR against the HRD is as much if not more than the punishment laid down in the sections that the perpetrators of the caste atrocity have been charged with.

We believe that this was a premeditated attack on a Dalit Human Rights Defender who has been working consistently in the region to raise awareness on human rights with

a focus on the SC and ST PoA Act. We also believe that the local police acted with deliberate apathy towards assault on a Dalit HRD.


The inaction of the police has put the Dalit HRD in grave danger. Had the inspector acted when the HRD first called when the smaller group had surrounded his home, the response may have thwarted any plans that the assailants may have had. In fact, the lack of a police response, seems to have only emboldened the assailants to come in a larger group and attack the HRD again.

APPEAL:

We urge the Hon'ble Commission to urgently:

- Direct the Director General of Police of Rajasthan to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the attack on the Dalit HRD Mr. Gigraj Verma, inaction of the police officials, false charges against Mr. Verma, and submit the report to the NHRC in two weeks.
- Direct the Superintendent of Police to take appropriate steps to include Section 307 (attempt to murder) of the Indian Penal Code and relevant provisions of the SC and ST PoA Act to the existing FIR and all required measures to arrest accused as Mr. Gigraj Verma and his family remain vulnerable to further attacks.
- Direct the Chief Secretary of Rajasthan to ensure interim compensation, in addition to the compensation allowed under the SC ST PoA Act, to Mr. Gigraj Verma given that the brutal attacks on him and his family 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,



Henri Tiphagne

National Working Secretary