



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 10, 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 – Madhya Pradesh: HRD suspended from service due to participation in a 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 against the brutal mass murder of Adivasis in Nemawar, Madhya Pradesh.

Source of Information:

- Information from HRDA West regional consultant
- Information from HRD

Date of Incident:

July 15, 2021

Place of Incident:

Jobat, Alirajpur District, Madhya Pradesh

Perpetrators:

- Ms. Surabhi Gupta, Former District Collector, Alirajpur
- Mr. Shyamvir Narvriya Sub divisional officer, Jobat, Alirajpur

About the Human Rights Defender:

Mr. Nitesh Alawa 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

advocating for the rights of Adivasis in the region and has in the past raised his voice against atrocities committed against the Adivasi 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 May 13, 2021, five members of an Adivasi family, including three minors were murdered in Nemawar village in Madhya Pradesh by members of the dominant caste community. Their bodies were buried on the farm of one of the accused and were discovered on June 29, 2021, 48 days after the crime.

The incident triggered several large protests in the region by organisations against the lackadaisical attitude of the police and the administration in investigating the murders.

Details of the Incident:

On July 4, 2021, and July 11, 2021, Mr. Alawa attended peaceful citizen protests in Nemawar and Manpur respectively. Both were Sundays. The third protest in Kasarvad was held on July 14, a Wednesday. Mr. Alawa was present as a promoter of Adivasi rights at the protests and expressed peaceful dissent against the administration's handling of the case.

On July 15, 2021, Mr. Alawa received an order suspending him from his work under 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 it had come to the administration's notice that he had made incendiary and inflammatory speeches at Adivasi meetings held in the village of Nemawar in Devas district, village Manpur in Indore district and village Kasarvad in Khar-gone district. The order stated that the speeches made by Mr. Alawa featured in videos that went 'viral' on social media.

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.

We believe that Mr. Alawa is being targeted for his work that he has been engaged in for the rights of Adivasi communities in the region and his suspension tantamount to a violation of the right to peaceful assembly of an HRD.

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.

The protests were peaceful and did not involve any speeches calling for violence and only demanded justice for victims of a heinous crime. They do not fit the description of the protests as mentioned in Rule 6 (1). There have common citizens that took part in the protests demanding justice for the family whose members have been victims of a heinous caste atrocity.

Mr. Alawa alleges that as a continuation of his harassment, his wife Ms. Sharda Davar, also a Patwari, was transferred out of Alirajpur.

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 and transparent inquiry into the matter of Mr. Alawa's suspension and submit a report to the NHRC within two 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