



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/West/RJ/02/06/2023

June 29, 2023

To,
Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Rajasthan – Use of disproportionate force to deny peaceful assembly and use of tear gas, water cannons and arrest of protestors

Greetings from Human Rights Defenders Alert!

HRD Alert - India is a platform of human rights defenders [HRDs] for HRDs. It seeks to initiate action on behalf of HRDs under threat or with security concerns. HRDA – India, thus imbibes and has been giving expression to the Regional Action Plan on Human Rights Defenders of the Asia Pacific Forum of NHRIs. HRDA – India is very closely associated with ANNI [the Asian NGO Network on National Human Rights Institutions] through its Indian member AiNNI [the All India Network of NGOs and Individuals working with National and State Human Rights Institutions]. The Regional Action Plan on Human Rights Defenders of the Asia Pacific Forum of NHRIs. The Regional Action Plan on Human Rights Defenders (**HRDs**) establishes an agenda for action on behalf of the APF and its members to champion the rights of HRDs across the region. The Action Plan also realises a key commitment of the APF and its members under the 2018 Marrakesh Declaration, which established a global framework of actions by NHRIs to support the rights of HRDs.

We are writing to express our concern regarding the police brutality on peaceful protestors in Rajasthan by lathi-charge and water cannons and arresting peaceful protestors.

Source of Information:

- Information from HRDA North Regional Consultant
- Communication with local HRDs
- Media Reports

Date of Incident:

June 25, 2023

Place of Incident:

Sambhar Phulera, Ajmer Highway, Jaipur, Rajasthan

Perpetrators:

Police officials of Rajasthan police

About the Human Rights Defenders:

A group of protesters demanding that the twin towns of Sambhar Phulera in Rajasthan be made a separate district. The people of the town have also constituted a committee named "Sambhar-Phulera Zilla Banao Sangharsh Samiti" (सांभर-फुलेरा जिला बनाओ संघर्ष समिति)

Background of the Incident:

There have been many protests since the formation of new districts in Rajasthan. The people of the twin towns of Sambhar-Phulera are demanding that their towns should not be included in the newly formed Dudu district and a new district called Sambhar-Phulera be constituted. Local leaders and people have said that Sambhar is eligible to become a district in terms of geography and population and that either they should be allowed to remain in Jaipur district or Sambhar-Phulera should be made a separate district. Since no hearing had taken place on the issue, the people gave an ultimatum that a protest would take place on June 25.

Details of the Incident:

On June 25, 2023, around 12:00 noon, about 5000 local people of Sambhar Phulera, Jaipur gathered on Ajmer Highway and protested by blocking the national highway at the Sawarda village near Dudu.

More than 1000 constables, 12 inspectors and a dozen DSP and ASPs were posted along the highway to stop the protest and responded by lathi-charging and firing tear gas shells on the protestors. 24 people were injured in the lathi charge and 50 were arrested by the police and detained in Sambhar Police Station. Some people were released late in the same night. Jaipur (rural) SP Rajeev Pachar said that permission to hold the demonstration had been denied by the police.

We believe that the lathi-charge on a peaceful assembly is arbitrary, illegal, and a serious violation of constitutionally guaranteed rights to life and peaceful assembly. The right to freedom of peaceful assembly is an essential right in a democracy and Article 19 (1) (b) of the Indian Constitution guarantees the right to peacefully assemble. Article 21 of the Indian Constitution ensures to all its citizens the right to life – a life to live without fear, intimidation, harassment, or mental torture. Unprovoked lathi-charge on unarmed protestors is a violation of Articles 19 and 21 of the Indian Constitution.

We also believe that the lathi-charge on unarmed protestors is a violation of international human rights laws. A peaceful assembly is protected under Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, “states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders. The potential for violence is not an excuse to interfere with or disperse otherwise peaceful assemblies.”

The principle of proportionality applies in the use of force during peaceful assemblies. A brutal lathi-charge by the police unprovoked by any physical violence is a violation of the principle of proportionality and non-adherence to standard operation protocols for the management of assemblies.

Appeal:

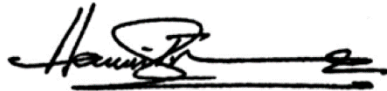
We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Police of Rajasthan to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of lathi-charge on unarmed peaceful protestors.

- Based on the inquiry, order the DGP of Rajasthan, to take immediate and strict action against all the policemen who were involved in violating the law and submit a report to the NHRC.
- Ensure that social activists and human rights defenders in the state of Rajasthan and elsewhere are allowed to carry out their genuine human rights work as per the fundamental rights enshrined in the Constitution

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary