



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/RJ/01/06/2025

June 03, 2025

To,

1. Justice Mr. V. Ramasubramanian (Retd),
The Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in
2. Mr. Indrajeet Kumar,
National Focal Point - Human Rights Defenders & Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA, New Delhi –110 023
Email: hrd-nhrc@nic.in

Respected Sir,

Sub: HRD Alert – Urgent Appeal for Action – Rajasthan – Police action against peaceful farmers protestors and ongoing police harassment and false cases against protesting farmers at Nagaur, Rajasthan – Case of abuse of the right to peaceful assembly and protest of HRDs - Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a National forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns. Under the Regional Action Plan of Asia Pacific Forum 2021 NHRC is obligated to promote gender equality, recognition of Women HRDs, monitor & report the violations against HRDs and strengthen national networks of HRDs. This is an urgent appeal from such a national platform working for HRDs within India.

We are writing to express our concern over the ongoing repression of farmers from Sarasani and nearby villages in Nagaur, Rajasthan, who have been peacefully protesting against Jindal South West (JSW) Cement Company.

On January 8, 2025, the administration used police force to break their 137-day peaceful protest, followed by false cases against 27 farmers. Since then, arrests, raids, and intimidation have continued, instead of the promised dialogue.

Source of Information:

- Information from HRDA North Regional Consultant
- Direct Communication with the HRDs
- Media Report

Date of Incident:

January 08, 2025 and March 25, 2025

Place of Incident:

Nagaur, Rajasthan

Perpetrators:

- Police officials of Nagaur
- Police officials of Rajasthan

About the Human Rights Defender:

A group of farmers from Nagaur, Rajasthan, have been peacefully protesting for 137 days against Jindal South West (JSW) Cement plant. They were opposing the land acquisition for the Cement Plant in Sarasani village, Nagaur, Rajasthan and were raising concerns regarding the impact on their land and livelihood.

Details of the Incident:

The farmers of Sarasani, Harima, and nearby villages have been peacefully protesting for the past 137 days against JSW Cement Company, demanding fair compensation for their land and employment opportunities. However, on January 8, 2025, without facilitating any negotiation or settlement between the company and the farmers, the district administration forcefully ended the peaceful protest through a police-led lathi charge.

Subsequently, the administration allowed the company to resume its operations and compelled some farmers to sign written undertakings, stating that a constructive dialogue would be held within two months to address all their demands. On the very same night of 8th January, at 11.10 PM, an FIR was lodged against 27 named farmers and approximately 70 unidentified individuals, invoking serious charges including obstruction of government work and attempt to murder. In FIR No. 0003/2025 before Rol Police Station, Nagaur, Rajasthan under sections following sections of Bharatiya Nyaya Sanhita, 2023.

1. **192(2)**- rioting a criminal offense. It states that anyone who uses force or violence in furtherance of an unlawful assembly's common goal is guilty of rioting,
2. **191(3)**- anyone who riots while armed with a deadly weapon can be imprisoned for up to five years,

3. **190**-outlines the principle of constructive liability for unlawful assemblies, stating that every member of such an assembly is liable for offenses committed in pursuit of the assembly's common objective, or if they knew such offenses were likely to occur,
4. **121(1)**- illegal to intentionally injure a public servant while they are doing their job. This includes injuring them to prevent them from doing their job,
5. **132**-criminalizes assaulting or using criminal force against a public servant while they are performing their duties,
6. **125**-deals with acts that endanger life or personal safety, with punishments ranging from imprisonment to fines, depending on the severity of the harm caused,
7. **109(1)**- addresses individuals who perform an act with the intention to kill or with the knowledge that their action could likely result in death, treating it as an attempt to murder even if death doesn't occur.

On March 18, 2025, the residents of Sarasani, Harima, and nearby villages submitted a memorandum to the District Collector, Nagaur requesting that any future discussion or inquiry regarding their protest against JSW Cement Company should not be conducted under the supervision of officials or police personnel who were involved in the lathi charge incident on January 08, 2025. They expressed their concern that since the District Magistrate was present during the police lathi charge on January 8, 2025, and was involved in filing false cases against the farmers. The farmers reminded the administration that despite a promise made during earlier talks to resolve the issue within two months, no action has been taken. When they again requested for a dialogue, the administration insisted on SDM's involvement, which the farmers objected to.

Since March 2025, the heavy vehicles and dumpers of the JSW Cement company started operating through the narrow village roads, raising the risk of serious accidents. On March 25, 2025 one heavy vehicle lost control and damaged the fencing of farmlands, resulting in considerable losses to the farmers. The villagers staged a protest and objected to the movement of JSW Cement company vehicles through the villages. The police detained protest leaders Mr. Omprakash Bhambu, Mr. Hanuman Bhambu, Mr. Banwari Bhambu and other protesting villagers. On the same night, police personnel entered homes in the village, spreading fear among the residents creating an atmosphere of intimidation and harassment.

On March 28, 2025, the farmers submitted a memorandum to the Hon'ble Governor through the District Collector, demanding the unconditional release of arrested farmers and an end to police repression.

We believe the actions taken by the administration and police, under the influence of corporate interests, are not only unjust but also a serious violation of democratic and

constitutional rights. The peaceful farmers of Sarasani and nearby villages deserve justice, dignity, and dialogue, not repression and criminalization. We believe that these arbitrary actions on the part of police officials against peaceful protestors amount to a gross abuse of the HRDs fundamental right to life and personal liberty granted by Article 21 of the Indian Constitution as well as a complete violation of their human rights as guaranteed by national and international laws.

The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

Further, the **Declaration on Human Rights Defenders adopted in 1998** by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state:

“The State shall take necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”

United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests states that:

“States should only consider the prohibition of a specific assembly as a measure of last resort and only after the authorities have exhausted other less intrusive measures. Under no circumstances should law enforcement officials violate the absolute prohibition of torture and other ill-treatment in the context of peaceful protests, even when a protest is considered to be no longer peaceful. The unlawful use of force during assemblies may constitute a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.” **(HRC, General Comment No. 37 (2020), para. 37**

Appeal:

We urge the Hon'ble Commission to take cognizance 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 brutal lathi-charge on unarmed peaceful protestors and submit a report within a specific timeline.
- Following the inquiry, recommend strict actions against police officials who resorted to brutal lathi-charge to suppress the peaceful assembly.
- Direct the Director General of Police of Rajasthan to consider withdrawal of the false criminal charges initiated through FIRs registered against the farmers and actions against those who initiated the false criminal cases.
- Direct an interim compensation to be paid to each of the farmers who were arrested and remanded to be subsequently recovered from the police responsible for the action.
- To in collaboration with the Chief Secretary, the DGP and the Chair and members of the State Human Rights Commission of Rajasthan immediately take steps to organize a training session in Rajasthan by the NHRC to popularize
 - (i) the UN Declaration on Human Rights Defenders adopted in 1998
 - (ii) the UN General Principles on Business and Human Rights
 - (iii) the most recent Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary